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[1828 (125) XXIV]

Slave Trade 74

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COPIES OF CORRESPONDENCE AND
PAPERS RELATING TO SLAVERY AND
THE SLAVE TRADE IN THE TERRITORIES
OF THE EAST INDIA COMPANY

1828

Slave Trade

74



SHANNON • IRELAND

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SIX VOLUMES.

—(6.)—

RELATING TO

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Session

29 January—28 July 1828.

VOL. XXIV.

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PAPERS relative to kidnapping Children for sale as Slaves in Tanjore; 1823, 1825 :

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East India House, }
 May 21st, 1827. }

Tho. Fisher,
 Searcher of the Records.

Copies of all CORRESPONDENCE between the Court of Directors of The *East India* Company and the Company's Governments in *India*, touching the state of SLAVERY in the Territories under the Company's rule, or respecting any SLAVE TRADE therein; as also, Copies of any Orders or Regulations issued, or any Proceedings held by those Governments, relative to the said Subjects.

BENGAL PAPERS.

REGULATIONS RELATIVE TO SLAVERY; 1772-1774.

Extract of a Letter, in the Revenue Department, from the President and Council of Bengal to the Court of Directors of the East India Company; dated the 3d November 1772.

THE more regular administration of justice was deliberated on by the committee of circuit, and a plan was formed by them, which afterwards met with our approbation. We cannot give you a better idea of the grounds on which this was framed than by referring you to a copy of it, together with a letter from the committee to the Board on the occasion, both of which make numbers in this packet, and we earnestly recommending them to your perusal, requesting to be assisted with such further orders and instructions thereon as they may require, for completing the system, which we have thus endeavoured to establish on the most equitable, solid and permanent footing. We hope they will be read with that indulgence, which we are humbly of opinion is due to a work of this kind, undertaken on the plain principles of experience and common observation, without the advantages which an intimate knowledge of the theory of law might have afforded us. We have endeavoured to adapt our regulations to the manners and understandings of the people and exigencies of the country, adhering as closely as we are able to their ancient usages and institutions. It will be still a work of some months, we fear, before they can be thoroughly established throughout the provinces; but we shall think our labours amply recompensed if they meet with your approbation, and are productive of the good effects we had in view. Para. 40.

Extract of the Proceedings of the Committee at Kishen Nagur; dated the 28th June 1772.

WE judged it necessary to add to the regulations, with respect to the Courts of Phoujdarree, a proposal for the suppression and extirpation of Decoits, which will appear to be dictated by a spirit of rigour and violence, very different from the caution and lenity of our other propositions, as it in some respect involves the innocent with the guilty. We wish a milder expedient could be suggested; but we much fear that this evil has acquired a great degree of its strength from the tenderness and moderation which our government has exercised towards those banditti, since it has interfered in the internal protection of the provinces. We confess that the means which we propose can in no wise be reconcilable to the spirit of our own constitution; but till that of Bengal shall attain the same perfection, no conclusion can be drawn from the English law that can be properly applied to the manners or state of this country. The Decoits of Bengal are not like the robbers in England—individuals driven to such desperate courses by sudden want; they are robbers by profession, and even by birth; they are formed into regular communities, and their families subsist by the spoils which they bring home to them; they are all therefore alike criminal; wretches who have placed themselves in a state of declared war with government, and are therefore wholly excluded from every benefit of its laws. We have many instances of their meeting death with the greatest insensibility; it loses, therefore,

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therefore, its effect as an example ; but when executed in all the forms and terrors of law, in the midst of the neighbours and relations of the criminal, when these are treated as accessaries to his guilt, and his family deprived of their liberty, and separated for ever from each other, every passion which before served as an incentive to guilt, now becomes subservient to the purposes of society, by turning them from a vocation, in which all they hold dear, besides life, becomes forfeited by their conviction ; at the same time, their families instead of being lost to the community, are made useful members of it, by being adopted into those of the more civilized inhabitants. The ideas of slavery, borrowed from our American colonies, will make every modification of it appear, in the eyes of our own countrymen in England, a horrible evil ; but it is far otherwise in this country ; here slaves are treated as the children of the families to which they belong, and often acquire a much happier state by their slavery than they could have hoped for by the enjoyment of liberty ; so that, in effect, the apparent rigour thus exercised on the children of convicted robbers will be no more than a change of condition, by which they will be no sufferers, though it will operate as a warning on others, and is the only means which we can imagine capable of dissipating these desperate and abandoned societies, which subsist on the distress of the general community.

Extract from the Proceedings of the Committee of Circuit.

A Plan for the Administration of Justice, dated 15th August 1772.

XXXV.—THAT whereas the peace of this country hath for some years past been greatly disturbed by bands of Decoits, who not only infest the high roads, but often plunder whole villages, burning the houses and murdering the inhabitants : And whereas these abandoned outlaws have hitherto found means to elude every attempt which the vigilance of government hath put in force, for detecting and bringing such atrocious criminals to justice ; by the secrecy of their haunts, and the wild state of the districts, which are most subject to their incursions, it becomes the indispensable duty of government to try the most rigorous means, since experience has proved every lenient and ordinary remedy to be ineffectual : That it be therefore resolved, That every such criminal on conviction, shall be carried to the village to which he belongs, and be there executed for a terror and example to others ; and for the further prevention of such abominable practices, that the village of which he is an inhabitant shall be fined according to the enormity of the crime, and each inhabitant according to his substance, and that the family of the criminal shall become the slaves of the states, and be disposed of for the general benefit and convenience of the people, according to the discretion of the government.

Extract of a Letter from the Governor in Council of Bengal, to the Court of Directors of the East India Company in the Revenue Department ; dated 18th October 1774.

Rev. Cons.
17th May.

Par. 22.—AMONGST these regulations, we must beg leave to point out to your particular observation, the 9th and 10th, by which we took upon us for the reasons that are there subjoined, to abolish in future the right of slavery in this country. The great increase of late years of this savage commerce from the causes therein pointed out, seemed to call upon us to adopt this regulation as a measure of good policy in our government to prevent hasty strides towards depopulation ; and as the opinions of the most creditable Mussulmen and Hindoo inhabitants taken on this subject, condemned the authorized usage of selling slaves as repugnant to the particular precepts of the Koran and Shaister, as oppressive to the people, and injurious to the general welfare of the country, we made no hesitation on such strong and concurrent grounds to pass the resolution ; and we directed it to be published and obeyed at all the provincial divisions.

Cons. 14th June.

28th June.

Par. 23.—In consequence of these orders, we received a reference from the council of Dacca, advising us that it was an established custom throughout the Dacca districts to keep in bondage all the offspring and descendants of persons who have once become slaves, and requesting therefore to be furnished with our orders, whether the benefit of our 10th regulation was to be extended to the children of slaves born subsequent to the period mentioned in that regulation.

Par. 24.—

Par. 24.—Upon considering this reference, we found it necessary to superadd to our former resolution, the explanation which is contained in our proceedings of the 12th July, namely, that in those districts where slavery was in general usage, or any way connected with, or likely to have influence on, the cultivation or revenue, particular advice was to be transmitted to us of such usage, and every circumstance connected with it, when we should give such directions as we might judge to be necessary; but that considering their reference, in the mean time, in the light of a general proposition, we were of opinion that the right of masters to the children of their slaves could not legally be taken from them in the first generation, but that this right could not and ought not to extend further; and we directed the several provincial divisions to make publication accordingly.

Par. 25.—We cannot doubt that the motives of policy and humanity which influenced this regulation will meet with your approval; but we would wish also to be favoured with your sentiments and orders on the subject to regulate our conduct, when we shall receive the reports called for from the provincial councils of the state of slavery throughout their districts; some of those have been already received, others are still expected.

Extract Bengal Revenue Consultations, 17th May 1774.

MINUTE.—THE Establishments hitherto formed for the police of the town of Calcutta having been found insufficient to remedy all the disorders incident to so populous a city, and the Foujdarry Adawlut being greatly impeded by the proper exercise of its functions; by the continual appeals which are made to it by the European inhabitants, in complaints against their servants, by which crimes of the most atrocious nature have remained for months unexamined, and the gaols crowded with prisoners:

RESOLVED,—That the following Regulations be established and made public:

REGULATIONS.

9th.—THAT every person who shall forcibly detain or sell any man, woman or child, as a slave, without a cawbowla or deed attested in the usual manner by the Cauzee of the place where the slave was purchased by the proprietor, or who shall decoy away or steal any children from their families or places of abode, shall be punished as the law to which he is amenable shall direct.

10th.—That from the 1st day of July 1774, answering to the 21st day of Reebbee Astamy, or the 11th Assar, Bengal style, no person shall be allowed to buy or sell a slave, who is not such already by former legal purchase; and any Cauzee who shall grant any cawbowla after that date, for the sale of any slave whatever, shall be dismissed from his employment, and such cawbowla shall be invalid.

MINUTE.—It is necessary to remark upon the two preceding regulations, that the practice of stealing children from their parents, and selling them for slaves, has long prevailed in this country, and has greatly increased since the establishment of the English government in it. The influence derived from the English name to every man whose birth, language, or even habit, entitles him to assume a share in its privileges, and the neglect of the judicious precautions established by the ancient law of the country, (which requires that no slave shall be sold without a cawbowla or deed attested by the Cauzee, signifying the place of the child's abode,) if in the first purchase, (its parents' names, the names of the seller and purchaser, and a minute description of the persons of both,) having greatly facilitated this savage commerce, by which numbers of children are conveyed out of the country on the Dutch, and especially the French vessels, and many lives of infants destroyed by the attempts to secrete them from the notice of the magistrate. There appears no probable way of remedying this calamitous evil, but that of striking at the root of it, and abolishing the right of slavery altogether, excepting such cases to which the authority of government cannot reach; such, for example, as laws in being have allowed, and where slaves have become a just property by purchase antecedent to the proposed prohibition. The opinions of the most creditable of the Mussulmen and Hindoo inhabitants have been taken upon this subject, and they condemn the authorized usage of selling slaves, as repugnant to the particular precepts both of the Koran and Shastar, oppressive to the people, and injurious to the general welfare of the country.

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12th July.

Cons. 12th July.

Extract Bengal Revenue Consultations, 14th June 1774.

RESUMING the consideration of the Resolutions regarding the police, entered on consultation the 17th May ;

Ordered,—That a copy be transmitted to the superintendent of the police for the information of the inhabitants, and agreed that the following circular letter be written to the provincial councils and committee of revenue.

L. S. N° 247.

To Samuel Middleton, Esq. Chief, &c. Provincial Council of Revenue,
Moorshedabad.

(Circular.)

Gentlemen,—We transmit you herewith copy of a Resolution which we have thought proper to adopt relative to the custom which has hitherto obtained in the country, of vending persons as slaves ; we desire you will see the same effectually carried into execution in your division. We are, &c.

The same to the Cal. Comm. of Revenue, and the Provincial Council,
Fort William, 14th June 1774.

Extract Bengal Revenue Consultations, 28th June 1774.

L. R. N° 351.

READ the following Letter from the Provincial Council of Revenue at Dacca :

To the Hon. Warren Hastings, Esq. President and Governor, &c. Council
of Revenue, Fort William.

1789.

Honourable Sir and Sirs,—We have been honoured with your letter of the 14th June ; the Regulations enclosed therein shall be immediately made public.

As it is an established custom throughout the Dacca districts to keep in bondage all the offspring and descendants of persons who have once become slaves, we request to be favoured with your orders whether the benefit of your second regulation is to be extended to the children of slaves born subsequent to the period mentioned in that regulation. We are, &c.

(signed) *J. Shakespear.* *W^m Holland.*

Dacca, June 20th, 1774.

Extract Bengal Revenue Consultations, 12th July 1774.

Extract Letter to Richard Barwell, Esq. Chief, &c. Council at Dacca ;
dated 12th July 1774.

WE have considered the reference contained in your letter of the 20th June, on the subject of the rights of masters over the offspring of their slaves.

In those districts where slavery is in general usage, or any way connected with, or is likely to have any influence on the cultivation or revenue, which we are informed is the case at Sylhet, and may be so in the other (especially the frontier) parts of your division, we must desire you particularly to advise us what is the usage and every circumstance connected with it, and we shall then give such directions as we may judge to be necessary ; but considering your reference in the meantime, in the light of a general proposition, we are of opinion that the right of masters to the children of the slaves, already their property, cannot legally be taken from them in the first generation, but we think that this right cannot and ought not to extend further, and direct that you do make publication accordingly.

Agreed,—That this be added to the regulations established for the police of Calcutta, in consultation, the 17th May, and that it be sent to the Calcutta committee of revenue and the provincial councils, in the following letter :

L. S. N° 281.

To Samuel Middleton, Esq. Chief, &c. Provincial Council of Revenue at
Moorshedabad.

(Circular.)

Gentlemen,—In consequence of a reference made to us by the provincial council of revenue at Dacca, we have lately had under our consideration the subject of the rights of masters over the offspring of their slaves. In those districts where slavery is in general usage, or any way connected with, or is likely to have any influence on the cultivation or revenue, which we are informed, is the case in the frontier

frontier parts of Bengal, we must desire you particularly to advise us what is the usage and every circumstance connected with it, and we shall then give such directions as we may judge to be necessary; but considering the reference in the meantime, in the light of a general proposition, we are of the opinion, that the right of the masters to the children of the slaves, already their property, cannot legally be taken from them in the first generation; but we think that this right cannot, and ought not, to extend further, and direct that you do make publication accordingly.

Fort William, 12th July 1774.

We are, &c.

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Extract Bengal Revenue Consultations, 16th August 1774.

Read the following letter from the Provincial Council of Patna.

To the Honourable Warren Hastings, Esq. President, &c. Council of Revenue,
Fort William.

L. R.
N° 442.

Honourable Sir and Sirs,—WE have agreeably to your commands of the 12th ultimo, made public your pleasure, that the right of masters over their slaves, should not extend beyond the first generation. On investigating the subject, we find that there are two kinds of slaves in this province, Mussulman and Hindoo, the former are properly called Moalazadeh, and the latter Kahaar. Slaves of either denomination, are considered in the same light as any other property, and are transferrable by the owner, or descend at his demise to his heirs. They date the rise of the custom of Kahaar slavery, from the first incursions of the Mahomedans, when the captives were distributed by the general among the officers of his army, to whose posterity they remained. All other slaves have become so, by occasional purchase, as in cases of famine, &c. The Kaboleh must be signed by the mother or grandmother, and not by the father. Children also born of slaves, are the property of the owner of the woman, though married to a slave of a different family.

The Palankeen bearers in this province, are all of this latter tribe, and belong to some person or another, though allowed to intermarry, labour for themselves, and act at their own discretion, the same as if no such nominal bondage subsisted. The masters of these slaves, to avoid the expense of their personal attendance, suffer them to work elsewhere for a livelihood. Whole families were formerly sold together, but we do not find that the custom, though of old standing, and still in force, is now attended to, except in the Mofussil, where, sometimes the survivor of an old family retired on his altermga, cultivates his lands by the hands of these slaves, who also perform the menial offices of the house. To a person thus situated, the keeping of slaves may answer; the grain produced by their labour, serving for their support. It seems, that on the sale of a slave, who separately procures his own subsistence, only one half of the price is received by the owner, the other half going to the parents of the slave. In the city, few people choose these Kahaar slaves, being indifferent to their business, and equally expensive with other servants. The female slaves, we are told, are of more use in families, none being without them. It is urged, that a condition of this kind, is consistent with the manners of a country where women are kept in continual retirement, and such privacy observed in regard to them, as would be much affected by a frequent change of servants. On the whole, we do not imagine that alterations in the usage of slaves, will be attended with any consequences of moment to the cultivation or revenue of this province.

We are sorry to inform you, that we have not had any rain here for these twenty days, which has occasioned great clamour in the Mofussil, and we fear will be attended with very serious consequences, if not shortly relieved. The price of grain has risen very much with these few days, and will continue to do so till an alteration of weather.

We are, with respect, &c.

Patna, 4th August 1774.

(signed)

Thomas Lane.

G. Hurst.

Robert Palk.

Ewan Law.

Extracts from a Translation of the Gentoo Laws, by N. B. Halhed, Esq.; transmitted by the Bengal Government to the Court of Directors, in 1774, explanatory of the different kinds of service recognized by the Gentoo Laws.

Letter from Warren Hastings, Esq. Governor General of Fort William, in Bengal, to the Court of Directors of the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,—I HAVE now the satisfaction to transmit to you a complete and corrected copy of a translation of the Gentoo Code, executed with great ability, diligence

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diligence and fidelity by Mr. Halhed, from a Persian version of the original Shanscrit, which was undertaken under the immediate inspection of the pundits or compilers of this work.

I have not time to offer any observations upon these productions; indeed, they will best speak for themselves. I could have wished to have obtained an omission or amendment of some passages, to have rendered them more fit for the public eye; but the pundits, when desired to revise them, could not be prevailed upon to make any alterations, as they declared, they had the sanction of their Shaster, and were therefore incapable of amendment; possibly these may be considered as essential parts of the work, since they mark the principles on which many of the laws were formed, and bear the stamp of a very remote antiquity, in which the refinements of society were less known, and the manners more influenced by the natural impulse of the passions.

I have the honour to be, with the greatest respect, Honourable Sirs, your most obedient and most faithful humble servant,

(signed) *Warren Hastings.*

Fort William, 27th March 1775.

Extract from the complete and corrected Copy of a Translation of the Gentoo Code, by *N. B. Halhed*, Esq.

Chap. VIII.—Of Servitude.

Sect. I. Of appellations of apprentices, servants, slaves, &c.

Sect. II. Of the modes of enfranchising slaves.

Sect. III. Of such as are slaves, and of such as are not slaves.

Sect. I.—Of appellations of apprentices, servants, slaves, &c.

Service is of five sorts, viz.

- 1.—Shish.
- 2.—Antee Bâshee.
- 3.—Bhertuk.
- 4.—Adhegeerun Gerrut.
- 5.—Doss.

The first is, when a person is learning the science of the Beids, or any other Shaster, he is called Shish; and until he hath learned the science, he shall perform service for his tutor; and during the time he remains in his tutor's house to learn that science, whatever gain he may happen to acquire by such science, his tutor shall receive.

The second is when a person is learning painting or designing, or needlework, or any other such employment from an instructor, he is called Antee Bâshee; and while he is learning that art, he shall perform service for his master; and while he remains in his master's house, until he shall have learnt that art, during that time, whatever gain he may happen to acquire by such art, his master shall receive; and if an apprentice should forsake his master, who is without fault, and should go elsewhere to learn his art, the magistrate shall banish such apprentice from the kingdom.

The third is Bhertuk, which is two-fold; the first, Arteh Bherut, the second, Bhook Bherut.

1.—When a person, on receiving wages, performs service for it, that is called Arteh Bherut.

2.—When a person peopling and cultivating the lands of any other man, takes a part of the crop by way of wages, or who, upon breeding up for another person, kine, buffaloes, and such kind of cattle, takes for his wages the milk, or some of the kine and buffaloes aforesaid, that is called Bhook Bherut.

The fourth is when a man takes care of his relations and family, that is called Adhegeerun Gerrut. From servants of these four kinds no undue service shall be required; they shall be caused to perform only such duty as is suitable to their caste. Undue service shall be performed by the Doss. Undue service is as follows: to sweep and cleanse the house, the court of the house, the doorway or entrance, the necessary and other impure places; and in times of sickness to attend upon and cleanse the patient, after the natural evacuations; and to take away of the excrements, and to rub the feet. Except these kinds of service, all other service is suitable and due.

The fifth is doss, or slaves; and the doss is of fifteen species.

- 1.—Whoever is born of a female slave, and is called Gerhejàt.
- 2.—Whoever is purchased for a price, and is called Keereeut.
- 3.—Whoever is found any where by chance, and is called Lubdehee.
- 4.—Whoever is a slave by descent from his ancestors, and is called Dayavaupakut.
- 5.—Whoever hath been fed, and hath had his life preserved by another during a famine, and is called Enàkàl Behrut.
- 6.—Whoever hath been delivered up as a pledge for money borrowed, and is called Abut.
- 7.—Whoever, to free himself from the debt of one creditor, hath borrowed money from another person, and having discharged the old debt, gives himself up as a servant to the person with whom the present debt is contracted; or whoever, by way of terminating the importunities of a creditor, delivers himself up for a servant to that creditor, and is called Mookhud.
- 8.—Whoever hath been enslaved by the fortune of battle, and is called Joodih Peeraput.
- 9.—Whoever becomes a slave by a loss on the chances of dice, or other games, and is called Punjeet; according to the ordinations of Perakashkar and Pareejaut, and according to the ordination of Chendeesur, it is thus that by whatever chance he is conquered, and becomes a slave, he is called Punjeet—approved.
- 10.—Whoever of his own desire says to another, “I am become your slave,” and is called Opookut.
- 11.—When a Chebteree, or Bice, having become Sinassee, apostates from that way of life, the magistrate shall make him a slave, and is called Perberjabesheet.
- 12.—Whoever voluntarily gives himself as a slave to another for a stipulated time, and is called Gheerut.
- 13.—Whoever performs servitude for his subsistence, and is called Bheekut.
- 14.—Whoever, from the desire of possessing a slave girl, becomes a slave, and is called Berbakrut.
- 15.—Whoever of his own accord sells his liberty, and becomes a slave, and is called Bekreet.

Section II.—Of the modes of enfranchising Slaves.

Whoever is born from the body of a female slave, and whoever hath been purchased for a price, and whoever hath been found by chance any where, and whoever is a slave by descent from his ancestors, these four species of slaves, until they are freed by the voluntary consent of their master, cannot have their liberty; if their master, from a principle of beneficence, gives them their liberty, they become free.

Whoever having received his victuals from a person during the time of a famine, hath become his slave, upon giving to his provider whatever he received from him during the time of the famine, and also two head of cattle, may become free from his servitude; according to the ordinations of Pachessputtee Misr, approved. Chendeesur, upon this head, speaks thus: That he who has received victuals during a famine, and hath by those means become a slave, on giving two head of cattle to his provider, may become free.

Whoever, having been given up as a pledge for money lent, performs service to the creditor, recovers his liberty whenever the debtor discharges the debt; if the debtor neglects to pay the creditor his money, and takes no thought of the person whom he left as a pledge, that person becomes the purchased slave of the creditor.

Whoever, being unable to pay his creditor a debt, hath borrowed a sum of money from another person, and paid his former creditor therewith, and hath thus become a slave to the second creditor, or who, to silence the importunities of his creditors' demands, hath yielded himself a slave to that creditor, such kind of slaves shall not be released from servitude until payment of the debts.

Whoever, by the loss of the chance in any game, and whoever, by the fortune of war, is enslaved, these two persons, upon giving two others equal to themselves in exchange, are released from their servitude.

If the slave of one person goes to another, and of his own desire consents to be the slave of that person, in this case he must still be the property of the person to whom he was first a slave. The mode of release for every kind of slave shall take place according to the ordination laid down for each.

A Chehtree and Bice, who, after having been Sinassees, apostate from that way of life, and are become the slaves of the magistrate, can never be released.

If a Brahmin hath committed this crime, the magistrate shall not make him a slave; but, having branded him in the forehead with the print of a dog's foot, shall banish him the kingdom.

Whoever hath yielded himself a slave for a stipulated time, upon the completion of that term shall recover his freedom.

Whoever performs a servitude for his subsistence, shall recover his freedom upon renouncing that subsistence.

Whoever, for the sake of enjoying a slave girl, becomes a slave to any person, he shall recover his freedom upon renouncing the slave girl.

Whoever hath become a slave, by selling himself to any person, he shall not be free until the master, of his own accord, gives him his freedom.

If the master, from a principle of beneficence, gives him his liberty, he becomes free.

If a thief, having stolen the child of any person, sells it to another, or a man, by absolute violence, forces another to be a slave, the magistrate shall restore such person to his freedom.

If the master of a slave should be in imminent danger of his life, and at that time this slave, by his own efforts and presence of mind, is able to save the life of his master, the slave aforesaid shall be freed from his servitude, and be held as a son; if he chooses it, he may stay with his former master, or, if he chooses it, shall quit that place, and go where he will at liberty.

Whoever is without a legitimate child, and, from the seeds of his own body, hath a child from the womb of a slave girl, that girl, together with her son, becomes free.

When any person, from a principle of beneficence, would release his slave, the mode of it is this: the aforesaid slave shall fill a pitcher with water, and put therein berenge-à-rook (rice that has been cleansed without boiling), and flowers, and doob (a kind of small salad), and taking the pitcher upon his shoulder, shall stand near his master; and the master, putting the pitcher upon the slave's head, shall then break the pitcher, so that the water, rice, flowers, and doob, that were in the pitcher, may fall upon the slave's body; after that, the master shall three times pronounce the words, "I have made you free:" upon this speech, the slave aforesaid shall take some steps towards the east, whereupon he shall be free.

Whoever hath become a slave to any person, the master is proprietor of any property that slave may acquire, exclusive of the price of his own slavery, and exclusive also of any thing which may be given to him as a present.

Section III.—Of such as are Slaves, and of such as are not Slaves.

If the slave of any person marries a woman, that woman becomes the slave of the same master, unless she be the slave of any other person.

If that woman be the slave of any person, and her master gives consent to the marriage, in that case also she becomes the slave of her husband's master.

A man of a superior caste, if he is upright and steady in the principles of that caste, can never be the slave to a man of an inferior caste.

Slaves are made of the three castes of Chehteree, Bice, and Sooder; a Brahmin can never be a slave.

If a Chehteree, a Bice, or a Sooder, cause a Brahmin to become a slave, the magistrate shall exact a fine from them of 1,100 puns of cowries.

A Brahmin cannot cause another Brahmin to become a slave; but the Brahmin who is learned in his science may cause an unlearned Brahmin to perform all proper service for him, exclusive of those undue services above described; and he who is well grounded in science may also cause such due services to be performed by those who are unprincipled in science, according to the ordinations of Pàrrejaut and Helàyoqdeh—approved.

Lukkee Deher, upon this head, speaks thus: that whoever, being a Brahmin, acts like a Chehteree, a Bice, or a Sooder, such kind of Brahmin must never cause other Brahmins to perform duty or service for him.

If any person obliges a learned Brahmin, against his own consent, to perform labour and service, the magistrate shall fine him 600 puns of cowries.

If a Brahmin hath purchased a Sooder, or even if he hath not purchased him, he may cause him to perform service.

The Chehteree, Bice, and Sooder, may each cause their respective castes to perform

form service; as a Chehteree may employ another Chehteree, a Bice may employ another Bice, and a Sooder may employ another Sooder; as also a superior caste may employ the inferior caste, as a Brahmin may employ a Chehteree, a Chehteree may employ a Bice, and a Bice may employ a Sooder.

If a man sells the wife of a Brahmin to any person, or keeps her to himself, it is not approved; the magistrate shall release the woman, censure the vendor, and hold him amenable.

If a person, in time of calamity, sells his slave girl to another person, without her consent, the magistrate shall fine the vendor 200 puns of cowries.

A woman, who is of good character and behaviour, and who, coming to a person's house, fixes her abode there, shall not be obliged to perform any labour or service, nor shall she be delivered over to any person; if she be obliged to perform service, or be delivered over to any other person, the magistrate shall exact a fine from the offending party, and release the woman.

EXTRACT from the Charge delivered by Sir William Jones, a Judge of the Supreme Court at Calcutta, to the Grand Jury, June 1785.

ONE case has come regularly before me as a Justice of the peace, concerning the death of a slave girl, whom her master had beaten, I think it my duty to mention more at large, leaving to you the determination on facts from a view of all the circumstances, and declaring only my opinion of the law. A master may legally correct his servant with moderation, and with a view to his amendment; nor, if the servant thus corrected should die by some misfortune unforeseen, and unlikely to happen, would the master be guilty of any crime; but if the correction be immoderate, excessive, unreasonable, cruel, the party may have, if he live, a reparation in damages; or if he die, the master will be guilty of manslaughter or of murder, according to the circumstances; of manslaughter, if he gave the fatal blow in a sudden burst of passion, after violent provocation, with a weapon not likely to kill; of murder, if he had full time for deliberation and coolness of blood; and that whether he intended to destroy life, or only to chastise immoderately; for the true sense of malice, to constitute this horrible crime, is malignity of heart, or a disposition to do mischief, which may be ascertained by comparing the fault with the correction; and the age and condition of the person stricken with the force of the striker, and the danger of the instrument used by him. It is hardly needful to remark, that in such cases, a servant and a slave, if such a relation be known to our modern law, stand precisely on the same ground as a lord in feudal times might indisputably have been convicted of murder for killing his villain or his neife.

In the present case, you will hear the witnesses on one side only; and it is recommended by great lawyers, lest enormous crimes should be smothered without a trial, that grand juries find such bills, as their consciences oblige them to find at all, for the highest degree in the scale that the evidence fairly supports; leaving it to the petty jury, under the direction of the court, in questions of law, either to hold the prisoner guiltless, or to ascertain the precise measure of his guilt by their verdict; but you are not absolutely bound to follow this practice: you are bound to find the whole truth, as nearly as you can; and if the evidence amount not, in your conscientious opinion, to murder, you may reject the bill for that crime, and find another for manslaughter; nor ought it ever to be forgotten, that the great rule which all should observe, from the petty jurymen to the prince, is, to look on the crime and example with the eye of severity, but on the criminal, as far as possible, with the eye of compassion; since it is the extremity of evil, says Lord Bacon, "When mercy has no commerce with misery:" yet it must be added, that mercy is due to the public also, who may be great sufferers, if crimes actually committed escape unpunished.

There is another subject which has made a deep impression on my mind, and you will, I trust, accompany, if not anticipate my remarks on it: I mean the misery of domestic bondage, always afflicting enough in itself, and in this town often aggravated by the cruelty of masters. Permit me here to request that you will not consider my observations on this head as relating to the death of the girl, for which Osborne is imprisoned; but his act, whatever may be the guilt of it, must not preclude me from discoursing on other acts of the same nature, the consequences of which have not been so dreadful. It is needless to expatiate on the law (if it be law) of private slavery; but I make no scruple to declare my own opinion, that absolute unconditional slavery, by which one human creature becomes the property of another,

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another, like a horse or an ox, is happily unknown to the laws of England, and that no human law could give it a just sanction; yet though I hate the word, the continuance of it, properly explained, can produce little mischief. I consider slaves as servants under a contract, express or implied, and made either by themselves, or by such persons as are authorized by nature or law to contract for them, until they attain a due age to cancel or confirm any compact that may be disadvantageous to them. I have slaves whom I rescued from death or misery, but consider them as other servants, and shall certainly tell them so when they are old enough to comprehend the difference of the terms. Slaves, then, if so we must call them, ought not to be treated more severely than servants by the year or by the month, and the correction of them should ever be proportioned to their offence; that it should never be wanton or unjust, all must agree. Nevertheless, I am assured from evidence, which, though not all judicially taken, has the strongest hold on my belief, that the condition of slaves within our jurisdiction is beyond imagination deplorable, and that cruelties are daily practised on them, chiefly on those of the tenderest age and the weaker sex, which, if it would not give me pain to repeat, and you to hear, yet, for the honour of human nature, I should forbear to particularize. If I except the English from this censure, it is not through partial affection to my own countrymen, but because my information relates chiefly to people of other nations, who likewise call themselves christians. Hardly a man or a woman exists in a corner of this populous town, who hath not at least one slave child, either purchased at a trifling price, or saved perhaps from a death that might have been fortunate, for a life that seldom fails of being miserable. Many of you, I presume, have seen large boats filled with such children, coming down the river for open sale at Calcutta; nor can you be ignorant that most of them were stolen from their parents, or bought, perhaps, for a measure of rice in a time of scarcity, and that the sale itself is a defiance of this government, by violating one of its positive orders, which was made some years ago, after a consultation of the most reputable Hindus in Calcutta, who condemned such a traffic as repugnant to their Sastra. The number of small houses in which these victims are pent, makes it indeed very difficult for the settlement at large to be apprized of their condition; and if the sufferers knew where or how to complain, their very complaints may expose them to still harsher treatment,—to be tortured, if remanded, or if set at liberty, to starve. Be not, however, discouraged by the difficulty of your inquiries; your vigilance cannot but surmount it; and one great example of a just punishment, not capital, will conduce more to the prevention of similar cruelties, than the strongest admonition or severest verbal reproof. Should the slave-holders, through hardness of heart or confidence in their places of concealment, persist in their crimes, you will convince them that their punishment will certainly follow their offence, and the most hardened of them will, no doubt, discontinue the contest. Here, again, I may safely promise you, that, whatever the court can do in terminating this evil will cheerfully be done; and if our concurrent labour should yet be found ineffectual, I confidently persuade myself that such regulations of government will be adopted, on our recommendation, as cannot fail of insuring future protection to the injured, support to the weak, and some consolation at least to the wretched. But I once more adjure you to dismiss these observations from your mind, when you deliberate on the case of homicide, to consider them as pointed solely at acts of cruelty, which make life miserable without causing the loss of it, and to find such bills as you cannot avoid finding, according to the whole evidence before you, and to your opinion, after our directions, of the law resulting from it.

TRADE in Kidnapped Children, in Dacca, ordered to be suppressed, 1785–1787.

Extract Bengal Revenue Consultations, 9th September 1785.

Read the following letter from the Committee of Revenue.

To the Honourable John Macpherson, Esq. Governor General, &c. Council of Revenue, at Fort William.

Honourable Sir and Sirs:— WE have the honour to enclose you a letter we have received from the chief of Dacca.

We take the liberty of requesting your speedy interference to stop the pernicious trade mentioned in the former part of his letter, which is also as inhuman as it is illegal; at the same time, we beg leave to submit to you the measures we have judged

judged it expedient to recommend to Mr. Day, for the apprehension and prosecution of the persons guilty of so flagrant a contempt and violation of the orders of government. With respect to the distress and threatened mortality in the eastern division of Dacca, as we are well satisfied the situation of the inhabitants is not exaggerated, we hope to be favoured with your commands, authorizing us to indulge Mr. Day with the discretionary power he solicits.

We are, with respect, &c.

(signed) *William Cowper*, &c. Members.

Calcutta, 14th March 1785.

(Copy.)—To William Cowper, Esq. Acting President, and Committee of Revenue, Fort William.

Gentlemen:—Intelligence of a very serious nature having been given me respecting a trade which has lately been established between the low caste of Portuguese at this place and those of Calcutta, Chinsurah, and other foreign settlements, I beg leave to submit the particulars to you, and to request such interference as may prevent, and put a final stop to its existence; the nature of which cannot but ultimately prove of the utmost detriment to government.

The long continued distress this district has laboured under from a general scarcity of grain, and the failure of crops in consequence of the late deluge, has reduced its inhabitants to the lowest pitch of misery and distress; the poor and the lowest class of people, to secure to themselves a subsistence, are reduced to a sale of their children, and many hundreds have been purchased; I find, in the interior part of this district, by persons deputed from this place by the aforementioned people, and immediately dispatched for Calcutta and its environs, they are, for the most part, landed in the foreign settlements, from whence, I am given to understand, they are embarked in vessels to different parts; at this time many boats are between this and Calcutta, by the Sunderbunds, loaded with children of all ages. The honourable Mr. Lindsay, who arrived on Friday last, informed me that he met above a hundred. To prevent and save these poor wretches from transportation and slavery, will be the wish of every one. The most apparent method by which this can be effected, is for orders to be issued to the custom masters to secure all boats as they arrive, laden with children, and by so doing, it may be the means of tracing the concern to the principal, who, as acting in open defiance of the public, and long established orders of government, may be brought to justice. I have, on my own part, adopted every possible means to stop the continuance of it, by placing boats and people at all outlets of those parts from whence they are brought, with directions to seize all such so laden, and to bring them to the city; at the same time, I thought it necessary, on a supposition that many might be secreted in the town, to cause a general search throughout the bazaars and private places, for children brought from the Mofussil. My suspicion was not ill grounded; this morning, 42 from two years and upwards, as far as six years, were produced with the people who had them for sale. I have, in consequence, ordered them into confinement till such time as I can receive your orders on the subject. The children are objects the most striking, and can barely be said to have life. I have ordered them to be taken care of, and mean, as soon as their place of residence can be ascertained, to return them to their families, with any further assistance your Board may think necessary. I beg leave further to trouble you on a subject equally alarming with that just mentioned. From the long scarcity and high price of grain throughout this district, and the total want of it in the eastern part of the division, many hundreds, I may say thousands, of unhappy wretches, are now laying on the banks of the Burrumpoter, some in the agonies of death, and others emaciated by famine, with hardly strength to crawl along, imploring the assistance of passengers. From the best authority, I am informed, that spectacles so shocking, the eye never beheld. The price of grain in those parts is from 20 to 25 seers for the rupee; but these poor creatures reduced to skeletons, by long fasting, are incapable of manual labour, and have not wherewith to purchase.

To effect and afford every relief in my power, to the people in question, I have dispatched a quantity of rice, under the charge of proper people, to be boiled at different places, and daily distributed to the unfortunate. The gentlemen and principal inhabitants have contributed towards the expense, and the amount already, and what I flatter myself will be subscribed, may, in a great measure, be sufficient to answer my wish. In the event of its not proving so, I hope the Board will be

pleased

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pleased to indulge me with a discretionary power of making up the deficiency at the public expense. I am, Gentlemen, your most obedient humble servant,

Dacca, the 2d March 1785. (signed) *M. Day*, Collector.

(A true Copy.)

(signed) *John Scott*, Assis^t Sec^y.

MINUTE.—Ordered, That the president of the department of customs be directed to issue orders to the officers subordinate to his office, to secure all boats that may arrive laden with children, and to report the same to the chief of the division, where such seizure may happen to be made.

Extract of a letter from the Government to the Committee of Revenue;
dated the 9th September 1785.

We approve of the orders issued by you, to the chief of Dacca, and direct that in future the utmost diligence be used to prevent the trade of children being carried on; and although from the present abundance of grain, we have no reason to apprehend the continuance of it, we have, nevertheless, furnished the president of the department of customs, with the directions requested by the chief of Dacca.

Extract, Bengal Revenue Consultations, 20th September 1787.

Read, a letter from the superintendents of police.

To the Right honourable Charles Earl Cornwallis, Governor General
in Council, &c. &c.

My Lord,—THE superintendents of police, humbly represent to your Lordship, that upon an information, they apprehended twenty persons, from the age of four to sixteen, who have been stolen or improperly seduced from the Dacca province. The person who conducted them being alarmed, made his escape out of Calcutta previous to the arrival of the Peons. On a former similar occasion, the superintendents received an order from the Governor General and Council, through the committee of revenue, to provide a proper boat, &c. and send them to the collector of Dacca. They humbly submit it to your Lordship, whether such an order should not be now issued.

We have the honour to be, &c.

(signed) *Tho^s Motte. Edw^d Maxwell.*

Calcutta, the 31st August 1787.

Ordered, That the superintendents be directed to return the children, with a letter to the judge at Dacca, to be delivered to their parents.

Extract, Bengal Revenue Consultations, 21st December 1787.

Read, the following letter and enclosure from the superintendents of police, to the Right honourable Earl Cornwallis, Governor General in Council in the Revenue Department.

My Lord,—IN obedience to your Lordship's orders, bearing date 20th September, we transmitted to the collector at Dacca, 12 boys and 21 girls to be restored to their parents and relations, they having been improperly brought from Dacca province for sale as slaves in Calcutta.

We beg leave to send herewith the collector of Dacca's letter, acknowledging the receipt, also the bill of expenses attendant on the same.

We have the honour to be, &c.

(signed) *Thomas Motte. Edward Maxwell.*

Police-office, 17th December 1787.

To Messrs. Motte and Maxwell.

Gentlemen,—I have the pleasure to acknowledge the receipt of your letter of the 1st inst. accompanying twelve boys and twenty-one girls belonging to this district under charge of Churreemeulah and three other Peons, and which, in obedience to the wish of the Right honourable the Governor General, shall be restored to their parents or relations in the same manner as those transmitted to me two years since.

I have, &c.

Dacca, the 22d November 1787. (signed) *M. Day*, Collector.

Ordered, That the Bill be passed, and paid from the Khalsa treasury.

PAPERS relative to the Trial and Conviction in the Supreme Court at Calcutta, of the Commander of a Danish Trading Vessel, for procuring and collecting Native Children, and exporting them for sale as Slaves.

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Extract of a Letter from Lord Cornwallis, Governor General of India, to the Court of Directors ; dated 2d August 1789.

Par. 28.—AN infamous traffic has, it seems, long been carried on in this country by the low Portuguese, and even by several foreign European seafaring people and traders, in purchasing and collecting native children in a clandestine manner, and exporting them for sale to the French islands, and other parts of India.

Par. 29.—I have at different times taken steps to prevent the continuance of practices which are so shocking to humanity, and so pernicious to your interests. And in order to deter all persons under the authority of this government from being concerned in that species of trade, I lately directed that a commander of a country vessel who carried off some children last winter, should be prosecuted criminally before the Supreme Court ; and I have likewise published a proclamation to give notice, that any person living under the Company's protection, or in any shape under the authority of this government, who shall be convicted of carrying on, or aiding or abetting the barbarous traffic that I have mentioned, will be certain of meeting with the most exemplary punishment.

Par. 30.—There are many obstacles in the way against abolishing slavery entirely in the Company's dominions, as the number of slaves is considerable, and the practice is sanctioned both by the Mahomedan and Hindoo laws.

Par. 31.—I have, however, a plan under consideration, which I hope to be able to execute without doing much injury to the private interests, or offering great violence to the feelings of the natives, and which has for its object the abolition of the practice under certain limitations, and the establishing some rules and regulations to alleviate as much as may be possible, the misery of those unfortunate people during the time that they may be retained in that wretched situation.

[No further notice of the plan here adverted to by his Lordship, has been traced upon the records of the Bengal Government.]

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors in the Public Department ; dated 10th August 1789.

Par. 97.—WE are greatly concerned to inform you, that we have been compelled, from motives of humanity to the natives of these provinces, and considerations of no less importance to the character of a British government, to institute a criminal prosecution in the Supreme Court of judicature against Captain P. Horrebow, the commander of a ship in the country trade of this port, for procuring and carrying from hence in the month of January last, a number of natives, whom under the denomination of slaves he sold on the Island of Ceylon.

Par. 98.—Our proceedings noted in the margin, contain the grounds upon which we were induced to undertake this prosecution, the measures adopted to verify the charge, the apprehension and commitment of Captain Horrebow to confinement in the New Fort, his letter containing arguments in extenuation of his crime, his application to be released upon bail, the cause of delay in his enlargement, and our final resolution admitting it on his giving security to appear and plead to the indictment on which he was to be tried, in consequence of the bill found against him by the grand jury.

Consultation,
29th May, 3d, 10th,
19th and 26th June.

Par. 99.—Mr. Horrebow's trial took place on the 27th ult. He was found guilty, and sentenced to be imprisoned for three months, to pay a fine of 500 rupees to the King, and to find security for his good behaviour for three years, himself in the sum of 5,000 rupees, and two securities in 2,500 rupees each.

Consultation,
29th July, 5th Aug.

Par. 100.—The practice of exporting natives from these provinces to be slaves in other parts of India or elsewhere, having subsisted as we understood for some years, notwithstanding the prohibitory regulations of government, we had previous to the charge against Mr. Horrebow, seriously considered the subject, with a determination to prevent the continuance of such an abuse by every means in our power. We have lately caused a proclamation, expressing our orders and intentions to be made and published in the English and country languages against this inhuman practice. A copy of it accompanies this letter. Further regulations against slavery in the internal parts of Bengal and Behar have been devised, with the consent and approbation of the Judges of the Supreme Court ; but we have thought it necessary

previous

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previous to adopting them, to transmit a copy thereof to Mahomed Reza Cawn, the Naib Nizam, that we may receive his opinion on a point of much importance, whether they militate in any respect with the laws and licensed usages of the country.

Extract, Bengal Public Consultations, 29th May 1789.

THE following extract is recorded from the Bengal Journal, published on the 25th ultimo.

“ We think it our duty to lay before the public the following fact, which we are sorry to say has been fully verified to us by a gentleman of the first integrity.

“ Mr. Horrebow, who sailed from this port in January last, took on board at Fultah, one hundred and fifty unhappy children, whom, previous to his departure, he had purchased in Bengal; he transported them under English colours to Columbo, where they were sold as slaves. The Dutch governor, Mynheer Van De Grave, in terms most honourable to himself, refused to permit their being landed, but Mr. Horrebow, not caring to lose the profit on a cargo so judiciously chosen, found means to elude the vigilance of the governor, and accordingly availed himself of an excellent market for his wares.”

Captain Horrebow having arrived at this port, and it being supposed that the officers of the private snow Charlotte, which was at Columbo when Captain Horrebow's ship was there, could give some intelligence relative to the facts stated in the newspaper; the following resolution was passed on the 26th inst.

“ That the officers of the Charlotte should be examined by the Company's attorney the next morning, and upon their verifying the fact relative to Mr. Horrebow's trading in slaves, that he and his officers should be called before the Council and examined separately, or sent before one of the Judges as might hereafter appear most expedient. If Mr. Horrebow is a British subject, or has been employed in the service of a British subject, or taken any of the slaves on board at Calcutta, in either of those cases he is subject to the jurisdiction of the Supreme Court, and may be prosecuted at the ensuing sessions; but if not in either of those situations, he can be only punished in the Fouzdarry court.”

The Company's attorney now attends with the depositions of the officers of the Charlotte, who are to be desired again to be at his chambers on Monday morning, that their depositions may be sworn to, after which the Board will determine the measures to be taken with respect to Captain Horrebow.

Extract, Bengal Public Consultations, 3d June 1789.

ON the 29th of last month it was recorded that the Company's attorney had attended the Board with the depositions of the officers of the Charlotte snow, upon a complaint made against Captain Horrebow of his trading in slaves, and it was mentioned at the same time, that the gentlemen were to attend Mr. Jackson on Monday morning, that their depositions might be sworn to. This having been done, the affidavits were delivered to the secretary by the Company's attorney on that day, and the orders which will be entered after them, were sent by the directions of the Governor General in Council to the superintendents of the police. Instructions were at the same time given to the town major to receive Captain Horrebow into custody, and to keep him in confinement till further orders.

N° 6.

Fort William in Bengal.—*John Peters*, commander of certain vessel called the Charlotte, maketh oath and saith, That he was at Columbo in February last; that Peter Horrebow, the commander of a certain vessel called the Friendship, arrived at that port about the latter end of that month, or the beginning of March; that the said Peter Horrebow lodged in the same house at Columbo with this deponent; that he, this deponent, saw at the house a number of people of both sexes, which he understood belonged to the said P. Horrebow; that at different times he may have seen to the number of thirty or forty of different ages, men and women of perhaps twenty years of age, to children of five or six; that it was the current report at the time in Columbo, and this deponent himself believed, and still doth in his conscience believe, that the people aforesaid were brought by the said Peter Horrebow for sale: and this deponent further saith, It was also reported at Columbo, and generally believed, that the said Peter Horrebow had made an offer to sell the said people first to the Dutch governor at Columbo, who refused purchasing them himself, but at length upon, as deponent understood, the production of some Danish papers by the said Peter Horrebow, the governor, gave him leave to sell them to
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the natives, which it was said he did, to the number of one hundred and upwards : that he, this deponent, cannot give any positive evidence of the facts, this deponent only speaking from hearsay, except as to having seen an unusual number of people of both sexes, who from their appearance and situation, and from the report which was so currently spread and believed in the place and at the time, he, this deponent, then thought and believed, and still does think and believe, to have been for sale ; that one day he, this deponent, was standing in the house aforesaid at Columbo, in which he and the said Peter Horrebow lodged, and saw two or three of the natives of Columbo in earnest conversation with the said Peter Horrebow, and several of the people in question ranged at a little distance from them ; and saw the natives aforesaid offer gold mohurs to the said Peter Horrebow, from which he believes the said Peter Horrebow at that time to have been bargaining with such natives of Columbo for the sale of the people.

(signed) *John Peters.*

Sworn the 1st day of June 1789, before me,
(signed) *J. Hyde.*

Fort William, in Bengal.—*Hugh Moore*, second officer of the snow *Charlotte*, maketh oath and saith, That he was at Columbo in the month of February, that the *Friendship*, Peter Horrebow, commander, arrived at that port about the 28th of that month, or the 1st of March ; that previous to the *Friendship's* anchoring, it was supposed to be her from the many people that were upon her decks, it having been reported at Columbo, that she had touched at Point de Gall, and had a cargo consisting partly of slaves ; that Captain Stephenson, who was then on board, and commanded the *Charlotte*, ordered one of his officers to go on board the *Friendship* (which he knew had come from Bengal), to inquire for letters ; that the chief officer of the *Charlotte*, Mr. John Ramsay, accordingly went on board the *Friendship*, and on his return reported that there were no letters, but that she was come from Bengal, and had a cargo consisting of slaves, rice, and piece goods : this deponent further saith, That it was observed that the *Friendship* remained in the harbour for several days, without seeming to unload or discharge any part of her cargo, the reason of which was said to be, that the small pox had broke out amongst the slaves, and that on that account the governor of Columbo would not permit them to be landed. That he, this deponent understood that the governor for some time objected strongly to let any of the slaves on shore, but that afterwards he sent on board some of the surgeons of the garrison, to examine the state of their health, and at last gave the said Peter Horrebow a sort of tacit permission to land the slaves, and sell them to the natives ; that he, this deponent, after such permission was given, saw boats coming daily off from the shore with natives, and several European gentlemen of the place, who went on board the *Friendship*, and who did so, as this deponent was informed by Mr. Greenway, the chief officer of the *Friendship*, for the purpose of purchasing the slaves ; that during the time this deponent was at Columbo, whenever he had occasion to be on shore, he lodged in the same house with the said Peter Horrebow, and very frequently saw numbers of these slaves about the said Peter Horrebow's apartments ; that this deponent and the other gentlemen who lodged in the house were very much incommoded by the number, noise and filth of the slaves ; that this deponent was two or three times on board the *Friendship*, and every time saw several people of both sexes and of different ages, who had to him the appearance of being in wretchedness and poverty, and that he was told by the said Mr. Greenway that they were slaves, and that the said Peter Horrebow had at first intended to carry them to the Mauritius, but had changed his mind, and brought them there for sale ; that of such as this deponent saw, the males appeared to be very young, but that among the females there were several women that appeared to be twenty-five or thirty years of age ; that the said Mr. Greenway also informed this deponent, that between thirty and forty of the slaves had died on the passage from Bengal of the small pox ; that the second officer of the *Friendship*, whose name is Ellison, or Helson, also informed this deponent, upon his inquiry, as to where they had taken the slaves on board, that the ship dropped down from Calcutta to Fultah ; that he, the said Ellison, or Helson, was left behind for the purpose of conveying the slaves from Chandernagore, from whence many of them were embarked on board the *Budge Row*, and so conveyed by the said Ellison, or Helson, to the ship ; that they passed Calcutta in the night, during which time the slaves were very riotous : And this deponent further saith, That whilst he, this deponent, was at Columbo, he one day saw a parcel of
arrack,

N° 7.

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arrack, which he conceived might be for his own ship, the Charlotte, but that upon inquiry, he was told it belonged to Captain Horrebow, and had been received by him in exchange for slaves. And lastly, this deponent saith, That from the several circumstances aforesaid, this deponent does verily and in his own conscience believe, that the people of both sexes hereinbefore mentioned and alluded to were brought by the said Peter Horrebow to the port of Columbo aforesaid, to be sold, and many of them, he likewise believes, were sold by the said Peter Horrebow for slaves.

(signed) *Hugh Moore.*

Sworn, this 1st day of June, 1789, before me,
(signed) *J. Hyde.*

N° 8.

Fort William, in Bengal.—*John Ramsay*, chief officer of the snow Charlotte, maketh oath and saith, That he, this deponent, was at Columbo in February last; that Peter Horrebow, the commander of a certain vessel called the Friendship, arrived about the latter end of that month, or the beginning of March, at the said port of Columbo; that upon the said vessel's coming to anchor, this deponent went on board of her to inquire for letters, and asked the chief officer what cargo was on board, who told this deponent that they had slaves, rice, and piece goods; that the slaves were brought from Bengal, and were in number about 140 or 150; that this deponent saw a number of people upon the decks and in different parts of the ship, which he understood from the chief officer were the slaves he spoke of, and were the property of Captain Horrebow; that they were of both sexes and of different ages, some grown up and others children, but all young; that the name of Captain Horrebow's chief mate is Greenway; that he, this deponent, was three or four different times on board the Friendship at Columbo, and each time saw several of the slaves of both sexes, but observed that the number diminished from time to time, and that the last time he was on board there were but very few left; and that he understood from the said Mr. Greenway, that those who had been taken from on board had been sold, and that the general price was from 90 to 100 rupees each: And this deponent further saith, That he has often seen the Friendship's boat going on shore from the ship, and observed that she often had five or six, or perhaps more of these slaves on board, but returned to the ship without them. And lastly, this deponent saith, That from the several circumstances aforesaid, this deponent does verily and in his conscience believe, that the people of both sexes hereinbefore mentioned and alluded to, were brought by the said Peter Horrebow to the port of Columbo aforesaid, to be sold, and many of them, he likewise believes, were sold by the said Peter Horrebow, for slaves.

(signed) *Jhn Ramsay.*

Sworn this first day of June 1789, before me,
(signed) *J. Hyde.*

To Messrs. Motte and Maxwell, Superintendents of the Police.

N° 9.

Gentlemen:—The Governor General in Council having reason, supported by several evidences, to request that Mr Peter Horrebow, commander of a ship or vessel, named the Friendship, did, when he was quitting this port, or proceeding out of the Bengal river, at the beginning of the present year, take on board, or cause to be taken on board, a number of children and other persons, natives of these provinces, whom he had purchased with a view to profit by them, and that when upon or near the island of Columbo, he did actually dispose of all or many of such children or other persons so purchased or procured, for money or considerations by which they were to become the slaves or property of the person or persons to whom they were made over, and proceeding evidently contrary to the principles of humanity and to the regulations of every civilized government, you are hereby directed to apprehend the said Peter Horrebow, and to deliver him over forthwith to the town major, acquainting Mr. Horrebow at the same time with the complaint against him.

I am, &c.

Council Chamber, 1st June 1789.

Read a letter from the Superintendent of the Police.

N° 10.

Sir:—The necessary orders have been given to apprehend Mr. Peter Horrebow, as directed by the Right honourable the Governor General in Council.

I am, &c.

June 1st, 1789.

(signed) *Edw^d Maxwell.*

Read a letter from Captain Horrebow, to Earl Cornwallis, K. G. Governor General in Council, &c. &c. &c. Fort William.

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My Lord,—From your Lordship's well-known character for justice and clemency, I venture to throw myself on your sufferance, trusting implicitly to your decision of my cause.

N° 11.

Your Lordship will perceive from the name subscribed, the person who has the honour to address you has unfortunately most severely fallen under your displeasure. I will not attempt to defend a conduct which *I now fully understand* is reckoned highly criminal under the British government, nor will I plead total ignorance without producing some proof. Your Lordship may, perhaps, have heard I was born a Dane. I went early in life to sea, and though I was frequently on board of English vessels, it afforded me no further opportunity of being acquainted with the customs of your nation than that of learning the language; the force of habit must be allowed to be great among men. Knowing it was no crime under our Danish laws, I did not imagine your legislature was different; I signed contracts with the government, and which I really thought were to be considered as the limits of the restrictions the Company found necessary to each. In these I cannot find a clause prohibiting the trade I entered into; unfortunately for me, it has been restrained by some fixed laws, I was totally unacquainted with. From these circumstances, and other considerations I shall hereafter offer to your Lordship's notice, I hope, if the nature of my offence is not past forgiveness, to experience your Lordship's clemency.

I understand you have a power to send all persons from this country, whose conduct may have been obnoxious. I beg leave humbly to inform your Lordship I am married, have a child totally depending on my industry, and am myself at that advanced period life, when the more active exertions of the body are nearly too much, add to which, all the fortune I have is dispersed through India, and will require some trouble to collect. If I merit *ruin, unpitied* let me suffer; but I rely more on your humanity, than to suppose you will for a moment deviate from your known character.

I trust your Lordship will inform me of the mode I am to be proceeded against, and, if possible, admit me to bail; as the body, when liberated, gives strength and spirit to the exertion of the mind.

I have, &c.

Fort William, 20th June 1789.

(signed) *Peter Horrebow.*

Agreed, That Captain Horrebow be released from his present confinement, upon giving bail in two responsible persons who are British subjects, for his appearance before the Governor General in Council, when required.

Extract, Bengal Public Consultations, 10th June 1789.

THE following letter was received from Mr. Horrebow on the 3d instant, and it was agreed to accept the bail offered by him for his appearance before the Governor General in Council, when required. The Company's attorney was informed accordingly, and directed to make out the bail bond; and he was at the same time furnished with an order to the town major for the release of Captain Horrebow as soon as the bonds were executed.

My Lord,—As I have not yet been favoured with an answer to the application I had the honour of forwarding to your Lordship in council yesterday, I beg leave to add, I propose Mr. Charles Cockerell and George Tyler as bail for my answering to the charges brought against me, if your Lordship should think it expedient to allow me my liberty.

N° 17.

I have, &c.

Fort William, 3d June 1789.

(signed) *Peter Horrebow.*

The following letter was received from Captain Horrebow on the 5th instant.

My Lord,—It is with pain I again intrude on your Lordship's time, and more particularly since this application may, under my present circumstances, in itself condemn me for having already too far trespassed on your time by giving in the names of two gentlemen for bail, without having previously their assent thereto.

N° 18.

Under the heavy weight of imprisonment and the dread of the loss of the protection of your Lordship's government, and the deepest sense of the support and assistance which I had in consequence of recommendations to Messrs. C. Tyler and Cockerell, already received from them, I confess I presumed too far, by mentioning their names without reflecting on the possible discredit and imputation which gentlemen

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gentlemen in the Company's service under this government might be subjected to from the malevolent, by their names appearing upon record as bail for a person situated as I am. Upon more mature reflection, I am convinced that Mr. Tyler and Mr. Cockerell might lay themselves open to such malevolence were they to become my securities, and I presume that those motives alone have occasioned their declining to become bail for me; I am therefore necessitated to propose Mr. William Hallings and Mr. John Pollard, and I trust in your Lordship's clemency for my enlargement on their entering into the necessary bonds.

I have, &c.

Fort William, 5th June 1789.

(signed) *Peter Horrebow.*

Ordered, That a copy of this letter be sent to the Company's attorney, with instructions to inquire and report upon the competency of the bail now offered by Captain Horrebow for the sum of ten thousand rupees each.

Extract, Bengal Public Consultations, 19th June 1789.

THE Secretary reports, that in consequence of directions received yesterday from the Governor General, he sent notice to the Company's attorney, that Captain Horrebow, now in confinement in Fort William, was to be indicted during the present assizes, in the Supreme Court, upon the charge against him.

Extract, Bengal Public Consultations, 26th June 1789.

THE Company's attorney having reported to the secretary, that the attorney employed by Captain Horrebow, now in confinement in Fort William, had given notice that his client was prepared to surrender himself, orders have been issued by the Governor General's directions for the release of Captain Horrebow, upon his giving security to appear and plead to the indictment upon which he is to be tried in the Supreme Court, in consequence of the bill found against him by the grand jury, and it was agreed that the security he had before offered, in Mr. Pollard and Mr. Hallings, should be accepted for this purpose.

Extract, Bengal Public Consultations, 22d July 1789.

THE Governor General in council having had under his serious consideration the practice which has subsisted for several years, notwithstanding the prohibitory regulations of government, of exporting natives from this country to be slaves in other parts of India, his Lordship, determined to prevent the continuance of such an abuse by every means in his power, directs that the following Proclamation may be made in the usual manner, and published in the English and country languages.

PROCLAMATION.

WHEREAS information, the truth of which cannot be doubted, has been received by the Governor General in council, that many natives and some Europeans, in opposition to the laws and ordinances of this country, and the dictates of humanity, have been for a long time in the practice of purchasing or collecting natives of both sexes, children as well as adults, for the purpose of exporting them for sale as slaves in different parts of India or elsewhere: And whereas the Governor General in council is determined to exert to the utmost extent the power and authority vested in him, in order to prevent such practice in future, and to deter, by the most exemplary punishment, those persons who are not to be otherwise restrained from committing the offence, his Lordship hereby declares, That all and every person or persons subject to the jurisdiction of the Supreme Court, or in any respect to the authority of this government, who shall in future be concerned directly or indirectly in the above-mentioned inhuman and detestable traffic, shall be prosecuted with the utmost rigour, in the Supreme Court, at the expense of the Company, and if British born subjects, shall be forthwith ordered to Europe; or if such person or persons be not subject to the court's jurisdiction, he or they, upon information being given to the magistrate of the place or district in which the offence shall have been committed, shall be apprehended by him and kept in confinement, to be dealt with according to the laws of the country.

And also, that no one may plead ignorance hereof, the superintendents of the police for the town of Calcutta, and the magistrates of Adawluts in the several parts of the country, are hereby required to give immediate notice of this proclamation in such

such manner as shall render the knowledge of it universal to persons of all descriptions, and to repeat the same on the first day of January in every year; they are further directed to pay the strictest attention to the regulations contained in it, and to take the most active steps in their power to enforce them.

And that all persons offending against this proclamation may be brought to punishment for the same, and the unhappy sufferers rescued from misery, a reward of one hundred sicca rupees is hereby offered for the discovery of every offender, to be paid on his conviction before the Supreme Court of Judicature, or before the magistrate of the district, and of fifty rupees for such person of either sex who shall be delivered from slavery, or illegal confinement, in consequence of such discovery. The money will be paid to the informer or informers on his or their application to the secretary of government, and presenting to him a certificate of the conviction of the person or persons committing the offence, of which such informer or informers made discovery.

The Governor General in council further recommends to British commercial houses and private merchants, to assist, as far as depends upon them, in carrying these regulations into effect, by taking the most effectual means in their power to prevent the commanders of their ships or vessels, or of ships or vessels consigned to them, or otherwise placed under their directions, from carrying away natives of this country in order to sell them for slaves.

The master attendant of this port is hereby forbidden to grant in future an English pilot to any ship or vessel, the commander of which shall not have previously declared upon oath that there are not then on board, and he will not during his continuance in the river, consent to receive on board, any natives to be exported as slaves, with an intent to dispose of them at some foreign place, or whom he (the commander) has any reason to imagine will be disposed of as such after they leave this country.

And the master attendant is hereby directed to give notice to all the native pilots, that if they should pilot out any vessel, having on board natives of this description, knowing or believing them to be such, the privilege of piloting will be taken from them for ever, and their names and offence registered. And that no one may plead ignorance of this order, it is hereby directed that it be placed constantly in view at the Banksaul, in the English and country languages.

Proclaimed at Fort William, in Bengal, this 22d day of July 1789.

By order of the Governor General in Council,

(signed) *E. Hay*, Secretary to the Government.

Extract from the Calcutta Gazette, Thursday, 30th July 1789.

(Published by Authority.)

ON Monday last the trial of Captain Peter Horrebow, on an indictment on the prosecution of the Company, for assaulting and forcibly carrying to the Island of Ceylon, and there selling natives of this country as slaves, came on before the Judges of the Supreme Court. It appeared by evidence on the trial, that Captain Horrebow, some time ago, obtained permission from this government to sail as owner and commander of the *Friendship*, under English colours, and with an English pass, and executed certain covenants with the Company in both those capacities, to entitle him to such indulgences; that in January last, Mr. Ellison, second mate of the *Friendship*, together with a seaman, were sent by Captain Horrebow to Chandernagore, in a pinnace budgerow for the purpose of taking from thence a number of slaves that had been procured by a Monsieur Reiny, an inhabitant of Chandernagore. That slaves, males and females, to the number of 130, some as old as twenty, but the majority from eight to sixteen years, were put on board the said budgerow, and proceeded down the river to Fultah, where they went on board the *Friendship*; that a few days after, Captain Horrebow came on board, and sailed, with an intention of going to the Island of Mauritius, but that soon after they were at sea, many of the slaves fell sick, and twenty of them died, though it did not appear from any ill treatment on the part of Captain Horrebow; on the contrary, it was given in evidence that they were well clothed and fed whilst on board. In consequence of this disaster, and the noisome stench and offensive condition of the ship, Captain Horrebow changed his destination, and went to Columbo, on the Island of Ceylon, where they were landed and sold as slaves.

Three points were argued in this case; first, whether Captain Horrebow was subject to the jurisdiction of the Supreme Court; second, the forcibly and unlawfully

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fully taking away the natives of this country, against their consent ; and third, selling them as slaves at Columbo. The Advocate General, on the part of the prosecution, proved that Captain Horrebow, in the month of January, had a house in Calcutta, and that during his absence his wife and family continued to reside in Calcutta ; that he entered into covenants with the Company as a subject of His Majesty, and that he sailed under British colours, and was thus situated when the cause of complaint arose, and therefore subject to the jurisdiction of the Supreme Court. The learned advocate quoted an opinion of the twelve Judges of England, in 1707, from Foster's Crown Law, viz. " If an alien seeking the protection of the Crown, and having " a family and effects in the King's dominions, should, during a war with his native " country, go thither and adhere to the King's enemies for the purposes of hostility, " he must be dealt with as a traitor. For he came and settled under the protection " of the Crown, and though his person was removed for a time, his effects and " family still continued under the same protection."

If therefore an alien enemy, under such circumstances, could be tried for treason, which was an offence of the highest nature, *à fortiori*, Captain Horrebow would be liable to be tried by this court for a misdemeanor.

On the part of the defendant, it appeared that he was a Dane by birth, that the slaves had been purchased at Chandernagore ; that they were taken from thence without stopping at all in Calcutta, but went down on the opposite side of the river, until they came near the New Fort, when, on account of a sandbank, they were obliged to cross over to this side. It was contended, therefore, that the offence was not committed any where but at Chandernagore, and upon subjects of the French King, owing no allegiance to the King of Great Britain, and therefore the court had no jurisdiction in this case.

The evidence was summed up with great accuracy and ability by Sir Robert Chambers, who was of opinion, that Captain Horrebow was subject to the jurisdiction of the court, as well by the rule laid down by the Judges, as reported by Foster, as from the offence being actually committed in Calcutta, from the budge-row, in which the natives were confined, having come within the limits of the jurisdiction of the Court. The jury retired for a short time, and brought in their verdict, guilty.

The trial lasted till nine o'clock at night ; counsel for the prosecution, the Advocate General and Mr. Simpson ; attorney, Mr. Jackson. For the prisoner, Mr. Ledlie and Mr. Atkinson ; attorney, Mr. Raban.

The prisoner was admitted to bail, and Wednesday next fixed by the court for pronouncing sentence.

The late humane proclamation of government will, it is to be hoped, put an effectual stop to this odious and detestable traffic.

Extract from the Calcutta Gazette, Thursday, August 6th, 1789.

(Published by Authority.)

YESTERDAY Captain Horrebow was brought before the Supreme Court to receive his sentence. Three affidavits were produced by the counsel for the prisoner in mitigation of judgment ; one of Captain Horrebow, one of Mr. Bie, brother to the governor of Serampore, and a third of Mr. Trail. Captain Horrebow deposed, that he was ignorant that the carrying away slaves from Chandernagore was illegal or improper, and that if he had known it to have been so, he would not, either for lucre or any other consideration, have been engaged therein ; that slaves had been sold publicly by auction in Calcutta.

That he verily in his conscience believed, that the people he carried to Columbo, and who were sold there, preferred the situation to that of remaining in this country. That a great number of them were nearly starved when they came on board, and that many died owing to their eating too voraciously. That he had treated them with all possible humanity and kindness. He further set forth, that he had lost 1,400 rupees upon the voyage, and was in distressed circumstances, his imprisonment having prevented him from looking after his affairs and disposing of his cargo.

Mr. Bie deposed, that he had known Captain Horrebow for twelve years ; that he was a native of Denmark, and descended from one of the most respectable families in that country. That his father was one of the Judges of the Supreme Court of Denmark, a post of high rank and honour ; that his mother was the daughter of Major General Furman, in his Danish Majesty's service.

That

That he had sailed from India to England in the *Providentia* in 1783, then commanded by Captain Horrebow, and that he knew him to be a man of great humanity, and of excellent character; and he verily believed, that if Captain Horrebow had known that the carrying slaves from this country to any other for sale had been illegal or improper, that he would not have been engaged therein.

Mr. Trail deposed, that Captain Horrebow had assigned the whole, as he believed, of his property to the house of Messrs. Paxton, Cockerell and Co. in trust for the benefit of his creditors, and that, to the best of his belief, the property would not be sufficient to pay his creditors.

Every argument that could be urged in mitigation of sentence, was very ably brought forward by Captain Horrebow's advocates, Messrs Ledlie and Atkinson.

The Advocate General informed the court, that in consideration of what had been stated by Captain Horrebow, in a letter to the Right honourable the Governor General, similar to his affidavit, and of his having been confined some time previous to his trial, and of the late precaution which had been taken by government to prevent the possibility of the commission of a similar offence in future, he had been instructed not to press their Lordships for a severe punishment.

Sir Robert Chambers, in delivering sentence, stated, that in cases of misdemeanor it was usual for the court to consider the willingness of the prosecutor to remit the severity of the punishment, for this reason, as well as from what had been stated by Captain Horrebow, and the arguments used by his counsel in mitigation of his offence, the court were inclined to excuse the corporal part of the punishment, but that, although the punishment would be alleviated, yet for a crime of so heinous a nature it was not to be nominal. In expatiating upon the circumstances of the offence, the learned Judge mentioned the only cases in which slavery was lawful under the Mahomedan government.

Infidels taken prisoners in war, fighting against Mussulmans, were considered as the slaves of the captors, and the slavery extended to their children. In cases of famine publicly declared, it was lawful for farmers to sell their children, and persons of more than 15 years of age might sell themselves to obtain a subsistence. But, that in these four cases, the only existing ones under the Mahomedan government, the condition of slavery was put under many legal restrictions, and that it was unlawful for a Mussulman to sell his slave. That the exportation of subjects of a Mussulman government to be sold to a state of slavery was unknown; and he believed, as Mr. Atkinson had said, that it was the first time such an offence had been committed under the British flag, and he trusted it would be the last. He wished it to be understood, that if a similar offence should ever unhappily be again tried before the court, the punishment would be more severe.

Captain Horrebow was sentenced to be imprisoned for three months, to pay a fine of five hundred rupees, and to give security for his future good behaviour for three years; himself in a bond of ten thousand rupees, and two sureties in five thousand rupees each.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal in the Public Department, dated 28th April 1790.

Letter from the Government, dated 10th August 1789, (97 a 100), Prosecution of Captain Horrebow for transporting to Ceylon a number of the Natives of Bengal, and selling them for Slaves.

Par. 151 — YOUR conduct in apprehending and prosecuting to conviction Captain Horrebow, for transporting a number of natives of Bengal to the Island of Ceylon, and there selling them for slaves, has received, as it merits, our warmest commendation and applause. As Lord Cornwallis has informed us, that he has under consideration a plan for the abolition of this traffic (if possible), we shall forbear to enlarge further upon the subject until we receive such plan.

EXTRACTS from the Calcutta Gazette, 17th September 1789, relative to the cruel Treatment of a Slave Boy by a Portuguese named Argutty, and to the Prohibition of the Traffic in Slaves by the French Government of Chandernagore.

Extract from the Calcutta Gazette, Thursday, 17th September 1789.

(Published by Authority.)

Yesterday forenoon the coroner's inquest was held on the body of a slave boy, about twelve or fourteen years of age, named Jack, supposed to have been murdered by his master,

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master, one Lewis Argutty, a native Portuguese, who has been for some time past employed by a gentleman of Calcutta as a monthly writer. On the examination of the witnesses taken at the inquest, it appeared that the slave boy had lately complained to Mr. Motte, on account of the very severe and cruel manner in which he was treated by his master, which complaint appearing to be well founded, Mr. Motte desired the boy to consider himself no longer a slave, nor the servant of Argutty; but in consequence of the application of the gentleman with whom Argutty was employed, and to whom he had all along appeared a mild and humane young man, the boy was returned to his former master, who, at the same time, promised him more lenient and becoming treatment. When the coroner attended yesterday, he found the body lying on the floor in Argutty's house, and a very slight examination was sufficient to demonstrate that the boy had been strangled.

Suspicious naturally arose against Argutty, who had absconded on Monday, and from several other concurring circumstances, no doubt remained that Argutty was guilty of the murder.

We understand Monsieur Montigny, governor of Chandernagore, has lately issued a proclamation prohibiting all persons within the jurisdiction of the French government from purchasing or transporting any of the natives of these provinces as slaves, and in order more effectually to prevent this infamous practice, a reward of 40 rupees is offered to any person who shall give information of the offender, besides the sum of 10 rupees to be given to each slave who shall be released in consequence. Both sums to be paid by the offender.

The master attendant of Chandernagore is also directed to see that no native be embarked without an order signed by the governor; and all captains of vessels trading to the port of Chandernagore are strictly prohibited from receiving any natives on board.

Nothing can reflect greater honour on the humanity of Monsieur Montigny, and the liberal policy of the French government, than the above order; and we have no doubt this earnest co-operation with the measures already taken by our own government, will put an effectual stop to this odious and detestable traffic.

PAPERS relative to the Liberation, by order of Government, of some Native Children detained as Slaves by Mr. Borel, a Swiss officer, 1789.

Extract, Bengal Public Consultations, 16th September 1789.

Read a letter from the superintendent of the police.

My Lord:—ON information we have apprehended four boys and four girls in the house of Mr. Borel, a Swiss officer, in the service of the Dutch at Columbo. Others are said to be on board a vessel named the Charlotte, Captain Clement, in Mr. Tyler's employ. Mr. Borel and Captain Clement deny that any children are, with their knowledge or consent, on board the Charlotte. Mr. Borel says he purchased six of them in Calcutta, as servants for himself and officers; the other two are the property of Mr. Milliat from Chandernagore. He declares he did not know there was any impropriety in the purchase, which was made without concealment. Mr. Borel commands the Courier now in the port.

The children are in general from the Dacca districts. Enclosed is the particular account given by themselves.

The informant also says, that a number of children are now at Miapoor, waiting for the vessel to take them up.

We request your Lordship's orders respecting the further steps we are to take, and remain, &c.

(signed) *T. Motte.* *Edw. Maxwell.*

Police Office, 14th September.

Extract of Proceedings of the Police Office.

Four boys and four girls are taken at Captain Borel's house.

Ram Sona, nine years of age, says she has been a month in Calcutta; that a Mussulman brought her from Gurreeh Haut, and sold her to a woman, who sold her to Mr. Borel.

Munglia, ten years of age, says he has been a month here; that an Armenian brought him from Dacca, sold him to a Portuguese, who sold him to Mr. Borel.

Pedro, six years; six days here; a Portuguese cook brought him from Amiatulla, and sold him to Mr. Borel.

Khurun,

Khurun, 12 years of age; one month here; her brother brought her from Ordu-
pore, sold her to Flora, who gave her to Borel.

Paunchoo, six years of age; seven days in Calcutta; brought from Charmall by
a Portuguese cook, and sold to Mr. Borel.

Subbee, nine years of age; ten days in Calcutta; brought from Ramnuggur, to-
wards Dacca, by an European, who gave her to Borel.

Flora, alias Umba, nine years of age; one month in Calcutta; brought from Kut-
bureah by a man who bought her of her mother, who sold her to a cook, who gave
her to Mr. Borel.

Ramezannee, 12 years of age; five days in Calcutta; brought from Garreedur-
poor, near Paurampoor, and sold to Mr. Milliat at Chandernagore, who sent him to
Mr. Borel.

(A true copy.)

(signed)

Thos. Motte.

Edward Maxwell.

Ordered, That the superintendents of police be acquainted that the slaves ap-
prehended by them in the house of Mr. Borel, are not to be returned to him until he
shall have made an affidavit, that he has no intention of exporting them, or of dis-
posing of them to be slaves in other parts of India, the same being contrary to the
late proclamation.

Ordered further, That they be desired to consult the master attendant, and with
his assistance, to adopt such measures as may appear most proper, to ascertain
whether any slaves have been conveyed on board the Charlotte and Courier, or
whether the information in regard to the children at Miapore be true. In the event
of any being found, they are to take charge of them; and after having obtained
every account that they may deem necessary respecting them, they are to transmit
a narrative of their proceedings for the information and orders of government.

Extract, Bengal Public Consultations, 25th September 1789.

THE following letter was received from Mr. Borel on the 24th instant, and leave
was granted for his taking with him to sea two of the children therein mentioned,
on his making affidavit that they should neither be treated as slaves, nor sold as
such.

To Edward Hay, Esq. Secretary to Government.

Sir:—Being informed that Mr. Motte is not at liberty to restore to me the
eight children that were taken at my house, without the sanction of Lord Corn-
wallis, I request you will lay this my petition before his Lordship, which is only to
beg that I may be allowed to take two of the children only, to wait upon me as
servants on board, on my declaration that they shall neither be treated as slaves nor
sold as such.

I have, &c.

Calcutta, 24th September 1789.

(signed) *C. Borel.*

N^o 25.

PROCEEDINGS relative to some Children who were clandestinely carried on
board the Hero off Calcutta, for the purpose of being enslaved, 1789.

Extract, Bengal Public Consultations, 30th October 1789.

THE following letter and its enclosure were received from the master attendant
on the 26th instant.

To Edward Hay, Esq. Secretary to the Government.

Sir:—I beg leave to inform you, that yesterday morning a woman, named
_____ came to the Marine Office, and with lamentations complained that her son
Jumon had been enveigled on board the grab snow, Hero, and was there detained
contrary to his own inclination; at same time a man asserted, that many children
besides were on board the same vessel. As the Hero had before this applied for
her pilot, and had got him on board, had actually left town, and was proceeding
down the river with a fair wind, I found there was not a moment to be lost, no
time to apply to government for a formal order, or she would have got beyond
reach, therefore took upon myself to dispatch a boat away with an order to her
pilot, that if any natives were on board besides her ship's company, who were
detained there against their inclination, not to proceed with the vessel unless the
commander of her sends up all such natives as have been thus enveigled away. The
consequence has been, that the boat has returned with four boys and two girls who
were on board, exclusive of the ship's company. Those unfortunate people I have
delivered

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delivered over to the police office. The police officers, Messrs. Motte and Maxwell have wrote me this day, that on examination of the four boys and two girls sent by me to their office, it appears that the serang alone has been in fault ; and that the captain and officers of the snow were not privy to their detention on board ; and they think it will be necessary for the serang to be sent for. Is it his Lordship's pleasure that I shall dispatch a boat away with an order to send the serang up, should the snow not have got beyond our reach? If so, may I request an official order from you to Captain Cockburn of the grab snow, Hero, or in his absence, to the commanding officer, to this purpose. I have, &c.

(signed) *Cudbert Thornhill*, Master Attendant.

Marine Office, 26 October 1789.

To Cudbert Thornhill, Esq. Master Attendant.

N° 11. Sir :—On examination of the four boys and two girls sent by you, it appears by their account, that the serang alone has been in fault, and that the captain or officers of the ship were not privy to their detention on board. We think it will be necessary for the serang to be sent for. We are, &c.
Police Office, 26 October 1789. (signed) *T. Motte. E. Maxwell.*

Upon the receipt of the above letter, a requisition was sent to the grab snow, Hero, in the following terms, and the letters which will be entered after it, were written to the superintendents of the police and master attendants.

Captain Cockburn of the Grab Snow, Hero, or to the Officer commanding on board.

N° 12. Sir :—There being reason to suppose, upon the examination that has been made relative to the four boys and two girls, who were yesterday brought from the vessel under your command, that the serang belonging thereto has been to blame for their detention on board, I am directed to require that he may be immediately delivered over to the superintendents of the police, that an inquiry may be made into his conduct. It is proper to acquaint you, that upon your failing to obey this requisition, the pilot on board the snow will be directed to leave it.
Council Chamber, 26 October 1789. I am, &c.

Messrs. Motte and Maxwell, Superintendents of the Police.

N° 13. Gentlemen :—The master attendant having forwarded to me your letter of this date, I have submitted it to the Governor General in council, who has directed me to transmit to the commander of the grab snow, Hero, the enclosed requisition, and to desire that you will send proper persons with it immediately on board the snow, that the serang may be brought into your presence, and examined relative to the detention of the four boys and two girls mentioned in your letter to the master attendant, who will order one of the peons of his office to proceed with yours, to point out the vessel. A copy of my letter to the commanding officer on board the Hero is enclosed. I am, &c.
Council Chamber, 26 October 1789.

Cudbert Thornhill, Esq. Master Attendant.

N° 14. Sir :—I have received your letter of this date, enclosing one from the superintendents of the police, to whom orders have been given to send people on board the grab snow, Hero, to bring the serang into their presence, that he may be examined respecting the four boys and two girls, mentioned in the letter from Messrs. Motte and Maxwell ; you are to direct one of the peons to accompany their people, in order to point out the vessel

I inclose a copy of the order which has been sent to the commanding officer on board the Hero, that you may give the necessary instructions to the pilot, in conformity to the intimation in the last part of it.

Council Chamber, 26th October 1789. I am, &c.

N° 15. Read a letter from Capt. Cockburn to Edward Hay, Esq.
Sir :—I have just received your letter, and, according to your order, have delivered up the serang ; and I am, &c.
27th Oct. 1789. (signed) *M. Cockburn.*

Extract, Bengal Public Consultations, 11th November 1789.

Read a letter from the superintendent of the police.

My Lord,—WE have the honour to send the examinations taken by us, at Mr. Hay's desire, respecting the decoying some persons on board the snow Hero, with intentions to carry them away.

Some of them were evidently taken improperly; others went willingly, and did not complain. The captain and officers of the ship do not appear to have had any knowledge of these acts.

The serang is in custody.

We also beg leave to send the examination into a complaint of a similar nature, by which it appears, Bodullah, the brother of the plaintiff, is actually carried to sea. The person who shipped him, Ruffee, serang, is employed to procure Lascars, &c. for ships, and must be well acquainted with the late proclamation; therefore more culpable. Moochnee keeps a muddal shop, and is said to have followed the business of a crimp for some time.

As Badoolah is not on the spot, stronger proof cannot be procured.

We are, &c.

Police Office, 5th Nov. 1789.

(signed) *J. Motte. E. Marwell.*

Examinations, 29th Oct.—Mahmud Bucksh against Imaumodin and Moochnee, for kidnapping his brother Badoolah on board ship.

They say he was starving, and they delivered him to Ruffee, serang.

Let him come.

Ruffee, serang, appears, and says, Badoolah went on board ship of his own accord; that he was willing, and Moochnee was his security.

Let him bring witnesses.

30th.—Buxoo says, his brother Badoolah was so far from starving, that he was an embroiderer, received from Rehimoo four rupees per month, and provisions.

Rehimoo must come.

31st.—Rehimoo deposes on oath, that Badoolah was his servant, as a journeyman embroiderer; that he gave him four rupees per month, and a piece of meal once a-day.

Police Office, 28th October 1789.—Captain Thornhill being informed some children were confined on board the snow Hero, sent Mr. Lock to examine. Mr. Gillespie, the commanding officer, mustered the crew, and found six persons, who said they were put on board without their consent.

Ioomun, fourteen years of age, says he is a cooly; that the serang sent him on board with a load, and detained him.

Utta says, the serang carried her on board without her consent.

Harroo, ten years of age, says he is a beggar; that he is not willing to go.

Sahobodan was in the Hurrinbarry, for cutting a mat, and stealing cowries; he was delivered by the police to the captain of the ship.

Reshumer says, she was begging in the bazaar; that the serang seduced her on board.

Obda says, she has no father; that her mother spins for her livelihood; that the serang seduced her on board.

Wrote to Captain Thornhill, to send for the serang, and let the ship proceed on her voyage.

Burkutoolah is sent to fetch the serang of the Hero, snow.

29th.—Utta against Eesa, serang, for compelling her to go on board ship.

Utta deposes on oath, that Brijoo Serree gave her and Reshume to Eesa, that he said he would marry her on board ship; that Brijoo Serree brought her from Kuderpoor, and said she would get her a husband; that she went willingly on board, that the serang gave her clothes, and that she did not complain to Mr. Lock.

Bring Brijoo Serree Rishmee, eight years of age; that she was begging in the Bazaar, near the British Connah, when Brijoo Serree picked her up, and gave her to the serang with Utta; that she got nothing on board but provisions; that she did not complain to Mr. Lock.

Eesa says, Utta and Rushmee were begging, that Utta said, take me with you, and marry me; that Utta brought Rushmee, and said she would adopt her.

Iooman deposes on oath, he is 15 years of age, that he was a cooly in Mutwabazar, that Eesa said, take my fish aboard, I will pay you two pice; that he promised him another pice when he got on board; that he went on board, and when he wished to return, the serang told him he had paid wages for him, to his father and

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mother; that the ship sailed; that his father's name is Munnoo; and that he was fetched on shore by order of his Lordship.

Munnoo deposes on oath, that a whore, who came from on board the Hero, told him his son was on board; that he received no money from any one on account of his son.

Eesa says, that she was in search of a good lascar, when an old kussel said, go with me to Munnoo, that he went, and Munnoo said, shewing Ioomun, this is my son; that Eesa agreed to pay him three and a half rupees per month; that he gave him two rupees.

Bring the kussul and Chann serang.

Obdah, 10 years of age; that a man Jaffer brought him to Odbaroah, and gave him to the serang in Mutwabuzar, and suffered him to go about any where; that he gave him victuals and clothes; that 10 days after, he took him on board ship; that he never complained.

Harreah deposes, that he was begging in Calcutta, that Hussem Iindee carried him on board ship.

Sakeboden says, he was detected stealing cowries in Terettas Buzar, that a peon of the Hurrenbarry and another, carried him on board the ship.

30th.—Budderoden deposes, on oath, that he shipped 24 men for Chann Serang on the Hero, whose wages were paid by the captain to Chann, that Ioomun's wages were settled by his mother Paulingee, at 3½ per month, and that Eesa paid him a gold two anna piece as earnest, that the rest of the lascars were paid four months in advance; that a few hours after Eesa returned, and took Iooman, his mother; and this deponent went to the water side; that this deponent asked her if she had received more than two rupees, that she said she had received no more. That Eesa shewed Paulingee a gold mohur, and said, go with me to the Burrabuzar, and get change, I will pay you the rest; that Eesa bade this deponent take Ioomun on board, which he did.

Paulingee before said, she received nothing; she now says, the two rupees received of Eesa, were laid out in clothes.

Let Chann Serang come.

31st.—Chann Serang says, he shipped 24 men on the Hero, that Eesa and he received the money.

Police, 26th October 1789.—Ordered, That the superintendents of the police be desired to release the serang of the Hero, after acquainting him, that should he ever in future be guilty of the offence for which he was taken from the ship, he will be punished in the severest manner. The slaves have been given up.

Ordered, That the master attendant be informed of the fact charged against Ruffee Serang, and directed to acquaint him that he will be brought to justice, and severely chastized, if he should ever be again guilty of a disobedience to the order of government. The same information is to be conveyed by the superintendents of the police to Moochoree.

PROCEEDINGS relative to a case of Slavery under the Mahomedan law, upon which a decision was given in 1790, in answer to a reference from Mr. Seton, the magistrate of Bahar.

Extract, Bengal Revenue Consultations, the 20th August 1790.

Remembrancer to the Criminal Courts, to Edward Hay, Esq. Secretary General.

N^o 6.

Sir:—I AM directed by the Governor General to desire you will submit to the honourable Board the accompanying copy of a letter from the magistrate of Bahar, and obtain their orders or instructions in regard to the compensation for a murder, as stated therein, of which he has stayed the operation for the present.

Fouzdarry Department,
6th July 1790.

I am, &c.
(signed) J. White, R. C. C.

To Charles Earl Cornwallis, Governor General.

N^o 7.

My Lord,—Amongst the late orders from the Naib Nazim on the proceedings of the Foujdar at this station, there is one confirming an arrangement which appears to me so unjust in its nature, that I have taken it upon me to stay the operation of the order, until the particulars be made known to your Lordship, and your instructions in consequence received.

Two persons, by name Mungaly Khan and Assud Khan, having been convicted of the murder of Nowaz Khan, were ordered to make a pecuniary compensation to the plaintiffs, viz. Peranow, the widow, and Runam and Guny Rauj, the brothers of the deceased; but Mungaly Khan being unable to make such satisfaction, offered in lieu thereof, his only son, as a slave for life, to Peranow, who accepted the offer, which being confirmed by the Naib Nazim, will of course be carried into effect, unless your Lordship deem it expedient to interfere. The particulars are detailed at large in a narrative which I required from the Foujdar at this station, a copy and translation of which I have the honour to submit inclosed.

The apparent injustice of thus suffering an innocent young man to become the involuntary victim (for life) of his father's guilt, will, I trust, plead my excuse for an interference, which, strictly speaking, is not warranted by the regulations under which I act.

I have, &c.

Gya, 24th June 1790.

(signed)

A. Seton, Magistrate.

A true Copy (signed) J. White, R. C. C.

Translation of the particulars of the case of Mungaly Khan and Assud Khan, now in confinement in the Foujdarry jail at Gya, for the murder of Nowaz Khan, at the instance of Peranow, the widow, and Runeem and Gudj Rauj, the brothers of the said Nowaz Khan, received from the *Seyd Iood Ali Toujidar at Gya*.

In the month of Zehedjeh, 1203 of the Hijerah, the proceedings in the cause above described were referred to Nowab Muzuffer Jung.

On the 5th of Jemmodiul Awul 1204, the Nawab's order arrived, directing a compensation to be made to the heirs of the murdered person. In conformity to the Nawab's orders, Mungaly Khan and Assud Khan were called upon to pay the price of blood. On the 23d Jummodiul Awul, Peranow, one of the above mentioned plaintiffs delivered in a razeenamah to this effect: "Mungaly Khan, being unable to pay a pecuniary compensation, has given up to me his son, to be my servant for life. And Assud Khan has given up to me, in satisfaction of the murder, his share of the village of Caympoor." I therefore declare, that we have no further claim on them. On the same day, the other two plaintiffs, Kuneem and Gudj Rauj delivered in a razeenamah, declaring, that in consequence of the poverty and distress of Mungaly Khan and Assud Khan, they remitted their claim to a compensation. These particulars having on the same month been submitted to the Naib Nazim, he ordered the release of Mungaly Khan and Assud Khan. This order arrived on the 19th of Ramzaun 1204, Hijerah.

(A true translation.)

(signed)

A. Seton, Magistrate.

Agreed, the Naib Nazim be recommended not to admit of Mungaly Khan's making over his son as a slave for life to Peranow, and that he be requested to levy the amount of the compensation which it may be determined to exact from Mungalow Khan by the customary mode of process.

Agreed also, the magistrate be informed of the above resolution, and that he be acquainted the Board approve of his having suspended the execution of the Naib Nazim's sentence.

PROCEEDINGS respecting two Native Children purchased at Chandernagore
by Monsieur Monier, 1790.

Extract, Bengal Public Consultations, 1st December 1790.

Read a letter as follows, from the superintendents of police.

N^o 14.

My Lord,—WE beg leave to represent that two boys, named Buxoo and Soonawallah, have appeared before us, and stated that they had escaped from their master, Monsieur Monier, who had bought them at Chandernagore from two men, named Davis and Petit John. These last named had purchased them at Dacca, from a forigee called Panchoo, who carries on this infamous traffic; Davies and Petit John brought down these boys to Chandernagore, about one month ago, with a number of others, amounting in all to 60 males and females, which they dispose of as purchasers offer.

We have the honour to be, &c.

Police Office, 30th Nov. 1790.

(signed)

T. Motte. E. Maxwell.

Agreed, That intimation of this complaint be sent to Mr. Mottett, the agent of the French nation in Bengal.

N. B.—No further proceedings respecting this complaint have been traced on the Bengal records of the years 1790 or 1791.

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PROCEEDINGS in 1791, relative to an attempt made by certain Frenchmen, to establish a traffic in Slaves from Bengal to the French Settlement of Pondicherry, which occasioned the loss of 30 lives; also relative to a Cargo of Slaves brought by some Frenchmen from the Andamans.

Extract of a Letter from the Governor General and Council of Bengal to the Court of Directors in the Foreign Department; dated 17th Aug. 1791.

Consultation,
1st June.

Par. 18.—IN consequence of a request made to Lord Cornwallis, by Colonel Montigny, our secretary, by his Lordship's directions, wrote a letter to Captain Light, superintendent of Prince of Wales Island, on the 4th of January last, acquainting him, that it having been understood that when he was last in Bengal, or about to leave Prince of Wales Island, in order to visit Calcutta, an offer was made to him by Mons. St. Croix, an officer of a French merchant vessel, of some natives or others from the Andamans for sale, at the price of six thousand rupees; we wished to be furnished with an account of the particulars of this business, with attested copies of any letters or papers that had passed on the subject.

Par. 19.—We think proper to transmit a copy of Captain Light's answer, a number in the packet, and to acquaint you that we have caused copies of it to be sent to Europe to Colonel Montigny, at whose request the application was made.

Consultation,
15th April.

Par. 20.—Early in April last, the magistrate for Hidjellee division acquainted us, that a vessel, under French colours, having a number of slaves on board, was at Kedgerree; that more than thirty slaves who were on the way to her had been drowned off or near Channel Creek, and that there was a sloop on her passage down to Kedgerree, with an additional number of those unfortunate people.

Par. 21.—Being resolved to take the most effectual measures to punish so daring a violation of the proclamation, which we thought proper to issue in July 1789, our first step was, to communicate the circumstance to Colonel De Canaple, with a request that he would give orders to liberate the slaves before the vessel left the river.

Par. 22.—Colonel Canaple acquainted us in reply, that he had received positive information, that the slaves to the number of thirty, had been stopped by Mr. Hewett, the magistrate at Hidjelee, that he therefore considered these slaves as being in charge of an officer of our government, and consequently as having regained their liberty; but that he would make the most particular inquiry into the business, and give us all the satisfaction in his power.

Consultation,
15th, 20th and 27th
April, 6th May,
17th and 22d June.

Par. 23.—Our proceedings noted in the margin, will acquaint you with the orders we gave for taking care of these unfortunate people, as soon as they were released from the vessel, and placed under the protection of the magistrate at Hidjelee; they contain also other matter of some moment, connected with that subject.

Par. 24.—Mr. George Wheatley, a resident at Kedgerree, having been the means of discovering, and consequently of liberating the slaves intended to have been conveyed from hence, we granted him on his application, the reward promised in the proclamation, bearing date the 22d of July 1789, which amounted to the sum of sicca rupees 1,200.

Extract, Bengal Foreign Consultations, the 1st June 1791.

THE Secretary reports to the Board, that in consequence of Lord Cornwallis's directions, previous to his Lordship's departure from Bengal, he wrote the following letter, on the 4th of January last, to Captain Light, superintendent of Prince of Wales Island.

N^o 1.

(Copy.) Captain Francis Light, Superintendent of Prince of Wales Island.

Sir:—It having been understood that when you were last in Bengal, or about to leave Prince of Wales Island, in order to visit Calcutta, an offer was made to you by Mons. St. Croix, an officer of a French merchant vessel, of some natives or others from the Andamans, for sale, at the price of six thousand rupees, and the Board having occasion to be furnished with an account of the particulars of this business, and with attested copies of all letters or papers that passed on the subject, I am instructed to desire that you will be pleased to transmit the same to me, in duplicate, by the first opportunity that offers, after the receipt of this letter.

I am, Sir, &c. &c.

(signed) E. Hay, Secretary to Government.

Fort William, 4th January 1791.

The

The secretary acquaints the Board, that the following reply to the above letter, was received yesterday from Captain Light, and that copies of it, in duplicate, as well as duplicate copies of the letter to that gentleman, have been sent to Mr. Vealar's to be transmitted to Colonel Montigny, at his request, and according to orders given in consequence by Lord Cornwallis.

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To Edward Hay, Esq. Secretary to the Government.

Sir:—I have the honour to acknowledge the receipt of your letter of 4th January last.

N^o 2.

Having seen Mr. St. Croix at this settlement, when in a small vessel from Pegue, on his arrival at Calcutta in January 1790; hearing I was there, he paid me a visit, and brought with him a young Caffree boy, a native of the Andamans, imagining it would be an agreeable sight to me to behold a native of that island, of whom so many fabulous accounts had been given.

In the course of conversation, Mr. St. Croix informed me, that having been searching round the Andamans for birds nests, he entered a large bay, and had landed several times without the natives offering to interrupt him, though he went up to their huts. On seeing a canoe, with four or five people, near a small island, he resolved to attempt to get possession of them, to effect which, he sent some people armed on shore upon the island, to prevent their landing; and in his boat he went after the canoe, and soon came up with her. The man in the canoe, upon their attempting to take him out, made a stout resistance, and was not secured until he was wounded and knocked down, when with a woman with child, and two boys, who were also in the canoe, he was carried on board Mr. St. Croix's vessel. The next day, a large party of the natives came off in boats, to attempt the rescue of their countryman. Mr. St. Croix informed me, that he killed two with his own fuzee, but what further destruction was made among them, he did not mention; he lamented that his people were poltroons, for had they been men of spirit, he could have caught a great number of them; that he had a cook who knew a little of their talk, and by his means, he could at any time inveigle them on board; that his intention was to get a large vessel, and return to the Andamans, where he made no doubt of being able to procure a cargo of Caffrees, that would sell exceeding well at the French islands.

On my asking him if he would sell the Andamanners he had taken, he said, that after the attack made by the natives, finding his people intimidated, he returned to Basseen I think, or Rangoon river, and sent his boat on shore; the Burman Government (the King of Ava laying claim to the sovereignty of those Andaman Islands) hearing that Mr. St. Croix had stolen some of the natives of those islands, seized upon the boats crew, and insisted upon his delivering them up, alleging, that with the same propriety he might come and steal them. But not complying with this demand, he observed to me, that he should be obliged to redeem his own people with a sum of money, and therefore he would not part with the Andamanners for less than six thousand rupees, which sum he thought equivalent to his loss of time and expense.

I mentioned the circumstance to Colonel Ross, and obtained through him permission from the Governor General to purchase them, if they could be obtained for a reasonable sum; I now sent in the evening to Mr. St. Croix, who came again with the young Caffree, and offered him three thousand rupees for each person; he said he would not take less than six thousand rupees, that he expected to make more of them from his countrymen as curiosities.

He sailed the same evening for Chandernagore, which put an end to the negotiation.

I have the honour to be, Sir, &c. &c.

Fort Cornwallis, 1st April 1791.

(signed) *Francis Light.*

Extract, Bengal Foreign Consultations, 15th April 1791.

Read the following letter from the magistrate at Hedjeelee.

To the Right honourable the Earl Cornwallis, Governor General and
Members of the Supreme Council, Fort William.

My Lord and Gentlemen:—I HAVE the honour to lay before you extract of a note that has just been sent to me from Kedgerie, respecting the transportation from this country of some slaves in a vessel under French colours, and that there is a sloop on her passage down with 15 or 20 more on board. This information is given to me

N^o 3.

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in a note from a man, by the name of George Wheatley, residing at Kedgerree, but as it is necessary by the 12th article of the late regulations for the administration of justice, that the information should be upon oath, I shall proceed to Kedgerree with the least possible delay, take his deposition, and use every effort in my power to obtain the release of such as may be in bondage. I am aware of the circumspection and caution that is to be used in making a requisition of this nature from a foreign flag; and I shall, if possible, delay urging it till I can be favoured with your instructions, with which I beg to be honoured, with the least possible delay. In case it should appear that there are natives on board, which, from circumstances, may evidently be intended for transportation, and that the commander of the vessel should decline or refuse liberating and giving them up, on remonstrance and requisition, and if fit, should be deemed necessary by government, to obtain their release by force, I beg to be instructed, if I am under such circumstances, to pursue the means that are in my power, to effect the liberation of the natives, by employing an armed force for the purpose, or obtaining the assistance of any of the pilot vessels I can fall in with.

With greatest respect, I have, &c.

Cantai, 13th April 1791. (signed) *W. N. W. Hewett*, Magistrate, H. D.

P. S.—I beg leave to ask, if there should be slaves on board, if the commander and other officers are to be taken up, and sent under an escort to one of the judges of the supreme court, as directed in the 12th article of the regulations.

Extract of a note from George Wheatley, at Kedgerree, to the magistrate of Hidjelee; dated 12th April 1791.

“ Sir:—I think it a duty incumbent on me to inform you of the following particulars: I have received information that there is a vessel here under French colours with a number of slaves on board, and that upwards of thirty that were sent down to her were all drowned off or near Channel Creek, and that there is a sloop on her passage down here, with fifteen or twenty slaves on board. If I had a boat, I would have gone on board ere this, but the want of which has prevented me: could you favour me with one, and a few armed peons, I will land the slaves, or act as you may please to order me.”

(signed) “ *George Wheatley.*”

The following letter is written to Colonel de Canaple by Mr. Stuart :

To Colonel de Canaple, &c. &c. &c.

N^o 4.

Honourable Sir:—I think it proper to acquaint you, that I have received information this morning of the following particulars: That on the 12th of this month, a vessel under French colours, having a number of slaves on board, was at Kedgerree; that more than thirty slaves, who were on their way to her, were drowned off or near Channel Creek; and that there was a sloop on her passage down to Kedgerree, with an additional number of fifteen or twenty of these unfortunate people.

In July 1789, it was thought necessary to order a positive prohibition of this trade, as far as regarded any concern in it by persons subject to the authority of this government; and we were happy to understand that corresponding orders were soon afterwards issued at Chandernagore.

It is under the fullest assurance, Sir, that you must be resolved to discourage and prevent a traffic of this kind, so inconsistent with the dictates of humanity, that I have communicated to you the intelligence from Kedgerree; having no doubt that you will think it right to give orders to liberate the slaves before the ship leaves the river. I have only to add, that should you do me the honour to inform me that you wish for any assistance in carrying the order into execution, it shall be readily and immediately granted.

I have the honour to be, &c.

Council Chamber, 15th April 1791.

Ordered, That the following letter be written to the magistrate at Hidjelee by the secretary :

W. N. W. Hewett, Esq. Magistrate at Hidjelee.

N^o 5.

Sir:—I have orders to acknowledge the receipt of your letter of the 13th instant, and to acquaint you, in answer to it, that the Board have a proper sense of your good intention, upon hearing from Kedgerree of the slaves exporting in a vessel under French colours, but direct that you should use our authority on this occasion, without further orders.

I am, &c.

Council Chamber, 15th April 1791.

Extract, Bengal Foreign Consultations, 20th April 1791.

THE following letter and its inclosures were received from the magistrate at Hidjee on the 16th instant, and they were replied to on the same day by the letter which will be entered after them.

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To the Right honourable the Earl Cornwallis, Governor General, and
Members of the Supreme Council, Fort William.

My Lord and Gentlemen :—Having proceeded to Kedgerree, as I intimated to you yesterday, and taken the deposition of Mr. George Wheatley, of which I do myself the honour of laying before you a copy, I then proceeded on board the vessel on which the children were represented to be, and found seventeen girls and seven boys (agreeably to the list inclosed), which I have landed at Kedgerree, put into a tent, and provided for their support, till I have the honour to receive your instructions respecting them. The vessel proved to be the snow Stisam Low, commanded by the serang, Ponna Mulla Mamlore, from Calcutta to Pondicherry; Monsieur Jourdan, supercargo. On going on board the vessel, I produced to Monsieur Jourdan the proclamation of the Right honourable the Governor General in Council, dated 22d July 1789, to which he yielded immediate compliance, and made no objection to the children being put on shore. To such of their names is affixed the best account they would give of themselves: two of the boys are down in the small-pox. I have not landed two boys and two girls, which Monsieur Jourdan stated to be his own servants; and a boy and a girl, the servants of another European on board the vessel, which were stated as servants; respecting whom, the orders I may be ordered with from the Governor General in Council will be implicitly followed; Monsieur Jourdan having assured me that they shall not be moved hence till I have orders regarding them. The bills of lading were written in French, but he had not any port clearance, and the vessel was brought down the river by a black pilot, who, I understand, has made off, as well as the serang of the vessel, with an intention of giving information to government of the clandestine transportation of the natives of this country. I have, &c.

N° 13.

Kedgerree, 14th April 1791. (signed) *W. N. W. Hewett, M. H. D.*

P. S.—I have the honour to forward a letter just sent to me by Monsieur Jourdan, addressed to the Honourable the Governor General in Council.

List of children disembarked from the snow, Stisam Low, commanded by the serang, Ponna Mulla Mamlore, from Calcutta to Pondicherry, supercargo, Monsieur Jourdan, on the 14th April 1791, at one P. M.

N° 14.

Names of the girls.

Floree, about 16 years old, slave to a person by the name of Jeffery, resident in Tiritta's Bazar, close to Mr. Tiritta's house, Calcutta.

Jaunnoo, about 13 years old, slave to a person by the name of Bintoor, a Portuguese, resident at Lall Buggun, Chandernagore.

Aunchee, about 10 years of age, slave to a Portuguese woman, by the name of Mahrua, residing in Chinsurah.

Muttee, about 11 years old, slave to a Portuguese woman, by the name of Rozah Buby, residing at Chinsurah.

Susam, about 17 years old, slave to a man by the name of Latour, resident in Chandernagore.

Dullee, about 14 years of age, a girl stolen from Dana, by a man named Sinkahruah Sing, who left her at the house of Mahrua, was sold by her to Petit Jaun, and by him to Monsieur Jourdan.

Jeyah, about 16 years of age, stolen from Daa, by a bawd, and sold to a Portuguese unknown, in the house of Monsieur Latour, she became the property of Latour afterwards, who disposed of her to Monsieur Jourdan.

Mirham, about fourteen years old, stolen from the house of her parents, who reside at Kutfurduah Ameerah Bass, by Moondee Mahjee, afterwards sold to a man by the name of Sampson, residing in Calcutta, who left her in a woman's house at Serampore, and was sold by her to Petit Jaun, who sold her to Monsieur Jourdan.

Mary, about fourteen years old, enticed from her parents by a procuress by the name of Lury, residing in Chandree Chowk, Calcutta, who sold her to Petit Jaun, and was sold by him to Monsieur Jourdan.

Kumlie, about eight years old, was in the possession of a Mussulman by the name

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name of Gujjah Gosein, and was stolen from thence by a bawd, resident of Chinsurah, and sold by her to Petit Jaun, who sold her to Monsieur Jourdan.

Gauremaun, about seventeen years old, stolen from Madorolly, in the Pergunnah Bonarh Mahomed Poor, sold to Ranah Buby, by her to Petit Jaun, and by him to Monsieur Jourdan.

Sury, about ten years old, sold by a Portuguese of Kidderpoor, named Juan Tahkoor, by him to Petit Jaun, and by him to Monsieur Jourdan.

Hannoo, about sixteen years old; a man servant of Petit Jaun's enticed her away; his master brought her away, and put her on board of ship, having sold her to Monsieur Jourdan.

Ranimee, about twelve years old, brought from Serampore by a woman named Noonah, and sold to Petit Jaun, and sold by him to Monsieur Jourdan.

Lugulah, about eight years old, brought from Dana by an Armenian named Crahfelt, by him sold to Rozah Buby, and by her to Monsieur Jourdan.

Hannah, aged eight years; all the account she can give of herself is, that Petit Jaun told her he would make her the mistress of a captain, and sold her to Monsieur Jourdan.

Pieran, about seven years old; she was at a peon's house in Dana, and enticed from thence by a Portuguese woman, who sold her to Petit Jaun, and he to Monsieur Jourdan.

Mary, servant to Monsieur Jourdan.

Sizard. d° - - - d°

Sarvenee, belonging to the other officer.

Boys.

Josee Sylrah, or Harsoo, twelve years old; at his mother's decease, he was left by her with his grandmother, who told him to live with her, and afterwards sold him to Petit Jaun, and he to Monsieur Jourdan.

Jack, four years old, was sold by his uncle to Petit Jaun, who disposed of him to Monsieur Jourdan.

Juggoo, seven years old, sold by his father's directions to Petit Jaun, and by him to Monsieur Jourdan.

Antony, twelve years old, inveigled by a Portuguese, called Jaun Tahkoor, from Dana, and by him sold to Petit Jaun, and by him to Monsieur Jourdan.

Pidroo about twelve years old; he was brought from Dana, in a boat load of children for sale, by a Portuguese woman, name unknown, now residing in the China Bazaar, Calcutta; he knows her residence.

Meinnooally, about six years old, and Tom, about ten years, too ill of the small pox, to be brought for examination.

Ratifeah and Tom, belonging to Monsieur Jourdan.

Pedro, belonging to the other officer.

Kedgerree, 14 April 1791. (signed) *W. N. W. Hewett, M. H. D.*

Copy of the Deposition of George Wheatley, of Kedgerree, taken the 14th April 1791.

N° 15

This is to certify, that I, George Wheatley, of Kedgerree having been informed by several persons that there is a vessel under French colours now lying in these roads, with a number of slaves on board, and that a sloop under the same colours, of the name of St. Esperance, commanded by Andre Barney, is on her passage down here with upwards of twelve slaves on board, and that the captain and mate of the vessel now here has come on shore, and wished me to procure two large boats to go to Chandernagore, which I really suppose for the purpose of conveying the above slaves to that place. The whole of the above information I sent to W. N. W. Hewett, Esq. magistrate of Hidjeelee, and which I hereby declare to be the whole of the truth, to the best of my knowledge.

Kedgerree Road, 14th April 1791. (signed) *George Wheatley.*

Sworn before me, in Kedgerree Road, 14th April 1791,
Signed in the presence of us, (signed) *W. N. W. Hewett, M. H. D.*
(signed) *Peter Gilbrith, Thomas Wilson.*

Earl Cornwallis, Governor General of the Establishments of His
Britannic Majesty in Bengal, at Calcutta.

N 16.

My General:—Circumstances determine me to sell the vessel which I lately Commanded, and my affairs requiring me at Pondicherry, I took my passage in a Moorish

Moorish vessel, and I was verbally entrusted with the conduct of the said ship; Mr. Vialais, freighter of the vessel, reserved the cabin for me, and as it was more than sufficient for my accommodation, as well as my boatswain, I took with me, besides my servants, who were four in number, two women and two men, and two servants of my boatswain, consisting of one man and one woman, twenty-four other people belonging to different Frenchmen. The sole interest I had was nothing more than to oblige the persons who were recommended to me; I was ignorant, really, that so great a number would be capable of acting contrary to the orders of government; I know, nevertheless, that the carrying on the trade was forbid, but I was ignorant that the slaves belonging to divers strangers were liable to be stopped. Mr. Hewett has signified your orders on this subject to me; I have submitted to them, and the black men and women are at his disposal, except my two women and two servants, which he has been so good as to grant me the favour of letting remain with me, and the two servants of my boatswain. You will be so good, my General, as to excuse my ignorance on this subject, and allow the slaves to be returned to their old masters, as the greatest part of them belong to unfortunate people, whose necessities made them send them to Pondicherry, the place of my destination. I look for this clemency from you, and you will oblige him, who has the honour to be, very respectfully,

Kedgerie, 14th April 1791.

My General, &c.

(signed) *M. Jourdan.*

W. N. W. Hewett, Esq. Magistrate at Hedjeelee.

Sir:—I am directed by government to acknowledge the receipt of your letter, dated the 14th instant, and to acquaint you, that as you have received charge of the slaves from the snow, Stisam Low, you are to take proper care of them till further orders, excepting the two boys and two girls, which Monsieur Jourdan declares to be his own servants, and the boy and girl, said to be the servants of another European on board the vessel, these being allowed to remain with their masters, as Monsieur Jourdan has requested.

You will be pleased to inform him that his letter has been received, and that no immediate answer to it is thought necessary.

Council Chamber, 16th April 1791.

I am, &c.

The following letter was received from the magistrate at Hedjeelee, on the 17th inst. and having been circulated, was returned with the orders entered after that letter, and the translations that have been made of its inclosures; the necessary instructions were sent in consequence to Mr. Hewett.

To the Right hon. the Earl Cornwallis, Governor General, and Members,
to the Supreme Council and Secret Department, Fort William.

My Lord and Gentlemen:—Having obtained copies of the bills of lading from Monsieur Jourdan, as well as a list, of the slaves in the vessel with him, I do myself the honour of laying them before you. The children were, I find upon inquiry from them, brought down in puneh ways to Culpee, under the charge of the man named Petit Jaun, and there embarked by him; some of them are of an age and understanding to give material evidence against this man; he is a resident, I understand, of Chandernagore, and a well known character in the line of obtaining and conveying away many helpless children from this country. His apprehension might possibly be effected at some unguarded moment within the jurisdiction of the English government, as I am informed he sometimes comes down to Calcutta.

I have, &c.

Kedgerie, 15th April 1791. (signed) *W. N. W. Hewett, M. H. D.*

P.S.—I have forwarded the copies of the bills of lading, to show that the vessel was cleared out from Calcutta.

Calcutta, 21st January 1791.—Shipped in the name of God, and in good condition, at the port and harbour of this town, by Eust, Vialais and Company, on account and risk of Monsieur Tonqueraux, on the vessel named "Stisam Low," commanded by the serang, Pouna Malla Mamlore, to take and carry, God assisting, to Pondicherry, and consigned to the said Sieur Tonqueraux, for whom the goods and merchandize hereafter mentioned and marked are, that is to say: [Here follows the specification of the value and marks of the cargo, consisting chiefly of rice in bags and bale goods, as chintz, handkerchiefs, threads, and some wax candles.]

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N° 20.

In circulation for orders, a letter and its enclosures received this morning from the magistrates of Hedjeelee. (signed) *E. Hay*,

Council Chamber, 16th April 1791. Secretary to Government.

P. S.—No answer has yet been received to the letter written yesterday, on the subject of the above, to Colonel Canaple.

Mr. Stuart:—The slaves having been delivered to Mr. Hewett, that gentleman should be desired to take proper care of them till he receives the further orders of the Board, which will be passed on receipt of C. de Canaple's answer to the letter written to him yesterday. Agreed, *P. S.* (signed) *W. C.*

Read a translation of a letter from Colonel de Canaple.

The Honourable Charles Stuart, President of the Supreme Council.

N° 21.

Sir:—You would have been informed by me before this time of the particulars of what you had the goodness to communicate to me, if at the same time that I was apprised of it (the night before last), I had not received the most positive assurance that the slaves, to the number of thirty, had been stopped by Mr. Hewett, magistrate at Hedjeelee, I consider therefore these slaves as being in charge of an officer of your government, and consequently as having regained their liberty.

I have not any information of the aggravating circumstance of thirty of those people being drowned.

I shall make the most particular inquiry into this affair so interesting to humanity, and will give to your government all the satisfaction that may be in my power.

I hasten to reply to your letter, and to-morrow morning I will concert with you the most efficacious means of stopping this evil in future, because I think the principal object is to prevent it from again occurring.

Receive in the mean time the assurance of my gratitude for the opportunity you have given me of preventing a bad action. I have, &c.

(signed) *Canaple.*

Agreed, That the subject of the above letter, and those preceding it, from the magistrate at Hedjeelee, be taken up at the next meeting.

Extract, Bengal Foreign Consultations, 27th April 1791.

N° 1.

Read, a letter from the Magistrate at Hedjeelee.

To Edward Hay, Esq. Secretary to the Government, Fort William.

Sir:—I do myself the honour to acknowledge the receipt of your letters of the 13th and 16th inst. Agreeably to the instructions in the latter, I have kept charge of the children landed from the vessel *Stisam Low*, and shall take every possible care of them till further orders. I communicated to Monsieur Jourdan the latter part of your letter of the 16th instant. I do myself the honour to enclose you a copy of a letter which I received on the 19th instant from Monsieur Jourdan, in which he states the vessel to be under Moor colours, and himself a passenger only. He has, I understand, proceeded to Calcutta. I am, &c.

Contar, 21st April 1793.

(signed) *B. A. W. Hewett.*

(Copy.)—J'ai l'honneur de souhaiter le bon jour à M. Hewett, et de le remercier beau coup de la complaisance qu'il a à mon égard. Quant à ce qu'il me demande, je croyois avoir eu l'honneur de lui dire que le bâtiment étoit *Maure*, et que je n'étois que passager à bord, n'étant chargé de rien. Son très humble serviteur,

19 Avril 1791.

(signé) *Jourdan.*

Extract, Bengal Foreign Consultations, 6th May 1791.

READ again the letters from the magistrate at Hedjeelee, dated the 14th and 15th ult. and recorded on the proceedings of the 20th ult. Also Colonel de Canaple's letter of the 17th, entered in the consultation of the 20th of last month.

Ordered, That the magistrate at Hedjeelee be directed to send to the superintendent of the police for the town of Calcutta, the slaves that were removed from the snow, *Stisam Low*, and are now under his charge.

Ordered, That information thereof be sent to the superintendents of the police, that they be directed to take care of the people, endeavour to ascertain who are their

their parents, or nearest relations, and having done so, take the proper measures for restoring them to their families.

Ordered further, That the superintendents of the police be furnished with a copy of the letter from the magistrate at Hedjee, dated the 14th ultimo, with copies of its enclosures, viz. the deposition of George Wheatley, of Kedgere, and the list and description of the children disembarked from the snow, Stisam Low, and that the superintendents, as soon as they have completed their inquiries relative to the slaves, do lay before the Board the result thereof, and after consulting the Company's attorney, report to government the proper steps to be taken, and the names of the offenders under the proclamation bearing date the 22d July 1789, against whom, a subject to the authority of this government, and to the jurisdiction of the Supreme Court of Judicature, it will be necessary to proceed to support the intents and purposes of that proclamation, and to make due examples of those who may be proved to have violated the same.

Ordered, That the master attendant do make immediate inquiry for the serang, Ponna Mulla Mamlore, and if he belongs to this port, advise the superintendents of the police, where he may be found, that he may be examined touching the slaves who were delivered from the snow, Stisam Low, under his command, and treated as the law directs.

Ordered further, That the master attendant do make inquiry after the native pilot who was conducting the said vessel out of the river, and if it shall appear, on his examination before the superintendents of the police, that he knew or believed the natives above mentioned to be slaves, the master attendant is to declare the privilege of piloting to be taken from him for ever, and to cause his name and offence to be registered in the books at Banksaul.

Extract, Bengal Foreign Consultations, 27th May 1791.

READ the following petition of Rady Gomastah, for Vencantah Ramadoo, owner of the snow, Shree Ramroo.

To the Right hon. Earl Cornwallis, K.G. Governor General in Council :

The humble Petition of Rady Gomastah Ramadoo, owner of the snow Shree Ramroo, Serang, Polnah Ramdoo,—

Humbly sheweth,—That your petitioner, on the 1st March, freighted the snow, Shree Ramroo to Mr. Vialais, merchant, from Calcutta to Pondicherry, at the rate of one rupee six annas per bag; that the said Mr. Vialais paid ten annas of the freight here, and the remaining six was to be paid at Pondicherry. That when he freighted the vessel to Mr. Vialais, it was an express stipulation on the part of Mr. Vialais, that a Frenchman, who had been captain in Mr. Vialais' employ, should go on board, who was to take charge of the vessel and navigate her, but was to have no wages, only a cabin and passage.

At a subsequent period Mr. Vialais applied to the petitioner, to take on board two other Frenchmen, which was agreed to, without any freight being charged for either of them.

In consequence of the above agreement, the three Frenchmen embarked, and took with them four black girls and two boys.

The serang complained to the petitioner, that these girls and boys were sent on board without any order or freight being allowed for them, on which your petitioner applied to Mr. Vialais, when the said Mr. Vialais insisted that they should go, as being servants of the captain, and no allowance was made, either for passage money or other indemnification.

All this the petitioner acquiesced in, as he considered the vessel as solely at the service of Mr. Vialais and the French captain, as the person who had not only the charge of navigating the ship, but the care of the cargo; for although the serang signed the bills of lading on the part of the owners, yet all the letters and other papers were delivered by Mr. Vialais to the European.

On the 28th March the vessel left Calcutta, and arrived in four days at Culpee, when, by order of the French captain, they came to an anchor; there they continued at anchor four days, under the pretence that the French captain's baggage was not arrived from Calcutta; on the fourth day, two punchways came along side, with about twenty-four slaves; the serang objected to taking them on board, as neither he nor his owners had any intimation of slaves coming on board; an altercation took place, when the French captain said, that he had a right to do as he pleased,

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and that he had bought the vessel; and afterwards beat the serang, as can be proved by all the ship's crew.

On the opposition from the serang, the French captain ordered him to weigh anchor and drop down the river, and dispatched the boats with the slaves as before, under the charge of one of the two Europeans who was recommended to be taken as passengers on board, by Mr. Vialais; this was done privately, because the petitioner understands that the French captain was afraid of giving an alarm, having beat the serang, as several ships lay in the vicinity.

The vessel proceeded to Barratuley, when the French captain ordered him to come to an anchor; the boats came alongside with the slaves, and were taken on board, and the European who had the charge of them returned to town. The serang, after his former beatings, not wishing to incur another (by opposing the captain) from these, they proceeded to Talpathy.

When the black pilot was sent on shore by the French captain with his linen to get washed, he ran away, owing to the French captain having threatened to carry him off to Pondicherry; on the pilot not returning, the French captain ordered the serang to go on shore and bring off the pilot, and threatened to flog him if he did not find him; whenever the serang got on shore he immediately made his escape, and came to town and informed the petitioner of all the particulars; the petitioner took the serang with him to Mr. Vialais, who desired he would return to the vessel; assured him that both the French captain and the slaves should leave the vessel, and that he should not be flogged, giving him a letter at the same time to the captain; the serang made all the haste he could by land to Talpathy, but did not find the vessel, as she had returned to Calcutta; the serang immediately returned to town and delivered the letter he received back to Mr. Vialais.

It is necessary to observe, that the French captain, four days after the slaves were taken out of the vessel by order of government, procured a pilot, and returned to town with the vessel, without any orders either from the petitioner or the serang; another convincing proof that the captain had the command of the vessel.

All the above circumstances the petitioner is ready to produce his witnesses to prove.

Mr. Vialais now threatens the petitioner with a prosecution to return the freight and for damages, under the pretence that unnecessary delays had been occasioned in the river, and that the serang left the vessel instead of proceeding to sea, and has actually received a summons to answer to such suit, although the petitioner offered to have the matter in dispute to be decided by arbitration, which Mr. Vialais refused to do.

As your petitioner is a stranger in this country, and acting for a person residing in the Circars, he throws himself upon the protection of government; and that as his serang did, in conformity to the laws, refuse to take the slaves out of the country, and also did as soon as possible make his escape to give the information of slaves being on board.

The petitioner entreats that the Governor General and Council will order a strict investigation into this business, that those that are guilty may be punished. The petitioner is ready to attend, as also the serang and ship's company are ready to attend, and will submit to any punishment that it is found they may deserve, on being proved to be any ways accessory to the taking slaves out of this country.

The inquiry now requested is a justice due to the innocent. The petitioner's bread, and that of the serang's, depend on the result; for without their innocence meeting with a public acquittal, their master will consider them as accessories to the receiving the slaves on board, contrary to the laws of this country, and dismiss them.

Your Lordship must be sensible how inadequate the petitioner is to contend with an opulent merchant; the whole value of the vessel and freight will not be sufficient to defend one cause, however just.

But if on an investigation it is found that the petitioner and his people are innocent, he trusts that his cause will meet with the support of government, without which support, the poverty of the Tellinga people must compel them to submit, patiently, to temporary impositions to avoid greater evils.

But when confident of meeting with protection from government, as in the present instance, that security will encourage them to resist any similar impositions in future.

And your petitioners, as in duty bound, will ever pray.

P. S.—Should any doubt arise on the score of your petitioner's assertions as to the

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the facts stated, and the reason above given for the serang's quitting the ship, your petitioner refers the honourable Board to Mr. Hewett, who will naturally have made every inquiry on his visiting the vessel, and liberating the slaves.

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Ordered, That a copy of this petition for and on behalf of Vencala Ramadoo, owner of the snow Plisan Ramroo, serang per Sarah Ramroo, be sent to the Company's attorney, and he be directed to enter into a full examination of the following points, examining thereupon such witnesses as may be necessary for the purpose, and that his report be laid before the Board without delay:

1st. Whether the detention of the vessel at Culpee four days, as stated in the 6th paragraph of the petition, was occasioned by the order of the French captain, and was against the wish of the serang.

2d. Whether the serang objected to taking on board the 24 slaves brought on the fourth day to the vessel, if he did, what reasons he assigned in support of the objection, and whether the serang was beaten for opposing the reception of the slaves.

3dly. Whether the assertions in the ninth and tenth paragraphs of the petition, are correct.

4thly. Whether, as stated in the 12th paragraph, arbitration was offered by the petitioner, and refused by Mr. Vialais.

5thly. To whom the information alluded to in the 13th paragraph, of slaves being on board the vessel, was delivered by the serang.

Ordered, That the petitioner be informed that orders have been given to the Company's attorney to investigate the subjects of his arzee, and that he is to attend the Company's attorney with his evidences in support of the assertions contained in it, when called upon by Mr. Jackson for that purpose.

Extract, Bengal Foreign Consultations, the 17th June 1791.

Read a letter from the foreman of the grand jury, to Edward Hay, Esq.
Secretary to the Government.

Sir:—THE grand jury have desired me to send you the inclosed, and to request you will lay it before the Honourable the Governor General in council.

N° 3.

I am, &c. (signed) *Herbert Harris*, Foreman.

Grand Jury Room, 16th June 1791.

The grand jury have desired me to represent to the Honourable the Governor General in council, that in the course of their inquiries, they have great grounds for believing, that two persons named Jourdan and Ponselle, have been guilty of taking children from Bengal, with the intention of selling them as slaves, but the grand jury are given to understand by the judges of the Supreme Court, that the offenders, as foreigners, are so situated as not to be amenable to the jurisdiction of the court; they therefore take the liberty of submitting it to the wisdom of the Honourable the Governor General in council to take such measures as he may think proper to bring the offenders to punishment.

N° 4.

The grand jury are informed that Mr. Ponselle is now in Calcutta, and Mr. Jourdan at Chinsurah. (signed) *Herbert Harris*, Foreman.

Grand Jury Room, 16th June 1791.

Ordered, That a letter be written to the foreman of the grand jury, to request that the grounds may be stated on which the belief of the grand jury, relative to the guilt of Messrs. Jourdan and Ponselle, in the instance in question is founded, and that if the gentlemen of the grand jury are informed of the names of witnesses who can support the charge, they will be so good as to signify who those witnesses are.

Extract, Bengal Foreign Consultations, the 22d June 1791.

Read a letter from the Magistrate at Hedjeelee, John Fombelle, Esq. Fort William.

Sir:—Agreeable to the instructions you favoured me with, I beg leave to notify to you my having delivered over charge of the slaves taken out of the vessel Stisam Low, to Messrs Motte and Maxwell, superintendants of police for the town of Calcutta; in number 24, viz. 17 girls and 7 boys. I am, &c.

Contai, 17th June 1791. (signed) *W. N. W. Hewett*, M. H. D.

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Extract, Bengal Foreign Consultations, 29th June 1791.

The Secretary lays before the Board, a letter which he received on the 27th inst. from the foreman of the grand jury.

N^o 1.

To Edward Hay, Esq. Secretary to the Government.

Sir:—In answer to your letter of the 17th inst. I am to inform you, that the petition given to the grand jury, was a copy of the one presented by the serang, &c. of the vessel, to the Honourable the Governor General in council. That the grand jury examined the following witnesses;—The serang of the vessel, the second serang, ditto, the pilot, and Monsieur Vialais. I am, &c.

Grand Jury Room, 24th June 1791. (signed) *Herbert Harris*, Foreman.

Read again the representations from the grand jury, dated the 16th, and recorded on the proceedings of the 17th inst.

Ordered, in consequence of the representation made by the grand jury, that a copy of it be sent to the Advocate General, and that his opinion be consulted,—

1st, As to the means which this government is authorized by any powers legally vested in them to take, in order to bring to punishment both or either of the offenders charged in the representation from the grand jury, supposing them not amenable to the jurisdiction of the supreme court of judicature.

2dly, As the Board desire to have the question tried, and solemnly decided in the Supreme Court, in how far, if at all, French subjects, resident in the Company's provinces, and not in the ancient factories of that nation, are subject to the court's jurisdiction, what steps should be taken to bring the point to issue, by obtaining the court's determination thereupon.

Extract, Bengal Foreign Consultations, 22d July 1791.

Read, a letter from the Advocate General, to Earl Cornwallis, K. G.
Governor General in Council.

N^o 2.

My Lord:—A copy of a representation from the grand jury, to the Governor General in council, having been transmitted to me by your Lordship's directions, enclosed in a letter from the sub-secretary, requiring my opinion on two points therein stated by him, I have the honour to submit my opinion as follows, upon the first point, viz. 1st, "As to the means which this government is authorized by any powers legally vested in them to take in order to bring to punishment both or either of the offenders charged in the representation from the grand jury, supposing them not amenable to the jurisdiction."

I am of opinion, that as the persons against whom the representations has been made by the grand jury, are foreigners, and as the offence which they are charged with, must have been committed out of Calcutta, (otherwise the judges of the Supreme Court could not have informed the grand jury that they were so situated as not to be amenable to the jurisdiction of that court), the members of government can only proceed against them, to bring them to punishment by acting in their capacity of magistrates of the Nizamil, or supreme criminal court of justice, for offences committed in the provinces by natives and others not amenable to the jurisdiction of the Supreme Court, and in that capacity, taking the examination on oath of the witnesses, who charge them with the crime imputed to them; or else by ordering the provincial magistrate of the district in which the offence is charged to have been committed, to take their depositions; for though I am not acquainted with the forms of proceeding by the provincial magistrates in criminal cases, I imagine that their practice is conformable to that of the English law, which requires that an information shall be lodged upon oath before a magistrate, to authorize him to issue a warrant for the arrest of any person who may be charged with the commission of a crime, or a breach of the peace; and that without such information be on oath, he would not be justifiable in issuing such warrant, for the practice of our law is not founded on any local or partial usage or reason, but on the principles of natural justice.

With respect to the second point, viz. "As the Board desire to have the question tried and solemnly decided in the Supreme Court, in how far, if at all, French

“ French subjects, resident in the Company’s provinces, and not in the ancient factories of that nation, are subject to the court’s jurisdiction, what steps should be taken to bring the point to issue by obtaining the court’s determination thereon.”

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I know not of any other method which can be pursued for the above purpose, than for some one of the members of the council to take the depositions of the witnesses in his capacity of a justice of the peace, and to issue thereupon his warrant to apprehend the parties accused, and upon their apprehension to commit them, by a regular mittimus, to the jail of Calcutta. For if the parties accused are neither British subjects, nor employed directly or indirectly in the service of the Company, or of some British subject, and if the offence was not committed within the limits of the town of Calcutta, and factory of Fort William, or the factories subordinate thereto, I apprehend that no one of the present judges would conceive himself warranted in committing him for trial before the Supreme Court; and I think it my further duty to inform your Lordship, that according to the best of my judgment and understanding, neither the Act of Parliament or the charter of justice, which established the Supreme Court, nor any one of the subsequent Acts of Parliament, which affect its jurisdiction, contain any clause or sentence which could warrant the Supreme Court in taking cognizance of crimes committed by foreigners not in the service of the Company, or of some British subject (unless committed within the limits of the town of Calcutta and factory at Fort William, or of some of the factories subordinate thereto), on which could support an argument in favour of such an extension of their jurisdiction.

I hope I shall be excused, if I take the liberty of recalling to your Lordship’s recollection, that in the month of November 1788, a copy of a bill which I had the honour to propose, under your Lordship’s directions, and which had been submitted to the judges of the Supreme Court for their correction and approbation, was transmitted to the Court of Directors, with a request that the same may be laid before Parliament, to be passed into a law, in which bill, by the joint concurrence of your Lordship in council, and the judges, a clause was inserted, to empower the judges of the Supreme Court to exercise both civil and criminal jurisdiction over the subjects of his Most Christian Majesty living within the provinces at large, and not residing in Calcutta, or in any of the six ancient factories specified in the convention made at Versailles, on the 31st day of August 1787, between his present Majesty and the Most Christian King; your Lordship in council at that time concurring in opinion with His Majesty’s judges, that notwithstanding His Majesty, by the said convention, “ had engaged to take measures to secure to French subjects without the limits of the ancient factories above mentioned, an exact and impartial administration of justice in all matters concerning their persons or properties, or the carrying on the trade in the same manner and as effectually as to his own subjects,” the Supreme Court was incompetent to hold jurisdiction over Frenchmen so situated without the delegation of further powers from Parliament, to enable them to do so.

I have, &c.

Calcutta, 16th July 1791. (signed) *T. H. Davies*, Advocate General.

Minute of the Board, 16th July.

Advocate General:—The Board observe, that the person mentioned in the representation from the grand jury, which occasioned the reference to the advocate general, for his opinion on the two points stated in his letter, are named Jourdan and Fousselle, who were believed by the grand jury to have been guilty of taking children from Bengal, with intention to sell them as slaves.

N° 3.

The grand jury, understanding that one of these two persons, M. Jourdan, is at Chinsura, it will be proper that the superintendents of the police should be directed to give notice to government, as soon as M. Jourdan comes to this place, whenever that may happen.

The expediency, in the present instance, of enforcing the orders of government in the strictest manner, makes it proper that the most effectual means should be taken to bring the offenders to punishment. It appearing, however, from the representation of the grand jury, that neither of the parties charged with the crimes is subject to the jurisdiction of the Supreme Court, and that one of the alternatives suggested in this case by the advocate general must be necessarily adopted, the Board give the preference to that which recommends that the provincial magistrate of the district,

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district, where the offence is charged to have been committed, shall examine and take the depositions on oath of the witnesses who can give evidence on the occasion.

Ordered, therefore, that the offence charged to M. Jourdan and Mr. Fousselle, either as the principals or parties, be laid before the magistrate of Hedjeelee, within whose jurisdiction it was committed, and that he be furnished with copies of the following papers :

Copy of a letter, dated the 14th April 1791, from the magistrate at Hedjeelee, and its several inclosures, recorded on the proceedings of the 20th.

Copy of a letter, dated the 15th of April 1791, from the magistrate at Hedjeelee, and the papers inclosed in it.

Copy of a petition from Rady Gomastah, for and in behalf of Vencatah Ramado, owner of the snow Shree Ramroo, received and recorded on the 27th May 1791.

Copy of a letter from the Company's attorney, dated the 6th, and recorded on the 8th of June 1791.

Copy of a representation from the grand jury, dated the 16th, and recorded on the 17th June 1791.

Copy of a letter from the foreman of the grand jury, dated the 24th, and recorded on the proceedings of the 29th June 1791.

Copy of a letter from the superintendents of the police, dated the 1st July 1791, with copies of its inclosures, recorded on the 6th of the same month.

Ordered, That Mr. Hewett, the magistrate of Hedjeelee, who is at present at Calcutta, be desired to take the evidence on oath of the persons mentioned in the letter from the foreman of the grand jury, viz. the serang of the vessel, the second serang of the vessel, the pilot, and Monsieur Vialais, and to transmit the depositions of each, as soon as they are respectively taken.

Ordered, That the magistrate at Hedjeelee be instructed to transmit, as soon as he has closed the inquiry, all the papers, and his proceedings in the course of it, to the Governor General in council; distinguishing, in his report, how far the evidence adduced applies to Mr. Jourdan, and how far to Mr. Fousselle.

The honourable Mr. Cochrane is security for the appearance of Ponna Mollah, the serang, before the superintendents of the police, when he shall be called upon, which should be done when the magistrate wishes to examine the said serang, and the superintendents of the police will produce him to the magistrate.

Inquiry must be made for the second serang, who will be brought before the magistrate by the superintendents of police when required, and they will also produce the pilot Azeezoolah, who is now in confinement under their charge.

M. Vialais resides in Calcutta.

Ordered, That a copy of these resolutions be sent to the magistrate of Hedjeelee, and that the necessary directions, on the subject of them, be given to the superintendents of the police.

Extract, Bengal Public Consultations, 3d February 1792.

Read a letter from the Superintendent of police.

N° 37.

My Lord :—I beg leave to inform your Lordship, that I have disposed of the boys and girls who were placed under the care of this office, by restoring some to their friends and relations, and providing proper employment for others, and that the expense of their maintenance will cease from this day. I enclose a statement of the charge hitherto incurred on this account, and request that your Lordship will be pleased to order the civil paymaster to pay the amount. I have, &c.

(signed) *G. C. Meyer*, Superintendent.

Police Office, 20th January 1792.

Charges for the maintenance of the Boys and Girls under the care of the Police Office.

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1791.	October - - -	Their diet at 1 ½ rupee per day - - - -	46	8	-		
		House rent - - - - -	3	8	-		
	November - - -	Their diet at 1 ½ rupee per day - - - -	45	-	-	50	- -
		House rent - - - - -	3	8	-		
		Blankets - - - - -	17	-	-		
	D°	Their diet at 1 ½ rupee per day - - - -	46	8	-	65	8 -
		1 House rent 15 days - . - - -	1	12	-		
		Another d° 15 „ a' 7 p' month - - - -	3	8	-		
		A Durwan's pay 15 d° a' 4 d° - - - -	2	-	-		
1792.	January - - -	Their diet for 20 days - - - - -	30	-	-	53	12 -
		House rent d° a' 7 p' month - - - - -	4	10	8		
		Durwan's wages a' 4 d° - - - - -	2	10	8		
						37	5 4
		Siccas - - - - -				206	9 4

(signed) G. C. Meyer, Superintendent.

Ordered, That the account be passed, and paid by the civil paymaster.

Extract of a letter from the Court of Directors to the Governor General in Council of Bengal, in the Foreign Department, dated 25th April 1792.

Letter from the Government, dated 17th August 1791, (18, 19) concerning an officer of a French merchant vessel, offering several inhabitants of the Andamans for sale.

Par. 19.—We have read Captain Light's letter of the 1st of April 1791, concerning the offer of Monsieur St. Croix, an officer of a French merchant vessel, of some natives or others, from the Andamans for sale, and approve of your having caused copies of it to be sent to Europe to Colonel Montigny.

(21 to 24) concerning a French vessel being at Kedgerree, with a number of slaves on board, and a sloop expected with an additional number.

Par. 20.—Your proceedings relative to the slaves on board the French ships at Kedgerree, have met with our entire approbation.

PROCEEDINGS in 1791, respecting one of the Company's Chaplains, suspected of taking a kidnapped native of Bengal to St. Helena, and selling him there as a slave.

(For other cases of natives of India sold into slavery at St. Helena, see the St. Helena Papers.)

Extract of a letter from the Governor General in Council of Bengal, to the Court of Directors in the Public Department, dated 25th Nov. 1791.

Par. 133.—OUR consultations of the dates annexed, contain the orders we have issued upon a paragraph of a letter from St. Helena, which was brought by the Lord Hawkesbury, representing an instance of very reprehensible conduct in the Reverend Mr. Carr, while he resided at that place. Mr. Carr's answer to the complaint, and the resolutions we came to in consequence, to liberate the slave, improperly sold by him, will be sent to St. Helena, by the ship under despatch.

Cons,
7th October.
26th d°

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N^o 2.

Extract, Bengal Public Consultations, 7th October 1791.

Island St. Helena. — The following were presented to the Board by John Richmond, alias John Cammedy, &c. &c.

To the Worshipful Robert Brooke, Esq. Governor, &c. Council, St. Helena.

Worshipful Sir and Sirs:—Struggling to the best of my abilities, for a length of time back, to obtain that liberty of which I was most unjustly and cruelly deprived by the Rev. Mr. Carr, formerly chaplain of this island, (now, I understand, in the honourable Company's service in Bengal), I find myself at length necessitated to apply to your honours to intreat for your interference in my behalf. For want, perhaps, of sufficient proofs, my story was not formerly attended to; but the accompanying letters, with the concurrent testimony of the gentlemen under whom I serve, will now, I trust, prove that I am no impostor, but that my complaints were and are well founded, and that I have a just right to that freedom of which I have been so long robbed. However, that this matter may be put out of all manner of doubt, I consent to remain in servitude with Mr. Wright, until the result of an inquiry in Bengal be known, when, if my story is true, I trust I shall not only receive my freedom, but be permitted to return to my father and my native land; if false, let me be punished as I deserve.

What I want to have secured to me is, that if I am entitled to my liberty, I may have it, whether my father chooses to remit, or is able to do it or not; for in such case surely Mr. Carr will be obliged to do me all the justice it is now possible in this case for him to do me.

St. Helena, May 1791.

(signed)

John ^{his} ~~X~~ Cammedy.
mark.

Island St. Helena.—Britannicus Alexander Wright, Esq. came before me this day, and made oath upon the Holy Evangelist, that John Richmond, alias Cammedy, was purchased by him for fifty pounds sterling, of the Rev. Mr. Robert Carr, formerly chaplain of this island, without any other form than what was customary between persons of character in such cases. This deponent further maketh oath, that he, Richmond, alias Cammedy, informed him, and repeatedly complained that the said Rev. Mr. Carr had sold him without his having any right or title whatsoever so to do, and that the said deponent desired him in consequence to write to Bengal, and that the letters received from thence, the one directed to said Richmond, the other to himself, corresponded in substance with the story told him by Richmond, and that Richmond, alias Cammedy, has been a faithful and good servant to him, and he believes him an honest man.

Sworn before me, this

30th May 1791.

(signed)

R. Brooke.

(signed)

B. A. Wright.

Mr. John Richmond, per favour of Mr. Wright, at St. Helena.

My poor unfortunate boy John,—I have duly received your letter, which fully informs me of your disagreeable situation. I am extremely sorry Mr. Butler has behaved in this cruel manner; he had not my orders to sell you; it never was my intention you should be a slave to mankind. When I heard of it, I wrote to Mr. Butler about his cruel proceedings, and desired he would write to Captain Carr to write to his brother to release you; he wrote to me you were very well, and had children, and did not wish to leave them; however this did not satisfy me. I had an opportunity of seeing Captain Carr here, and begged of him to get you off that disagreeable place; he gave me his word and honour he would, and I gave him a fine boy, in order that he might get you released. I am surprised he has not; he promised me to pay the gentleman whatever he paid for you to his brother. Now as things have so happened, you must give my humble respects to your master, and tell him how you as well as myself have been served, and I make no doubt but he will agree to release you, on condition I pay him what he gave for you, and allowing twenty-five per cent upon his money; he being a gentleman, he will never refuse a thing of this kind; if he agrees, let me know without loss of time, and I will remit him the money, or pay it to any gentleman here of his acquaintance. I beg you will behave well to your master, and always be faithful; that is the way to gain his affection; he must feel for you when he hears your hard case. I should have

sent

sent you a small present had I been in Calcutta, but I am now at Patna, and had no opportunity of getting a friend to take it to you. Pray let me know how you are used, and how I may be able to serve you. Depend I am still your father and friend.

I am, &c.

Patna, 15th February 1787.

(signed) *W. A. Cammedy.*

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To B. A. Wright, Esq. at St. Helena.

Sir:—I have to hope you will excuse the liberty I take in writing to you on a subject, which I hope will not be anywise disagreeable to you; and as I have already experienced your humanity, by the contents of my poor boy's letter, dated the 5th May 1789, whercin you really seem to lean towards freedom and liberty. I therefore hope you will coincide with my request, which is to draw on me for the amount you paid for my boy; you may draw in favour of any gentleman here, and I will honour the draft. I must likewise beg your pardon for intruding on you with my hard complaint respecting my boy. I will take the liberty to inform you how I have been used, and leave you to judge whether or no it was just in any man to leave or sell a person who was not his own. Captain Carr requested of me to let my boy John go to England with him, and he would take great care of him, and would bring him safe back to me; the captain being an old shipmate of mine, I did not dispute entrusting my boy with him. I never was more surprised than when I received a letter from my poor unfortunate boy, informing me that he was sold as a slave. You, my kind Sir, may easily judge my situation when I had read the letter. However, it so happened that the captain came to Bengal, and I waited on him to demand my boy; he told me he left him with his brother, and that he would take him to England, and send him out again to me; the captain died in England, and my boy is left a slave. Do, my kind Sir, consider his hard case, and draw on me for the cash to gain him his liberty. I should have sent the boy some few things, but the gentleman who will deliver this letter to you could not wait, my having received John's letters the very day before he went on board. However, if I meet with another opportunity I will send him something. Should you wish to have muslins to the amount of 50 *l.* I will deliver them to any one you please to appoint to receive them. Your kind compliance will much oblige,

Sir, your obedient servant,

(signed) *W. A. Cammedy.*

Calcutta, 18 January 1791.

N. B.—The person who had charge of the above letter carried it by mistake to England, instead of delivering it here.

The Board conceive it their duty to forward a copy of the above application to the Government of Bengal by the first opportunity, as also copies of the letters and affidavit alluded to, in order that proper inquiry may be made in regard to this extraordinary complaint.

The Governor desired that the two following letters might be inserted as an additional information; viz.

To Lieutenant Thomas Greentree.

Sir:—As I understand a sister of yours is married to the person complained of by one Richmond, or Cammedy, who lives with Mr. Wright, I send you a copy thereof that you may see the nature of the complaint, and the danger your relative runs in case the assertions contained therein be well founded, and the affair comes forward to a discussion.

I am induced to take this step, on the supposition that you might possibly wish to prevent the matter from going further, by advancing a sum for the man's liberation, and giving him passage to India, in case he agreed to withdraw his memorial.

You must be the best judge of the necessity or wish of any pecuniary risk on your part in such a transaction, I only afford you an opportunity of judging for yourself in the interest you may wish to take in the concerns of another.

The favour of a written answer is requested.

I am, &c.

(signed) *Robert Brooke.*

28th May 1791.

Robert Brooke, Esquire, Governor.

Sir:—I am much obliged for your polite attention in communicating to me the memorial of the black Richmond; but supposing that Mr. Carr only complied with the usage of the island by selling him as his property, beg leave to decline interfering at all in the business; and have the honour to remain, Sir, &c.

30th May 1791.

(signed)

Thomas Greentree.

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Extract List of the Packet from St. Helena, 5th July 1791

N^o 7.—Papers respecting John Richmond, (alias John Cammedy.)

Ordered, that a copy of N^o 7, be transmitted to Mr. Carr, and that he be desired to transmit an answer to the complaint stated against him in those papers.

Extract, Bengal Public Consultations, 26th October 1791.

Read a Letter from the Reverend Mr. Carr, to J. L. Chauvet, Esquire, Sub-secretary, &c. &c. Public Department, Calcutta.

N^o 25.

Sir:—I yesterday received your letter, together with copies of papers relating to a complaint preferred against me to the Governor and Council of St. Helena, to which I here reply for the information of government here, as directed, that Captain Carr, then commanding the Barwell Indiaman, when he touched at the Island of St. Helena, in the year 1777, left the complainant behind with me as a slave.

That I, considering and verily believing him to be a slave, did follow the usage of the island, and disposed of him accordingly with several other slaves, when I left that island at the close of the year 1781.

That the complainant made choice of his master, as my other slaves had the liberty of doing, and the price agreed on between his chosen master, Mr. A. B. Wright and me, was, to the best of my recollection, fifty pounds, which I received accordingly.

That a period of near ten years has now elapsed; that in the year 1787 or 1786, Captain Carr was again at the Island of St. Helena, commanding the ship Barwell, and consequently the complainant might have applied to him for freedom, had he just pretensions to it; that Captain Carr died in England, in December 1787, and consequently I am bereft of his evidence.

That notwithstanding the above particulars, I am disposed, by the story of the complainant's father, Anthony Cammedy, to pay back to Mr. Wright, the purchase-money, trusting he will make such abatement as ten years service and increased age usually requires in the re-selling of slaves.

That an order for that purpose I enclose with this reply.

I am, Sir, your most obedient humble servant,

Dinapore, 19th October 1791.

(signed) *Robartes Carr.*

Ordered, That the enclosures in the above letter be returned to Mr. Carr, and that he be told that the Board expect that he will enable them to take the necessary measures for liberating the person mentioned in his letter; and that for this purpose, he should transmit to the secretary a draft for 50*l.* on his correspondent at St. Helena, there in favor of the Governor and Council, who will be furnished from hence with the necessary instructions.

With respect to Mr. Carr's conduct in the instance of the complaint in question, it will be a subject of future consideration.

Extract of a Letter from the Court of Directors, to the Governor General in Council of Bengal, in the Public Department, dated 25th Feb. 1793.

Letter from the Government, dated 25th November 1791, (133) complaint against the Reverend Mr. Carr.

Par. 101.—We have read the papers relative to the sale at St. Helena, as a slave, of a native of Bengal, named John Richmond, alias Cammedy, by the Reverend Mr. Carr, upon his quitting that island, and approve of your resolution for requiring of Mr. Carr the return of the purchase money, in order to procure the liberation of the before mentioned person. We find by the St. Helena consultations of the 3d March 1792, that a bill of exchange for 50*l.* has been remitted by Mr. Carr, for that purpose. Could we with certainty have fixed the criminality of such conduct upon the Reverend Mr. Carr, we should instantly have dismissed him from our service, as utterly unworthy of being any longer continued therein. But there appears an evident contradiction in the representation of the father of this person, relative to the original occasion of his son's captivity. In one instance, he accuses a Mr. Butler with having behaved in this cruel manner, asserting that he had not his orders to sell his son. In the other, Captain Carr, late of the Barwell, is solely charged

charged with the fact; and the Reverend Mr. Carr has unequivocally declared that his brother, Captain Carr, when he touched at St. Helena in 1777, left the person before mentioned with him as a slave, and that he considered, and verily believed him to be such.

Par. 102.—It having been stated in the letter to you from the Governor and Council of St. Helena, dated 5th July 1791, that they have heard of other complaints of the natives of Bengal, who were entirely free, having been unjustly sold on that island, we direct that you cause an advertisement to be issued for the discovery thereof, and that you take the most effectual means for liberating such as may be under this unfortunate predicament; and for putting a stop to a practice so disgraceful to humanity, reporting your proceedings thereon, for our information.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors, in the Public Department, dated 12th August 1793.

Letter to Bengal, dated 25th February 1793. (Par. 102.) Direct that an advertisement may be published for the discovery of any other natives sold on the island as slaves, that the most effectual means may be taken for liberating them, and instruct us to report our proceedings for your information.

Par. 57. Your orders on this point, were strictly attended to; and an advertisement was issued accordingly. Should any future discoveries be made of a traffic so disgraceful to humanity, we shall not omit to take the necessary steps for liberating the unhappy sufferers, and punishing the offenders as they deserve.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors, in the Public Department, dated 18th Aug. 1794.

Par. 42.—The Governor and Council of St. Helena having transmitted to us an extract from your letter to them, dated 6th March 1793, relative to persons sold or given away to be slaves, we consulted the advocate general upon the best means of carrying your humane orders into effect. We inclose a copy of his report upon the reference, and of the proclamation we have directed to be made on this subject, in the English and country languages. We beg leave to assure you, that in every instance, of such offence being brought before us, with sufficient proof of its existence, we shall prosecute the offender as the proclamation holds forth, with a determined resolution to make proper examples, in cases that require them, and as we shall transmit a copy of the advocate general's opinion, to the Governor and Council at St. Helena, we trust that they will use the authority, which it appears that they possess, to take proper notice of so disgraceful a practice at that settlement.

Entered on the Bengal Public Consultation, 8th August 1794.

Enclosure in the foregoing Letter.

In obedience to the commands of the Governor General in council, the attorney for the Honourable Company submits to the advocate general the undermentioned papers, upon a perusal and consideration of which his opinion is requested, "Upon the orders to be given for carrying the Honourable Company's instructions into effect, relative to persons detained as slaves at St. Helena."

A.—Letter from the secretary to the Government to the Company's attorney, dated 23d June 1794.

B.—Extract from a general Letter from the Honourable the Court of Directors, dated 25th February 1793.

C.—Copy of the eighth paragraph of the Honourable Company's Letter to St. Helena, dated 6th March 1793.

D.—Copies of affidavits of several persons, natives of Bengal, who claim their freedom.

3d July 1794.

Jackson, Attorney to the Hon. Company.

Opinion of the Advocate General.

The orders of the Court of Directors have three objects, first, the discovery of cases in which the free natives of Bengal have been sold as slaves at St. Helena; secondly, the liberation of persons so sold; and thirdly, the suppression of the disgraceful and inhuman practice of selling them.

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To attain the first of these objects, the Court has directed an advertisement to be issued here, and I need not observe that the order must be obeyed.

But as the terms and manner of publishing the advertisement are not particularly prescribed by the Court of Directors, it rests with the Government to adopt such a mode of obeying the order, as shall appear most likely to effect the laudable purpose for which it is intended. And in order to give greater weight to the measure, and render it not only the means of discovery but of prevention also, I beg leave to suggest the propriety of issuing a proclamation in the English and native languages, reciting the orders of the Court of Directors, desiring all persons who can give information on the subject, to communicate the same to the secretary of the Government, and strictly prohibiting the future commission of the offence, under pain of the most rigorous prosecution that the law will allow.

The second object of the Court of Directors, namely, the liberation of persons detained as slaves at St. Helena, cannot, I apprehend, be effected under any authority here, but must be accomplished by the government of that island. And I do not see any difficulty which ought to prevent that government from setting at liberty and sending to their native land, the unhappy persons mentioned in the proceedings at St. Helena, which accompany this case, or any others in the same situation.

The law will never presume that any human being is a slave, but will hold to the strictest proof those who claim one of their own species as their property, and although I fear the truth is, that the laws which still obtain among the natives of these provinces, acknowledge a right of buying and selling certain description of persons as slaves, yet I conceive it incumbent on all who in any particular case rely on that right, to shew, by strict and full proof, the existence of the law which subjects to slavery the person claimed as a slave, and how, when and where, such person first became a slave according to that law. At St. Helena such proof cannot, I am persuaded, in any one case be given, and without it I am of opinion, even though it should appear that such native was sold or given away as a slave at that island by the person in whose service such native arrived in the island, he cannot be held in slavery.

The government at St. Helena is in my opinion invested with sufficient legal power to liberate such persons as are detained without due proof of the right to detain them as slaves; and that power the government at St. Helena is, I think, bound by law to exercise. But if the government at St. Helena should in any particular case refuse to liberate a person entitled to be liberated, a remedy cannot be obtained in any court of justice in India, St. Helena not being within the jurisdiction of any such court, the remedy must be sought in England.

To put an end to the practice of selling the free natives of India as slaves at St. Helena, which is the third object, it will, in my humble opinion, be advisable for the Governor General in council not only to direct that criminal prosecutions or civil actions should be instituted here against such persons as are amenable to the jurisdiction of the Supreme Court, and against whom sufficient evidence can be obtained, but also to require all persons, in whose service natives shall hereafter embark from hence, to give security against their being sold or given away as slaves.

Whether such a regulation will be sufficient to prevent in future the barbarous practice complained of, or whether any others more adequate to the end can be adopted, it is not my province to determine. But it is necessary I should add, that no criminal prosecution can, I fear, be supported here for the offence of selling a native as a slave at St. Helena, even though the person charged should be a British subject, and within the jurisdiction of the Supreme Court, inasmuch as the offence is not completed within its jurisdiction. If, however, evidence of the facts could be obtained here, civil actions at the suit of the persons sold might, I think, be supported here against persons within the jurisdiction of the Supreme Court, and criminal prosecutions for entering free natives on board ship, with an intent to sell them at St. Helena, might also be supported, and the actual sale at St. Helena proved as evidence of that intention. But even in that mode of prosecuting criminally, considerable difficulties would probably arise, and therefore I am of opinion, that actions are to be preferred to indictments, and that regulations tending to prevent the practice are most likely to be effectual for that purpose, than any prosecutions or suits which may be instituted in this country.

Calcutta, Aug. 3, 1794. (signed) *W. Burroughs*, Advocate General.
(A true Copy) (signed) *C. Shakespear*, Sub-Secretary to Government.

PROCLAMATION.

WHEREAS the Honourable Court of Directors for the affairs of the East India Company, in consequence of information received by them from the Governor and Council at St. Helena, stating that sundry persons, natives of Bengal and other parts of India, had been unlawfully and unjustly sold as slaves at that island, did direct an advertisement to be published in this settlement for the discovery of such persons as had been guilty of the unlawful and inhuman conduct aforesaid; which advertisement was published accordingly, on or about the 9th day of September, in the year 1793, by and under the orders of the Governor General in council: And whereas the said Honourable Court of Directors, by dispatches since received at this presidency, have transmitted further orders on the subject aforesaid, and directed the most effectual measures to be taken, as well for liberating the unfortunate persons detained as slaves at St. Helena, in manner aforesaid, as for putting an end to a practice so disgraceful to humanity; and the Governor General in council has lately received from St. Helena detailed intelligence, on oath, sufficiently showing that some persons proceeding from India to England have been guilty of selling and disposing of several free inhabitants of these provinces, and of other parts of India, as slaves at St. Helena; and the Governor General in council is resolved, by all lawful means in his power, to discover and prosecute to conviction all persons who have so offended, or shall hereafter so offend, and also to suppress so disgraceful and cruel a practice; he therefore thinks fit to proclaim, and proclamation is accordingly hereby made, of the above recited orders from the Honourable the Court of Directors, and also that the secretary to the government at this presidency has been directed to receive and lay before the Governor General in council any information that may be sent to his office, touching any past or future instances of selling or giving away persons as slaves at the Island of St. Helena, and that the commission of such offence is strictly prohibited under pain of the severest displeasure of government, and the most rigorous prosecutions in the courts of law: And it is hereby further proclaimed, that criminal prosecutions for the public offence, and civil actions for the private injury arising from the unlawful sale, or giving away of any person as a slave at St. Helena or elsewhere, in the manner aforesaid, will be instituted here against such persons as are amenable to the jurisdiction of the Supreme Court of Judicature, and against whom sufficient evidence can be obtained to support the same; and moreover, that in future all persons in whose service natives shall embark from Bengal for England, will be required to give good and sufficient security against such natives being sold or given away as slaves at St. Helena, or at any other place or settlement during the voyage to Europe.

Proclaimed by order of the Governor General in council of Fort William in Bengal, this 8th day of August 1794.

(signed) *E. Hay*, Secretary to the Government.

Extract of a Letter from the Governor General in council of Bengal to the Court of Directors in the Commercial Department, dated 8th March 1795.

Par. 80.—We received on the 9th ultimo, from the Company's attorney, a draft of a bond to be executed by persons taking native servants from India, to secure those servants against being sold as slaves during any part of the passage to Europe, and, after determining that the penalty to be inserted in the bond should be one thousand sicca rupees, we gave orders for printing a number of copies of it, which have been executed in every instance that has occurred since the printed copies were received from the press.

Cons. 13th Feb.
and 6th March.

Extract, Bengal Commercial and Shipping Consultations, 13th Feb. 1795.

Read a letter from the Company's attorney, to Colin Shakespear, Esq. Sub-Secretary in the Public Department.

Sir:—The accompanying draft of a bond, to be executed by persons taking native servants from India, having been prepared by me and approved of by the advocate general, I do myself the pleasure of transmitting such draft to you herewith, with my request that you will be pleased to lay the same before the Honourable the Governor General in council for his approbation.

I am, &c.

(signed) *William Jackson*,

Fort William, 9th February 1795.

Attorney to the Honourable Company.

N^o 14.

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The Board approve the draft of the bond transmitted with the above letter, and direct that it be sent to the superintendents of the press, with orders to strike off 300 copies of it immediately, that the engagements it provides for, may be executed by those who take home native servants.

Extract, Bengal Commercial Consultations, the 6th March 1795.

The Secretary referring to the Governor General in council, for orders relative to the amount of the penalty to be inserted in the bonds entered into for the security of native servants proceeding from hence to Europe, against their being sold as slaves during the passage, the Board determine that it should be one thousand sicca rupees.

Extract of a Letter from the Court of Directors, to the Governor General in Council of Bengal, in the Public Department; dated 3d July 1795.

Letter from Bengal, dated the 12th August 1793. (57.) Measures taken for carrying into effect the Court's orders relative to persons sold as slaves at St. Helena.

Par. 10.—We approve of the measures advised in this and in your subsequent dispatch of 18th August 1794, for carrying into execution our orders of the 25th February 1793, relative to persons, natives of Bengal, being sold as slaves at the Island of St. Helena.

Extract of a letter from the Court of Directors, to the Governor General in Council of Bengal, in the Public Department; dated 27th July 1796.

Commercial letter from Bengal, dated 8th March 1795. (80.) Advising their having prepared a penalty bond, to be executed by persons taking native servants from India, to secure those servants against being sold as slaves during any part of the passage to Europe.

Par. 106.—The humane purpose of this bond is sufficient to ensure our approbation of the measure.

PAPERS relative to a Complaint respecting a Slave Girl, seized and imprisoned at Serampore, 1792.

Extract, Bengal Public Consultations, 9th March 1792.

READ a letter from Mr. James Rees to Edward Hay, Esq. Secretary to the Government.

N^o 21.

Sir :—Sometime in the last year I had the honour of addressing a letter to you, in which I imparted to you the illegal and infamous proceedings of the agents or gomastahs of the Zemindars of this place, in seizing a number of unhappy wretches at different times, and carrying them to be sold as slaves to several chiefs or heads of the bawds or harlots and others; and also, for a trifling sum paid to them, will grant, or cause to be granted, a writing, vouching the purchasing and disposing of them; however, since then, the inhuman, nay, I may with more propriety say, infernal trade of human blood goes on briskly and openly, without the least apprehension of being called to an account; for since that period, many more of those helpless wretches have been sacrificed as victims to their rapacity. I will not at present transgress upon your time and patience with a detail of a great number of facts which are, beyond all contradiction, to be depended upon, but I must crave your humane and benevolent attention to the following particular circumstances which recently happened, doubting not that it will merit your serious consideration. Some days ago, an unfortunate girl that was stolen from her parents and country, and sold at Serampore, having evaded the vigilance of her female Cerberus, effected her escape, and reached this place; but while she was endeavouring to get over to Calcutta in the ferry-boat, in order that there she should be protected and noticed as one of the Company's subjects, she was stopped by some peons of one of the cutcheries (for they have here several of them belonging to different Zemindars), and confined according to their usual custom, to make a bargain of her; for if any person should come and claim the prisoner as his or her property or relation, and satisfy the cutcheries' chief pretended charges, &c. for having secured and maintained the prisoners, and peon's fees, &c. then the prisoners are delivered up; but in case, after a certain time being elapsed, none appeared to claim the prisoner or prisoners,

prisoners, or if the cutcherie's harpies think they can make a better bargain, then the prisoner or prisoners fall into the power of the highest bidder. Some days after the said girl's confinement, her cruel keeper, accompanied by some others, came in search of her, and having found the unhappy creature, claimed her as their property, and having previously settled the terms with those aforesaid cutcherie's harpies, the prisoner was formally to be delivered up to the claimants in public cutchery. I being informed of it, and being curious to see how they conducted themselves upon the occasion, repaired thither, and saw the poor helpless wretch in a most pitiful condition, pleading her hard case and the uncommon hardships and suffering that she had underwent, at the same time entreating those hard-hearted and unfeeling villains commiseration, to [sell her to some other persons instead of delivering her up to her infamous and barbarous keeper; but all her remonstrances were fruitless and in vain. I was truly moved at this distressing tragedy before me, and asked the great man whether he would permit me to interrogate the prisoner a few questions; to which he consented. I desired the girl to relate to me her sad tale; she then answered, " That about two years since, herself and two others, her sisters, " were surprised by a gang of ruffians, seized and put on board a boat, carried away " from their native place near Dacca, and sold; that she was brought to Serampore, " and again sold to another of the bawds for the paltry sum of twenty-two rupees; " since then she was compelled to sign a paper in favour of the said bawd, and had " lived one year and several months with her, obliged to work hard by day, " and prostituting herself by night to all comers, for the emoluments of her bar- " barous keeper, at the same time she was most severely treated; that seeing no " end to her miseries, she at last eloped, and came to this place, &c." as related above; upon which I told the pretended great man, that by what she had deposed publicly the helpless prisoner was entitled to the protection of the government, and that he, according to his duty and the positive order of the Honourable the Supreme Council should cause the prisoner to be sent to Kistnagur before Mr. Readfern, who, I had not the least doubt, would afford her relief, as his humanity may judge proper, and her calamitous condition merit; to this he answered, that he was master of the place, and would act as he pleased, either to deliver her up or set her at liberty; I replied, that I had heard and knew many instances of his scandalous and unwarrantable proceedings; and that some time or other he should certainly answer for his unjustifiable conduct; saying this, I came away. Some hours after this, the said Gornastah (named Boirup Chokorputty) sent for me, and said that he had considered my representation, and would not deliver up the girl, although he had received a letter from the Zemindar of Serampore, desiring the said prisoner to be delivered to the bearer, or to pay the money claimed by her, which amounted to 113 S^r R^r; I desired him to shew me the said letter, which he produced, but I did not see in it any signature of the Zemindar, it was only sealed up with a Persian seal; as for the contents, I could not understand a word, it being wrote in Persian characters; therefore I told him that I very much doubted of the Zemindar of Serampore being acquainted with the above particulars, as I knew that most of the Danish gentlemen at Serampore were men of humanity, and the honourable Mr. Bee and the Zemindar himself had rescued numbers of helpless wretches from their unfeeling and cruel masters, and restored them to the blessings of liberty; the said Gornastah informed me, " that if " I chose I might have the girl, upon paying him about twenty sicca rupees for " his pretended charges, fees, &c." I replied, that it was not any other motive than that of humanity, which, as christians and Europeans, we were bound to fulfil, to which they were utterly strangers, that had induced me to speak in her favour; however, I would readily give him and his cursed crew, eight or ten rupees, and to convince him of my assertion, the girl should be free to go or stay where she might think proper; to this he would not agree, and said that the said woman that claims the girl, or some other person, had already offered him a gold mohur, but as he had interrogated the girl, and she was willing to go with me, he therefore gave me the preference; by which discourse, I soon perceived that he expected to make a better bargain with me; my answer therefore was, that as he had said before, he was master of the place, and could act as he liked, it was needless for me to argue with him any further, and then left him. The same day in the afternoon, he sent one of his Jernardars, and repeated the said proposal, and he received such like answer, &c. The next morning, about seven o'clock, I was alarmed by a cry or noise of some person in distress, in the back of the garden where I lived, and soon after a girl, in a most shocking condition presented herself

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herself to my view, entreating my protection. Upon inquiring; I found that it was the same girl, who the villain in order to avoid passing publicly through the village, was forcibly, by blows and kicks, conveying behind the garden, to put in a boat that was ready to receive her; but the poor and unfortunate girl happening to see me near my bungalow, by the greatest effort broke loose from her keepers, and ran into the garden; two or three of the unfeeling ruffians more daring, pursued her, and endeavoured to seize her, but I told them, that as the girl had reached my bungalow, if they attempted to commit any unlawful act, they must stand by the consequence of their temerity, and that by humanity and the law, I was bound to shelter the distressed from their barbarities and villainies, and to procure her relief, which I should certainly do, by sending her up to Mr. Readfern, and representing to him her calamitous situation, and all their wicked and violent proceedings, not only in this particular case, but also in many other instances of their rapine, violent assault, bloodshed, &c. &c. almost daily committed on or against the poor ryots in the Bazaar and elsewhere. The ruffians finding that they could not carry their point retired, but threatened and abused me most grossly, as soon as they got a little way off; shortly after, they being reinforced, returned, and would have compelled me to appear before the said Gornastah (Boirup Chokorputty) however, I told them that I would go to the cutchery when it suited me, for I was not accountable to any of their infamous court, and then, after having finished some homely business, I went to the cutchery to hear what the said Gornastah had to command. He immediately ordered that I must cause his prisoner to be delivered up, or else he would put me in confinement; to this I answered, that I defied him, and to do his worst; for if he should put me to a cannon's mouth to be blown up; I would not deliver up the girl, but should cause her to be sent to Mr. Readfern, &c. as said above.

I then would have returned to my dwelling, but he ordered a number of armed men to surround and detain me, who seized, and in a most opprobrious manner reviled me, and I was detained in the cutcherry several hours.

Being informed that some of Mr. Readfern's Tanadars or Zemindars had lately arrived here upon some business, I caused the prisoner to be delivered up to him, desiring that he would keep her in custody until I should represent before you the whole affair. The said Garnastah finding, after all his efforts, to intimidate me of no avail, then thought proper to dismiss me.

Therefore, Sir, I now most earnestly intreat that you will deign to take cognizance of this scandalous affair, and afford me your assistance to obtain a redress, as also to direct me whether I shall send the girl to you, or before Mr. Readfern I am ready, upon receiving your directions, to appear before the supreme council or to go up to Kistnagur, and to depose concerning the above fact, as well as all other scenes of rapine, roboery, fraud, &c. &c. which are daily practised by those inhuman ruffians, upon the poor harmless inhabitants, many of which acts even exceed the cruelties of that detailed.

In the meantime, I remain with the utmost respect, Sir, yours, &c.

Sulkey, 6th March 1792.

(signed)

James Rees.

Ordered, That a copy of the above complaint from Mr. James Rees, be sent to Mr. Readfern, the judge and magistrate at Kistnagur, with instructions to make a particular inquiry into the circumstances of it, and obtain such redress for the parties who have been injured, as they shall appear to be entitled to.

PAPERS relative to a charge exhibited before the Police of Calcutta, against Captain Quin, of the Nancy grab, by some natives of India, who alleged that they had been taken by him to Acheen, and were there left to be treated as slaves. 1793, 1794.

Extract, Bengal Public Consultations, the 6th September 1793.

Read, a letter, and its enclosure, from the Superintendent of the Police, to the most Noble the Marquis Cornwallis, K.G. Governor General in Council.

N^o 5.

My Lord:—I herewith beg leave to submit to your Lordship in council the enclosed representation of the several people mentioned therein, as taken down in writing by the deputy superintendent of police. The circumstances stated, and the grievances of which they complain, appearing wholly beyond the reach of the function of police, though apparently of very serious nature, I have not thought proper
to

to examine the parties on oath, but to communicate to the honourable Board their simple assertion of facts, and the names of the two captains now at this port (one of whom is very shortly to sail), as evidence in support of those facts; that your Lordship may direct, whether any or what steps should be taken in behalf of the complainants, and the people left behind them at Acheen, who they represent to be in great distress.

I have, &c.

(signed) *James Miller*, Superintendent.

Police office, 5th September 1793.

Police Office, Calcutta, 3d April 1793.

Judsing, havildar; Jagernaut, sepoy; Laul Sing, ditto; Durnee Sing, ditto; Con-nack Sing, ditto; Gopie Sing, ditto; Ram Sing, ditto, and Noyau Sing,—Inform and represent that they, together with forty-two others, of whom twenty were Mussulmen, were sent by Mr. Fairlie on board the *Nancy grab*, Captain Quin, to Acheen, on these conditions, that they were to serve the King of that place for three years; that the havildar was to have 14 rupees per month, and the sepoys were each to have eight rupees per month, and that they were besides to have their diet found them; that Mr. Fairlie paid them four months advance, and promised that at the end of three years, others should be sent to relieve them, and that then they would be allowed to return.

But they state, that after the *Nancy's* arrival at Acheen, one evening Captain Quin ordered them on shore, and said he would go on shore as next day, but that he sailed that night, and they saw him no more; that it is now four years past, and that they have heard nothing of a relief. They further say, that the king began to treat them very ill. He told them they were his slaves; that he had bought them of and paid for them to Captain Quin; that instead of giving them wages and diet according to agreement, he gave them no wages, and what only produced them about 27 seer of rice per month. They further say, that six of them were killed in war; that being in such a state of misery, they all earnestly wished to get away and come back to their native country; and that they who make this representation, made their escape; that four of them got on board the *Rose*, Captain Jackson, and four got on board the *Bridgett*, Captain Butler, who brought them to Bengal.

Captain Jackson says, he heard all the above account from many people at Acheen, and particularly from the shabundar, who is the king's merchant, who told him the king paid for each of the sepoys at the rate of five bancals (250 rupees) each. Captain Jackson is soon to sail.

Captain Butler says, he had the same accounts from many, and particularly from the shabundar. Jud Sing says, that there were thirty-three sepoys remaining at Acheen when he and his companions made their escape; also, that on their arrival here they went to Mr. Fairlie and told him how they had been treated; that Mr. Fairlie gave each of them five rupees, and ordered them to go to their homes. But they make this representation in the hope that their grievances will be redressed, and and that their friends, who still remain in captivity and misery, will be released.

This information taken by

(signed) *John Miller*, Dep. Superintendent of Police.

Ordered, That Mr. Fairlie be furnished with a copy of these proceedings of the police office, and desired to lay before the Board a relation of any circumstances that have come to his knowledge relative to the subject thereof; and,

Ordered, That if the men who have arrived from Acheen be in any immediate want, the superintendent of the police be authorized to make them a small advance of money to relieve it.

Extract, Bengal Public Consultations, 18th November 1793.

Read a Letter from the Superintendent of Police, to the Honourable Sir John Shore, Bart.

Honourable Sir:—Waiting the event of the “instructions which had been sent to Mr. Fairlie, to desire the persons who made the agreement with the sepoys returned from Acheen, to attend at the police office for the purpose of establishing whether such agreement was made with their knowledge or otherwise, so that the material point of difference between their statements be determined” as communicated to me in Mr. Sub-Secretary Shakespear's letter of the 7th ultimo, I have hitherto

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hitherto endeavoured to quiet the minds of those sepoy in the idea that the intimations to Mr. Fairlie of the pleasure of the Honourable Board, might induce the ostensible contradicting parties to come forward for the above quoted purpose.

2.—To this end it became necessary that I should require the constant attendance of the sepoy, and to acquaint them with the cause, not knowing when Mr. Fairlie's people might appear.

3.—The sepoy expressing their gratitude to and confidence in government, for having thus humanely directed an inquiry from which they hoped redress for themselves, and liberty and restoration to their native country for their fellow sufferers; six of the eight have punctually given their attendance as required; two of them having gone into private service before the order for their attendance was announced to them.

4.—Hitherto, however, no person on the part of Mr. Fairlie has appeared, nor any intimation been given to the office of police, that any one would attend.

5.—During ten or twelve days the sepoy waited without expressing any perceptible degree of impatience, but finding that no person appeared to confront them, and declaring that the temporary means of subsistence with which I had supplied them, in consequence of the sub-secretary's letter of the 6th September were wholly expended, they have since become more importunate, and even began to indicate doubts of my having done justice to their case, in the representations I had made to government respecting it, and the information I had given them in consequence.

6.—I at first pacified them with the assurance that I was very desirous the truth should be ascertained, but that I could not again trouble the Governor General in council on the subject, until I had further ground for supposing that the intimation sent to Mr. Fairlie might fail in producing the attendance of the people with whom the agreement appeared to have been entered into.

7.—Such being the present situation of the case, I trust I shall not be deemed guilty of precipitancy in no longer delaying to submit to the Governor General in council the purport of the further representation of those men, in regard to the agreement which was exhibited and explained to them on the 27th September last.

8.—Persevering in their denial of having ever executed that agreement, to the truth of which they all declare themselves willing to make oath, as also of their never having heard of the king of Acheen till after they were at sea, and of their belief till then that they were engaged for the protection of a new place of trade on account of the English, and to be relieved in three years, they urgently asked me how it could be imagined that they would have consented for ever to relinquish their kindred, their friends and native country, merely for the sake of a present subsistence, in order to place themselves under the absolute will of any power, independent of the authority of this government, and who possesses the means of detaining them during the whole of their lives, howsoever anxious they might be to return. This they say they would not have done; and that rather than have done so, they would have submitted to beggary in this country. They also add, that if they had been weak enough to adventure upon such terms, could they have had any idea that such a clause had been meditated, the stipulation contained in the written agreement explained to them on the 27th September, by which they were to renounce all future claim, or means of complaint against the parties with whom they contracted, must have opened their eyes to the dangers they were unknowingly about to encounter, and thereby have wholly prevented the evils which have since befallen them, and their still now more unfortunate subadar and companions left behind them.

9.—These representations they call upon me, honourable Sir, to lay before you, in corroboration of their denial of the authenticity of the English written agreement which has been produced.

10.—They also declare their entire incapability of reading or comprehending what is written in the Bengalee language, and that therefore they were obliged to depend on the explanations which were given to them by Mr. Fairlie's sircar, of the contents of the Bengalee paper, which they before acknowledged to have signed for the receipt of four months wages, and which he told them contained a proviso for their exchange and return at the end of three years.

11.—They again appeal to the two captains, on whose vessels they found the means of escaping from Acheen, in regard to their known or reported condition and treatment whilst there; and, finally, they look up with humble hope for the protection of this government, whose subjects they pointedly claim to be, that the circumstance of their case may be fully inquired into, and taken into consideration.

12.—Having

12.—Having thus, in obedience to the order which I received, under date the 7th of last month, faithfully reported “to the Governor General in council the “result of the further examination,” then “directed to be made,” and quoted as above.

I have the honour, &c.

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Police Office, 15th Nov. 1793. (signed) *James Miller*, Superintendent.

Ordered, That a copy of the letter from the superintendent of the police be sent to Mr. Fairlie, and that he be desired to insist upon the attendance of the persons who made the agreement with these sepoys at the police office, so that the fact of their concurrence in such agreement may be decidedly ascertained.

Ordered, That notice of this resolution be sent to Mr. Miller.

Extract, Bengal Public Consultations, 27th January 1794.

Read Letters and Enclosures from the Superintendent of Police to the Honourable Sir John Shore, Bart. Governor General in Council.

N^o 7.

Honourable Sir :—On receipt of Mr. Sub-Secretary Shakespear's letter of the 18th November last, I communicated to Jud Sing, havildar, and the other sepoys returned from Acheen, the pleasure of the honourable Board, that Ramduloll should be again called upon to attend the office of police, to determine the validity of the English written agreement which had been produced by Mr. Fairlie, as that which the parties therein named voluntarily assented to and executed, for entering into the service of the king of Acheen, but which such of them as escaped from Acheen, still persist in denying all knowledge of.

2.—Some days after, Mr. Fairlie, in a note directed to the deputy superintendent, intimated that his sircar's ill state of health did not admit of his attending the cutcherry, but that when he might recover, he should attend.

3.—Upon my communicating this cause of delay to the sepoys, who almost daily importuned me with a reiteration of their complaint, they hesitated not to declare that this could be no substantial obstacle against the inquiry which had been ordered, because that though Ramduloll might not attend his master at his own house, he held a dufter connah near to the Arminian church, in which he transacted business even before their embarkation in the ship which conveyed them to Acheen, and that this therefore was only an excuse for avoiding an inquiry, which would have established his innocence, or proved the hardships and injuries which they and their companions had, and still do, suffer from his injustice.

4.—Not however deeming it proper to give credit to allegations supported only by a declaration of their opinions, I endeavoured from time to time to quiet their impatience ; but finding myself beset, wheresoever I went, with repetitions of their complaints, and called upon to apprise the Governor General in council of the delay which had taken place in executing the orders which had been given, I could no longer, consistently with the duties of my station, postpone a compliance with their request.

5.—They also demanded of me, that I would submit to the Governor General in council, their representations of the treatment they have met with from Ramduloll, and the circumstances which have passed between him and them since the last order was issued. I thought it necessary, however, ere I agreed to this demand, that they should state whatever they had to represent in writing, to which they readily assented, and a Bengalee writing was accordingly drawn up, stating the facts they declared to, and to each of which, when read in their presence, they were questioned by myself and the subscribing witness, before it was executed by the five sepoys, who were then present.

6.—This writing imports, that they had received due information of the last order which had been issued in regard to the subject of their complaint, and of the delay which had been assigned by Mr. Fairlie for the non-appearance of Ramduloll in compliance therewith. It likewise imports, that about a month ago, some of them went to dufter connah above mentioned, near the Armenian church, where Ramduloll was transacting business ; that he and they had much disputation with each other, but that in the course of this altercation, he advised them to go and take hold of Mr. Fairlie's feet, and of his (Ramduloll's) feet, and he would speak to obtain them half their wages ; but that if this would not satisfy them though they should complain a thousand times, they would get nothing ; that to this they answered, that when their companions were restored to liberty, and the whole of the wages due to all of them were paid up, they would then cease to complain, but never otherwise ;

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otherwise ; and in regard to the misery he had occasioned them, they would leave him to the judgment of God.

7.—The writing further imports, that they had no further conference with Ramduloll at his dufter connah, but that about fifteen days ago, passing by his own house, they saw him from the road, sitt ng in his verandah, but had then no speech with him ; and that on the 14th inst. they went past his house, but not seeing him, they inquired of the neighbours, who declared that they knew nothing of his being in ill health.

8.—They next remark, if Ramduloll had not been conscious of the injuries he had done them, he would have no cause to offer them any ; and in conclusion, they state, that on Wednesday the 15th inst. some of them went to Ramduloll's dufter connah, where they saw him inspecting papers, and that after this, he went to the house of Mr. Blythe, from which, after some stay, he repaired to Mr. Fairlie's, wither they followed him, and desired a hircarra of that gentleman to take notice that Ramduloll was not sick.

I have, &c.

(signed) *James Miller*, Superintendent.

Police Office, 20th January 1794.

(A true copy) (signed) *John Miller*.

The Governor General in council being of opinion that the best mode of arriving at the truth, upon the complaints made by the sepoys who have returned from Acheen, and of obtaining redress for the persons who have been injured, will be by a prosecution in the court ;—

Ordered, That the several papers and representations that have been received upon the subject, be sent to the Company's attorney, and that he be desired to consult the advocate general, and be guided by his opinion in respect to the proper steps to be taken for those purposes.

Extract, Bengal Public Consultations, 3d March 1794.

Read a Letter from Mr. Fairlie to Edward Hay, Esq. Secretary to the Government.

N° 9.

Sir :—I Beg leave to inform you, that Ramduloll, the sircar, against whom the sepoys, who came from Acheen, have complained, is now in some degree recovered, and is ready to attend the police officer, to prove the agreement which he made with them.

I therefore request that the opinion of government may be suspended until his examination takes place ; and have the honour to be, &c.

Calcutta, 1st March 1794.

(signed) *W. Fairlie*.

Extract, Bengal Public Consultations, 19th March 1794.

The secretary acquainting the Board that he has been advised by the Company's attorney, that the sepoys from Acheen, (upon whose complaint, in order to ascertain the truth of it, instructions were sometime since given to the law officers), are in the greatest distress for subsistence ; he is directed to order the attorney do make them the same allowance that was formerly granted to them by the superintendent of the police.

Extract, Bengal Public Consultations, 21st April 1794.

Read a Letter from the Company's Attorney to C Shakespear, Esq. Sub-Secretary.

N° 14.

Sir :—On the 7th day of February last, I received your letter of the 27th of January, with the several inclosures in the list thereto annexed, and conveying to me the commands of the Governor General in council, that I should consult the advocate general, and be guided by his opinion in respect to the proper steps to be taken to afford the sepoys returned from Acheen redress for the grievances they complain of.

On the same day I submitted your letter, and every paper accompanying it, to the advocate general.

On the 14th of March I received yours of the 3d of last month, inclosing copy of a letter from Mr. William Fairlie to the secretary to the government, stating that Ramduloll, the sircar against whom the sepoys from Acheen had complained, was recovered, and ready to attend the police office, and requesting that the opinion of government might be suspended until the examination of the sircar should take place.

This letter, together with its enclosure, I immediately forwarded to the advocate general, in addition to the former papers on the same subject in his possession.

A few

A few days ago the advocate general directed me to make inquiry whether any papers or proceedings had, in this business before the late superintendent of the police, been made over to the present office of the Justices of peace.

I accordingly made application in writing on the subject to Mr. James Miller, the late superintendent, who in answer informed me, that no record of any thing which passed relative to the complaint was made in the book of judicial proceedings of the police office, but that copies of his correspondence on the subject would be found in his official letter book, which he delivered over, with the other documents belonging to his late office, to the office of Justices of peace.

This circumstance I have communicated to the advocate general, and have also suggested to him that there is no specific judicial charge against the sircar, called Ramduloll, before the Justices of peace, they cannot call upon him to answer. In reply to this, the advocate general, considering your letter to me of the 3d of March as a suspension of the orders contained in that of the 27th of January, until the examination of the sircar could be taken, has directed me to submit to the further pleasure of the Governor General in council, whether, by taking the sepoys before the Justices of the peace, and procuring their depositions to be formally and judicially recorded, I shall lay grounds before them for a regular summons to Ramduloll to answer the charges upon oath, or whether I shall previously send for Ramduloll, and take his verbal and extra judicial account of the transaction without oath.

Fort William, 15th April 1794.

I am, &c.

(signed) *William Jackson*, Attorney to the Hon. Company.

Ordered, That the Company's attorney be directed to call upon Ramduloll's sircar, and take his verbal account, without oath, of the transaction between him and the sepoys returned from Acheen.

The Governor General in council, on receipt of Mr. Jackson's report, will determine on the necessity or otherwise of a judicial process against the sircar.

[It does not appear that Mr. Jackson made any further report upon this subject.]

PAPERS relative to the Conviction and Punishment of some Natives of Bengal, who were detected in kidnapping children, and selling them into Slavery, 1794.

Extract Proceedings of the Nizamut Adawlut at Bengal,
the 5th February 1794.

Court of Circuit for the Division of Calcutta, with the Trial of Dannah,
Mussumaat, Luckoo, &c.

To G. H. Barlow, Esq. Register, to the Nizamut Adawlut, Fort William.

Sir:—WITH this, you will receive the futwa of my law officer on the trial (N^o 59.) of the Midnapore calendar of Shazaddee, Dannah, Luckoo and Joraweer Khan, charged with kidnapping children, accompanied with a Persian copy and translate of the record; it was inadvertently omitted in my address to you, under date the 26th ultimo, which was intended to enumerate all the trials referable and included in those transmitted to Mr. Fendall; the mistake has since been rectified, and it is now submitted to the final decision of the court.

2.—To that part of the futwa which respects Shazaddee, equity and humanity alike prompt me to object in the strongest terms. Her crime (which has been fully established, and happily the completion of the bitter consequences it involves as fully defeated), is of a nature to break asunder the tenderest ties, and to consign its innocent victims, either rudely torn, or cruelly seduced from their parents home, to hopeless slavery, to experience in the course of it, too probably, no wages but stripes, no relief but death. Such is the complexion of her guilt. What says the futwa, which, regulated by Mussulman justice, weighs, it would seem, in the same scale of moral turpitude, the stealing of a cur dog and the kidnapping of a child. Thirty-five strokes with a rattan and four months confinement, which if changed to hard labour and imprisonment for life, although still disproportioned to the extent of her offence (indeed, what degree of legal rigour can reach it) might, perhaps, eventually operate to deter others from the practice of similar enormities.

3.—To that part of the futwa which relates to Dannah, I yield reluctantly my acquiescence, because, after making every reasonable allowance for his youth, destitute of protection, and struggling with poverty, I know, certainly, that even under those circumstances, the punishment awarded him is inadequate, but I know not

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how satisfactorily to apportion it; that province, however, finally belongs to supreme authority; it is mine merely to state my opinions freely and conscientiously, when I cannot but acknowledge my insufficiency.

4.—Luckoo and Joraweer Khan stand acquitted, probably, enough; the presumptive proofs against them do not amount to conviction, and positive proofs there are none.

I am, &c.

(signed) R. Bathurst, Acting Sen^r Judge.

Beerbhoom, 24th December 1793.

N^o 13.

N^o 59.—Midnapore, the 12th November 1793.

AT a Court of General Gaol Delivery of Midnapore, holden at Midnapore on the 12th November 1793, before Robert Bathurst, Esq. Acting Senior Judge, and Mufty Abdul Baset.

Shaick Monoohur, Bux Roy, Buxoo senior and Buxoo junior, *versus* Dannah Mussumaat, Luckoo, Mussumaut Shauzaddee and Zorawar Khan, charged with kidnapping children.

Shaick Monoohur, prosecutor, in the presence of the prisoners, stated his charge on oath, as follows :

My son, by name, Guggoo, eight years of age, went to the great Bazaar at Midnapore, at twelve o'clock, to buy some jell paun; he was lost from that place, and upon searching after him, could not be found; some days after, this same Buxoo, junior, informed me that my son was in confinement in the Sepoy Bazaar, and when he calls his father and mother, a woman slaps him in the face; on hearing this, I told Moteeram Cutwall of it, and he brought all of them before the presence.

Bux Roy, prosecutor, in the presence of the prisoner, stated his charge on oath, as follows :

My son, by name Fackeer Roy, went one day for to beg his bread towards the Sepoy Bazaar, when a woman and another person coaxed him with sweet words, took him away, and concealed him in their house; I searched for him every where, both in the Bazaar and lanes, but could not find any traces of him; after that, Moteeram Cutwall seized the prisoners and my son, and brought them to the Cutcherry; on being asked, he said that this same Dannah coaxed away my son, who is about twelve years old.

Buxoo, senior, a child of about years old, represented as follows :

I went to Ally Gunge Haut, when this same Dannah gave, into my hands, two luddoos, a kind of sweetmeat, and said to me, stay with me, and I'll take care of you and give you victuals; having said this, he enticed me away, and gave me in charge of Mussumaut Shauzaddee.

Buxoo, junior, a child of about five years old, represented as follows :

That Dannah coaxed me away, with a promise of giving me victuals and clothing, and took me to the Sepoy Bazaar, and kept me confined in one place, and would not let me go out.

Moteeram Cutwall represented as follows.

On the 20th of September 1793, at 1 pahar 4 guries at night, Buxoo, a boy of about ten years old, inhabitant of Ally Gunge, informed me, and said, that Dannah, a person's name, enticed me away, and took me to the Sepoy Bazaar, where he concealed me in a house where there were four more children. I took an opportunity and have run away, and come here; Dannah took from me two silver ballahs, and a silver necklace (hassellee), on having heard all this, I went to the Sepoy Bazaar, and saw that a sepoy, two women, and the said Dannah and four children were sleeping in one house; at the time I arrived at the Sepoy Bazaar, the door of the house was shut with a tauttee; on making a noise, the sepoy came out of the house, and asked me for what reason I had come at that time of night. I asked, there are three or four children here, therefore I am come. The sepoy said, "What, have you come from the boy's information? If you wish yourself well, go from hence." Nevertheless, I did not go, but said to Monoohur, "Do you call your son by his name, and if he is there, he will answer you;" he called his son Juggoo, and he, on hearing his father's voice, came out crying. I at that time having placed a guard, went to the adjutant, and gave him information; he sent two sepoys along with me. When we went to the place where the children were, and lighted a cheraug, and brought from under the bed three children, where they were placed. We then gave, under the charge of the adjutant, the sepoy and his woman; the other woman, Dannah, and the four children, I brought to the Cutwally guard house.

Dannah,

Dennah, the prisoner aforementioned, represented as follows :

I went to the Bazaar, and saw that the children present were begging in it. I, on seeing them, asked, Have you relations, or are you without father and mother? They answered, We have no one; if any one will take us, we will remain with him. For this reason I took them along with me to Mussemaut Shahzadder, who told me, and gave me four pice for my labour, that if you can find any children any where, bring them and give them to me.

Mussumaut Shahzadder, on being asked, said as follows :

I am to Mussumaut Noor Ichean, woman to Mr. Motte. I came to Midnapore to sell shoes, and remained at the house of Mussumaut Luckoo; there is no relationship between us, but I lived at the house in Calcutta. On being asked, she said, I neither coaxed the children, or kept them; before my arrival, the said Dennah, having brought some children, placed them at Mussumaut Luckoo's house, and she concealed them under the bed. I knew nothing respecting enticing the children. Mussumaut Luckoo aforementioned, on being asked, said, that Dennah used to beg for his livelihood, and was at my house two or three months; after some months I turned him out of my house; I never told him to bring me any children, and he unjustly accuses me, and I do not know when the children were brought. Mussumaut Shahzaddee was at my house four days, but was alone, and I never saw the children along with her during those days; the day that she brought the children, and placed them in the house, I went to the haut; in the evening I returned from it, and having eat some victuals, went to bed, at twelve o'clock at night; the cutwall then came and seized the said Shahzaddee, and brought the children out of the house. I at that time awoke, on account of the noise of the people, and saw the children.

Zorawar Khan, prisoner, on being asked, said, That in the day time I always remain in the lines; at night I take leave and come home to eat my dinner; the night that the cutwall seized Mussumaut Shahzaddee, and brought out the children from the house, I came home as usual to eat my dinner. That night I saw the children and Shahzaddee at my house, and never saw them before that time.

Question. It is the custom, that when one sees an entire stranger in one's house, to ask his history, both of himself and those living in one's house, did you, on seeing her, ask her or your wife's mother her history or not?—*Answer.* I did not ask.

Dennah, on being asked, said, I cannot prove that Shahzaddee told me to bring children, or that she gave me four pice for my labour.

Alif Khan, sepoy, witness, in presence of both parties, gave evidence on oath as follows :

One night, at eleven o'clock, Moteeram, cutwall, went to the adjutant, and said, that at a sepoy's house there are some children; and on my demanding them, he hinders me from taking them. On hearing this, the adjutant sent me to Noor Ally, sepoy, along with the said cutwall for to seize the said sepoy. We having arrived at the sepoy's house, saw that Zorawur was standing at his own house, we asked him why he hindered the cutwall. He said, I did not obstruct him. After that, we took Zorawur to the adjutant. He said, There are thieves at your house, why do you not give them up to the cutwall? Zorawur said, I was on duty, but tonight I went home, and I know nothing of it; after that, I, Noor Ally and the sepoys, together with Moteeram, arrived at Zorawur's house, entered it, lighted a cherang, and upon searching, brought from under the bed and muchaun three children, who were concealed there, and took them before the adjutant, and by his order went back for to bring Mussumaut Luckoo, Shahzaddee and Dennah; when we saw that some men were making a noise, and saying, that there is a child concealed under Mussumaut Shahzaddee's petticoats. On hearing this, we went near her, and brought from under her petticoats a child. After that I took her, Luckoo Dennah, before the adjutant; he placed the sepoy and Luckoo by him all that night, and gave Mussumaut Shahzaddee, Dennah, and the children in charge of Moteeram, cutwall.

Noor Ally, sepoy, witness, in presence of both parties, gave evidence on oath, exactly as Alif Khan.

Moteeram, cutwall, on being asked, said, that in all there were five children, out of them one was a girl, who is dead; the four remaining ones are in attendance

From the foregoing, Dennah and Mussumaut Shahzaddee are subject to *tazzeere*, and Mussumaut Luckoo and Zorawur Khan ought to be released.

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Ordered, That Dannah do receive twenty-five stripes of the tazzeannah, and that Mussumaut Shahzaddee do receive twenty-five stripes of a rattan, and be imprisoned for four months, and then to be released on executing a mochulkah; and that Mussumaut Luckoo and Zorawur be released, on executing a mochulkah; and that Fackeer Roy and the rest of the children be given in charge of their heirs.

(A true translation.) (signed) *Abdul Baset*, Mufty.
(signed) *J. Imhoff*, Registrar.

(signed) *R. Bathurst*, Acting Sen. Judge.

The following is the futwah of the law officers of the Nizamut Adawlut, on the above trial.

N^o 14.

Dannah deserves to receive thirty-nine stripes of the tazzeannah, and that Mussumaut Shahzaddee deserves to receive twenty-five stripes of the tazzeannah, and both of them are to be confined one year longer.

Zorawur Khan and Mussumaut Luckoo are to be released.

(A true translate.) (L. s.) *Mahomed Nujin-ud-deen*.
(signed) *Jas. Stuart*, Assistant. (L. s.) *Ameer Hyder*.
(L. s.) *Mohummud Moshurruff*.

The court, although they consider the punishment to which the prisoners, Dannah and Shahzaddee, have been sentenced, insufficient, yet, in conformity to the regulations, they are under the necessity of confirming the futwah of the law, the sentence passed upon the prisoners by the law officers of the Nizamut Adawlut, and accordingly resolve as follows :

That Dannah and Shahzaddee, having been sentenced by the law officers of the Nizamut Adawlut to be confined for one year, and the former to receive thirty-nine stripes, and the latter twenty-five stripes, with a tazzeannah, the court order, that they be made to undergo the said corporal punishment, and be confined for one year from the 5th February 1794.

Zorawur Khan and Mussumaut Luckoo, having been sentenced to be discharged, the court order that they be released.

The court, taking into consideration the necessity of deterring others from the crime of which the prisoners have been convicted, Resolve, That the punishment be inflicted in the public bazaar, at the magistrates place of residence, and that their crime be at the same time published by beat of tom, tom, and that notification be given in the same manner and by a writing to be fixed up in the catcherry of the magistrate, that the prisoners had stolen three other children, with the names of the children, if they can be ascertained, that the parents and relations may appear and claim them.

That in the event of any persons appearing to claim them, that they require them to prosecute them for having stolen the children.

That the magistrate be directed to take charge of the three children, and maintain them at the public expense, until they shall be claimed by their parents.

EXTRACT from the Proceedings of the Nizamut Adawlut, at Calcutta, 4th Sept. 1794.

N^o 4.

An Extract from the trial of Mirza Abass, Mirza Abdulla Beg, Allahdaad and Shereef Khan, on a charge of murder.

(involving a question as to the admissibility of slave testimony.)

Mr. Grindall's Opinion.

1st.—It is proved by the evidence of Mussumaut Shamburn, Chambelle, Kuddum Khyre, and Sheegofa, and Munglee Jesha, and Govind Ram Gozurbaun Soubaung Sing, and Attamul Kotewall, that the apartments of Hajee Mahomed Cassim in the house of Arab Ally Khan, were attacked, that the wife of Hajee Mahomed Cassim was murdered outright; that Hajee Mahomed Cassim himself died seven days after of the wounds he then received; and that a box and bundle were discovered under the wall, over which it is asserted the thieves made their escape.

2dly.—It is proved by the evidence of Moghloo, Emaum Ally Govind Ram, and Soubaung Sing and others, that when the attack was made and the murder committed, the door leading to Hajee Cassim's lodgings was locked, and that he himself opened it, upon the arrival of the above-mentioned witnesses, after he had been wounded.

3dly.—It

3dly.—It is proved by the evidence of Attamul Kolewall, Moghloo, Emaum Ally, Govind Ram and Sobaung Sing and others, that the prisoners occupy another part of the house of the late Arab Ally Khan, and that the apartments of Hajee Mahomed Cassim are only approachable in a clandestine manner, over the apartments of the prisoners, when the lawful entrance by the door is shut.

4thly.—It is proved by the evidence of Mussumaut Shaumburn, Chambalee and Kuddum Kyre and others, and by the declaration of Hajee Mahomed Cassim himself, taken on oath by the kotewall, by order of the magistrate, that the thieves climbed upon a wall in Hajee Mahomed Cassim's lodgings, by which they ascended to the roof of one of his apartments, and from thence they retired over the roof, to the apartments occupied by the prisoners.

5thly.—It is proved, that besides Hajee Mahomed Cassim and his family, Mirza Abass and the other prisoners and their companions, and the proprietor of the house, Fatima Khanum, daughter of the late Arab Ali Khan and her servants, there were not any other persons in the house.

6thly.—It is proved, that a party of the night patrol arrived, whilst the cry of distress was heard, and others after it; that they immediately surrounded the house of Arab Ali Khan, and stopped every leading into it, and completely prevented the egress of any person from the house.

7thly.—It is proved by the evidence of Attamul Kotewall, Kishna Sing, Govind Ram, and Subaung Sing, that swords, clothes, and a rag were discovered concealed under rubbish, and under beds in the lower apartments of the prisoners lodgings, upon which were perceived evidently, recent stains of blood.

8thly.—It is declared upon oath, by Mahomed Beg, that Mirza Abass, Abdullah Beg, Mahomed Hyaut, and the witness himself, prepared a ladder, and introduced it into their house in a secret manner, and that Callen, a blacksmith, prepared iron instruments of an uncommon make (to which fact the blacksmith has himself given evidence on oath); that the prisoners Abass and Abdullah Beg communicated their design to him, and invited him to become a party, attacking and plundering the apartments of Hajee Mahomed Cassim, a mogul of wealth, who had taken up his abode in Arab Ali Khan's house, and that the prisoners took him upon the roof of their apartments to point out with what ease it might be effected; that upon his refusing to become an accomplice they beat him, and turned him out of the house; and ultimately being apprehensive of his making a discovery of their intentions, they caused his confinement in the Dewanny Jail, on a pretended claim of rupees 400, the price of a horse; the latter declaration of Mahomed Beg is corroborated by the evidence of Abdool Kerim, the vakeel engaged by Abdullah Beg, to prosecute the suit, and also by the absconding of Mahomed Hyaut, in whose name the claim was made, when he heard the prisoner was ordered to be fettered.

9thly.—Jaffer Beg also positively swears that Abass and Abdullah Beg invited him to be a party in the plundering of Hajee Cassim's house, and corroborates the evidence of Mahomed Beg regarding the ill treatment he received from Abass and his companions in consequence of his refusal to become a party in the attack of Hajee Cassim's house, and both the above declarations are strongly supported by the evidence of Fukeer Chund and Joogun Loll, the mutsuddies of Ali Ismael Khan, who undertook to write and forward Mahomed Beg's complaint against Abass, in the Foujdarry Adawlut.

These prisoners being admitted, the possibility of an attack from without, is completely precluded. Hence it is fairly presumable, the attack upon Hajee Mahomed Cassim's apartments, and the murder of him and his wife, was perpetrated by a party of the lodgers then in the house of Arab Ali Khan.

The admissibility of the plea of the prisoners, that the evidence of Mahmood Beg was dictated in malice and resentment, is in my mind completely destroyed by the means; it is proved that the prisoners concerted to keep him out of the way, but however otherwise plausible the plea of resentment on the part of Mahomed Beg may appear, when it be considered the notoriety of the infamous character of Mirza Abass and Abdullah Beg, established in such a body of evidence, and supported by such a variety of circumstantial proofs to the facts of the attack and murder, the admission of the above plea even can have little weight, and the proof of Mirza Abass and Abdullah Beg having perpetrated the murder of Hajee Mahomed Cassim and his wife, appears to me as clear as the strongest circumstantial evidence can establish any fact whatever. With respect to the other two prisoners Shereeff Khan and Allahdaad, it is clearly proved they were the companions of

Mirza

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Mirza Abass, and the latter in a menial capacity; and although it is not proved that they were confederates, or in the secret of the design of Abass and Abdullah Beg, in regard to the attack upon Hajee Mahomed Cassim's house, it is still inferrable from the quarrel which took place between Mahomed Beg and Abass, and the circumstances of it, from the mode in which the prisoners lived and associated together, that Shereef Khan and Allahdaad could not have been privy altogether to what was intended, or the modes of life of Mirza Abass and Abdullah Beg, which are fully proved to be infamous, and that Shereef Khan and Allahdaad, on these grounds, I am of opinion, should be considered as accessaries.

I am therefore of opinion, upon a serious consideration of this trial, that Mirza Abass and Abdullah Beg should suffer death as principals, and that Shereef Khan and Allahdaad as accessaries, should be transported to the Andamans, and be there confined to hard labour for the space of fourteen years.

Patna, 19th August 1794. (signed) *B. Grindall*, third Judge.
(A true copy.) (signed) *R. K. Dick*, Assistant Register.

N^o 5.

The following is the futwah of the law officers of the Nizamut Adawlut.

The murder of Hajee Mahomed Cassim, and of his wife, by the hands of Mirza Abass, Abdullah Beg, Allahdaad, and Shereef Khan, is not proved, because the four defendants deny the fact, and the witnesses are females, whose testimony in cases of kissaans is not admitted. Besides which, Syam Burrun, Chambaly, Shagofa, and Kuddum Khire, are the slave girls of the said Hajee, and the evidence of slaves to prove the right of the master ought not to be admitted; but it appears from the declaration of Koodwut Ullah, a peon of the cutwall, and of Attamul, cutwall of Kissen Chund, a peon of the cutwall, and of Syed Sadie, that a sword and cloth stained with blood, still fresh, recently shed, were taken from the house of Mirza Abass, and that it is practicable to enter the house of Hajee Mahomed Cassim, from the house of Mirza Abass; and that on three sides of the house there is no passage for thieves to enter, and that the lock of Hajee Mahomed Cassim's door was not opened during the tumult; and it appears from the evidence of Mahmood Beg, and Jaffeer Beg, that Mirza Abass and Abdullah Beg, prepared an iron instrument for the purpose of forcing the lock of Hajee's door, and showed a strong inclination to rob him. From these circumstances, a very strong suspicion of this crime falls on Mirza Abass, and Abdullah Beg, and they should both be condemned to perpetual imprisonment.

Mirza Allahdaad, who, from the depositions of Syam Burrun and Chambaly, incurs the suspicion of murder, and of participating in the guilt of Mirza Abass, whose servant he was, and in whose house he was the night of the attack on Hajee Mahomed Cassim, deserves to receive 25 stripes of the tazzeannah, and to be confined five years longer. Shereef Khan, who is suspected on the declaration of Syam Burrun, and who, the night of the quarrel, was at the house of Mirza Abass, whose servant he is, deserves to receive 15 tazzeannahs, to be confined one year longer, and thereon to be released.

(A true translate.) (L.S.) *Ameer Hyder*,
(signed) *H. St. George Tucker*, Assistant. (L.S.) *Mohummud Moshurruff*.

Sentence of the Court.—Mirza Abass and Abdullah Beg, charged with the murder of Hajee Mahomed Cassim and his wife, have been declared by the law officers of the Nizamut Adawlut, liable to be confined for life; the court sentence the said prisoners to be imprisoned, and kept to hard labour for life at the Andamans. Allahdaad having been convicted of being an accomplice in the murder of the deceased, and declared liable to be punished with twenty-five stripes with the tazzeannah, and to be confined five years longer, the court sentence the said prisoner to undergo the above-mentioned corporal punishment, and to be confined for five years from the 4th September 1794, and to be then released, provided he shall find one creditable person who will become security for his attendance whenever it may be required. Shereeff Khan, having also been convicted of being an accomplice with the above-mentioned prisoners, and declared liable to be punished with fifteen stripes with the tazzeannah, and to be confined for one year longer, the court sentence the said prisoner to undergo the above-mentioned corporal punishment, and to be confined one year from the 4th September 1794, and then to be released, provided he shall find one creditable person who will become security for his attendance whenever it may be required.

PROCEEDINGS upon an Allegation of having murdered a Slave Lad, exhibited by a Native Woman, against Lieutenant Nicholas Munnick Arctander. 1795.

Extract, Bengal Judicial Consultations, 13th March 1795.

From Major Scott, Deputy-Adjutant General, to G. Barlow, Esquire, Secretary to the Governor General in Council.

11th March 1795.

Sir:—I have the honour, by direction from the Commander-in-Chief, to enclose to you the following papers.

Letter from the acting brigade major at Danapore, to the deputy adjutant general; dated 30th January 1795.

Paper of allegations against Lieutenant Arctander, mentioned in N° 1.

Proceedings of a court of inquiry assembled by order of Lieutenant Colonel Nicol, commanding at Danapore, to investigate the allegations contained in the paper N° 2.

Letter from the magistrate at Patna, enclosing depositions taken before him in consequence of a desire from the commander-in-chief.

The commander-in-chief requests, that you will lay these papers before the Governor General in council, with his recommendation that they be referred to the advocate general for his opinion. I am directed to mention to you, that Lieutenant Arctander is under close confinement in his quarters at Danapore.

I have, &c.

(signed) *Wm. Scott*, Deputy Adjutant General.

Adjutant General's Office, 11th March 1795.

Major William Scott, Deputy Adjutant General, Head Quarters.

Sir:—I am directed by Lieutenant Colonel Nicol, to transmit to you the proceedings of the court of inquiry held for the investigation of certain allegations mentioned in the paper which I had the honour to transmit to you with my letter under date the 28th inst., which you will please to lay before the commander-in-chief.

I have, &c.

(signed) *James Davidson*, Captain, Act^e Brigade Major.

Danapore, Brigade Major's Office, 30th January 1795.

A woman lately living with Lieutenant Arctander, came to my house during my late absence, and enquired for me; on being asked by my people her business, she said she was afraid of her life, for that Lieutenant Arctander had threatened to murder her; on being asked for what, she replied, that a few days before, a child of a late syce's of Lieutenant A., who had been forcibly detained by Lieutenant A., was in her arm, almost starving; that the child said to Lieutenant A., Sir, give me some milk, and I will dance for you; on which Lieutenaut A. flew at the child, squeezed the throat, and instantly deprived it of life, and had it buried close to his quarters, by some of his people. This was the substance of what was reported to me. I sent for the girl yesterday, but she gave for a reason for not coming, that Lieutenant A. had the main guard, and that she was afraid. The day after, having attended to the Court of Inquiry, I found her on my return to my house; there she related the above story, without variation, and is ready to shew the place where the child was buried. She also declares, that a servant of Captain Coningham saw the transaction, as also two or three others belonging to Lieutenant A. I in consequence waited on the commanding officer immediately, not thinking it proper to delay a moment.

(signed) *Robert Fleming*, Lieutenant.

I do swear, That the above is my hand-writing, and that it is a true and faithful translation of the purport of the evidence given to and stated by me as above; and that no compulsion on my part has exacted the evidence of the aforementioned woman.

(signed) *Robert Fleming*, Lieutenant.

Sworn before me, this 26th January 1795,

(signed) *James Nicol*, Lieutenant Colonel commanding at Danapoor.

Danapoor, Brigade Major's office, 27th January 1795,

(A true copy.) (signed) *James Davidson*, Captain, Acting Major of Brigade.

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Criminal:
N° 13.

N° 1.

N° 2.

N° 3.

N° 4.

N° 14.

N° 15.

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Proceedings of a court of inquiry, held by order of Lieutenant Colonel Nicol, commanding the station of Danapoor, the 27th January 1795.

Major Montague, President.

N^o 16.

Members: Captain Guthrie, Captain Wood, Captain Bradshaw; Lieutenant David Ochterlony, Deputy Judge Advocate General.

The court met pursuant to cantonment orders of yesterday, and being duly opened; Captain Davidson, Acting Major of Brigade, presented the following affidavit to the president and members.

“ A woman lately living with Lieutenant Arctander, came to my house during my late absence, and enquired for me; on being asked by my people her business she said she was afraid of her life, for that Lieutenant Arctander had threatened to murder her; on being asked for what, she replied, that a few days before a child a late syce of Lieutenant A.'s, who had been forcibly detained by Lieutenant A., was in her arms, almost starviug; that the child said to Lieutenant A., Sir, give me some milk, and I will dance for you; on which Lieutenant flew at the child, squeezed the throat, and instantly deprived it of life, and had it buried close to his quarters by some of his people. This was the substance of what was reported to me. I sent for the girl yesterday, but she gave for a reason for not coming, that Lieutenant A. had the main guard, and that she was afraid. This day, after having attended the court of inquiry, I found her on my return to my house; there she related the above, and is ready to shew the place where the child was buried. She also declares, that a servant of Captain Coningham saw the transaction, as also two or three others belonging to Lieutenant A. I in consequence waited on the commanding officer immediately, not thinking it proper to delay a moment.

(signed) “ *Robert Fleming*, Lieutenant.”

I do swear, That the above is my hand-writing, and that it is a true and faithful translation of the purport of the evidence given to and stated by me as above; and that no compulsion on my part has exacted the evidence of the aforementioned woman.

(signed) *Robert Fleming*, Lieutenant.

Sworn before me, this 26th of January 1795,

(signed) *James Nicol*, Lieutenant Colonel, commanding at Danapoor.

In consequence of which, Mydee, the native woman alluded to in the affidavit, was called into court, and says she was a servant to Lieutenant Arctander; that the child was the son of a syce, who had deserted Lieutenant Arctander's service, and gone to Berhampore. That in the course of the day, Lieutenant Arctander had beat the child two or three times; that in the evening he squeezed the child's throat, of which it immediately died.

On being further interrogated, says, the child was about six years of age; that he had ran away; that she was sent with a chit to the line serjeant, but on the road met with the child, and brought him back to Lieutenant Arctander, who at that time gave him two or three strokes of a cane, and put him in a room of his quarters; beat him a second time in the course of the day, and in the evening went into the room, and asked him if he liked beating, on which the boy begged forgiveness; Lieutenant Arctander again struck him, squeezed his throat, and it died. That Mary and Beebun, two women, were present with her at the moment the circumstance happened; that she saw the child fall, and was present during the whole transaction; that the child died about seven o'clock, and that about eight o'clock in the evening it was carried out by Saubdee and Jannoo, and buried in a hole dug by a corporal brought from the stable, over which they put a fowl coop and chest.

The court then proceeded to examine the spot pointed out by the evidence, where they found the appearance of its having been recently dug up and refilled, and from the solidity of the surrounding earth, suppose it to be about two and a half feet by fifteen inches; too small, in their opinion, to admit a child of the age of six years, without being stuffed in.

Saubdee and Jannoo, servants of Lieutenant Arctander, and Mary, asserted by Mydee to be present at the time the circumstance took place, called into and examined by the court, and deny any knowledge of the business; assert that the accuser had told them the boy ran away.

Beebun,

Beebun, a native woman, called into court. Says, that she was present when the boy was brought back. Saw Lieutenant Arctander beat him, and put him into the room with her, Mydee and Mary. That the boy went to sleep, and eased himself while asleep. That Lieutenant Arctander came into the room in the evening; and observing what the child had done, beat him a second time, and by pressing his throat with his hand, strangled him.

Mydee again called into court, and asked, where she was at the burial of the child. Says, she was locked up in the room with Mary and Beebun. That Lieutenant Arctander desired them not to mention the circumstance, and gave the evidence, for Beebun four annas, and Lieutenant Arctander promised her at the same time, two rupees monthly. That on speaking to Lieutenant Arctander, on the subject of the murder, he abused her and told her that he would cut her head off or shoot her. That he had remained near Captain Bradshaw's bungalow for that purpose, a considerable time. That on the morning after the death of the boy, she, from apprehension, left Lieutenant Arctander's house, and immediately went and informed Lieutenant Fleming's girl, Lieutenant Fleming being absent at Purneah. That three days after, Mr. Briggs's boy spoke of it; and Mr. Briggs sent for her, and inquired if it was true, and told her that Lieutenant Arctander had threatened to beat his servant; but that if Lieutenant Ochterlony was at the place, she might relate it to him without fear. That she went to the river side with Mary during the night, about eleven o'clock, and on the road related what had happened to a cansumah of the colonel's, a fowlman, and a centinel, who informed her that the colonel being absent, they could do nothing in the business.

That the cansumah said the sahel's are all one, and as it is against one of them, it will be difficult to get justice.

Chawn Khan, the cansumah above-mentioned, called into court, and denied having any conversation with the woman respecting the death of the child; and on being confronted with her, and her evidence repeated by herself, he still continued to deny that any such thing had taken place.

The fowlman likewise called into court, and interrogated, who also denies any knowledge of her, or any conversation on the subject.

Beebun again called into court, and says, that the child was buried at gun fire; in the morning was taken out by Jannoo at that hour, and that she was locked up during the night, with Mary and Mydee.

The Court adjourn until to-morrow at 10 o'clock.

Wednesday 28th January 1795.—The Court met pursuant to adjournment.

Members present as before.

The Judge Advocate delivered in the following letter to Major Montague, President, and the members of the Court of Inquiry.

Gentlemen,—“ By the orders of the commander-in-chief, I was directed to officiate at a court of inquiry assembled for specified purposes, and on seeing the same court ordered to assemble, though for a different purpose, and my name unmentioned in orders, I still thought it my duty to attend.

“ Permit me now, gentlemen, to suggest to you some doubts which have occurred to me since closing the proceedings of this day, and at the same time to assure you that it is from no desire to shrink from the official duties of the situation in which I have had the honour to be placed by his Excellency the commander-in-chief.

“ A direct charge of murder, a crime only cognizable by civil judicature, has been preferred against Lieutenant Arctander; to establish his guilt or innocence is the object of the court; but I beg leave to submit with earnestness, for your consideration, how far, under such circumstances, this investigation may be proper, or in the least mitigate the situation of the accused, allowing the dubious right of opinion to a court of inquiry; can that opinion free Lieutenant Arctander under so direct a charge, from trial by a civil court.

“ Can he with propriety, whatever may be the nature of the evidence brought before you, be released from the present restraint? I will not scruple to assert my own sentiments, that they should not avail; and that of course the object for which the court is avowedly assembled, is in itself nugatory. The body of the deceased was said to be deposited in a particular spot. To that your inquiries have been directed with the same critical and unbiassed attention, which

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“ has marked your proceedings ; and the consequence of that investigation appears
“ on the minutes. It occurs to me therefore, that the only real noticeable objects of
“ inquiry, has been fulfilled.

“ In pressing these remarks on your serious consideration, permit me to add,
“ that I am well aware you act under orders. That under such sancion, you may
“ proceed in the investigation ; but what may be the ultimate result, or general
“ tendency, I leave to your decision, and shall continue to act under your orders
“ as if no doubt actuated.

Yours, &c.

Danapore, 28th Jan. 1795. *D. Ochterlony*, Dep^t Judge Advocate General.

Which having duly considered, the Court determine to proceed in the investigation, agreeably to the orders of the commanding officer ; and Janno is again called before the court.

Q.—You say that the day the child was brought back, you heard Lieutenant Arctander beating him, and the child cry?—A. I did hear the boy cry, and my master beating him ; I went home in the evening ; the next morning I was told by Mydee, that the boy had run away, and taken her clothes.

Q. What size was he?—A. Describes the child to be about three feet high.

Q. Have you seen or heard of the boy since the day he ran away?—A. No.

Q. How many days after the beating of the boy, did Mydee leave your master's service?—A. About five or six days.

Q. Did you ever hear from her on what account she left him?—A. She was afraid of being beat for telling lies.

Q. What was the lie she had told your master?—A. That a report prevailed among the servants, that he had killed the boy, and buried him.

Q. Did you tell this to your master, or did the woman?—The woman herself, and my master sent me for the people, and Lieutenant Higginson came in at the same time, and during my absence, Mydee disappeared.

Q. What happened when Lieutenant Higginson arrived?—A. The servants declared they knew nothing of the matter ; and on inquiry, it was found that Mydee had absconded.

Mydee again called into Court.

Q. How long after the fact did you leave your master's service?—A. That very night ; Mary afterwards told her, if she wished to return, she might, her master would treat her well ; if not, that she would have cantonments. She answered, that she would neither return, nor leave the place.

Q. Where was this conversation held with Mary?—A. Near the great house, about three days afterwards.

Q. At what hour of the night did you leave the house?—A. About eleven o'clock.

Mary called into Court.

Q. Have you seen or had any conversation with Mydee since her leaving your master's house?—A. I have not conversed on that subject ; I see her daily when I go to the bazaar.

Q. How long after the boy disappeared, did Mydee remain in your master's house?—A. I think about ten or fifteen days.

Lieutenant Higginson called into Court, and requested to relate any circumstances relative to the transaction before them, that had come to his knowledge, when he delivered to the Court the following written narrative :

“ Some time ago, to the best of my knowledge a month or five weeks since, as
“ I was sitting at home in company with Lieutenant Pryor, the late Lieutenant
“ Patrick M'Culloch and Mr. Briggs, a miniature painter, who had called on me
“ that evening ; Lieutenant Arctander sent his compliments to me by one of his
“ servants, I believe in the capacity of a muirchee, desiring instantly to speak to
“ me on some urgent business. I went to him as requested, perfectly ignorant of
“ what this business could be ; how could I possibly suppose the cause of this re-
“ quest thus sent. Could I have thought it had been on such a subject, I should
“ have most certainly declined the smallest interference.

“ On my arrival at his quarters, he addressed me (as nearly as I can recollect)
“ to the following purport, viz. I am almost distracted, some of the black people
“ have accused me of murder ; and I understand two of the servants belonging to
“ Mr. Briggs, are of the number. I then asked him who was the object of the sup-
“ posed murder in question. His reply was, that little boy you might have seen
“ here ; upon this, I exclaimed, what, that little slave boy I saw here some time
ago?

“ ago? He answered, yes. He committed a fault. I put him into a room, and tied his hands with a small string in the night, which he broke, and ran away, and now these people want to accuse me of murder; I said the best mode was to have these two people brought up to the quarters. They came accordingly; one was a tailor, the other a slave boy, called Tom. The tailor said he knew nothing of the matter, the other, the slave boy, that he had heard from Cæsar, another slave, belonging to Captain Coningham, that Lieutenant Arctander had beaten his boy to death; on this Lieutenant Arctander was proposing to send for him (Cæsar) but did not. I then said, if your boy ran away, you can be under no apprehensions from the stories of these people. Here the matter rested for this time; after this, I entirely avoided any connection with Lieutenant Arctander, but as I was passing on the road, I think about 16 or 17 days afterwards, he called out to me; on my going into his quarters, he addressed me nearly to this effect, “What is the reason you never come near me? I am going to quarrel; I always expect a reason for every man’s coolness to me. I answered, I am not a querulous man, and if I can avoid it, I will not have any altercation with you. My real motive for having shunned him, was the business in question, yet, as I could not prove it, I smothered the cause; but on his touching upon the subject, I observed, by all means bring the matter to a public investigation, and the parties will be duly punished. I then left him, and have never had any intercourse with him since.

“ I have no difficulty, gentlemen, to avow, in the most solemn manner, that had I unfortunately, from my own knowledge of facts, supposed the prisoner guilty, I would instantly have lodged information against him. I am not so ignorant of our laws as not to know that misprision of treason, felony or murder, is not only a heinous crime against the laws of God, of nature, and of society at large, but likewise indicates a participation in it; yet, let it be remembered, that to prosecute on bare hearsay information, on so serious and so nefarious a crime as murder, is at once disagreeable, alarming and dangerous.

(signed) *G. Higginson*, Lieut. 5th E. B.

Tuesday, 27th January 1795.

Q. Do you remember any woman being present?—*A.* No, there was none.

Q. Was any woman called for?—*A.* No.

Q. Do you recollect his telling you from whom he received the information mentioned in your narrative?—*A.* I do not.

Cæsar, the slave boy of Captain Coningham; called into Court.

Q. Have you heard any report of this circumstance?—*A.* Never.

Q. Do you know any thing of the business?—*A.* No.

Q. How long after the boy disappeared, do you think Mydee remained in Lieut. Arctander’s service?—*A.* About five days.

Beebun again called into Court.

Q. When did you leave Lieutenant Arctander’s house?—*A.* He sent me away the next day; I left Mydee in the house.

(signed) *E. Montague*, Major of Artillery.

(signed) *D. Ochterlony*, D. J. A. G.

Dear Sir:—I am on guard to day; the prisoner Jannoo sent word to me, she wished to speak to me; however, I would not, but in presence of three witnesses, the subadar, the guard Corporal Hildrup, and Louis Clavier, private, before whom the prisoner, of himself and at his own request, declared, “When I was before the Court of Inquiry, I did not remember some circumstances, which I now do most clearly, and I wish to declare them before some member of the said court.” Disagreeable as it is, I feel it my duty to make this known; or, if he should afterwards tell his request and my silence, I would very unwillingly hazard any inferences that might be drawn from it. To you, therefore, as President of the Court, I think I had better send him, together with the witnesses, of what he requested to, and did declare before me and them, namely, as written between the inverted commas.

Main Guard, 1st Feb. 1795.

I am, &c.

(signed) *G. Higginson*.

To Major Montague.

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Lieutenant Colonel Nicol, commanding Danapore.

Sir:—I am directed by the president and members of the Court of Inquiry to mention a circumstance which was omitted by me to be inserted on the proceedings, viz. that the spot where there was the appearance of a recent excavation, was under a window of the quarters adjoining to Lieutenant Arctander, and on the outside, of a matted compound belonging to that officer. I have their further orders to say, that in consequence of the inclosed letter from Lieutenant Higginson, the witness Jannoo, Lieut. Arctander's servant, was again examined by the president, and said, "That having omitted or forgotten to mention to the court, that he was sent by his master to call Lieut. Higginson, when he first heard the report, he, the witness, thought it might be of consequence, and therefore now told it," and had only this circumstance to mention; the court at the same time desire me to request, if you think either of the above circumstances material, this letter may be considered part of the proceedings.

I have, &c.

Danapore, 4th Feb. 1795.

D. Ochterlony, D. J. A. G.

To Lieutenant D. Ochterlony, Deputy Judge Advocate, at Danapore.

N^o 17.

Sir:—I do myself the pleasure to enclose translations of the depositions of Mydee, Beebun, Mairie, Shehabeddeen, Jannoo, Shaikh, Futti, Ally, and Jaunmahomed, and the original depositions of James Kilpatrick, and Patrick Doaby, which I beg you will deliver to the commanding officer.

I am, &c.

Patna, 21st February 1795.

(signed) *H. Douglas*.

P. S.—I also inclose the Persian depositions.

(signed) *H. D.*

Mussumaut Mydee being duly sworn, deposed as follows :

N^o 18.

* Beebun in the original.

I am ignorant who my parents were, and I know not how old I now am. As I and Mary and Button* were eating our dinner at Mr. Arctander's house, about six o'clock, Lieutenant Arctander called Buckshee, and gave him three strokes with a cane; having done this, he went to write; about seven o'clock on the same evening he came again to us, and gave Buckshee four strokes with a cane; I then said to Mr. Arctander, pardon his fault; Mr. Arctander, after giving me some abuse, said you spoil Buckshee. Buckshee then said to Mr. Arctander, forgive my fault this time, I will not run away again. Mr. Arctander then seized the neck of Buckshee, and threw him on the ground with such violence, that he instantly expired. Mr. Arctander then said to Jannoo, "do you blow into his mouth;" when Jannoo did this, something of a white colour came out both of his nose and mouth; Buckshee then died. Mr. Arctander then told Shehabeddeen to go into the stable and bring the spade khurha; and said to Jannoo, "stay with me." After this, Jannoo and Shehabeddeen having dug a hole, Jannoo took up the boy and buried him in it. Shehabeddeen dug the hole with the spade. The hole was near the matted partition (tatty) which separates Mr. Arctander's quarters from those of Mr. Surmer, and about three cubits distant from Mr. Arctander's house; it was behind the quarters. Immediately upon Mr. Arctander's taking the boy by the neck and throwing him on the ground, he died. I and Mary and Bhutton only were at that time present; I do not recollect on what day of the month this happened; it was however about two months ago. Major Clark's battalion arrived on the same day at Bankipoor. Buckshee was buried about eight o'clock in the evening; Mr. Arctander and Jannoo and Shehabeddeen were present at the time when he was buried. I and Mary and Bhutton were confined in a room, but going into the room in which Mr. Arctander's bed and trunks are, and having opened the window, we went into Mr. Surmer's house and looked; the whole was on the outside of the tatty. That night I left Mr. Arctander's house. Buckshee was the son of Shaw Mohummed Syee, and was about six years old. Mr. Arctander took Buckshee by the neck with both his hands, and threw him with such violence against the ground, that he instantly died. There was a red mark in the neck of the boy; when they were busy in burying him, I went out behind Mr. Arctander's house, and stood and looked.

(signed) *Mydee*,

her
×
mark.

Witnessed by,—*Gholam Hossein. Sakobdaud Khan.*

Sworn before me, the 13th day of February, 1795.

(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. T. Grant*, A. M.

1st February 1795.—Mussumaut Beebun, being duly sworn, deposed as follows :
I was formerly of the Mussulman religion, but I have now lost my caste ; I am ignorant who were my parents, and I know not how old I am ; I have been for two months in Mr. Arctander's house ; there lived in Mr. Arctander's house, a boy, I do not know what his name was, but he was the son of a syce, whose name I do not know ; the boy ran away from Mr. Arctander's house ; a serjeant having caught him, brought him to Mr. Arctander, who kicked him and struck him in an angry manner, with his fist, then seized him by the neck and threw him on the ground ; on the second day after this, he beat him with a thick rope until he died ; Mr. Arctander then seized him and threw him on the ground with such violence, that he instantly expired ; Mr. Arctander having tied a rope round the neck of the boy, lifted him up from the ground, and threw him on it with such violence, that he instantly died ; Mr. Arctander having fixed up a stick, tied the rope which was about the boy's neck, and kept him hanging until the head separated from the body ; Mr. Arctander then said to his khansuman, " Don't mention what has happened to " any person ; " what the name of this khansuman is, I do not know ; it was the man who took the spade and dug a hole, and buried the corpse of the boy ; I, Mydee and Mary, were locked into a room, so that from this circumstance we did not see the hole ; Mydee and Mary did not see it, for they were locked into the room with me ; Mr. Arctander killed the boy at eight o'clock, and he was buried about nine o'clock the same evening ; it happened Wednesday, about two months ago, but I do not recollect on what day of the month ; I, Mydee and Mary, the khansuman, the cook, and a boy were present ; I heard from the Khansuman, that Mr. Arctander buried the body at the time that the head of the boy was separated from his body ; a great quantity of blood gushed out, which flowed about the room ; the boy died in consequence of the ropes being tied about his neck ; Mr. Arctander fixed up a stick, and tied another upon the top of it ; the boy was killed in Mr. Arctander's quarters, and on the evening of the day on which the boy was killed, I left Mr. Arctander's house, and two days after the boy was killed Mary left his house : Mr. Arctander fixed up the aforementioned sticks on the outside behind the room.

(signed) *Beebun*, ^{her} ×
mark.

Witnessed by *Sahobdaud Khan* and *Gholam Hossein*.

Sworn before me, the 13th February 1795.

(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. T. Grant*, Assistant Magistrate.

February 3d, 1795.—Shahabuddun, without being put upon oath, deposed as follows :

I was formerly of the Mussulman religion, but I have now lost my caste ; I do not know who were my parents. I have been for two years in Mr. Arctander's house ; Mr. Arctander gave Buckshee eight or nine heavy strokes on the back with a rope ; this was done within the room. I was at this time on the outside of the room, but I heard the sound of the strokes, and the cries of the boy. After this, Buckshee ran away from Mr. Arctander's house. One day, Mussumaut Mydee said to Mr. Arctander, " a gentleman's servant, whose name is Tom, says, " that you have killed Buckshee ; " Mr. Arctander then said, I will inquire into this, accordingly he called together all his servants. Mussumaut Mydee, about this time, ran away from Mr. Arctander's house ; I was told that Buckshee ran away from Mr. Arctander's house, on the evening on which he was beaten. I think Buckshee is still alive. I do not correctly know Buckshee's age, but I have been told that he was about eight or nine years old. I saw him at dinner after he had been beaten. I saw him within the chick, but I observed no marks of the beating on his body.

(signed) *Shahabuddun*, ^{his} ×
mark.

Witnessed by, *Gholaum Hossein* and *Sahebdaun Khan*.

(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. T. Grant*, Ass' Magistrate.

Jannoo, being duly sworn, deposed as follows :

The name of my father is Madare ; I am in Mr. Arctander's service ; at the time when Buckshee was beaten, I was not in the room ; Mr. Arctander, when he intended to beat the boy, took a thick rope from the top of a trunk, which was outside

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side of the room, and with that beat him; the rope was of the thickness of my finger. I heard the sound of about ten or twelve strokes which Mr. Arctander gave him with the rope; I heard Buckshee crying within the room; this happened about nine o'clock in the evening; I then took leave of my master, and went to my own house. I do not remember on what day this happened, but it was about a month and a half, or perhaps two months ago; since that day I have not seen Buckshee. When next I returned to Mr. Arctander's house, Mydee came out of the room, and said to me, "Buckshee has run away, and has taken some of my clothes with him." I asked her why she entrusted her clothes to him; to this she answered, "I did not think it likely that he would have run away." Three days after this, I said to Mr. Arctander, "Will not you make some search for Buckshee?" To this he answered, "I do not wish ever to see him again." About a week after this, Mydee said to Mr. Arctander, "Mr. Fleming's servants say that you have killed Buckshee." Mr. Arctander immediately sent for me, and said, "Go you to Mr. Fleming, and tell him what his servants say, and request that they may be sent to me, that I may know whether they will say it before me." Accordingly I went to Mr. Fleming, and told him that Mr. Arctander had directed me to ask Mydee from whom she heard what you mention; I then went in search of Mydee, but could not find her; I was told that she had run away. I was some time after this sent for to Mr. Fleming's by Mr. Higginson, who, with a servant of Mr. Fleming's, went to Mr. Arctander's house; Mr. Arctander asked the man who came along with Mr. Higginson, "Do you say that I have killed Buckshee, and buried him?" The man in answer to this, said, "I have said nothing, neither do I know any thing about the affair; you had better question Mydee about it." Accordingly search was made after Mydee, but she was not to be found.

Jannoo, ^{his}
X
mark.

Witnessed by *Shahebdaud Khan* and *Gholam Hossein*.

Sworn before me this 13th Feb. 1795,

(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. F. Grant*, Assistant Magistrate.

Mussumaut Mairée, without being put upon oath, deposed as follows:

I am the daughter of a shait, but I have lost my caste; I do not recollect the names of my parents, neither do I know my age. I have been eight years in Mr. Arctander's house; Mr. Arctander beat Buckshee, the son of Shaw Mahommed, syce, with a rope upon his back; I did not reckon how many strokes he gave him, but he beat him until blood came from the back of the boy; but the marks were small. This happened in the evening, I do not recollect of what day; however, it was about a month and a half ago. Mr. Arctander beat the boy in his own room; and after this beating, on that same evening, the boy ran away; I went out to search for him, but since that day I have not seen him. Mr. Arctander did not again beat him. Buckshee was about five years old; he was perfectly well on the day on which he ran away; and I suppose he is still alive, because Mr. Arctander did not severely beat him. The house of his father Shaw Mahomed is at Calcapoor, near Berhampoor, but I have never seen it.

Mairée, ^{her}
X
mark.

Witnessed by *Shahebdaud Khan* and *Gholam Hossein*.

Taken before me, this 13th of February 1795,

(signed) *H. Douglas*.

(A true translation.) (signed) *J. F. Grant*, Assistant Magistrate.

Shaikh Futteh Ally, inhabitant of Delhi, aged 60 years, being duly sworn, deposed as follows:

I know Shaw Mahomed, he has two sons, one of whom is called Buckshee. I do not know the name of the other. I saw Buckshee about five or six coss on this side of Mangier. I do not know the name of the place, but there were a joge and a tagneer and a bazaar at it; it was about 12 o'clock when I saw Buckshee. A man, whose name is Jehan Mahomed, was with me; and a black man (seah fahm)

(seah fahm) was with Buckshee. I do not know his name. Jean Mahomed knew Buckshee, and said to me, there is Buckshee; I then called to Buckshee, and said to him where are you now going. He answered, my father has sent for me, I am now going to him.

Shaikh Futteh Ally, ^{his}
×
mark.

Witnessed by, *Sahebdaun Khan* and *Gholam Hossein*.

Sworn before me, this 13th of day of February 1795,
(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. F. Grant*, Assistant Magistrate.

Jaun Mahomed, aged 25 years, inhabitant of Patna, being duly sworn, deposed as follows :

I am well acquainted with Shaw Mahomed, syce, and Buckshee is a son-in-law of his; Buckshee is seven or eight years old. As I was coming from Moorshedabad, about five or six coss on this side of Mongier, I saw Buckshee; I do not know the name of the place at which I saw him; there were a jogee and a tagneer's house, Shaik Futteh Ally was with me; I said to Buckshee, are you not a son of Shaw Mahomed, syce? Where are you going? He answered yes, I am a son of Shaw Mahomed's; my father having got leave of absence from his master for six months is gone home, I am going to him. There was a man with Buckshee, but I do not know his name. It was about eleven o'clock when I saw Buckshee; I do not recollect either the day of the month or week, but it is a month and a half or one month and twenty days since I saw him.

Jaun Mahomed, ^{his}
×
mark.

Witnessed by, *Sahebdaud Khan* and *Gholam Hossein*.

Sworn before me, this 13th February, 1795,
(signed) *H. Douglas*, Magistrate.

James Kilpatrick, private 5th European battalion, maketh oath and saith, That he, this deponent, went on Monday last to the main guard room with a chitt to a man on guard, and while waiting for him, heard James Connor ask Mydee if she knew where the child was, and heard her reply that she knew very well where he was, but Mr. Arctander had beat her very often, and she would have him hanged if she possibly could; that the name of the boy was not mentioned, but he understood it to allude to the boy said to be murdered, and for which Lieutenant Arctander is under arrest. The said conversation was held in English.

James ^{his} × *Kilpatrick.*
mark.

Sworn before me, this 13th February 1795,
(signed) *H. Douglas*, Magistrate.

Patrick Dooby, private 5th European battalion, maketh oath and saith, That on Saturday the 7th instant he mounted the main guard, and went up to a woman, whose name he now knows to be Mydee, and asked her whose sword that was in the sentinel's hands? She told him it was Lieutenant Arctander's; and he immediately asked her if she was not ashamed to take away an innocent man's life? She said she was not, as Lieutenant Arctander had often abused and ill treated her; on this he asked her if that was a reason for taking a man's life? and she replied, it was; he then told her the child was found, on which she began to cry, and said that the child was alive and well at Moongheer; that there was a sentinel at some distance, but he, the deponent, believes that the said sentinel did not hear the conversation; that the name of the boy he does not know, but that he meant the boy said to be murdered by Lieutenant Arctander.

Patrick ^{his} × *Dooby.*
mark.

Sworn before me, this 13th February 1795.
(signed) *H. Douglas*, Magistrate.

I, James Connor, fifer in the first European battalion, depose, That I asked Mydee (a woman confined in the main guard), if she was not ashamed of her treatment to Lieut. Arctander? to which she replied, that he, Lieut. Arctander, at different

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different periods, had beat and otherwise grossly ill used her, and that her word would go further than his (Lieut. Arctander's), at Calcutta; that she would be revenged on him, and have his life for the ill treatment she had received; that the child was still alive, and that she knew where he was.

Dinapore Cantonments, 10th Feb. 1795.

Sworn before me this day,

(signed) *Jas. Nicol*, Lieut. Colonel commanding.

I, Samuel Jervis, of the 5th European battalion, make oath, That I heard James Connor mention the several circumstances detailed in his deposition, which is written on the other side hereof, to Lieut. Arctander last night, and declare it to be perfectly correspondent with the relation he gave to him, Lieut. Arctander.

Dinapore Cantonments, 10th Feb. 1795.

Sworn before me this day,

(signed) *Jas. Nicol*, Lieut. Colonel commanding.

Governor General's Minute, with Resolutions.

N° 19.

The Governor General in council is of opinion, That there is the strongest reason to suspect the charge against Lieutenant Arctander malicious and groundless, as well from the improbability of the facts charged, the contradiction in the evidence of the women, and the strong and consistent testimony against the accusation; that it is very probable that the truth of these suspicions will be verified by offering a reward for the production of the boy Buckshee, supposed to be murdered.

The Governor General in council accordingly resolves, That a publication be made accordingly, that Beebun and Mydee be required to give security for their appearance when called upon, or, in default thereof, be confined; and, in the meantime, that the papers, as recommended, be referred to the advocate general.

N° 19.
(A.)

Ordered, That all the papers be transmitted to the advocate general for his opinion, whether there are grounds for commencing a prosecution against Lieut. Arctander in the Supreme Court of Judicature.

There appearing to the Board, from the proceedings, strong ground for suspicion that the boysaid to have been murdered has absconded, or that he has been secreted,—Agreed, That a description of the boy be transmitted to the magistrates of the cities of Patna and Moorshedabad, and the zillahs of Behar, Sarun, Tirkoot, Boglepoor, and Moorshedabad, and that they be desired to offer a reward of one hundred rupees to any person who will produce the boy, or give information respecting him, so that he may be found, or that it may be ascertained that he is living.

Agreed also, That the magistrates be directed to order the derogahs of police to make strict inquiry after the boy in their respective jurisdictions.

Extract, Bengal Judicial Consultations, 8th May 1795.

Criminal.
N° 13.

From W. Burroughs, Esq. Advocate General, to Edward Hay, Esq.
Secretary to Government, May 1st, 1795.

Sir:—IN obedience to the commands of the Governor General in council, communicated to me by Mr. Sub-Secretary Barlow, I proceeded early in the last month to consider the several papers transmitted from Dinapore, and laid before me by that gentleman, relative to a charge of murder made against Lieutenant Arctander, in order that I might report my opinion on the question stated to me, namely, whether there are grounds for commencing a prosecution against Lieutenant Arctander in the Supreme Court; and finding from the circumstances of the case, as far as they are yet disclosed, that there was great reason to hope for such discoveries, in consequence of the orders issued to the magistrates of Patna Behar, Sarun, Tirkoot, Boglepoor and Moorshedabad, (which orders Mr. Secretary Barlow communicated to me shortly after the receipt of his letter), as might put an end to all possible doubt, I thought it advisable for some time to await the expected result of those orders.

Several weeks, however, have now elapsed since those orders were issued, during which I have made repeated inquiries whether any information has been produced by them, and am very sorry to find that no report whatsoever has hitherto been received on the subject from any of the above mentioned magistrates, the last only excepted; and that this report (the purport of which Mr. Barlow, within these few days, has sent me) does not in any degree throw additional light on the case.

From

From the orders to the magistrates, who no doubt have fully obeyed them, the discovery sought for cannot, I fear, be any longer expected; and I am, therefore, obliged to form my opinion on the facts appearing from the proceedings of the Court of Inquiry, and the depositions laid before me, with Mr. Barlow's original letter.

By those documents, it appears that Lieutenant Arctander is charged upon oath, by a woman named Mydee, with the murder of a boy, as having been actually committed in her presence, and in the presence of two other women, one of whom, when examined, positively contradicted the charge, and the other of whom, before the Court of Inquiry, corroborated the evidence of Mydee as to the principal facts, though she differed even then in some important parts of the case, and afterwards, in her deposition before Mr. Douglas the magistrate, related a story utterly absurd and incredible. The charge made by Mydee is further opposed by the testimony of many persons to whom she refers, and who positively deny all the testimony given by her, as far as they are concerned; and on the whole of the evidence as it now stands, there are many reasons for suspecting that the entire charge is false and fabricated, and that the boy alleged to have been murdered is still alive.

But as the charge is directly and positively sworn to by Mydee, whose testimony cannot be called inconsistent, and certainly derives some support from the appearance of the earth at the place where she states the body to have been buried, and from the boy's not having yet been found, notwithstanding the measures taken to find him, I should not, I think, be justified in saying, that there are not any grounds for commencing a prosecution against Mr. Arctander in the Supreme Court, or that he ought not to be tried.

The evidence given against him is certainly liable to many suspicions, and that he can adduce in his favour, (though it repels the supposition of the boy's being secreted), is so strong as to render his being convicted almost impossible, unless it shall appear that the witnesses for him, and one of those originally brought forward against him have been tampered with and suborned. But to weigh evidence and the credit of witnesses, and ultimately to determine on which side the truth lies, is the proper and exclusive province of a jury; and though I have in my own mind but very little reason to doubt that Mr. Arctander is really innocent of the charge made against him, yet I think myself bound by principles of justice and of law to say, as the case stands, that he ought to be brought to trial in the Supreme Court.

The circumstances attending the accusation against him appeared to me so extraordinary, as to induce me, in considering them, to require the aid of Mr. Shaw, the Company's standing counsel, in whose abilities and knowledge I have very great confidence. And I have the satisfaction to inform you, that his opinion fully coincides with my own.

I have, &c.

Calcutta 1st May 1795. (signed) *W. Burroughs*, Advocate General.

The following Resolutions were passed on the foregoing letter on the 4th inst. when the necessary orders were issued in consequence.

RESOLUTIONS.

Agreed, that the attorney to the honourable Company be directed to institute a prosecution against Lieutenant Arctander in the Supreme Court of Judicature on the charge of the murder of Buckshee, preferred against him by Mussomaut Mydee, and that the commander-in-chief be requested to order Lieutenant Arctander to be conveyed to Calcutta to take his trial at the next sessions; and also to give directions for the prosecutrix and her witnesses being sent to Calcutta.

N^o 14.

Extract, Bengal Judicial Consultations, 26th June 1795.

Company's Attorney to George H. Barlow, Esq. Sub-Secretary in the
Judicial Department.

Criminal.
N^o 3.

Sir:—I HAVE to request you will be pleased to inform the honourable the Governor General in council, that a bill of indictment was this day found by the grand jury against Lieutenant Nicholas Munnick Arctander for the murder of a native of the name of Buckshee.

I am, Sir, &c. &c.

(signed) *W^m Jackson*,

Fort William, 13th June 1795.

Attorney to the Honourable Company.

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N^o 3.
(A.)

To G. H. Barlow, Esq. Sub-Secretary in the Judicial Department.

Sir:—On the 13th instant I had the honour to report to you, for the information of the Governor General in council, that a bill of indictment had that day been found by the grand jury against Lieutenant Arctander for the murder of a native boy of the name of Buckshee.

2.—It having been asserted before the inquiry held at Danapore, that the child alleged to have been killed is now alive, the advocate general has desired me to inform you that it will be necessary to show to the court that government took every means in their power to ascertain that fact, by directing their magistrates to issue proclamations throughout their districts, offering a reward to any person who could produce the child.

3.—I have therefore to request that you will be pleased to transmit to me the original orders of the Governor General in council, issued to the magistrates of the districts of Patna, Behar, Sarun, Tirkoot, Boglepoor and Moorshedabad, directing them to issue such proclamations, and the reports of the magistrates, if any have been received, of the steps taken by them in pursuance of the orders so issued.

4.—Lieutenant Arctander's trial being appointed for Friday next the 16th instant, I have to request that you will be pleased to direct some person who is competent to prove on oath the issuing of such orders by the Governor General, and also the receipt of any report made by the magistrates in consequence thereof, to attend at my office at ten o'clock in the forenoon of the above-mentioned day.

I am, Sir, &c. &c.

(signed) *W^m Jackson,*

Fort William, 22d June 1795.

Attorney to the Honourable Company.

The secretary reports, that one of the assistants in his office has attended the Company's attorney with the papers required by him.

Extract, Bengal Judicial Consultations, 3d July 1795.

Criminal.
N^o 1.

From William Jackson, Esq. Company's Attorney, to G. H. Barlow, Esq.
Sub-Secretary in the Judicial Department, 26th June 1795.

Sir:—I HAVE to request you will be pleased to inform the honourable the Governor General in council, that the trial of the indictment against Lieutenant Nicholas Munnick Arctander for the murder of a native of the name of Buckshee, came on before the supreme court this morning, when the jury found the prisoner not guilty.

2.—I beg leave to return to you herewith the public dacok book belonging to your office, and the several original letters and documents which accompanied the same.

I am, &c.

(signed) *W^m Jackson,*

Fort William, 26th June 1795.

Attorney to the Honourable Company.

Minute.—The secretary informs the Board, that immediately on the receipt of the foregoing letter, notifying the acquittal of Lieutenant Arctander, he reported the circumstance for the information of the commander-in-chief.

PROCEEDINGS relative to five Armenian lads who were landed at Calcutta as Slaves, and rescued by the Armenians there. 1796.

Extract, Bengal Public Consultations, 28th October 1796.

THE following letter was received on the 17th October, and in consequence of the orders of the Governor General, the letter, which will be entered after it was wrote to the Persian translator.

N^o 44.

To the Honourable Sir John Shore, Bart. Governor General in council,
&c. &c. &c.

Honourable Sir, and Gentlemen:—We most humbly beg leave to represent to the honourable Board, that, at the devastation of Tefliez in Georgia, by Mahomedans, several poor christian inhabitants of that place were captured, five of the unfortunate victims were shipped at Bassorah, on board the ship Munsoory, with a view of selling or enslaving them to some of the Moors in Bengal; they were afterwards transhipped at Muscat, on board the Hediose, Nacodah Moorsheed, now in the river. We are induced to hope, and most humbly beg the honourable Board will

will have compassion on them, by ordering a guard to search the ship, and to compel the nacodah to produce them, that they may be made, by the laws of the blessed Britain, once more to enjoy their freedom; for which we shall ever pray.

We beg leave to remain, &c.
 (signed) *Sarkers Johannees. Stephen Mirza.*
Isaac Malchus. Phanoos Bagram.
M. C. Arackel.

Calcutta, 17th October 1796.

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To the Persian Translator.

N° 45.

Sir:—I am directed by the Governor General in council to transmit to you the accompanying copy of a representation from five Armenians, and to desire that you will send for the nacodah, and ascertain the fact of the arrival of the slaves, and inform him, that government will not allow them to be sold, and that he will be held responsible that they are not sold.

Council Chamber, 18th Oct. 1796.

I am, &c.
 (signed) *G. H. Barlow, Sec^r.*

Persian Translator, to G. H. Barlow, Esq. Secretary to the Government.

N° 46.

Sir:—I am favoured with your letter of the 18th instant, and its enclosure; and agreeably to the order of government, sent to require the attendance of the nacodah Moorsheed. But in the interim, I have received information, that as the five christian slaves were yesterday evening passing through the Armenian quarter of the town, a number of the Armenians rushed out, and took the boys from out of the hands of their conductors, and secured them in one of their houses. Mr. Moses Cachick came to me in person to communicate the circumstance, and to request that I would convey to the honourable the Governor General in council, the united and earnest entreaty of the Armenians, that means may be taken, if possible, to prevent the slaves again falling into the hands of their masters.

I have the honour to be, &c.
 (signed) *N. B. Edmonstone, Persian Translator.*

Persian Office, 21st Oct. 1796.

On the receipt of the above letter, the secretary was directed to write the following to the Persian translator.

To N. B. Edmonstone, Esq. Persian Translator.

N° 47.

Sir:—I am directed by the Governor General in council, to acknowledge the receipt of your letter of the 21st instant, and to desire that you send for the nacodah, to hear what he may have to urge on the subject of the slaves.

In the meantime he desired that the captives may remain in possession of the Armenians, until such time as their attendance be required.

I am, &c.
 (signed) *H. Macleod, Sub-Secretary.*

Council Chamber, 25th October 1796.

Persian Translator to H. Macleod, Esq. Sub-Secretary, Public Department.

N° 48.

Sir:—In conformity to the commands of the Governor General in council, communicated to me in your letter of the 25th instant, I sent for Haujee Moorsheed, the nacodah of the ship which brought the slaves, and was informed by him, that Haujee Mohummud Rezza, a resident at Bagdad, was about two years ago at Lucknow, where he received particular marks of favour from the Nawaub Vizier, and that being solicitous on his return to Bagdad to shew the sense he entertained of his Excellency's kindness, he purchased the slaves in question, with an intention to send them to him as a present; that he accordingly gave them in charge to a brother or relation, who conveyed them to Bussora, and thence to Muscat, upon the Munsoory, a small ship bound to that port; that they were embarked at Muscat upon the Edroossey (Haujee Moorsheed's ship), and arrived here under charge of the person who first brought them from Bagdad; and lastly, that he himself has no interest or concern in the slaves whatsoever. I understand that they were consigned to the care of Haujee Kerbullaye Mahomed, for the purpose of being sent to Lucknow, and that notice of their arrival has already been conveyed to the Nawaub Vizier. I have received information, however, through another channel, that Haujee Mahomed Rezza's object in sending the slaves, is not so disinterested as the nacodah would make

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it to appear; and that he expects either a price in money, or some other equivalent for the boys.

I have communicated the order of government to the Armenians to keep the slaves, to be forthcoming when called for. I am, &c.

(signed) *N. B. Edmonstone*, Persian Translator.

Persian Office, 26th October 1796.

Minute.—The Governor General will endeavour to ascertain if the slaves really belong to the Vizier, in which case he has no doubt of procuring his consent to their release.

PROCEEDINGS on a reference from the Judge of Zillah Chittagong, respecting a disputed claim to the children of Toofuny, a slave girl, 1798.

Extract, Bengal Judicial Consultations, 6th April 1798.

Civil.
N° 29.

Register of the Sudder Dewanny Adawlut to G. H. Barlow, Esq. Secretary to the Government.

Sir:—I AM directed by the court of Sudder Dewanny Adawlut to transmit you the accompanying extract from their proceedings of this date, containing a letter from the judge of Zillah Chittagong, with the court's remarks thereupon; and to request you will lay the same before the Governor General in council for his orders.

I am, &c.

(signed) *J. H. Harrington*, Register.

Fort William, 29th March 1798.

Extract from the Proceedings of the Sudder Dewanny Adawlut, under date the 29th of March 1798.

N° 30.

Read the following Letter from the Judge of Zillah Chittagong to J. H. Harrington, Esq. Register to the Sudder Dewanny Adawlut.

1.—Sir:—Ignorant of the practice in other zillahs in suits regarding slaves, and equally unacquainted with the intentions of government on this very important point, I am embarrassed how to act in claims of this description. I receive repeated applications to compel the return of fugitive slaves, and lately a regular cause came on, on the following complaint:

Cummer Aly, son of Aumeer Mahommed; Vers; Boody; Daussee; Edie.

The plaint avers, that the plaintiff's father and uncle, Shanker, bought Boody, daughter of a slave, in 1118 Muggy, or forty-one years ago, and caused her to be married. She had a son born of this marriage, named Daussee, and also Toofuny, a daughter; the plaintiff caused Toofuny also to be married; they all absconded. Toofuny is dead, the three others will not return.

2.—One of the said three persons is a servant of Mrs. Coates, lady of the Commercial Resident at this place; and I have suspended all process for compelling his return, and that of the other defendants, till I can receive orders from my superiors.

3.—If slavery be allowed, I wish to be informed whether I am to refer questions of this nature to the laws and customs of the Hindoos and Mahometans, and Native Christians respectively, or what other rules are to guide me in determining the circumstances, periods, and authentications of cabalas and engagements, which are to be considered as constitutive of slavery in this portion of the British dominions in India; and further, whether the child of a slave is the property of the owner of the slave.

4.—In conclusion, I beg leave to say, that it is not to escape trouble that I make this reference, but from real ignorance how to act in a very important matter, for which I see no provision in the regulations.

Zillah Chittagong, 15th March 1798.

I am, &c.

(signed) *J. Stonehouse*, Judge.

The court have no doubt that the spirit of section 15, regulation 4, 1793, (which directs, that "in suits regarding the succession, inheritance, marriage and caste, " and all religious usages and institutions, the Mahomedan laws with respect to " Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions,") should be applied to the cases of slavery noticed in the above letter, but as these

cases

cases are not expressly within the descriptions of suits specified in the above section,—

Resolved, That a copy of the judge's letter, and the foregoing remark thereupon, be transmitted for the orders of the Governor General in council.

(A true extract.) (signed) *J. H. Harrington*, Register.

Ordered, That the Sudder Dewanny Adawlut be informed that the acting Governor General in council entirely concurs with the court in the opinion expressed by them on the reference from the judge of Chittagong regarding suits for slaves, and that government accordingly request that they will furnish the judge with the necessary explanation for his guidance.

Extracts from the Regulations of the Bengal Government respecting slaves,
1793. 1795. 1799. 1803.

A. D. 1793.—Regulation III.

Extract from a Regulation for extending and defining the jurisdiction of the courts of Dewanny Adawlut, or Courts of Judicature, for the trial of civil suits in the first instance, established in the several zillahs, and in the cities of Patna, Dacca and Moorshedabad; passed by the Governor General in council on the 1st of May 1793, corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree.

Section 7.—All natives and other persons, not British subjects, are amenable to the jurisdiction of the zillah and city courts.

Section 8.—The zillah and city courts respectively, are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land-rents, revenues, debts, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries, and generally of all suits and complaints of a civil nature, in which the defendant may come within any of the descriptions of persons mentioned in section 7, provided the landed or other real property to which the suit or complaint may relate, shall be situated, or in all other cases, the cause of action shall have arisen, or the defendant at the time when the suit may be commenced, shall reside as a fixed inhabitant, within the limits of the zillah or city over which their jurisdiction may extend.

A. D. 1793.—Regulation IV.

Extract from a Regulation for receiving, trying and deciding suits or complaints declared cognizable in the courts of Dewanny Adawlut, established in the several zillahs, and in the cities of Patna, Dacca and Moorshedabad; passed by the Governor General in council on the 1st May 1793, corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree.

Section 15.—In suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions. In the respective cases, the Mahomedan and Hindoo law officers of the court are to attend to expound the law.

A. D. 1795.—Regulation XXII.

A Regulation for preserving the record of the principal rules regarding the administration of justice, and the police in the province of Benares, passed between the year 1788, and the period of the abolition of the office of resident in 1785, and for determining what part of those rules are to be considered still in force, and for transferring the causes depending in the courts of judicature abolished on this date, to the courts established in lieu of them; passed by the Governor General in council on the 27th March 1795; corresponding with the 16th Chyite, 1201 Bengal era; the 21st Chyite, 1202 Fussily; the 16th Chyite, 1202 Willaity; the 21st Chyite, 1852 Sumbut; and the 5th Ramzaan, 1209 Higeree.

(Extract.) Section 74.—On the 7th August 1789, the resident published the proclamation issued by government on the 22d July preceding, prohibiting the purchasing or procuring natives of either sex, for the purpose of exporting them for sale

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sale as slaves, to different parts of India or elsewhere, and declaring that all persons who should in future be concerned, directly or indirectly, in this inhuman and detestable traffic, should be prosecuted with the utmost rigour in the Supreme Court, at the expense of the Company; and if British-born subjects, that they should be forthwith sent to Europe, or if such person or persons should not be subject to the jurisdiction of that court, he or they, upon information being given to the local magistrates, should be apprehended and kept in confinement, to be dealt with according to the laws of the country.

A. D. 1799.—Regulation VIII.

A Regulation for certain modifications of the Mahomedan Law, in cases of murder, and to explain parts of Regulation XXI. 1795, and Regulation V. 1797, in cases of Dhurna; passed by the Right honourable the Governor General in council, on the 10th October 1799, corresponding with 26th Assin, 1206 Bengal era; the 26th Assin, 1207 Fussily; the 26th Assin, 1207 Willaity; the 25th Assin, 1856 Sumbut; and the 10th Jemaud ul Awul, 1214 Higeree.

The provisions contained in Regulation IV. 1797, have prevented the obstruction to public justice, which in the administration of the Mahomedan criminal laws, had been found to arise from the influence allowed by them in cases of murder to the heirs of the slain, under which influence, the murderer, though fully convicted, might escape the punishment due to his crime, by the pardon of, or a compromise with such heirs of the deceased as were entitled to demand kissans or retaliation. All operation of the will of the heirs in cases of murder is now done away by sections 3. and 4. of the above Regulation, which require the law officers to give their futwa, and authorize the Nizamut Adawlut, to pass their sentence, on the supposition that all the heirs of the slain entitled to prosecute for kissans, have attended and prosecuted, and demanded kissans; but cases of wilful murder, in which the party convicted is not, under the Mahomedan law, liable to capital punishment by kissans, from the heirs of the slain not being legally entitled to demand kissans from the relations of parent and child, master and slave, or otherwise, though directed to be referred for the sentence of the Nizamut Adawlut, by the above Regulation have not been otherwise provided for; and according to an exposition of the Mahomedan law, since given by the law officers of that court, a father or mother, or grandfather or grandmother wilfully murdering their child or grandchild, or murdering any person of whom their child or grandchild may be one of the heirs, cannot be sentenced to suffer death by kissans, nor can such sentence be passed against a master for the murder of his slave, or against any one for the murder of a slave appropriated by his owner for the service of the public; nor against any person wilfully killing another at the desire of the party slain; and if any of the persons abovementioned be concerned with others in the perpetration of wilful murder, their exemption from kissans precludes the infliction of capital punishment (except under the discretion allowed in all cases of tazeer and seazut) upon any of their accomplices. In these and similar instances, therefore, the Mahomedan law of retaliation being obviously and essentially repugnant to the principles of public justice, the Right honourable the Governor General in council has passed the following rules in modification thereof, to be in force throughout the provinces of Bengal, Behar, Orissa and Benares, from the 1st February 1800. Moreover, the provisions contained in Regulations XXI. 1795, and V. 1797, relative to the offence of dhurna, having been found to require some explanation, section 6. of the present Regulation is added for this purpose.

II.—In every case of wilful murder, wherein the crime may appear to the court of Nizamut Adawlut to have been fully established against the prisoner, but the futwa of the law officers of that court shall declare the prisoner not liable under the Mahomedan law to suffer death by kissans, solely on the ground of the prisoner's being father or mother, grandfather or grandmother, or other ancestor of the slain, or of the heirs of the slain, or one of the heirs of the slain, being the child or grandchild or other descendant of the prisoner, or of the slain having been the slave of the prisoner or of any other person, or a slave appropriated for the service of the public, or on any similar ground] of personal distinction and exception from the general rules of equal justice, the court of Nizamut Adawlut, provided they see no circumstances in the case which may render the prisoner a proper object of mercy, shall sentence him to suffer death, as if the futwa of their law officers had declared him liable to kissans, or to suffer death by seazut, as authorized by the Mahomedan

Mahomedan law in all cases of wilful murder, under the discretion vested in the magistrate with regard to this principle of punishment for the ends of public justice.

A. D. 1803.—Regulation VIII.

A Regulation for extending the Jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawaub Vizier to the Honourable the East India Company; passed by the Governor General in Council, on the 24th March 1803, corresponding with the 12th Choite 1209, Bengal era; the 16th Choite, Fussily; the 12th Choite, 1210 Willaity; the 16th Choite, 1860 Sumbut; and the 29th Zekaad 1217 Higeree.

It being essential to the due administration of justice, that the Nizamut Adawlut should be vested with the power of superintending the several inferior criminal tribunals, the following Rules have been accordingly enacted for extending the jurisdiction of that court to the provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and for declaring and making known to the inhabitants of those provinces the constitution of the said court :

XV.—In every case of wilful murder, wherein the crime may appear to the court of Nizamut Adawlut to have been fully established against the prisoner, but the futwa of the law officer of that court shall have declared the prisoner not liable, under the Mahomedan law, to suffer death by kissans, solely on the ground of the prisoner's being father or mother, grandfather or grandmother, or other ancestor of the slain; or of the heir of the slain, or one of the heirs of the slain being the child or grandchild or other descendant of the prisoner, or of the slain having been the slave of the prisoner or of any other person, or a slave appropriated to the service of the public, or on any similar ground of personal distinction and exception from the general rules of natural justice, the court of Nizamut Adawlut (providing they see no alleviating circumstances in the case) shall sentence him to suffer death, as if the futwa of their law officers had declared him liable to kissans, or to suffer death by seasut, as authorized by the Mahomedan law in all cases of wilful murder, under the discretion vested in the magistrate, with regard to this principle of punishment for the ends of public justice.

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PAPERS relative to the Employment of two Malay Slaves in the Botanical Garden at Calcutta, 1799.

Extract, Bengal Public Consultations, 28th June 1799.

Captain M. Sparrom, to G. H. Barlow, Esq. Secretary to the Government.

Sir :—I beg leave to inform you, that I have brought from Amboyna, on the ship Union, twenty sepoy, one Malay prisoner, two slaves, and a quantity of boxes of spice plants; and shall be much obliged by your giving orders for them being landed.

N° 27.

I am, &c.

Calcutta, 25th June, 1799.

(signed)

Mathew Sparrom.

The following resolutions were passed on the 25th inst., and the necessary orders were issued on that day :

Ordered, That a copy of the above letter be sent to the military department, that the necessary orders may be issued from thence for landing the Sepoy and Malay prisoner.

Ordered, That a copy be also sent to the superintendent of the botanical garden, with directions to send for the plants and slaves; and that he be informed, that he will hereafter be furnished with instructions respecting the latter.

Extract, Bengal Public Consultations, 9th July, 1799.

Acting Superintendent of the Botanical Garden, to H. V. Darell, Esq.
Sub-Secretary, Public Department.

Sir :—According to your directions, I have sent to the ship Union, and have received the two slaves and seventy-eight baskets. I am sorrow to inform you, that the greater part of the plants are dead, owing, as the slaves report, to their having got salt water.

N° 28.

As these men are acquainted with the cultivation of the spice plants in their native soil, I beg leave to propose that they may be employed for some time to cultivate in the botanical garden, a small plantation of these trees.

I am, &c.

(signed) *F. Buchanan*, Acting Botanical Superintendent.

Barripore, 1st July 1799.

Ordered,

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Ordered, That the acting superintendent be informed, that he is authorized to employ the two slaves brought from Banda, on the Union, in the cultivation of a small plantation of spice plants in the botanical garden.

PAPERS relative to an Application from the Sovereign of the Islands of Johanna, to the Governor in Council of Bombay, in 1796, for protection against the Inhabitants of Madagascar, by whom his country had been ravaged, and his subjects carried off and sold as slaves to the French.

Extract of a Letter from the Governor General in Council of Bengal in the Political Department, to the Court of Directors; dated 31st August 1796.

BOMBAY.

Cons. 18th July.

Par. 8.—ON our proceedings noted in the margin will be found, a letter from government of Bombay, dated 21st June, inclosing a copy of the letter and a list of presents which they had dispatched on the Drake cruizer for the King of Babah; and informing us of the arrival at Bombay of the eldest son, and another relation of the Prince of Johanna, with a view of soliciting the protection of the honourable Company's government against the depredations committed by the inhabitants of the northern part of the Island of Madagascar; offering for such support on our part to put the Company in possession of the sovereignty of Johanna and its dependencies.

Par. 9.—On the proceedings of the same date is also recorded, a translation of a letter from the king to the Governor General, and of a written representation from the king and chiefs of Johanna, with a copy of a letter from the commander of the Princess Royal, transmitting his correspondence with those chiefs during his stay at the island.

Par. 10.—Much as we lamented the sufferings of the inhabitants of Johanna, yet as the acceptance of the cession of the island would have imposed on us an obligation of protection, the discharge of which might have subjected the Company to great expense and much embarrassment, without apparent adequate advantage, we thought it incumbent on us to desire the Bombay government, to state to the deputies the impracticability of our complying with their wishes in this respect.

Par. 11.—With regard to their furnishing the prince with any military aid, considering our imperfect knowledge of the nature of the differences subsisting between the people of Johanna, and those of Madagascar, and our uncertainty as to the force which the troops might have to oppose, added to the objections which occur to engaging in any acts of hostility against a people from whom we have sustained no injury; we observed that we were doubtful how far the measure would be expedient or justifiable.

Par. 12.—In consideration however of the friendly treatment which our ships have invariably experienced at Johanna, and the liberal as well as humane behaviour of the king to the crews of vessels in distress, and the claim which the inhabitants have on this ground to our affording them every aid that could be given to them consistently with propriety and the public interests, we authorize the government of Bombay to employ a cruizer to convey the deputies back to Johanna, and at the same time to furnish them with a number of muskets, not exceeding four or five hundred, or any other arms, with the necessary proportion of ammunition, and to allow them to entertain any Sepoys who might voluntarily engage in their service for the purpose of instructing them in the use of the arms, should they be of opinion that this aid would enable them to protect themselves against the future attacks of their enemies.

Par. 13.—In return for this assistance, however, we thought it fair that they should be required to promise that they would not cede their island to any foreign power, nor afford assistance or protection to the enemies of the English nation.

Extract, Bengal Political Consultations, 18th July 1796.

Read, a letter and its enclosure from the Governor in council at Bombay, political department.

To the honourable Sir John Shore, Bart. Governor General in council,
Fort William.

N^o 3.

Honourable Sir:—We have the pleasure to inform you, that the Company's cruizer, the Drake, has been lately dispatched to Madagascar, with a letter and presents to the King of Babah, as per copy inclosed.

2.—By the Princess Royal, which touched at Johanna, on her return from the vicinity of the Cape of Good Hope, there have arrived here, the eldest son and another relation of the Prince of Johanna, with a view to solicit the protection of the honourable Company's government in India, against the dreadful depredations which their and the neighbouring islands appear to have so severely suffered under French excitement, from the inhabitants of the northern part of the Island of Madagascar, and not the King of Babah, as erroneously inserted in one of our late Gazettes ; offering, for such support on our part, to put the honourable Company in possession of the sovereignty of Johanna and its dependencies, which, whether advisable to be accepted of or rejected, the interests of humanity, and a reasonable return for all the good offices of hospitality and refreshment that have so long and uniformly been experienced by the ships and vessels of our nation, will, we doubt not, justify to your government, and to the honourable the Court of Directors, those feelings that a consideration of their present helpless condition have inspired us with ; insomuch, that did we deem ourselves free to act, we might be induced to despatch one or two cruizers with a proportion of marines and military stores, to save them from that utter destruction which they apprehend to be impending over them ; but in the uncertainty how far such a measure might meet with your approbation, we think it best thus early to submit to you their own representation of their hopeless calamities, trusting, that if you see meet to extend any relief towards them, your answer may still arrive in time to enable us to afford to them some useful degree of countenance and protection.

We have, &c.

(signed) *Jn^r Duncan. St. Whitehill. Jn^r Spencer.*

Bombay Castle, 21 June 1796.

P. S.—Since writing the above, Captain Reid of the Princess Royal, having favoured us with a report and accompanying papers on the subject of the depredations committed at Johanna, and of the motives that induced him to assist those distressed islanders, we have the honour to enclose copies thereof, as we shall also of any information that may be received from Mr. Hall, when he transmits it.

(signed) *Jn^r Duncan. St. Whitehill. John Spencer.*

To His Highness the Prince of Babah, the Governor of Bombay wishes health and happiness.

N^o 4.

This will be delivered to you by Captain Bond, commander of the honourable Company's ship, the Drake, belonging to their marine establishment at this port of Bombay, in consequence of orders, which the Court of Directors of the honourable English East India Company, transmitted to me last year from England, to express their great satisfaction and acknowledgment to you for your hospitable and humane attention to the officers and passengers (as well ladies as gentlemen) and crew of their ship, the Winterton, unfortunately lost on the west coast of the Island of Madagascar, on the 20th August 1792, answering to the 2d Mohurun, 1206 Higeree, as a particular mark of their grateful attention ; for which instance of very reputable conduct on your part, I now send you, by the honourable Court of Directors desire, and on the honourable Company's account, and in their name, sundry articles as per list, here underwritten, as presents ; of which you will be pleased to accept, as a proof of the Company's and English nation's good will and friendship towards you, not doubting but you will be always equally well disposed to assist and protect any of our nation, who may, from the accidents to which navigation is so liable, hereafter eventually stand in need of protection or support within the bounds of your authority or influence.

After delivering the presents, Captain Bond has my orders to return with your answer as speedily as the season will admit ; and I assure myself that you will receive and treat that gentleman, and his officers and men during their stay, with your usual hospitality and kindness towards the English ; and as they will pay for and satisfy you and your subjects for whatever supplies they may want, they will be no further troublesome to you, than to cause all proper assistance to be afforded to them on reasonable terms. Write me fully of your welfare, and be assured of constant regard on my part.

Written at Bombay this fourteenth day of June, in the year of our Lord Christ one thousand seven hundred and ninety-six. (signed) *Jon^r Duncan.*

List of sundry articles as a present to the King of Babah : one leaguer of Batavia arrack, two bales of scarlet cloth, two guns and two cases, one pair of pistols in a case, one barrel of fine gunpowder, one barrel of best flints, one chest containing twelve dozen of brandy, four shawls, two pieces of kincobs.

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N° 5.

Extract from the Proceedings of Government in the Political Department,
under date 21st June 1796.

The president delivers in the following translations of two open letters or written representations from the king or chief of Johanna, the one addressed to the Governor General and the other to the Governor of this Presidency.

Reference 1. 2.—On the above translation the president thinks it necessary to remark, that as they have been made from the Johanna language in the Arabic characters, through the medium of a verbal Hindostanee explanation, it is possible they may not be entirely accurate; but from their purport it is not probable that any material error has found its way into the English version, and that the substance is truly rendered, as far as regards the offer of Johanna and the neighbouring islands to the Company, is sufficiently corroborated by the information of Mr. Hall, the gentleman therein named, who, having taken his passage from Madras in the Princess Royal, has, by that ship's putting back and touching at Johanna on her return, been induced, by the entreaties of Abdulla, the present king, to charge himself with the present despatches, and to bring with him, in testimony of the sincerity of the chieftain and principal men of that island and its dependencies, Abu Bekr, the eldest son of the Prince Abdulla, another of his relations.

Agreed, that copies of the above letters, and annexed explanation from the president, be transmitted to the Governor General in council with the following letter.

(True extract.)

(signed) *R. Torin*, Sub-Secretary.

N° 6.

Reference, No. 1.—Translation of a Letter from the King and Chief Men of Hinzuram or Johanna, to Sir John Shore, Bart. Governor General.

Our letter is for this, that Mr. Hall is our friend, and knows us and our condition, and our son, the Prince Syed Abu Bekr, the son of the Sultaun Syed Abdulla, and the son of our Wuzeer, Bana Husayne, the son of Wuzeer Husn; these two persons we have committed and given to the gentleman aforesaid to have charge of them, and to do every thing that is necessary and requisite in regard to them; and Mr. Hall is our agent, and whatever we want or desire that gentleman will advise you of, and whatever that gentleman shall say is to be esteemed as the royal word, and that of all the chief men here, and whatever Mr. Hall shall do and conclude we are herewith satisfied.

<p>L. He who relies on God, the singly powerful the Sultaun Syed Abdallah, the son of Syed Ahmed.</p>	<p>S. The Wuzeer <i>Bana Husn</i>, son of Bana Yomby, The Wuzeer <i>Syed Benkut</i>, the son of Syed Aba Bekr. The Wuzeer <i>Syed Alwee Moya Hoseyn</i>. The Wuzeer <i>Moya Mahomed Troee</i>.</p>
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Written by command of the Sultaun by Syed Edroos, the son of Syed Ahmed.
Syed Abdulla, son of Syed Alwee, son of Syed Ahmed Moseila.

Reference No. 2.—Translation of a written representation from the King and Chiefs of Hinzuram or Johanna, to the Honourable Jonathan Duncan, Governor of Bombay.

We do represent, that the country of Hinzuram, is from the beginning, for our grandfathers and your grandfathers; and our town is the town of you gentlemen; and the King of England and the King of Hinzuram, and the chiefs and nobles are all like unto brethren; and when an English vessel arriving near to our country was wrecked, we, the sultaun, did ourself proceed thither, and sent our boats and people to receive and succour those on board, who were as well, the captain and the crew, brought ashore with their effects, and when we did thus act, the captain and crew were pleased, and gave us an English writing, certifying how kindly we had treated them, to serve as a testimony on our behalf, to whoever of the English should come afterwards. Thereafter the captain went to Europe, and gave notice to the Company, who were much gratified at the intelligence, and sent a letter assuring, that they were become allies and brethren to the sultaun and chiefs of Hinzuram, which letter is now sent, that it may be inspected, and seen by you.

Moreover, we have experienced that people of the island of Malkans (Madagascar) have come to our country in boats under French colours, and with powder, bullets and French musquets, to fight with us, and they have ruined the four islands of Huznan, Mowta, Mohella and Guzeeza, carrying off the inhabitants, and selling them for slaves to the French, and they also carried off the cattle and goats, and

rooted up the trees, running even and despoiling whatever they could not carry away with them, and when they departed they said, that in three months more they would return for the like hostile purposes, according to season or monsoon, with which they said they were acquainted. In short, these Madagascar people are desirous of reducing the island, and of giving it to the French. Wherefore, we the sultaun, and all the wuzeers, and all the nobles and chiefs having assembled, have written and sent to you; and at the foot of this letter is impressed the seal of the Sultaun, that we shall give these islands to the Company; in consideration of which, do you, Sir, who are the governor, also exert yourself and send ships and troops, before the coming of the Madagascar people; and thereafter, when you shall make these exertions, we shall offer up our vows, that the Almighty God may protect and support us and our descendants; and that he may requite you for the good done to us. For the rest, these islands are good, and of all the others, that of Hinzuram is the best, producing rice and sugar, &c.; and whenever you shall send troops to take possession of this island, we shall reciprocally profit thereby; and being at this time ourselves engaged in warlike preparations, we have sent our sons, Abba Bekr, and the son of our Vizier Moya Hossey, the son of the Wuzeer Husn, to you and to all the English chiefs in India, to the end that you may consider and determine, and in case you should be desirous of further information, be pleased to refer to Captain Reid, who will describe to you what he has been an eye witness of in Hinzuram, and our object in desiring ships and troops is, that you may despatch them before three months, so as to precede the arrival of the Madagascar people, because we are desirous to give you these islands to be your property, and to belong to you. Wherefore you will send troops and a commander, and then the advantage and good will ensue between you and us, and we will live and remain in like manner, as the Mussulmans do in India; but after the coming of the Madagascar people, we shall have no strength remaining, but shall be despoiled and ruined, our persons and property. We do now know that the French will speedily come, and will take possession of this island; wherefore it hath occurred to us, that you are a powerful man, and of influence in your country, whereas now there remaineth not with us any strength, whilst, by the blessing of God and his prophet, you are powerful. Wherefore, whatever shall be produced in this country, half shall be for you, and the other half for us, and such a stipulation on both sides will be suitable; nor is our religion to suffer any prejudice, and our women also are to remain behind the veil, and the ordinations of God and his prophet are to be current in our country; and in other respects we are in want of guns, musquets, powder, lead, flints and swords, and iron; and we have further to represent, that when the Madagascar people shall make war with us, all our property of cattle and goats will be ruined, after which we shall be in want of some money for the troops.

We, the Sultaun of Syed Abdullah, the son of Seyd Ahmed Moseila, have agreed to this, as hath in like manner our Wuzeer, Syed Benkat, son of Syed Abu Bekr, and also the Wuzeer, Bana Husun, son of Bana Yoombee; and also our brother, the Prince Syed Abu Bekr, the son of Syed Ahmed; and also the Wuzeer, Syed Alwee, the son of the Wuzeer Husn; and also our Wuzeer, Moya Mahomed, the son of Foe; and the writer of this letter is Mean Edroos, the son of Syed Ahmed. May God prosper it.

He who relies on God, the singly powerful, Sultaun Syed Abdullah, the son of Syed Ahmed.	S.
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Honourable Jonathan Duncan, Governor in Council.

Honourable Sir:—Agreeable to your desire communicated to me by your aid-de-camp, Major Dunlop, I send you a copy of a letter received from Syed Abdulla, King of Johanna, on my arrival at that island, inclosing one from the Honourable Court of Directors for my perusal, and informing me, through his principal governor, of the depredations committed by the people of Madagascar, who landed about two years ago in great numbers, armed with muskets, and carrying in their principal canoes the present national colours of France.

After remaining on the island fifty days, destroying plantations, inhumanly putting to death women and children, seizing men, and carrying them into slavery, and

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and having made frequent unsuccessful attempts to overpower the town of Massamoodie, which is the residence of the king, and where I saw the walls much injured by those attempts, and having taken much pains to learn the truth of their assertions, by inquiring and visiting the town of Wharnee, that has been entirely depopulated, and the most unheard-of cruelties committed, as I saw in one house some hundreds of human skeletons, heaped on each other, women, children, and infants; and being satisfied that the account given me was too true, and having an opportunity of serving those who were then under the dreadful apprehension of a second attack, and who had rendered the Company good offices, I thought it a duty I owed to my employers to render what assistance I could from the equipment of my ship, and to receive on board the prince and his suit; being charged with full powers to tender the Island of Johanna and its dependencies to His Majesty, or the English East India Company.

As I acted in this instance with no other motive whatever but to promote the public good, I trust my conduct will meet with your approbation.

Bombay, 21st June 1796.

I have, &c.
(signed) *John Reid.*

To the Commander of the English ship in the Roads.

Sir:—The king and subjects of this island have long been considered the friends of the English nation, and have received repeated testimonials of their good will, one in particular from the English East India Company, which I send for your perusal, and which induces me to solicit your care and charge of my eldest son, Prince Sud Barbudur, accompanied by Sud Bubacara, eldest son of my chief governor, whom we have charged with special powers to tender the Island of Johanna to His Majesty the King of Great Britain, or to the English East India Company.

In conveying those two personages to the first port in India you should touch at, and where they can see the Governor or Commander-in-Chief, to represent the depredations committed by the people of Madagascar, and when they may freely offer this island to the English nation, you will be the means of preventing it from becoming a French settlement, as is the views of the Madagascar chief.

And am, &c.

Johanna,
17th May 1796

Seal of
Sud Abdulla
King of Johanna.

Sied Abdulla, King of the Island of Johanna.

I this moment received yours of the 17th instant, and am extremely sorrow to hear the account it contains of the depredations committed on your subjects by the people of Madagascar, aided and assisted by a few French, whose views, I doubt not, were as you represent, to reduce this island to subjection, and ultimately to form a French settlement.

The determination you (aided by the advice of your lords and people) have come to of making a tender of this island to the English nation, from whom you have received such frequent testimonials of friendship, and one in particular from the English East India Company, which you honoured me with the perusal, makes me ready to comply with your requests in conveying to India your eldest son, Sud Barbudur, and Sud Bubacara, the eldest son of your chief governor, whom you have charged with powers to the government in India, to make such tender and treaty as may be thought proper and advisable. I beg leave to assure you, I will receive and accommodate the two gentlemen you mentioned in the best manner I possibly can; and as you desire, will give the governor of any of the Company's settlements such information that I may be called on for, and at the same time furnish you with such arms, ammunition, &c. that I can spare with prudence from the equipment of my ship; and further, as you request, will leave on your isle my chief mate (who is desirous of remaining) which will convince your Majesty of the high opinion I entertain of your Highness's friendly disposition towards the English nation. I shall sail for Bombay as soon as my water is completed, when, I hope, the gentlemen charged with your dispatches, will be ready to repair on board.

Wishing all health and happiness, I am, &c.

Princess Royal, 17th May 1796.

(signed) *John Reid.*

Copy of a letter from the Court of Directors to Sied Abdulla, King of Johanna, To His Highness Sied Ahmedi, Sultaun of Johanna, the English East India Company wishing health and happiness.

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The very kind assistance offered by you in person, and by your servant to Captain Peter Pigou, commander of our ship, Huntingdon, and to the officers and mariners of that ship, which was wrecked on your island, hath been fully made known to us; the humanity manifested in your orders on that unhappy occasion, by which the lives of our people and cargo were preserved, has fixed in our mind a lasting remembrance of your hospitable sentiments; and not doubting that you will always receive our ships and people in the most friendly and reasonable manner, we are induced to present to you, by Captain William Money, of our ship Gatton, or if he shall not be able to visit you, through the hands of our Governor and Council of Bombay, with the following articles, of which we desire your kind acceptance; viz. one fowling piece, one pair of pistols, one scymitar, two half barrels of fine gunpowder, one cask of fine flints, one scarlet robe dress, laced with gold, a silver dish on which are engraved the arms of the Company, one silver gorget gilt, and one pistol flask for powder and ball.

And as we have considered the services rendered by several of your officers in consequence of your commands, as very beneficial to our distressed people belonging to the said ship, and particularly those of your governor, Prince Sidi Allow; and also those of Zachariah your secretary, the Prince Xeriff Bucker, and Xeriff Barrakat, and others your subjects, we present the above officers with the articles hereafter mentioned in this our letter, and in testimony of our good disposition towards you, we hereunto fix our great seal in the city of London, this twelfth day of April, in the year of our Lord one thousand seven hundred and seventy-five, according to the Christian æra.

For the Governor Prince Zachariah, the king's secretary, Sidi Allow, the purser, Xeriff Barrikat, and Xeriff Becker, being six great officers of the king, six fowling pieces, one for each, and six robe dresses, one for each. For the inferior officers, to be at the king's disposal, ten small silver gorgets, suspended by broad ribbands ornamented with gold.

(Company's
Seal.)

Agreed, that the following letter be written to Bombay.

To the Honourable Jonathan Duncan, Governor in Council, Bombay.

Honourable Sir:—We have had the honour to receive your letter of the 21st ult. informing us of the despatch of the Drake cruizer, with a letter and presents to the King of Baba, and apprizing us of the arrival of the eldest son, and another relation of the Prince of Johanna at Bombay, and of the object of their mission.

Much as we lament the sufferings of the inhabitants of Johanna, yet as the acceptance of the cession of the island would impose on us an obligation of protection, the charge of which might subject us to great expense and much embarrassment, without being productive of any adequate advantage, we think it incumbent on us to desire you will state to the deputies, the impracticability of our complying with their wishes in this respect.

With regard to furnishing the prince with any military aid, considering our imperfect knowledge of the nature of the differences subsisting between the people of Johanna and those of Madagascar, and our uncertainty as to the force which the troops might have to oppose, added to the objections which occur to engaging in any acts of hostility against a people from whom we have sustained no injury, we are doubtful how far the measure would be expedient or justifiable.

In consideration however of the friendly treatment which our ships have invariably experienced at Johanna, and the claim which the inhabitants have on this ground, to our affording them every aid that can be given to them, consistently with our duty and the public interests, we authorize you to employ a cruizer to convey the deputies back to Johanna, and at the same time to furnish them with a number of muskets, not exceeding four or five hundred, or any other arms, with the necessary proportion of ammunition; and to allow them to entertain any sepoys who may voluntarily engage in their service, to instruct them in the use of the arms, should they be of opinion that this aid will enable them to protect themselves against the future attacks of their enemies.

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In return for this assistance, however, we think it fair that you should require from them a promise that they will not cede their island to any foreign power, nor afford assistance or protection to the enemies of the English nation.

We have, &c.

(signed)

By the Governor General in Council.

Fort William, July 18th, 1796.

Extract of a Letter in the Political Department from the Court of Directors, to the Governor General in Council of Bengal; dated 25th July 1798.

8 to 13.—Proposals of the King of Baba to put the Company in possession of the sovereignty of Johanna and its dependencies, and his request for military aid against the people of Madagascar.

5.—We very much approve of your determinations upon the points mentioned in these paragraphs.

PROCEEDINGS, 1803, relative to the state of Domestic Slavery on the island of Ceylon, and to a traffic in Slaves between the Malabar Coast and that Island.

Extract, Bengal Political Consultations, 4th May 1803.

N^o 42.

Read the following letter to the most Noble Marquis Wellesley, Governor General in Council, &c. &c. &c. Fort William.

My Lord:—I have the honour to lay before your Lordship in council, a proclamation which, with your permission, I would propose to issue for the regulation of domestic slavery within these settlements.

2.—The scandalous manner in which the unhappy persons, whom it is the principal object of the proposed regulations to protect, are treated in general by their masters and mistresses of every nation, caste and religion, within these settlements, render it a positive duty of government to delay as little as possible, the adoption of strong measures for their relief.

3.—Those which I propose, are taken chiefly from the statutes of Batavia, particularly from one published in the year 1770, of which I send an extract, and which was in force at the time of our occupation of this island (though never observed in practice). I have also recurred in some instances to the civil law; on which the jurisprudence of Holland is founded; and as the principal and most enormous class of proprietors of slaves are of the Mahomedan religion, I have adopted and made general some of the admirable regulations, by which the Khoran and its commentators have softened the rigours of slavery at the same time they established its lawfulness.

4.—The only point in which I am not justified by direct authority is, in the admission of slaves to give testimony on oath before tribunals, a permission directly contrary to the words of the Roman law, but to which recourse has been had in all extraordinary cases, from the time of Vendex down to the pretended conspiracy of the Chinese at Batavia, and which is absolutely necessary to the carrying on criminal justice according to the rules of evidence established by the law of England, which in that point undoubtedly excels every other system of jurisprudence ever adopted, and which has the most indispensable advantages in a country, where, from the entire want of practitioners in the law, the courts are obliged to direct the proceedings, and to maintain the rights both of the Crown and the prisoner, with the most vigilant attention; and if peculiar care were not taken to investigate the truth, and to throw all possible light upon every transaction brought before the criminal tribunals, by the admission and comparison of all attainable evidence, on either side, general impunity would be established for crimes, or the innocence, and perhaps the life of ignorant and unassisted dependents would be left at the mercy of malicious and interested accusers, in a country where perjury is not yet regarded with sufficient abhorrence.

5.—The principal point on which all codes which have allowed domestic slavery have universally insisted, the clear and unequivocal definition of the slave, and of the means by which he or she may have been acquired, was neglected on Ceylon, with the most barbarous indifference, out of more than a hundred cases that have been brought before me, the masters or mistresses of the beings claiming liberty, have not in more than six or seven instances produced slave bonds properly authenticated, or such as a Dutch tribunal, acting according to the Dutch laws, would have received. In many cases, no papers are existing, in others simple testamentary devices, proving the

the opinion of the defunct, as to his power over the slave bequeathed, have been insisted on, not as a collateral, but as a positive proof of the slavery of the person claimed under it; and in the province of Baticalva, the assertion that a child was sold by his parents in a famine, was urged before me as the right on which the greater part of the slaves in that province have been held for some time past, as well as their posterity. The practice of kidnapping at Cockin, was for many years notorious, but the reception of slaves from that place, was subject to scarcely any restrictions on this island; and those restrictions, I am afraid, were but ill observed. In short, that institution, reprobated as it is by good policy, morality and religion, exists here, with all the aggravated horrors of uncertainty in its application, and cruelty in its exercise.

6.—I will now proceed to inform your Lordship in council of the manner in which the national faith stands pledged to the support and maintenance of it, by the capitulation of the principal forts.

7.—The word property, which, by the capitulation of Trincomalee, was secured by the inhabitants, was interpreted by General Stuart not to extend to slaves, and by analogy to our laws and practice, it certainly does not. The government of Fort St. George, however, thought otherwise, and the slaves who could be found were restored to their proprietors. It is far from my wish to fix bounds to the authority of a full and independent government, but perhaps a decision so directly repugnant to that system of jurisprudence (the Roman law), on which the public law of Europe is founded, may be considered as an extraordinary act of power; for by that law it is expressly declared, that persons once declared free by competent authority, even on false pretences, cannot afterwards be returned to slavery by any authority whatever. The decision, however, having once been made, it is far from my wish to have the grounds of it examined. The persons who may remonstrate against it, may for the most part obtain their liberty on account of the insufficiency of the proofs of their slavery, if they wish it; and those who are lawfully held in slavery may, by a very confined exertion of public or individual charity, easily be delivered from it.

8.—In the capitulation of Jaffnapatam, after that decision of the government of Fort St. George, and in that of Colombo, where it was previously and positively, though verbally settled with General Stuart, the word "property," which is in both preserved to the inhabitants, undoubtedly does include slaves. In the latter case, the reason why the word "*slaves*" was not inserted, was an opinion entertained by General Stuart, that such an article could not be agreed to consistently with law. It was, however, perfectly understood by a verbal stipulation between Governor Van Angelbeck and Lieutenant Colonel Agnew, on behalf of General Stuart, that slaves should be included in the idea of property; and as that stipulation formed part of the capitulation in which the fort was surrendered, I have always religiously abided by it. I never, however, considered the government which I represent as precluded from insisting on the observation of those laws which the Dutch themselves had enacted, nor from modifying them in any manner which would not destroy or materially injure the property. The slaves, indeed, are individually of little value, as I have reason to know from many valuations by exports, which have been made before me for the purpose of settling their price, in cases where the civil law orders either redemption or transfer. While children, they are an absolute burthen to their proprietors, who would wish to part with them, were they not sometimes the objects of capricious fondness, as well as of wanton tyranny. The small gratification which I propose to offer for their maintenance till they are able to provide for themselves, is the same that is allowed by the committee charged with the administration of charitable funds, for that of orphans and destitute children; and I hope your Lordship will not think it too much, when you consider the dreadful effects which the abandonment and evil education of many persons of that age might have on the morals and security of the rising generation.

I have the honour to be, my Lord, &c.

Arripo, 20th Oct. 1800.

(signed) *Frederick North.*

N° 43.

PROCLAMATION to regulate and explain the manner in which domestic slavery is permitted within these colonies.

1st.—Whereas we have witnessed in many instances, with the greatest horror and affliction, the vague and uncertain titles by which many persons living under our government are held in a state of domestic slavery, in contradiction to the laws promulgated by the Government General of Batavia, for the regulation of that institution, as well the usage of all other countries in which it is allowed.

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2d.—We deem it expedient to define and explain, and by these presents do define and explain, the terms on which we permit the continuance of that institution within these settlements.

3d.—We therefore declare, that slavery can attach to no person but such as were deemed by the customs and usages of this island, and admitted by the governor to be lawful property of individuals within the districts of Colombo, Galle, Matura, and Cultura, on the 15th day of February, in the year of our Lord 1796; and at Jaffna and its dependencies, on the 30th day of September, in the year of our Lord 1795, and Trincomalee, on the day of in the year of our Lord 1795, and upon the children of either sex born upon such women as were so deemed and admitted to be lawfully slaves at those times respectively.

4th.—And we do require and enjoin, that all persons having slaves within these settlements do produce the same, together with their slave bonds and papers, before the person holding the register of the district, where such persons do respectively reside; that a declaration of the name, age, sex and person of each and every of the said slaves, bonds be entered on the register, and that for every name and bond which shall be so entered, the master or mistress of the slave produced shall pay one rix dollar, lawful money of Ceylon, towards defraying the expenses of the said register.

5th.—And we do further declare, that all slaves whose names and slave bonds be not entered in such register as aforesaid, on or before the first day of May in the year of our Lord 1802, shall and will from that day be considered as free; and that all persons treating and keeping them in slavery on or after that day, will incur the penalties inflicted on lesser plagiary in such manner as hereinafter mentioned.

6th.—And we do likewise declare, that no transfer of a slave shall, from and after the publication of these presents, be valid unless registered as above mentioned; and that on every transfer, the purchaser of the slave transferred, shall pay one rix dollar towards the expenses of registry.

7th.—And whereas in the time of the late government of the United Provinces, it was ordered, that no slave, being a christian, should be vendible by his or her master or mistress, but remain together with his or her offspring attached to the family of such master or mistress, unless manumitted; we do hereby confirm the said law, and declare moreover, that all children born of slaves in the families of christians since the capitulation of the respective places hereinbefore mentioned, and not yet sold, shall in future be neither vendible or transferable, but simply vernacular, and attached to such families in order that their masters and mistresses may no longer have any inducement to prevent them (as we fear has too often been the case) from receiving the light of the gospel, abolishing as we do, by these presents, the penalties to which masters and mistresses who neglect the duty of properly instructing their slaves in religious knowledge are subjected by the statute of Batavia.

8th.—And we do hereby declare all persons, who from and after the first of May in the year of our Lord 1802, shall attempt to confine and treat as a slave, any inhabitant of this island, without a just title so to do, guilty of the lesser plagiary, and do condemn all such persons, on due conviction thereof, in our criminal court, to pay the sum of one thousand rix dollars lawful money of Ceylon, the one half to the informer, and the other to the person so confined and treated as a slave.

And we do declare guilty of the full crime of plagiary, all persons who shall excite or cause to be written any false slave-bond, ola or paper, or sell or endeavour to sell as a slave any person, knowing the same to be free; and we do condemn all such (on due conviction thereof) for the first offence, to be burned on the brawny part of the left thumb, and to pay a like fine as that mentioned in the foregoing paragraph; and for the second offence of the like sort (on due conviction thereof) to be hanged by the neck till they be dead.

9th.—And we do hereby strictly prohibit the importation of slaves, declaring all persons of what rank, sex or condition soever, to be free on their arrival within these settlements.

10th.—Save only such persons being slaves, as accompany their masters or mistresses into this island, permission to land them having been previously obtained from the magistrate of the place where landed, and confirmed by us or our successors, governors or lieutenant governors of these settlements, within two calendar months, and to be valid for the term of twelve calendar months from the date of such

such confirmation; after the lapse whereof, the said slaves (due proof being made of their slavery) shall not be exported again from the island as slaves; neither shall they, after their landing, be exchanged, bartered or sold as slaves, but remain attached to the families of their masters or mistresses aforesaid; and any person endeavouring to sell or otherwise dispose of them as slaves, and the person buying them, knowing their condition, shall be proceeded against as guilty of full plagiary.

11th.—And if any ship's captain, master or other person do clandestinely import any person or persons, with the intent to sell him, her or them as slaves, they shall, as well as the person buying them and knowing them to have been so imported, be proceeded against, and if guilty, punished for the said offence of full plagiary, and the said slaves so imported are hereby declared free.

12th.—And we do further prohibit the exportation of slaves, excepting in the case before related of strangers coming to the island, and obtaining permission as hereinbefore set forth.

13th.—We do, however, permit all European or burghers, leaving the island with an intention not to return, to sell, in the presence of the magistrate, to any christian person of good fame, such slaves as they may at that time stand legally possessed of, the said slaves entering into the service of their new masters or mistresses on the same terms on which they were when disposed of; that is to say, the vernacular shall be considered as vernacular, and the vendible as vendible.

14th.—And whereas it is our first duty to protect the persons of all those who are under our governance; we shall enforce, with the greatest strictness, the following Regulation concerning the treatment of domestic slaves:

1st.—That all slaves disabled by illness or old age from gaining their bread, shall be maintained by their masters or mistresses, and in case of neglect of this duty, such masters or mistresses may be sued by such of their slaves respectively before the civil tribunal of the district where they reside, which tribunal shall order sufficient alimony to be given for the maintenance of such slaves, besides the costs of suit; and that all such cases, if decided against the slave or slaves, shall be appealable to us in our court of lesser appeal, without regard to the sum in question, abolishing, as we do by these presents, any penalty to which the master or mistress of such slave might be liable for not maintaining and nourishing the same.

2d.—That no married male slave shall be sold without his wife, if a slave also, and no wife without her husband, and no unmarried woman slave, or male slave under fifteen years of age, without their parents, if alive, and provided they are slaves also; and on any contravention of this order, all the slaves therein concerned shall be declared free, and the seller shall pay (on conviction) to and for the benefit of the said slave or slaves, the sum of five hundred rix dollars lawful money of Ceylon.

3d.—Any master or mistress who maims, or disables or disfigures, or causes to be maimed, disabled or disfigured, a slave, by cruel beating or otherwise, shall, on conviction thereof before us in our criminal court, be obliged to pay two hundred and fifty rix dollars lawful money of Ceylon, to the benefit of the said slave, who shall thereupon be declared free.

4th.—Any person proved before the magistrate, by the deposition of credible witnesses, to maltreat habitually and beat severely any slave, or who shall cause the same to be done wantonly, though without maiming such slave, shall be obliged to sell the said slave to some christian person, in presence of the magistrate, if the said slave be vendible, and if not vendible, to manumit the same.

15th.—We also declare, that any vendible slave or slaves on this island shall be at liberty to purchase his, her or their freedom, on paying their master or mistress the price or prices offered for him her or them, when offered for sale, in preference to any other purchaser, or on payment of such price or prices as the magistrate shall, on a fair valuation, assess (and he is hereby authorized to assess the same, on the opinion delivered on oath, in open court, of two experienced persons not excepted against for sufficient reasons, either by the slave or by the master or mistress thereof, or their attornies: Provided always, that such slave or slaves can make it appear that he she or they came by the money, so to be laid out, fairly and honestly, that the said money be given for that purpose by a free person, or that the sum be gained by the said slave suddenly, and all at the same time, by accidents totally independent of his, her or their situation of slave, and without reference, implied or direct, to his her or their master or mistress, who are and remain undisputed proprietors of whatever he she or they may earn merely in his her or their capacity of slave.

16th.—And

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16th.—And we do hereby order, that in all cases whatever of manumission or enfranchisement by or before the magistrate, the said magistrate do cancel or cause to be cancelled in his presence, all and every the slave bonds, olas or papers relating to the slave or slaves manumitted or enfranchised, so that no trace or traces of the former slavery may remain.

17th.—And all magistrates are hereby directed to keep a separate and distinct diary of all slave cases by them determined respectively, and to transmit the same, or an attested copy thereof monthly, to Colombo, for the information of government.

18th.—We do further declare, that all children, being the fruit of the womb of a slave woman, do appertain to the master of the said slave woman.

19th.—Save and except where the said slave woman is the lawful wife of a free man, in which case the child, born after the father's freedom, shall inherit the condition of his father; or where the said slave woman is the proved and acknowledged concubine of an European or burgher, in which case the offspring becometh a burgher, or where the said slave woman be the concubine of her master, in which case she is no longer vendible, and her children are born free.

20th.—We do also hereby order all civil courts, including Landroosts, within these settlements, to entertain and examine all such suits as may be brought before them, to prove the freedom of persons claimed as slaves, we grant and admit an appeal to us and our successors in our lesser court of appeal; but in case their decision be for the liberty of the person contending to be free, such decision must be considered as final to all intents and purposes, the value of a slave to the master and mistress being by no means comparable to the value of liberty obtained by the slave, and for the most part, on this island, not being of an appealable amount.

21st.—And for the encouragement of persons possessing slaves to emancipate them, or to behave to them with that kindness and tenderness which their relative situation particularly enjoins:

22d.—We do further proclaim and declare, that when the slave, emancipated by his master, or her master or mistress, shall die without heirs of his or her body, or without disposing of his or her property towards the emancipation of persons in slavery, the said master or mistress, or their heirs, shall inherit the property of the said emancipated slave, as heirs at law.

23d.—We do further ordain and declare, that all crimes which by the law of England are considered as liable to the penalties of petty treason, shall be extended to the relation of an emancipated slave with his or her master or mistress, and be punished accordingly.

24th.—And we do expressly declare, that nothing herein contained shall be construed to authorize any undutiful or disrespectful behaviour in slaves against their masters or mistresses, but that such shall be punished with exemplary severity by every court before which it may be proved.

25th.—And whereas by the practice existing under the late Dutch government, the testimony of a slave was not received by a court of justice, we do hereby declare that practice abolished, as contrary to the due execution of justice, and to the right which all persons, professing a religion, has to be heard on the oath which he gives at the risk of his own soul.

26th.—We therefore declare the oaths of slaves valid and receivable, enjoining all tribunals before whom they may be made, to give them the degree of attention which they may think due to them, and which must depend upon the circumstances of each individual case.

27th.—And on this account we declare, that all slaves who have taken oath in a court of justice are liable to punishment for perjury in the same manner as free persons, and that the master or mistress who may have induced the said slave to perjure him or herself is guilty of subornation of perjury, and will be punished accordingly.

28th.—And we further declare, that although in civil causes, except such as lie between master and slave, the master or mistress is responsible for his or her slave in criminal cases, the slave committing the crime is alone punishable.

29th.—And whereas many well-disposed persons are unwilling to abandon their slaves while in a state of infancy, and therefore incur a heavy burthen in maintaining them till they arrive at the age of puberty, we, by these presents, declare, that any person manumitting an infant slave, shall receive from government six fanams per mensem for the maintenance of the said infant, till he, if a male, shall have attained the age of sixteen years, and if a female, till she shall be married, the said master or mistress being bound to take care of them as natural guardians till that time.

30th.—And

30th.—And we do further declare, that no slave acquired by an European, natural born subject of His Majesty, on this island, or his descendants, can be alienated, bartered, sold, or otherwise disposed of, by his or her said master or mistress, nor be considered as hereditary property; but that on the departure or demise of the said master or mistress, the said slave becomes positively and incontestably free.

31st.—And in all cases, excepting such as are particularly specified in this our proclamation, we do hereby order and proclaim, that the laws having relation to domestic slavery, which existed in this island under the late Dutch government, shall be considered as in full force and vigour, and the same shall be observed by all tribunals and all officers of justice and other persons within this government, as they will answer the country to their peril.

Extracts from the Batavia Statutes.

Article 6.—Christians may not sell or alienate to Moormen or Pagans their slaves, whether they are christians or not, on pain that the seller will forfeit the slaves and the purchaser the amount of purchase.

Article 7.—And the christians are bound to instruct, or cause their slaves to be instructed in the christian religion, and to have them baptized when they are inclined to it, or when it can be done without constraint, on pain of arbitrary correction.

Article 8.—Slaves belonging to Pagans and Moormen embracing the christian religion, their masters will be obliged to cede to christians for a reasonable price, and they shall not be at liberty to prevent their being instructed in the christian religion to persuade them from it or to force them to forsake their religion, on pain of forfeiting their slaves.

Article 10.—A master being obliged, for important reasons, to confine his slaves in order to prevent any impending danger, shall be obliged to give notice of it within 24 hours to the competent officer.

Article 11.—And although the masters are permitted to punish their slaves when they commit any fault in a domestic manner according to their merits, they will however not be at liberty to have them fastened in irons, but with the knowledge, and by permission of the judge or officer under whose jurisdiction they belong, and much less to torture or grossly to maltreat them, on pain of forfeiting them.

Article 12.—But if any body slays his slave, or in any other manner deprives him of his life, he shall be corporally punished according to the exigency of the case; and the parents or children of such slaves as have been slain by their masters or mistresses, shall be immediately sold for account of their master or mistresses to the highest bidder, who is not related to their master or mistress.

Article 13.—And in order to prevent all bad practices, nobody shall be at liberty to bury a slave on his own ground nor elsewhere without the knowledge of the officers of justice, except that they live at a distance from the next fort, or that the slaves die there, in which case it shall be sufficient for the master of the deceased slave to acquaint two of his neighbours as witnesses.

Article 14.—A slave being treated cruelly by his master or mistress, will be at liberty to complain to the judge or officer, provided however that the slave has great and just reason so to do, otherwise they will be severely punished and sent back to their masters.

Article 15.—Slaves who have used their utmost endeavour to save or rescue their masters or mistresses or their children from imminent danger, such as murder, violence, force, and have placed their masters, mistresses, or children in safety, shall be immediately set at liberty.

Article 16.—Executors or administrators to estates will consequently not be at liberty to sell such slaves, but must, at the very first sitting of the competent court, emancipate those slaves at the expense of the court; but if the estate cannot bear the charges of emancipation, the court shall in such cases remit those charges.

Article 17.—A slave who offends, scorns, injures, calumniates, or falsely accuses his master or mistress, shall be whipped and confined in irons, or otherwise punished according to the exigency of the case.

Article 18.—If a slave mistakes himself so far as to lay his hands on his master or mistress, although unarmed, he shall be punished with death without mercy.

Article 19.—It will be sufficient for a master or mistress, whenever any of their slaves commit a capital crime or offence, to cede them in behalf of the party concerned

cerned, or to justice, without that they will be otherwise responsible for such a slave, excepting that they have consented in the offence or crime committed.

Article 21.—Nobody whomsoever shall be at liberty to detain or conceal a male or female slave belonging to another person for any reason whatsoever, without the consent of their master or mistress, on pain of forfeiting 25 rix dollars in behalf of the officer of justice for every day or night they shall have detained or concealed such slaves.

Article 22.—But if the slaves are detained or concealed longer than twice 24 hours, in order either to facilitate their detention or to retain them from their masters or mistresses, the persons guilty of this offence being convicted of it, shall, without distinction of persons as having been found guilty of seducing or robbing slaves, be punished in the manner as mentioned in the article robbery and fraud.

Article 23.—All persons discovering one or more runaway slaves on their grounds or farms, shall be obliged immediately to secure those slaves, and to send them without delay, under proper custody, to the commandant of the next post, or to the fiscal or country sheriff, or shall at least be obliged to give them proper notice of it; but should they act contrary to this order, they shall forfeit every time, a fine of 100 rix dollars for every slave they have discovered and not reported, the half for the officer who shall have seized such offender, and the other half for the informer, and besides he will be obliged to restitute the slave, or his value to the owner.

Article 24.—And if this offence is perpetrated at a sugar mill, the polker or writer, shall, besides paying the aforesaid fine, be obliged to work in irons at the public works, for the space of ten years.

Article 35.—All executors and administrators are prohibited to sell children which christians have begotten by their female slaves, either that the estate be solvent or insolvent.

Article 36.—All such children which a christian master has begotten by his slaves, shall be given to any body who asks for them, and who is inclined to educate these unfortunate children in the reformed religion, and when generated by Europeans, in such case only the children shall be given to the deacon, in order that they may be brought up in the charity house, and there instructed in the manner aforesaid.

Article 37.—All corporal engagements to become slaves, or to be bound to servitude for a certain number of years, is prohibited on pain that the debtors will not be bound to perform or fulfil the servitude agreed upon.

Article 38.—The native officers and those whom it may concern, shall not be at liberty to engage in the Company's service, persons whom they know to be slaves, as they must be free-born people, on pain of not only forfeiting their monthly wages which shall be due to them, but also the value of the male or female slave they shall have taken away, as being the legal property of their masters, besides arbitrary correction, and even corporal punishment, according to the exigency of the case.

Article 50.—Nobody of any state or condition whatsoever shall be at liberty to purchase or accept any thing in pawn from a slave, excepting he is provided with a permit, although it is not offered for less than the value, and although the goods so offered for sale or pawn, are not supposed to have been stolen, on pain of forfeiting a fine of 35 rix dollars, one half for the officer of justice, and the other for the informer.

Article 51.—He who, without that permit is produced, purchases any thing from a slave, either for or under the value, or notwithstanding he cannot suppose from the circumstances of the goods to have been stolen, shall however be punished as a receiver of stolen goods.

Article 53.—All those that are caught in the streets making a noise or disturbance before or after sun-set, shall the first time be apprehended, and be bound by order of the officer of justice, to a post and flogged, and the second time be confined in irons, for so to serve their masters or mistresses for the space of three or four months, or at their desire be sent to the island Edam.

Article 54.—Slaves shall, under no pretence whatsoever, be permitted to wear either by day or night, a creuse or any other weapon, except they go beyond the next fort, and that they are furnished with a written permit from their masters or mistresses for that purpose.

Article 55.—A slave being caught armed by day, shall, besides forfeiting it, be bound to a tree or post, severely flogged, and be put in irons for the space of six months, either to serve his master or mistress in that manner, or be sent, if they desire it, to the island of Edam.

Article 56.—But if after sun-set, a slave is found armed in the street, he shall for the first time, besides being flogged, be put for a whole year in irons, as above stated.

Article 57.—But being caught a second time, such a slave shall be criminally prosecuted, and condemned to be brought to the place where criminal sentences are put into execution, and there be whipped on the naked back, afterwards put in irons, and afterwards sent to work at hard labour, at such place as government shall think proper.

Article 58.—And should the offenders mentioned in the two foregoing paragraphs, be so daring as to oppose themselves against the officers of justice, these are in such a case authorized to make use of means of sharp weapons against those who first attack them, and these means shall be particularly employed against criminal offenders who oppose there being seized.

Article 59.—No slaves shall be permitted to go through the streets at night after nine o'clock, without a light in their hands, excepting the moon shines bright.

Article 60.—He who, in a dark night, is found walking the streets after nine o'clock without a light, shall be taken up by the night guards or officers of justice, and be confined in the stocks until the next day, when it must be examined whether it was with their masters or mistresses permission that they went out without light.

Article 61.—If this is the case, the masters and mistresses shall pay half a rix-dollar, and the slaves be free from punishment.

Article 62.—But if the slave is gone out in the aforesaid manner, without permission of his master or mistress, he shall be flogged by the officer of justice, according to the exigency of the case.

Article 66.—In the like manner as the slaves, their children and goods, none excepted, are the property of their masters, in the same manner the slaves may not dispose of their property, either when they die or in a last will, excepting with the consent of their masters.

Article 67.—Amongst which shall not be considered the means or goods which a master gives or bequeathed intentionally to a slave to carry on his trade, or for his subsistence; for if he makes any engagement, or enters into a contract respecting those goods, the master shall be obliged to fulfil such contract or engagement, but no further than the value of those goods.

Article 68.—But a slave cannot dispose of them in a will, as it will not be of force.

Article 69.—He who purchases a slave, and afterwards discovers that at the time of sale he had some concealed disorder or distemper, such as falling sickness, Spanish or Amboina pox, dumb or deaf, will have at his choice, during the time of six months, either to annul the purchase, or to pay so much less as the judge shall think proper that ought to be deducted on account of the disease or distemper.

Article 70.—Should any body wish to annul the purchase on the above grounds, he shall be obliged to prove that the slave so sold had the distemper during the time he was with his former master, and before that the purchaser purchased the slave.

Article 71.—All slaves deranged in their minds shall be placed in the China hospital, and there maintained for account of their masters, who will pay two rix-dollars monthly to the superintendent of the hospital.

Article 72.—The seller of a slave will be also responsible for any offence or crime the slave committed before the time of sale, either that he knew of it or not; that is to say, for no more than the value of the slave.

Article 73.—Either christians or unchristians wanting to emancipate, during their lifetime, a christian or unchristian slave, or testamentary executors wanting to give slaves their liberty by virtue of a will, shall pay twenty-five rix-dollars to the secretary of the court for every deed of emancipation.

Article 80.—All slaves that have been emancipated or have obtained their liberty, on account of having been in Holland, as well as the children they have since procreated, and their descendants, shall be obliged to pay due respect to their former masters and mistresses, their children and descendants.

Article 81.—Any of them being convicted of having injured their masters or mistresses, their children or descendants, either with words or deeds, or behaved towards them scornfully, shall be severely punished, and even put in irons, or otherwise severely punished according to the exigency of the case.

Article 82.—The emancipated slaves are obliged, when their emancipators, the children or descendants become poor, according to their circumstances to maintain their said masters, mistresses, their children or descendants, or give them a monthly allowance to be limited by the court or magistrates.

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Article 83.—A master abandoning his slave, in case of sickness, or leaving him in distress, such a slave shall be put at liberty, on his representing his case to the court.

Article 84.—A slave who discovers and informs the cause of his mistress's death, shall also be emancipated.

Article 85.—An emancipated slave dying, his legal children and descendants, *ad infinitum*, if he has also any who are free people, shall succeed to his property.

Article 86.—But if such unemancipated slave leaves no legal children or descendants, his property shall devolve to his nearest relations, they being free people; that is to say, one half to his said relations, and the other half to the emancipator, his children and descendants.

Article 87.—But if he dies without leaving any free and legal relations, the whole of the property shall devolve to the person who gave him his liberty, his children and descendants, provided that the deceased has not made a will.

Article 89.—All other cases respecting slaves not mentioned in these presents, shall be decided agreeably to the imperial laws, in so far as are not contradicted by these presents, and in so far as they are consistent with the laws and customs of this country.

Article 90.—The owners of such slaves as are condemned by the court of justice to suffer corporal punishment, but not death, shall be obliged to pay the charges of the court, notwithstanding their slaves are condemned to hard labour for any number of years, excepting their master cede their right to such slaves to the Company, instead of paying the aforesaid charges, which cannot however be done than with respect to good and able slaves; for if old and unable, they shall be sold by public outcry, and the proceeds employed to defray the above-mentioned charges.

Article 91.—When slaves, who have rendered themselves guilty of criminal offences, and have been punished by the court of justice, are not returned to their masters or owners, in such a case the prison charges shall be paid by the officer of justice under whose jurisdiction the master or slave belongs.

Article 92.—Should any slaves, on account of being sick or unable to work, be discharged by their masters without that a proper act is given them, and that such slaves apply to the deacon for subsistence, the deacon shall reject them, and inform immediately the officers of justice thereof, in order that he may make the necessary inquiries respecting the situation and circumstances of those slaves.

PAPERS relative to a Female, who, having been held in slavery in the Burman Territory, escaped from Rangoon to Calcutta, on board of the ship Shah Phirie. 1805.

Extract, Bengal Political Consultations, 17th October 1805.

N° 43.

Mr. Petrus Johannes, to the Honourable George Udney, Esq. Vice President and Deputy Governor in Council, Fort William.

The Memorial of Petrus Johannes, *supra* cargo of the ship Shah Phirie, now lying at anchor in the River Hooghly, under English colours, on behalf of Mr. Lazar Jacob, of Rangoon, Armenian merchant, and owner of the said ship and cargo,—

Humbly sheweth,—That Mr. Lazar Jacob has resided at Rangoon with his family for upwards of thirty years last; that the said Lazar Jacob, having built the above mentioned ship Phirie, at a very great and heavy expense, the said ship being of the burthen of one thousand and two hundred tons, he, in the month of August last, dispatched her, under English colours, from Rangoon for Calcutta, under the command of James Campbell, as captain of her, with officers and crew suitable, and under the management of your memorialist, as *supra* cargo; that the said ship and cargo, which all belonged to the said Lazar Jacob, was insured at Calcutta to the amount of sicca rupees two hundred and fifty thousand.

Your Memorialist further states, that on the 17th day of August last past, the Burma pilot quitted the ship, which proceeded on her voyage to Bengal; and on the following day a woman of the Burma country, to the great surprise of your memorialist, the captain, officers and greatest part of the crew, made her appearance upon deck, and upon inquiry it was found that the gunner of the ship, John Phillips, a native of some part of America, who confessed the fact, had secreted her on board; that situated as the ship was at the time of such discovery, it was impossible for them

them to put back to Rangoon, having no pilot with them ; and from the ship being insured, the putting back would have vacated the insurance, it was determined to proceed on their voyage to Bengal, with the woman on board ; and the said ship arrived at Diamond Harbour, on or about the 9th day of September last.

That on the arrival of the ship, information of the foregoing circumstance was given to the magistrates, and the woman has been taken care of.

Your Memorialist further begs leave to state, that the carrying away a female native of the Burman territories, without the license of the government, is strictly prohibited by the government of Rangoon.

That your Memorialist is under the greatest apprehension of the dreadful consequences that may be the result of the aforementioned circumstance, from an arbitrary government to the said Lazar Jacob, his family and property, as also to the ship and people who were on board, unless the government shall be humanely pleased to interfere in their behalf, by ordering the woman to be sent back to Rangoon, with a letter to the government there.

Your Memorialist has the honour of laying before you a declaration made on board of the ship at the time the discovery was made, signed by the captain and officers.

(signed) *Petrus Johannes.*

Mr. Petrus Johannes.—We the undersigned do certify, that after the pilot had left the ship, which was about 1 P. M. August 17th, 1805, on the day following a woman (slave) of the Burma country made her appearance upon deck about 10 A. M. which surprised the whole of us ; we do therefore hereby declare, (and if necessary upon oath) that we had no knowledge of her person being on board previous to her appearance ; we have since been informed by the gunner of the ship, that he concealed her some days previous to the visit coming on board, in order that he might take her away, and the reason he gives, that he knew that if he had asked such a favour that it would be refused him ; not being able to send her back by any conveyance, we have let things stand as they are, but mean to secure both on the ships arrival at Diamond Harbour, until advice can be had how to act with respect to them ; we therefore do quest that advice may be given on this head, in order that those who were unacquainted with the circumstance may not suffer in the event of returning to Rangoon, the Burma laws being exceeding strict with respect to women leaving their country without license from their government.

N° 44.

(signed) *James Campbell*, Commander. *Charles Webster*, 1st Officer.
David Walker, 2d Officer. *Robert Forbes*, 3d Officer.

On board the ship Shah Phirie at Sea, August 18th, 1805.

(signed in the Armenian character) *Petrus Johannes.*

To Mr. Petrus Johannes, Supra Cargo of the Ship Shah Phirie.

Sir:—I am directed to acknowledge the receipt of your memorial, addressed to the honourable the Vice President in council, and to inform you that the Burmese female who has been brought from Rangoon to this port in the manner stated in your memorial, and in the document annexed to it, will be sent back to Rangoon by the first opportunity which may occur.

N° 45.

2.—A letter will also be addressed to the Vice Roy of Pegue, calculated to secure the owners and officers of the ship from the consequence which might result to them from being exposed to the suspicion of having violated the laws of the Burmese empire by conveying from Rangoon a female of that nation.

3.—The letter to the Vice Roy of Pegue will be delivered to you for the purpose of being transmitted to Rangoon by the vessel on which the woman may proceed to that port.

4.—You will accordingly adopt the necessary measures for procuring a passage for the woman, and when an opportunity of sending her back shall occur, you will communicate the circumstance to me, for the information of government, in order that the letter may be prepared and delivered to you.

5.—The expense of the maintenance of the woman in Calcutta, and of her return to Rangoon is of course to be defrayed by the owners of the Shah Phirie.

I have, &c.

(signed) *J. Adam*, Deputy Secretary to Government.

Fort William, 17th October 1805.

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N^o 30.

Extract, Bengal Political Consultations, 24th October 1805.

Mr. Petrus Johannes to J. Adam, Esq. Deputy Secretary to Government.

Sir:—My Poone brig will get ready in course of eight days to sail for Rangoon, on board of which the woman is to return back thither, I shall thank you therefore to send the letter which is to be addressed to the Vice Roy of Pegue.

I am, &c.

Calcutta, 24th October 1805.

(signed) *Petrus Johannes.*

Extract, Bengal Political Consultations, 26th December 1805.

Mr. Martyn, Magistrate, to J. Adam, Esq. Deputy Secretary to Government.

N^o 9.

Sir:—A letter with your signature, has this day been put into my hand, relative to a Burmese female who was brought to this port from Rangoon in a vessel called the Shâh Phirie, of which Petrus Johannes, to whom your letter is addressed, was supra cargo.

It would be a dereliction of my duty, if I suppressed a fact which has just come to my knowledge, and therefore I have to request that you will submit, for the information of the honourable the Vice President in council, that this pretended Burmese female is no other than a subject of His Majesty, being born in Calcutta, has family connections here, and was decoyed away some years ago by a Portuguese to Rangoon, and there sold for slavery.

The affidavit of the woman herself, confirmed by the information of other persons, I also inclose, the woman expresses the utmost aversion of being forced to return to a country where captivity for life awaits her.

I am, &c.

(signed)

Chas. F. Martyn, Magistrate.

Calcutta Police Office, 19th December 1805.

N^o 10.

Fort William, Bengal.—Mary, alias Albina, maketh oath and saith: I was born at Colootulla within the town of Calcutta. My mother's name Iria, and my father a seacunny, was named Benedict; they named me Albina, and I am told are now both dead.

When I was at the age of about seven, an European Portuguese of the name of P. Cardozo, who was at Calcutta then, but now resides at Rangoon with his family, carried me under promise of good treatment to his house one day, from the street, without the knowledge of my parents, and after two days, took me from hence on board of a ship to Rangoon, where he made me his slave, and do the business of his house.

I was commonly called Mary by the Rangoon people, the name Albina they cannot easily pronounce. About four years ago, Philip Cardozo sold me for one hundred and sixteen rupees to one Salvador De Monte, butler to Captain Johnston; he kept me at Rangoon as his mistress for about three years, and left me and went a voyage to Madras, under promise of returning in three months; I waited for him a year at Rangoon; he did not return, and John Piere, gunner of the ship commanded by Captain Campbell, paid off my debts, and took me to his keeping; I lived with him on board the ship for eight months while she was at anchor at Rangoon, to the knowledge of both the captain and the owner of the ship; and at the time she sailed from Rangoon, I hid myself in the gunroom unknown to John Piere the gunner, and to every body on board for five or six days, whilst the gunner was on shore paying the seacunnies, and when she had passed the watch, I came out of the hiding place; the captain and the owner of the ship saw and asked me who had brought me on board, and where was I born? I said I had come myself on board, and hid myself, and was born in Bengal; they told me nothing further. My maternal grandmother, named Tomasia, is still living at Calcutta. There are a great many that know I was born at Calcutta, amongst whom are Mary, Luzia, Cato, Peggy, and others whose names I do not recollect from the great distance of time.

Mary, ^{her}
X
^{mark.}

Sworn before me, on this day the eighteenth day of December 1805.

(signed)

Chas. F. Martyn, Magistrate.

Fort William in Bengal.—Tomasia de Rozario, of Colootulla, in the town of Calcutta, maketh oath and saith : The woman here present, whom I gave the name Mary at the time she was baptized, is the daughter of my daughter Iria, who was married to one Benedict, a seacunny, the father of Mary above-named. When the said Mary was about nine years old, my daughter Iria was dead, and her husband Benedict gone to sea, and my circumstances being very distressful, I gave her to an European Portuguese, whose name I do not recollect, he promising to bring her up and give her in marriage, and took her away on board of a ship from hence, saying he would bring her back to me after two years. He has not returned since, nor do I know where he went with my grand-daughter. About three months ago, the above Mary, accompanied by a Chowkedar, came to my house at the hour of about twelve at noon, while I was cooking, and looking me sometime in the face, burst into tears. I asked her why she wept; she replied, "Do not you recognize me? I am that very Mary of yours; the Portuguese to whom you gave me, had sold me as a slave at Pegue." On which I asked her how she had come here, if she was sold at Pegue; she replied, she had run away, and come on board of a ship. The next day I was brought before Mr. Blaquiere, whom I stated the above circumstances; he directed that Mary may remain with me, and I should produce her whenever I was required to do so; and about ten or twelve days ago, she was taken away from me, and put in confinement. I have been living at the place where I live at present, and where the above Mary was born, for these thirty-nine years.

(signed) *Tomasaria* ^{her} × *de Rozario*.
mark.

Sworn before me, this 19th day of Dec. 1805.

(signed) *Charles F. Martyn*, Magistrate.

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N° 11.

Fort William in Bengal.—Luzia de Cruz, of Colootulla, in the town of Calcutta, maketh oath and saith : I know Mary here present; she is the daughter of Iria, and her father's name is Benedict, a seacunny. When she had attained the age of nine years, she was given to an European Portuguese, who promised to adopt her, and have her married, and took her away from hence on board of a ship, promising at the same time to bring her back; since which period there has not been any account of the above Portuguese nor the said Mary; the woman now here present, who calls herself Mary, is the identical person that was given to the above Portuguese to be brought up.

The Mark of × *Luzia de Cruz*.

Sworn before me, this 19th day of Dec. 1805.

(signed) *C. F. Martyn*, Magistrate.

N° 12.

Fort William in Bengal.—Mary of Colootulla, in the town of Calcutta, maketh oath and saith, I know Mary, the woman here present, she is the daughter of Iria, and her father's name is Benedict, a seacunny; when she was nine years old her mother died, and she was given by Tomasia, her grandmother, to an European Portuguese, whose name I do not know, and he took her away on board of a ship, promising to make her his mistress, and likewise said he would bring her back.

The mark of × *Mary*.

Sworn this day, the 19th day of December 1805, before me,

(signed) *C. F. Martyn*, Magistrate.

N° 13.

Mr. Petrus Johannes to J. Adam, Esq. Deputy Secretary to Government.

Sir:—I beg leave to inform you, that in consequence of your letter, under date the 17th October 1805, I procured a passage for the Burmese woman mentioned in it to Pegue, on board the brig Poone, and having apprised the magistrates to deliver the woman for the purpose of her being sent, I am informed they do not consider themselves as possessing the power of compelling her to return. I am hopeful that government, under all the circumstances, will be graciously pleased to issue an order to the magistrates for her delivery.

I am, &c.

Calcutta, 19th December 1805.

(signed) *Petrus Johannes*.

N° 14.

The deputy secretary is directed to write the following letters to the magistrates of Calcutta and to Mr. Petrus Johannes.

To G. Dowdeswell, Esq. Superintendent General, &c. Justices of the Peace.

Gentlemen:—I am directed to acknowledge the receipt of Mr. Martyn's letter of the 19th instant, transmitting original depositions taken before him relative to a woman stated to be a Burmese subject, but who appears from those depositions to be a native of Calcutta.

N° 15.

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2.—Mr. Petrus Johannes, the supra cargo of the ship Shah Phirie, on board of which the woman was brought from Rangoon, has been informed that no measures will be adopted to cause her to return thither, and you will accordingly reject any application which may be made to you for that purpose, founded on my letter to Mr. Johannes referred to by Mr. Martyn. I am, &c.

(signed) *J. Adam*, Deputy Secretary to Government.

Council Chamber, 26th December 1805.

To Mr. Petrus Johannes.

No 16.

Sir:—I am directed to acknowledge the receipt of your letter of the 19th instant, and to inform you that it appears from information taken before Mr. Martyn, one of the justices of the peace for the town of Calcutta, that the woman who was brought from the port of Rangoon, on the ship Shah Phirie is not a subject of the King of Ava, but a British subject born in Calcutta, who was carried to Rangoon some years ago and there sold for a slave.

2.—Under these circumstances, the honourable the Vice President in council does not think proper to authorize the adoption of any measures for requiring her to return to Rangoon, or to address any representation on the subject to the Vice Roy of Pegue.

3.—In order that you may have the means of satisfying the government of Pegue of the impracticability of taking the woman back to Rangoon, I am directed by the Vice President in council to furnish you with the enclosed attested copies of the letter from Mr. Martyn, above referred, and of the affidavits enclosed therein.

I am, &c.

(signed) *J. Adam*, Deputy Secretary to Government.

Fort William, 26th December 1805.

TRIAL of a Moglaree Woman for ill-using her Slave Girl; 1805.

Extract from a Report of Select Criminal Cases adjudged by the Court of Nizamut Adawlut, transmitted to the Court of Directors by the Governor General in Council of Bengal; 1805.

Trial 67.

Prosecutor, Vakeel of Government; Prisoner, Nujoom oon Nisa, servant, aged twenty-seven: Charge, maltreatment of a female slave.

The prisoner, a Moglaree, and in the service of an English gentleman, was charged with cruel treatment of her slave girl, Zuhoorun, between eight and nine years of age, by scalding her with hot oil, on the parts of generation. The statement of the case given by Zuhoorun herself, before the magistrate, on the 9th June 1805, was as follows: "Three or four days ago, my mistress went to Phoolpoor, leaving me and Myn tailor in the house; Myn went to his own house at Beejapore, but returned towards noon, with some beetul-leaf and sweatmeats, which he said he would carry to Phoolpoor; he told me to take off my pajamah (trowsers), I refused; and he repeated his desire several times; at last he took them off himself, and committed violence on me; I made a noise, but the door being shut, no one heard me; after two ghurrees (about an hour) Myn took the beetul-leaf and sweetmeats, and went to Phoolpoor; in the evening my mistress came home, and seeing me walk lamely, from the injury I had received, she enquired the cause; I told her all that happened; she then said nothing, but next day, at noon, she shut the door, tied me with a cord, heated some oil, and poured it on my private parts; she afterwards, at night, procured some binna (lawsonia inermis) from a bullock-driver, and applied it to heal my sore; on the following day she beat the tailor with the slipper." It appeared from the depositions of several persons, that Zuhoorun had previously to the trial, repeatedly mentioned the circumstances as above stated, and that information was given to the police officer in consequence; before the Court of Circuit, however, she declared that she had fallen by accident upon a vessel of boiling oil, as pleaded by the prisoner in her defence; but from the size of the oil vessel produced before the court, (eighteen fingers in diameter and four only deep) it seemed not likely to have occasioned the wounds upon Zuhoorun, which were examined by the surgeon of the station, and there was every reason to believe that the child, as well as some of the witnesses, had been influenced to contradict their former declarations, in the hope of saving the prisoner from punishment. The futwas of the law officers of the Court of Circuit, and Nizamut Adawlut, stated the evidence not to be sufficient for full legal conviction, but declared the prisoner liable to discretionary punishment on presumption.

sumption. The judge of circuit thought the presumptive evidence sufficiently strong for the conviction of the prisoner; and the court of Nizamut Adawlut being fully satisfied of the guilt of the prisoner, sentenced her, under the discretion given by the futwa, to imprisonment for the term of twelve months. The court further ordered, that the female slave, Zuhoorun, in consideration of the injurious treatment which she had experienced from her mistress, should be declared free.

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PAPERS respecting James Biron, a Master in the Pilot Service, charged with the Murder of one Coffree Girl, and ill-treatment of another; 1806.

Extract, Bengal Judicial Consultations, 17th July 1806.

Calcutta Magistrate to G. Dowdeswell, Esq. Secretary to Government,
Judicial Department.

Criminal, N° 15.

Sir:—I HAVE the honour to inform you, that a master in the pilot service, named James Biron, was stopped on Thursday the 26th ultimo, in the attempt of causing the dead body of a Coffree girl to be thrown into the river, at the Honourable Company's Bankshall Ghaut. The body bearing marks of violence and cruelty, a coroner's inquest was held the following day, and a verdict found of wilful murder by some person or persons unknown.

Since that period, an investigation has taken place before me, and I have committed James Biron for the wilful murder of the Coffree girl.

Being informed that the said James Biron had beat another infant girl, named Ameena, in a cruel manner, I proceeded into an inquiry, and have made a second commitment against James Biron.

Both cases appearing to be attended with circumstances of great inhumanity, I take the liberty of submitting them to the consideration of government, and have the honour to enclose copies of the depositions, &c. taken before me.

I have, &c.

(signed) *W. C. Blaquire*, Magistrate.

Calcutta Police Office, 16th July 1806.

The Governor General in council, on a consideration of the depositions taken on the occasion of the charges preferred against James Biron, is pleased to direct that the prosecutions instituted against the accused be conducted by the law officers of government, and at the public expense.

Ordered, That the Company's attorney be informed accordingly, and that he be directed to apply to Mr. Blaquire for any further information which he may require on the subject.

Ordered, That the depositions which accompanied the above letter be returned to the magistrates of Calcutta.

Extract, Bengal Judicial Consultations, 18th December 1806.

Extract Letter from the Company's Attorney to George Dowdeswell, Esq.
Secretary to the Government in the Judicial Department, dated 10th
December 1806.

N° 39.

I do myself the honour of reporting to you, for the information of the Honourable the Governor General in council, that in obedience to the commands communicated to me by your letter of the seventeenth of July last, two indictments were prepared by me, under the directions of the advocate general and standing council, against James Biron, a master in the pilot service of the Honourable Company, the one for the murder of a Coffree girl, called in the proceedings before the magistrate, Kate, the other for an assault and cruelly beating another infant girl of the name of Amina. The first of these indictments having been found by the grand jury, came on to be tried on Friday the fifth instant, when the jury brought in a verdict of "Not guilty."

The second indictment came on for trial this day, when the prisoner was found guilty of the very aggravated assault with which he was charged, and sentence was forthwith pronounced against him by the court, that he should be imprisoned in the jail of Calcutta for two years; that he should pay a fine to the King of two thousand sicca rupees, and that at the expiration of the two years imprisonment, he should give security for his good behaviour by recognizance of himself in the sum of four thousand sicca rupees, and two sureties in two thousand sicca rupees each.

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Ordered That the attorney be directed to report to government whenever James Biron may be released from confinement on the expiration of the sentence passed upon him.

Extract, Bengal Judicial Consultations, 23d December 1808.

Criminal, N° 7.

Company's Attorney to George Dowdeswell, Esq. Secretary to Government in the Judicial Department.

Sir:—In pursuance of the order contained in your letter to me of the 11th November last, I beg leave to report, for the information of the Right honourable the Governor General in council, that James Biron was this day liberated from confinement in the jail of Calcutta pursuant to the sentence of the Supreme Court passed on him in the second session of 1806. I am, &c.

(signed) *James Taylor*, Attorney to the Honourable Company.
Fort William, 14th December 1808.

The following resolution was passed on the 19th ultimo :

The Governor General in council is pleased to direct, that agreeably to the resolutions passed on the 11th ultimo, James Biron be sent to Europe, and that the magistrates of Calcutta be desired to take the necessary measures for carrying that order into effect.

Ordered, That the Marine Board be desired to give the necessary orders for providing a passage for James Biron.

Ordered, That extracts from the proceeding of the 11th ultimo and of the present date be sent to the Public Department, whence the above resolution is to be communicated to the Marine Board.

PAPERS relative to the Public Sale of kidnapped Children at Delhi, in 1808; also relative to a regulation passed by the Bengal Government in 1811, for preventing the importation of Slaves, either by land or sea, into any of the territories under the Presidency of Fort William, and to a Proclamation, which was issued by the British Resident at Delhi, in 1812, in pursuance of the said regulation. 1808—1815.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors in the Political Department, dated 27th September 1808.

Par. 146.—A dispatch was received not long after from the resident, reporting a correspondence which had recently taken place between him and the Rajah of Jesselmere, the chief of a territory in the vicinity of the Indus, through the medium of Zalim Sing, with whom Mr. Seton had, since the commencement of his residence at Delhi, been in habits of constant communication, and to whom, as well as to the cause of humanity, he had rendered an essential service by putting a stop to a barbarous practice of kidnapping children from the territory of Kotah, for the purpose of selling them as slaves at Delhi. The immediate cause of the Rajah of Jesselmere's communication with Mr. Seton, was the desire which he entertained of visiting the banks of the Ganges for devotional purposes, provided he could obtain permission, and assurances of proper and respectful treatment; for it appears that the Rajah had received very erroneous impressions of the conduct of the English, both as a nation, and individually towards strangers.

Extract, Bengal Political Consultations, 30th May 1808.

Extract Letter from the Resident at Delhi, Mr. Seton, dated 12th May 1808.

Par. 1.—Ever since my receiving charge of my present appointment, I have been in the habit of keeping up a friendly intercourse with the Rajah Zalim Sing, of Kotah, whom I believe to be a sincere well wisher to our government. I had at one time an opportunity of rendering him a service, of which he appeared to be more sensible than is usual with natives of this country upon such occasions. Unknown to him, a most cruel and pernicious custom had long existed of kidnapping children in this country, and bringing them to Delhi for sale; and such was the demand for these victims of oppression, that this detestable species of traffic was a source of too great benefit to the persons engaged in it, to leave a prospect of its being easily relinquished by the merchants. Nor could I hope that my exertions to effect its abolition

Pol. Con. 30 May
1808. 57 to 62 pars.

N° 57.

abolition were likely to be successful, unless aided and supported at Kotah. I considered it therefore as my duty, after satisfying myself as to the fact, not only to prevent the sale of children in the assigned territory, unless the right of the seller was clearly established, but to endeavour to check the evil nearer to its source, by engaging Rajah Zalim Sing, as the virtual ruler of Kotah, to co-operate with me. With this view, I wrote a letter to him, in which I explained the misery which parents as well as children suffered from this cruel practice, and transmitted a copy of the proceedings* held by me on the subject, which exhibited at some length the grounds of my opinion. The Rajah appeared to be highly sensible of this mark of attention; and his conduct proved that he was sincere, for he acquainted me in reply, that he had obliged all slave merchants of this description to quit his country. I have reason to believe, that the practice, though not altogether abolished, is greatly diminished. Since then, our correspondence has assumed an appearance of greater cordiality, and more real regard than is perhaps generally the case between persons in our relative situations.

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* Not recorded.

Extract Letter from the Secretary to Government to Mr. Seton,
dated 30th May 1808.

I am directed to acknowledge the receipt of your letter of the 12th instant, enclosing copies of your correspondence with Rajah Zalim Sing, and the Rajah of Jesselmere, and relating the circumstances of your intercourse with those two persons. The Governor General in council directs me to state to you his approbation of the motives which originally led you to form that intercourse, and the spirit in which you have conducted it.

N° 62.

Extract of a Letter from the Court of Directors to the Governor General in
Council of Bengal, in the Political Department, dated 20th April 1811.

Par. 56.—It is highly gratifying to us to observe by the 146th paragraph of the letter to which we are replying, that a stop has been put to the barbarous practice of kidnapping children from the territories of Cabaul, for the purpose of selling them as slaves at Delhi.

Extract, Bengal Judicial Consultations, 6th August 1811.

Criminal.

Extract from the Proceedings of His Excellency the Vice President in Council
in the Political Department, under date the 26th April 1811.

N° 60.

The Vice President in council is pleased to pass the following regulation, and to direct that it be printed and published in the manner prescribed by regulation 41, 1793, to stand as regulation 10, 1811.

A. D. 1811. Regulation X.

A Regulation for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the Presidency of Fort William, passed by the Vice President in council on the 6th August 1811, corresponding with the 23d Sawun, 1218 Bengal era; the 2d Bhadoon, 1218 Fussily; the 24th Sawun, 1218 Willaity; the 2d Bhadoon, 1868 Sumbut; and the 15th Rajub Higeree.

Whereas instances have occurred of the importation of slaves from foreign countries into the British territories; and whereas such traffic is inconsistent with the dictates of humanity, and with the principles by which the administration of this country is conducted; The following Rules have been enacted, to be in force immediately on their promulgation throughout the territories immediately dependent on the presidency of Fort William.

II.—The importation of slaves, whether by land or by sea, into the places immediately dependent on the presidency of Fort William is hereby strictly prohibited; and any person infringing this prohibition, shall be liable to be prosecuted and punished for the offence by the courts of criminal judicature.

III.—Any person who may be convicted of the offence of importing slaves into the British territories, subsequently to the promulgation of this regulation, shall be sentenced to imprisonment for the period of six months, and to pay a fine to government according to his circumstances in life, not exceeding however the sum of rupees two hundred, commutable, if not duly discharged, to imprisonment for the further period of six months on the expiration of the former part of the sentence.

IV.—Persons

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IV.—Persons imported as slaves into the British territories shall be liable to be discharged or sent back to their friends and connexions in the country from which they may have been imported, according as may appear most advisable to the magistrate by whom the decision on the case may be passed.

V.—First: For the more effectual prevention of the importation of slaves at the port of Calcutta, captains or super-cargoes of vessels, with the exception of the Honourable Company's ships, importing at Calcutta, shall previously to being permitted to land any part of their cargo or goods, execute a bond rendering themselves liable to the payment of a penalty of rupees five thousand, in the event of their disposing of any persons as slaves.

Second: The bond mentioned in the preceding clause shall be taken by one of His Majesty's justices of the peace, acting in and for the town of Calcutta, who will of course cause it to be executed in due form.

Third: It shall be the duty of the collector of government customs at Calcutta to ascertain that the prescribed bond has been executed previously to permitting any part of the cargo or goods of any vessel, the Honourable Company's ships excepted, to be landed.

Fourth: The following is the form of the Bond to be taken in the cases above stated:

KNOW all men by these presents, That I, _____ captain of the
now lying and being in the river Hooghty in Bengal, am held and firmly bound
unto the United Company of Merchants of England trading to the East Indies
in the sum of five thousand sicca rupees of lawful money of Bengal, to be paid
to the said United Company, their certain attorney, successors or assigns, for
which payment to be well and truly made, I bind myself, my heirs, executors
and administrators, firmly by these presents. Sealed with my seal. Dated the
day of _____ in the year of our Lord one thousand eight
hundred and _____

The Condition of this obligation is such, That if the above bounden
_____ has made a just and true report in writing to the
custom master of Calcutta, of the number of persons, male and female, im-
ported by him into Bengal, in and on the abovementioned
and if the said _____ has not since his last
arrival in Bengal, and shall not whilst the said
or the said _____ shall be or remain in Bengal, land for the
purpose of selling, giving away or otherwise disposing of, any person or per-
sons imported on board the said _____ as and for a slave or slaves,
and if the said _____ has not sold, given away or disposed
of, and shall not in Bengal, or in any of the countries of or under the manage-
ment of the said United Company, their governors or servants in India, sell,
give away or dispose of, any person or persons, male or female, imported
on board the said _____ on this her last arrival in Bengal, as and
for a slave or slaves, then this obligation shall be void, otherwise the same
shall be and remain in full force and virtue.

Sealed and delivered (where no stamps are used) in the presence of

Criminal.

Extract, Bengal Judicial Consultations, 27th August 1811.

On the 24th inst. copies of Regulation X. 1811, were received from the press, and they were accordingly ordered to be circulated to the officers of this government, and forwarded to the governments of Fort St. George and Bombay.

The following resolution was likewise passed on the same date.

Ordered, That a copy of the foregoing Regulation be sent to the Political Department, in order that a communication may be made to any of the native states, which it may be deemed proper to apprise of the purport of the regulation.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors in the Political Department, dated 15th Oct. 1812.

Par. 214.—On the consultation noted in the margin, is recorded a letter from the Resident, reporting his having issued a proclamation for the abolition of the slave trade at Delhi and in its vicinity.

215.—In reply, we informed the Resident that we highly approved his adoption of that measure, under the supposition that it accorded precisely with the enactment on that subject, contained in Regulation X. of 1811. We, however, desired Mr. Metcalfe to inform us of the specific terms in which he had prohibited the traffic in slaves.

Cons. 25th Sept.
1812.

Extract, Bengal Political Consultations, 25th September 1812.

N° 111.—Resident at Delhi to N. B. Edmonstone, Esq. Chief Secretary to Government, Fort William.

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N° 20.

1.—Sir:—The slave trade, which has been prohibited for a considerable time in the other provinces of the British dominions in India, continued to exist in the district of Delhi subsequently to its abolition in other places, no local orders having been issued for its discontinuance, and in consequence, the resort of slave merchants to this quarter was becoming more frequent than ever.

2.—Being convinced that it was not the intention of government that this iniquitous traffic should be encouraged in any part of its territories, being satisfied rather that it was, and is its earnest desire to abolish so abominable a commerce every where, I consider myself to be only fulfilling the manifest intentions of the Right honourable the Governor General in council, in putting a stop to the sale of human beings in the town and county of Delhi. I have accordingly proclaimed the orders of government for the abolition of the slave trade.

I am, &c.

Delhi, 4th September 1812.

(signed) *C. T. Metcalfe*, Resident.

To *C. T. Metcalfe*, Esq. Resident at Delhi.

Sir:—I am directed to acknowledge the receipt of your letter of the 4th instant, notifying your having issued a proclamation for the abolition of the slave trade at Delhi and in its vicinity, and to inform you that your adoption of that measure is highly approved by the Right honourable the Governor General in council, under the supposition that it accords precisely with the enactment on that subject, contained in Regulation X. 1811. His Lordship in council, however, desires to be informed of the specific terms in which you have prohibited the traffic in slaves.

N° 21.

I have, &c.

(signed) *N. B. Edmonstone*, Chief Secretary to Government.

Fort William, 25th September 1812.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors in the Political Department, dated 15th June 1813.

218.—In the 214th paragraph of our address of the 15th October last, we had the honour to apprise your Honourable Court that the Resident had issued a proclamation for the abolition of the slave trade at Delhi, and in the vicinity, and that we had desired him to inform us of the specific terms in which he had prohibited that traffic.

219.—On the consultation of the annexed date is recorded a dispatch from the Resident, transmitting a copy of the proclamation which he had issued on the subject above referred to. We observed that the proclamation not only prohibited the importation of slaves for sale into the assigned territories, but the sale of slaves actually within those territories previously to its promulgation; a measure which we were not prepared to sanction. Odious and abominable as such a traffic is in any shape, although it must be admitted that the system of slavery in this country is infinitely mitigated when compared with that against which the enactments of the legislature in England have been directed. The laws which have hitherto been enacted to restrain it, have been confined in their object to the trade in slaves by importation or exportation, but have not been extended to the emancipation of persons already in a state of slavery, nor to the prohibition of their transfer by sale to other masters within the country which they inhabit.

Cons. the
13th November.
N° 12 & 13.

220.—We informed the Resident, that for these reasons and from other considerations of much apparent weight, our views were limited to the prohibition of the further importation of slaves for sale into the territories of the Honourable Company, and we accordingly directed that the terms of the proclamation might be modified, so as to correspond with the enactment contained in Regulation X. of 1811.

221.—The consultation of the annexed date contains the Resident's reply to the instructions, which, as stated above, were issued to him for the modification of the proclamation in question, submitting a statement of the motives and considerations which had induced him to suspend the publication of the modification required, until

Cons. 26th Feb.
N° 5.

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until he should receive our further orders and instructions on the subject. The Resident stated, that a general opinion prevailed among the natives that the total abolition of the slave trade had taken effect in the ceded and conquered provinces, that he had not found that the prohibition of the sale of slaves had occasioned any surprise at Delhi, and that the people there were not aware that by the proclamation which he had issued, greater restrictions were in force in the assigned territory than in any other part of the country; and that should it be published in that territory, that slaves of a certain description might continue to be sold, it would give a more formal sanction to the sale of slaves than that traffic was ever believed to possess. The effect of this erroneous belief on the part of the natives, appeared to the Resident to be attended with salutary consequences, and he submitted that it was not desirable the delusion should be removed by the publication of a formal sanction for the sale of any description of slaves.

222.—We signified to the Resident our concurrence in the grounds on which he had suspended the execution of our instructions, and having taken the subject of his dispatch last referred to into consideration in the Judicial Department, we resolved that the proclamation issued by the Resident should continue in full force and effect. For the detail of our proceedings on the subordinate points submitted for our consideration in the Resident's dispatch, before referred to, we beg leave to refer your Honourable Court to our resolution in the Judicial Department, of which a copy has been also recorded on the Political Consultation of the annexed date, to which we beg leave to refer your Honourable Court, and to a letter which we directed the secretary to address to Mr. Metcalfe from this department, founded on that resolution.

Cons. 12th March.
N° 46, 47.

Extract, Bengal Political Consultations, 13th November 1812.

Read the following Letter, Resident at Delhi, (N° 124,) to N. B. Edmonstone, Esq. Chief Secretary to Government.

Delhi Residency, Fort William.

N° 12.

Sir:—In reply to your letter of the 25th ultimo, I have the honour to transmit a copy and translation of the proclamation issued by me for the abolition of the slave trade within the assigned territory.

2.—At the time when the proclamation was issued, I had not had an opportunity of seeing Regulation X. of 1811. I trust, however, that nothing will be found in the proclamation differing from the spirit of that regulation.

3.—I beg leave to recommend that I may be authorized to issue a supplementary proclamation, declaring that no right of property will be acknowledged in slaves purchased hereafter without this territory, and introduced as slaves; and that all slaves so purchased and introduced will be considered free, and at their own disposal from the time of their being brought within the frontier of the British dominion.

4.—Without some regulation of this nature, slaves may be sold within a yard of the frontier, and the former prohibition will prove nugatory.

I have, &c,

Delhi, 24th October 1812.

(signed) C. T. Metcalfe, Resident.

N° 13.

Translation of a Proclamation issued at Delhi on the 4th of September 1812.

Notice is hereby given, That no person whatsoever within the territory of the Government is to buy or sell any slave, either male or female, or in any way to continue that bad practice as heretofore. If any one, after the date of this notice, shall import and sell, or shall purchase any slave, male or female, such persons, both seller and buyer, will be considered as deserving of punishment, and shall be punished accordingly. Further also, every slave, male or female, that shall hereafter be bought or sold in this territory shall be released and made free.

(signed) C. T. Metcalfe, Resident.

A true Translation. (signed) T. Wilder, 1st Assistant.

N° 14.

To Resident at Delhi, C. T. Metcalfe, Esq.

Sir:—I am directed to acknowledge the receipt of your letter of the 24th ultimo, enclosing a translation of the proclamation issued by you for abolishing the slave trade in the assigned territory.

2.—The Governor General in council observes, that your proclamation not only prohibits the importation of slaves for sale into the assigned territories, but the sale of slaves

slaves actually within those territories previously to its promulgation, a measure which his Lordship in council was not prepared to sanction. Odious and abominable as such a traffic is in any shape, the laws which have hitherto been enacted to restrain it, have been confined in their object to the trade in slaves by importation or exportation, but have not been extended to the emancipation of persons already in a state of slavery under the old law, nor to the prohibition of their transfer by sale to other masters, within the country which they inhabit.

3.—For these reasons, and from other considerations of much apparent weight, the views of government have been limited to the prohibition of the further importation of slaves for sale into the territories of the Honourable Company; and you will observe, that Regulation X. of 1811 is confined to this object. In conformity, therefore, to the sentiments conveyed to you in Mr. Edmonstone's letter of the 25th of September, his Lordship in council desires that the terms of your proclamation may be modified, so as to correspond with the enactment contained in that regulation.

I have, &c.

(signed) J. Adam, Secretary to Government.

Fort William, 13th November 1812.

Ordered, That copies of the dispatch from the Resident at Delhi, dated 4th, and the reply of the 25th September, as also copies of the dispatch from that officer, and the reply above recorded, be sent for information to the Judicial Department.

Extract, Bengal Political Consultations, 26th February 1813.

Read the following letter; Resident at Delhi to John Adam, Esq. Secretary to Government.

Fort William.

N^o 5.

Sir:—I have the honour to acknowledge the receipt of your dispatch of 13th November, directing a modification of the proclamation issued by me, regarding the abolition of the slave trade in this territory.

2.—In modifying that proclamation, it will be necessary to determine precisely, what species of traffic will, and what will not, be allowed.

3.—Before the former abolition, the sale of slaves was supposed to be discouraged to the utmost degree, and barely tolerated by the British government. There never, I believe, was so formal a sanction given to the sale of slaves under the British government in this quarter of India, as will be given when it shall be published in this territory, that slaves of a certain description may be sold.

4.—In issuing, therefore, such a formal sanction, it is necessary to prescribe such limitations as may prevent the abuse of the privilege.

5.—I am aware that this dilemma has arisen from my having misunderstood the views of government regarding the slave trade, and I consequently the more lament the error which has involved such consequences.

6.—I nevertheless hope, that the necessity of soliciting further instructions on this subject, will procure for me the indulgence of the Right honourable the Governor General in council, and be deemed a sufficient excuse for my delaying the publication of the modification of the late proclamation, until I may be honoured with orders in reply to this reference.

7.—I now understand the views of government to be, that slaves shall not be imported for sale, into the British territories, but that slaves not imported for sale since the date of Regulation X. A. D. 1811, may be sold.

8.—One point, however, in which I hope to be favoured with the further instructions of government is, whether persons imported as the slaves of a family, or an individual not ostensibly, nor perhaps at the time really, for the purposes of sale, may afterwards be sold or not. It is obvious, that if slaves so imported, are afterwards saleable, the orders of government prohibiting the importation of slaves, may be easily evaded, and ultimately rendered nugatory, and yet absolutely to prohibit the importation of such slaves, would be a more direct innovation on the habits of the people, than the total abolition of the sale of slaves.

9.—Another still more important point is, whether children born in slavery are to be considered hereafter as slaves, and may be sold as such. It is the habit of the country to consider the children of female slaves as slaves also; yet it is impossible to think without horror, of whole generations being born to slavery; and if the sale of such slaves be admitted, whilst importation is prohibited, every female slave in the country will perhaps be made, if possible, to breed for the profit of her owner.

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10.—If it had not appeared to me to be necessary to solicit further instructions on these points, I should immediately have executed the orders contained in your letter of the 13th November; but though I regret extremely that I should occasion so much trouble on this subject, I trust that it will appear that these points are worthy of consideration.

11.—And I also hope to be excused, if I venture to avail myself of the present opportunity to submit some explanatory observations on the subject of the proclamation issued by me for the total abolition of the sale of slaves in this territory, and to express the apprehensions which I entertain, that the prohibition of importation, without the abolition of the sale, may not produce the effect which is probably in the contemplation of the Right honourable the Governor General in council.

12.—I rely on the usual indulgence of his Lordship, that I shall not incur his displeasure, if I take the liberty of stating my sentiments freely on this interesting and important subject.

13.—When I issued the proclamation for the abolition of slave trade in this territory, I was under an impression that the total abolition had taken effect in the ceded and conquered provinces. Such is the prevailing idea among the natives, and the errors appear to me to be salutary. I cannot say to what circumstance the delusion may be owing, but it is certainly generally understood in this quarter, that the sale of slaves is strictly prohibited in the ceded and conquered provinces. It is necessary for me to explain, that I acted completely under the influence of this belief, for I should be sorry indeed to have it conceived, that I was guilty of the presumption of wilfully issuing an order different from the orders issued under the authority of government.

14.—In issuing a proclamation for the abolition of the future importation and sale of slaves, I had no idea of infringing on the rights of the actual proprietors of slaves purchased or possessed heretofore. All the proprietors of slaves in this territory, notwithstanding that proclamation, retain all their rights over their slaves, except that of selling them or making them the property of another. This is perfectly understood, in consequence of the decisions given in the court of judicature in trials between owners and slaves. I have more than once embraced the opportunity afforded by such trials to explain publicly, that slaves are still the property of their owners, though not (with reference to my former misconception of the views of government) as heretofore disposable property.

15.—I do not find that the prohibition of the sale of slaves has occasioned any surprise at this place. It is considered to be merely the extension to this territory of the orders promulgated in other parts of the British dominions, and from a general misunderstanding of the orders of government issued elsewhere on this subject, it is not known that greater restrictions are in force in this district at the present moment than in any other part of the country.

16.—It is desirable in my humble opinion, that this delusion should not be done away, either here or elsewhere by a formal sanction for the sale of slaves. If the sale of slaves be understood, as it is at present, to be prohibited as well as the importation, the orders of government regarding the latter will be effectual; but if the sale be permitted, I much fear that either from connivance or want of vigilance on the part of native police officers, the sale will not be confined to those who were slaves within the British territory before the promulgation of Regulation X. of 1811.

17.—The natives of this country are undeniably greatly addicted to the purchase of slaves, especially of the female sex; some because slaves are kept at a less expense than other servants, others for the sake of the privacy of the apartments of their wives, others for the gratification of their own vicious propensities, others for the purpose of public prostitution. They will go to any expense, and run any risk to procure slaves. If there be any way left open for the purchase of slaves, slaves will be imported, notwithstanding the regulation to the contrary, and the propensity can only, I fear, be effectually checked by a decided and total abolition of the sale.

18.—The sale of slaves once domiciliated in a respectable family is so uncommon, that the permission to sell such slaves would be no general gratification to the people; nor would it be worth while to contend for the abolition of that permission, if it could be strictly confined within its proper bounds. What I apprehend is, that under cover of that permission, slaves will be imported under false pretences, and afterwards sold; that children yet unborn, will be born to perpetual slavery, to be trafficked with most likely for the purposes of public prostitution; in short, that the humane and benevolent views of the British government will be frustrated by a permission, which, if it could be confined within the limits prescribed for it, would neither be generally useful, nor extensively detrimental.

19.—If there be any truth in this statement, I would argue with respectful deference, that the non-abolition of the sale of slaves is not of sufficient consequence to be worth retaining to the people, except inasmuch as it would tend to defeat the object of the abolition of the importation.

20.—I beg leave once more to apologise for intruding these sentiments, which are submitted in the humble belief that they will be indulgently received by the Right honourable the Governor General in council, whatever may be his Lordship's decision on the question.

I have, &c.

Delhi, 3d January 1813.

(signed) *C. T. Metcalfe*, Resident.

To *C. T. Metcalfe*, Esq. Resident at Delhi.

Sir:—I am directed to acknowledge the receipt of your letter of the 3d ult., in reply to the instructions of the 13th November last, directing a modification of the proclamation issued by you respecting the abolition of the slave trade in the territory of Delhi.

N° 6.

2.—The motives and considerations which have induced you to suspend the publication of the modification required under those instructions, until the receipt of the farther orders of government are entirely approved by the Governor General in council.

3.—The subject of your letter above acknowledged, will be taken into consideration by the Governor General in council in the judicial department, and the result of his Lordship in councils' deliberations, will be communicated to you hereafter. In the mean time, I am directed to desire, that you will continue to suspend the publication of the modification directed by your former letter above alluded to.

I have, &c.

(signed) *J. Adam*, Secretary to Government.

Fort William, 26th February 1813.

Ordered, That a copy of the foregoing letter from the Resident at Delhi, and of the reply, together with copies of the former correspondence on the subject recorded on the proceedings of the 25th September and 13th November 1812, consisting of—

- 1.—A letter from the Resident at Delhi, dated 4th September 1812.
- 2.—Ditto to the Resident, dated 25th September.
- 3.—Ditto from the Resident, dated 24th October.
- 4.—Ditto to the Resident, dated 13th November,—be sent to the judicial department, where the subject will be taken into consideration in that department.

Extract, Bengal Judicial Consultations, 6th March 1813.

Criminal.

N° 1.—Extract from the Proceedings of the Right Honourable the Governor General in Council in the Political Department, under date the 26th February 1813.

N° 42.

(Here is entered the preceding correspondence.)

Ordered, That copies of the above correspondence be sent to the judicial department, when the subject of the letter from the Resident, under date the 3d ultimo, will be taken in consideration by the Governor General in council in that department.

(True extract.) (signed) *J. Adam*, Secretary to Government.

Ordered, That the secretary write the following letters to the Resident at Delhi.

To the Resident at Delhi.

Sir:—The Right honourable the Governor General in council having taken into his consideration, in the judicial department, the letter addressed by you to the secretary in the political department, under date the 3d January last, directs me to communicate to you the following remarks and orders on the subject of your address.

N° 43.

2.—You have been already informed that the Governor General in council entirely approved the motives which had induced you to suspend the modification proposed to be made in the proclamation issued by you respecting the abolition of the slave trade.

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3.—On recurring to the terms of that publication, the Governor General in council observes, that the prohibition against the purchase and sale of slaves is absolute. The prohibition regarding the importation of slaves is much less so, it being stated, that if any person “shall import and sell,” &c. The offence of importing would not therefore be complete, nor consequently liable to punishment, unless a sale took place of the imported slaves.

4.—In both these respects, therefore, the tenor of your proclamation differs from the provisions contained in Regulation X. 1811, which prohibits the importation of slaves into the British territories in the most general and comprehensive manner possible, but is silent as to the sale of slaves.

5.—It is observed in your letter, and apparently on very substantial grounds, (considering the local situation of the territory subject to your superintendence), that you apprehend “that the prohibition of importation, without the abolition of the sale, may not produce the effect which is probably in the contemplation of government.” You further intimate, in the 15th paragraph of your letter, that the prohibition which has actually taken place of the sale of slaves, in the places subject to your superintendence, has not occasioned any dissatisfaction.

6.—It will naturally occur to you, that in the measures and arrangements which have been or may be adopted with respect to this important question, it must necessarily be an object of the anxious solicitude of government to reconcile, as far as possible, the abolition of this odious traffic with the prevailing sentiments of the people, and with the obvious expediency of guarding against dissatisfaction in so large a part of the community, as would be affected by the prohibition of the sale of slaves.

7.—On the grounds last mentioned, the government would hesitate to go further than it has already done in prohibiting the importation of slaves into the other districts and places subject to the presidency of Fort William; but for the reasons already adverted to in the 5th paragraph of this letter, the Governor General in council has been pleased to resolve, that the orders already issued by you, prohibiting also the sale of the slaves in the territory subject to your superintendence, continue in full force and effect.

8.—It will still remain to modify the tenor of the proclamation issued by you under date the 4th of September last, so as to render the importation of slaves into places subject to your control, absolute, as is done with respect to the other parts of the British territories, by section 2, Regulation X. 1811.

9.—It likewise appears to merit consideration, whether it be preferable to establish a specific penalty for the offence of importing slaves on the principle of the provision contained in section 3. of the above mentioned Regulation, or whether the punishment should be discretionary, as would appear to be the case under the proclamation already issued by you.

10.—In the final decision of this question, the provision adopted in section 4 of the Regulation above noticed, respecting the disposal of children reported as slaves, likewise appears to merit your attention.

11.—With the sentiments above expressed, the Governor General in council desires that you will prepare a revised proclamation, prohibiting both the importation and sale of slaves in the territory subject to your superintendence, and that you will forward it to me, together with a translation, in the Persian language, previously to the issue of it for the approval of government.

12.—In order to give effect to the present intentions of government, it occurs to his Lordship in council that it may be advisable that you should make a communication to the Emperor of Delhi, concerning which you will receive such further instructions as may be judged necessary, from the political department.

Council Chamber, 6th March 1813. I have, &c.

(signed) G. Dowdeswell, Chief Secretary to Government.

Ordered, That a copy of the foregoing letter to the Resident at Delhi, on the subject of the slave trade, be sent to the political department for the purpose mentioned in the 12th paragraph of that letter.

To the Resident at Delhi.

N^o 44.

Sir:—In continuation of the orders of government of the present date, I am directed to acquaint you, that it occurs to the Right honourable the Governor General in council, that the prohibition established against the importation of slaves into the territory subject to your superintendence, should not extend to slaves accompanying

accompanying their masters from other parts of the Company's territories, and not intended for sale. As persons possessing slaves are not restricted under the general laws and regulations from removing them from one district to another, the principles of consistency and uniformity in arrangements of a legislative nature seem to require that no such restriction should be established on the removal of slaves from other parts of the British territories into the places subject to your superintendence. Should it, however, appear to you that any considerations of a local nature oppose the adoption of this suggestion, the Governor General in council will be ready to give full attention to any observations which you may have to offer on the subject.

I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary to Government.

Council Chamber, 6th March 1813.

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Extract, Bengal Political Consultations, 12th March 1813.

N° 46.

N° 883.—Extract from the proceedings of the Right honourable the Governor General in Council, in the Judicial Department, under date the 6th March 1813.

(Here is entered the letter to Mr. Metcalfe, of that date.)

Ordered, That a copy of the foregoing letter to the Resident at Delhi, on the subject of the slave trade, be sent to the political department, for the purpose mentioned in the 12th paragraph of that letter

(A true extract.) (signed) *G. Dowdeswell*, Chief Sec. to Government.

To C. T. Metcalfe, Esquire, Resident at Delhi.

Sir:—In conformity to the intention notified to you, in the last paragraph of the chief secretary's letter of the 6th instant, I am directed to inform you, that the object of the proposed communication to the king, is to apprise him distinctly of the absolute prohibition throughout the assigned territory, of the importation and sale of slaves, and to prepare his mind for the operation of that regulation, as it will affect his Majesty and any of the branches of the Royal Family, who may desire to obtain slaves by importation from foreign countries, or by purchase within the assigned territory, and to invite his Majesty to lay his commands on his family and household, to abstain from such a traffic.

N° 47.

2.—His Lordship in council is not certain that such a communication to the king is absolutely necessary, and although he thinks it highly advisable, in order to prevent any operation of the law that might interfere with acts done in his Majesty's name, and by his orders, without previous notification, and consequently hurt his Majesty's feelings much more sensibly, and lead to a much more unpleasant explanation than the proposed friendly intimation, &c.; you are, however, at liberty to withhold it, if you should judge it advisable.

I have, &c.

(signed) *J. Adam*, Sec. to Government.

Fort William, 12th March 1813.

Extract, Bengal Judicial Consultations, 22d May 1813.

Resident at Delhi to George Dowdeswell, Esq. Chief Secretary to Government,
Fort William.

Criminal.

Delhi Residency, Judicial Department.

Sir:—I have the honour to acknowledge the receipt of your two letters of the 6th ultimo, relating to the abolition of the slave trade; I have also the honour to transmit a draft of a proclamation, in English and Persian, for the consideration of the Right honourable the Governor General in council, and I beg leave to add a few observations.

N° 70.

2.—In the third paragraph of your dispatch, N° 817, it is remarked, that according to the proclamation issued here, "the offence of importing slaves would not be complete, nor consequently liable to punishment, unless a sale also took place of the imported slaves." Although I considered that the sale of slaves was the evil principally to be guarded against, as holding out the temptation which produced the importation, yet it was by no means my intention to sanction the importation, even independent of the sale. I did, however, conceive a difference between the

importation

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importation of slaves, evidently intended for sale, and that of domiciliated slaves, attached for some time previous to families. The first proclamation was directed against the sale of slaves, and the importation of slaves for sale. It was however deficient, as I had soon occasion to discover, and I had it in contemplation to propose a supplementary proclamation, when the subject was taken up by the orders of the Right honourable the Governor General in council, and I stopped further proceedings till the pleasure of his Lordship should be ascertained. The draft now enclosed is prepared according to my present conception of his Lordship's views, and entirely prohibits importation from foreign territories.

3.—It is observed in the 5th paragraph of your letter, N° 817, that I have intimated in the 15th paragraph of my letter of the 3d January, that the prohibition of the sale of slaves had not occasioned any dissatisfaction. It was my intention to intimate, that the prohibition of the sale within this territory had not occasioned any surprise, it being generally conceived that the same prohibition previously existed in all other parts of the British dominions. The prohibition of the traffic in slaves, whether it be announced in a prohibition of the sale, or a prohibition of the importation, must undoubtedly occasion a certain degree of dissatisfaction, but it is amongst the worst orders of the community, amongst the professed dealers in human flesh, whose abominable livelihood is affected by the abolition, and amongst that detestable class of wretches who bring up slave girls, from the earliest age, for public prostitution. The respectable orders of society, although they may experience some inconvenience from the privation, acknowledge the humanity and propriety of the prohibition.

4.—In the 9th paragraph of your letter, N° 817, it is proposed for consideration, whether it be preferable to establish a specific penalty for the offence of importing slaves, or whether the punishment should be discretionary. With respectful deference, I offer my opinion, that it is preferable that the punishment should be discretionary. The existence of a specific penalty would enable the parties disposed to engage in this odious traffic to calculate the prospect of advantage and chance of escape on the one hand, and the quantity of risk on the other. A specific penalty would affect equally all persons concerned in the importation of slaves, though they might merit different degrees of punishment. The conduct of some might be highly criminal and cruel in the mode of procuring the slaves imported, and in every other part of the transaction, whilst the fault of others might be confined to a simple violation of the orders of government, and their conduct in other respects might have been blameless or even praiseworthy. The crime of violating the orders of prohibition would be highly aggravated by repetition; yet if the same specific penalty were annexed to every violation, there would be no way of visiting the aggravated crime with an adequate aggravation of punishment. These inconveniences would be obviated by discretionary punishments. The objections to discretionary punishments are of a general nature; but there is a great latitude of discretion in the hands of the judge in the administration of the criminal law in this country, and in no case, perhaps, would it be more justifiable than in the affixing of punishments for the importation or sale of slaves, according to the degree of wilful criminality manifested in each particular case. I have accordingly not stated any specific penalty in the draft, leaving a blank to be filled up according to the pleasure of the Right honourable the Governor General in council, if the appointment of specific penalties be deemed advisable.

5.—The most difficult part of this question is, the disposal of children imported as slaves. In most instances it is impossible to send them back to their friends and connections in the country from which they may have been imported, and to discharge them instantaneously would be to let them loose on the world without a protector, at the imminent hazard of their being carried away to be sold in other countries. One or two modes suggest themselves of taking care of these unfortunate children, where they cannot be restored to their connections. The boys might be maintained at the expense of government, and taught some useful labour for their livelihood, till of an age to be trusted with the care of themselves; they might then be discharged, having the means of subsistence in their own hands, and the blessing of freedom. The existence of the institution for the reform of boys at Delhi, is favourable to this scheme; useful manufactures are taught there; and boys imported as slaves, too young to be discharged, might receive instruction and acquire the means of earning their livelihood by being attached to that institution, as a separate class, on a different footing from the culprits. The girls could not be brought up in a public institution without danger to their morals. It might be advisable to allow
respectable

respectable families to take them and bring them up as servants, on the condition that they should never be considered as slaves, and that they should be married at a proper age. Many persons would be glad to take charge of these children on these conditions. The boys might be disposed of in a similar manner, if the former suggestion regarding them should not be approved.

6.—It will be necessary always to be very vigilant to prevent the evasion of the orders of prohibition, for every possible mode of evading these orders will be attempted. A dealer in slaves, brought a few days ago to Delhi, a number of children from Rajpootana. He was apprehended, to answer for his conduct. Fully aware of the consequence of importing slaves, he denied that these children were slaves. He pretended that they were free. The children had been taught to say, that they were happy and content to accompany and stay with him. They did not know the fate that awaited them. This person was a native of Peshawur, a professed dealer in slaves. He was carrying these children to Peshawur, indisputably for the purpose of selling them. To have allowed him to do so, would have been sanctioning this attempt at an evasion of the orders of prohibition, it would have been encouraging repetitions of it, and proclaiming the impotence of existing orders. But as the man had disavowed that he had procured the children as slaves, it might have been too severe to punish him. The man was therefore discharged, and permitted to proceed on his journey. The children were separated from him, and ordered to be supported at the expense of government, until they could be sent back to their friends, or otherwise disposed of. In like manner, instances have occurred of persons passing through with children to Rampori in the Rohilla Jageer, where the importation and sale of slaves continues unrestricted. In the earliest instances in which the men disavowed all claim to the children as slaves, and the children said that they were satisfied with the treatment that they received, men and children were all allowed to depart; the men giving in a written engagement, renouncing for ever all claim to the children as slaves. But it soon became evident, that this was a mode adopted to evade the orders of prohibition, and that these unfortunate children purchased or inveigled, or stolen in foreign countries, and deluded as to their future prospects, were to be carried to countries where slavery is still encouraged to be trafficked with as formerly. As long as the prohibition can be evaded by such tricks, temptation will exist to buy and sell in foreign countries, for transportation through the British dominions. To accomplish effectually the abolition of this abominable traffick, every avenue and passage must be closed against it, so that loss and injury and punishment shall become the almost certain consequences of attempting to engage in it.

7.—The instructions contained in your letter, N° 931, have been attended to in the draft herewith transmitted.

8.—The execution of the orders relating to a communication to the King of Delhi, will be reported in the political department. I have, &c.

(signed)

C. T. Metcalfe, Resident.

Delhi, 16th April 1813.

(Copy.)

Draft of a Proclamation proposed to be issued.

WHEREAS on the 2d September 1812, a Proclamation was issued, prohibiting the importation and sale and purchase of slaves within the territory dependent on Delhi; now, with a view to the explanation and better understanding of the intent and meaning of that proclamation, notice is hereby again proclaimed as follows:

1st.—The importation of slaves into the territory of Delhi, from countries not included in the dominions of the British government, is strictly prohibited; and any person infringing this prohibition, shall be liable to be punished by the Court of Criminal Judicature; (except in cases in which the introduction of them may be authorized by the Resident, under instructions applicable to cases of this nature, with which he has been furnished by the Right honourable the Governor General in council.)

2d.—The sale and purchase of slaves in the territory of Delhi, are also strictly prohibited, and any person who shall buy or sell, or shall be concerned in buying or selling, one or more slaves, shall be liable to be punished by the Court of Criminal Judicature.

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3d.—Persons imported as slaves from foreign countries (with the exception stated in the first article of this Proclamation) shall be declared free, and shall be discharged or sent back to their friends or connections in the country from which they may have been imported, or shall be otherwise disposed of, as may appear proper and advisable. (signed) *C. T. Metcalfe*, Resident.

N^o 72.

Ordered, That the Secretary write the following Letter to the Resident at Delhi.

To *C. T. Metcalfe*, Esq. Resident at Delhi.

Sir:—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of a letter from you, dated the 16th ult. with its enclosures; and to acquaint you, that his Lordship in council, approves generally the draft of the proclamation submitted by you for preventing the importation of slaves from foreign countries, and for the sale of slaves in the territory subject to your superintendence. An unqualified adherence, however, to the terms of the proclamation prepared by you, regarding the former points, would impose upon you the necessity of liberating slaves, and even of punishing the importers of them, whatever might be their condition or rank in life. It is obviously necessary to guard against so inconvenient and embarrassing a consequence. On those grounds you will observe, that in the accompanying amended proclamation, the Governor General in council has thought proper to reserve to you a power of dispensing with the exigence of the proclamation. His Lordship in council is at the same time entirely of opinion, that this discretion should not be exercised by you, except in cases in which the rank and condition of the party, combined with the circumstances whether of a political, religious or other nature, attending his own entrance into our territories, would render it manifestly improper and inexpedient to interfere with his domestic concerns and arrangements.

2.—From the terms of the proclamation as it now stands, you will naturally conclude, that it is the intention of government to leave the punishment for importing or selling slaves, discretionary with you.

3.—Inclosed you will receive a copy of the amended proclamation in the Persian and Hindostanee languages.

I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary.

Council Chamber, 22d May 1813.

N^o 73.

Minute.—The Governor General in council deeming it advisable that the prohibition established by Regulation X. 1811, regarding the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the presidency of Fort William, should be rendered as public as possible in the territories of his Excellency the Nawaub Vizier.

Ordered, That a copy of the above-mentioned regulation in the English and Persian languages, be transmitted through the political department to the Resident at Lucknow, with directions to adopt all proper means of rendering the provisions contained in it as generally known as possible.

(signed) *G. Dowdeswell*, Chief Sec^y to Government.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal in the Political Department; dated 30th Sept. 1814.

Letter from, dated 15th October 1812 (214, 215). Abolition of the Slave Trade at Delhi.

229.—We very highly approve of the abolition of the slave trade at Delhi and its vicinity; the proclamation issued by the Resident for that purpose appears, however, to have required the modifications prescribed in Mr. Secretary Adams' letter of the 13th November 1812.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Political Department; dated 6th Jan. 1815.

Letter from, 15th June 1813 (218 to 222). Abolition of the Slave Trade at Delhi.

Par. 44.—This subject was noticed in the 229th par. of our letter of the 30th September 1814.

COMMUNICATIONS received from Thomas Brooke, Esq. Agent to the Governor General in the ceded and conquered Provinces, in 1811, relative to a Traffic in Children kidnapped in the Nepaul Territory, and sold into slavery in the Company's Territories, with the proceedings thereupon.

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Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors, in the Political Department, dated 27th July 1811.

Agent in the ceded and conquered Provinces.

Par 18.—On the consultations noted in the margin, is recorded a dispatch from the agent to the Governor General in the ceded and conquered provinces, enclosing translations of a letter from Duskrut Sing, an officer of the Nepaul government, stationed at Ahmora, soliciting our co-operation in the prohibition of the traffic carried on in children brought from the hills, and sold as slaves within the Company's provinces.

Cons. 26th April.
N° 27 to 29.

Par. 19.—With regard to this first point, Mr. Brooke stated, that the abuses which prevailed in the system of traffic, had lately engaged his particular attention, but that in consequence of the above application, he had considered the direct interference of government to be necessary, and had issued instructions to the magistrates of Moradabad, Meerut and Seharunpore and Bareilly, directing the prohibition of the traffic under pain of certain penalties; the agent was informed, in reply, that the measures which he had adopted appeared to us to be perfectly proper, and that the measure of enacting a regulation for the suppression or control of the traffic in slaves, would be taken into consideration in the proper department.

Par. 21.—The details communicated in the subsequent dispatches received from the agent, however, in continuation of the subject of his report relative to the traffic in slaves between the territories of Nepaul and those of the Company, having suggested and assisted a more deliberate consideration of the subject than that which had taken place at the date of the foregoing instructions, we judged it proper to direct it to be signified to the agent, that the traffic under discussion not having been prohibited by a formal regulation of government, could not at the present moment be deemed absolutely illegal, nor consequently of a nature to render those concerned in it subject to penalty, and that the prohibition which the agent directed the magistrates to issue against the traffic in question, and the instructions founded upon it, must be considered to be, strictly speaking, irregular, as wanting the sanction which could alone give to them the authority of law; at the same time the moral principle, abstract justice, and humane object of these measures, combined with the application of the government of Nepaul, precluded us from withdrawing our acquiescence in the employment of means such as the agent had adopted for arresting the progress of this traffic, until a regulation could be framed with a view to its permanent suppression or control. But that under the view which had now been taken of the case, we did not consider the measure suggested in Mr. Brooke's first circular instructions of the 23d March to the magistrates, and reiterated in his subsequent letter of the 26th April to the magistrate at Bareilly, of sending the dealers in slaves, subjects of Nepaul, under the custody to the Sobahdar of Almorah, to be altogether warranted according to the resolution above described; however we approved of Mr. Brooke sending to the Sobahdar of Almorah, on his deputing a person to receive them, the children and adults reported to have been recovered by the magistrate of Bareilly, from the Nepaulese dealers, with the exception, however, of those who might be desirous of remaining in the Company's provinces; these we observed should not be compelled to return, but allowed to reside within our territories in a state of freedom. For the more minute information of your honourable Court, we beg leave to refer you to the agent's dispatches and the instructions issued to him in reply, which are recorded on our proceedings noted in the margin; your honourable Court will observe, that the whole of those documents were referred to the judicial department for consideration and orders, in continuation of the reference of the 26th April.

Cons. 10th May.
N° 108 & 109.
Cons. 17th May.
N° 60 to 62.

Extract, Bengal Political Consultations, 26th April 1811.

Extracts of a Letter from T. Brooke, Esq. Agent to the Governor General, to the Secretary to Government, at Fort William; dated Bareilly, 8th April 1811.

1.—I have the honour to transmit, for the consideration of His Excellency the Vice President in council, the translations of a letter from Dushrut Sing, an officer

N° 27.

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of the Nepaul government, stationed at Almorah, and of one addressed by me to Bum Shah Soobah of Kanown.

2.—The points in these letters, on which I solicit to be favoured with the orders of his Excellency, relate first to the traffic carried on in children brought from the hills, who are sold in our provinces as slaves.

3.—On the first point, I beg leave to observe, that previous to the present application, the abuses which existed in the traffic of children, had in my late circuit particularly engaged my notice, and it was my intention to have brought the subject forward to the consideration of government, through the Nizamut Adawlut. This intention is now anticipated from the request of the officers of the Nepaul administration, for a co-operation in their measures towards an amelioration of the situation of the inhabitants of the mountains, and an immediate and zealous interference appeared necessary, and I trust the instructions which have been issued from this department to the magistrates of Moradabad, Meerut, Saharunpore and Bareilly, (of which a copy is inclosed) will meet the approbation of his Excellency; but to put an effectual stop to this traffic, which, I am persuaded in several instances, is carried on under many circumstances of aggravation, iniquity and barbarity, it will be necessary to enact a regulation, rendering the traders, who are subjects of our government, punishable for the offence.

12.—To the Jemydhar of the Soobah, was given the sum of fifty rupees to defray the expenses of carrying back the children entrusted to his care, and which sum, together with the cost of a few articles of Europe manufacture, sent to Hushee dul Shah to the value of an hundred rupees, I trust to be permitted to charge in my public accounts.

13.—It would have been desirable to have sent a suitable present to the Soobah Bum Shah, but as I was on the circuit when I received his letters, it was not in my power to do it. The articles most acceptable, would be a pair of double barrelled pistols, a good acromatic telescope and a watch of moderate value.

14.—With sanction of his Excellency, these articles shall be procured and sent to the Soobah, or if the request be not improper, I would solicit the favour of their being transmitted to me by the Dawk bangey from Calcutta.

N^o 28.

Translation of a letter from Dushee Dusruth Sing, dated 14th January 1811.

After usual compliments.

Having in conjunction with Kajee Bahadur Sing, been appointed by the Maha Rajah of Nepaul, to settle and manage the public affairs in the mountains, from the river Buhnee to the Jumna, I have reached Almora, and the Kajee has proceeded to Surrenugur, to which place I shall also go, after completing the affairs of the Zilla of Kumown. The confirmed and established friendship and alliance existing between the two governments, being universally known, must consequently be manifest to you. With respect to the expectations entertained relative to the advantage and promotion of the affairs of the state, you no doubt are well acquainted, some narrow minded men, regardless of this end, have of late conveyed away the inhabitants from the hills into the lower provinces, to carry on a slave trade, a practice which is not sanctioned either by the British regulations or the Hindoo laws. I am here, by my master's directions, zealously active to admonish and chastise all such miserable oppressors, and I entertain hopes that injunctions will be sent to the officers of the British government, to search after and apprehend all persons of this description, who may withdraw themselves into your territories to carry on this traffic, and that they may be delivered over to the charge of our officers; by so doing, you will perform a great act of charity and benevolence, and strengthen the ties of friendship between both states. Whatever orders or commands you may have from this Zilla, you will highly honour me by expressing them, that they may be fully executed.

Extract, Translation of a Letter from the Agent of the Governor General, to Kajee Bum Shah Soobah of Kumown; dated the 22d March 1811.

5.—In a letter which I have received from my friend Dusruth Sing, he has requested me to take steps to put a stop to the wicked practice of the trade in slaves; agreeably to his laudable intention, I send back, in charge of your Jemydhar, some slaves which had been purchased without my knowledge, by some of my omlah and servants; and I have furnished the Jemydhar with a passport and subsistence money for them. The magistrates of the several zillahs have also been written to, and

and desired to apprehend all the traders in slaves, and to send those who are natives of the hills to my friend, and likewise all the children that may be found with them. The slave traders who may be inhabitants of this country, will meet with their deserts here. The magistrates have also been desired to furnish the necessary subsistence for the children, and the slave traders, inhabitants of the hills, who may be sent to you, and to furnish me with an account of the expense, which will then be transmitted to his Excellency the Nabob, the Governor General Behadur, when an arrangement for the disbursement will be made with the Maha Rajah. The number of children sent back under the care of your Jemydhar, will be known by a reference to the passport with which he has been furnished.

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To George Oswald, Esq. Magistrate of Zillah Moradabad.

1.—Sir :—I beg leave to enclose you the copy of a letter transmitted by the Soobah of Almorah, requesting the co-operation of the officers of the British government to put a stop to the traffic which is carried on in the sale of children, who are collected on the hills and brought down into our provinces by persons called Burdah Furrosh, by whom they are sold to subjects of our government, who follow a similar profession, and are then conveyed by them into the interior, and disposed of as slaves.

N^o 29.

2.—It is not improbable, that in many instances the misery of the parents may compel them to the sale of their offspring, but I am persuaded, from circumstances which have come to my knowledge, that numerous children are inveigled away, some secretly stolen, and instances are not unfrequent where they are forcibly carried off.

3.—But the traffic, under whatever circumstances it is carried on, is so repugnant to the principles of our government, and so uncountenanced, by either the Mussul man or Hindoo law, that it justifies the most vigorous measures to put a stop to.

4.—The subject will hereafter be submitted to government, in the meantime I beg leave to suggest, that a proclamation be issued in your zillah, prohibiting the traffic, and directing the police officers to apprehend and send to the coast, all persons who may be concerned in it.

5.—Wherever these persons may turn out to be subjects of the Nepaulese government, you will be pleased to send them under safe custody to the Soobah of Almorah, and wherever they may be subjects of our government, you will be pleased to bind them over, under a mutchelka, in a specific sum, to be forfeited to government, should they ever be discovered to be again engaged in this traffic, besides being subjected to the punishment which may hereafter be declared by government.

6.—The children who may be with these persons, are to be taken care of and fed at the expense of government, and sent back with all speed to the Soobah of Almorah, by whom they will be restored to their families.

7.—A statement of all expenses which may be incurred on this account, had better be transmitted to the political department, to enable an arrangement being made with the Nepaulese government for its reimbursement.

8.—I beg leave likewise to inform you, that it has been stated to me, a considerable number of children are at this time collected at Chilka, Nudquhabad and Cossipore, and to request that immediate steps may be taken for the rescue of those children, and the apprehension of the Burdah Furroshes, or those under whose charge they may be.

9.—You will likewise be pleased to adopt any other measures besides those suggested, which you may consider to be efficacious in putting an end to the traffic.

I am, &c.

Moradabad, 23d March 1811.

(signed) *T. Brooke, A. G. G.*

N. B.—Similar letters sent to the magistrates of the north and south division of Seharunpore, and the magistrate of Bareilly.

(signed) *T. B.*

Extract of a Letter from *N. B. Edmonstone, Esq.* Chief Secretary to Government, to *T. Brooke, Esq.* Agent to the Governor General; 26 April 1811.

1.—I am directed to acknowledge the receipt of your dispatch, under date the 8th instant, inclosing translation of a letter from Dushrut Sing, an officer of the Nepaul government, stationed at Almorah, on the subject of the traffic carried on in children brought from the hills, and sold as slaves within the Company's territory.

2.—With regard to the first point, the measures which you have adopted, and the instructions which you have issued to the magistrates of Moradabad, Meerut, and Seharunpore,

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Soharunpore, and Bareilly, appear to his Excellency the Vice President in council to be perfectly proper. The measure of enacting a regulation for the suppression or control of the traffic in slaves will be taken into consideration in the proper department.

4.—The sum of 50 rupees, which you paid to the Soobahdar's jemydhar to defray the expense of carrying back the children entrusted to his care, and the cost of the articles of Europe manufacture which you sent to Hushee dul Shah, will be passed in your accounts.

5.—The Persian secretary will be instructed to procure and transmit to you the articles described in the 13th paragraph of your letter, as a present to the Soubadar.

Minute,—Ordered, That the foregoing Extracts from the dispatch of the agent to the Governor General in the ceded provinces, and the reply to it, be sent to the judicial department for information; and also, in order that the question of enacting a regulation for the suppression or control of the traffic in slaves be there taken into consideration.

(A true Extract.) (signed) *N. B. Edmonstone*,
Chief Secretary to Government.

Extract, Bengal Political Consultations, 10th May 1811.

Read, the following Letter; Agent at Bareilly to *N. B. Edmonstone*, Esq.
Chief Secretary to Government in the Political Department, Fort William.

N^o 108.

Sir:—I have the honour to transmit, for the information of his Excellency the Vice President in council, the copy of a letter from the magistrate of Bareilly, and the copy of my reply, on the subject of a number of children brought from the hills to be sold as slaves, and rescued by his police officers, in conformity to the publication issued at my requisition, and of which the particulars were submitted in my address of the 8th instant.

2.—I trust to be early favoured with the instructions of government, and in the meantime I hope the steps which have been taken will meet with approbation.

I have, &c.

Bareilly, 26 April 1811.

(signed) *Thos. Brooke*, A. G. G.

To *Thomas Brooke*, Esq. Agent to the Governor General, Bareilly.

N^o 109.

Sir:—I beg leave to enclose two lists, specifying the names of 43 children, and others who were brought from the hills to be sold, and who were taken up by the police officers of this town and Pillibheet, in consequence of the directions communicated to me, with your letter of the 6th instant.

2.—Of the above number, the nine specified in the list, (N^o 1.) have solicited to be sent to the nearest ghaut, from whence they will be able to return to their homes; I shall accordingly dispatch them to-morrow, under charge of a couple of chuprassies, and money to subsist them on the road.

3.—With regard to the remaining 34, whose names are given in the list, (N^o 2.) many of them are infants, and unable to refer to the places where their parents reside; and several who have attained the age of maturity, express a decided disinclination to return to their homes, alleging, that their relations, having sold them, will not again allow them to associate with their families.

4.—I beg leave to suggest, that the Nepaul government be requested to depute some of its officers to receive charge of these persons as soon as possible; as I am unable to hire any trustworthy persons who will engage to escort them to Almorah. I shall in the interim subsist them as you desire.

5.—Amongst the persons in whose possession these slaves were found, three are *Burdah Furroshes*, subjects of this government, whom I shall discharge, on their executing *moochulkas*; the other proprietors, *Nepaulese*, appear to have purchased the slaves from others from that country, and as there is no proof of their having obtained them fraudulently, I have not on this occasion deemed it necessary to send them in custody to Almorah, but have seriously cautioned them against again engaging in this kind of traffic.

I have, &c.

Zillah Bareilly, 25th April 1811. (signed) *Thos. Thornhill*, Magistrate.

(A true copy). (signed) *T. Brooke*, A. G. G.

Extract, Bengal Political Consultations, 17th May 1811.

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Read, the following letter ; Agent at Bareilly to N. B. Edmonstone, Esquire, Chief Secretary to Government in the Political Department, Fort William.

N° 60.

1.—Sir:—In my address of the 8th ultimo, I had the honour to communicate the application which had been made by the officers of the Nepal government, to put a stop to the traffic in children, and the measures which, in compliance with that application, had been taken.

2.—To give some idea of the extent of this traffic, the manner in which it is carried on, and the abuses to which it is liable, I have the honour to submit, for the consideration of his Excellency the Vice President in council, a copy of a correspondence which has since taken place with the magistrates of Bareilly and Moradabad.

3.—From the letter of the magistrate of Bareilly, it appears, that a few days after the order was issued, several slave traders coming from the hills were apprehended with forty-three of these children, that none of these persons possessed any title under which they could be warranted to sell the children for slaves ; that several of these children, who had attained an age of greater maturity, were very happy to get back to their hills, and that the remainder are now under charge of the magistrate until the Soobah of Almorah sends people to escort them back.

4.—The magistrate of Moradabad sent to this office twenty-three children for examination, who turned out to have been purchased by individuals from the slave dealers, prior to the orders being issued, and not intended for a resale. Under these circumstances I did not consider myself authorized to interfere, without the sanction of government ; for although the purchases are illegal, long usage has stamped them with a degree of validity, which now calls for a law to abrogate or modify.

5.—These children had all been purchased at the towns of Nudgeebabad and Auggunah, which are established marts, where these children are collected in hundreds. The deeds of purchase, which were inspected, were not executed by the parents of the children, but by the slave dealers, and neither specified the names of the parents, or their places of residence, or where and how procured, or any circumstance by which they could be traced or identified, nor with these deeds was any prior title transferred, by which a presumed right in the slave dealers to make the sale might be inferred.

6.—From what I can learn, the greater majority of children brought from the hills are females, who are purchased for concubines to supply the stews and brothels with prostitutes, and some as attendants in zenanahs.

7.—That the greater number are females, is corroborated from the children here alluded to, out of which fifty-two were females, and only fourteen males.

8.—The males are for the most part employed as domestic servants, who sometimes obtain comfortable establishments in the families by whom they were bought as slaves ; this occurrence I believe to be rare, the greater number leading a laborious life for bare subsistence, and are often hardly treated.

9.—But the traffic, although divested of the enormities of the African slave trade, is still attended with circumstances of cruelty, which can only be put a stop to by the interposition of government.

10.—From the encouragement which the trade has hitherto met with in our provinces, kidnapping children has been introduced ; nor are instances unfrequent of their being forcibly carried off. Men likewise are found, who, tempted by lucre, sell their wives ; of this an instance was established in the cases before me. It has also introduced the practice amongst the more powerful inhabitants to seize the children of their debtors, and to sell them in satisfaction of their demands. These instances suffice to establish the dreadful system of oppression and cruelty which arises from this traffic.

11.—Instances of course must be numerous in which the misery of the parent, groaning under an oppressive government, and in a country where the productions of the earth are at the best of times scanty, are compelled to the sale of their offspring. These instances by which the existence of the parents and the children are preserved, induces the hesitation against a total abolition, and whether it might not be more consonant to sound principles of humanity to establish rules, by which abuses may be prevented ; but I am not prepared to suggest rules which would embrace the object.

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12.—At any rate, it appears desirable that the whole class of people who purchase children with a view to a future sale, should be subjected to severe penalties, and that the magistrates should be directed strictly to prohibit any of the towns in the British territories being a mart for the reception and sale of children.

13.—But the rules which may be established against the slave traders are not applicable to persons who may purchase slaves for their own service, without intention of a resale; it becomes therefore a distinct consideration how these persons are to be dealt with. Established rules, if the practice is to be allowed, becomes necessary; otherwise a door is left open for successful evasion.

14.—With reference also to the 4th paragraph of the letter to the magistrate of Bareilly, dated 26th April, a question arises, where children have attained maturity, and have been purchased as slaves, and prefer slavery to being sent back to their own country, what decision is to be passed which can meet the views of the Nepaul government to prevent the slavery of their subjects.

15.—The further communications I may have with the Soobah of Almorah shall be duly submitted to his Excellency.

Bareilly, 3d May 1811.

I have, &c.
(signed) T. Brooke, A. G. G.

(Copies).—To Thomas Brooke, Esq. Agent to the Governor General, Bareilly.

N^o 61.

Sir:—I beg leave to inclose two lists, specifying the names of forty-three children, and others who were brought from the hills to be sold, and who were taken up by the police officers of this town and Pillibheet, in consequence of the directions communicated to me with your letter of the 6th instant.

2.—Of the above number, the nine specified in the list (N^o 1.), have solicited to be sent to the nearest ghaut, from whence they will be able to return to their homes; I shall accordingly dispatch them to-morrow, under charge of a couple of chuprassies, and money to subsist them on the road.

3.—With regard to the remaining thirty-four, whose names are given in the list (N^o 2.) many of them are infants, and unable to refer to the places where their parents reside; and several who have attained the age of maturity express a decided disinclination to return to their homes, alleging that their relations having sold them, will not again allow them to associate with their families.

4.—I beg leave to suggest that the Nepaul government be requested to depute some of its officers to receive charge of these persons as soon as possible, as I am unable to hire any trust-worthy peons, who will engage to escort them to Almorah. I shall in the interim subsist them as you desire.

5.—Amongst the persons in whose possession these slaves were found, three are Burdah Furroshes, subjects of this government, whom I shall discharge on their executing mutchulkas; the other proprietors, Nepalese, appear to have purchased the slaves from others from that country, and as there is no proof of their having obtained them fraudulently, I have not on this occasion deemed it necessary to send them in custody to Almorah; but have seriously cautioned them against again engaging in this kind of traffic.

I have, &c.
(signed) Thos. Thornhill, Magistrate.

Zillah Bareilly, 25th April 1811.

To Thomas Thornhill, Esq. Magistrate of Zillah Bareilly.

Sir:—I beg leave to acknowledge the receipt of your letter of yesterday's date, with the list of children rescued from slavery, and reporting the discharge of the traders in whose possession they were found, on their executing mutchulkas, binding themselves to desist from this traffic in future.

2.—From the purport of your observations with respect to these dealers, it may be inferred, that although no proof existed of the children having been fraudulently obtained, there was none of their having been legally purchased, and in the absence of this proof, fraud of some sort may be presumed; in future, therefore, it will be advisable to send the dealers, who are subjects of Nepaul, to the Soobah, instead of releasing them on admonition.

3.—With reference to the 3d paragraph of your letter, I shall immediately write to the Soobah of Almorah to send persons to convey back the thirty-four children now under your care; and as it appears that several of those children have attained an age of maturity, it would be satisfactory to obtain the names of their parents, and the names of hills from which they have been brought to be transmitted to the Soobah.

4.—The objection which you state to be advanced by several of these children to a return to their homes, as their relations who have sold them will not again allow them to associate with their families, is irreconcilable with the intention expressed by the nine children mentioned in second paragraph, who only wish to be conducted to the nearest ghaut to enable them to return to their families; I am, therefore, disposed to suspect that the slave dealers may have influenced them to offer this objection. Should you, however, be persuaded that it is their desire to remain in these provinces, and that they have attained near to the full age of puberty, it becomes a question, which must be referred to government, what is to be done with them.

Bareilly, 26th April 1811.

I am, &c.

(signed)

Thomas Brooke, A. G. G.

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To George Oswald, Esq. Magistrate of Zillah Moradabad.

Sir:—A peon of your court, accompanied by the five hills people mentioned in your Persian proceedings, arrived here to-day.

2.—As it does not appear the purchasers are dealers in slaves, but bought these persons at Nudgurabad for their own service prior to the promulgation of the proclamation, the case does not strictly come within the operation of the orders of the 20th of March, which was restricted to the apprehension of the slave dealers by profession, and the restoration of the children that might be found with them.

3.—Of the illegality of the traffic there can be no question, consequently it is desirable that it should be put a stop to; but the penalty which individuals incur for the purchase must rest with the determination of government. In the mean time, by prohibiting a mart for the vend of slaves, we may rely that few individuals would proceed to the hills to make the purchase of slaves, which they only require for themselves.

4.—Instead of sending the parties to this office, I request you will be pleased to pass your own decision on the case brought before you; and instead of transmitting me a copy of your Persian proceedings, you will be pleased, whenever occasion may require it, to send a report in English, that I may be enabled to forward the same without delay to government.

I am, &c.

Bareilly, 29th April 1811.

(signed)

T. Brooke, A. G. G.

To G. Oswald, Esq. Magistrate, Moradabad.

Sir:—A peon of your court has delivered your Persian proceedings, accompanied by 18 children, who have recently been purchased as slaves at Nuggeenah Hidgeebad.

These purchases appearing to be similar to those before sent by you; I have no observations to make in addition to those offered in my letter of the 29th ultimo.

I am, &c.

Bareilly, May 1st, 1811.

(signed)

T. Brooke, A. G. G.

To the Agent at Bareilly, *T. Brooke, Esq.* Agent to the Governor General,
Ceded Provinces.

Sir:—I am directed to acknowledge the receipt of your letters under date 26th ultimo and 3d instant, in confirmation of your report of the 8th ultimo, on the subject of the traffic in slaves, between the territories of Nepal and those of the Company.

2.—The details communicated in these letters, report having suggested and assisted a more deliberate consideration of the subject than that which had taken place at the date of my reply to your dispatch of the 8th ultimo, I am directed to communicate to you the following observations and instructions.

3.—The traffic under discussion not having been prohibited by a formal regulation of government, cannot at the present moment be deemed absolutely illegal, nor consequently of a nature to render those concerned in it subject to penalty; and the prohibition which you directed the magistrates to issue against the traffic in question, and the instructions founded upon it, must be considered to be, strictly speaking, irregular, as wanting the sanction which can alone give to them the authority of law; at the same time, the moral principle, abstract justice, and humane object of these measures, combined with the application from the government of Nepal, preclude his Excellency in council from withdrawing his acquiescence

N° 62.

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acquiescence in the employment of means, such as you have adopted, for arresting the progress of this traffic, until a regulation can be framed with a view to its permanent suppression; but under the view which has now been taken of the case, his Excellency in council does not consider the measure suggested in your first circular instructions of 23d March to the magistrates, and restated in your subsequent letter of 26th ultimo to the magistrate of Bareilly, of sending the dealers in slaves, subjects of Nepaul, under custody to the subadar of Almorah to be altogether warrantable. The reason indeed which you have assigned for the repetition of that point of your instructions, namely, that because there was no proof of the children having been legally purchased, fraud of some sort must be presumed, does not appear to his Excellency in council to be conclusive. Some of the adults acknowledged that they had actually been sold by their relations; as far as they are concerned therefore, there is proof of the absence of fraud; with regard to the rest, a presumption of fraud, founded merely on a want of proof to the contrary, cannot be considered to constitute a justifiable ground of proceeding.

4.—According to the resolution above described, his Excellency in council approves of your sending to the subadar of Almorah, on his deputing a person to receive them, the children and adults recovered by the magistrate of Bareilly from the Nepaulese dealers, with the exception, however, of those who are desirous of remaining in the Company's provinces. These should not be compelled to return, but be allowed to reside within our territories in a state of freedom. With reference to this point I am directed to observe, that the argument from which you have deduced a suspicion of the employment of undue influence on the part of the dealers to induce the above mentioned adults to express a desire of remaining contrary to their real inclination, does not appear to be solid; you have remarked, that their objection to return to their homes because their relations who had sold them, would not again allow them to associate with their families, is irreconcilable with the intention expressed by the nine children, who only wished to be conducted to the nearest ghaut, to enable them to return to their families. The difference of caste, however, might reconcile this apparent inconsistency, or the nine children in question might have been stolen and the others fairly purchased from their parents; again the latter may have motives connected with their condition in their own country, of a nature to render them desirous of being settled in the Company's provinces, and may have reasons for alleging a fictitious obstacle to their return.

5.—With respect to the 23 children sent to you by the magistrate of Moradabad, for examination, who had been purchased by individuals from the slave dealers before your prohibition of the 23d March was promulgated, and not intended for resale, his Excellency in council concludes from the tenor of the 4th paragraph of your letter of the 3d instant, and from your letter to the magistrate of the 29th ultimo, that they have been restored to the proprietors, if not, it is the wish of his Excellency in council that they should be so restored.

6.—The observations in your letter of the 3d instant, which have reference to the rules to be established for the abolition or limitation of the traffic in slaves, will be taken into consideration in the proper department.

I have, &c.

(signed) *N. B. Edmonstone*, Chief Secretary to Government.
Fort William, 17th May 1811.

Ordered, That copies of the agent at Bareilly's despatch of the 26th April, recorded on consultation of 10th May, and of the foregoing one, together with copy of the reply of this date, be sent to the Judicial Department, in continuation of the reference to that department of the 26th ultimo.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal in the Political Department; dated 18th February 1814.

Letter from the Government, dated 27th July 1811, (18, 19 and 21) relative to the measures adopted for the prevention of the trade in children carried on between the Upper Provinces and the territories of Nepaul.

Par. 63.—We entirely approve of the measures which have been adopted for the prevention of the trade in children, carried on between the upper provinces and the territories of Nepaul.

Par. 64.—We hope that the regulation referred to in the 111th paragraph of your letter in the Judicial Department, dated 29th October 1811, for preventing the

the importation (in general) of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on your Presidency, will be effectual to its object.

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CLAIM preferred before the Court of Sudder Dewanny Adawlut, for the restoration of certain Slaves who had escaped from the Nepaul Territory, and sought an Asylum in the British Territories; with the decision of the Government thereupon: 1810.

Extract, Bengal Judicial Consultations, 6th July 1810.

Civil.

Read the following Letter: Register of the Sudder Dewanny Adawlut to George Dowdeswell, Esq. Secretary to Government in the Judicial Department.

Sir:—I am directed by the court of Sudder Dewanny and Nizamut Adawluts to request that you will lay before the Right honourable the Governor General in council, the accompanying original letter from the magistrate of Zillah Goruckpore, dated the 5th instant, together with a translate of its Persian enclosures.

N° 1.

2.—A right of property in slaves being recognized by the laws in force, the court are of opinion that the claim is regularly cognizable in the civil court, and if left to the regular course of justice must be tried and determined accordingly.

3.—But as the issue of this suit may involve the delivering up six persons, the subjects of a foreign state, who have sought an asylum in the British territory, and as the Governor General in council may possibly deem it expedient to satisfy the claim of the plaintiff for the value of the slaves rather than allow them to be surrendered, the court submit the case for the information of government.

I am, &c.

Fort William, 28 June 1810.

(signed) *J. Shakespeare*, Register.

Abstract of proceedings in the case of Dusrut Tuppa, prosecutor, versus Nathee, Sobhaee, Jeewe, Muss' Dhunsree, Muss' Joonhee and Muss' Lamee, defendants, whom he claims as his absconded slaves. Held before Charles Dumbleton, Esq. magistrate of the Zillah Goruckpore, from the 30th March to the 26th of April 1810.

N° 2.

On the 30th of March the plaintiff gave in his complaint to the effect above stated, in consequence of which a summons was issued for the attendance of the defendants.

On the 26th of April the cause came to be heard, and the plaintiff deposed to the following effect:

The defendants now present are my slaves who have ran off from me, carrying away a sword and a brazen vessel. Upon inquiry I learnt that they were with Shoobeer Suen Chouturya. It is now fourteen years since I purchased Sobhaee and Jeewe, and Muss' Lamee and six others for two hundred and twenty-six rupees. Four years ago I bought Muss' Joonhee and her mother, an old woman, for ninety rupees. Nathee and Muss' Dhunsree I received from Meer Singh Tuppa, at the value of ninety rupees, as my monthly pay about five years ago. I request that either the slaves be restored to me or their value given in money.

2.—Nathee denied that he was the prosecutor's slave, alleging that he belonged to Shoobeer Suen Chouturya, saying that his father had been a free servant of Chouturya's, and his mother a slave girl of the same person's; that about five years ago Meer Singh Tuppa gave him to the prosecutor, that he might go with him and take charge of his sheep; that accordingly a sepoy came and took him and the sheep and gave them to the prosecutor.

3.—Sobhaee confessed that he was a slave, and said that the prosecutor had purchased him, two of the slaves present and three others, viz. his father, mother and sister, for the sum of one hundred and forty rupees, about twelve or thirteen years ago; that he was employed in the cultivation of corn; that not having received his share according to the custom of the country, and having been struck by the prosecutor's sons, he fled.

4.—Jeewe also acknowledged that he was a slave, but alleged that being employed in cultivating and receiving nothing from the prosecutor he had run away. He represented that if he should now return to the hills the prosecutor would cut off his ears as a punishment for his offence.

5.—Muss' Dhunsree acknowledged that she was the slave of the prosecutor, saying, that she having killed her own child was brought by the prosecutor before

Meer

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Meer Singh Tuppa, who gave her to him to keep as his slave, that this was the usual punishment for murder in the hilly country; she added, that having received nothing from the prosecutor to eat, she had run off.

6.—Muss' Joonhee and Lamee also acknowledged that they were slaves, and alleged the same reason for having run away from the prosecutor.

7.—Nundram, witness, deposed that the prosecutor had purchased Sobhaee, Jeewee, Muss' Joonhee and Muss' Lamee, and that Meer Singh Tuppa had given Nathee and Dhunsree to the prosecutor's son.

8.—Oodhree, witness, deposed to the same effect, and added, that Meer Singh Tuppa had given Nathee and Dhunsree to the prosecutor's son as payment of his monthly allowance; that Nathee had formerly been the slave of Shoobur Suen, and that Dhunsree having killed her own child had been given by Meer Singh Tuppa to the prosecutor, whose slave she had now been for three years. With respect to the other four persons (whom the prosecutor had bought thirteen or fourteen years ago) the prosecutor not having given them any present they had therefore run off. He further stated, that it was the custom of the hilly country that if any woman put to death her new born infant, she was reduced to slavery by the ruler; but if she be able to give her value to her master he may free her, and in case of a dispute regarding the amount of the purchase money it is to be settled on the oath of the master.

9.—An urzee was given in by Rajah Rutna Suen, Rajah of Butol, to the following effect: that Nathee and the rest who have been apprehended, and brought into court in consequence of the complaint of a person who is an inhabitant of Gorkha, are the slaves of Shoobur Suen, his uncle, that when any of his people or slaves fly from him and settle in Butol, and his servants wish to apprehend them, they are prevented by the officers of the Rajah of Gorkha from entering the country, and threatened with death if they attempt it; that the prosecutor has improperly and without reason brought this complaint (which is founded moreover on calumny and falsehood,) since he (the petitioner) has no power of seeking redress for the loss of his slaves, whom he has lost; that if the slaves were delivered up to the prosecutor, he would certainly put them to death on getting them to his own country.

10.—It thus appears, that the claim of the prosecutor to Sobhaee, Jeewe, Muss' Joonhee and Muss' Lamee, as being his purchased slaves, is supported by the confession of these four persons, and by the evidence of the witnesses; that the prosecutor declares that he received Nathee and Muss' Dhunsree from Meer Singh Tuppa, in payment of his monthly allowance, and that of these two, Muss' Dhunsree was reduced to slavery as punishment for murder; that this declaration is confirmed by the confession of Dhunsree; but that Nathee alleges that he is not the prosecutor's, but Shoobur Suen's slave; that the witnesses, however, prove the fact of his having been given by Tuppa to the prosecutor.

The Rajah of Butol (who does not, however, possess the government of the country, it being under the dominion of the Rajah of Gorkha, whose chief ministerial officer is Meer Singh Tuppa), has represented that all the defendants are his slaves, and that the opposite party use violent means in carrying off his slaves.

1 May.—Ordered, That an abstract of these proceedings be sent to the Sudder Court for further orders.

(A true translation.)

(signed)

J. A. Mackenzie, Assistant.

Ordered, That the secretary write the following letter to the register of the Sudder Dewanny Adawlut.

To the Register of the Sudder Dewanny Adawlut.

N^o 3.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 28th ultimo, with its enclosures, and to desire that you will acquaint the Sudder Dewanny Adawlut, that the Right honourable the Governor General in council has been pleased to authorize the Judge of Goruckpore to pay, in the present instance, the value of the slaves who have been claimed in his court, amounting to rupees 220. At the same time it appears necessary to government to guard against the recurrence of demands of this nature.

2.—Whatever reasons may exist for maintaining the existing laws respecting domestic slavery among the two great classes of the native subjects of this country, the Mahomedans and Hindoos, the Governor in council is not aware of any principle of justice or policy which requires us to render our courts of judicature the instruments for compelling persons who may seek an asylum in the British territories to

return

return in bondage to the countries from which they may have emigrated. Unqualified as the Hindoo and Mahomedan laws respecting domestic slavery at present are, his Lordship in council concludes that a regulation will be necessary, in order to establish the modification of it above noticed in the practice of our courts of judicature. The Governor General in council accordingly requests, that the Nizamut Adawlut will prepare, for his consideration, the draft of a regulation, framed on the principle above described.

3.—The original letter from the magistrate of Goruckpore, transmitted by you, is returned enclosed. I am, &c.

(signed) *G. Dowdeswell*, Secretary to Gov^t, Judicial Department.

Council Chamber, 6th June 1810.

PAPERS relative to Claims preferred by the Agents of the Captors of Amboyna and Banda, to the value of certain Slaves on those Islands : 1811.

Extract Letter from the Governor General and Council of Bengal (in the Foreign Department), to the Court of Directors ; dated 24th July 1811.

Par. 67.—IN a third letter, dated also the 11th May, the agent for the captors claimed a credit of 3,279 Spanish dollars, for various articles under the denomination of slave stores, which fell into the hands of the captors of Amboyna. This letter encloses a statement and valuation of those stores, in which, however, are also included 40 slaves.

Par. 68.—In answer to this claim, we intimated that the principle of the observations of the Governor General in council, replying to the claim of Captain Cole, of His Majesty's ship *Caroline*, to the value of the slaves on the Island of Banda at its capture, (a subject adverted to in the following paragraph), appeared to us to be precisely applicable to the claim of the captors to the slaves of Amboyna, and generally, to embrace also both the remainder of the claim as above preferred, stated by the agent, and every question relative to prize property found on the island of Amboyna and its dependencies.

Par. 69.—The claim of Captain Cole, mentioned in the preceding paragraph, is contained in his letter to the Governor General of the 6th of April, a copy of which, and of the Governor General in council's reply, we have noticed to be enclosed in the dispatch from Fort St. George of the 31st May; Captain Cole observes, that on his arrival at Fort St. George, he had stated to the governor that the slaves belonging to the different spice parks had remained unmolested at their different occupations, although they were public property; that by the late regulations of His Majesty in council, the captors are allowed a certain sum for each individual that may be captured in a state of slavery; and that the removal of the slaves would have been of considerable detriment to, and perhaps have occasioned the destruction of the valuable property which must ultimately revert to the Company. That, in consequence of the Governor of Fort St. George not considering himself competent to decide on the merits of that application, Captain Cole submitted this claim to the consideration of the Governor General, expressing a confidence that his Lordship would award to the captors the same compensation which they would have derived from the consideration of His Gracious Majesty, had the slaves been moved to the island of Ceylon or the Cape of Good Hope.

Par. 70.—In reply to this reference, his Lordship intimated that he was disposed to think that the regulations of His Majesty in council, adverted to by Captain Cole, applied rather to the case of slaves exported from Africa contrary to the provisions of the Act for the abolition of the slave trade, than to slaves in the situation of those belonging to the spice parks of Banda; but that whatever might be the intention and scope of those regulations, his Lordship in council was precluded from taking the claim of the captors into consideration, as the Island of Banda was taken possession of by a squadron of His Majesty's ships in His Majesty's name; and as it had been determined, that Banda and the other islands captured from the Dutch, should be detained on behalf of His Majesty, under the superintendance and management of the Supreme Government of India, as a temporary arrangement only, until the pleasure of His Majesty should be known; and that therefore the whole of the public property found upon the island was exclusively vested in His Majesty, who could alone dispose of it in such manner as His Majesty might think proper.

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in Company's
Territories.

Extract, Bengal Foreign Consultations, 21st June 1811.

Read the following Letter from Chief Secretary at Fort St. George, Political Department, to N. B. Edmonstone, Esq. Chief Secretary to Government at Fort William.

Sir:—As the Island of Amboyna and its dependencies have been transferred to the authority of the Supreme Government, I am directed by the Honourable the Governor in council to transmit for the information and orders of his Excellency the Vice President in council, the enclosed copies of one letter under date the 12th ultimo, of three letters under date the 11th instant, and of one letter under date the 13th instant, from Mr. Richard Bromley, agent for the captors of these islands.

2.—As connected with the claims stated in the letters from Mr. Bromley, I am also directed to transmit for the further information of his Excellency the Vice President in council, the enclosed copies; of a letter under date the 6th April, from Captain Cole of His Majesty's ship *Caroline*, on behalf of the captors, to the address of the Right Honourable the Governor General; and of the reply which his Lordship in council deemed it advisable to make.

I have the honour, &c.

(signed) *W. Thackeray*, Chief Secretary to Government.

Fort St. George, 31st May 1811.

To William Thackeray, Esq. Chief Secretary to Government, Fort St. George.

Sir:—Enclosed I beg leave to transmit to you copies of vouchers, tending to establish a further claim for the credit of 3,279 Spanish dollars, for various articles under the denomination of slave stores (prize property,) captured at the Island of Amboyna, which you will be pleased to lay before the Honourable the Governor in council for approval. I have, &c.

Madras, 11th May 1811.

(signed) *Richard Bromley*, Agent.

LIST of SUNDRY ARTICLES remaining in charge of *Hendrek Amstet*,
Mandvor of the Slaves Quarter, viz.

	Repairable.	Unserviceable.
220 Pieces alaps.		
197 " gabgabbes.		
37 Male slaves.		
3 Female d°		
1 Brass bell.		
2 Iron chains with hooks.		
9 Stocks for convicts	9	
16 Water tubs	7	2
4 Small d°	2	2
16 Spades		12
8 Hoes		8
9 Pick axes		5
10 Iron bolts for locking stocks.		
4 Grass cutters iron		3
2 Crow bars.		
39 Convicts' Irons.		
1 Copper rice pot with cover.		
4 Iron bolts for convicts.		
17 Foot rings to those bolts.		
3 Irons for splitting wood.		
2 Wooden hammers, iron mounted.		
14 Iron hand rings for convicts		14
2 Brass table bells.		
2 Convicts' chains.		
1 Iron crown.		
5 Stool tubs.		
1 Iron sword, with silvered handle.		
14 Padlocks.		

Amboyna, 26th February 1810.

(signed)

M. H. Court,
Captain Commanding.

(True Copy) (signed) *Rich^d Bromley*.

ACCOUNT VALUATION.

		Spanish Dollars.
220	Pieces alaps - - - - -	3
197	D° gabgabbes - - - - -	2
37	Male slaves - - - - -	70 Spanish dollars each
3	Female d° - - - - -	60 ditto
1	Brass bell - - - - -	40
2	Iron chains with hooks - - - - -	4
9	Stocks for convicts - - - - -	18
16	Water tubs - - - - -	16
16	Spades - - - - -	3 dollars each
8	Hoes - - - - -	2 "
9	Pick axes - - - - -	2 "
10	Iron bolts for locking stocks - - - - -	2 "
4	Grass cutters iron - - - - -	3 "
2	Crow bars - - - - -	4 "
39	Convicts' irons - - - - -	2 "
1	Copper rice pot, with cover - - - - -	78
4	Iron bolts for convicts - - - - -	2 dollars each
17	Foot rings - - - - -	2 "
3	Irons for splitting wood - - - - -	3 "
2	Wooden hammers, iron mounted - - - - -	2 "
14	Iron hand rings for convicts - - - - -	2 "
2	Brass table bells - - - - -	3 "
2	Convicts chains - - - - -	2 "
1	Iron crown - - - - -	10 "
5	Stool Tubs - - - - -	1 "
1	Iron sword with silver handle - - - - -	7 "
14	Padlocks - - - - -	2 "
Spanish dollars - - -		3,279

We, whose names are hereunto subscribed, do hereby certify, That the prices affixed to the various articles and slaves specified in the foregoing list is a true, just, and fair valuation of each respectively, and no more.

Given under our hands at Amboyna, this 27th day of February 1811.

(signed) *J. A. Kruehl.* *Tjoa Jjimpe.*
Aei Regs. *Jm. Sney Sing.*

(A true copy.

(signed) *Richard Bromley.* *W. Thackeray,* Chief Sec. to Government.

To the Right honourable Gilbert Lord Minto, Governor General, &c. &c.
Fort St. George.

My Lord:—On my arrival at Madras, after the capture of Banda, I stated to Sir George Barlow, that the slaves belonging to the different spice parks had remained unmolested at their different occupations, although they were public property, and by the late regulations of His Majesty in council, the captors are allowed a certain sum for each individual that may be captured in a state of slavery, and that the removal of the slaves would have been of considerable detriment to, and perhaps occasion the destruction of, the valuable property which must ultimately revert to the Honourable Company.

As Sir George Barlow could not decide on the merits of this communication, I feel it my duty, on behalf of the captors, to lay these circumstances before your Lordship in council, in the full confidence that you will award to the captors the same remuneration which they could have derived from the consideration of His Gracious Majesty, had the slaves been moved to the Island of Ceylon, or the Cape of Good Hope. I shall hope for your Lordship's decision on this point at an early period, as it involves considerations of importance with respect to the welfare of the captors.

I have the honour, &c.

H. M. S. Caroline, Madras Roads, (signed) *Christopher Cole,* Captain.
6th April 1811.

(A true copy.) (signed) *W. Thackeray,* Chief Sec. to Government.

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Territories.

N^o 15.

To Christopher Cole, Esq. Captain of H. M. Ship Caroline.

Sir :—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of your letter, under date the 6th instant, and to inform you, that the inclination of his Lordship's judgment is, that the regulations of His Majesty in council, adverted to in your letter, apply rather to the case of slaves exported from Africa contrary to the provisions of the Act for the abolition of the slave trade, than to slaves in the situation of those belonging to the spice parks at Banda ; but that whatever may be the intention and scope of those regulations, his Lordship in council is at present precluded from taking the claim of the captors into consideration, as the Island of Banda was taken possession of by a squadron of His Majesty's ships, in His Majesty's name ; and as it has been determined that Banda and the other islands captured from the Dutch in the Eastern Seas, shall be retained on behalf of His Majesty, under the superintendence and management of the supreme government of India, as a temporary arrangement only, until the pleasure of His Majesty shall be known.

2.—The whole of the public property, therefore, found upon the island is exclusively vested in His Majesty, who can alone dispose of it in such manner as His Majesty may think proper.

I have, &c.

(signed) *W. Thackeray*, Chief Sec. to Gov.

Fort St. George, 17th April 1811.

(True copy.) (signed) *W. Thackeray*, Chief Sec. to Government.

N^o 19.

Ordered, That the following letter be addressed to the Chief Secretary to the Government of Fort St. George, in reply to his dispatch, above recorded.

(Extract.)

1.—I am directed to acknowledge the receipt of your dispatch, under date the 31st ultimo, enclosing copies of various applications from Mr. Bromley, the agent for the captors of Amboyna and its dependencies, which the Honourable the Governor in council judged it proper to refer to the consideration of his Excellency the vice president in council, on the ground of the Molucca Islands having been transferred to the authority of the supreme government, together with copies of a letter from Captain Cole, of His Majesty's ship Caroline, and of the reply to that letter, written under the orders of the Right honourable the Governor General in council, as being connected with the claims stated in the letters from Mr. Bromley, and documents relating to the rate of exchange at which bills on the government of India have been drawn in favour of the captors.

2.—From the observations stated in the vice president in council's address of the 7th instant on the subject of the incompetency of this government to take cognizance of the claims of the captors, the Honourable the Governor in council will have anticipated the opinion of his Excellency in council, that the several claims stated in your dispatch now acknowledged (with one exception) should be referred to the decision of the authorities in England. The applications of the agent therefore only suggest the few remarks which I am directed to state as follows :

10.—The principle of the observations of the Right honourable the Governor in council, in reply to Captain Cole's claim to the value of the slaves on the Island of Banda at its capture, appears to his Excellency in council to be precisely applicable to the claim of the captors of the slaves of Amboyna, and generally to embrace also both the surrender of the claim stated in the margin,* and every question relative to the public property found on the Island of Amboyna and its dependencies.

* Mr. Bromley's second letter of 11th May, claiming credit for 3,279 Spanish dollars for the value of slaves, and of various articles under the denomination of Slave Stores captured at Amboyna.

PAPERS relative to the public Slaves found in the Parks on Banda, Banda Neira, and Pulo-way ; on the capture of those Islands in 1811.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors in the Political Department, dated 6th June 1812.

78 to 80.

Par. 56.—With regard to the establishment of slaves entertained at Banda, we observed to the resident, that although from the proceedings of Parliament, on which the law for the abolition of the slave trade was founded, it may be presumed that the state of slavery in Asia was not in contemplation when the Act passed, yet, as the traffic in slaves is inconsistent with the dictates of humanity, a regulation has lately

lately been enacted by this government for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the presidency of Fort William, but that much information would be requisite from the resident before any decision could be passed on this question in its relation to the Eastern states; we therefore called the particular attention of the resident to the expediency of emancipating the public slaves, and of prohibiting gradually the importation of others into the islands under his authority, and we directed him to report on the measures and regulations which he would recommend for effecting this object, and on the means best adapted for executing the duties at present performed by the slaves.

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Extract, Bengal Public Consultations, 28th March 1812.

Extract, Letter from W. B. Martin, Esq. Resident at Amboyna, to Mr. Secretary Edmonstone, dated 15th June 1811.

Par. 65.—I have already informed you, in the 14th paragraph of my letter under date 20th March, of the appointment of Captain Court to the charge of Banda and its dependencies, with the same allowance as he received during the period of his administration at Amboyna.

N° 26.

Par. 66.—Since the assumption by Captain Court of the government of Banda, the state of his health has been generally such as to render him incapable of regular and assiduous application to the duties of his office, and it has accordingly not been in his power to furnish me with as much information as is necessary to enable me to form a correct judgment of the proper measures to be pursued for regulating the internal administration of that settlement.

Par. 67.—From the information, however, which has been supplied to me by Mr. Ewer, who was appointed to receive charge of the Island of Banda and its dependencies from Captain Foote, I have been enabled to frame such arrangements as appeared to me to be best calculated to promote the prosperity of that valuable island; and I have the satisfaction to assure you, that if the estimate which I have formed of its probable resources be correct, and which is founded on the experience of its actual produce during the past years, the possession of Banda will constitute a pregnant source of future advantage to the Company's commercial interests.

Par. 68.—The cultivation of spices is limited to three of the small cluster of islands, which are usually denominated the Banda Isles. The town and fortresses of Nassau and Belgua are situated on Banda Neira, on which there are only four parks or plantations; the number of plantations on Banda Lantoir or Great Banda, is thirty, and there are seven more on the small island of Poolo-way.

Par. 69.—The immediate care and cultivation of those plantations are confided to a superintendent, who is denominated parkenier, and to whom the property of the soil has been absolutely conceded by the regulations which were prescribed by General Dandells for the constitution of the government of Banda; agreeably to the system introduced by those regulations, the parkeniers are considered to be the proprietors of their respective parks, but they are required to deliver the entire produce of those parks to the Company, at specified rates of payment, and to maintain the number of slaves which is necessary to their due cultivation. The periods of time at which the deliveries both of mace and nutmegs shall take place, are particularly stated and defined; those of mace are monthly; and the months of March and October are the periods prescribed for the delivery into stores of the nutmegs, after they have undergone the processes of smoking and chunaming.

Par. 70.—The parkeniers are subject to the general superintendence and control of an officer denominated superintendent of spices, whose duty requires him occasionally to visit the plantations, to issue such orders and instructions to the parkeniers for regulating their interior economy as may appear to him to be necessary to secure punctuality and fidelity in the collection and delivery of the spices, and generally to see that their conduct is conformable to the obligations imposed on them by the conditions of the tenure under which they hold their plantations. The duty of receiving, weighing and storing the spices, at the period of their delivery by the parkeniers, is also confided to this officer, through whom the prescribed payments are made, agreeably to the returns exhibited by him, of the quantity and description of spices received from the proprietor of each park.

Par. 71.—The above enumeration of the duties which the superintendent of spices at Banda is required to perform is sufficient to demonstrate the necessity of a strict and scrupulous attention to the character and qualifications of the persons

who

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who may be selected to discharge them; and my experience of the eminent qualifications which are possessed by Mr. Assistant Surgeon Hopkins has induced me to appoint him to that important situation, with a salary of Spanish dollars 500 per mensem.

Par. 78.—On Mr. Ewer's arrival at Banda, a considerable expense was incurred by government in maintaining an establishment of slaves. The abuses resulting from that establishment were such as suggested to Mr. Ewer the expediency of distributing the slaves among the parkeniers, as well for the purpose of enabling them to improve the cultivation of their several parks, as with a view to the reduction of expense which would ensue from that arrangement. The abuses to which I have above adverted, arose from the employment of the slaves in services, for the execution of which provision had been made by the public establishments allotted to the several offices which appeared to require them, and the allowances granted for the maintenance of their establishment, instead of being applied to that object, were appropriated by the persons exercising the several offices to which they were annexed. The number of 199 slaves has been accordingly distributed among the parkeniers in the two islands of Banda Neira and Great Banda, and of the remaining 154, I propose to allot 70 to those in Poolo-way.

Par. 79.—The total number of slaves employed in the cultivation of the parks in the islands of Great Banda and Banda Neira is 1,266, which, estimating the number of trees on those island to be 294,800, gives one slave to 233 trees, whereas the proportion ought properly to be one to 150 trees.

Par. 80.—In consequence of this arrangement, a part of the expense attending the clothing and subsistence of the slaves, together with the salary of a superintendent, has been saved, and the important objects of providing for the better cultivation of the plantations, and for the due collection of their produce, have been accomplished without any material inconvenience to other branches of the public service. The Company, however, have not been wholly exonerated from the expense attending the subsistence of the slaves, as the Parkeniers were permitted, by the regulations of the Dutch government, to purchase their rice from the public stores, at the price of fifty dollars per boyang of 3,000 lbs. which is considerably below the actual cost of that article to the Company.

N° 34.

(Copy.)

A PROCLAMATION.

BY the Resident for all affairs of the Honourable English East India Company at the Molucca Islands, in the name of His Majesty the King of the United Kingdom of Great Britain and Ireland:

On assuming, in the name of His Majesty the King of the United Kingdom of Great Britain and Ireland, the government of these possessions, which, by the enterprising and successful valour of the British arms, have been happily delivered from the galling yoke of Dutch tyranny, I am anxious to declare to the inhabitants the principles by which, in discharging the duties of the trust reposed in me, my conduct will be invariably governed.

Experience has qualified the inhabitants of these islands correctly to appreciate the character and relative merits of the two administrations. It has enabled them to discover and compare the opposite tendency and effects of their respective principles and views of government; and to contrast the stern, obdurate, selfish, unrelenting, and oppressive maxims of Dutch policy, with the mild, beneficent, liberal, comprehensive and enlightened spirit, which actuates the conduct of a British government. Their sense of the superior and transcendant blessings and advantages of submission to the British arms, has been signally decisively attested by their cordial, prompt, and zealous co-operation with the troops which were destined to absolve them from subjection to the Dutch, and to secure to them the powerful protection of the English government.

To confirm and to perpetuate this just attachment to the British interest, by securing to the inhabitants of these valuable islands the benefits resulting from a system of public administration conformable to these honourable and enlightened principles of English government, by which it was at first excited, and has been hitherto uninterruptedly maintained, will constitute the invariable object of my policy, and the ruling principle of all my measures.

Conformably to those principles, your religion, your institutions, your immemorial and established customs, will be venerated and preserved inviolate; your industry will be encouraged and rewarded by an augmentation of the wages of labour,
proportioned

proportioned to the exigencies of your impoverished condition, and to the quality, extent, and value of its produce. Instead of being, as hitherto, restricted in the application of it to objects exclusively beneficial to the interests of your former rulers, you will be invited to bestow it in the cultivation of grain and other articles of necessary provision and subsistence for yourselves and your families, precluded by the dictates of a misguided and jealous policy from availing yourselves of the natural advantages and capacities of a fertile and luxuriant soil, you have been rendered dependent on the resources of distant islands for the precarious supply of your immediate and urgent wants. In concert with the chiefs and elders of the several districts, my attention will be earnestly and assiduously directed to the means of remedying this evil, and to the accomplishment of such arrangements as shall be calculated to relieve you, as far as may be practicable and consistent with a due regard to the system of your ancient manners and established habits, from all impolitic and unjust restraints in the application and exertion of your industry, and from all undue and oppressive impositions and exactions in the disposal of its produce.

Instead of being paid, as hitherto, in a depreciated paper currency, in future the planters will receive payment in specie alone, their claims shall be scrupulously attended to, and punctually and faithfully discharged.

To support the chiefs of the several districts and islands subject to this government, in the just exercise of their ancient and legitimate authority, to respect and to uphold the established privileges and distinctions of their respective ranks; to relieve the wants, extend the commerce, and invigorate the industry of their subjects, and to secure to them the full enjoyment of every civil benefit which the pure and prompt administration of equal justice can confer; these are the objects which the impulse of my private feelings, no less than the obligations of my public duty, will engage me to pursue, with an earnestness proportioned to my zeal for the happiness of those whom I am sent to govern, and for the interests and honour of the employers whom I serve.

Actuated by these sentiments, I have resolved immediately to convene a general assembly of all the chiefs of the several districts subject to my authority, in order to have an opportunity of personally explaining to them my anxiety to learn, appreciate, and relieve their wants; and for the purpose of adopting, in concert with them, such regulations for the future security and improvement of our common interests, as shall satisfy them of the equity and liberality of my views, and of the strict attention which will be invariably manifested to every consideration affecting their own interests and those of their dependents.

The same protection and liberal encouragement which have been uniformly afforded to the Chinese settlers throughout every part of the British empire in India, will be invariably extended to those of that nation who have established themselves under the government of these islands.

Emancipated from a degrading subjection to the caprice of military despotism, and transferred to the dominion of a free, just, powerful, and enlightened government, the European subjects of Holland, and their descendants, will be reinstated in the secure enjoyment of all those valuable commercial privileges and advantages, of which they have been long and hopelessly deprived by the selfish domineering and oppressive policy of France, in the impartial administration of equal and expedient laws; in the revival and extension of commerce, and in the security of their lives, persons, property and religion, they experience the benign effects of the protection of the British power; of that power which has never been exerted but in defending and supporting the dearest rights and interests of mankind, insulted, violated, and ultimately subverted by the lawless, unprincipled, and overwhelming usurpations and aggressions of French ambition.

(signed) *W. B. Martin*, Resident.

(A true copy.)

(signed) *Francis Crossley*, Secretary.

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STATEMENT of the SLAVES and CONVICTS which are present this date in the several Parks at Neira and Great Banda.

NAMES OF THE PARKS.	SLAVES.		CHILDREN.		CONVICTS.		TOTAL.
	Men.	Women.	Boys.	Girls.	Men.	Women.	
Lantakka - - - - -	15	15	-	2	-	-	32
Baneo Bato - - - - -	17	21	6	4	3	-	51
Herstelder - - - - -	17	18	7	2	3	1	48
Seven Cergen - - - - -	6	10	7	-	7	-	30
Welte Vreden - - - - -	33	25	8	9	-	-	75
Namooh - - - - -	38	31	4	3	4	-	80
Limons Wall - - - - -	27	26	-	-	9	-	62
Takkarmauo - - - - -	26	21	6	6	3	-	62
Kely and Norwegnen	6	16	2	-	1	-	25
Lacquoy - - - - -	7	4	-	-	1	-	12
Werong - - - - -	3	1	-	-	3	-	7
Deep in dal - - - - -	4	1	-	-	1	-	6
Joongi a tap - - - - -	4	1	-	-	-	-	5
Orang datan - - - - -	26	16	3	2	1	-	48
Footna - - - - -	19	15	-	2	-	-	36
Lust - - - - -	10	10	-	-	6	-	26
Evens - - - - -	23	15	5	-	5	1	49
Tambooks - - - - -	4	3	-	-	-	-	7
Langtang - - - - -	19	10	4	2	25	-	60
Bootang - - - - -	21	14	3	4	5	-	47
Drie gebweders - - - - -	26	25	7	5	6	-	69
Babe mande - - - - -	11	6	1	1	7	-	26
Boven Dender - - - - -	16	12	7	5	-	-	40
Beneden Dender - - - - -	7	13	3	2	12	-	37
Sosten inval - - - - -	23	24	5	7	-	-	59
Boerang - - - - -	14	13	1	1	3	-	32
Rezie - - - - -	2	4	-	-	-	-	6
Running - - - - -	23	17	3	5	3	-	51
Comber - - - - -	22	16	1	2	10	-	51
Reysertorn - - - - -	43	23	2	5	-	-	73
Spantje by - - - - -	16	16	2	-	1	-	35
Grool Walling - - - - -	21	11	-	-	-	-	32
Kleign Walling - - - - -	18	14	1	-	3	-	36
Boyaun - - - - -	25	23	4	5	3	6	66
Hollandia - - - - -	1	-	-	-	2	-	3
TOTAL - - - - -	593	490	92	74	127	8	1,384

Banda, 15th April 1811. (signed) M. H. Court, Captⁿ Comm^r.
(A true copy,) (signed) Fran' Crossley, Secretary.

STATEMENT of the SLAVES and CONVICTS which are present in the several Parks at Poolo-way, on the 1st of March 1811.

NAMES OF THE PARKS.	SLAVES.		CHILDREN.		Convicts.	TOTAL
	Men.	Women.	Boys.	Girls.		
Poolo-way's Welvaren in hel Centrum - - - - -	29	20	15	8	3	75
Wel he Vreden - - - - -	14	13	3	5	1	36
Dankbaarheid - - - - -	19	10	2	3	3	37
Mallalenhs - - - - -	15	12	5	3	4	39
De Vexwaglin - - - - -	19	10	1	-	5	35
Klein San'd - - - - -	17	12	1	2	6	38
West Klip - - - - -	14	13	2	5	4	38
TOTAL - - - - -	127	90	29	26	26	298

Banda, 18th April 1811. (signed) M. H. Court, Cap^a Comm^r.

Extract, Letter from Mr. Secretary Ricketts, to W. B. Martin, Esq. Resident at Amboyna, dated 29th February 1812.

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N^o. 45.

Par. 42.—Although from the proceedings of Parliament, on which the law of the abolition of the slave trade was founded, it may be presumed that the state of slavery in Asia was not in contemplation when the Act passed, yet as the traffic in slaves is inconsistent with the dictates of humanity, a regulation has lately been enacted by this government, for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the presidency of Fort William. Much information, however, will be requisite from you before any decision can be made on this question, in its relation to the Eastern seas; but your attention is particularly called to the desirable object of emancipating the public slaves, and prohibiting gradually the importation of others in the islands under your authority, your report will be expected on the measures and regulations which you would recommend for effecting this object, and on the means best adapted for executing the duties at present performed by the slaves.

Extract of a Letter from W. B. Martin, Esq. Resident at Amboyna, to the Secretary to Government at Fort William, relative to the redemption, at the public expense, of sixteen men, who had been carried from Amboyna by pirates, and sold as slaves on the Island of Goram: 1811.

Extract, Bengal Public Consultations, 28th March 1812.

Extract, Letter from W. B. Martin, Esq. Resident at Amboyna, to Mr. Secretary Edmondstone, dated 22d July 1811.

1.—I have the honour to transmit to you the Treasury accounts, and accounts particulars of disbursements for the months of February, March, April, May and June, together with the pay abstracts and vouchers for the contingent charges in the military department for those months respectively, agreeably to the separate lists which accompany this letter.

N^o 9.

2.—The head of changes extraordinary, in the account particulars of disbursements for the months of March, April, May and June, comprizes several items of expenditure, which appear to me to require more particular explanation than it was practicable to afford in those documents.

10.—Under the head of charges extraordinary, in the account particulars of the month of May, you will observe the sum of Spanish dollars 706½ to have been disbursed on account of the ransom of 16 men, belonging to the village of Orling on this island, who were carried away by the pirates shortly after the surrender of Amboyna to the British arms.

11.—A native merchant of this place, having in the course of a voyage to the adjacent island, accidentally received intelligence that some of the captains had been sold by the pirates at the Island of Goram, conceived the design of rescuing them from captivity, under conviction that the government of Amboyna would reimburse the expense which it might be necessary for him to incur, in redeeming them from slavery; he accordingly proceeded to Goram, and bartered the goods which he had carried with him from Amboyna, in exchange for 16 men who had been sold at Goram, and who accompanied him on his return to this island.

12.—On receiving information of the measures which had been adopted by the anakoda for their recovery, it occurred to me to be probable that he was only the agent of some of the pirates, who had been concerned in their seizure, and who had resorted to this expedient of disposing of them to the best advantage; and I accordingly directed particular inquiries to be instituted into all the circumstances connected with their alleged ransom at the Island of Goram. The result of those inquiries having satisfied my mind of the truth of the anakoda's representation with regard to the considerations by which he had been actuated in effecting their deliverance, and adverting to the credit which would redound to the humanity of the British government from the payment of the sum for which they had been ransomed, I judged it to be my duty to order the amount above stated to be paid, and the men have been accordingly restored to their habitations in the village of Orling.

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PAPERS relative to a Claim on the Agent for the Captors of the Mauritius, for the refunding of a Sum of Money which had been paid to him on account of Slaves captured in Harbour there: 1812.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors in the Public Department, dated 6th June 1812.

Cons. 13th March.
N° 8.

Par. 207.—His Excellency the Governor of the Isle of France having stated to us, that in consequence of the Act of Parliament respecting the traffic in slaves he had called on the agent for the captors of the Mauritius to refund the amount which was paid to him on the above account in bills on this government, and requesting therefore that credit might be given to him for 80,480 sicca rupees, for which he enclosed a bill of exchange on Messrs. Alexander and Co., we accordingly directed our sub-treasurer to call on those gentlemen to pay the above-mentioned sum into the general treasury, and to account for the interest that may be due after deducting the costs of the first remittance, since the money has been in their hands.

Cons. 15 May.
N° 50 to 54.

Par. 208.—Messrs. Alexander & Co. having stated in reply that the balance of their account with Mr. Farquhar amounted to sicca rupees, 515. 15. after paying the amount of the bill of exchange, we have authorized the sub-treasurer to receive it on account of interest due on the above sum, pending a reference which has been made on the subject to the government of the Isle of France.

Extract, Bengal Public Consultations, 13th March 1812.

Read the following Letter from the Governor of Mauritius to the Right honourable Gilbert Lord Minto, &c. &c. &c.

Port Louis, Isle of Mauritius, 1st January 1812.

N° 3.

My Lord:—Previously to this government being put in possession of the Slave Acts passed by the Parliament of the United Kingdom, a number of slaves were taken by His Majesty's navy off the harbour of Port Louis, in vessels carrying on an illegal traffic in slaves, and were brought into this port. Led to believe, from the best information I could collect on the spot, that this government was bound to pay the captors the usual sum per head, the money was paid accordingly in bills on the Supreme Government, dated 1st March 1811, and the slaves were enlisted in His Majesty's Bourbon rifle regiment. Having since ascertained that the remuneration should be made in England, I have called upon the agent for the captors here, Mr. Stokes, to refund the amount, and I have the honour of enclosing to your Lordship the first of a set of bills drawn in your Lordship's favour for 80,480 sicca rupees, for which I request that due credit may be given to this government, and that the error may be rectified in the accounts of this island for the month of March, which have been transmitted to Calcutta.

After deducting the costs of the first remittance, Messrs. Alexander & Co. will account to your treasury for the *interest* that may have accrued thereon since the proceeds have been in their hands.

I have, &c.
(signed) R. T. Farquhar.

Ordered, That a copy of the foregoing letter, with the first of the set of bills drawn on the agents for the captors of Mauritius in favour of this government for the sum of 80,480 sicca rupees, be transmitted to the sub-treasurer, and that he be directed to call on Messrs. Alexander & Co. to refund the amount, and to account for the interest which may be due, after deducting the costs of the first remittance, since the money may have been in their hands.

Ordered also, That a copy of the above letter be transmitted to the accountant general, with the necessary information respecting the transmission of the first of the set of bills referred to in it, to the sub-treasurer, for recovery, and that he be directed to give credit for the above-mentioned sum to the government of the Mauritius, and to rectify the error in the accounts of that island agreeably to the request of his Excellency the governor of Mauritius.

Extract, Bengal Public Consultations, 15th May 1812.

Read the following Letter: Sub-Treasurer, C. M. Ricketts, Esq. to the Secretary to the Government in the Public Department.

Sir:—I have the honour to transmit to you the accompanying copies of a letter which I addressed on the 20th ultimo to Messrs. Alexander & Co. on the subject of the bill for sicca rupees 80,480 enclosed in your letter of the 13th March last, and of the answer received from those gentlemen, with the original enclosures which accompanied it; and I request to be informed whether the sum of sicca rupees 515. 15. tendered by Messrs. Alexander & Co. is to be received by me in full of the government's claim for interest upon the amount which has been repaid into the general treasury under the orders contained in your letter abovementioned.

N° 50.

I have, &c.
General Treasury, 14th May 1812. (signed) *H. Stone*, Sub-Treasurer.

Messrs. Alexander and Co.

Gentlemen:—I have the honour to transmit to you the accompanying copies of a letter to my address from the secretary to the government in the public department, dated the 13th ultimo, and of the letter from his Excellency Governor Farquhar, therein referred to.

N° 51.

The interest due on the sum of sicca rupees 80,480, from the 10th June 1811, the date on which the bill granted by the government of Mauritius fell due, to the 18th instant, at the rate of six per cent per annum, is sicca rupees 4,131. 4. 10. This sum, however, appears to be liable to a deduction of the amount of the costs alluded to in the 2d paragraph of Mr. Farquhar's letter, and I request to be furnished by you with a statement of those costs, in order that the account may be adjusted.

I have, &c.
General Treasury, 20th April 1812. (signed) *H. Stone*, Sub-Treasurer.

Calcutta, 8th May 1812.

H. Stone, Esq. Sub-Treasurer, &c.

Sir:—Agreeable to the request made in your letter of the 20th ultimo, we have the honour to enclose you a copy of our account with Mr. Stokes of the government remittance received from him in June 1811, accompanied by extracts from his letter on the subject of it at the time it was made and subsequently, and beg to inform you that the balance on hand, sicca rupees 515. 15. will be paid by the bearer.

We are, &c.
(signed) *Alexander & Co.*

(True copies.)

(signed) *H. Stone*, Sub-Treasurer.

Charles Stokes, Esq.

D'	
1811: June 10th	TO cash paid for the purchase of 1 second 6 per cent Loan, acknowledging N° 286, dated 31st January 1811 - - - - - 80,000 - - Interest from the date to this day is 4/10 days, at 8 per cent - - - 2,311 1 9 Premium at ½ per cent - - - - - 900 - - Bro° at 1 ½ per cent - - - - - 411 8 10
1812: April 18th	To Cash paid your draft on us in favour of R. T. Farquhar - - - 80,480 - - Commission on the receipt of S ^a R ^s 85,642. 10. 8. at 1 per cent - - 856 6 10 Balance - - - - - 515 15 -
Sicca Rupees - - - 165,475 - 5	

C'	
1811: June 10th	BY Cash received from the Treasury, the amount of R. T. Farquhar's Draft upon the Presidency in your favour - - - - - 80,480 - -
July 15th	Cash received from the Treasury for Brokers Interest due on one acknowledgement, N° 286, Principal, S ^a R ^s 80,000 for 5/ at 8 per cent - - 2,666 10 8
1812: January 9th	Cash received from the Treasury for half year's Interest on 2 Notes, N ^{os} 6223 & 6224 - - p' S ^a R ^s 10,000 - - 20,000 at 6 p' c' 600 2 D° - - 6225 - - 6226 - - - - - 10,000 - - 20,000 - - - 600 2 D° - - 6227 - - 6228 - - - - - 10,000 - - 20,000 - - - 600 2 D° - - 6229 - - 6230 - - - - - 10,000 - - 20,000 - - - 600 80,000 2,400 Premium at 4 per cent - - - 96
April 18th	By Cash received for the sale of 1 Note, N° 6223, dated 30th June, 11/ per - 10,000 1 D° - - 6224 - - - - - 10,000 1 D° - - 6225 - - - - - 10,000 1 D° - - 6226 - - - - - 10,000 1 D° - - 6227 - - - - - 10,000 1 D° - - 6228 - - - - - 10,000 1 D° - - 6229 - - - - - 10,000 1 D° - - 6230 - - - - - 10,000 80,000 - - Interest from 31st Dec. to this day is 3/18 at 6 per cent - 1,440 - - 81,440 - - Discount at 2 per cent - - - - - 1,622 12 7 79,817 3 5 Balance of Interest Account, calculated at 6 per cent - 15 2 4
Sicca Rupees - - - 165,475 - 5	

Calcutta, 18th April 1812.

(signed)

Alexander & Co.

D'.

Interest Account up to the 18th April 1812.

C'.

1811: June 10th	M. D ^{rs} .	4,278 11 8	1811: June 10th	M. D ^{rs} .	4,131 5 1
	83,622 10 7 for 10 8			80,480 - - for 10 8	
	Balance - - - - - 15 2 4		July 5th	2,666 10 8	9 3
			1812: January 9th	2,496 - -	3 9
	S ^a R ^s - - - 4,293 13 5			S ^a R ^s - - - 4,293 13 5	

Extracts of Letters from C. Stokes, Esq. to the Address of Messrs. Alexander & Company, under dates, 4th of March 1811, and 1st of January 1812.

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4th March.

I have to request your decided attention to my instructions respecting the accompanying, first of a set of exchange for eighty thousand four hundred and eighty sicca rupees, drawn by the Honourable the Governor Mr. Farquhar, on the Right honourable Lord Minto, Governor General in council, Bengal, at thirty days sight, and made payable to me or my order.

This first bill I have made payable to you, and you will please receive it, and invest it in the most productive government securities, at the same time having regard to its being placed in such a public fund or loan, that it can be realized at no very long notice ; as it properly belongs to my constituents, you will, gentlemen, most positively and pointedly attend to its being placed in my name only, and in the most secure public fund.

It occurs to me, that it is not improbable that after this bill is accepted, it may be received into the government bank as cash at the regular interest, which you will please to draw regularly, and pass to my credit in an individual account, and I shall give you further instructions on this distinct head ; of this mode of security you will judge best, but it must be in my name ; and you will observe, that I am not authorized, nor can I authorize you to place the principal in any but a public fund.

January 1st, 1812.

I have this day drawn on you for the sum of eighty thousand four hundred and eighty sicca rupees, in favour of his Excellency the Governor of these colonies, or his order, and at thirty days sight, which bill you will please duly honour.

These bills are drawn on you, to enable his Excellency to receive back the amount, it being the sum you have received for the bills drawn by him on the Governor General of India, and which is now to be repaid by you.

As those bills were given to me, under what is now discovered to be a mutual error on the part of government and on mine also, it is just, that whatever interest has been received on them, should be refunded also to the supreme government of India, after deducting from it whatever expenses have been incurred by your agency, or any other charge depending thereon, taking that full acquittal that shall hold me perfectly clear hereafter, for as I derive no advantages, you will see the justice that I am not to be liable for any charges on it.

I have inclosed you a power of attorney, authorizing you to sell for me the amount of the money you have received, and which you were directed to place in government securities, in order to enable you to discharge the bills now drawn on you.

(True copies.)

Ordered, That the sub-treasurer be informed, that the Right honourable the Governor General in council, authorizes him to receive on account of the interest due on the principal of the bill alluded to, the sum of sicca rupees, 515. 15. tendered by Messrs. Alexander & Co. pending a reference that will be made on the subject to the government of Mauritius.

Ordered, That the following letter be written to the chief secretary to the government of Mauritius.

To Major A. Barry, Chief Secretary to the Government of Mauritius.

N^o 54.

Sir :—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of his Excellency Governor Farquhar's letter of the 1st of January last, forwarding the first of a set of bills drawn on the agents of the captors of Mauritius in favour of this government, for sicca rupees 80,480.

2.—The bill was transmitted to the sub-treasurer at this presidency, with instructions to call on Messrs. Alexander & Co. to refund the amount, and to account for the interest which might be due, after deducting any costs on the first remittance. The accountant general was also directed to give credit for the above-mentioned sum to the government of Mauritius, and to rectify the error in the accounts of that island, agreeably to the request of his Excellency the Governor.

3.—I am now directed to transmit to you, for the information of his Excellency the Governor of Mauritius, the accompanying copy of a letter, dated the 14th inst.

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from the sub-treasurer, together with copies of the correspondence referred to in it, and to acquaint you, that his Lordship in council has been pleased to authorize him to receive on account of the interest due on the principal of the foregoing bill, the sum of sicca rupees, 515. 15. tendered by Messrs. Alexander & Co. until the receipt of a communication on the subject from his Excellency.

Fort William, 15th May 1812.

I have, &c.

(signed)

C. M. Ricketts,
Secretary to the Government.

Extract of a Letter from the Court of Directors to the Governor General in council of Bengal in the Public Department; dated 22d July 1814.

(207, 208.)—Amount paid by Governor Farquhar to the captors of the Mauritius on account of slaves refunded.

Par. 147.—Will be replied to hereafter.

PAPERS relative to a Communication from N. J. Halhed, Esq. Acting Magistrate of Zillah Agrah, to the Nizamut Adawlut, respecting the application of Regulation X. 1811, to certain Cases of traffic in Slaves: 1812.

Extract, Bengal Judicial Consultations, 16th May 1812.

Criminal, N^o 16.

Read the following letter:

Register of the Nizamut Adawlut to George Dowdeswell, Esq. Secretary to Government, in the Judicial Department.

Nizamut Adawlut.

Sir:—I am directed by the Court of Nizamut Adawlut to transmit to you the accompanying copy of a letter from the acting magistrate of the Zillah Agrah, dated the 3d instant, together with copy of the letter written in reply by order of the court on this date, and to request that you will submit the same for the information of the Right honourable the Governor General in council, in case any additional provision should appear requisite, under the construction given by the Nizamut Adawlut to Regulation X. 1811.

I am, &c.

Fort William, 23d April 1812

(signed) M. H. Turnbull, Register.

(Copy.)

To M. H. Turnbull, Esq. Register to the Court of Nizamut Adawlut, Fort William.

Sir:—I beg you will lay before the court of Nizamut Adawlut the following cases, and request that I may be favoured with instructions regarding the application to them of Regulation X. 1811.

1st.—Beroo, daughter of Juggoo, and Khurgoo, Cast Chamar, inhabitant of Kharee, a village on the opposite bank of the Chumbul, was brought from Munjeet Goojur by Nawab Hyder Ulee Khan, and brought to his residence in the Dholpoor territory; she was given by the Nawab to his nephew Waris Ulee Khan, who gave her to Bega Towaiif, who is his servant. She imported by land the said Beroo, whom she intended to breed up as a Nautch girl. Is Regulation X. 1811 applicable to this case?

2.—It not unfrequently happens that Nautch women arriving from foreign provinces, bring with them in their sets or tacefas, girls who have been bought by them, and are *bonâ fide* slaves.

3.—On their arrival in the Company's territories, are they liable to the penalties of the regulation or not?

4.—The regulation does not forbid the sale of slaves inhabitants of our own provinces; are the children of inhabitants of our own territories not to receive benefit from a law which secures the persons of inhabitants of a foreign state.

Zillah Agrah, 3d April 1812.

I am, &c.

(signed)

N. J. Halhed, Acting Magistrate.

To N. J. Halhed, Acting Magistrate of Zillah Agrah.

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Sir :—I am directed by the court of Nizamut Adawlut to acknowledge the receipt of a letter from you, dated the 3d instant, requesting the court's instructions relative to the operation of the provisions of Regulation X. 1811.

2.—The court, advertng to the title and preamble of the regulation in question, and to the bond required by section 5. understand the provisions in it to be applicable only to the importation of slaves for the purpose of being sold, given away, or otherwise disposed of. The cases stated in the 1st and 2d paragraphs of your letter do not therefore appear to be within the provisions of the regulation, nor (the court observe) is any part of the regulation applicable to the sale of slaves not imported into the British territories.

This letter was made a circular order by the Nizamut Adawlut in October 1814.

I am, &c.

Fort William, 23d April 1812. (signed) *M. H. Turnbull*, Register.

Ordered, That the Nizamut Adawlut be informed that the Governor General in council concurs in the construction given by the court to the provisions contained in Regulation X. 1811.

PAPERS relative to the state of Slavery, and traffic in Slaves in the Territories under the Presidencies of Bengal, Fort St. George and Bombay; and upon the Island of Java, and Settlements subordinate thereto : Also, relative to the promulgation of the Act of Parliament 51st Geo. III. c. 23, throughout the several Territories and Settlements, in India subordinate to the Government General at Fort William in Bengal: 1811–1813.

Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 30th Jan. 1813.

Par. 146.—On the proceedings of the dates specified in the margin is recorded, our correspondence with the governments of Fort St. George and Bombay, with the advocate general, with the resident at Delhi, and with the provincial court, for the division of Bareilly, respecting the trade in slaves.

Crim. Cons.
26th Sept. & 19th
Dec. 1812.

Par. 147.—That correspondence originated in a reference from the Governor in council of Fort St. George, requesting our instructions regarding the course which should be pursued by them in preventing that odious traffic under the provisions of the Act of Parliament passed in the 51st year of his Majesty's reign, commonly called the Slave Felony Act, and intituled, " An Act for rendering more effectual " an Act made in the 47th year of his Majesty's reign, intituled, ' An Act for the " 'abolition of the Slave Trade.' "

Par. 148.—With the view of preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on this presidency, we had some time past, viz. on the 6th August 1811, passed a regulation, (Regulation X. of that year), establishing penalties for the commission of that offence in any place subject to the jurisdiction of the country courts; and providing as far as could be legally done by us, against the importation of slaves at the Port of Calcutta, subject to the jurisdiction of the supreme court of judicature.

Par. 149.—In our reply to the above mentioned reference from the government of Fort St. George, we observed that we did not consider the provisions of the above mentioned statute applicable to the importation or removal of slaves by land; but that inquiries would be made, with the view of ascertaining, whether the provisions of the regulation above noticed, had been effectual in preventing that species of traffic.

Par. 150.—We at the same time stated the measures which we had adopted, with a view of giving publicity to the statute in question; and a correspondent communication was also made to the local governments of Bombay, of Java, of Prince of Wales Island, of Mauritius, of Ceylon, and to the residents of Fort Marlborough, and the Moluccas.

Par. 151.—On the proceedings of the 19th December last are recorded, a letter and its inclosures from the provincial court, for the division of Bareilly, which afford every reason to believe, that the rules contained in Regulation X. 1811, already adverted to, have proved fully effectual in preventing the importation of slaves by land from foreign countries into the districts included within the limits of the jurisdiction

diction of that court. The same conclusion is to be drawn from the report of the resident at Delhi, recorded on the proceedings of the same date.

Par. 152.—Under the circumstances above stated, it only remained for us to recommend to the governments of Fort St. George and Bombay, that a regulation be passed at those presidencies respectively, corresponding in substance with the provisions of Regulation X. 1811, of the Bengal code. It was naturally to be inferred, that similar rules would produce the same effect as had been experienced in Bengal, of preventing the importation of slaves by land into the places dependent on those presidencies; and the provisions of the statute to which the above remarks refer, would effectually restrain (as noticed in our instructions to the governments of Fort St. George and Bombay,) the importation of slaves into the British territories generally by sea.

Par. 153.—The foregoing recital will inform your honourable court, of the provisions actually in force, or proposed to be established under our construction of the statute above referred to, for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories dependent on the presidencies of Fort William, Fort St. George and Bombay. Those provisions will, we doubt not, be fully effectual in preventing that detestable traffic, or may at all events be easily rendered so, by increasing the penalties established by Regulation X. 1811, for the commission of that offence.

Par. 154.—At the same time we think it necessary to offer some general reflections to your honourable court, respecting the provisions of the above mentioned Act of Parliament, in its application to this country.

Par. 155.—As already noticed, we have not considered them applicable to the removal or importation of slaves by land; but even in this limited sense, not only merchants of whatever nation conveying slaves for sale into any settlement or port in the occupation of the Crown, or of the East India Company, but likewise individuals resorting to any such place who may be attended by slaves (which is a common practice to the eastward), are liable to the severe penalties established by the above mentioned statute. This application of the Act appears to us to go so much beyond the views of the legislature in abolishing the slave trade, as expressed in the former Acts passed in the 46th and 47th years of his Majesty's reign, that we cannot but apprehend that the terms of it embrace objects to which it was never intended that it should apply. At all events, we have deemed it essential to draw the attention of your honourable court to this important subject, in order that it may be duly considered, whether the statute in question does not require amendment in its application to this country. For the present, we have done all that depended on the government of this country, in giving the greatest possible publicity to the provisions of the statute; it being of course impracticable for the authorities in this country, as observed in our instructions of the 19th December last, to the government of Fort St. George and Bombay, to adopt any means of dispensing with the observances or enforcement of those provisions.

Par. 156.—There is still another branch of the subject demanding the attention of your honourable court, which is, the state of slavery on the Island of Java and its dependencies; but the question more properly belongs to the colonial department, whence we already had the honour to submit to you some observations on the subject.

Extract Bengal Judicial Consultations, 26th Sept. 1812.

Chief Secretary to Government, at Fort St. George, Judicial Department, to
George Dowdeswell, Esq. Secretary to Government, Fort William.

Criminal, N^o 11.

Sir:—A traffic in slaves from Travancore having been discovered to have been carried on to a considerable extent, and the advocate general at this presidency, on the occasion of stating his opinion on a reference made to him on the subject, having observed, that he thinks it a proper measure for the government to publish throughout the provinces under its authority, the substance of the statute 51 Geo. 3. c. 23, passed on the 14th May 1811, for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, intituled, "An Act for the Abolition of the Slave Trade," which, in the opinion of the advocate general, applies in all its consequences and penalties to all persons residing within the King's or Company's territories, including therefore the native subjects of this government, I am directed by

by the Honourable the Governor in council, to state his request to be favoured with the directions of the Right honourable the Governor General in council, as to the propriety of giving full effect to the statute, and the manner in which it shall be made public.

I have the honour to be,

(signed) *W. Thackeray*, Chief Secretary to Government.

Fort St. George, 11th August 1812.

The secretary was directed on the 5th instant, to write the following letter to the advocate general.

To the Advocate General.

Sir:—I am directed by the Right honourable the Governor General in council, to transmit to you the accompanying copy of a letter from the chief secretary to government at Fort St. George, for any remarks or suggestions which you may deem necessary, in regard to the Act recently passed, intituled, “ An Act for rendering more effectual, an Act made in the forty-seventh year of His Majesty’s reign, “ intituled, ‘ An Act for the Abolition of the Slave Trade.’ ”

I have, &c.

(signed) *G. Dowdeswell*, Sec^r to Gov^t Jud^t Dep^t.

Council Chamber, 5th September 1812.

Advocate General to *G. Dowdeswell*, Esq. Secretary to Government
Judicial Department.

Sir:—In obedience to the commands of the Right honourable the Governor General in council, conveyed to me in your letter of the 5th instant, I have the honour to suggest, that it will be proper to publish the Act of the 51st Geo. 3. c. 23. at the different presidencies in the Government Gazettes, in the same manner as has been already done at Bombay, and that it should also be published in the different districts throughout India, under the government of the United Company, in the character and language adapted to each district, with the exception of the 5th section, which may be omitted, and that part of it which concerns the East Indies, be inserted in the introduction to the publication, stating it to take place in the East Indies, from the 1st January 1812, or the Indian era, corresponding to it, in each district.

The law is so penal, that I cannot venture to advise an abstract of it only to be published, and so extensive as to the places comprized in its terms, that I think it unnecessary to give any opinion upon it.

The Act being so full in all its provisions as to the nature of the crimes, it cannot require any regulation, but it will be necessary, I apprehend, to instruct the different country courts to enforce it against such persons as are subject to their jurisdiction.

I have, &c.

14th Sept. 1812. (signed) *Edward Strettell*, Advocate General.

Ordered, That the superintendent of the press be directed to print 200 copies of the above Act of Parliament, sending the proof to the secretary’s office for correction, previously to striking off the copies.

Ordered, That the secretary write the following letter to the chief secretary to government at Fort St. George, and to the secretary to government at Bombay.

To the Chief Secretary at Fort St. George.

Sir:—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of your letter of the 11th ult.

Par. 2.—The exact nature of the traffic in slaves, mentioned by you to be carried on from Travancore, not being stated in your letter, the Governor General in council is of course precluded from forming a judgment, whether that traffic falls within the purview of the Act of the 51st Geo. 3. c. 23. intituled, “ An Act for rendering more effectual an Act made in the forty-seventh year of His Majesty’s reign, “ intituled, ‘ An Act for the Abolition of the Slave Trade.’ ” With respect, therefore, to that particular point, his Lordship in council can only observe, that he does not consider the provisions of the Act in question applicable to the importation or removal of slaves by land. It having been deemed proper, however, to consider maturely the course of measures which should be pursued by the local governments of this country, with respect to the abovementioned statute, the following is the purport

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purport of the resolutions adopted by the Governor General in council on that subject.

3.—The provisions of the Act being highly penal in their operation, and its object highly important, the Governor General in council has considered it proper to order a copy of it to be published in the Calcutta Gazette, for general information.

4.—In like manner, his Lordship in council has directed copies of the Act to be forwarded to the local governments of Bombay, Java, of Prince of Wales Island, of Mauritius, of Ceylon, and the Residents at the Moluccas, and at Fort Marlborough.

5.—On the same principle, copies of the statute will be forwarded to the magistrates of Chittagong and Cuttack, (the only sea-ports, excepting Calcutta in Bengal) in order, that in their capacity of justices of the peace, under the law of England, they may aid in enforcing the provisions of the statute.

Reg. X. 1811.

6.—The Governor in council at Fort St. George, is aware that a regulation was some time ago passed at this presidency, for preventing the importation of slaves from foreign countries. Inquiries will be made, with the view of ascertaining whether the provisions of that regulation have been effectual in preventing that species of traffic; if not, a further regulation will be passed without loss of time, establishing severer penalties for the infringement of the prohibition now existing under the regulation above noticed, of the importation of slaves from foreign countries, in conformity to the spirit of the statute, to which the foregoing remarks allude. In like manner, the Governor General in council begs leave to recommend, that a regulation be passed at Fort St. George, for preventing the importation of slaves by land, into the territories subject to that presidency, under such penalties as the Governor in council may deem fully adequate to the prevention of that traffic.

7.—The foregoing remarks, it is presumed, will inform the Governor in council sufficiently of the construction annexed by the Governor General in council, to the Act of the 51st Geo. 3, c. 23, and of the measures which it has been judged necessary to adopt at this presidency. It is scarcely necessary to add, that his Lordship in council is of opinion, that similar measures should be adopted by the government of Fort St. George, with such modifications as local circumstances may suggest, without of course departing from the principle on which the measures above detailed are founded.

I have, &c.

(signed) *G. Dowdeswell*, Sec^r to Gov^r Judicial Department.

Fort William, 26th September 1812.

P. S.—Enclosed, you will receive twenty copies of the above-mentioned statute.

(signed) *G. D.*, Secretary.

To the Secretary to the Government at Bombay.

N^o 15.

Sir :—The Right honourable the Governor General in council having had under his consideration the course of measures which should be pursued by the local governments of this country with respect to the Act of the 51st Geo. 3, c. 23, intituled, “ An Act for rendering more effectual An Act made in the forty-seventh year of His Majesty’s reign, intituled, ‘ An Act for the Abolition of the Slave Trade.’ ” I am directed to desire, that you will communicate the following observations on the subject, to the honourable the Governor in council.

2.—The provisions of the Act being highly penal in their operation, and its object highly important, the Governor General in council has considered it proper to order a copy of it to be published in the Calcutta Gazette.

3.—In like manner his Lordship has directed copies of the Act to be forwarded to the different independent and subordinate governments in the country.

4.—On the same principle, copies of the statute will be forwarded to the magistrates stationed at the sea ports immediately dependent on the presidency, in order that, in their capacity of justices of peace, under the law of England, they may aid in enforcing the provisions of the statute. It has not been deemed necessary to forward copies of the Act to the other magistrates, as the Governor General in council does not consider its provisions applicable to the importation or removal of slaves by land.

5.—The Governor in council is aware that a regulation was some time ago passed at this presidency for preventing the importation of slaves from foreign countries. Inquiries will be made with the view of ascertaining whether the provisions of that regulation have been effectual in preventing that species of traffic;

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if

if not, a further regulation will be passed, without loss of time, establishing severer penalties for the infringement of the prohibition now existing under the regulation above noticed, of the importation of slaves from foreign countries, in conformity to the spirit of the statute, to which the foregoing remarks allude. In like manner, the Governor General in council begs leave to recommend that a regulation be passed at Bombay for preventing the importation of slaves by land into the territories subject to that presidency, under such penalties as the Governor in council may deem fully adequate for the prevention of that traffic.

6.—The foregoing remarks, it is presumed, will inform the Governor in council sufficiently of the construction annexed by the Governor General in council to the Act of the 51st Geo. 3, c. 23, and of the measures which it has been judged necessary to adopt at the presidency. It is scarcely necessary to add, that his Lordship in council is of opinion that similar measures should be adopted by the government of Bombay, with such modifications as local circumstances may suggest, without of course departing from the principle on which the measures above detailed are founded.

7.—Inclosed, you will receive ten copies of the above mentioned statute.

I have, &c.

(signed) *G. Dowdeswell*, Sec^r to Gov^t Judicial Department.

Fort William, 26th Sept. 1812.

Ordered, That a copy of the foregoing letters to the secretaries to the governments of Fort St. George and Bombay be recorded in the colonial department; that the necessary communications may be made to the governments of Java, of Prince of Wales Island, of Mauritius, of Ceylon, and to the residents at the Moluccas, and at Fort Marlborough.

Ordered, That the superintendent of the press be directed to publish the above-mentioned statute in the next Calcutta Gazette.

Ordered, That the provincial court at Bareilly be directed to ascertain and report whether the provisions of Regulation X. 1811, have proved effectual in preventing the importation of the slaves from foreign countries into the districts included within the limits of their jurisdiction.

Ordered, That the resident at Delhi be likewise directed to state whether the proclamation mentioned in his letter of the 4th instant to the secretary in the political department to have been issued by him, with the view of preventing the importation of slaves from foreign countries into the places subject to his superintendence, has produced the effect desired.

Ordered, That six copies of the above-mentioned statute be transmitted to the magistrates of Chittagong and Cuttack respectively, in order that, in their capacity of justices of the peace under the law of England, they may aid in enforcing the provisions of the statute in regard to any slaves who may be imported by sea into those districts.

(signed) *G. Dowdeswell*, Secretary to Government.

Extract, Bengal Judicial Consultations, 19th December 1812.

N^o 21.—Extract from the Proceedings of the Right honourable the Governor General in council in the Political Department, under date the 13th of November 1812.

Criminal, N^o 48.

(For the previous correspondence, see papers relative to Delhi.)

Provisional Court at Bareilly to *G. Dowdeswell*, Esq. Chief Secretary to Government, Judicial Department, Fort William.

Sir:—Immediately on the receipt of your letter, dated 26th September last, desiring us to ascertain and report whether the provisions of Regulation X. of 1811, have proved effectual in preventing the importation of slaves from foreign countries into the districts included within the limits of our jurisdiction, we transmitted a copy to each magistrate in this division, with instructions to furnish the information required, as soon as possible.

N^o 50.

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2.—We have now the honour to submit attested copies of the answers received from eight out of the nine magistrates under our authority; from which it will be evident to government, that since the promulgation of the regulation above specified, the traffic in slaves imported from foreign countries is almost, if not entirely, suppressed in the districts of Bareilly, Moradabad, Cawnpore, Furruckabad, Etawah, Agra, Alligurrh, and Seharunpore South.

3.—What may be the case in Seharunpore North, whether the importation or sale of slaves there continues as formerly or otherwise, we have no means of judging; we only know, by an application from the magistrate, dated 5th October last, that he was then doubtful whether Regulation X. of 1811 was meant to be extended to these provinces. In our answer to that application, we gave our opinion in the affirmative; but recommended it to Mr. Grindall to consult the Nizamut Adawlut that being the only court competent to give a decisive interpretation of the regulation. A few days after the dispatch of that answer, your letter arrived, and was communicated to Mr. Grindall in the manner already stated, but we have not yet received his report; and under the circumstances just mentioned, we thought it unnecessary to await the receipt of it before we submitted the favourable reports from the other magistrates.

We have, &c.

(signed) *F. Hawkins*, Senior Judge.

A. Ross, Officiating Judge.

Bareilly Court of Circuit, Dec. 4, 1812.

To *F. Hawkins*, *Robert Ker*, Esqrs. Judges, and *A. Ross*, Esq. officiating Judge of the Court of Circuit for the Division of Bareilly.

N^o 51.

Gentlemen:—I have the honour to acknowledge the receipt of your letter, dated the 20th instant, and to acquaint you, that I have every reason to believe that the importation of slaves into this district has been entirely checked since the promulgation of Regulation X. of 1811.

2.—There are, however, at present an immense number of people in the city and its vicinity who have come from the westward on account of the famine, and I understand that they dispose of their children, though the pretence is that they give them away from inability to support them.

I have, &c.

Zillah Furruckabad, 23d Oct. 1812. (signed) *Charles Elliot*, Magistrate.

To *F. Hawkins*, *Robert Ker*, Esqrs. Judges, and *A. Ross*, Esq. officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—In reply to your letter of the 20th, inclosing copy of a letter from Mr. Secretary Dowdeswell, I have the honour to inform you, that the provisions laid down in Regulation X. of 1811 have had a very good effect in preventing the importation and sale of slaves in this district; in fact, since the issuing of the proclamation required by Mr. Thomas Brooke's letter of the 23d March 1811, on which some children were sent in by the police officers, and sent by me through the magistrate of Moradabad back to their parents, and receipts granted for them, nothing of the kind has re-occurred; since that period the traffic has stopped in this district; and as the police officers have received the strictest orders on the subject, I hope it will be totally put an end to.

I am, &c.

(signed) *H. Wilkinson*, Magistrate.

Zillah Seharunpore, S. D. Meerut, 24th Oct. 1812.

To *F. Hawkins*, *R. Ker*, Esqrs. Judges, and *A. Ross*, Esq. officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—I have the honour to acknowledge the receipt of your senior Judge's letter of the 20th instant, giving cover to a copy of Mr. Secretary Dowdeswell's letter, relative to the importation of slaves.

I have every reason to believe that the provisions of Regulation X. of 1811, have been effectual in preventing the importation of slaves from foreign countries into this district.

I have, &c.

Zillah Agra, Oct. 26th, 1812.

(signed) *R. Turner*, Magistrate.

To F. Hawkins, G. Burges, and R. Ker, Esqrs. Judges of the Court of Circuit, Bareilly.

Gentlemen :—In order to attain as much information as possible upon the subject of your letter of the 20th instant, I addressed the register of deeds to ascertain whether any deeds of sale of slaves had been registered by him subsequently to the promulgation of Regulation X. of 1811. A copy of my letter, and the register's reply, I have the honour to inclose for the information of the court; and to add, that since my succession to the duties of this office, I am not aware that any circumstance has been brought before me which has induced me to suppose that the provisions contained in Regulation X. of 1811, have not been productive of the required object.

I have, &c.

(signed) *J. Ryley*, Officiating Magistrate.

Zillah Cawnpore Fouzdarry Adawlut Bittoor, 28th Oct. 1812.

To W. H. Tippet, Esq. Register of Deeds, &c. Bittoor.

Sir :—Conceiving that reference to the records of registry under your charge will enable you to furnish me with some information regarding the sale of slaves, as required by the Court of Circuit, for the information of government, in a letter, of which the inclosed is a copy, I have to request you will inform me, whether, since the promulgation of Regulation X. of 1811, deeds of any such description have been registered by you, or presented for that purpose, and to what extent.

I have, &c.

(signed) *J. Ryley*, Officiating Magistrate.

Zillah Cawnpore Bittoor, the 23d Oct. 1812.

To John Ryley, Esq. Acting Magistrate of Zillah Cawnpore.

Sir :—I have the honour to acknowledge the receipt of your letter of this date, with its inclosure; and in reply, to inform you, that no deed of the description alluded to by you has been registered in my office, or presented for that purpose since the promulgation of Regulation X. of 1811.

I have, &c.

(signed) *W. H. Tippet*, Register of Deeds.

Zillah Cawnpore Bittoor, Oct. 1812.

To F. Hawkins, G. Burges, R. Ker, Esqrs. Judges, and A. Ross, Esq. officiating Judge of the Provincial Court of Circuit for the Division of Bareilly.

Gentlemen :—I have the honour to acknowledge the receipt of your letter of the 20th ultimo, relative to the efficiency of the provisions of Regulation X. of 1811, in preventing the importation of slaves from foreign countries.

This traffic has, I believe, suffered a very material check since the promulgation of the regulation, inasmuch as children are no longer brought down from the hills, and publicly exposed for sale, as formerly, within this district, but children are still sold within the Company's provinces by subjects of the British government, nor does the regulation contain any prohibition of such sale. Parents prevented by poverty from rearing a large family, will dispose of their children to an advantage, when offered, rather than allow them to starve; the feelings of nature will confine this traffic to cases of necessity only, and will act more forcibly than any legal prohibition in preventing abuses; it may be much doubted, indeed, whether the condition of children imported from the hills was not, in most cases, much ameliorated by such importation.

I have, &c.

Zillah Bareilly, 10th Nov. 1812. (signed) *H. Dumbleton*, Magistrate.

To F. Hawkins, R. Ker, Esqrs. Judges, and A. Ross, Esq. officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen :—I have the honour to acquaint you, in reply to your letter of the 20th ultimo, that I have not heard of any importation of slaves into this district since the promulgation of Regulation X. of 1811.

The suppression of the trade is to be attributed partly to the penalties enacted against it by the regulation above quoted, and partly to the measures which, I am told, the Nepaul government has lately adopted with a view to check the commerce within

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within its own territories. For however clamorous the officers of that government have been lately against the slave trade, and however much they have endeavoured to impress us with the belief that the traffic was carried on clandestinely and without their sanction, there can be but little doubt that they were once deeply concerned in it.

In support of this opinion, I beg to submit the examination of a woman who was sold into slavery by one of Bumsah's revenue officers, in the beginning of last year; and shortly after I had issued, at the request of Mr. Brooke, the late agent of the Governor General at Bareilly, a proclamation, prohibiting the importation of slaves into this district.

I am, &c.

Zillah Moradabad, 14th Nov. 1812.

(signed) *G. Oswald*, Magistrate.

To F. Hawkins, R. Ker, Esquires, Judges, and A. Ross, Esquire, officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—I have the honour to acknowledge the receipt of your letter and its enclosure of the 20th ultimo, and in obedience to the orders contained therein, beg leave to acquaint you, that I have every reason to believe, that the offence of importing slaves does not exist in this district.

I have the honour to be, &c.

Roodercote Zillah Etawah,
November 18, 1812.

(signed) *T. Perry*, Magistrate.

To F. Hawkins, Esquire, Judge, and A. Ross, Esquire, officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—In reply to your letter of the 20th ultimo, I beg leave to report, that from every information which I have been able to collect upon the subject of it, it does not appear that the practice of importing slaves from foreign territories into this district has ever been usual, or that an instance of the kind has ever occurred.

I have, &c.

Zillah Ally Ghur Coel,
20th Nov. 1812.

(signed) *J. Marjoribanks*, Acting Magistrate.

Ordered, That the secretary write the following letters to the secretaries to the government at Fort St. George and Bombay, and to the magistrate of Meerut.

To the Chief Secretary to Government at Fort St. George, and Secretary at Bombay.

Nº 52.

Gentlemen:—In the letter which I addressed you, on the 26th September last, respecting the trade in slaves, I had the honour to observe as follows: "Inquiries be made with the view of ascertaining whether the provisions of that regulation have been effectual in preventing that species of traffic; if not, a further regulation will be passed without loss of time, establishing severer penalties for the infringement of the prohibition now existing under the regulation above noticed, of the importation of slaves from foreign countries, in conformity to the spirit of the statute, to which the foregoing remarks allude."

2.—I am now directed to transmit to you, for the purpose of being laid before the Honourable the Governor in council, the enclosed copy of a letter from the provincial court for the division of Bareilly, and of the reports of the magistrates in that division which are mentioned, to accompany it.

3.—In my letter of the above date, the Governor General in council has already expressed his opinion, that the provisions of the Act passed in the 51st year of his Majesty's reign, c. 23. can only be considered applicable to the importation and removal of slaves by sea. From the documents above noticed it appears, that the rules contained in Regulation X. 1811, have proved fully effectual in preventing the importation of slaves by land into the territories immediately dependent on this presidency. The Governor General in council begs leave to recommend that a regulation corresponding in substance with the provisions of Regulation X. of 1811, of the Bengal Code, be passed, with a view to the accomplishment of the same important object at Fort St. George. The provisions of the Act of Parliament will effectually restrain the importation of slaves into the British territories by sea.

4.—In offering these suggestions and observations, the Governor General in council is fully aware, that the provisions of that Act are subject to considerable difficulties in their application to this country. It can scarcely, however, be necessary

sary

sary to observe, that no legal means can be adopted by the authorities in this country for dispensing with the observance of them. It is the intention of his Lordship in council, to draw the attention of the Honourable the Court of Directors to the subject, by the first convenient opportunity.

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I have, &c.

(signed) *G. Dowdeswell*, Chief Sec. to Government.

Fort William, 19th Dec. 1812.

To the Magistrate of the N. D. of Seharunpore.

Sir:—The provincial court for the division of Bareilly having submitted to government the reports furnished by the several magistrates within the limits of their jurisdiction, with the exception of your report, respecting the operation of the provisions of Regulation X. of 1811, for preventing the importation of slaves from foreign countries, I am directed, by the Right honourable the Governor General in council, to desire that you will signify to government the cause of the delay which occurred in furnishing the report required by the provincial court.

N^o 53.

I am, &c.

(signed) *G. Dowdeswell*, Chief Sec. to Government.

Council Chamber, 19th Dec. 1812.

Extract, Bengal Judicial Consultations, 30th January 1813.

Secretary to the Government at Fort St. George, Judicial Department, to
George Dowdeswell, Esq. Secretary to the Government, Fort William.

Criminal, N^o 76.

Sir:—I am directed to acknowledge the receipt of your letter of the 26th of September last, and to state, that as the Slave Trade Felony Act was of course to constitute the ground work of the proposed regulation for preventing the importation of slaves into the territories subject to this government, the Honourable the Governor in council deemed it expedient to take the opinion of the advocate general with regard to the provisions which such a regulation ought to contain.

2.—It was originally the intention of the Governor in council to have caused a regulation for this presidency to be framed in conformity to the sentiments which might be expressed by the advocate general in his reply to the reference made to him on the subject, but in consideration of the necessity of promulgating the statute 51 Geo. 3. c. 23. throughout this country in the accustomed manner, and the expediency of modifying certain of its provisions being common to all the governments of the East India Company, it has since seemed to the Governor in council to be more correct to furnish the supreme government with copies of the two reports, which the advocate general has submitted, to the end that, should the Governor General in council concur in the opinion therein stated, a general regulation for India may be framed, and hereafter incorporated in the separate code for this presidency,

3.—I am accordingly directed to transmit to you the accompanying copies of those reports, and to express the request of the Governor in council to be furnished with the further instructions of the supreme government.

I have the honor to be, &c.

(signed) *D. Hill*, Secretary to Government.

Fort St. George, 20th November 1812.

To the Secretary to Government in the Judicial Department.

Sir:—I have received your letter, dated the 30th ultimo; the statute 51 Geo. 3. c. 23. expressly extends to all persons residing within the Company's territories, against all of whom the penalties of felony are enacted for bringing slaves into these territories; if, therefore, the course of judicature here had led the provincial courts to notice and act upon British statutes, (as they are bound to in strictness of law, where these statutes apply to them) and if the natives had also been accustomed to look to the British Parliament for legislation, nothing would be requisite to be done by any local authority, the law being already in force.

N^o 77.

But as the provincial courts and the suitors are accustomed to laws published by the authority of the government, I think it will be advisable and proper, for the sake of uniformity, to publish this also, either stating it to be the promulgation of a law already in force by the authority of the King in Parliament, or merely enacting the same provisions in the form of a regulation of this government, which by the

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same authority of the legislature, has already been invested with the power of framing regulations for the guidance of the provincial courts.

As the Governor General in council has declared that the statute only extends to the importation of slaves by sea, and as the objection equally applies to the introduction of slaves by land, and ought to be guarded against by similar precautions, I humbly advise that a regulation to the same effect in other respects applicable to the introduction of slaves by land be published with the former, or if the purport of the statute is published here as a regulation of this government in the same form with other regulations, the regulation may at once be extended to all introduction of slaves, by land or by sea, which I should think the more advisable shape to give to it.

I am, &c.

(signed) *Alexander Anstruther*, Advocate General.

Fort St. George, 5th November 1812.

To the Secretary to Government in the Judicial Department.

Sir:—Since I addressed you on the 5th instant, on the subject of the Slave Trade Felony Act, my attention has been called to it, by noticing the address of the recorder of Bombay to the grand jury, as published in the government Gazette here on the 29th ultimo. I have not ascertained its authenticity, that being immaterial to the present object.

There seems to me to be no doubt of the correctness of the observation contained in the above publication, that under the strict interpretation of the statute of 1811, the commander of an Arab, or other foreign Asiatic vessel carrying slaves for sale, or even only navigating partly by the slaves of the owner or commander, and entering any British port in India, becomes liable to the penalties of felony. But the consequences of the same interpretation would go much further. For although the legislature has expressly provided (s. 4.) that the Act shall not extend to the removal of slaves from one British settlement to another *in the West Indies*, no such exemption from punishment is allowed to the same conduct in the East Indies; accordingly the temporary removal of a native, with his family and slaves, in the ordinary course of business, from Bombay to the coast of Malabar, from either of these places to Ceylon, from Ceylon to the coast of Coromandel, or from hence to Bengal, or Penang, would incur the penalties of felony. It may even be questioned, whether the importation of a slave at one port (as Masulipatum) of the same territory, from another port of which (as Madras) he has been brought, is not felony within the Act; and it seems clear, that if a merchant of Malabar goes over to the opposite islands, or if a Moliar of the coast of Coromandel pursues the accustomed traffic to Acheen and Pegue in a vessel navigated by his slaves, his return with them to the British territories to be *therein dealt* with as slaves, is felony under the letter of the statute.

If the importation of slaves by land shall be made liable to the same penalties as the importation by sea, which I had in my former report recommended, the consequences of the above interpretation of the statute will include in the penalties of felony, every native who, travelling with his family and slaves, shall enter the British territories. The position of these territories render this peculiarly inconvenient. Until the assumption of the Carnatic, in the year 1801, almost every native inhabitant of Madras was in the habit of spending a part of his time in almost every year in the nabob's territories; I presume that a similar intercourse must exist between the natives of the British dominions, and the neighbouring allies upon every side; some parts of our possessions are surrounded by allied states, while other states are enclosed within the British, and a considerable portion of the traffic of the East has always been carried on by merchants travelling from one country to another with their goods, and with their attendants and slaves to take care of those goods. To make this felony would be inconsistent with every principle that has hitherto regulated the British legislation in the East, the basis of which is, to preserve and support the existing usages.

In considering the Act, it is impossible to mistake the origin of the omission to adapt its provisions to the circumstances existing in India. The whole purview of the Act points out the trade in African slaves to the West Indies, as the evil intended to be remedied, and apparently more for the sake of uniformity and of principle than to remedy any existing evil; the general clause of prohibition and penalty has been made to include the territories of the East India Company. But the precautions against the importation of slaves are calculated only for islands, and in the
exception

exception in favour of removals of slaves from one settlement to another, the East Indies and all other places, except the West India Islands, are wholly overlooked.

The object of the legislature in the Act, is not to interfere with the existing rights of masters over their slaves, but merely to destroy the inhuman traffic in the procurement of new slaves; and as that, like all other traffic, depends upon the market open to dealers, the evident design of the legislature in establishing severe penalties upon the importation of new slaves is that of preventing all temptation to the traffic, by leaving no market open for it.

The imperfections in the statute cannot be remedied by any Act of the government in India, so far as the Act is to be applied by the King's courts, or to operate by its own force; but where the intervention of the local authority becomes requisite from its general legislative power, to promulgate the intentions of the supreme legislature, it appears to me, that the local government will discharge its duty more correctly, by rectifying the mistakes which the legislature has evidently fallen into, whether from inadvertence, or from not being acquainted with local circumstances, than by enforcing the letter of the statute in particulars inconsistent with its general spirit.

Under this opinion I advised, in my former report, that the introduction of slaves by land should be expressly prohibited under the same penalties which apply to their importation by sea. It is manifest that, if their importation by land were permitted in India, the whole Act would be nugatory here, being liable to evasion by the simple expedient of landing the slaves first in a neighbouring state; and in the only instance of this traffic which has come to my knowledge (by the late reports of the judge and magistrate in North Malabar), it might continue to be carried on with impunity, the slaves having been introduced into Malabar from the adjoining country of Travancore, where they were procured.

I can have no doubt in also recommending that in any regulation which the government may issue on the subject, the exception contained in the 4th clause of the statute, in favor of the removal of slaves from one British settlement in the West Indies to another, may be extended to similar removal from any one to any other place in the same or in any other settlement or possession of the King, or of the East India Company within the Company's exclusive limits of trade; this exemption should include all removals and bringing back of slaves, whether direct and immediate, or after touching or staying at any intermediate foreign places, so as such slaves had before been slaves in the British territories.

I also think it will be proper to restrict the penalty to the introduction of new slaves procured for that purpose, or introduced for the purpose of sale. In framing a regulation for this purpose, there will be danger of leaving means of evading the law, which must be guarded against; perhaps a provision may be framed at once sufficiently comprehensive and sufficiently precise, by excepting from the penalties of the Act all persons who, not being subjects of the British possessions, shall enter the British territories with slaves not intended to be sold, assigned, or transferred therein, and who shall not sell nor offer for sale such slaves while they remain in these territories, declaring any subsequent sale, transfer or assignment in the said territories, of slaves so introduced, to be conclusive proof of their having been brought for that purpose.

These suggestions here, occurred to me on the subject, but it is probable that other suggestions may occur to other gentlemen better acquainted with the usage and traffic of the interior provinces.

I am, &c.

(signed) *Alexander Anstruther*, Advocate General.

Fort St. George, 17th Nov. 1812.

Ordered, That the secretary write the following letter to the secretary at Fort St. George.

To the Secretary at Fort St. George.

Sir:—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of a letter from you, dated the 20th November last, with its inclosures.

2.—It is presumed, that the observations and suggestions contained in my letters to the chief secretary of the 26th September and 19th December last, will have sufficiently informed the Honourable the Governor in council of the course, which in the opinion of his Lordship in council, should be pursued by the local governments of India, with respect to the slave trade

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3.—It only remains to notice the suggestion contained in your letter, for framing a general regulation with respect to the above question. By following the course adverted to in the preceding paragraph, the Governor General in council conceives that uniformity will be maintained at the different presidencies, in the laws regarding slaves, as far as the circumstances of the different presidencies will admit; it occurring to his Lordship in council, that severer penalties may be eventually required at Fort St. George or Bombay, for preventing the importation of slaves by land, than those which are stated to have proved efficient for the accomplishment of that object in Bengal. In all other respects, his Lordship in council conceives, that the laws and regulations now established in Bengal, respecting the importation of slaves from foreign territories, and the sale of such slaves within the limits of our possessions, may be adopted at the presidencies of Fort St. George and Bombay.

I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary to Government.

Fort William, 30th January 1813.

Extract, Bengal Judicial Consultations, 12th February 1813.

Magistrate of the Northern Division of Seharunpore, to *G. Dowdeswell*, Esq.
Chief Secretary to Government, Fort William.

Criminal, N^o 79.

Sir:—I have the honour to acknowledge the receipt of your letter of the 19th December last, calling on me to state the cause of the delay which occurred in furnishing my report to the Court of Bareilly, respecting the operation of the provisions of Regulation X. 1811. In furnishing the explanation required, I must acknowledge the delay originated in a mistake, for which I trust I shall receive his Lordship's pardon; in the heading to the regulation, the term countries *immediately* dependent on the presidency of Fort William, induced me to doubt, if it were meant for promulgation in this part of the country; in applying, however, to the Court of Bareilly, my error was pointed out to me, and when called on for my sentiments by that court, on the subject of the regulation, sufficient time had not elapsed to allow of my forming a determined opinion, as I humbly beg leave to observe, it is in this district I imagine, that the slave trade has been carried on to a greater extent than in most parts of India, and this place (to which I have accompanied his Excellency the Commander in Chief), the market where I imagine greater numbers have been sold, than almost any other in the British territories, this being the case, I was unwilling to report on this subject, until I had fully seen the effect of the provisions of the regulation, and I think I can with safety state as my opinion, that the regulation certainly is calculated to put a stop to the importation of slaves from foreign countries. I beg leave again to mention, that I trust I shall receive his Lordship's pardon for the mistake I made, which alone proved the cause of the delay that occurred in furnishing the Court of Bareilly with my report.

I have, &c.

Hurdeuar, 16th January 1813. (signed) *R. T. Grindall*, Magistrate.

Ordered, That a copy of the above letter be transmitted to the provincial Court at Bareilly, and that they be directed to report the effect of the provisions contained in Regulation X. 1811, whenever they shall have had an opportunity of satisfying themselves, while on the circuit, or by other means, with respect to that point.

Extract, Bengal Judicial Consultations, 6th March 1813.

Chief Secretary to the Government at Fort St. George, to *George Dowdeswell*, Esq.
Chief Secretary to the Government, Fort William.

Criminal, N^o 8.

Sir:—With reference to the letter to your address, under date the 20th November last, on the subject of the slave trade, I am directed to transmit to you the enclosed extract from a report from the advocate general at this presidency, containing the further observations on that subject which the advocate general has been led to make, and to state the request of the Honourable the Governor General in council, that the Right honourable the Governor General in council will be pleased to furnish this government with such instructions as the subject may seem to require.

I have, &c.

(signed) *W. Thackeray*, Chief Secretary to Government.

Fort St. George, 22d January 1813.

Extract of a Report from the Advocate General, dated 5th January 1813.

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N^o 9.

The papers of Mr. Brown, claiming the right of a master over slaves as a part of the Mahomedan law, under which he considers these provinces to be governed, ought not to be passed unnoticed, and have again called my attention to the subject, which I had before slightly considered in my letter of 14th of April. I cannot agree to the proposition that these provinces are, so far as relates to British subjects, governed by the Mahomedan law. In questions of civil right they are governed by the different laws of the different nations to whom justice is to be dispensed. In criminal prosecutions the Mahomedan law is (for what reason I do not know) established over all the natives in the provinces, but not over the British. They retain the rights of their birth, and ought also to retain all the relations connected with the British character, to which it is equally abhorrent to be the master of slaves as to endure slavery. Indeed, I do not know whether we should not rather say, from experience in another quarter of the world, as well as from reasoning, that the habitual exercise of the authority of a master over slaves is peculiarly destructive to the national honour and character. I see nothing in our situation in India, nor in the statutes, which authorizes a departure from the law of England in the relation between a British subject and his servants. It is expressly provided in the several statutes, that our law shall not interfere with the authority exercised by the heads of families among the natives, who, from local residence at presidencies, are made subject in general to the British laws, but no such provision is made for British subjects, as the masters of slaves. On the contrary, the distinction as to the natives points out the intention of the legislature, that the British should hold only their own rights and customs. If any Moorman in Madras were indicted for the exercise of violence upon his slave, which our law would punish if committed by a master over his servant, but which the laws and customs of his nation sanction as to their slaves, the defence would be sustained, and the legislature has specially provided for it. But if a similar complaint were preferred against Mr. Brown for violence against his slaves in Malabar, I am confident that he could not justify it. But the civil right to the perpetual service of the persons held by him in slavery may possibly be distinguished from the right of punishment of them as slaves, and I think the question of right may well be tried, and ought to be tried in that shape. If any one of the persons now working upon the estate of Mr. Brown as slaves, be advised to instruct the attorney for papers to bring an action against Mr. Brown for false imprisonment in detaining him upon his plantation, the admission of the fact by Mr. Brown will bring before the court the simple question of the capacity of a British subject to have a slave in India. I by no means wish to be understood to say, that it is a clear point, but I think it very proper to be settled. The same object may be obtained, by directing Mr. Baber publicly to offer freedom to any one slave who chuses to leave Mr. Brown's plantation for the avowed purpose of trying the question. From the importance of the point being settled, I should also propose, that by mutual consent, whatever might be the decision, it should be carried before the King in council, as otherwise different decisions might be given at the different presidencies, and the question be set afloat instead of being finally settled.

Supposing it to be ascertained by the highest judicial authority, that British subjects can have property in slaves in India, it remains to be considered whether the law ought to be left in that state, or, rather if the government shall think that it ought not, a regulation of government may, as to the provinces, remove the necessity of any trial or inquiry as to what is now the law on the subject, by prohibiting the practice in future.

In addition to the motives of such a regulation arising from the general character of Britons, and the propriety of preserving it, it appears from the papers now before me, that there is a danger of British subjects, in the situation of gentlemen, being enabled in fact (although, I hope, more frequently from the force of imaginary than of real connection and influence) to exercise around them an authority scarcely admitting of limit or question.

On the other hand, I am sensible that there may be objections to such a measure, upon the force of which I am not competent to offer, nor, indeed to form any opinion; I therefore mention it rather as a suggestion for consideration than as advice.

(A true extract.)

(signed)

W. Thackeray, Chief Sec^y to Gov^t.

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N^o 10.

Minute: A copy of the above letter, and of its inclosure, was sent to the Advocate General for his opinion, on the 20th ult.

Advocate General, to G. Dowdeswell, Esq. Chief Secretary to Government,
Judicial Department.

Sir:—I have perused the letter of Mr. Thackeray, chief secretary to the Government of Fort St. George, bearing date the 22d January 1813, and addressed to you; as also the extract of a report from the advocate general, dated the 5th of January 1813, which were sent to me with yours of the 20th inst. and have the honour to state, that I entirely concur with the advocate general at Fort St. George, as to the impossibility of a British subject in India being able to support a claim to the person or services of any one in India, and within the limits of the British dominions as a slave.

Sir Samuel Toller has adverted to the distinction between the natives in India, and British subjects, and the peculiar modification of law and government under which they are respectively, for wise and political reasons, placed, and has justly in my opinion inferred, that the law which applies to the natives on the subject of slavery, cannot uphold the claim of Mr. Brown. Such being the case, I think it is unnecessary that any regulation should be made with the view of effecting any supposed right in a British subject, and that the law is, in its present state, sufficient to defeat every attempt on the part of a British subject to hold any person in subjection as a slave, either through the means of a habeas corpus, an action or a prosecution.

I have, &c.

(signed) *Edward Strettel*, Advocate General.

Calcutta, 27th February 1813.

Ordered, That the secretary write the following letter to the chief secretary to the Government at Fort St. George.

N^o 11.

Sir:—It having been deemed advisable to take the opinion of the advocate general on the question to which your last letter of the 22d January last refers, I am directed to request that you will lay before the Honourable the Governor in council, the inclosed copy of a letter from Mr. Strettel on that subject.

2.—The advocate general having stated it as his opinion, that it is quite impracticable as the law at present stands, for any British subject to support a claim to the person or services of any one residing within the limits of the British territories as a slave, and that opinion corresponding entirely with the sentiments entertained by the Right honourable the Governor General in council on the subject, his Lordship in council thinks, that every case of that nature which may be brought before the Governor in council of Fort St. George, should be regarded as an illegal and unauthorized assumption of power; and the legal measures should be resorted to, should circumstances appear to require it, against any British subject so acting in violation of the law.

I have, &c.

(signed) *G. Dowdeswell*, Chief Sec^y to Government.

Fort William, 6th March 1813.

Extract, Letter from the Court of Directors, to the Governor General in council of Bengal, in the Judicial Department; dated 12th Oct. 1814.

Letter from Bengal, dated 30th January 1813 (146 to 156), respecting the application of the Act of the 51st George 3, c. 23, commonly called the Slave Trade Felony Act, to the British Settlements in the East Indies.

80.—Will be replied to separately.

Extract, Bengal Public Consultations, 28th March 1812.

N^o 1.

Extract from the Right honourable the Governor General's minute; dated 6th December 1811.

108.—The state of slavery and of piracy in the Eastern Seas will hereafter be brought under consideration. In truth, our information will be more complete, and we are likely to be assisted by more mature views and suggestions on all these points, after some little period of tranquillity and leisure shall have elapsed.

109.—The pressure of arrangements for the moment, and the scarcely subsided agitation of the events out of which these duties arise, did not admit of distant and extensive

extensive inquiries, nor of much deliberate investigation during the few weeks which intervened between the conquest and my departure.

110.—My aim has been to settle the general system of administration in the new province; to put that system in motion, to confide its present direction to able and faithful hands, and to point the researches, the views, the deliberation, and where it could be done without rashness, the measures of the local administration to the most essential objects of public interest, present and future, embracing alike the welfare of our own country, and of the several nations, European and Asiatic, with whom we have thus contracted a relation which imposes upon us the duty of protection, and inspires the sentiments of guardianship and affection.

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N° 1.—PROCLAMATION.

THE Island of Java, and all the late French or Dutch possessions in the Eastern Seas, having fallen under the British dominion, are hereby declared to form part of the territorial possessions of the Honourable the English East India Company, and the said island and possessions will be subject to such laws, regulations, and form of government as may be hereafter established by His Britannic Majesty in Parliament, or by the Honourable the East India Company.

The government shall, in the mean while, and until the pleasure of the Supreme Authorities in Great Britain shall be signified, be administered in the following manner :

All the powers of government shall be exercised by, and all acts and orders shall be done and issued in the name of, his Excellency the Governor General of India, the Right honourable Lord Minto, during his residence in Java. His Excellency has been pleased to appoint the Honourable Thomas Raffles, Lieutenant Governor of Java, who will aid him in the execution of the said functions, until his departure from the island.

After the departure of the Governor General, the Honourable the Lieutenant General will exercise in his own name and person, the powers of government, and will be invested with all the authorities appertaining thereto, in the fullest and amplest manner.

The government of Java is subject to the superintendence, order, and instructions of the Governor General in council in Bengal, in like manner as every other part of the Honourable Company's territories in India.

The establishment of the subordinate departments of the administration will be published hereafter.

In the mean while, the members of the late administration in the departments hereinafter mentioned, are directed to continue provisionally in the performance of the duties and functions of their respective offices, viz.—

The president, vice-president, members, and officers of the Supreme Court of Justice.

The president, members, and officers of the College of Schepenen or Sheriff's Court.

The president and members of the Chamber of Accounts.

The commissaries and officers for the superintendence of marriages, and for settling small debts.

The commissary and officers of the Vendue department.

The translators in the different languages.

The landrost of Cheribon.

Mr. Couperas is also directed to continue provisionally in the performance of the duties of landrost of the Jaccatra and Preanger regencies, vacant by the removal of Mr. Vinkens.

Mr. Desales will also perform provisionally, and until further orders, the duties of landrost of the environs of Batavia.

The trustees and guardians of all charitable and pious institutions are considered as exercising their respective functions as heretofore.

Such provisions for the benefit and good government of the country as it has been practicable to deliberate upon in the present early period of a new authority are set forth, and published in a separate paper of the same date as the present, in the name, and bearing the signature of his Excellency the Governor General.

Done at Molenoliet, the 11th September 1811, by his Excellency the Governor General of British India.

(A true copy.)

(signed)

Minto.

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N^o 2.—PROCLAMATION.

FOR the satisfaction of the inhabitants and people of Java, the following provisions are made public in testimony of the sincere disposition of the British government, to promote their prosperity and welfare. The refusal of their late government to treat for their interests, although disabled by the events of war from affording them any further protection, has rendered the consequent establishment of the British authority unconditional. But an English government does not require the articles of capitulation to impose those duties which are prompted by a sense of justice and a beneficent disposition. The people of Java are exhorted to consider their new connection with England as founded on principles of mutual advantage, and to be conducted in a spirit of kindness and affection. Providence has brought to them a protecting and benevolent government; they will cheerfully perform the reciprocal duties of allegiance and attachment.

1st.—His Majesty's subjects in Java will be entitled to the same general privileges as are enjoyed by the natural born subjects of Great Britain and India, subject to such regulations as now exist, or may hereafter be provided respecting residence in any of the Honourable Company's territories.

2d.—They will have the same privilege and freedom of trade to and with all countries to the east of the Cape of Good Hope, and also with His Majesty's European dominions as are possessed by natural-born subjects of Great Britain.

3d.—Dutch gentlemen will be eligible to all offices of trust, and will enjoy the confidence of government, according to their respective characters, conduct and talents, in common with British born subjects.

4th.—The vexatious system of monopoly which is understood to have heretofore prevailed in some instances to an oppressive and inconvenient extent, will be revised, and a more beneficial and politic principle of administration will be taken into consideration, as soon and to such extent as full information on the subject can be obtained, as established usage and habit may admit, and as may be consistent with a due regard to the health and morals of the people.

5th.—The Dutch laws will remain provisionally in force under the modifications which will hereafter be expressed, until the pleasure of the supreme authorities in England shall be known, and it is conceived that no material alteration therein is to be apprehended. The modifications to be now adopted are the following:

First.—Neither torture nor mutilation shall make part of any sentence to be pronounced against criminals.

Secondly.—When a British born subject is convicted of any offence, no punishment shall be awarded against him, more severe than would be inflicted by the laws of England for the same crime, and in case of doubt concerning the penalty by English law, reference shall be made to the Honourable the Recorder of Prince of Wales Island, whose report shall be a sufficient warrant for awarding the penalty stated by him to be agreeable to the laws of England. No sentence against any British born subject for any crime or misdemeanour, shall be carried into execution until a report shall have been made to the Lieutenant Governor.

Thirdly.—No sentence of death against any person whatever shall be carried into execution until report shall have been made to the Lieutenant Governor.

Fourthly.—The Lieutenant Governor will have the power of remitting, moderating or confirming all penalties, excepting inconsiderable fines, short imprisonment or slight corporal punishment.

Fifthly.—British born subjects shall be amenable to the jurisdiction of the Dutch tribunals, and to the Dutch laws, in all cases of civil complaint or demands whatever, whether they be plaintiffs or defendants.

Sixthly.—All British born subjects shall be subject to the regulations of police, and to the jurisdiction of all magistrates charged with the execution thereof, and with the maintenance of the peace, and of the public tranquillity and security.

Sevently.—All persons belonging to or attached to the army, who are by their condition subject to military law, shall for the present be tried for any crimes they may commit only by courts martial, unless sent by the military authorities to civil courts.

Eighthly.—It being necessary in all countries that a power should exist of forming regulations in the nature of legislative provisions adapted to change of circumstances, or to meet any emergency that may arise; and the great distance of the British authorities in Europe, rendering it expedient that the said power should for the present reside in some accessible quarter, it is declared that the Lieutenant Governor shall

shall have power and authority to pass such legislative regulations as, on full deliberation, and after due consultation and advice, may appear to him indispensably necessary, and that they shall have the full force of law; but the same shall be immediately reported to the Governor General in council in Bengal, together with the Lieutenant Governor's reasons for passing the said regulations, and any representations that may have been submitted to him against the same; and the regulations so passed will be confirmed or disallowed by the Governor General in council, with the shortest possible delay. The mode in which the Lieutenant Governor shall be assisted with advice will hereafter be made known, and such regulations will hereafter be framed as may be thought most conducive to the prompt, pure and impartial administration of justice, civil and criminal.

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Regulations respecting the paper currency, as well as the relative value of coins circulating in Java, will be published in a separate paper of this date.

Done at Molenoliet, the 11th day of September 1811, by his Excellency the Governor General of British India.

(signed) *Minto.*

To the Honourable the Secret Committee of the East India Company.

Honoured Sirs :—The Right honourable the Governor General having, previous to his departure from Java, directed the particular attention of this government to the state of slavery as existing on this island, and the dependant possessions of the late Dutch government, and required a full report thereon, with a view of ameliorating the situation of the slaves, I have the honour to transmit, for the information of your honourable committee, a copy of my Report to his Lordship on the subject, which with the observations contained in the concluding paragraph of my letter to the supreme government, under date the 1st May, will, I trust, afford every information that is desired on this interesting subject.

Separate proceedings,
1st May.

2.—In conformity to the instruction of his Lordship, that the importation of slaves should be limited to certain ages, and be made subject to such restrictions as might be found advisable, no slaves are allowed to be imported above the age of fourteen years, and the duty on importation has been doubled. It was not deemed prudent to proceed to any further extent in the first instance, as an immediate prohibition in the trade of slaves to this island must have been followed by a disaffection on the part of many of the neighbouring native chieftains, whose sole profit has long been derived from that traffic. This arrangement, however, was intended, as it has in fact proved, to amount nearly to a prohibition, and it has at any rate paved the way to a positive abolition of the trade, whenever circumstances may with safety admit of such a measure.

Vide separate proceedings,
17th July.

3.—On reference to my proceedings, as noted in the margin, your honourable committee will perceive, that a question has arisen with regard to the application of the late Acts of Parliament, regarding slavery to these territories, and that until the sentiments and instructions of the higher authorities in India are received, an arrangement has been made with the senior officer of His Majesty's squadron in these seas, by which the introduction of slaves has been provisionally continued. I look forward, however, to the probability of its being entirely discontinued at an early period, and your honourable committee may be assured, that every exertion will be made by this government to carry into full effect the benevolent and enlightened views of the British legislature.

Sep. proceedings
26th August.

Sep. proceedings
29th August.

I have the honour to be, with the greatest respect, your most obedient, faithful, humble servant.

(signed) *T. S. Raffles.*

Batavia, 24th October 1812.

Extract of a letter from the Governor General in council of Bengal to the Court of Directors in the Colonial Department; dated 2d January 1813.

Par. 60.—Your Honourable Court will perceive, in reference to the proceedings noted in the margin, that a question of considerable interest has occurred with regard to the operation of the Act of 51 Geo. 3. c. 23. intituled "An Act for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, intituled, 'An Act for the Abolition of the Slave Trade.'"

Cons. 17th October.
7 to 14, and 16 to
20.
5 December
16 to 26

Par. 61.—The provisions of this statute being highly penal in their operation, and its object being of the highest importance, we judged it proper to have the Act published

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published at this presidency, and copies of it were transmitted to the different governments throughout India, with a view to their giving effect to the intentions of the legislature within the limits of their respective jurisdictions.

Par. 62.—No doubt can, we think, exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea into British ports by British subjects; but as it was passed before the island of Java and its dependencies had actually been acquired by His Majesty's and the Honourable Company's arms, it may be presumed that the legislature could not have had it in contemplation to pass a law which was to become applicable to a colony not actually in our possession.

Par. 63.—It may also be presumed that the provisions of this statute were never intended to be applied to the inhabitants of the numberless islands in the Eastern Seas, not actually under our dominion, who, agreeably to immemorial custom, may transport slaves from those islands either to ports in the possession of the European powers, not being British, or to the ports of various independent chiefs, who hold possessions in the islands and continent of Asia.

Par. 64.—As however the Act is expressly extended to India, we have considered it incumbent upon the British authorities to enforce its provisions, so far as relates to British subjects carrying on that traffic from and to every port, without exception, and to all other persons from or to any British port, promoting, as far as the authority of a British law appears to extend, the humane and benevolent object which the legislature had in view.

Par. 65.—A case has, however, been represented to us by the Lieutenant Governor of Java, in which it appears that the intention of the Act has been totally misunderstood, or its provisions have been strangely misapplied by one of the commanders of His Majesty's ships on that station.

Par. 66.—It appears that a vessel having slaves on board, had been detained by the captain of His Majesty's frigate *Cornelia*, but the slaves having afterwards been landed at Batavia, they were claimed by Captain Owen as prize, and that officer, instead of releasing and emancipating them, which we conceive it was his duty to have done, thought proper to make over the persons in question, under indentures to private individuals on the island, for a valuable consideration.

Par. 67.—In this instance, the proceedings of Captain Owen was, we think, at variance with the intent and spirit of the law which he proposed to enforce, and we have deemed it necessary, therefore, to bring the circumstance under the immediate notice of his Excellency the naval commander in chief. We have also intimated to the government of Java, our opinion, that they should decline to give any kind of sanction to the transaction, and that in the event of any loss or expense being incurred by the parties who have engaged in it, the government should not undertake in any manner to grant them an indemnification.

Par. 68.—With respect to the persons who have been detained by Capt. Owen, and made over as apprentices to individuals on the islands, we have stated to the Lieutenant Governor our opinion, that these persons ought to be emancipated, in pursuance of the provisions of the statute; but that if from their youth or sex, or from the circumstance of their being entire strangers on the island, they should find it difficult to obtain an immediate subsistence, the interposition of the government might be proper to afford them relief, and that while it should be found necessary to grant them the means of subsistence, the government would be justified in employing their personal services.

Par. 69.—On the general question, how far the Act of Parliament can be considered applicable to the natives of India transporting slaves by sea to ports not under the British authority, and how far it may be expedient to qualify any of its provisions, your Honourable Court will, we doubt not, take such professional advice as may appear to you to be necessary, with a view to the question being brought eventually under the consideration of the proper authorities in England, and in considering this question as it affects the numerous independent states in the Eastern Seas, your Honourable Court will not fail to advert to the unavoidable consequence of giving effect to the existing provisions of the Act with regard to them, that of placing them generally in a condition of enmity towards the British government, and of tending to multiply those acts of sanguinary ferocity, which the Malays are characteristically prone to commit, under any incitement either of plunder or revenge.

Extract of a Letter from the Governor General in council of Bengal, to the Court of Directors in the Colonial Department; dated 31st July 1813.

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Par. 9.—In our letter of the 2d January last (paragraphs 60 to 69) we brought under the notice of your Honourable Court, a question which had arisen regarding the application of the Act of the 51st of his present Majesty, containing provisions for the more effectual enforcement of the law prohibiting the transportation of slaves by sea.

Par. 10.—We stated on this occasion, that we considered the Act to apply to India in all cases where British subjects might be engaged in the transportation of slaves to a British port, but we were of opinion at the same time, that it could not have been the intention of the legislature to extend the penalties of the law prohibiting the transportation of slaves to the subjects of independent states, who by the law or usage of their own country, were allowed to carry on a traffic in slaves.

Par. 11.—Since the date of our letter of the 2d January, we have received further representations from the government of Java on the subject, and we have been called upon by an individual to indemnify him for the loss sustained in consequence of the detention of his vessel by the commander of one of His Majesty's ships.

Par. 12.—This case having come before the Supreme Court at Fort St. George, we have taken steps to make ourselves more fully acquainted with the facts; but in the meantime, we think it proper to call the attention of your Honourable Court to the questions which it appears to involve, namely, whether the subjects of an independent state can be subjected to the penalties of the law prohibiting the importation of slaves to a British port. Whether the subjects of the British government, (Dutch, Chinese, native Javanese or others) can, without a violation of the Act, carry their domestic slaves with them from island to island, or from port to port in the same island, such persons accompanying their masters as domestic servants, and not being intended for sale; and whether vessels, the property of British subjects, or of the subjects of independent states, are liable to seizure and confiscation in consequence of being navigated in part by slaves; these persons being in the character of mariners and not being intended for sale.

Par. 13.—Your Honourable Court must be sensible, that the decision of these questions will affect interests of the greatest importance, and that it is essential that an exposition of the law should be obtained as soon as possible, from the highest authority in England. We have received from his Excellency the naval commander-in-chief, an assurance that the utmost caution will be observed in enforcing the provisions of the statute; and we have the fullest reliance on the prudence and judgment of Sir Samuel Hood; but it is necessary that no doubts should remain on the subject, for any sudden attempt to break through a long established usage, would probably be resisted by the Malays and other inhabitants of the Eastern islands; and if these persons, whose ferocious and sanguinary character is notorious, should determine generally to retaliate for any real or supposed injury which they may suffer in the course of carrying on their accustomed trade, the consequences would be fatal to many innocent individuals, who would become the objects of their resentment. Every necessary measure has been taken by the government of Java, to make known to the inhabitants of the Eastern islands the prohibition which exists against the transportation of slaves to a British port; but some time must elapse before they can become acquainted with the humane and benevolent views of the British legislature; and a much longer time must elapse before they are likely to be reconciled to a law which will materially affect a commerce which they had hitherto carried on without the interference of any European power.

Extract of a Letter from the Governor General in council of Bengal to the Court of Directors in the Colonial Department; dated 8th January 1814.

Par. 22.—In our letters of the 2d January and 30th July last, we brought under the consideration of your Honourable Court some questions which had arisen relating to the Act of the 51st of his present Majesty, prohibiting the transportation of slaves by sea; and we now beg to call your attention to a representation on this subject, which has recently been received by us from the acting resident at Fort Marlborough. That officer apprehends that great inconvenience will be experienced from the operation of the Act, both by government and by individuals residing on the coast of Sumatra; and as it may be of importance that your Honourable Court should receive early information of the difficulties anticipated by the acting resident

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in conducting the public business at Fort Marlborough, we have the honour to forward in the packet copy of his letter on the subject.

Par. 23.—We have received also from his Excellency the naval commander-in-chief the opinion of the solicitor of the admiralty on the proper construction to be given to the Act in question, in applying its provisions to cases occurring in the Eastern Seas, and as Sir Samuel Hood will no doubt be guided by this opinion, we have judged it proper to make an immediate communication on the subject to the different subordinate governments, in order that the inhabitants of the Eastern Islands may be apprised of the manner in which the Act is likely to be carried into execution by His Majesty's navy in India. We are persuaded, however, that the subject will attract the early attention of your Honourable Court, and that such steps will be taken by you, with relation to the Act in question, as the circumstances brought under your notice may appear to reader expedient and proper.

Extract, Bengal Civil Colonial Consultations, 8th January 1814.

N° 17.

Extract, Letter from the Lieutenant Governor of Java, dated Buitenzorg,
1st May 1812.

214.—The important subject of slavery, as it exists in Java, has occupied my most serious and anxious attention; and I have been desirous of pursuing the inquiry throughout the Eastern Islands generally.

215.—An interference in the regulations which have so long existed in Java respecting this mode of domestic servitude, is of so delicate a nature, and required so much previous inquiry, caution and discretion, that I have until this date delayed addressing your Lordship fully on the subject, fearful of hazarding either information or opinions not adequately mature to form the ground-work of innovation and permanent arrangement. On account of the nature of this question, it is my intention to address your Lordship in a separate dispatch; but if a further delay arises in its transmission, I trust your Lordship will rather ascribe it to my caution and anxiety to promote by effectual and permanent means the grand object in view, than to any inattention to the cause to which your Lordship has in such pointed terms done me the honour to direct my views.

216.—With regard to slavery as it exists in the other islands, I confess my incompetency at present to convey to your Lordship any adequate or satisfactory information, and the religion and habits of the numerous states are unfortunately so disposed to its encouragement, that I apprehend the evil can only in the first instance be partially removed, and finally extirpated by the gradual operation of the measures that may be adopted for their general civilization.

217.—Your Lordship is already informed of the duty on the importation of slaves having been doubled, and also of your wishes having been carried into effect by limiting the importation within the ages prescribed by the former obsolete regulations. Your Lordship will also observe on our proceedings, the interference on the part of His Majesty's navy in checking the importation under any circumstances; and although, as your Lordship will have perceived, I deemed it incumbent on me to communicate to Captain Sayer the reasons why I did not conceive the Acts of Parliament to apply under the present circumstances of the island, and the mode in which the traffic was carried on by neutral vessels, the occurrence will tend to prove how vigilantly alive we are on all hands to carry into effect, by every means that may be prudent and just, the intentions of the British legislature.

218.—Macassar and its neighbourhood may be considered as a principal source from which slaves have been exported; and without, in this place, entering into any discussion of the origin and causes of this state of society, which, in a general point of view, must be referred to backwardness of civilization and prevalence of native authority, it must be observed, that in consequence of its being the favourite source of revenue among those chieftains, it will require much delicacy and caution in attempting any measures to restrain where argument could be of no avail, and force would be inconvenient.

219.—In my instructions to Captain Phillips on his proceeding to Macassar, I directed his attention in a particular manner to this interesting subject; but I regret to find from his report that at present there is little prospect of his favourable interference. In short, he seems decidedly of opinion, that "as men-stealers are very common over the country, if he prohibited their selling their stolen property at Macassar, they would still carry on the trade in the Boui territory;" where, though

though so immediately under the eye of the resident, the rajah would no doubt maintain his right equally with that which he exercises at pleasure of life and death.

220.—The native laws, usages and habits, regarding slavery, are in many instances so various and contradictory, and it is so difficult to trace them to any authentic source, that is universally admitted and acknowledged, that I am fearful but very little light will be obtained from them. Prisoners of war are in many cases considered as the property of the conqueror, and consequently sold as slaves. The families of criminals who may be executed for particular crimes, become likewise a droit of the chief; and in many cases criminals are pardoned on condition of being sold into slavery. Throughout the whole of the Eastern Islands, debtors become responsible in their services to their creditors, and it does not appear that there is any generally acknowledged law among them to prevent the chief of a family selling his wife and children in slavery. The desperate manner in which the Bugguese crews are known to defend themselves at sea, is accounted for by the numerous crew, who are all separate adventurers on a borrowed capital, having left their families hypothecated for the debt, who become slaves to the creditor in the event of the debtor parting with the property under any circumstances without his life.

221.—The above may be considered as the principal cases in which slavery may possibly be viewed as legal in the Eastern Islands; and it must be evident to your Lordship, that whatever measures are pursued without Java, must be of very gradual operation. A decided influence with the native chieftains seems absolutely necessary as a preliminary, and as that influence can only be obtained by friendly communication and personal intercourse, it will, I fear, be many years before the evil can be effectually eradicated. I do not, however, by any means despair of enabling your Lordship at an early period to effect in a considerable degree this grand object of amelioration.

Extract, Bengal Civil Colonial Consultations, 17th October 1812.

Government of Java to the Right honourable Gilbert Lord Minto, Governor General, &c. &c. &c. Fort William.

My Lord:—The instructions left with me by your Lordship on your departure from Java, on the subject of slavery, have occupied my most serious and unremitting attention, but I have not until this date felt sufficient confidence to enter upon so delicate and important a subject, and it is even with much diffidence and hesitation that I now venture to submit my sentiments thereon to your Lordship's consideration.

2.—The order of your Lordship, under date the 18th of October last, may be considered either as it relates to the slaves appertaining to government, or to those belonging to individual inhabitants of the island; and as that order does not appear to include slavery as it may generally exist throughout the other Eastern Islands, I shall in this address confine myself to those two descriptions of slavery.

3.—With regard to the government slaves, it may be satisfactory to your Lordship to know that the number is extremely limited, not exceeding 281, who were obtained and are disposed of as follows:

Eighty-four attached to the government house and grounds at Buitenzorg, who have been for many years resident, and those under the age of fifteen, mostly born there. These persons are exclusively employed as domestic servants, and are better provided for in every respect than they possibly could be, according to my estimate of their services as freemen, being allowed in common with the other slaves taken over from the late Governor General, and according to a long established usage, a very liberal provision of food and raiment, and equal to the customary pay of a common labourer for pocket money.

Of the same class, and under the same favourable circumstances, may be considered the slaves transferred from General Janssens, as having been the private property of the former governor generals, amounting in number to thirty-two. To the above may be added the number of eighty-four, taken over by government from the late minister at Soura Carta, for the reasons stated in the accompanying extract of a letter from Colonel Adams, and on the same principle as those from General Janssens, namely, to prevent their being otherwise exposed to public sale.

4.—The whole of the above slaves are particularized in the statements which I have the honour to inclose, from which your Lordship will obtain every information respecting their age, value, and respective occupations, the whole of which,

with one or two exceptions, as far as regards the persons engaged in collecting the bird's nests at Soura Carta, are exclusively employed for domestic purposes, and if offered their liberty would not find it worth while to accept it; and when it is considered that they are for the most part under the immediate eye of the superior authority on the island, it may easily be conceived that their situation, for persons of that condition of life, is rather to be envied than commiserated; and that the throwing these people on the world by an unlimited emancipation, would rather have the effect of discharging old and trust-worthy servants, than be considered either as an immediate or eventual benefit to the parties interested.

5.—But there is another class of slaves belonging to government, fortunately but few in number, which may deserve more particular notice, and these are employed in the departments of the magistrates and master attendant; with the former there are twenty-seven, and with the latter fifty; and these, with those above enumerated, and three others that have lately been taken over by Major Yull at Bantam, on the removal of Pangeram Achmat, constitute the whole number of the government slaves in Java.

6.—The condition of the last-mentioned description, is the only one among the Company's slaves, or indeed among all the slaves in the island, of labour; for which, however, it may be stated, that the parties enjoy a remuneration equal to that of common labourers, without the uncertainty and precariousness of employment, as they draw from the public stores a most liberal allowance, not only of rice, but of coffee, spirits, and other comforts, and also an allowance in money per month.

7.—The reason assigned for the employment of slaves in these departments, is that of the impossibility of procuring ordinary labourers to be commanded at all hours and on all occasions, and for all purposes; and that the general unhealthiness of Batavia in those situations in which they are employed, is so great, that free coolies are neither to be procured or depended upon for a day, and necessity alone seems to be the plea on which they are so maintained.

8.—There does not, however, in the above arguments, appear to me sufficient evidence of the necessity of continuing this establishment, as it may certainly be superseded by a more liberal allowance being granted to ordinary coolies employed in such situations, and the adoption of such police regulations as may place a portion of the labouring class, by contract or otherwise, more at the immediate command of the public departments than at present.

9.—Considering also that a larger proportion of the labouring class will exist in Batavia, when their place in the suburbs and environs may be supplied by a proportion of convicts from Bengal, which I trust will not be delayed, I am induced to recommend to your Lordship the immediate emancipation of the whole of this class of labouring slaves, who are enumerated in the list I have the honour to inclose, and anticipating your Lordship's intentions on this head, I shall take measures for their removal by degrees.

10.—With regard to the further importation of slaves, your Lordship is already informed of the duty having been doubled, and the importation limited to the age of fourteen, and further checks will be gradually imposed.

11.—In compliance with your Lordship's wish to be furnished with a report on the laws concerning slavery, the attention of Mr. Muntinghe and Mr. Cransin as presiding over the judicial and police administrations of Batavia, has been particularly directed to the subject; but the various clauses occasionally introduced in different legislative provisions of a general nature from the first establishment of the Dutch in the East, to the period of our arrival, must be so numerous and dispersed, while many regulations of an inferior nature have naturally grown into a generally acknowledged law, from long custom and usage, that it would be difficult to frame what might be officially termed a collection of all the laws concerning slaves; and the last abstract of the same which appears to be generally referred to as a criterion, will, I trust, with the advantage of reference to the Batavian statutes already transmitted, afford your Lordship the principal information desired; the compilation will, however, be sent as early as possible.

12.—The Dutch law being blended with the Roman, and the colonial law founded on both, slavery has been fully recognized as legal by the European government, while the universal prevalence of Mahometanism renders it legal with every native administration, and as such, it appears without any occasional difference of opinion, to have been always considered.

13.—Slavery, however, on the island of Java, is to be considered as exclusively confined to domestic purposes, and may be viewed rather as a regulated domestic servitude than that detestable system which the legislature of Great Britain have, to the credit

credit of humanity, so vigorously suppressed in the West Indies. Slavery, however, under any shape, or if it bears only the name, is so repugnant to every principle of enlightened administration, and so inconsistent with your Lordship's benevolent plans, that I fear I should not stand excused in my defence of such a system under any modifications or circumstances whatever.

14.—It is incumbent on me, however, to represent to your Lordship, as nearly as it may be in my power to explain the same, the exact situation of the slaves on this island, the necessity there appears to have been for the introduction of the system as well as for its continuance, and to suggest such alterations in the present code, on the principles directed by your Lordship, as local information and experience may dictate.

15.—By the returns which are herewith transmitted, your Lordship will observe that the number of slaves, exclusive of those belonging to government, is as follows :

At Batavia and its environs, &c.	-	-	-	-	18,972
In the Samarang division	-	-	-	-	4,488
In the Sourabaya division	-	-	-	-	3,682
Making the total number					27,142

Who belong to individuals, principally Europeans, as possessing, on account of their means, the largest number, although the smaller may belong to more numerous owners, among Chinese and others; and with a view to the revisal of the present regulations, I request to submit to your Lordship's consideration the following observations on the most important articles.

Article 1st.—Restricting the importation within the age of 14 years.

This Regulation which stands foremost, appears to have been the least attended to, and at the period of the establishment

of the British Government, may be considered to have become entirely obsolete.

It has however been again enforced under the instructions left by your Lordship, and will be rigorously adhered to.

The beneficial effects of this regulation, if slavery is to be admitted at all, are too obvious to require particular explanation, and must be applauded, as having had for its object the exclusion of that condition, which constitutes the greatest severity of slavery, namely, the subjection of mankind after their ideas, habits, and attachments are formed, and limiting the introduction to that period of life, when the change cannot be felt, and the misfortune is not remembered.

3d.—The number of slaves imported to be mentioned in the vessel's pass.

This Regulation, which was no doubt good, alludes to a period when the whole Archipelago was organized under the respective factories, but has long been obsolete.

4th.—Prohibiting the importation of slaves, the subjects of the king of Spain.

This Regulation applies under the present circumstances of the island, and will of course be enforced under the British Government.

6th.—No christians are permitted to sell their slaves to Moors or Heathens.

These salutary provisions speak so strongly for themselves, that it is hardly necessary to offer any argument in their favor. But it is to be regretted, that they have in a great measure been neglected; and that the intriguing Mussulmen priests have insinuated themselves among the slaves of most European families. The revival and enforcement of these regulations will no doubt, be directed by your Lordship in council; and I shall in this persuasion, inform myself of the most effectual measures for placing them on a footing not to be again neglected.

7th.—Obliging christians to baptize and initiate their slaves in the christian religion, but without compulsion.

8th.—Slaves of Heathens and Mahometans adopting christianity, may claim the right of being transferred to christian masters.

9th.—Prohibiting slave children belonging to christians to be circumcised, under pain of forfeiture, and a severe penalty against the offender.

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10th.—Masters to give notice to the officers of justice on occasion of confining their slaves.

11th.—Authorizing domestic chastisement to a certain extent.

12th.—A slave dying from chastisement, the master, according to circumstances, being liable to corporal punishment.

13th.—Against buying slaves privately.

14th.—Complaints of slaves to be examined into, but if found ungrounded, the complainant to be punished.

15th & 16th.—Relative to the emancipation of slaves who have performed certain signal services to their masters.

17th.—Slaves guilty of insubordination, to be chained and whipped.

18th.—Slaves laying violent hands on their masters, to be punished with death.

that the slaves in general, are led to the good conduct which universally characterises them on this island, in a certain measure, by this long established law, and that any sudden alteration therein, might lead to the most serious consequences, considering the proportion which their numbers bear to the European population.

35th.—Executors of estates cannot sell a female slave, having had a child to her late master.

36th.—Children descended from Europeans by slaves, to be educated in the Protestant faith.

37th.—Prohibiting voluntary slavery.

66th, 67th & 68th.—Prohibiting slaves from disposing of their estate.

blished, which it is conceived it may be means for effecting his emancipation may, by proper regulation, be placed within his reach.

73d to 88th, inclusive.—Stipulates a small fee requisite on the emancipation of slaves, and other regulations for such cases.

require public provision; and though certainly a check to indiscriminate emancipation, affords a corresponding benefit, while the other various regulations are most wholesome for the emancipation of slaves, which I would recommend being continued nearly as they stand.

16.—The remaining clauses appear to contain equally salutary regulations for insuring the good treatment of the slaves, and I am satisfied that your Lordship will observe with pleasure throughout the whole, a tendency to secure to the slave every

There does not appear to be any necessity for a higher authority vested in the master of the slave than of an apprentice, and in the publication of revised regulations, due provisions can easily be made for the interference of the magistrate, and the prevention of cruelty in masters.

This clause appears to demand revision, but it is conceived may be superseded by the regulation which restricts the extent of punishment vested in a master as head of a family.

These clauses, if enforced, must have a beneficial effect; but it may be apprehended, that the door is not always sufficiently open for complaint in the latter case; and such additional provision as may tend better to ensure the slave being heard, may be advisable.

From every information which I possess, this regulation is adhered to as an established custom.

These laws for insuring subordination, appears to be indispensable wherever slavery exists; and although the mild system which is yet tolerated in Java, might seem to obviate the necessity of such exclusive laws, it is to be considered

These clauses are dictated by the proper principles of humanity, and the subsequent articles as far as 65, inclusive, though in a great measure in disuse, may be considered, from their existence, to have a very beneficial effect in the maintenance of the police.

These articles would seem to infer, that a slave in Java possesses the right of property, which once unquestionably established without much danger, the most effectual means for effecting his emancipation may, by proper regulation, be placed within

This fee, and the other provisions contained in these clauses, serves to form a fund, as your Lordship will perceive, for the maintenance of such emancipated slaves, as by distress and old age, may

every possible right and claim which in that condition of society he can with safety be allowed to enjoy ; and in suggesting to your Lordship's consideration any alterations, I think it is but justice to the Dutch regulations, to submit them rather as improvements than as innovations.

17.—Although with the exception of a few unnecessary and obsolete regulations, the colonial statutes respecting slavery seem to be framed on the principles of humanity and with attention to the christian religion, yet in consequence of the supplementary force of the Roman law in the Dutch system of legislation, there appears to be one capital defect in the laws regarding slavery, viz. that a slave is considered as a real property, incapable of personal rights, from which consideration the ill treatment of a master towards his slave is not so much estimated by the principle of personal injury, as that of a proprietor abusing his own property ; and although a slave under this principle may possess and obtain a portion of property for himself with the consent of his master, his possession is always precarious, and his property is removable at the discretion of the proprietor (in the same manner as a *peculium adventitum* with the Romans), and becomes only the unlimited property of the slave, if the master allows him to keep it after his emancipation.

18.—It is known that the earlier rigour of the Roman law has been considerably mitigated in latter times, and particularly that the crime of the master attempting the life of his slave, has been declared murder by the *Lex Cornelia de secarus*, and punishable accordingly ; but notwithstanding this mitigation, the general principle that a slave was an article of real property and incapable of personal rights, has never been done away.

19.—Considering however that the civil law is only a supplement of the positive law continued in force in this colony by your Lordship's proclamation of the 11th September 1811, it is conceived, that consistently with the other parts of the legislation, the code respecting slavery might, without difficulty, be amended and brought back to the principles of humanity and good sense, by a declaration, that slaves in future shall not be considered as objects of real property, but as objects possessing personal rights, and bound only to unlimited service, and that in consequence thereof, slaves on their first importation, as well as afterwards, shall never be transferred from one master to another, but with their own consent, given before witnesses, a magistrate or sworn notary public, that a master shall possess no other power over his slave, than to exact service in an equitable manner ; that his chastisement shall never extend beyond a domestic correction, of the same nature as would be given to his children or common apprentices ; that all personal wrongs done to a slave, either by his master or by others, shall be estimated by the common rules of personal injuries, and not by the principles of a proprietor abusing his own property ; that the punishment for murder committed by a master on his slave, shall be the same as that of murder committed on a free person, that every slave shall have a right to acquire property of his own, by his private industry and labour, or by the bounty of others ; that this property shall never be removable at the discretion of the master, except in the case when it proceeded from his liberality, and that the slave proved afterwards ungrateful ; that by this property the slave shall always have a right to redeem his own liberty, after having continued with his master for the term of seven years, and on paying the sum, which on estimation, subject to the approval of the magistrate or court of justice, shall at the time being, be thought an adequate equivalent for his future services.

20.—These appear to be the fundamental alterations which may be made in the present code, and which, if carried into effect, will decidedly do away every thing that is essentially obnoxious, and leave perhaps to the European inhabitants of Java, a well regulated system of domestic servitude ; while the several minor provisions which will naturally flow from these principles, may be expected to give to the servant, every freedom and personal right which persons in that condition of life, considering their backwardness in civilization, can, without danger, be intrusted with.

21.—Hitherto it has been the practice for masters at their pleasure, to dispose of their slaves in the same manner as other real property by public auction ; and slaves are in like manner sold to pay the debts of their deceased masters. Under the improvement suggested, they will no longer be saleable, but yet transferable and hereditary property, a great change in condition of the slave, but making little difference to the master.

22.—I have already had occasion to notice, that slavery on the Island of Java, was to be considered as exclusively confined to domestic purposes ; with the view of insuring this for the future, it may be advisable in revising the code, to make a provision,

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provision, that in cases where slaves may be employed in agriculture or labour, or otherwise than in strictly domestic purposes, the master shall be obliged to pay them the same daily wages as are paid to free labourers.

23.—It must be observed, that on the establishment of the Dutch in the Eastern Islands, there did not exist any class of persons of the same description as those found in Western India, calculated for domestic purposes. The native courts and chiefs in Java, and in the Eastern Seas, though in many cases powerful, and of ancient date, are so far removed from civilization, that the comforts to be derived from the attention of domestic servants, are unknown to them. The Dutch therefore had to create a class of domestic servants, and in doing this, they adopted the plan of raising children in their families from other countries, in preference to those in their immediate neighbourhood, who, from their connections and the habits of their relatives, could never be depended on.

24.—It is not for me to say, whether this system was either necessary or proper, it may be sufficient to state, that it has been uniformly persevered in, and that on the arrival of the English, there was no class of domestic servants in Java, but slaves thus reared in the families of the Dutch. There are many of these who have been emancipated by the masters, and who occasionally hire themselves out to strangers, but they are little to be depended upon; the sudden change of condition from actual slavery to unlimited freedom, has no doubt, in many instances, tended rather to destroy than improve the morals; and it is rather to the gradual and slow operation of a change in the general condition of the slave, that we are to look forward to for benefit, than from any partial or immediate emancipation.

25.—Slaves born in the house of a Dutch family are treated with particular attention, they are termed *Anac Mas*, as a name of distinction, and where there numbers are not great, and the condition of the master admits, they are generally emancipated; instances are not unfrequent of these children being endowed with large sums, and in all cases it seems to be considered as a sign of poverty or meanness in the proprietor when such children are not emancipated.

26.—The establishment of the British interests in Java, has fortunately given rise to another class of domestic servants. The numerous officers of the army and others whose funds did not admit, and whose temporary residence did not require, a permanent establishment of servants, have, to avoid the expense of purchasing slaves, taken many Javanese into service, who, though in the first instance, generally unfit for the duties, are gradually improving, and by the example of the higher officers of government in encouraging free servants in preference to slaves, promise, at no very distant period, at least to provide numbers for domestic servitude without any material importation of slaves.

27.—It deserves to be noticed, that no Javanese are slaves, and that the whole of the slaves alluded to in Java, are natives of the other Eastern Islands, principally the Celebes and Bali. With the Javanese themselves, slavery as so denominated by us, is unknown; but the degraded state in which the whole of the lower class of the native inhabitants on the island have hitherto been held, cannot but be considered as a still more abject state of slavery, and subjection to their immediate superiors.

28.—As far as my present experience enables me to judge, I am happy to report to your Lordship, that the improvements which I have now suggested in the code respecting slavery, may be made without any opposition or serious objection on the part of the Dutch inhabitants, and I in consequence hope that it will be in my power, at an earlier date, to carry the same into effect. Desirous however on so delicate and important a question to obtain all the information, and to foresee all the objections that may arise, previous to adopting any decided measure which will occasion so material a change on the real situation of the slave, prudence may render it necessary that a further period should elapse before the intended revision of the code takes place.

29.—Your Lordship will have perceived on reference to our proceedings, that an annual tax of one Spanish dollar has been levied on slaves with the view of providing an adequate fund for the different pensioners who have claims on the humanity of the British government; this tax, with the heavy duty levied on importation, which amounts nearly to an absolute prohibition, has already materially advanced the value of slaves on the island, and must consequently tend to better their condition, inasmuch as it gives the proprietor a greater interest in the welfare of the slave.

30.—Conceiving that I have now, with the general view of slavery in the Eastern Islands, taken in the concluding paragraphs of my despatch of the 1st of May, complied as far as circumstances at present admit, with your Lordship's instructions on this

this important point, I have to solicit your indulgence in the event of the inferences I have drawn, or the opinions I have formed, being considered incorrect, and I shall await with considerable anxiety the intimation of your Lordship's wishes with regard to the suggestions which I have ventured to make, and which I shall provisionally adopt according to circumstances; while on the one hand, I have been anxious to give to the native inhabitants of the Eastern Islands, and to the world in general, a testimony of your Lordship's benevolent intentions, and of your abhorrence of that odious system of slavery which is destructive of the first prerogative of man, I trust that I shall not be thought altogether to have neglected the rights of private property, or the advantages which this island enjoys in its police and domestic comforts from a well regulated system of domestic servitude. The improvements which I have suggested, I am confident may be effected by the local government; and hereafter I feel no doubt but other arrangements and regulations arising from the same principles, may eventually avert every end of slavery, and establish one of the most convenient and beneficial systems of domestic servitude, advantageous alike to master and servant, that is known in any dependent colony of such importance and extent.

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I have, &c.

Samarang, 13th June 1812. (signed) *T. S. Raffles.*

LIST of Enclosures in the Letter to the Right Honourable the Governor General; dated 13th June 1812.

N° 8.
Enclosure.

- N° 1.—List of government slaves at Buitenzorg.
- 2.—List of slaves at Residency of Soura Carta.
- 3.—Extract of a letter from the Resident of Soura Carta.
- 4.—List of the government slaves at Batavia.
- 5.—Number of male and female slaves, including children in possession of individuals, as furnished by landroits and other authorities.
- 6.—Abstract of laws and orders respecting slavery.

Samarang, 13th June 1812. (signed) *T. S. Raffles.*

1.—LIST of GOVERNMENT SLAVES at *Buitenzorg.*

N° 9.
Enclosure.

	NAME.	OCCUPATION.	AGE.
MEN	Trim - - - - -	- - - - -	22
	Ledy - - - - -	- - - - -	19
	October - - - - -	- - - - -	18
	Solon - - - - -	- - - - -	23
	Bassans - - - - -	Musicians - - - - -	21
	Blakang - - - - -	- - - - -	18
	August - - - - -	- - - - -	23
	Philiss - - - - -	- - - - -	24
	Azore - - - - -	- - - - -	19
	Renday - - - - -	- - - - -	20
	Mentor - - - - -	- - - - -	20
	Terdatis - - - - -	- - - - -	36
	Mingo - - - - -	- - - - -	33
	D'Aman - - - - -	- - - - -	40
	Homer - - - - -	- - - - -	28
	Passap - - - - -	- - - - -	40
	Plato - - - - -	- - - - -	18
	February - - - - -	- - - - -	20
	Penalty - - - - -	- - - - -	27
	Panto - - - - -	- - - - -	21
	Maroussee - - - - -	Servants in Waiting - - - - -	24
	Rippon - - - - -	- - - - -	18
	Solong - - - - -	- - - - -	22
	December - - - - -	- - - - -	40
	Kemise - - - - -	- - - - -	30
Slamat - - - - -	- - - - -	28	
Banton - - - - -	- - - - -	24	
Cæsar - - - - -	- - - - -	24	
Tannary - - - - -	- - - - -	14	
Adonis - - - - -	- - - - -	11	
Adonis - - - - -	- - - - -	15	
Baugausse - - - - -	- - - - -	13	
Batjo - - - - -	- - - - -	10	

Bengal Papers :
State of Slavery
in Company's
Territories.

List of Government Slaves at Buitenzorg— *continued*

	NAME.	OCCUPATION.	AGE.
MEN	Mingo - - - - -	- - - - -	45
	Nousa - - - - -	- - - - -	22
	Alexis - - - - -	- - - - -	34
	Bandjar - - - - -	Cooks - - - - -	28
	Tung - - - - -	- - - - -	28
	Primo - - - - -	- - - - -	16
	Mingo - - - - -	- - - - -	36
	Indee - - - - -	Baker - - - - -	28
	Aleppo - - - - -	Washerman - - - - -	26
	Tung - - - - -	- - - - -	40
	August - - - - -	Farriers - - - - -	29
	Senen - - - - -	- - - - -	33
	Philip - - - - -	- - - - -	40
	Bandou - - - - -	Coachmen - - - - -	33
	Kada - - - - -	- - - - -	26
	Panyanan - - - - -	Cowkeeper - - - - -	39
	Tenon - - - - -	- - - - -	18
	Taumat - - - - -	- - - - -	22
	Bokkel - - - - -	Grooms - - - - -	22
	Appol - - - - -	- - - - -	17
Souket - - - - -	- - - - -	17	
Tiela - - - - -	- - - - -	19	
Batjo - - - - -	Sadler - - - - -	24	
WOMEN	Site - - - - -	- - - - -	32
	Melati - - - - -	- - - - -	40
	Bitja - - - - -	Sempstresses. - - - - -	20
	Menon - - - - -	- - - - -	22
	Philis - - - - -	- - - - -	28
	Kenangan - - - - -	- - - - -	45
	Amelia - - - - -	- - - - -	40
	Meretiara - - - - -	Laundresses - - - - -	42
	Asia - - - - -	- - - - -	24
	Koping - - - - -	- - - - -	16
	Mida - - - - -	- - - - -	28
	Rampa - - - - -	- - - - -	19
	Manbetja - - - - -	- - - - -	45
	Manis - - - - -	- - - - -	20
	Meda - - - - -	Waiting Women - - - - -	28
Olinda - - - - -	- - - - -	40	
Mina - - - - -	- - - - -	22	
Minerva - - - - -	- - - - -	24	
Attaya - - - - -	- - - - -	11	
Ceres - - - - -	- - - - -	36	

Children under Eight Years of Age.

BOYS	{ Mart. May. Bitjo.	Sawart. Stingawan.
GIRLS	{ Minerva. Adjeja.	Rohaya. Raja.

(A true Copy.)

(signed) *Tho' O. Travers,*
Assistant Secretary to Government, Military Department.

2.—LIST of SLAVES, Men and Women, by Families, with their Age, Price, &c.
Residency Saura Carta.

Bengal Papers :
State of Slavery
in Company's
Territories.

	Age.	Rix Dollars.	Rix Dollars.
Poesa, a cook; cooks only for the Soosohaenan and Crown Prince Cannang - - - - -	38	800	
His wife, sempstress and housemaid - - - - -	31	400	
Two children; Oetsing 11 years; Salima - - - - -	3	100	
			1,300
Joseph, cook - - - - -	72	- - -	250
Oentong, baker - - - - -	52	- - -	450
Kotya - d° - - - - -	28	- - -	450
Fortuyn, confectioner - - - - -	40	- - -	450
Bentok (or Orpheus), master of the band, and keeper of the birds' nest room - - - - -	45	850	
Bitayar, his wife, sempstress and ironer - - - - -	43	350	
Two children; Dull 4 years; Amida - - - - -	1	100	
			1,300
Hargoo, 1st violin, alt, bassoon and French horn - - - - -	47	- - -	550
Salassa, clarionet and drum - - - - -	29	- - -	650
Museat, trumpet, French horn and drum - - - - -	45	500	
Naissa, his wife, sempstress and stocking knitter - - - - -	37	450	
One child, Joile - - - - -	13	100	
			1,050
April, a flute and clarionet - - - - -	25	550	
Jasmie, his wife, knitter and housemaid - - - - -	23	350	
			900
April, French horn; also cuts hair - - - - -	35	500	
Sophia, his wife, ironer and knitter - - - - -	29	350	
Angelier daughter, knitter - - - - -	10	200	
Three Children; Babie 7 years old, Saradeen 4 years, Boesack - - - - -	6	200	
			1,250
Compass, flute and clarionet; also violin and alt - - - - -	52	500	
Jonkin, his wife, embroiderer and sempstress - - - - -	45	500	
Bityoe, an excellent flute, their son - - - - -	26	600	
A little boy, another son - - - - -	4	50	
			1,650
January, a bassoon - - - - -	40	- - -	450
Barsa, 2d violin, beats the long drum - - - - -	27	- - -	450
Maart, ditto, cymbals, and plays the alt - - - - -	22	- - -	450
Ager, French horn and triangle - - - - -	14	- - -	500
February, 1st violin - - - - -	17	- - -	450
Saptoe, flute and triangle - - - - -	14	- - -	450
Adonis, cymbals - - - - -	13	- - -	450
April, turkish half moon - - - - -	14	- - -	450
Cadyang, kettle drum - - - - -	16	- - -	500
Isaac, steward - - - - -	68	500	
Izindil, his son, postillion, and beats the drum - - - - -	22	350	
Tatil - - - - - d° - - - - -	25	350	
Taptoe - - - - - d° also a tailor - - - - -	20	350	
			1,550
Cupido, takes care of the lamps - - - - -	28	350	
Castorie, his wife; takes care of the silver things, fruits, &c. - - - - -	45	350	
Damon, her son, house servant - - - - -	26	250	
			950
Snaphaon, butler, takes care of wine for immediate use - - - - -	32	350	
Tyindana, his wife, sempstress and ironer - - - - -	28	300	
Coroes, their daughter, knitter - - - - -	14	150	
Paetrie - - - - - d° - - - - -	7	100	
			900
Marga, head coachman and head of the stables - - - - -	42	600	
Sulatrie, his wife, sempstress and knitter - - - - -	43	350	
Tyiendra, Marga's mother, ironer - - - - -	55	150	
			1,100

N° 10.
Enclosure

(continued.)

Bengal Papers:
State of Slavery
in Company's
Territories.

LIST of SLAVES, Men and Women, by Families, with their Ages, Price, &c.—*continued.*

	Age.	Rix Dollars.	Rix Dollars.
October, coachman - - - - -	52	350	
Diana, his wife, sempstress and housemaid - - -	28	300	650
Uil, coachman - - - - -	30	400	
Aurora, his wife, sempstress and knitter - - -	25	300	700
Geluk, a complete coachman, and used to be in charge at Ampul - - - - -	66	- - -	600
Roepa, taylor - - - - -	40	500	
Amarantha, his wife, overseer of the slave girls, sempstress, knitter and chambermaid - - - - -	30	400	
Two children; Rammin 4 years old, and Tiza - - -	1	100	1,000
Mentor, taylor - - - - -	55	600	
Montiana, his wife, knitter and housemaid - - -	45	250	
Flora, their daughter - - - - -	20	200	
Silie - - d° - - - - -	16	200	
Bibza - - d° - - - - -	12	100	
Two children; Saima 9 years old; and Abusa - - -	2½	100	1,450
Pallant, washerman and house servant; a Surat man	28	350	
Fyitzie, his wife, sempstress, and takes care of the candles (dead) - - - - -	- - -	250	
Two children; Claagie, son, 11 years old, and Bitza, their daughter - - - - -	8	150	750
Primo, house servant and candle maker - - - - -	25	350	
Patyar, his wife, tea maid and sempstress - - -	42	300	650
Indo, a cook woman - - - - -	50	200	
Galatia, her daughter, sempstress, knitter and housemaid - - - - -	15	250	450
Mida, a complete embroidress - - - - -	55	- - -	500
Rositta, sempstress, knitter and housemaid; also her daughter, a little girl - - - - -	31	- - -	300
Neckie, a trusty servant, plays the flute - - - - -	35	- - -	350
Bailie, gardener - - - - -	45	- - -	300
Appol, cleans copper ware - - - - -	52	- - -	250
Agenor, } Gatherers of birds' nests at Carrambollong, }	75	- - -	250
Palamedes, } and sorters of it at the Residency. }	40	- - -	750
Kialo, - - }	38	- - -	750

Residency, Soura Carta, }
12th June 1812. }

(signed)

Alex^r Adams, Resident.

N. B.—There being no List of Ages given with the Slaves, these are taken from their own account, and in many instances I imagine are incorrect, from appearances, but I have no means of making it more correct.

(A true Copy.)

(signed)

Thomas O. Travers.

Assistant Secretary to Government, Military Department.

3.—Extract of a Letter from the Resident at Soura Carta; dated 29th November 1812.

Bengal Papers:
State of Slavery
in Company's
Territories.N^o 11.
Enclosure.

To the Right honourable T. S. Raffles, Esq. Lieutenant Governor, &c. &c. &c.

Honourable Sir:—I have the honour to inclose you a detailed list of the houses, plate, furniture, slaves, and other articles, which I have considered necessary to take from the late minister here, Mr. Van Braam on receipt, on account of the British government of Java.

It is not easy in a letter to state clearly and satisfactorily the reasons which have induced me to step beyond the precise limit of my instructions to take the house, and such furniture as might be absolutely necessary, and to take upon myself the exercise of a discretionary power, which, I trust, I am not wrong in supposing myself to be invested with, on unforeseen circumstances, where a decision must be made before the orders of government, founded on immediate information, can be known. I hope at all events to escape censure, as from the arrangement, Mr. Van Braam has very liberally acquiesced in, such articles as government may decline taking are to be returned or accounted for to his agent at this place.

Nothing could be further from my wish or intention, on setting off for this place, than to burthen government or myself with a cumbrous or expensive establishment; and nothing would have induced me to do it, but my being struck with the necessity of keeping up, with respect to the Emperor, the same state and distinction he was used to be received with, and attended on by the Dutch ministers at his court; and as every part of the expense I have incurred for the public, is directly or indirectly intimately connected with that, I conceived I should ill represent the British government, did I not at all events give it an opportunity of keeping it up; I may add, that was this establishment, particularly the slaves, once given up, it would be impossible nearly to replace it. Almost every one of the individuals composing it (except the children) have been here for many years, transferred from one Resident to another; are trust-worthy with respect to the valuable articles which are always, in some degree within their reach; are accustomed to the forms and ceremonies used amongst the Javanese, which no hired servants I could procure, are; and are in short an establishment made complete within itself for all the purpose of the reidency, both for shew and use. The band of music in particular, though certainly much improved by Mr. Van Braam's own skill and attention, has long made a part of the attendance of the Emperor whenever he appears in public, either in the palace or at other places. As a proof of the difficulty, if not impossibility of keeping up any proper establishment here without slaves, I may add, that no sooner was Mr. Van Braam out of the house yesterday, than all the helpers in the stables who were freemen deserted at once.

I have, &c.

(signed) *A. Adams*, Resident.

4.—LIST of the GOVERNMENT SLAVES at *Batavia*.

Bengal Papers:
State of Slavery
in Company's
Territories.

N° 12.
Enclosure.

NAMES.	Place of Nativity.	Age.	Calculated Value.
At the Wharf under the Master Attendant.			
CAULKERS:			
Bredien	From Omrust	35	38 $\frac{1}{2}$
Pakada	Mandaar	40	38 $\frac{1}{2}$
Tjampay	Boegies	30	15 $\frac{1}{2}$
Monjet	Baly	25	15 $\frac{1}{2}$
Amirolla	Boegies	30	7 $\frac{1}{2}$
Sanpaljie	D°	25	31
Tas	Bengal		Superannuated.
Felix	Batavia	25	38 $\frac{1}{2}$
Ontong	Bima	30	31
Tala	Timor	26	31
Palang	Sumcara	30	31
Batjo	Termaten	35	23
Touman	Boegies	40	23
Saleba	D°	25	23
Sinij	Baly	25	23
Mingo	Macassar	Very old.	7 $\frac{3}{4}$
Radja	Boegies	45	23
Foeraja	Foeraja	50	15 $\frac{1}{2}$
FIRE ENGINE MAKERS:			
Sampok	Boegies	25	38 $\frac{1}{2}$
Leander	Macassar	36	31
Inde	Inde	36	23
January	Boegies	40	15 $\frac{1}{2}$
Sunpaar	Mauder	25	31
Coerves	Omrust	40	15 $\frac{1}{2}$
Soamba	Soamba	40	15
Taemat	Boegies	30	31
* At the Powder Mill.			
MILL BUILDERS:			
Bona	Boegies	40	31
Laupa	D°	30	38 $\frac{1}{2}$
Camrassetoca	D°	30	38 $\frac{1}{2}$
Capana	D°	30	46
Pranu	D°	20	38 $\frac{1}{2}$
STONE CUTTER:			
Primo	Boegies	20	46
SMITHS:			
Tanpisang	Boegies	20	46
Grelabatoe	Baly	25	38 $\frac{1}{2}$
COOPER:			
Timpee	Macassar	20	46
POWDER MAKERS:			
Lata	Boegies	40	38 $\frac{1}{2}$
Sandee	D°	35	38 $\frac{1}{2}$
Kata	Macassar	45	31
Sumba	Timor	50	15 $\frac{1}{2}$
Manja	Baly	20	46
Jamatkitjil	Boegies	25	23
Bengale	D°	30	38 $\frac{1}{2}$
Lerrah	D°	30	31
Batjo	D°	35	38 $\frac{1}{2}$
Bodoe	D°	35	38 $\frac{1}{2}$
Tyampo	D°	40	38 $\frac{1}{2}$
Lada	D°	30	31
Batjo	D°	40	31
Surkaro	D°	30	31
Lampe	D°	30	31
Tjoema	D°	50	15 $\frac{1}{2}$
Preira	D°	30	31
Tanga	D°	35	31
Goeling	D°	30	38 $\frac{1}{2}$
Batjo Gemok	D°	25	38 $\frac{1}{2}$
Seram	D°	20	23

* The establishment at the Powder Mills having been discontinued, the men are generally employed under the Magistrates.

Bengal Papers :
State of Slavery
in Company's
Territories.

NAMES.	Place of Nativity.	Age.	Calculated Value.
		Years.	Spanish Dollars.
Harsam or Macassar	Boegies	25	31
Kajenia or Tjambang	D°	35	31
Benting Bima	Bima	30	31
Janara	D°	25	31
Sila	D°	30	31
Sitjie	D°	25	38 ½
Tolla	D°	30	23
Stadthouse			
PRINTERS and LABOURERS.			
Batjo	Macassar	Very old.	
Mingo	Mandar	40	31
Rajang	Boegies	25	38 ½
Dalang	Macassar	35	31
Malanie	D°	40	23
With the Superintendent of the Stadthouse.			
Timor or Timbol	D°	40	23
Preira	D°	25	31
Tameota	Boegies	50	7 ½
Galang	D°	25	31
Tona or Tea	Balis	30	31
Poeassa (died)	Batavia	20	38 ½
Saja (woman)	Sumbaria	40	31
On the House of Correction for Women.			
Tonnyery } women	Boegies	40	31
Plopong }	D°	30	38 ½
Spanish Dollars			2,267 ½

These Slaves have already been counted and ascertained, on the 12th October l. p. by a committee from Shepenen in the presence of the underwritten, and valued by the Srronn Appraiser.

Batavia, 20th January 1812

(signed) *A. Tonghind.*

(True Copy.) (signed) *A. Alexander, Magistrate.*

The paper dollars may be calculated at 6 ½ paper for one Spanish dollar silver.

(A true Copy.)

(signed) *The' O. Travers,*
Asisstant Secretary to Government, Military Department.

5.—NUMBER of MALE and FEMALES SLAVES, including Children, in possession of Individuals as furnished by Landroits and other Authorities.

N° 13-
Enclosure.

Districts and Places.	Males.	Females.	Children.	TOTAL.
Batavia	8,490	7,939	1,683	18,112
Bantam	30	36	7	73
Bandong	52	35	17	104
Bangervangee	18	44	21	83
Buitenzorg	152	188	25	365
Cheribon	100	110	30	240
Crawang	20	30	10	60
Djojocarta	33	44	-	77
Damak	3	-	14	17
Gressee	249	322	185	756
Jopara and Johana	88	175	87	350
Passourouang	129	170	56	355
Paccalongang	59	99	23	181
Rembang	118	142	50	310
Samarang	1,153	1,442	498	3,093
Samanap	183	175	38	396
Saurabaya	571	681	640	2,092
Soura Carta	86	129	41	256
Tjandjore	7	9	2	18
Tagal	72	108	24	204
Total	11,613	11,878	3,651	27,142

Samarang, 13th June 1812.

(signed) *T. S. Raffles.*

Bengal Papers :
State of Slavery
in Company's
Territories.

N^o 14. Enclosure.

6.—Translation.—Abstract of Laws and Orders respecting Slaves and Slave Trade, existing under the former government assembled, and formed into a Code of Regulations.

Act 1.—Eastern slaves to be under 14 years old, on importation. Punishment established for persons importing or purchasing slaves above that age.

2.—Commanders of vessels having slaves on board, under 14 years, belonging to the crew of their ship or vessel, to report the same to government.

3.—All slaves imported, must be mentioned in the pass of the vessel.

4.—Inhabitants prohibited from purchasing subjects of Spain as slaves.

5.—Prohibitory regulations respecting importation of slaves to certain places.

6.—Christians not permitted to transfer their slaves to persons who are not christians.

7.—Slaves shall be instructed in the principles of the christian religion, if they can be prevailed upon.

8.—Slaves, the property of the Mahometans or Pagans, shall be sold to christians, whenever they become christians themselves.

9.—Circumcision of slaves prohibited.

10.—Whenever it may be found necessary to confine a slave, notice thereof shall be given to the magistrate.

11.—Also, whenever they are to be chastised.

12.—Punishment for persons killing a slave, the parents and children of the deceased to be sold; if the property of the same master.

13.—No slaves to be buried without previous information.

14.—Slaves permitted to complain of cruel usage; but they shall be punished whenever such accusation is proved ill founded.

15 & 16.—Slaves saving the lives of their masters or master's children, shall be emancipated free of expense.

17.—Punishment to be inflicted on slaves offending their masters.

18.—Slaves endeavouring to murder their masters, to be sentenced to death.

19.—Whenever a slave injures any person without the concurrence of his master, such slave shall, if required, be sold to the person injured.

20.—Runaway slaves shall be put in irons.

21 & 22.—Nobody is permitted to detain or conceal slaves the property of others.

23 & 24.—But shall give notice of the place where such slaves are concealed.

25.—The commissioner of native affairs is empowered to make persons guilty of the above, to pay a certain fine.

26.—He shall in concurrence with the native chiefs, cause such slaves to be apprehended, and is entitled to a fee for every slave arrested.

27.—Proprietors are authorized to claim the slaves 14 days after their being arrested, on paying the above fee.

28.—But such slaves shall be put in irons for six months, after the restitution.

29.—The above regulation to extend to slaves apprehended at Cheribon.

30 & 31.—On refusal to pay the above fee, the slaves arrested, shall be sold, and the amount transmitted to the master, after deduction of the fee.

32.—The above is understood to apply to such slaves, who are guilty of desertion; only double fee to be paid for slaves guilty of any crime.

33.—Premium established for persons arresting government slaves.

34.—Persons apprehending runaway slaves, are authorized to kill them whenever they resist.

35.—Children of slave women by christians, shall not be sold.

36.—But shall be christened, and if necessary, provided for in the poorhouse.

37.—The practice of lending money to free persons on bond for slavery, for a certain period, abolished.

38.—Slaves not acceptable in the army.

39.—Slaves prohibited from walking on the plaistering near the houses, without urgent necessity.

40.—With the exception of such as follow their masters.

41 & 42.—Slaves quarrelling or disturbing the public tranquillity, shall be punished on the spot, by the officers of police.

43.—If the master is not present at such transgression, he shall be previously informed of it.

44.—The runners of carriage are permitted to make free persons leave the road when carriages are coming.

45.—Slaves

- 45.—Slaves not permitted to ride on horseback in the town or suburbs, on penalty of corporal punishment.
- 46.—Penalty established for persons selling intoxicating liquors to slaves.
- 47 & 48.—Slaves not to be admitted in gambling houses, on penalty of punishment to both parties.
- 49.—No slave is permitted to sell or pawn any thing without being furnished with a permit, on penalty of whipping.
- 50 & 51.—Fine established for persons purchasing or taking any thing in pawn from slaves, without a special permit.
- 52.—Slaves prohibited from crowding the streets after six o'clock in the afternoon.
- 53.—Slaves prohibited from assembling even in the day time.
- 54 & 55.—Prohibited from carrying fire arms.
- 56, 57 & 58.—Except beyond the out-posts, when furnished with a permit from their masters.
- 59, 60, 61 & 62.—Slaves prohibited from walking about after nine o'clock at night, without a light, on penalty of being arrested, and both the slave and master punished.
- 63.—Slaves not allowed to wear sarongs for fear any arms might be concealed under the same, on penalty of whipping.
- 64.—Slaves prohibited from visiting dancing girls, on penalty of being arrested.
- 65.—Officers of justice empowered to inflict slight punishments on slaves.
- 66, 67, & 68.—Slaves are allowed to dispose of their property, with the exception of such tools or otherwise, as have been previously given to them for exercising any trade.
- 69.—Slaves subject to secret disorders, of which no previous information has been given to the purchaser, are returnable within six months after the day of sale.
- 70.—In case evident proofs can be produced of their having had the same, previous to the day of sale.
- 71.—Insane slaves may be placed in the Chinese hospital, on payment of two rix-dollars per mensem for their subsistence.
- 72.—Whoever sells a slave is responsible for any crimes committed previous to the day of sale, to the amount of such sum of money the slave is sold for.
- 73 & 74.—Duty established on emancipation of slaves.
- 75.—Inquiry to be made in each case, whether they are emancipated without any payment, or whether they purchase their own liberty.
- 76.—Directors of the poor house are authorized to accept bequests and legacies from emancipated slaves.
- 77.—Slaves who visit Holland, are, and remain free.
- 78.—Penalty established for persons selling slaves who have been in Holland.
- 79.—Particularly such as put them up for sale in office.
- 80.—Emancipated slaves are bound to respect their former masters.
- 81.—In default of which they will be punished as circumstances direct.
- 82.—In case of misfortune, emancipated slaves shall be bound to provide for their former master's subsistence.
- 83.—Slaves who are not properly taken care of when sick, shall be emancipated by the magistrate.
- 84.—Who shall also emancipate such slaves of deceased persons as disclose the reasons which may have caused the violent or unnatural death of their masters.
- 85, 86, & 87.—At the decease of emancipated slaves, their former masters shall be considered as lawful heirs in case no person of kin is present.
- 88.—At the decease of emancipated slaves, their former masters are entitled to one-fourth of the property left, provided they leave no children behind.
- 89.—In cases of difficulty, reference shall be made to the Imperial laws.
- 90.—In case of slaves being sentenced, the masters shall pay the costs of suit, except in case the slaves are able to work, and the masters prefer to give them up.
- 91.—The fee for arresting slaves shall be paid by the officer of justice, in cases where the slaves, after punishment, cannot be returned to the owners.
- 92, 93, & 94.—No slaves to be exported to Banda, the Cape of Good Hope, or Holland, without a special permission from government.
- 95.—Payment for transporting slaves to Holland.
- 96.—Penalties on exportation to Holland without permission.
- 97.—Directors of the poor fund shall give notice, whenever a slave applies to them for subsistence, respecting the emancipation of whom they are not perfectly satisfied.

Bengal Papers:
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The following articles have been entered in the above Code of Regulations, under the section *respecting Notaries*.

Resolution, 10th July 1763.—Interdicting natives of Bantam, and the Lampongs from being sold as slaves at Bantam, and prohibiting transfers of such slaves being made.

Resolution 27th July 1763.—Directing the sum of 25 rix-dollars to be paid into the poor fund, at the emancipation of a slave.

Order, 28th September.—Prohibiting exportation of Eastern slave men to the Cape of Good Hope, on penalty of confiscation.

Resolution, 10th April 1770.—Establishing, that slaves who have become christians cannot be sold.

Resolution 27th November 1770.—Interdicting the exportation of Eastern slaves to Ceylon.

Resolution, 17th January 1772.—Determining, that slave women, who have children by their masters, if christians, cannot be sold at their master's decease, but shall be emancipated.

Resolution, 23d October 1772.—Explanatory of the 4th and 5th articles of Proclamation of 17th October 1752, condemning slaves who conceal other slaves, to transportation in irons for three years.

Resolution, 1st June 1773.—Establishing, that no emancipated slaves shall be entitled to any allowances from the poor fund, but after having been free, and christians three years at least.

Resolution, 1st June 1773.—Directing persons who emancipated slaves, to provide for their subsistence till three years after the emancipation.

Resolution, 1st June 1773.—On the same subjects, directing notaries to give intimation thereof to testators.

Resolution, 20th January 1775.—Explanatory of the advertisement of 20th June 1766, respecting emancipation of slaves who save the lives of their masters.

Resolution, 14th February 1775.—Persons not bound to emancipate children of slaves previous to their being christened.

Resolution, 23d August 1776.—All slaves imported shall be exhibited to the members of council.

Resolution, 11th October 1776.—Cancelling the order of government, contained in the 20th and 21st act of farm conditions for the boom, respecting the number of slaves allowed to be imported.

Resolution, 1st December 1777.—Regulations for preventing disturbances and affrays by slaves on the public roads.

Resolution, 11th December 1777.—Permitting owners of slaves to dispose of the same, if no christians, either to christians mahometans or pagans.

Publication, 31st March 1778.—Alterations of the former regulations respecting slaves and slave trade, additional laws established.

Resolution, 3d December 1778.—Jews allowed to purchase slaves, if no christians.

Resolution, 14th August 1781.—Slaves emancipated by christians shall be considered as belonging to the Honourable Company's papangers; those emancipated by persons who do not profess the christian religion, shall belong to the different corps of natives, and each of them to live in the compound of his tribe or nation.

Resolution, 14th August 1781.—Directing the secretary at Schepenen to keep an exact account of the slaves who are emancipated every month, and to transmit a list of those whose masters were christians, to the captain of the papangers, and of those who have been emancipated by persons *not christians*, to the commissary of native affairs.

Resolution, 22d October 1781.—Ordering the ministers at Macassar, to see the contracts entered with slave traders, strictly adhered to.

Resolution, 8th October 1782.—Explanatory of Resolution 17th January 1772, respecting emancipation of slave women who have children by their masters, if christians, whether they die solvent or insolvent.

Resolution, 17th December 1782.—Order of 31st March 1778, prohibiting importation of slave men from Macassar or other places situated to the eastward, above the age of twenty-five, to cease from this date.

Resolution, 18th February 1783.—Shabandar ordered to acquaint all slaves imported, with the punishment inflicted by the law in murders.

Resolution, 14th October 1783.—Authorities in Holland requested to cause all slaves imported in the United Provinces to be sent back.

Resolution,

Resolution, 25th November 1783.—Explanatory of directions transmitted to the ministers at Macassar, respecting slave trade.

Circular letter, 15th December 1783.—Recommending observance of orders, respecting immediate importation of slaves.

Resolution, 20th January 1784.—Regulations prohibiting the sale of slave women who have children by their masters, shall be of application in such cases only as are mentioned in the 35th article of the regulations.

Resolution, 3d April 1787.—Slaves throwing dirt or filth in canals, gutters, &c. shall be whipped on the spot by the officers of justice.

Resolution, 18th December 1787.—Tax on slaves established at the rate of forty stivers for each slave per annum.

Resolution, 25th March 1788.—Natives exempted from paying tax on slaves.

Publication, 19th September 1788.—At the emancipation of a slave, notice thereof is to be given within six months to the college of Schepenen.

Advertisement, 6th October 1789.—Renovating regulations respecting emancipation of slaves.

Advertisement, 7th January 1793.—Altering the tenor of publication, 19th September 1788.

Advertisement, 12th December 1797.—A tenth part of the slave men imported shall, if required, be selected by government for their use.

Publication, 15th Dec. 1797.—Respecting opium houses, slaves not admissible.

Publication, 15th December 1797.—Farm conditions, containing several regulations respecting slaves and slave trade.

Publication, 15th December 1797.—Prohibiting admittance of slaves in gambling houses.

Publication, 15th December 1797.—Prohibiting admittance of slaves at cock-fighting.

Advertisement, 19th December 1797.—Regulations on the importation of slaves.

Advertisement, 15th January 1798.—Respecting measures to be adopted for the conservation of public tranquillity also with regard to slaves.

Advertisement, 16th January 1798.—Prohibiting slaves from being admitted in opium houses.

Publication, 24th December 1798.—Alteration of farm conditions with regard to the slaves.

Publication, 20th September 1779.—Respecting confinement of slaves in irons.

Letter, 31st January 1800.—To the government of Macassar, and reply thereto, with a report respecting slave trade.

Publication, 1st April 1800.—Prohibiting inhabitants of this colony from purchasing slaves, subjects of the King of Spain.

Publication, 18th April 1800.—Promulgated at Macassar, in consequence of the above letter.

Letter, 12th February 1801.—To the government of Macassar, approving renovation of orders respecting slave trade.

Publication, 26th June.—Respecting punishment for persons stealing buffaloes and slaves.

Resolution, 2d February 1812.—Directing the surgeon of the Honourable Company's mechanics to attend sick slaves, as the native medicines appear to be of no good effect.

Publication, 9th April 1802.—Respecting burial of slaves.

Resolution, 6th September 1805.—Respecting emancipation of slaves by natives.

Advertisement, 22d August 1806.—Establishing a fee on the apprehension of run-away slaves.

Publication, 18th Sept. 1807.—Respecting the selling of christian slaves.

Resolution, 12th Dec. 1809.—Respecting allowances of government slaves.

Advertisement, 19th Dec. 1809.—Rescinding regulations of 12th October 1688, prohibiting importation of eastern slaves.

Publication, 24th September 1810.—For warning native chiefs not to allow any run-away slaves to reside in their respective compounds, on penalty of confinement in irons.

(A true translation in abstract.)

(signed) *W. Robison.*

Ordered, That the following be written to the governments of Java and Prince of Wales Island, to the chief secretaries at Mauritius and Ceylon, and to the residents of Fort Marlborough and Amboyna.

Bengal Papers :
State of Slavery
in Company's
Territories.

N^o 16.

To the Honourable Thomas S. Raffles, Esq. Lieutenant Governor in council
of Java.

1.—Honourable Sir:—We have had the honour to receive your letter of the 13th June, with its inclosure, submitting to us some general information on the subject of slavery as it exists on the Island of Java and its dependencies, and proposing different regulations for moderating its rigors, and for confining the practice to those objects where it could be tolerated with least inconvenience.

2.—We concur most entirely in the humane and benevolent motives which have given rise to this reference to us; and we should cordially have co-operated in any measures which had for their object the gradual abolition of a practice which is liable always to be attended with the greatest abuse, and which, however mild and unobjectionable it may sometimes be in its application, must still be viewed as a violation of one of the first principles on which society is constituted.

3.—The questions discussed by you are, however, reduced within a narrow compass by a late Act of the legislature; and as far as regards the importation of slaves by sea, an actual prohibition already exists under the sanction of the highest authority.

4.—At the period of receiving your despatch, we had before us the Act of the 51st Geo. 3, c. 23, intituled, "An Act for rendering more effectual an Act made in the 47th year of His Majesty's reign, intituled, 'An Act for the Abolition of the "Slave Trade;'" and as the provisions of the statute are highly penal in their operation, and the object of the law is highly important, we deemed it necessary and proper to give it the utmost publicity at this presidency. The Act has accordingly been published in the Calcutta Gazette, and we have the honour to transmit ten copies of it for the information and use of your government. Copies have also been forwarded to the other governments in India, as well as to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that they may aid in enforcing the provisions of the statute.

5.—As no doubt can exist with respect to the construction to be given to the Act in question as applying to the importation of slaves by sea, it appears to us only necessary to add on this point, that we are of opinion the necessary measures should be adopted by you for the purpose of giving effect to the intentions of the legislature within the limits of your authority.

6.—With respect to the measures proposed to be adopted for regulating slavery on the island, we shall only observe at present, that these regulations involve questions of great delicacy and importance, and we would wish therefore to delay entering upon the consideration of the subject until we be made acquainted with the arrangements which may have been adopted by the authorities in England for the future administration of the Island of Java and its dependencies.

We have, &c.

(signed) *Minto. J. Lumsden. H. J. Colebrooke.*

Fort William, 17th Oct. 1812.

To the Honourable W. Petrie, Esq. Governor in council of Prince Wales
Island.

N^o 17.

1.—Honourable Sir:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3, c. 23, intituled, "An Act for rendering more effectual an Act made in the 47th year of His Majesty's reign, intituled, 'An Act for the Abolition of the Slave Trade,'" I am directed to bring the subject under your immediate notice.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published I have the honour to forward, by his Lordship's direction, for the information and use of your government. Copies of it will also be transmitted to the other governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that, in their capacity of Justices of peace, they may aid in enforcing the provisions of the statute.

3.—As

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council only necessary to add, that he is of opinion that measures should be adopted by your government for giving effect to the intention of the legislature, within the limits of your authority.

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I have, &c.
(signed) *Henry St. Geo. Tucker,*
Fort William, 17th Oct. 1812. Secretary to Government.

To Major A. Barry, Chief Secretary to the Government of Mauritius.

Sir:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3, c. 23, intituled, “An Act for rendering more effectual an Act made in the 47th year of His Majesty’s reign, intituled, ‘An Act for the Abolition of the Slave Trade,’” I am directed to bring the subject under the immediate notice of the government of the French isles.

N^o 18.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published I have the honour to forward, by his Lordship’s direction, for the information and use of the government of the French isles. Copies of it will also be transmitted to the other governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that, in their capacity of Justices of peace, they may aid in enforcing the provisions of the statute.

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council only necessary to suggest that measures be adopted by his Excellency the Governor of the French isles, for giving effect to the intention of the legislature, within the limits of his authority.

I have, &c.
(signed) *Henry St. Geo. Tucker,*
Fort William, 17th Oct. 1812. Secretary to the Government.

To the Honourable John Rodney, Esq. Chief Secretary to the Government of Ceylon.

Sir:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3, c. 23, intituled, “An Act for rendering more effectual an Act made in the 47th year of His Majesty’s reign, intituled, ‘An Act for the Abolition of the Slave Trade,’” I am directed to bring the subject under the immediate notice of the government of Ceylon.

N^o 19.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published I have the honour to forward, by his Lordship’s direction, for the information and use of the government of Ceylon. Copies of it will also be transmitted to the other governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that, in their capacity of Justices of peace, they may aid in enforcing the provisions of the statute.

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council only necessary to suggest that measures be adopted by his Excellency the Governor of Ceylon, for giving effect to the intention of the legislature, within the limits of his authority.

I have, &c.
(signed) *H^y St. Geo. Tucker,*
Fort William, 17th October 1812. Sec^y to the Government.

Bengal Papers :
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N^o 20.

To William Parker, Esq. Resident at Fort Marlbro.

Sir:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3. c. 23. intituled, “ An Act for rendering more effectual an Act made in the 47th year of His Majesty’s reign, intituled, ‘ An Act for the Abolition of the Slave Trade,’ ” I am directed to bring the subject under your immediate notice.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published, I have the honour to forward by his Lordship’s direction, for your information and use; copies of it will also be transmitted to the different governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that in their capacity of justices of peace, they may aid in enforcing the provisions of the statute.

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council, only necessary to add, that he is of opinion, that measures should be adopted by you, for giving effect to the intention of the legislature, within the limits of your authority.

I have, &c.

(signed)

H^y St. Geo. Tucker,

Sec^y to the Government.

For William, 17th October 1812.

The same to the Resident at Amboyna.

Extract, Bengal Colonial Consultations, 5th December 1812.

Government of Java, to the Right honourable Gilbert Lord Minto, Governor General, &c. &c. &c. Fort William.

N^o 16.

My Lord:—I have already had occasion to address your Lordship on the subject of the right asserted by His Majesty’s ships, of detaining and sending to India for adjudication vessels bound to ports in Java having slaves on board, and to transmit, for your information and further orders, the correspondence which took place on the subject with Captain Sayer of His Majesty’s ship *Leda*, late senior officer on this station.

2.—This question having then been referred to the higher authorities in India, I had reason to expect that it would have been unnecessary for this government again to have addressed the supreme government on the subject, but the late proceedings of Captain Owen of His Majesty’s ship *Cornelia*, in seizing and detaining of his own authority, without reference to the senior officer on the station, vessels of this description, compels me to submit, for your Lordship’s information and consideration, a further correspondence which has since taken place with Captain Bowen of His Majesty’s ship *Phoenix*, now senior officer of the station.

3.—This correspondence, which I have the honour to inclose, will inform your Lordship fully of the light in which the subject has been viewed by me; and of the satisfactory arrangement which, in consequence of the arguments I felt it incumbent on me to bring forward, and of the suggestion which I made, Captain Bowen, as senior officer, has taken upon himself to adopt, until further instructions are received from India.

4.—Without entering upon the general question, whether the Act of the legislature alluded to, applies to the particular circumstances of the late conquests in these seas or not, or, if it does so, whether it would be advisable or prudent to enforce all its provisions, points which are now referred for the decision of your Lordship, with the naval commander-in-chief, it may be proper to notice the particular cases which have occurred, with the view of explaining to your Lordship the grounds on which the government has felt itself bound to interfere in support of the importers.

5.—The case of Mr. Framberg, which is brought forward by Captain Owen, is already alluded to in the correspondence, and on this it may be only necessary to observe, that the slaves having in the first instance been allowed to land without molestation, I have considered them while on shore, as subject to the regulations and laws of the colony under the immediate protection of government, and consequently

not

not liable to the demand of Captain Owen. Another case, however, has occurred in which the vessel has been conveyed to Madras by Captain Owen, and in which the interference of government with regard to the disposal of the slaves, has become more urgent; the particulars of this case are shortly stated in the petition of the aggrieved party, of which I have the honour to inclose a copy.

6.—In this case, Captain Owen seems to have acted so diametrically opposite to the spirit and intention of the very Act which he undertakes to enforce, that I should be wanting in my public duty, did I not bring the transaction immediately under the notice of your Lordship.

7.—Being at Samarang, at the period the circumstance took place, I had it not in my power, prior to Captain Owen's departure, to enter into the investigation; and the inclosed extracts of letters from Captain Owen, marked *private*, contain the only information which I received of his views and intentions, Mr. Muntinghe having very prudently declined entering upon the subject, without previous reference to me. On my arrival at Batavia, I found that, in pursuance of the information made in Captain Owen's letter of the 18th ult. the slave children taken on board the vessel of the Chinese Kam Keong Ko, had been disposed of to several individuals, to be bound as apprentices to masters willing to pay the treasury reward for the benefit of the captors, and application was made to the magistrates to certify indentures to this effect, agreeably to a form, of which I have the honour to inclose a copy, taken from the office of the magistrates, who, by my desire, refused to interfere with the transaction.

8.—It must be evident that if Captain Owen has a right to capture the vessel, that right could only be founded on the emancipation of the slaves, and consequently that he could have no further right in the persons or services of the slaves; in taking upon himself a right over their future services, not only on the assumed plea of providing for their maintenance, but with the view of obtaining a personal compensation for the same, to the extent of the treasury reward, I conceive that he has been guilty of a positive violation of any authority that might have been vested in him.

9.—Instead, therefore, of allowing this arrangement to be carried into effect, and the parties to be literally sold into slavery, for the apprenticeship means nothing less, by the very authority that should have emancipated them, I have thought it proper to interpose the authority of government, and to direct that the whole of the children so imported should be kept under the immediate care and protection of government, until I am honoured with your Lordship's commands with regard to their emancipation or otherwise, or until it is ascertained whether the provisions of the Act must of necessity be enforced or not.

10.—Your Lordship is already so fully informed of the state of society in the Eastern Islands, and of the difficulties to be apprehended from any sudden change, that it becomes unnecessary to enter on the reasons which have operated in tolerating the slave trade for a time under its present restrictions, but I trust they will be sufficiently apparent to justify the measure I have adopted in supporting the regulations framed under the sanction of your Lordship; and in taking upon government, during reference, the loss which may arise in the event of the Act being considered to apply.

11.—I shall await your Lordship's further instructions previous to making any essential alteration in the regulations; but every possible restriction on the importation that can be made with safety, and without seriously endangering the native commerce of the island, or occasioning unfavourable prepossessions with regard to the British character and views, will be made gradually, and as occasion offers, with a view to positive prohibition eventually; should the provisions adopted by the legislature be considered applicable to those parts, while, however, the regulations admitted of the importation on any terms whatever, I shall, in justice to the importers, feel myself bound to support their right when they conform to those terms, and to bear them harmless from any loss to which they may be subjected from an erroneous construction of the law.

I have, &c.

(signed) *Thomas S. Raffles.*

Samarang, 29th August 1812.

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N° 17.

LIST OF ENCLOSURES.

- N° 1.—Copy, letter from the Honourable the Lieutenant Governor to Captain Owen.
N° 2.—Letter from Captain Owen to the Vice President.
N° 3.—Letter from Captain Bowen in reply.
N° 4.—Orders issued to Captain Bowen.
N° 5.—Petition of Kam Keong Ko.
N° 6.—Extract, letter from Captain Owen to the Lieutenant Governor.
N° 7.—Form of Indenture.

(signed) C. Assey, Sec^r to Lieut' Gov^r.

- 1.—(Copy.)—To James Bowen, Esq. Senior Officer of His Majesty's Squadron in these Seas.

N° 18.

Sir:—Herewith I send you the copy of a letter addressed to the Vice President in council, at Batavia, by Captain Owen of His Majesty's ship *Cornelia*, calling upon this government to assist him in securing and emancipating some slaves, which it appears have been imported and landed at Batavia by a Mr. Framberg, from *Massassar*, in such manner as will not oblige him to carry these people from their country, and at the same time ensure to him and his ship's company the reward authorized by late Acts of Parliament for the seizure of slaves. It would have been much more acceptable and satisfactory, had Captain Owen's letter reached me through you, as I might then have had the benefit of your observations on a subject every way so delicate and interesting.

2.—Not having yet had all the particulars of this case before me, I do not feel myself competent to enter into it in the manner I could wish; but whatever may be its peculiar merits, it becomes a matter of serious importance to the welfare of this island, and to the credit and character of the British nation in its relations with other states, that some fixed rule of conduct should be observed by the officers of His Majesty's navy on this station, with regard to vessels trading under the flags of independent native powers in amity with us in these seas, and importing slaves to the island under the sanction of ancient and long-established custom; otherwise, instead of being considered in the light of protectors from injustice and oppression, we shall, I fear, subject ourselves to be held up as deserving of epithets the very reverse.

3.—I am aware that Mr. Framberg's case may be said to be totally different from that wherein vessels navigating under native flags are concerned, and I am most anxious to have it clearly understood, that on the abstract question of slavery, no man can be more strongly impressed with a desire that its abolition should, if it were possible, be immediate and universal; but if the British legislature felt it necessary to be so tender of the rights of individuals, and those too, subjects of England, as to deliberate for a period of many years before it could determine on the mode by which the emancipation of slaves in our West India colonies could be carried into effect, without infringing on these rights, how much more delicately situated must not the government of a newly captured island be, bound as it is not only to protect the property, privileges, and customs of its inhabitants, but also by the usage of conquest, which, as I apprehend, declares that the fundamental laws existing in any foreign colony at the time of its conquest, shall remain unaltered till the sovereign authority of the conquering state shall decide.

4.—I have used the freedom of expressing my sense of the necessity that exists for a fixed rule of conduct being observed by the officers of His Majesty's navy, regarding the seizure of vessels importing slaves to this island, as well because of the conviction I feel that some rule of the kind should be established, as because, after the communication I made on this very subject a short time since to Captain Sayer, then senior officer on the station, (a copy of which, and of what passed further on that occasion, I now transmit) I had flattered myself that the question would not again be agitated until I should have received an answer to a reference I then thought it my duty to make to the superior authority in India.

5.—In my letter to Captain Sayer, you will observe I have declared my opinion that the late Act of Parliament regarding slavery could not be applicable to the circumstances under which this island and its dependencies are placed. It was not without diffidence that I gave an opinion which, perhaps, would have fallen rather within the province

province of a legal authority; but having since had an opportunity of perusing that Act, I feel satisfied and confirmed in the opinion I before ventured to give, and more particularly so as the Act in question is dated in May 1811, three months previous to the capture of this island. It strikes me as an absurdity to suppose that the legislature could make laws for a country that virtually did not exist, that is, exist as a British settlement.

6.—With reference to the particular case of Mr. Framberg, it occurs to me that, even admitting the application of the late Act, it might be decided by the provisions made in the Act of 1806, where, if my memory be correct, for I have not the Act to refer to at this moment, planters in the West India islands are permitted to remove their slaves, forming part of their family, from one island to another, without molestation. Mr. Framberg, I believe, is a servant of the former government, who had held some public situation at Macassar; and when that settlement came under British rule, he found it convenient to return with his family to this island. Independent, however, of this view of the case, it appears to me that Captain Owen abandoned all right to the least interference with these people the moment he permitted them to put their feet on shore.

7.—It is well known, that for a long period preceding the capture of Java, the trading inhabitants of the eastern islands were subjected to an arbitrary and oppressive operation of His Majesty's Orders in Council, regarding the blockade of the enemy's ports, which, by an evident misapplication, was enforced without discrimination, until a reference to the authorities in India, and ultimately in Europe, occasioned its discontinuance. During the period in which it was enforced, the English could only be considered as the scourge of the Eastern Seas. Fortunately, a great change has taken place by the conquest of this island, and the inhabitants to the eastward are daily becoming more reconciled and attached to the British interests. But should the Act of Parliament regarding slaves have a similar extensive operation, and subject every trading prow to search and transmission to India for adjudication, in the event of having slaves on board, the most alarming consequences will ensue; and instead of the British influence effecting the tranquillity and civilization of the Eastern Seas, they may be expected to become a scene of rapine, violence and murder.

8.—It is proper for me to observe, that the regulations that have been established on this island amount almost to a prohibition of the importation of slaves, and that I have reason to think the period is not very far distant when it may finally, and with safety to the British character, cease, as far as regards this island and its immediate dependencies; but you must be aware that the great commerce in slaves is carried on by native powers in amity with the British government, but entirely independent of their authority, and that there is scarcely a native vessel of any description navigating these seas that has not slaves on board, and consequently may be liable to search, which, if persevered in, cannot fail to have an effect similar to the system of blockade. It is by treaty and amicable negotiation with these powers that arrangements may eventually be made for the entire suppression of the trade, while the effects of violence and seizure, under existing circumstances, could only tend to frustrate and render difficult, if not impossible to attain.

9.—I have therefore to request, that you will interfere, as far as you may feel yourself authorized, in the case of Mr. Framberg, Captain Owen having quitted his station without affording the opportunity of entering into any explanation with him; and farther, that you will be pleased to state to me how far you feel yourself at liberty, by the instructions of his Excellency the commander-in-chief of His Majesty's naval forces, to attend to the wishes of this government with regard to the slave trade as carried on by natives, it being out of my power, under the instructions I have received from the Governor General, to alter the existing laws of this colony, which, while existing, must commit the British government, if the Slave Act is allowed to operate generally; it is my wish to refer the subject fully immediately to the supreme government, in order that his Lordship may make such arrangements with the commander-in-chief as may appear most advisable; and I shall feel happy if circumstances permit of your suspending the operation of the Act in these seas until a reply is received.

I have, &c.

(signed) *Thomas S. Raffles.*

Samarang, 2d Aug. 1812.

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N° 19.

2.—(Copy.) To the Hon. the Vice President in council at Batavia.

Honourable Sir:—I beg to inform you, that a vessel from Macassar, belonging to, on account of, or commanded by a Mr. Framberg, was boarded from my ship some days since; and on being questioned as to slaves, he declared certain people seen on board the said vessel to be free people, merely passengers changing their place of residence, and that they were not slaves.

I have since learned, with the indignation such conduct is calculated to excite, that the said Mr. Framberg has offered some of those persons for sale as slaves, and under some peculiarly aggravating circumstances. In compliance with my orders to seize all vessels so employed actually, or intending to be so employed, or having been so employed, I beg to claim immediate assistance of placing the slaves so brought here by Mr. Framberg, under the protection of this government, and to claim your concurrence in some proper measure for the emancipation of these people without taking them from the country, and without depriving my officers and crew of their authorized reward. I have ordered the said vessel to be seized, and shall endeavour to take her to Madras for adjudication, unless you shall please to make such arrangements as may render this unnecessary; and, therefore, I have to claim the assistance of your authority for recovering such papers and property and persons as may have been embarked in the said vessel; all such property being confiscable, and all such persons subject to the penalties of the law, as well as being necessary to the examination of the circumstance in the Vice Admiralty Court as being concerned in this illegal and infamous traffic.

And as it is impossible for me to remain longer here with His Majesty's frigate, I must beg you will please to delay as little as possible your acknowledgment of this communication, and that you will please to consider Thomas Wallis, Esq. as my agent for conducting this transaction in those stages of it, to which my other duties will not allow me to attend. I have, &c.

(signed)

W. F. W. Owen,

Batavia Bay, 17th July 1812. Captain of H. M. Ship *Cornelia*.

3.—(Copy.) To the Hon. S. Raffles, Lieut. Governor of Java,
&c. &c. &c.

N° 20.

Sir:—I have the honour to acknowledge the receipt of your letter, under date the 2d August, inclosing the copy of a letter from Captain Owen of His Majesty's ship *Cornelia*, relative to a seizure he has thought proper to make under the Slave Act. As this document does not afford the particulars necessary to enable me to give any opinion on the propriety of this capture, and as Captain Owen has not acquainted me with his proceedings, I must decline any further remark upon it, than my participation in the regret you express at his having adopted a measure likely to be attended with great inconvenience and disadvantage to the views and interests of the government, without a reference to the authorities, which might have reconciled those interests with the due obedience to orders and the rights of the captors, in the event of a legal decision in their favour.

I have referred to his Excellency the commander-in-chief of His Majesty's ships in India for instructions on this subject, and, in adopting the suggestion with which your letter concludes, I am happy to have an opportunity of shewing my readiness to meet your wishes, and of giving that support to your measures which both my duty and inclination dictate.

I inclose you the order I have issued to His Majesty's ships under my directions on the subject of slaves, having no doubt of your acquiescence in the mode I propose to secure to the captors of such vessels their rights, if it be hereafter decided that they have any; and that you will give directions for the securities proposed to be taken for these rights, to be furnished when applied for.

H. M.'s ship *Phoenix*, 7th Aug. 1812.

I have, &c.

(signed)

James Bowen, Jun. Senior Officer.

4.—(Copy.) By James Bowen, Jun. Esq. Captain of His Majesty's ship
Phoenix, Senior Officer, &c. &c. &c.

N° 21.

To the Captain and Commanders of His Majesty's Ships on the Coast of Java
and the Eastern Islands.

The Honourable T. S. Raffles, Lieutenant-Governor of Java and its dependencies, having represented to me the very serious evils which must ensue from the seizure of trading vessels which may be met with by His Majesty's ships or vessels, under
the

the impression that the circumstance of their having slaves on board for sale, subjects them to the operation of the late Acts of Parliament respecting the slave trade, notwithstanding the traffic is sanctioned by the existing laws of Java, as well as the laws and customs of the neighbouring states. To avoid, if possible, these evils, and at the same time to ensure to the captors the rewards assigned to them by Parliament, in the event of an Admiralty Court deciding that the Slave Act extends to vessels of the before-mentioned description.

It is my direction that, when any of His Majesty's ships or vessels under my orders fall in with any ships or vessels which they may conceive to be trading in violation of these Acts, they do not remove any part of their cargoes, but convey them into one of the nearest principal ports of Batavia, Samarang, or Sourabaya, as may be most convenient, communicating their arrival with the detained vessel to the government or superior civil authority at the said port, from whence they will receive, on the part of the government of Java, a bond to pay the amount of the reward assigned by the Act of Parliament for the seizure of slaves, as well as the value of the vessel and cargo, in the event of its being decided in the Admiralty Court that such vessel is liable to the provisions of the before-mentioned Act of Parliament.

The captains of His Majesty's ships or vessels will also take care to procure the necessary documents from the custom-house, and a survey held by qualified persons for ascertaining the value of the hulls and cargoes; after which they are to permit the detained vessel to proceed on her voyage, giving the master a certificate of his having been examined, and of the proper securities having been furnished, which certificate is to preserve the vessel from further stoppage by any of His Majesty's ships under my orders.

Given on board His Majesty's ship Phoenix at sea, this 7th day of Aug. 1812.
(signed) *James Bowen, Jun.*

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5.—To His Excellency T. S. Raffles, Lieut. Governor of the Island of Java,
&c. &c. &c.

N° 22.

Honourable Sir :—The Chinese Kam Keong Ko begs leave to inform your Excellency, that, in the month of January last, he has obtained license of the British government to trade to the Island of Baly for the purchase of slaves.

Mem. No specific
license was granted
for slaves, but the
regulations did not
forbid the importa-
tion.

But on his return, and entering in the harbour of Batavia, he suddenly has been taken by an English man-of-war, and immediately was sent off, having on board 116 slaves, besides the cargo, which consisted in wax, birds' nests, linen, dry meat, and other merchandize, estimated, together with the vessel, to 30,000 Spanish dollars; and as the petitioner still persists to have not transgressed against the laws, and as no other directions since his departure were made by government concerning the import of slaves, than only those stipulated in the general form condition, to 30 rix dollars, silver money, per head.

Original.

The petitioner, therefore, begs leave to request that your Excellency may please to bear some part of his loss, and to grant him indemnity, which would prevent him from total ruin.

The humble Petitioner, by × *Kam Keong Ko.*

6.—Extracts, Letters from W. F. W. Owen, Esq. Captain of His Majesty's Ship
Cornelia, to the Hon. the Lieutenant Governor, and marked private.

N° 23.

Goonang Sahary, 15th July 1812.

My dear Sir :—The present very strict regulations relative to slavery, have caused the detention of a vessel belonging to Batavia, which, under the orders of Captain Rodney, I am to carry to Madras for adjudication; you did some time ago make me acquainted with a correspondence you had with Captain Sayer on this subject, the result of which I do not exactly remember, but whatever may have been his view of this traffic, as modified here, my orders do now leave me no choice in my mode of proceeding, as you may believe I would prefer an arrangement with your government, to carrying it to Madras, where perhaps the case may excite some disagreeable feelings under the extremely forbidding countenance and sentiments now common to all Englishmen on this subject.

I have recommended to Mr. Muntinghe, to write to me publicly, and to Sir Thomas Strange privately, to explain the particulars of the colonial regulations on this subject, in a light which I believe him extremely capable of doing to advantage, his public letter will go with the other papers, and so will fall under the notice of Sir Thomas Strange, to whom also I will endeavour to explain the necessity of some system

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Original.

system of the sort, however modified, to supply Batavia with people who will work; although this cannot, in my opinion, save the vessel under the existing severe laws on the subject, it may soften down certain asperities which might otherwise occur on a system so well calculated to procure popularity to its most clamorous opposers.

Knowing as you do, the rule of obedience we are obliged to follow, I need not say how impossible it must be to attend to any representations which your government here can make on the subject, as aiming on the liberation of the vessel, or which does not provide for the complete emancipation of the unfortunates so happily or unhappily taken. This I feel it necessary to say, lest you imagine your presence might have altered the case. Mr. Muntinghe has said every thing man can say, and with him I lament the probable consequence, yet must capture all such I meet so laden. It is my intention to sail to-morrow night, having been detained here these two days to wind up my affairs in Java.

(signed) *W. F. W. Owen.*

Extract, Letter dated 18th July 1812.

Batavia, 18th July 1812.

D^o My dear Sir:—On the first view of the case of capture, which I mentioned to you a few days since, it did not bring to my recollection how much the honour and interest of this government is concerned in preventing the publication of a most flagrant error continued by it ever since the capture of this colony. Actuated by the wish to reconcile my duty and my interests with the esteem I owe yourself individually, and the high respect I entertain for my Lord Minto, I have endeavoured to make Mr. Muntinghe feel the necessity of stopping all slave causes, if possible, here.

Under the pressing orders which I now am, I have scarcely been able to afford time or reflection enough to put this matter on such a footing as shall reconcile the honour of the government with certain stipulations necessary in the case; I have, however, endeavoured to put you in the most amiable light as protectors to injured people, through the whole transaction.

D^o That you should so long have been misled as to the nature and extent of the Act of Parliament, is extremely surprising, under the strong penalties of the law; indeed, so strong, that he must be hardy indeed who would voluntarily brave them.
D^o But the conviction I have of your rectitude in all things, is sufficient to assure me that the principles on which you have suffered this disgrace to humanity still to exist are such as would do you credit, if examined, and would sufficiently inculpate me from an improper construction of my motives for endeavouring to prevent the extended publication of the cases. I should, however, have been hard put to it to effect so much, had it been possible to put Captain Rodney's orders into effect without much modification and loss of time.

D^o I have therefore turned over as many slaves as possible to such individuals of good repute who chose to take them as apprentices, on the payment of the Treasury reward, and having the transaction conducted in the presence of the bench of magistrates, which I consider as the guardian to these wretches. This is proper, for many evident reasons, and the taking them to Madras might be seriously grievous to them. For all such emancipated slaves as may be landed here, in order to prevent their appearance before an admiralty court, Mr. M. has promised me that this government shall secure me the same reward as I should be entitled to by the more regular proceeding of admiralty judgment, which is put on the double principle of preventing the British Treasury from paying for your fault, and that my officers and crew, in accommodating themselves to your circumstances, should not lose their authorized reward; but Mr. Muntinghe has reserved this for your ultimate approbation. I must hope that you will not attribute to me any improper motives or unbecoming ones, for having so far lent myself from the strictly legal line of conduct; my principal aim is, believe me, to prevent the odium which must in England necessarily attach to a government which shall be known to have authorized slave trade, contrary to and in spite of the strong laws. I have directed Mr. Wallis to forward all the cases to Madras immediately, should there be the slightest appearance on your side for disapproving the measures which have been adopted.

D^o In consequence of your letter to Mr. Muntinghe, I hope to see Captain Elliott to-day, to whom I shall explain the circumstances, and take his opinion thereon also.

(signed) *W. F. W. Owen.*

7.—FORM OF INDENTURE.

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N^o 24.

This Indenture, made the 5th day of August in the year of our Lord 1812, between Thomas Wallis, Esquire, residing at Batavia, agent for the captors of the slave vessel Kam Keong, on the one part, and Mr. Jacobus Marcus, residing in the city of Batavia, on the other part : Witnesseth, That the said Thomas Wallis, in consequence of the orphan state of

one of the persons denominated slaves, found on board the aforementioned vessel, Kam Keong, when seized by His Majesty's ship Cornelia, proceeding from the Island of Bally to Batavia, for the purpose of being sold there, but emancipated by the said capture, agreeably to the Acts of Parliament, and in consequence of the necessity of making provision for the future legal maintenance of the said orphan

in a country where has no natural relation, has put, placed and bound, and by these presents does put, place and bind, the said

of the age of years, to be an apprentice with the said to dwell with the said

from the date of these presents until the said shall come to the age of twenty-one years, by and during all which time and term the said shall the said said well

and faithfully serve in all such lawful business as the said shall be put into the command of said

according to the power, wit and ability of the said and honestly and obediently

in all things shall behave self towards said and honestly and orderly towards the rest of the family of the

said and the said for part for self, executors and administrators, doth

hereby promise and covenant, to and with the said Thomas Wallis, his and every of his executors and administrators, and their and every of their suc-

cessors for the time being, that the said shall the said in the craft, mystery and occupation of

which the said after the best manner can or may teach, instruct and inform, or cause to be

taught, instructed and informed, as much as thereunto belongeth, or in any wise appertaineth, and that the said shall also find

and allow unto the said apprentice sufficient meat, drink, apparel, washing, lodging, and all other things needful or meet for an apprentice during the term

aforsaid : And because the said orphan, is deprived of the advantage of all natural relations, the said doth

further engage to consider self in the condition of a natural guardian to the said orphan, to watch over morals and conduct, according

to the established forms of the christian religion.

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered in the presence of us.

P. S.—This Indenture, executed in duplicate, whereof one part is lodged with Thomas Wallis, Esq. Batavia, and the other part given to the contracting party.

Resolved, that the following letter be written to the government of Java, in reply.

To the Honourable Thomas S. Raffles, Esq. Lieutenant Governor in council of Java.

Honourable Sir :—We have had the honour to receive your letter of 29th August, with the copy of the correspondence mentioned to accompany it ; and as the questions which it embraces are of considerable delicacy and importance, we propose to make the necessary communication on the subject to his Excellency, the naval commander-in-chief.

When the Act of the 51st Geo. 3, c. 23, was passed, the Island of Java and its dependencies were not actually in the possession of the British authority, and it may, therefore, be presumed, that the legislature could not have had it in contemplation at the time to pass a law which was to become applicable to a colony which had not yet been acquired by His Majesty's or the Honourable Company's arms.

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As however the Act is expressly extended to India, and as no exceptions are made with respect to its application, we considered it incumbent upon the British authority in India to enforce its provisions, by preventing as far as possible the importation of slaves by sea, into any British port.

With these sentiments, we had the honour to address a letter to you on the subject, bearing date the 17th October, and we have no doubt that you will have adopted such steps as may have appeared to you necessary and proper for the purpose of giving publicity to the Act, and of enforcing its provisions within the limits of your authority.

The opinion expressed in the 5th paragraph of your letter, with respect to the necessity of your affording the protection of the laws to the slaves alluded to by you, appears to us perfectly correct; and we think it highly proper that you should act on it accordingly.

We concur with you in opinion, that the proceeding of Captain Owen of His Majesty's ship *Cornelia*, was altogether unwarranted, and at variance with the intent and spirit of the law which he proposed to enforce, and we have no doubt that his Excellency the naval commander-in-chief will take such notice of the occurrence as the circumstances of the case may appear to him to require.

Captain Owen's proceeding in making over the slaves who were detained by him, as apprentices to private individuals, for a valuable consideration, cannot, we think, be justified under the Act of Parliament, and we approve, therefore, of your having declined to give the sanction of your authority to the indentures which have been entered into. The parties concerned can have no claim whatever to the interposition of the magistracy, for the purpose of giving effect to a transaction which the law does not recognize; and we do not hesitate in stating to you our opinion that, if any expense or loss should be incurred by individuals in consequence of this transaction, your government ought not to undertake in any manner to indemnify the parties.

We feel some difficulty, however, as giving an opinion with respect to the best manner of disposing of the slaves who had been detained by Captain Owen, and made over as apprentices to private individuals. On the presumption that the Act of Parliament extends to Java, the persons in question ought no doubt, in pursuance of its provisions, to be emancipated; but, as from their youth or sex, or from the circumstance of their being entire strangers on the island, it may be difficult for them to obtain an immediate subsistence, we think that the interposition of government may be necessary to afford them relief; and that you will be justified in employing their personal services, while it may be found necessary to afford them the means of subsistence.

We have, &c.

(signed) *Minto.* *J. Lumsden.* *H. T. Colebrooke.*

Fort William, 5th December 1812.

Ordered, That a copy of the letter and of its inclosures, from the government of Java, with copy of the reply above recorded, be transmitted to the naval commander-in-chief, with the following letter.

To the Naval Commander in Chief.

N^o 26.

Sir:—We have the honour to transmit to your Excellency, the accompanying copy of a letter and of its inclosures, from the government of Java, with copy of the letter which we have addressed to that government in reply.

2.—As we have expressed in this dispatch, our sentiments on the questions which have been referred to us, we shall not offer to your Excellency any particular remarks on the subject; but it will be very satisfactory to us to find, that your Excellency has taken a similar view of the questions, and we cannot doubt that you will take such notice of the proceedings of Captain Owen, as the circumstances of the case may appear to you to render necessary and proper.

We have, &c.

(signed) *Minto.* *J. Lumsden.* *H. T. Colebrooke.*

Fort William, 5th December 1812.

Extract, Bengal Civil Colonial Consultations, 5th June 1813.

Acting Secretary at Java to N. B. Edmonstone, Esq. Chief Secretary to the Government General, Fort William.

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Sir:—I am directed to transmit to you, for the information and instruction of the Right honourable the Governor General in council, the accompanying extract from the proceedings of government of this date, relative to the importation of slaves.

N° 70.

I have the honour, &c.

(signed)

J. Davidson, Acting Secretary to Government.

Batavia, 28th March 1812.

Extract, Proceedings of the Honourable the Lieutenant Governor in council.

To the Honourable T. S. Raffles, Esq. Lieutenant Governor, &c. &c.

N° 71.

Batavia, Saturday, 28th March 1812.

Honourable Sir:—I have the honour of inclosing letters received from the Deputy Commissioner, shewing the intention of Captain Sayer, commanding His Majesty's ship *Leda*, to prevent the importation of slaves, and beg to request early instructions on the subject.

I have the honour, &c.

(signed)

H. Hope, Commissioner.

Government House, Samarang, 6th March 1812.

To Captain G. Knight, Commandant at Banjowanjie.

Sir:—In return to your note of this day, transmitting copy of the Dutch language of a billet, which I am unable to interpret, but learn that it relates to an import duty on slaves to Java, and desiring to know my sentiments, as far as concerns my duty; I beg leave to furnish you with the printed order in council of His Majesty, and abstract Acts of Parliament, for regulating and restraining the slave trade, as sent to me by my commander-in-chief at the time.

Having fully understood, that a subsequent Act of Parliament *entirely* abolishes the trafficking in any way whatever by British subjects in slaves, I should conceive it the duty of a King's ship to detain for adjudication, any vessel with slaves, contrary to the intentions of the said Act.

I remain, &c.

(signed)

G. Sayer, Captain.

H. M. Ship *Leda*, Straits of Bali, 25th February 1812.

P. S.—Be so good as return (when done with) the printed documents.

To Captain Davy, Assistant Deputy Commissioner.

Sir:—I beg leave to inform you, that having had an application made to me for the purpose of importing slaves from Bodua, on the island of Bali, I applied to Captain Sayer, commanding H. M. frigate the *Leda*, to know his sentiments on the subject, if he would detain the vessel as a prize; at the same time, I shewed him a correct copy of the billet, N° 5, bearing date 14th December 1811, signed by Colonel J. Gibbs, Deputy Commissioner.

Captain Sayer in reply, informed me, that for him to admit a traffic in slaves from Bali to any part of Java, would be contrary to the tenor of his instructions, and that he should detain the vessel with her cargo that had slaves on board, if boarded by his boats. I send you his letter on the subject.

By the order respecting slaves, and also expressing fully that no slave was to be imported above 14 years of age, I understand that the importation of slaves is admitted of, conforming to the billet N° 5, above alluded to, you will much oblige me by informing me if the deputy commissioner, Colonel Gibbs, admits of my judgment being correct respecting the billet N° 5, and if I am authorized to admit of the importation of slaves into this district, or the subjects of this government.

I have, &c.

Banjowanjie, 27th Feb. 1812.

(signed) *G. Knight*, Commissioner, &c.

RESOLUTION.—As the question now brought before the Board, by the letter from Captain Sayer, is a point of considerable importance, and the opinion of that officer, if admitted, would occasion considerable distress and inconvenience, they deem it incumbent upon them to record the reasons which weigh with them, in considering

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sidering the provisions of the British legislature referred to by that officer, as inapplicable to this colony under existing circumstances.

The Board are of opinion, that the late Acts of the British legislature, had solely in view the abolition of the slave trade carried on from the continent of Africa to the West Indies, and to slavery in general as existing in the West India Islands, and could not have reference to any settlement or native states within the limits of the East India Company's exclusive trade, and that even admitting such an extension, the same could not possibly apply to this colony, which at the time was not annexed to the British dominions, and when its interests were unknown to the legislature, and the terms of its future surrender could neither be contemplated or calculated upon.

In the above opinion, the Board are more confirmed by the measures adopted by the Right honourable the Governor General in his proclamation of the 11th September, in which the Dutch laws are directed to remain provisionally in force, under certain modifications, until the pleasure of the supreme authorities in England should be known.

A further consideration arises from the circumstance of the slave trade to the Island of Java being carried on, not in British vessels, or by British subjects, but mostly by people from Bali, Timor, and different parts of the Celebes and other Islands to the eastward which are neutral states, and rather to be considered as allies than subjects of the British power.

The Board are aware of the delicate situation in which Captain Sayer is placed, under the orders he has received from the commander-in-chief, but indulge a confident expectation, that on a consideration of the above reasons, he will feel himself warranted to suspend the operation of the orders he has received, until a reference is made to the supreme authorities in India on the subject. Should however Captain Sayer, or the officers of His Majesty's navy on this station not be induced to admit these arguments, government will feel it their duty to support the parties whose property may be detained by His Majesty's ships while acting under the existing laws of this colony, leaving the responsibility of such detention, after the explanation now made on the part of government, to the risk of the officers concerned.

In forwarding the above communication, the Board are at the same time desirous of impressing upon the officers of His Majesty's navy, that their attention has been in a particular manner directed to the discontinuance of this traffic as much as possible, and that with the view to discourage the importation, the duty which formerly existed has been doubled, and other regulations have been established, and are now under consideration for the gradual abolition of slavery into the Eastern Islands.

Resolved, That a copy of the resolutions be transmitted to Messrs. Muntinghe and Cranssen, with the request of the Board, that they will furnish, as early as practicable, their report on the points to which their attention was, shortly after the departure of the Governor General, directed by the Honourable the Lieutenant Governor.

Ordered, That an extract of the Board's proceedings of this date be transmitted, with the correspondence, from Captain Sayer, by the first opportunity, for the information and instructions of the supreme government.

(A true extract.)

(signed)

J. Davidson,

Acting Secretary to Government.

The Governor General in council observes, on a perusal of the foregoing letter, that as the sentiments of this government, on the construction to be given to the Act of the 51st Geo. 3, have already been communicated to the government of Java, it is become unnecessary to take into consideration the arrangement projected by them for preventing the inconvenience experienced from the proceedings of His Majesty's navy in giving effect to the Act in question.

Extract, Bengal Civil Colonial Consultations, 12th June 1813.

Government of Java, to the Right honourable Gilbert Lord Minto,
Governor General in Council, Fort William.

N^o 6.

My Lord :—We have the honour of acknowledging the receipt of your Lordship's despatch, under date the 17th October last, regarding slavery on this island, and also copies of the Act of Parliament passed in the 47th year of His Majesty's reign, for the more complete abolition of the slave trade in the British dominions.

2.—By

2.—By a dispatch forwarded in January last, per His Majesty's sloop *Barrocanta*, your Lordship will have perceived, that the importation of slaves into this island and its dependencies, after the commencement of the present year, had been entirely prohibited by an order of this government, under date the 18th November last, and it remained a doubt with us only how far it would be necessary to restrict the conveyance by sea from one part of the island to another, of slaves which were not intended for sale, but were the domestic servants of the residents on this island. The arrival of your Lordship's dispatches having placed us in possession of the sentiments of the supreme government on the subject, we resolved, that the Act of Parliament should be immediately promulgated and enforced throughout this island and its dependencies, which has accordingly been done, and with a view to secure the neighbouring Eastern states, as much as possible, from any consequences that might arise from their being unacquainted with the Acts of the British legislature, and being consequently liable to detention by His Majesty's ships, we have deemed it advisable to send a communication thereof to each of them.

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Enclosure,
N° 1.

3.—The constant use of slaves as private servants, and more especially in the navigation of trading prows in this part of the world, affords considerable grounds for apprehension, that unpleasant consequences might arise from an indiscriminate detention or capture of such vessels, which, though trading under their own flag, may be considered in some measure dependent upon the British government. It has therefore been of greater importance, that they should be fully apprized of the consequences to which they become liable, and it is to be hoped, that this public discouragement and communication on the part of this government, aided by a cordial co-operation and mild conduct on the part of His Majesty's cruizers, will, at the same time, prevent any of the unpleasant consequences that might be expected to result from a sudden and unexpected change, and will tend by degrees, to abolish the employment of slaves entirely among the Eastern Islands.

We have the honour to annex copies of our minutes, and of the instructions given to Captain Hanson, who is employed on this service, and we trust that we shall be found to have carried into effect the spirit and intention of your Lordship instructions, and of the Act of the British legislature.

Enclosures,
N° 2 & 3.

We are, &c.

(signed) *Thomas Raffles,*
Robert R. Gillespie, M.G.
H. W. Montinghe,
W. Carnege,

Batavia, the 19th April 1813.

ADVERTISEMENT :—Notice is hereby given, That from and after the 1st day of January 1813, the importation of slaves into the Island of Java and its dependencies, will be strictly prohibited.

N° 7.

Further regulations and orders on this subject will be published hereafter.

By order of the Honourable the Lieutenant Governor in council.

(signed) *C. G. Blagrove, Acting Sec' to Government.*

Batavia, the 18th November 1812.

Extract, proceedings of the Honourable the Lieutenant Governor in council.

N° 8.

Batavia, the 5th February 1813.

With reference to the proceedings of the 20th ultimo, the following minutes are recorded.

Minute, by the Lieutenant Governor.

Having given my full consideration to the dispatch from the supreme government, and to the Act of Parliament on the subject of the slave trade received therewith, I am clearly of opinion, that the provisions of the Act are so explicit, as to render it absolutely necessary, that it be promulgated in this island and its dependencies, without delay.

The resolutions of the Board, which has already had effect since the 1st January last, is perfectly consonant to the intentions of the legislature, so far as any further traffic in slaves to this island is concerned; but the full and immediate publication of the Act itself is still necessary.

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I therefore propose, that the said Act be published in the English and Dutch languages, in the Government Gazette, and circulated in the native languages; and that the importation of slaves by sea be publicly declared to be prohibited under the penalties of the law.

(signed) *Thomas Raffles.*

Minute, by the Commander of the Forces.

The copy of an Act of Parliament having been transmitted to this government, with instructions from Bengal to adopt the necessary measures on this island, for the purpose of giving effect to the intentions of the legislature; and the Board having deferred their decision to deliberate on the mode of promulgating the same, the commander of the forces would premise that the intention of the legislature in this Act is an unqualified abolition of the slave trade upon the "principles of justice, humanity, and sound policy," without adverting to the consequences which might anywhere arise from the sudden and material change necessarily produced, allowing time only for the promulgation of this decision.

It appears manifest that the penalties of the Act have been incurred since the 1st January 1812, however unconsciously, by all concerned in the slave trade; and that the commanders and officers of His Majesty's ships and vessels could lawfully have seized them under the former Act.

The commander of the forces is therefore of opinion, that it remains only with this government to give it publicity in the most expeditious and general manner, as well to give effect to the intentions of the legislature as to secure all persons at present ignorant of the nature and intent of this Act from further incurring its pains and penalties.

(signed) *R. R. Gillespie, Major General.*

Weltcoreeden, 26th Jan. 1813.

Minute, by H. W. Muntinghe, Esq.

The doubt which I felt with regard to the practicability of enforcing the whole of the Act of Parliament for prohibiting the slave trade in future, having chiefly arisen from a consideration, whether the fourth clause of that Act might be deemed applicable to this settlement, as well as to any British possession in the West Indies; and it appearing to me, after a mature consideration of the expressions in the said fourth clause of the Act, that the intention of the legislature is, that it should operate in any future British colony, in which this island therefore is included, I feel no hesitation in fully concurring in the sentiments of the Honourable the Lieutenant Governor, that the Act itself should be published without delay.

(signed) *H. W. Muntinghe.*

Mr. Craassen concurs in the opinion already recorded.

Ordered, That the following proclamation be published forthwith.

PROCLAMATION.

The Honourable the Lieutenant Governor in council is pleased to direct, that the following Act of Parliament relating to the traffic in slaves be published for general information; and with reference to the publication of the 18th November 1812, now to declare, that the future importation of slaves by sea is prohibited under the penalties of the said Act of Parliament; and in order that no person may plead ignorance hereof, this proclamation, as well as the said Act of Parliament, is directed to be published in the English and Dutch languages in the Government Gazette, and to be translated into the native languages, and affixed at the usual places at Batavia, Samarang and Sourabaya.

Here follows the Act of Parliament, already recorded in the proceedings of the 22d ultimo.

Done at Batavia, this 5th day of February 1813, by me, the Lieutenant Governor of Java and its Dependencies.

(signed) *T. S. Raffles.*

By order of the Honourable the Lieutenant Governor in Council.

(signed) *C. Assey, Assistant Secretary to Government.*

Ordered also, That copies of this proclamation and of the Act of Parliament be sent to the several local authorities along the coast and at the different dependencies, and to the collectors, with instructions to use their best exertions, and to afford every assistance in carrying into effect the intentions of the British legislature.

(True Copies and Extracts.) (signed) *C. Assey, Secretary to Government.*

(Copy.) Service.
To Captain Phillips, Resident at Macassar.

Sir:—The Honourable the Lieutenant Governor in council having deemed it advisable that the spirit and intent of the British Acts of Parliament concerning the slave trade, should be fully explained at Macassar, and to the several native chiefs who are under the immediate connection or control of your Residency, I am directed to transmit to you a copy of the last Act, with a translation into the Dutch language, and to desire that the same may be duly promulgated at Macassar with the proclamation on the subject, which you will observe in one of the government Gazettes transmitted to you by this opportunity, and which is to be enforced under your authority. It is further left to your discretion and judgment, to explain to the several chieftains in the most conciliatory and satisfactory manner possible, the intent and meaning of the British legislature, and to obtain their aid and concurrence in the abolition of the slave trade, it being clearly explained to them, that the British government will on no account sanction the traffic, or afford protection to their vessels and prows, if employed therein or connected therewith.

Lieutenant Hanson proceeds for this purpose to the islands depending on this government, but his mission does not extend to any of the chiefs or islands which are under the immediate connection of Macassar.

Batavia, 1st March 1813.
(signed)

I have, &c.
C. Assey, Assistant Secretary to Government.

To Captain Hanson, &c. &c. &c.

Sir:—The Honourable the Lieutenant Governor in council having deemed it advisable that the spirit and intent of the British Legislature in their Acts regarding the abolition of the slave trade should be explained to the chiefs of the Eastern Islands dependent on or connected with this government, he has been pleased to appoint you to proceed on a mission for this purpose.

2.—You will accordingly embark on board His Majesty's ship *Hecate*, the captain of which vessel is proceeding in the first instance to Macassar, and from thence to other islands dependent of this colony.

3.—On your arrival at Macassar you will deliver to Captain Phillips, the resident at that place, the packet addressed to him; the object of your mission does not extend to any of the chiefs who are under the immediate connection and control of Macassar.

4.—From thence His Majesty's ship *Hecate* will touch at Timour Bali, and probably at Sambaroa; at these and any other native ports you will endeavour to make known the purport and intent of the Act, and deliver a copy in English and Dutch languages, wherever there are any European residents. It is left to your discretion and judgment to explain to the several chieftains, in the most conciliatory and satisfactory manner possible, the advantages that will result to themselves by an abolition of the slave trade, and by retaining the inhabitants of their respective countries in peaceable commerce and industry; you will endeavour to satisfy them that this abolition of the traffic will be eventually as valuable to themselves as it is important to society in general; and you will not fail to impress upon their minds, that the British government will not on any account support the traffic or afford protection to their prows if employed therein or connected therewith.

5.—You are authorized to entertain an interpreter during the present mission, on a salary of seventy Spanish dollars per month, and you will not fail to keep a regular journal of your proceedings and observations for the information of government upon your return.

Batavia, the 1st March 1813.
(signed)

I have, &c.
C. Assey, Assistant Secretary to Government.

To J. Drury, Esq. Captain of His Majesty's Ship *Hecate*.

Sir:—The public service requiring that an officer should be sent on a tour among the Eastern Islands dependent upon this government, for the purpose of explaining to the several chieftains the nature of the British Acts of Parliament on the subject of the slave trade, and the absolute necessity of their refraining from that traffic in future, I am directed by the Honourable the Lieutenant Governor to request, that as

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you are about to cruize in that direction you will accommodate Lieutenant Hanson, who is deputed for this purpose, and his interpreter. It will be desirable that Lieutenant Hanson should proceed in the first instance to Macassar, and from thence to Timor and Bali and Sambaroa, or any of the native ports which may be within your course; and on your return, it is requested that you will touch at Saurabaya and Samarang, at which places the residents will be directed to send on board your ship such treasure as may then be disposable, for the purpose of its being conveyed, with the least practicable delay, to Batavia. On this account the Lieutenant Governor is anxious that the cruize should be completed so as to return to Batavia as early as possible after the change of the monsoon.

Batavia, 1st March 1813.
(signed)

I have, &c.
C. Assey, Assistant Secretary to Government.

Resolved, That the following letter be written to the government of Java in reply.

To the Honourable Thomas S. Raffles, Esq. Lieutenant Governor in
Council of Java.

N^o 10.

Honourable Sir:—We have had the honour to receive your letter of the 19th April, with its enclosures, and we entirely approve of the steps which you have taken for the purpose of apprizing the chiefs of the neighbouring islands of the consequences to which their subjects will be exposed by continuing to carry on a traffic in slaves, or by transporting slaves by sea to a British port, contrary to the provisions of the late Act of the legislature.

2.—We are sensible that much inconvenience is to be apprehended from the sudden and peremptory enforcement of this law before the inhabitants of the Eastern Islands have become thoroughly acquainted with its object and provisions; and we are aware also, that doubts may justly be entertained with respect to the application of the Act to the case of domestic slaves accompanying their masters from one island to another, or from one port to another in the same island, and also to the case of slaves employed in the navigation of the native vessels, and not intended for sale; but as this government possess no authority to determine the proper application of the Act, we can only hope that the officers of His Majesty's navy will exercise that degree of forbearance and discretion which will prevent injustice to individuals, and at the same time obviate those fatal consequences which must result if the inhabitants of the Eastern Islands should determine generally to resist the attempt to enforce the law, or should proceed to retaliate for any real or supposed injury which may have provoked their resentment.

Fort William, the 12th June 1813.
(signed) *Minto*.

We have, &c.
N. B. Edmonstone *A. Seton*.

Resolved, That a copy of the letter from the government of Java, bearing date the 19th April, with copy of the reply above recorded, be transmitted to the naval commander-in-chief.

Extract, Bengal Civil Colonial Consultations, 16th August 1813.

The secretary reports, that the following letter from the acting secretary to the government of Java, was referred to the government of Fort St. George, on the 5th June last.

Acting Secretary at Java, to Henry St. George Tucker, Esq. Secretary to the
Supreme Government, Colonial Department, Fort William.

N^o 22.

Sir:—Pursuant to the direction of the Honourable the Lieutenant Governor in council, I have the honour to transmit to you for the information and decision of the Right honourable the Governor General in council, the accompanying extract from the proceedings of the government in the public department, together with copies of the various documents therein referred to, relative to a vessel belonging to some Chinese inhabitants of Batavia, which was seized on her return to this port from Balli, with slaves on board, by one of His Majesty's then on this station, and sent to Madras for condemnation, by the Vice Admiralty Court.

I have the honour to be, &c.
(signed) *C. G. Blagrove*, A. S. S. to Government.

Secretary's Office, Batavia, 10th January 1813.

Extract from the proceedings of the Honourable the Lieutenant Governor in Council, Batavia, Friday 27th November 1812.

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N° 23, Inclosure.

The Lieutenant Governor lays before the Board, a petition from Kam Hianks and Tyam Poenko, two Chinese inhabitants of Batavia, relative to a schooner or vessel called the *Guanting*, belonging to this port, which was lately seized on her way hither from Baly with slaves, and with her cargo carried to Madras, where it appears she was ultimately ordered to be restored to her owners, by a decree of the Vice Admiralty Court, stating certain pecuniary losses to have accrued to them in consequence of the above proceeding, from the failure of their mercantile speculations, and the eventual unavoidable disposal of the property at Madras, by public sale.

To His Excellency the Hon. Thomas Stamford Raffles, Lieutenant Governor of Java and its dependencies.

The humble Petition of Kam Hianko and Tyam Poenko, Chinamen, inhabitants of Batavia :

Sheweth,—That in the month of January last, the petitioners, with the permission of government, sent a vessel to Baly, with the view of purchasing slaves.

That the above vessel having accomplished the object of her voyage, was on her arrival in the roads of Batavia, taken and sent off by one His Majesty's ships of war.

That the cargo of the above vessel consisted of *one hundred and sixteen slaves*, and a quantity of wax, edible birds nests, cloths, dingding, &c. of which articles the petitioners are unable to ascertain the real amount, owing to the want of the papers of the vessel ; that the petitioners are conscious of not having acted contrary to the then existing regulations, and beg leave to recommend their interests most respectfully to your Excellency's notice, and to represent that the slave trade has never been prohibited in this settlement, and that on the contrary, an article of the custom house regulations, establishing a duty of thirty rix dollars on slaves imported, seemed tacitly to sanction mercantile operations of that nature.

The petitioners indulge the hope, that your Excellency, on a consideration of the above circumstances, will be pleased to adopt such measures as your Excellency may deem proper, in order to prevent the petitioners and their families from being totally ruined, not only, but moreover from being involved in debts which they would never be able to discharge, and the petitioners as in duty bound, shall ever pray. Signed in Chinese characters, by *Kam Hianko* and *Cham Poenko*.

Batavia, the 28th October 1812.

Ordered, That the said petition, with inclosures, five in number, be referred to a commission, consisting of a member of the court of justice, one of the magistrates, and Mr. William Young, and that the following instructions be issued to them accordingly.

To Messrs. Dewitt, Venis and Young.

Gentlemen:—A petition having been received from Kam Hianko and Tyam Poenko, two Chinese inhabitants, relative to a schooner or vessel called the *Guanting*, belonging to this port, which was lately seized on her way hither from Baly with slaves, and with her cargo carried to Madras, where it appears she was ultimately ordered to be restored to her owners, by a decree of the Vice Admiralty Court, stating certain pecuniary losses to have accrued to them in consequence of the above proceedings, from the failure of their mercantile speculation, and the eventual unavoidable disposal of the property at Madras, by public sale, under the circumstances therein mentioned, I am directed to acquaint you, that the Honourable the Lieutenant Governor in council has been pleased to appoint you a committee to inquire into the particulars of the transactions above alluded to, and the truth of the statements therein contained, according to the best information you may be able to obtain, to ascertain upon the best and most satisfactory grounds, the nature and extent of the loss, if any, which may appear to you to have been actually and *bonâ fide* sustained by the petitioners, from the causes alleged, upon a proper consideration of all the circumstances, and to report thereon for the information of government.

You will accordingly assemble at time and places most convenient, calling on the petitioners to furnish you with the requisite information and documents, and on such

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others whose information may be material in the premises, to attend for the purpose of undergoing the necessary interrogations, enabling you to carry these instructions into effect.

The petition, together with the several accompanying papers, are herewith transmitted to you.

I am, &c.

(signed)

C. G. Blagrawe, Acting Secretary to Government.

Extract from the proceedings of the Honourable the Lieutenant Governor in Council, Batavia, the 5th January 1813.

With reference to the proceedings of the 27th November last, the following report of the Committee appointed to investigate the petition of certain Chinese, whose vessel was detained by His Majesty's ship *Cornelia*, and sent for condemnation to Madras, is now recorded.

To C. G. Blagrawe, Esq. Acting Secretary to the Government.

Sir :—We have the honour to acknowledge the receipt of your letter under date the 28th ult. inclosing an original petition from Kam Hionko and Tyam Poenko, (Chinese), together with several other papers relative to a small vessel called the *Guanting*, and her cargo, and stating, that the Honourable the Lieutenant Governor in council had been pleased to appoint us a Committee for the purpose of investigating the affair and circumstances therein mentioned, and reporting thereon, for the information of government.

In obedience to the commands of his Excellency in council, we caused to appear before us, the two Chinese above-mentioned, and after explaining the purport of your letter, called on them to produce the necessary documents in verification of their statement, to prove to us in the first place, that they had in themselves, as the legal owners, the sole and absolute property of the whole vessel and merchandize; and in the next, the real value of both, with the quantity, quality, and description of the different articles comprehended in the latter, in order that we might be enabled to ascertain with precision and accuracy, whether any and what damage had actually and *bonâ fide* arisen on the mercantile speculation of the petitioners, by reason of the alleged failure thereof.

But it was stated to us by the petitioners, that the papers, such as the passport and other documents which would have served to elucidate some of the principal points, both as to vessel and cargo, were not now forthcoming, inasmuch as the same had been conveyed to Madras, and delivered into the Vice Admiralty Court, in consequence of a suit which was there lately instituted, with a view to a condemnation of the property, and that therefore they were not able to comply with our demand in this respect.

Under this circumstance, and conceiving from the notoriety of the matter (the property and right of the petitioners in the premises moreover not being dispatched by or on behalf of any person), that there could hardly exist a doubt as to the fact, we proceeded to make an inquiry generally into the nature and circumstances of the transaction alluded to in the petition, the result of which, according to the information we have been able to obtain, we beg leave to communicate as follows :

The two Chinese-men, Kam Hianko and Tyem Poenko, are inhabitants of Batavia, and being concerned as joint owners of the sloop, the *Guanting* (which was built by the said Kam Kianko), in or about the month of January last, fitted her out for a trip to Baly on a mercantile adventure, shipped on board a cargo, chiefly consisting of tin, iron, cloths, and sundries, and sent her in charge of a Chinese commander, or noquedah named Oey Pigho; the vessel arrived at Baly, where she lay about two months and a half, sold all her original cargo with the exception of the tin, for which an adequate price could not be had, and took in other goods, such as birds nests, rice, wax, piece-goods, &c., as a return cargo for this market.

During the stay at Baly, a number, amounting to one hundred and sixteen, slaves (male and female), were received on board as freight belonging to several Chinese who reside at Batavia, and who purchased them agreeably to the custom and usage then commonly prevalent; in which transaction, however, the two petitioners seem to have had no concern or interest save in the freight, which was to have been paid here.

here, excepting only as to four of the slaves which were purchased on their account, and considered to belong to them.

She then sailed with her merchandize, and having the above-mentioned freighted slaves on board for Batavia, touching intermediately at Griessie, and arrived in these roads some time early in July last, when she was seized, taken possession of, and detained by His Majesty's ship *Cornelia*, W. F. W. Owen, Esq. captain.

The greater part of the slaves (but the number we have not been able to ascertain) was landed and distributed among different persons under some arrangement, in consequence of which it is said, the sum of Spanish dollars was to have been received for each of the persons thus appropriated; a portion of the cargo and four guns were also landed and placed in charge of the agent of Captain Owen, and the vessel, with her remaining cargo, the Chinese noquedah and four other Chinese carried to Madras, where, after a suit in the Vice Admiralty Court, she was ordered to be restored, but the costs to be nevertheless levied thereon.

In consequence of which, the vessel and remaining cargo were sold by auction at Madras, and upon the final close of accounts, after deducting the expenses of the law suit, and all other charges, including commission, &c. it appears that the Chinese noquedah, on behalf of his owners, received a draft on Thomas Wallis, esq. of this place for the net balance, viz. star pagodas 868,41,44, or Spanish dollars, 1,389. 70 cents.

It appears that the articles landed here (except an iron gun, lately returned to the Chinese) have been disposed of by Mr. Wallis, who holds the proceeds, amounting to Spanish dollars, 508. 41½.

And it also appears, that the sum of Spanish dollars 1,120, received from some of the present holders of a few of the slaves on the island, likewise remains appropriated in the hands of the same gentleman.

Thus, in consequence of the failure of the mercantile speculation, from unforeseen causes, the proceedings at Madras, which terminated in the Chinese being subjected to law and other charges, and the eventual unavoidable disposal, by public sale, of their property at an unsuitable market, and certainly under disadvantageous circumstances, the loss in question is stated to have accrued.

To ascertain which in the best manner possible, in the absence of regular vouchers, we proceeded to make up,

1st. An account of the cargo at the alleged prime cost at Baly, shewing a deficit or *estimated actual* loss, including the value of the sloop, the stores, &c. after all requisite deductions, of Spanish dollars 4,578. 55½:

And 2dly. A similar account, with sale price of the goods in this market in July last, shewing a deficiency, or the *estimated presumed* loss according thereto, of Spanish dollars 5,933. 12½. The prices contained herein were certified to us by Tan Ramko, the Chinese appraiser, employed in the custom-house at Batavia, whose attestation thereof will be found at the foot of the account.

We have deemed it proper to present the accounts above-mentioned under the two distinct heads, in order that, in the event of the Honourable the Lieutenant Governor in council being pleased to comply with the petition of the Chinese in granting to them some compensation for their loss, that his Excellency may be enabled to determine to what extent or in what proportion such indemnification should be made in this instance to the individual sufferers, in consideration of the special circumstances of the case.

These accounts, marked (A.) and (B.) with the subjoined declaration, marked (C.) we have the honour to transmit to you, with a request that you will be pleased to lay the same before his Excellency in council.

Having also called on the several proprietors of the slaves purchased at Baly to state to us the prices by them respectively paid, together with other requisite particulars on this subject, we have, according to the information of these persons, made up a statement, exhibiting the total sum laid out on this account by them, of Spanish dollars 11,193. We understand that of the original number (116), only a part of the slaves remain on the island, dispersed in the domestic service of certain individuals, under an arrangement made by Captain Owen, and that a few have since died; but not having seen any of them, nor had any full or authentic information on this matter, it is impossible for us to state the number now here, their age, the manner of their appropriation at present, or any further particulars.

The above statement, marked (D.), together with an account rendered to us by Mr. Wallis, marked (E.), by which it appears that the sum of Spanish dollars 1,120, received

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received from some of the present holders of the slaves, remains in his hands, we beg leave to forward, for the purpose of being submitted to his Excellency in council, as containing all the information and materials we are in possession of relative to this affair, in order that such measures may be adopted as may appear necessary and proper.

We return herewith all the enclosures in your letter, and have the honour to be, &c. (signed) *G. H. Dewitt.*

Batavia, the 23d Dec. 1812.

Veeris. William Young.

(A true copy.)

(A.)

ACCOUNT of sundry GOODS and MERCHANDIZE purchased and laden on board the Sloop or Vessel called The Guanting, belonging to Kam Hianko and Tyam Poenko, Chinese, of Batavia, at the Port of Baly, and destined for sale at the Batavian market, with the value and prices according to the original cost, as stated by the abovementioned Chinese.

	Sp. D ^{rs}	St.	Sp. D ^{rs}	St.
35 Corges of gingang selas and sarong (cloth), at 20 Spanish dollars per corge	700	-		
60 Corges (small) cloth for native women and children's dresses, at 5 Spanish dollars per corge	300	-		
12 Peculs of buffalo grease, at 6 Spanish dollars per pecul	72	-		
1,850 Catties of wax, at 27 Spanish dollars per catty	499	33		
45 Chests of salted eggs, at 6 Spanish dollars per chest	270	-		
22 Peculs of dingding or dried meat, at 2½ Spanish dollars per pecul	55	-		
8 Coyangs of rice, at 25 Spanish dollars per coyang	200	-		
60 Catties of tortoiseshell, at 2 Spanish dollars per catty	120	-		
40 Catties of birds' nests, at 20 Spanish dollars per catty	800	-		
Krae manies surebwood, 3 peculs, at 3 Spanish dollars per pecul	9	-		
Mosvow, used in medicines, 3 peculs, at 12 Spanish dollars p' pecul	36	-		
8 Planks for China coffins	30	-		
Hydes, 35 in number	7	-		
6 Peculs of dried fish, at 16 Spanish dollars per pecul	96	-		
	3,194	33		
To which is added,—				
771 Catties of tin, originally purchased at Batavia, for sale at Baly; but not being disposed of at the latter place, the same, with the other goods, remained on board of the vessel at her captures, at 30 Spanish dollars per pecul	231	-		
Also, 50 carrongs, containing 25 peculs of dried shrimps, purchased at Grissu, at 12 Spanish dollars per pecul	300	-		
Total prime cost of cargo, Spanish dollars	3,725	33		
The sloop Guanting, with her tackle, rigging, &c. Sp ^h d ^{rs}	1,540			
1 Pair large brass guns	360			
1 d ^o smaller d ^o	165			
1 Iron gun	50			
	575			
6 Muskets, 1 blunderbuss, &c.				
3 Casks of gunpowder	100			
Total of sloop, her stores, ammunition, &c. Spanish dollars	2,215	-		
Total of sloop and her merchandize at prime cost, Spanish D ^{rs}	5,940	33		
CHARGES and EXPENSES incurred on account of duties, victuals, &c. provisions supplied and wages paid to the crew, &c. at Baly:				
Victuals found and provisions supplied 2 months and a half	282			
Anchorage duty	7			
Wages to seamen	63			
D ^o to cook	15			
D ^o to gunner	15			
D ^o to a writer	15			
D ^o to a mate	30			
D ^o to noquedah	60			
Total expense at Baly	487			
Carried forward	5,940	33		

ACCOUNT (A.)—*continued.*

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	Sp. D ^{rs}	S ^t .	Sp. D ^{rs}	S ^t .
Brought forward - - -	5,940	33		
At Griessie :—				
Anchorage and fee for pass, &c. - - - - -		38		
Advance to crew. &c. - - - - -		63		
Victuals and provisions laden - - - - -		26		
Total expense at Griessie - - - - -		127		
Total charges, &c. Spanish dollars - - - - -	614	-		
GRAND TOTAL of sloop Guanting, her stores and cargo, including to prime cost, Spanish dollars - - - - -			6,554	33
From which amount is to be deducted as follows ; viz. net balance of vessel and goods sold at Madras, after deducting law charges and costs of suit, charges, merchandize, agency commission, &c. as per account current, Spanish dollars - - - - -	1,389	-		
Cash received by noquedah as paid, star pagodas 17. 6. 30, or Spanish dollars - - - - -		28		
Amount receivable from Thomas Wallis, Esq. on account of sundries sold by him as per account - - - - -	508	41 $\frac{1}{2}$		
Amount of one gun, delivered back to the Chinamen by Mr. Wallis - - - - -	50	-		
			1,975	41 $\frac{1}{2}$
Deficit or total estimated amount of actual loss on the stated prime cost of vessel and cargo, Spanish dollars - - - - -			4,578	55 $\frac{1}{2}$

The name and signature of *Kam Hianko.*

The name and signature of *Tyam Poenko.*

(B.)

ACCOUNT of sundry GOODS and MERCHANDIZE purchased and shipped on board the Sloop or Vessel called the Guanting, belonging to Kam Hianko and Tyam Poenko, Chinese, at the Port of Baly, and destined for sale at Batavia, with the value of the same, including the cost of the vessel, stores, &c. according to the estimated sale price of the different articles in the Batavian Market in July last, as stated by the abovementioned Chinese, and certified to the Committee by Tam Kamko, Chinese appraiser, attached to the Custom House.

	Sp. D ^{rs}	S ^t .	Sp. D ^{rs}	S ^t .
35 Corges of ginggang selas and sarong (cloth) at 30 Spanish dollars per corge - - - - -	1,050	-		
60 Corges (small) cloth for native women and children's dresses, at 7 $\frac{1}{2}$ Spanish dollars per corge - - - - -	450	-		
12 Peculs of buffalo grease, at 10 Spanish dollars per pecul - - - - -	120	-		
1,850 Catties of wax, at 40 Spanish dollars per pecul - - - - -	740	-		
45 Chests of salted eggs, at 12 Spanish dollars per chest - - - - -	540	-		
22 Peculs of dingding, or dried meat, at 7 $\frac{1}{2}$ Spanish dollars p' pecul - - - - -	165	-		
8 Coyangs of fine rice, at 40 Spanish dollars per coyang - - - - -	320	-		
60 Catties of tortoiseshell, at 3 Spanish dollars per catty - - - - -	180	-		
40 Catties of birds' nests, at 30 Spanish dollars per catty - - - - -	1,200	-		
3 Peculs of kioo mams, at 6 Spanish dollars per pecul - - - - -	18	-		
Masow (an article used in medicine), 3 peculs, at 12 Spanish dollars per pecul - - - - -	36	-		
8 Planks for Chinese coffins - - - - -	30	-		
Hydes, 35 in number - - - - -	14	-		
6 Peculs of dried fish, at 25 Spanish dollars per pecul - - - - -	150	-		
	5,013	-		
To which is added,—				
771 Catties of tin, originally purchased at Batavia, for sale at Baly ; but not being disposed of at the latter place, the same, with the other goods, remained on board the vessel at the time of capture, at 30 Spanish dollars per pecul - - - - -		231		
Also, 50 carrongs, or 25 peculs of dried shrimps, purchased at Griessie, at 18 Spanish dollars per pecul - - - - -		450		
Total of cargo at the estimated selling price of Batavia, Spanish dollars - - - Carried forward - - -	5,694	-		

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ACCOUNT (B.)—continued.

	Sp. D ^{rs}	S ^t .	Sp. D ^{rs}	S ^t .
Brought forward - - -	5,694	-		
The sloop Guanting, with her tackle, rigging, &c. Sp ^h d ^{rs}	1,540			
1 pair large brass guns - - - - -	360			
1 pair small d ^o - - - - -	165			
1 iron gun - - - - -	50			
	575			
6 Muskets, 1 blunderbuse and 3 casks of gunpowder - - -	100			
Total of sloop, her stores, ammunition, &c. Spanish dollars	2,215	-		
Total of vessel and merchandize, at the selling price of Batavia, Spanish dollars - - - - -	7,909	-		
From which amount is to be deducted as follows: viz. net balance of vessel and goods sold at Madras, after deducting law charges, and costs of suit charges, merchandize, agency, commission, &c., as p' account current, for which a draft was granted on T. Wallis, Esq. Spanish dollars - - - - -	1,389			
Cash received by noquedah as per account, star pagodas 17. 6. 30, or Spanish dollars - - - - -	28			
Amount receivable from Mr. Wallis, on account of sundries sold by him, per account - - - - -	508	41½		
Amount of one iron gun delivered back to the Chinaman, by Mr. Wallis - - - - -	50			
	1,975	41½		
Deficit or total estimated loss unsatisfied on the vessel and her merchandize, according to the market price of Batavia, Sp ^h d ^{rs}	5,933	12½		

The name and signature of *Tyam Poenko*.
The name and signature of *Kam Hianko*.

I, Tam Kamko, appraiser, employed in the Government Custom-house at Batavia, do hereby certify and attest, that the rates annexed to the different articles mentioned in the foregoing account, are reasonable and according to current selling prices of the same in the market of Batavia, in and about the month of July 1812, which I am willing to certify and affirm on oath, as the Honourable the Lieutenant Governor in council may be pleased to direct.

Batavia, the 23d December 1812.

(C.)

Appeared before us, the undersigned Kam Hianko, Tyam Poenko, Oey Pigko, Yappat, Che Hokong, and Khou Peo, and Lim Keou, all natives of China, who jointly and severally make the undermentioned declarations, to wit.

And first, Kam Hianko and Tyam Poenko for themselves declare and affirm, that they are inhabitants of Batavia, and were concerned as joint dimors of the sloop Guanting, lately captured by His Majesty's ship Cornelia; that the several matters of fact and circumstances mentioned in the petition formerly presented by them to the Honourable the Lieutenant Governor in council, dated the 28th October 1812, are just and true; and that the aforesaid vessel, together with the several goods mentioned in the accounts hereunto subjoined, and marked, (A.) and (B.) were the *bonâ fide* property of themselves, upon which they have sustained an *actual* loss according to the aforesaid account marked (A.) And the said Oey Pigko for himself saith, that he was employed as noquedah of the said sloop on the trip to Baly and back to Batavia: And the said Yappat for himself declareth, that he acted in the capacity of writer therein, and did purchase the several goods mentioned in the aforesaid accounts at Baly and Griessie respectively, under the direction of the said Oey Pigko, for which the sums charged were actually disbursed and laid out; and both the said Oey Pigko and Yappat further jointly declare and affirm, that the whole of the aforesaid goods were on board of the vessel *unsold* in their *original good condition* at the time of her capture in Batavia Roads, in or about the month of July last; and further, that they believe the value of the vessel and stores as stated in the above-mentioned accounts to be true and just. And the above-mentioned Che Hokong for himself saith, that he acted as gunner of the said sloop; Chou Peo for himself saith, that he was employed as cook therein; and Lim Keou for his own part declareth, that he was passenger in the same; and the three last-mentioned persons further unite in declaring that they do of their own personal knowledge know, and are well aware, that all and sundry the goods afore-mentioned belonging to the said Kam Hianko and Tyam Poenko were absolutely and actually on board the said sloop at the time of her seizure abovementioned.

And lastly, all the before-mentioned persons do also further declare, that they are ready and willing to verify their several delarations upon oath or otherwise, as it may please the Honourable the Lieutenant Governor in Council to direct.

Signed in Chinese characters by

Kam Hianko. *Tyam Poenko.* *Oey Pigko.* *Yappat.*
Che Hokong. *Khou Peo.* *Lim Keou.*

Taken and subscribed at the Stadt House at Batavia, the 23d day of December 1812, before us,
(signed) *G. H. Dewitt.* *Veeris.* *W^m Young.*

(D.)

LIST of SLAVES purchased at Baly, and shipped on board the Sloop Guanting, belonging to the Port of Batavia, and which were on board the said vessel at the time of her Capture in Batavia Roads in July last, containing their number, the Names of the different Proprietors, the Prices paid for them at Baly, and Charges incurred, together with the other Particulars undermentioned, agreeable to the Statements of the Chinese Proprietors.

Number.	NAME of the SLAVES.	SEX.	AGE.	NAME of the different PROPRIETORS.	Original Cost at B A L Y.	Charges and Sundry Expenses.	TOTAL.	REMARKS.
1	Name unknown	Girl	Years. From 9 to 14.	Lee Tamko -	861 -	115 -	976 -	
2	"	d°						
3	"	d°						
4	"	d°						
5	"	d°						
6	"	Boy						
7	"	d°						
8	"	d°						
9	"	d°						
10	"	d°						
11	"	d°						
12	"	Girl	10 to 12	Tang Tang Ko	256 -	30 -	286 -	The Proprietor having died, the annexed particulars were given by Tjam Poenko.
13	"	d°						
14	"	d°						
15	"	d°	d°	Tan Huko - -	159 -	20 -	179 -	
16	"	d°						
17	"	d°	From 10 to 13.	Lem Keanke -	517 -	60 -	577 -	
18	"	d°						
19	"	d°						
20	"	d°						
21	"	Boy						
22	"	d°	From 8 to 14.	Tam Kaumko	1,100 -	132 -	1,232 -	
23	"	Girl						
24	"	d°						
25	"	d°						
26	"	d°						
27	"	d°						
28	"	d°						
29	"	d°						
30	"	d°						
31	"	d°						
32	"	d°	From 13 to 14.	Gouw. Djoenkos	163 -	25 -	188 -	The Proprietor of these Slaves being unable to attend from illness, the particulars were given by Tjam Poenko.
33	"	d°						
34	"	Boy						
35	"	Girl						
36	"	Boy						
37	"	d°						
38	"	d°						

(continued.)

ACCOUNT (D.)—continued.

Number.	NAME of the SLAVES.	SEX.	AGE.	NAME of the different PROPRIETORS.	Original Cost at BALY.	Charges and Sundry Expenses.	TOTAL.	REMARKS.				
39	Name unknown	Girl	Years. From 9 to 13.	Tam Leatko -	657 -	94 -	751 -	The Proprietor being absent, the statement of the annexed particulars was made by Tjam Poenke.				
40	"	d°										
41	"	d°										
42	"	d°										
43	"	d°										
44	"	d°										
45	"	d°										
46	"	Boy										
47	"	d°										
48	"	d°										
49	"	Girl	d° From 10 to 13.	Oey Tjokes -	470 -	50 -	510 -					
50	"	d°										
51	"	d°										
52	"	d°										
53	"	d°										
54	"	d°										
55	"	d°										
56	"	Boy										
57	"	d°										
58	"	Girl						d° From 9 to 12.	Tjam. Tunko - - Lim. Tjanko - - Tronghoe - - Tjoa Gantos -	179 - 20 - 180 - 330 - 84 -	20 - 20 - 20 - 41 - 11 -	199 - 200 - 371 - 95 -
59	"	d°										
60	"	d°										
61	"	d°										
62	"	d°										
63	"	d°										
64	"	d°										
65	"	d°										
66	"	d°										
67	"	d°										
68	"	d°	13	To Tonko -	597 -	63 -	660 -					
69	"	d°										
70	"	Boy										
71	"	d°										
72	"	Girl										
73	"	d°										
74	"	d°										
75	"	d°										
76	"	d°										
77	"	d°										
78	"	d°	d° 13 to 14.	Oey Heanko - Tis Keatko -	343 - 218 -	35 - 22 -	378 - 240 -					
79	"	d°										
80	"	d°										
81	"	d°										
82	"	d°										
83	"	d°										
84	"	d°										
85	"	d°										
86	"	Boy						From 12 to 14.	Tea Tanko -	268 -	30 -	298 -
87	"	d°										

ACCOUNT (D).—continued.

Number.	NAME of the SLAVES.	SEX.	AGE.	NAME of the different PROPRIETORS.	Original Cost at BALY.	Charges and Sundry Expenses.	TOTAL.	REMARKS.
88	Name unknown	Girl	Years.					
89	"	d°	} From 11 to 14.	Qua Inko - -	304 -	31 -	335 -	} The Proprietor of these Slaves not being able to attend from ill health, the statement was made by Tjam Poenko.
90	"	d°						
91	"	d°	12	Oey Ko - -	95 -	10 -	105 -	
92	"	d°	14	Kouw.				
93	"	d°	} From 10 to 13.	Ticko - - -	64 -	10 -	74 -	
94	"	d°		Na.				
95	"	d°		Boanka - -	290 -	39 -	329 -	
96	"	Boy	} From 11 to 14					
97	"	Girl		Oey Pekkoe.				
98	"	d°						
99	"	d°						
100	"	d°						
101	"	d°						
102	"	d°						
103	"	d°						
104	"	d°						
105	"	d°	- -	Oey Setjin -	555 -	58 -	613 -	
106	"	Boy						
107	"	d°						
108	"	Girl	} d°	Yap Boetko -	216 -	22 -	238 -	
109	"	d°						
110	"							
111	"	Boy	d°	Sean Goanko -	184 -	22 -	206 -	
112	"	Girl	} From 13 to 14.					
113	"	d°		Goan Timko -	351 -	44 -	395 -	
114	"	d°						
115	"	d°						
116	"	Boy	14	Salam - - -	58 -	10 -	68 -	D° - - - D°
				Grand Total - -	9,985 -	1,208 -	11,193 -	

The mark × of
Lee Tamko, Tan Hanko, Lim, Keanko.

The mark × of
Jan Kuanko, Oey Tjocke, for himself and Salam.

The mark × of
Oey Infie, Tjam Tanko.
Lim Tanko, his × mark.

The mark × of
Jiong Hoe.
Tjsa Gouko, his × mark.

The mark × of
Ko Tong Ko, Tjsoe Toengko, Tjie Hawking.

The mark × of
Yeo Keatko, Koe Boeko.

The mark × of
Tee Jamko, Qua Imko.

The mark × of
Lie Oey Ko.

The mark × of
Koun Ticko, Oey Pekko, Oey Soctjie, Jap, Boetko.

The mark × of
Sean Goanko.

The Name of the Concern, *Guanting.*

Batavia, 23d December 1812.

Bengal Papers:
State of Slavery
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Territories.

(E.)

AN ACCOUNT of CASH received on account of the Slave Vessels detained by His Majesty's Ships *Cornelia* and *Africane*.

Time received.	For what Goods, &c.	Amount Sp. Dols. Stivr.
1812.		
21 July - -	By cash received from Sow Kangko, a Chinaman, for goods landed by Captain Owen, out of the vessel taken to Madras, viz. 17 $\frac{5}{8}$ catties, or 23 $\frac{1}{2}$ lbs. of birds nests, at 10 Sp. dollars per catty -	176 16
	24 $\frac{87}{125}$ peculs, or 3,087 lbs. of dry gurnets, at 8 Sp. dollars per pecul	197 36
	4 $\frac{66}{125}$ d°, or 566 lbs. of dried sharks fins, at 8 d° per d° -	36 14
	5 $\frac{24}{125}$ d°, or 650 lbs. of sentock and sweet wood, at 6 d° per d° -	31 12
	6 $\frac{42}{125}$ d°, or 792 lbs. of hides - - - - - at 2 d° per d° -	12 43
	8 China coffin planks - - - - -	8 -
	By cash of Captain James Callender, for two boys bound apprentice to him - - - - -	80 -
	By cash from Mrs. Makepeace, for two girls taken as apprentices -	80 -
23 July - -	By cash for four boys taken as apprentices by Mr. Thomas Dalton	160 -
	By cash from Mr. Van Pauhuys, for two boys and one girl taken as apprentices - - - - -	120 -
D° - -	To cash of Mr. De Serun, for six boys and two girls taken as apprentices - - - - -	320 -
17 August -	To cash from Mr. Cromey, for two girls d° - - - - -	80 -
September	To d° from Lieut. Dalgairns, for two girls d° - - - - -	80 -
	To d° from Mr. During, for one girl d° - - - - -	40 -
	To d° from Mr. Shrapnell, for three boys and one girl taken as apprentices - - - - -	160 -
	Total Spanish dollars - - -	1,581 57

(signed) *Thomas Wallis*, Agent for H. M. Ships *Cornelia* and *Africane*.

Amount proceeds of goods, as above - - - - -	461 57
Add amount guns sold, but not included in the above account. See Mr. Wallis's letter, 95 sicca rupees, or - - - - -	46 48 $\frac{1}{2}$
	<u>508 41 $\frac{1}{2}$</u>
Amount received on account of slaves remaining in Mr. Wallis's hands	1,120 -
Total in Mr. Wallis's hands, Spanish dollars - - -	<u>1,628 41 $\frac{1}{2}$</u>

Ordered, That a copy of this report, and of the several documents connected with it, be prepared for transmission to Bengal by the first opportunity, for the decision of the supreme government.

(True extracts and copies.)

(signed) *C. G. Blagrave*,
Acting Secretary to Government.

Council Chamber, Batavia, 5th January 1813.

Secretary at Fort St. George to Henry St. George Tucker, Esq. Secretary to the Government at Fort William.

Bengal Papers :
State of Slavery
in Company's
Territories.

Sir:—I am directed by his Excellency the Governor in council to acknowledge the receipt of your letter of the 5th ultimo, and to transmit a copy of the decree therein alluded to, together with copies of such papers as appeared to be necessary to be submitted to his Lordship in council for the elucidation of the case to which it refers. I am further desired to return the original papers which accompanied your letter.

N^o 24.

I have, &c.

(signed) *D. Hill*, Sec. to Government.

Fort St. George, 16th July 1813.

Vice Admiralty Prize Court, Madras, Thursday the 24th day of September 1812, before the Honourable Sir Thomas A. Strange, Knight, Commissary and Judge, &c. Present, Henry Gahagan, Esq. Registrar.

N^o 25.

In the business of the sloop *Guanting*, one *Peche* master, taken by His Majesty's ship *Cornelia*, Captain W. F. Owen :

The King's advocate having been heard on behalf of the captors in this business, and the affidavit and papers, the depositions of witnesses examined on the standing interrogatories, and the allegations filed also on the same behalf, having been read, whereby it appeared that the said sloop, having on board a cargo of one hundred and sixteen slaves, consisting of twenty-six males and ninety females, were captured by His Majesty's said ship off the coast of the island of Java, on her way from the island of Bally to the port of Batavia, for the purpose of traffic in the said slaves, the Court pronounced, declared, and decreed, that the Act of the forty-seventh year of the reign of His present Majesty, which directs the forfeiture of ships and vessels engaged in the slave trade, is confined to the slave trade theretofore carried on to and from the coast of Africa, and that therefore the said schooner not being so employed in such African slave trade was not forfeited under the said Act; but a subsequent Act of Parliament in the fifty-first of His present Majesty having (with exceptions not applicable to the present case) declared and created all manner of dealing in slaves of any description, in any part of the world, by His Majesty's subjects, a high penal offence, and it appearing that the said sloop, navigated by His Majesty's subjects, was concerned in such dealing since the commencement of the operation of the last-mentioned Act of Parliament in the East Indies, the Court ordered the costs of this suit to be levied from and upon the said sloop; and that after payment of such costs, the said sloop to be released from the custody of the marshal of this Court, and decree of restoration to pass the seal.

(signed) *T. A. Strange*.

.(A true copy.) (signed) *Henry Gahagan*, Register.

GEORGE the Third, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. &c. to William M^o Taggart, Marshal of our Vice-Admiralty Court of Madras, &c. and to his Deputy,—Greeting :

Whereas our beloved the Honourable Sir T. A. Strange, Knight, our Commissary Judge in our said Court, and also to hear and determine all and all manner of causes and complaints as to ships and goods taken as prize, specially constituted and appointed in a certain business moved and prosecuted before him in our said Court on the 24th day of September last against the sloop called the *Guanting*, whereof one *Pechoo* was master, her tackle, apparel and furniture, and the slaves on board the same, taken by our ship *Cornelia*, W. T. Owen, Esq. commander, and brought to Madras, rightly and duly proceeding by interlocutory decree, decreed the said sloop to be restored to the said master, for the use of the owners and proprietors, upon payment of all costs in this business: And whereas, on the day of the date hereof, such costs have been paid accordingly (justice so requiring); We do therefore by these presents authorize and empower you, jointly and severally, and as strictly charge and command you, to release the said sloop *Guanting* from the capture and seizure made in this behalf, and to deliver and restore the same unto the said one *Pechoo*, the master, for the use of the owners and proprietors thereof; and hereof fail not.

Given at Madras, in our aforesaid Court, under the seal thereof, the 8th day of October in the year of our Lord 1812, and of our reign the 52d.

(signed) *Henry Gahagan*, Registrar.

Bengal Papers:
State of Slavery
in Company's
Territories.

(A.)

It is hereby certified, that the export duties have been paid on the undermentioned articles by the sloop Guanting, commander one Pechoo, bound to Baly; viz.

SUNDRIES.

Government Custom-house, } (signed) *W. Robison,*
Batavia, 10th Feb. 1812. } Collector of Government Customs and Revenues.
(A true copy.) (signed) *Henry Gahagan,* Registrar.

(B.)

This is to certify, that one Pechoo, commander of the sloop Guanting, has obtained leave to sail from this port to Bally.

(signed) *W. Y. Cruize,* Judge and Magistrate.
Magistrate's Office, February the 12th, 1812..

(D.)

AMENDBEEN,

Four guns, 3 blunderbusses, 4 firelocks, 3 per gunpowder, and 200 shot.

CARGO.

60 commissi balux klelyen.*	6 peculs frine.*
35 d° bruxon keleben.*	3 d° cinnamon.
85 tubles of salted eggs.	3 d° matagy.*
80 cattie birds nests.	8 cannoessus rice.
12 pecul grease.	26 men slaves.
22 d° daig ding.*	89 women d°.
40 pieces wood.	20 peculs dried prawns.
15 peculs wax.	

N. B.—The above marked * are Malays names of things, which I do not understand.

N° 12 at Batavia.—Suragen Wahko Sehour, residing at Batavia, has hereby permission to sail from here to Batavia with the sloop of 30 tons; crew, 12 Chinamen and Javanese as sailors, and 47 Chinamen as passengers; arrived here on the 1st July last from Baly.

Augurage received in Ia le Spanish dollars 37.32. Griessse the 7th July 1812.
(signed) *M. Schulty,* Captain Depon', Master Attendant.

Ordered, That the following letter be written to the secretary to the government of Java, and that a copy of the letter, and of its enclosure, from the secretary to the government of Fort St. George, above recorded, be transmitted with it.

To C. Assey, Esq. Secretary to the Government of Java.

N° 26.

Sir:—The Right honourable the Governor General in council having deemed it necessary to obtain from Fort St. George copy of the proceedings and decree of the Vice-Admiralty Court at that presidency in the case referred to in your letter of the 10th January last, I am directed by his Lordship in council to request that you will lay before the Honourable the Lieutenant Governor, for his information, the accompanying copy of the documents which have been procured by this government.

2.—The Governor General in council observes, that as the owners of the schooner Guanting must have been entirely ignorant of the provision of the Act of the 51st of His present Majesty, as no prohibition existed against the purchase or transportation of slaves under any law or usage known to the inhabitants of the Eastern Islands; and as the circumstance of a duty having been actually levied on the importation of slaves by the government of Java, and the Moluccas, must have been regarded by individuals as conveying a sort of sanction to the trade; as moreover doubts may well be entertained, whether it could have been the intention of the legislature to extend the Act in question to a colony which had not at the time been subjected to the British authority, the Governor General in council is of opinion, that it is incumbent upon government to manifest every degree of consideration and indulgence towards the parties concerned for the purpose of mitigating the hardship which

which they have suffered from the operation of a law with which they had no means of becoming acquainted, and which probably was not intended to be applied to their particular case.

3.—The Governor General in council, upon these considerations, is of opinion, that the owners of the schooner *Guanting* should be indemnified for the loss which may have been actually sustained by them in consequence of the seizure and detention of the vessel by the commander of His Majesty's frigate *Cornelia*; but as the utmost which government can undertake to do in such cases is, to secure the party against loss, his Lordship in council is of opinion, that no allowance can be made to the owners for any supposed profit which might have been derived by them on the voyage. The Governor General in council thinks also, that it will be proper to ascertain very carefully the real value of the vessel and cargo, and that after deducting the proceeds of the sale which may have been realized, the difference or loss should be paid to the owners upon a full acknowledgment from them.

4.—The circumstances of the case will be reported to the Honourable Court of Directors, who will no doubt take any steps which they may judge to be proper for the purpose of obtaining eventually reimbursement of the amount of any expense which may be incurred on this occasion for the purpose of satisfying the claims of an individual upon the national justice.

5.—The Governor General in council observes, that the slaves who appear to have been detained by the commander of His Majesty's frigate *Cornelia* ought to have been liberated, and his Lordship in council is of opinion, that it may still be incumbent upon the government of Java to take steps for their emancipation, if the Lieutenant Governor should have reason to believe that these persons are regarded and treated as slaves. In this case the individuals who may have paid a consideration for their services, will no doubt be entitled to obtain restitution for the amount from Captain Owen or his agent on the spot; but his Lordship in council is not aware that the parties are entitled to call for the interposition of government to enable them to obtain such restitution.

6.—If, on the other hand, the persons in question should be considered and treated as domestic servants, and the Lieutenant Governor should have reason to be satisfied that their condition would not be improved by removing them from their present situations, the Governor General in council is of opinion, that it will be more prudent to refrain from any interference in the arrangement which has been made, it being always understood that these persons will be entitled to the protection of the law, if any attempt should be made to dispose of them as slaves or to retain them in a state of slavery.

I have, &c.

(signed) *H. St. Geo. Tucker*, Sec. to the Government.

Fort William, the 16th August 1813.

Extract, Bengal Civil Colonial Consultations, 24th December 1813.

Naval Commander-in-Chief to his Excellency the Earl of Moira, Governor General in Council, Fort William.

N° 6.

My Lord:—In consequence of a representation I made to the Right honourable the Lords Commissioners of the Admiralty last year, relative to the slave trade in Java and the neighbouring islands, their Lordships have sent for my information and guidance a copy of the opinion of the attorney and solicitor generals; this document will be communicated to the captains and commanders of His Majesty's ships and vessels under my command, for their future instructions, and I have the honour to inclose you a copy of the same.

I have, &c.

(signed) *Samuel Hood*,
Vice Admiral and Commander-in-Chief.

Minden, Trincomalee Harbour, 9th November 1813.

To the Right Honourable Earl Bathurst.

My Lord:—We had the honour of receiving your Lordship's letter, dated the 23d February 1813, transmitting to us for our consideration, the inclosed papers relating to the slave trade carried on in Java and the Celebes Islands, and calling our particular attention to those parts of Governor Raffles' letters which state the ground upon which he is disposed to consider it as not falling within the provisions of the Acts 46 Geo. 3, c. 52; 47 Geo. 3, c. 36, and 50 Geo. 3, c. and requesting

N° 7.

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that we would report to your Lordship, for the information of His Royal Highness the Prince Regent, our opinion, whether His Majesty's government would be justified in enforcing these laws with respect to the persons by whom this traffic appears to have been carried on in Java and its vicinity, they being stated in Governor Raffles' letters to be subjects of native states, not under the absolute control of the British government, though in some degree dependent upon Great Britain.

We have accordingly taken the same into our consideration, and have the honour to report to your Lordship, that besides the statutes referred to, there is another Act passed on the 14th May 1811, (the 51st Geo. 3, c. 23.) by which the carrying on the slave trade is prohibited under severe penalties, by any person residing or being within any of the islands, colonies, dominions, &c. now or hereafter belonging to the United Kingdom, or being in His Majesty's occupation or possession, or under the government of the East India Company, the Act to be in force in the East Indian seas, &c. the 1st January 1812.

Under these words, so much of the Island of Java as is in the occupation or possession of His Majesty would be comprehended, and the slave trade therein prohibited, unless there be any thing in the terms of the capitulation to produce a different result. Such parts, however, of the island and its vicinities, the waters and seas adjoining which are not in His Majesty's occupation or possession, and which do not belong to His Majesty or the East India Company, but to independent princes, are not affected by this or any other Act of the British Parliament, nor can their trade be restrained thereby, unless it be carried on in British vessels, or by British subjects or persons resident or being in a British settlement.

We have, &c. (signed) *Thomas Plumer. W. Garrow.*

Lincoln's Inn, 3d March 1813.

Ordered, That a copy of the foregoing letter and of its inclosure, be transmitted to the governments at Java and Prince of Wales's Island, and to the resident at Amboyna, for their information.

Resolved, That the following letter be written to the naval commander-in-chief.

To his Excellency Sir S. Hood, Bart. K. B. Vice Admiral of the Blue, and Commander-in-Chief of His Majesty's ships and vessels employed in the East Indies.

N^o 8.

Sir:—We have had the honour to receive your Excellency's letter of the 9th ult. with its inclosure, and we shall not fail to make the necessary communication on the subject, to the government of Java and the other public authorities in the Eastern Seas. The questions which have occurred relating to the Act of the 51st of His present Majesty, prohibiting the transportation of slaves by sea, have already been brought under the notice of the Honourable Court of Directors by this government, and we shall deem it proper also to call the attention of the Honourable Court to the present communication from your Excellency.

We have, &c.
(signed) *Mora. G. Nugent.*
N. B. Edmondstone. A. Seton.

Fort William, 24th December 1813.

Read the following letter.

N^o 9.

Acting Resident at Fort Marlbro' to Henry St. George Tucker, Esq. Secretary to the Government Colonial Department.

Sir:—I beg leave to submit for the information and orders of the Right honourable the Governor General in council, that the promulgation of the Act for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, intituled, "An Act for the Abolition of the Slave Trade on this coast," has given rise to doubts and some uneasiness.

2.—There is scarcely an individual here (whether European of native maternal parentage, or native of India, &c.) who according to the custom of the country, has not a number of slaves, both male and female, either natives of this island, or of the island of Neas or of islands to the eastward of Sumatra. These slaves are employed as domestics about the house, or as labourers in plantations, &c. The further importation of slaves has some years ago been prohibited, with the acquiescence of the chiefs of the country; but no doubt many are still introduced from the interior of the country. Servants wages and the price of labour are so expensive here, that Europeans

Europeans and others have, from the earliest date, fallen in with the practice of the country, in the purchase and use of slaves.

3.—I beg permission to enclose extracts from a commentative digest of the laws as administered in the Pangerans Court at this residency, drawn up by the late Mr. Perreau. Under the head of slavery is detailed every thing relative to this class of people, to which I have added that gentleman's remarks on debtors, called Mengheering, not solely because it will be seen that their condition is only slightly moved from slavery, but also because it will be observed that such debtors are liable to be made slaves at the instance of merciless creditors.

4.—The Act sets forth, "That if any subject or subjects of His Majesty, or if any person or persons residing or being within this United Kingdom, or in any of the islands, colonies, dominions, forts, settlements, factories, or territories now or hereafter belonging thereto, or being in His Majesty's occupation or possession, or under the government of the United Company of Merchants trading to the East Indies, shall, from and after the first day of June* next, by him or themselves, or by his or their factors or agents, or otherwise howsoever, carry away or remove, or aid or assist in the carrying away or removing, as a slave or slaves, or for the purpose of being sold, transferred, used or dealt with as a slave or slaves, any person or persons whatsoever from any part of Africa, or from any other country, territory or place whatsoever, either immediately or by transshipment at sea or otherwise, directly or indirectly, or shall import or bring, &c. &c. &c." The exceptions in the fourth section of the Act do not appear to extend to the East Indies.

5.—Gentlemen or others residing on this coast, are liable to be removed from one place to another on duty, or to quit their own stations on leave of absence, or on account of ill health, &c. On such occasions, the usual method of travelling is by water, and those moving are accompanied by all, or many of their slaves. Several gentlemen or others, themselves stationed or settled at a distance on the coast, have plantations, &c. in the neighbourhood of this residency, and are in the habit of exchanging, &c. their slaves, employed or to be employed as labourers. Several gentlemen, or others, have coasting vessels manned by slaves. Under the Act in question, it appears that persons so transporting or using slaves, are liable to the declared penalties. It would seem that the Act is so construed by commanders of His Majesty's ships of war, for it is reported, that the captain of His Majesty's frigate *Cornelia* has, on the coast of Java, seized one or more coasting vessels having on board Dutch families with their domestic slaves, which were not released till security for the value of the vessels and cargoes was given, waiting adjudication in England.

5.—His Lordship in council is aware, that there are many public slaves (descendants of native Africans imported into this settlement on account of the Company long since) now here. It is frequently necessary to send these persons over to the Godowns on Rat Island, distant six or eight miles to house weigh, and deliver, &c. pepper. On such occasions the resident would be at a loss how to act in the event of any of His Majesty's ships being in these roads, or coming into them before the return of the Company's slaves from the island, and perhaps it may be considered necessary to furnish instructions for the guidance of the resident in such cases.

I have, &c.

Fort Marlbro', 2d Sept. 1813. (signed) *G. J. Siddons*, Acting Resident.

P. S.—It may be proper to mention, that the slaves of the Company are at liberty to purchase their freedom at fixed sums, viz. dollars 60 for each man or woman, and dollars 40 for each boy or girl. This is sometimes done, though but rarely.

(signed) *G. J. S.*

SLAVERY

Is not only tolerated by the Malay laws, but admitted in the fullest extent; and, until the late philanthropic ordinances of the British senate, restrained its own subjects from engaging in such traffic, and influenced the conduct of those in His Majesty's distant dominions, it was as common to see slaves sold at auction as a lot of sheep.

This country annually drew its supply of slaves from Bally, from Java and from the Neas Islands, from which latter place, a very large number are still sent to supply the northern ports of the coast, about Soosoo, and as far up as Acheen; a very large body of Caffrees were formerly imported by the Company when the settlement was first established, who had been brought from Madagascar and the coasts,

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coasts of Africa; but during the last fifteen years, slavery has indeed rather been tolerated than encouraged by the government; and since the last ten, it has been discouraged as much as possible by the Company's authority having interdicted any further importation of them. It would be impossible, however, to annihilate it entirely, without being the ruin of almost all the native families who regard their slaves as a very valuable part of their property, on whose services they depend for support; besides, both the right to it as well as the policy might be questionable when the nature of the country, government, and the tenure of the East India Company are considered; because, although the servants of the Company, actuated by the same laudable spirit which has influenced their mother country, may form rules for their own immediate port, such rules cannot reach the interior of the country with equal effect, whereas, as the government is at present constituted, slaves will most likely ever be brought and sold as heretofore, and many are still frequently brought clandestinely from Moossee.

To treat of the nature of the slave trade does not come within the compass of this little treatise which is only intended to notice the subject, so far as connected with established laws; the foregoing digression, however, was necessary to show that the penalties consequent to the importation of slaves, are inflicted by the humanity of our government, and have no origin from the court of the Pangeran, in any other degree than indirectly as they invariably acquiesce in any institute suggested by the Company for the benefit of the country. I wish I could add that their co-operation with government was as hearty as their acquiescence would seem to imply; but I am much more inclined to believe the reverse, and that private considerations of interest, or opinion, secretly counteract its measures for want of a general uniformity of sentiment; there are no great hopes, therefore, of the ample success so desirable.

The slave is at all times dependent on the master for food, clothing, and pocket money, and it is a justice due to the natives in general to say, that except in families of the first consequence, where rank draws necessarily a line of distinction, they reciprocate in all comforts and in all the inconveniences of the family they belong to, with but little difference from themselves, although they cannot separate from it without their masters consent.

Their value is generally from 30 to 50, 80 and 100 dollars; sometimes more, according to the qualification of the slave; and if his master chooses to part with him, he must procure a new one who will pay that money; it rarely, however, happens, that he is transferred without his own consent, though the law admits it, because no person could depend on the services of a slave who was transferred to him unwillingly.

All children born of a female slave belong to the master, whoever may be the father, and such children are slaves themselves, notwithstanding the father may have been a free man.

All children born of slaves belonging to a family are termed *annak mas*, literally "golden children;" but as gold is a denotation of riches, and slaves are considered to form so very material a part of the wealth of a family, it is to be presumed the etymology of the term is founded in that allegory.

The children of slaves cannot be separated from their parents until they are at a proper age, of which the chiefs of the court will judge, in case of reference to them, after which the law does admit of it, but it is rarely practised, unless as a gift to the relation of the same family; which, in fact, though it changes the master, does not separate the children from the parent, or as a gift and attendant to an infant with whom it grows up.

Slaves are subject to all the penal laws of the criminal court as much as any other subjects; and if their services become thereby forfeited to their master, the case is inevitable.

But when slaves commit trespass or robbery, not affecting life, the master has the power of redeeming them by making good the damages sustained by the injured person, and in all such cases, corporal punishment is inflicted on the slave, in substitution of the fine or damages that would be inflicted on a free person.

If the slave is not properly supported or treated by his master, the court will redress him by removing him from that service, and allowing him to seek another on the footing of slavery; only, however, unless the master, on his own part, should be disposed to liberate him on receiving his value, and the new master should be inclined to meliorate his situation, of which there are frequent instances amongst those who come from the same part of the country.

If a slave shall behave ill or disobedient, he or she are liable to corporal punishment by their master or mistress, provided such chastisement be entirely within the bounds of moderate correction, without losing sight of humanity; but where the offence shall be so great as to require any signal or exemplary mark of disgrace, the court must judge of the degree of punishment suitable to the offence.

If a slave shall run away, the court will direct the degree of punishment proportioned to the nature of the case, and the motive that might have induced him to such act, after maturely weighing the conduct of the master as possible to have been connected therewith. The act of running away, however, does not affect the life of a slave here, as in some parts of the coast.

Children are frequently passed into slavery by their parents, and particularly to Europeans at the out-settlements; but this is more frequently the case with females than with males, as the latter are kept to support the toongooan of a family, whereas, gentlemen who are desirous of procuring wives for their male slaves, obtain them by paying the joojoor to her parents, and the girl is transferred; as such arrangement, however, is generally with the consent of the woman, it is a refinement in the word slavery, it is true; but the custom being prevalent throughout the country, whatever variation the shade may bear in this first decree, it certainly entails it on the offspring of that union, and by such means must perpetuate slavery without any breach of the present orders of government, and in perfect accordance with the established customs and law of the country.

By the preceding observation it is not to be understood that the children of all joojoor marriages are slaves; it has been otherwise explained under the article of marriages, and it is meant only to say that marriage by joojoor with a slave fixes slavery on the issue of that marriage.

A free person having a female slave with whom he cohabits, and by whom he may have issue, confirms by such act the freedom of the mother and her progeny. Slaves having issue by women who are free, or not the slaves of the master, the latter can have no control or property in them, and if the woman was free, the children will be so likewise.

No person can attach the person of a slave for debt, as he had no business to give him credit, and from the nature of his situation it must be impossible for him to pay, because himself and all his property are in fact the property of his master; but although this be the letter of the law, and will at all times protect the master from being debarred of the services of his slave, yet many slaves, by indulgence, have right in their own property, and possess servants under them; and should they be enabled, by the effects of their own industry, to procure wives for themselves, without expense to their master, all claim to the services of his progeny are dropped by the same indulgence that left him in the enjoyment of his own property at first.

It cannot be alleged that the lender did not know he gave credit to a slave, because in a country where slavery is common, it was his business to inform himself of the situation in life of the person to whom he gave credit.

BOND SERVICE BY MENGHEERING.

Next to the state of slavery, is that of a mengheering debtor, who is to all intents and purposes a slave himself, with the difference only that he can free himself by paying down the sum he is indebted, whenever he has it in his power, and thinks proper.

The debt may arise from a sum lent to a man, or consideration given to him in person, which he is afterwards unable to pay, or for which he consents to pledge his services, having for his object, in the application of such money, the relief of another; or because, having become once indebted to another, whom he cannot pay, and does not like to serve, he may prefer borrowing the money of a second person, and engage to live in and serve his family.

Contrary, however, to the general rule at other parts of the coast, such debt does not entail service on his children, as mengheering, although the children, as in all other cases, must bear responsibility for the father's debts before he can inherit his property, and will be considered subject to the general provisions of the law in such respect.

Formerly a person, with the consent of his wife, could pledge himself, his wife and children, as mengheering debtors; but a very humane regulation was formed during Mr. Ewers' government, limiting such bondage to the wife and her husband

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and only, who being of competent judgment, might act for themselves, but were not permitted to enthrall their progeny.

It does not follow of course that the wife of a mengheering debtor must be a debtor also, unless it forms a part of the original agreement.

The bondage implies service in exchange for maintenance and protection ; but an abuse of power in the master, by ill treatment of the debtor, cancels the debt, if the court are of opinion that the complaint of the debtor is justly founded ; nevertheless, a delicate regard to property of that nature, which, like slaves, frequently forms an equally essential part of a person's estate, directs the judgment of the court in such cases with much circumspection and caution.

Mengheering debtors have not a stipulation for wages as a set off against their debt, nor can they pay their debt by instalments, unless their master thinks proper to receive it.

No person can receive a planter as mengheering debtor, but in his own wrong. The master is liable for all consequences of the conduct of his mengheering debtor during the time of service, short of capital conviction in criminal cases, and must either release him from pecuniary penalties and embarrassments, or suffer him to be confined or transferred to the injured person till satisfaction is made. When the penalties, however, are satisfied by the master, to relieve the services of his servant, and secure them to himself, the amount becomes an addition to the original debt ; and there are cases where the court will inflict corporal punishment on the offender, as a satisfaction to the master, and to prevent a repetition of offence.

In many cases it is customary for persons to go mengheering as debtors, but under security to pay after a certain period, or for their not absconding. In the former case, if the debtor dies before the debt be paid, responsibility will attach to the security as much as if he had absconded altogether, or the time had expired, in both of which instances the security would be answerable.

No person can give credit to a mengheering debtor, but in his own wrong, because the same laws exist in protection of the master, in this instance, as in the case of giving credit to slaves.

But if a married man be mengheering, who is married by *semundo*, and his wife has not bound herself jointly in servitude with him, the creditor or master is not entitled to redress by suing her, notwithstanding the debt was contracted with the knowledge of both parties, and any property of the husband's may be attached, in case of his absconding, over which she may have charge, although her and her own property are inviolable ; thus, there is an essential difference between a mengheering debt and a common debt.

A mengheering debtor cannot be punished by his master, who in case of need must refer to court, or on being dissatisfied, must require his debtor to pay his debt. As a reference to court, however, is generally less favourable to manifest ill conduct than the gentler punishment of most masters, and the non-payment of the debt, after three repeated notices, would subject the debtor to become a slave, it is seldom thought of with any serious objection.

BOND SERVICE BY BABLAS.

“ *Báblas*” literally means to divide or split, and thence the meaning of this service as it implies a mutual interest in the produce of the soil cultivated, or the trade carried on by the debtor in partnership with the lender ; the latter of whom advances the capital to support the undertaking.

This, according to one acceptation, might be termed a sleeping partnership on the part of the lender, but there is this wide distinction, that a partner in a concern, although inactive, will, on the disclosure of the connection subsisting, be held answerable to all creditors, whatever the misconduct of the person in whom he confided ; whereas the debtor by *báblas* cannot entangle the lender beyond the original *pekoh* or capital, that is to say, although he may deceive his friend, or perhaps, under various illusive pretences, procure more money from him, his responsibility is confined to the sum he parted with originally, and his debtor cannot contract debts to his further injury.

No person can give credit to a debtor by *báblas*, to the injury of the first creditor.

If a debtor by *báblas* shall fail in his duties of cultivation, the lender who contracted for his services may employ a person to perform that duty for him, at the expense

expense of the debtor, and whatever the expense of so doing may amount to, must be added to the first debt.

If the money entrusted to a debtor of this description be not duly accounted for, he must become a debtor by mengheering, or may be even rendered a slave.

(True extracts.) (signed) *G. J. Siddons*, Acting Resident.

Ordered, That the following letter be written to the acting resident at Fort Marlbro'.

To *G. J. Siddons*, Esq. Acting Resident at Fort Marlbro'.

Sir:—I am directed by his Excellency the Right honourable the Governor General in council to acknowledge the receipt of your letter of the 2d September, with its enclosure, and to inform you, that the questions which have arisen regarding the operation of the Act of the 51st of His Majesty, prohibiting the transportation of slaves by sea, under severe penalties, have been brought under the notice of the Honourable Court of Directors, to whom a copy of your present representation on this subject will also be submitted by an early opportunity.

I am directed by the Governor General in council to transmit to you, on this occasion, the accompanying copy of a letter, and of its enclosure, from his Excellency the naval commander-in-chief in India, communicating the opinion of the law officers of the Admiralty, on the construction to be given to the Act in question, in applying it in the Eastern Seas.

I have the honour to be, &c.

(signed) *H. St. G. Tucker*, Sec. to the Government.

Fort William, 24th Dec. 1813.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors, in the Colonial Department, dated 5th August 1814.

Par 43.—It will be satisfactory to your Honourable Court to learn from us, that the obstacles which occurred to the abolition of the slave trade in the Eastern Seas, are gradually giving way; and although some of the petty chiefs of Bali, Celebes and the other islands, who had an immediate interest in the trade, are not probably reconciled to the measures which have been taken for its suppression, we entertain hopes that the humane and benevolent views of the British legislature will ultimately be accomplished, even in a quarter where both motives of interest and long established habits seemed at first to oppose insuperable bars to their success.

PAPERS relative to the Registration of Slaves in the Moluccas; also relative to the Decrease in their Number, and to the Means of supplying Deficiencies; 1814.

Extract, Bengal Civil Colonial Consultations, 19th February 1814.

Extract of a Letter from the Resident at Amboyna, to the Secretary to Government of Fort William; dated 23d June 1813.

I have the honour to transmit to you, for the information of the Right honourable the Governor General in council, the accompanying copy of the regulations which I have prepared for the administration of justice at this island and its dependencies.

6.—You will observe that the modes of judicial procedure prescribed by these regulations, are nearly the same as those which have been established for the guidance of the courts of justice in Bengal, and it has been my object to assimilate, as far as practicable, the principles and system of the administration of justice at Amboyna, to those which have been so instrumental to the prosperity of other parts of the Company's dominions.

7.—The Dutch law to which the natives have been so long accustomed under the dominion of their former rulers, and the existence of which, subject to the pleasure of His Majesty's government, was guaranteed by the 10th article of the capitulation of Amboyna, will continue to be administered under these regulations, with such improvements as may be introduced by the regulations of the British government, and by the general spirit of the British law.

8.—I anticipate the most beneficial consequences from the operation of that part of the regulations which provides for the publicity of the judicial proceedings, which

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were always privately conducted under the Dutch government, and also from the appointment of authorized attorneys of a respectable character, who will be engaged by interest as well as required by duty, to qualify themselves for the office of professional advisers, by a diligent attendance on the court of justice, and by a correct and intimate acquaintance with its forms and practice.

9.—The regulations have been translated into the Dutch and Malay languages, and it is my intention to encourage the study of them in the schools by suitable rewards, to be distributed to those whose progress in their acquisition has been most distinguished. By this means a succession of qualified attorneys will be secured, and the desirable object will be accomplished of diffusing, as extensively as possible among the natives, a knowledge of the system according to which justice is administered.

10.—My attention will be immediately directed to the framing of such regulations as will be necessary for the guidance of the court's proceedings in criminal cases; and it is my intention to imitate the practice established in Bengal, of publishing, in numerical order, such regulations for the conduct of every branch of the public administration at this island, as the exigencies of the service may require, subject to the approbation of the Right honourable the Governor General in council.

11.—In pursuance of this system, I have the honour to enclose two proclamations, which have been issued for the purpose of regulating the mode in which certificates of the transfer of slaves are to be in future taken out at the magistrates office. If these proclamations should be approved of by the Right honourable the Governor General in council, they can be converted into regulations, and numbered according to the order in which they were promulgated.

12.—The same system may be introduced with great advantage to the public interest to such rules as may be found necessary to prescribe for the conduct of the subordinate residents in the administration of the local duties committed to their charge, particularly of those which relate to the provision of the spice investment, and to the dispensation of justice in petty cases to the natives. From their decisions an appeal should, under certain restrictions, be admitted to the superior court at Amboyna.

13.—The diversity of local circumstances will require a corresponding difference in the system of judicial administration at the islands of Ternate and Banda; and I shall lose no time in acquiring such detailed information from the resident at those islands as may be necessary to constitute the basis of a permanent arrangement for the administration of civil and criminal justice at those settlements.

By the Resident—A PROCLAMATION.

N° 43.

THE Resident having taken into consideration the existing regulations under which transports or certificates of the transfer of slaves are obtained from the notary public on the payment of certain established fees, and decreeing it to be expedient to substitute others better calculated to bring under the immediate cognizance of the magistrates authority, all future transfers of slaves that may be effected in the town of Amboyna and its vicinity, has been pleased to frame the following Rules, which are to be in force from the date of this Proclamation, at Amboyna, and from the date of its publication at Ternate and Banda.

Article 1st.—The duty of granting transports of slaves is hereby transferred from the notary public to the magistrate, to whom all persons desirous of obtaining documents of that description, are accordingly required to make their application.

Article 2d.—All transports shall be in future written in the Malay language, and no fees shall be charged on them by the magistrate.

Article 3d.—The magistrate shall cause a register to be opened in his office, for the purpose of registering the names of the persons applying for and receiving the transport, the number and date of the transport, and also the name, sex, and country of the slave transferred.

Article 4th.—All transports of slaves after this date shall be written on stamped paper, of the value of three rix dollars.

Article 5th.—New transports shall be taken out at the magistrate's office, on every successive sale or transfer of a slave to a new proprietor, and all persons acting contrary to this regulation, shall be considered to have forfeited their right to the slave, who shall thenceforth be entitled to freedom.

Article 6th.—The foregoing rule shall be binding on all persons to whom slaves may be transferred, either by bequest or gift of the former proprietor, or in what manner soever the transfer may have been effected.

Article

Article 7th.—Transports shall be taken out on all slaves born in Amboyna previously to the expiration of three months after the birth of such slaves, under the penalty established by the 5th article.

Article 8th.—This proclamation shall be registered in the College of Justice, and transmitted to the residents at Ternate and Banda; and the fiscal, notary public and executive officers of the college are required to take such measures herein, as to them may respectively appertain.

Fort Victoria, 2d February 1813. By order of the Resident,
(signed) *Charles Forbes*, Secretary.

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By the Resident—A PROCLAMATION.

WHEREAS, it has been represented to the Resident that doubts have arisen with regard to the operation of the 7th article of the proclamation, bearing date the 3d February last, which has been construed to apply to such slaves only as might be born after the date of that proclamation, and it has accordingly become necessary, that the extent of the operation of that article should be clearly defined; the following rules are to be in force from the date of this proclamation, at Amboyna, and from the date of its publication at the islands of Ternate and Banda.

N° 44-

Article 1st.—Transports are to be taken out within three months from the date of this proclamation, on all slaves born at Amboyna, of whose birth no stamped certificates have been yet obtained by the proprietors.

Article 2d.—After the expiration of three months from this date, all persons who shall have neglected to take out the prescribed certificates, will be considered to have incurred the penalties as established by the 5th article of the proclamation, bearing date the 3d of February 1813.

Fort Victoria, 17th April 1813. By order of the Resident,
(signed) *Charles Forbes*, Secretary.

Extract of a Letter from the Secretary to Government of Fort William, to the Resident at Amboyna; dated 19th February 1814.

4.—The Governor General in council approves generally of the principles you have adopted in framing the regulations for the administration of civil justice at the Moluccas; and as his Lordship in council relies on your judgment in adapting the different provisions contained in those regulations, to local circumstances, it does not appear to him necessary to enter into a minute examination of the several rules which are intended to embrace particular objects.

Extract, Bengal Civil Colonial Consultations, 23d September 1814.

Resident at Amboyna, to H. St. George Tucker, Esq. Secretary to Government in the Colonial Department, Fort William.

Sir:—I have the honour to transmit to you for the consideration of his Excellency the Right honourable the Governor General in council, the accompanying extract from a letter from the resident at Banda, together with extract from a letter, addressed to that officer by the superintendent of spices, at the same island.

N° 14-

2.—From a reference to these documents, you will observe, that the increasing deficiency in the requisite number of labourers to complete the establishment of the several parks at Banda, is likely to be attended with consequences of serious inconvenience to the public interest.

3.—This deficiency, under present circumstances, can only be supplied by convicts; and as a considerable interval of time has elapsed since any persons of this description have been transported to these islands from Java, it will not be immediately practicable to have recourse to this expedient for completing the establishments allotted to the parks.

4.—I have already represented my opinion of the advantageous manner in which the labour of convicts might be applied to the promotion of the public interests at Banda; and I trust that the renewed deliberation of his Excellency the Governor General in council, relative to the most eligible means of providing the labour requisite for the proper cultivation of the parks at that island, will determine the source from which it must in future be supplied.

5.—If the result of that deliberation should produce a modification of the existing laws relating to the banishment of persons convicted of crimes in Bengal, the quantity

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quantity of spices which now remains in store, and which will be considerably augmented at the expiration of the present year, will be sufficient to furnish a cargo to any ship of moderate size, which may be freighted for the purpose of transporting them to the island.

6.—Since writing my letter, dated the 21st instant, a report has been received from Banda, of the deliveries of nutmegs produced in the months of January, February and March, and received into store on the 10th June, amounting to *Dutch pounds*, 106,012; which augments the total quantity of that spice now remaining in store at Bandee to D. lbs. 321,002. For information relative to the quantity of mace in store, I beg leave to refer you to the accompanying copy of a letter from the Resident at Banda.

7.—Previously to the end of January, the produce of the six succeeding months, the exact amount of which cannot be anticipated, but which, if it be assumed, at the quantity produced in the corresponding months of the past year, will be equal to 148,612 lbs. will be prepared and packed for exportation; so that by the end of January 1815, the total quantity of nutmegs ready for shipment, will amount to 469,624 lbs.

This quantity, in addition to the intermediate deliveries of mace, which may be safely estimated at 8,000 lbs. per mensem, and also to the crop of cloves, which will in all probability have been collected by the same period, will, after furnishing a valuable cargo to the Indiaman, leave a proportion applicable to the supply of the Indian market, sufficient to occupy the tonnage of any ship of intermediate size, which might be engaged for the purpose of transporting convicts to Amboyna.

9.—It is probable, however, that a number of convicts adequate to supply the existing deficiency in the parks at Banda, might be accommodated on board the Indiaman without inconvenience, and without exposing government to any additional expense whatever. In that case it might be found eventually practicable to send such proportion of the produce of these islands as it may be deemed proper to reserve for the supply of India, by one of the vessels allotted to the local service of Amboyna; provided the period of her detention in Bengal be not unnecessarily prolonged, and she were permitted to return immediately at the commencement of the favourable monsoon with the requisite supplies for the Moluccas.

I have, &c.

(signed) *W. B. Martin*, Resident.

Fort Victoria, 30th July 1814.

I.—Extract from a Letter from the Resident at Banda, dated 19th July 1814.

N^o 15.

I have to request that the resident will be pleased to favour me with his intentions respecting payment being made by the parkeniers for casualties of slaves; and if so, if the mode proposed by Mr. Crossley meets with approbation.

I am aware that the want of substitutes has already occupied the resident's attention; I feel it, however, my duty to state, that the labour in the parks, from the number of casualties, is becoming very severe, and that the interests of government will, in a short time, be considerably affected by it.

(A true Extract.)

(signed) *W. J. Mackenzie*, Secretary.

(Copy.)

II.—Extract from a Letter from the Superintendent of Spices, dated 17th July 1814.

Par. 3.—With reference to this subject, I beg leave to report that there are now 168 slaves short of the complement in the inventories, regarding which I request to be informed of the intention of government under the prohibition of the trade in slaves, substitution, agreeably to the tenor of the regulations, cannot fairly be expected, and the park-keepers are required to pay the government the price which the substitution would have cost prior to the abolition of the slave trade; the original cost of the slaves to the government, or whatever other rate which may be deemed just and proper, I beg leave to suggest, that in order to render the payment as easy as may be to the park-keepers, one instalment may be deducted from the large sum now due to them, and the remainder at those times when a large harvest of spices shall enable them to pay it with little inconvenience.

(A true Extract.)

(signed) *D. Forbes*, Resident.

(Copy.) To George Babington, Esq. Officiating Secretary.

Sir:—I have to request you will inform the resident at the Moluccas, that the superintendent of spices reports, that forty-five casks, containing 10,325 lbs. of mace, quality A. are packed and ready for exportation; that he expects more than an equal quantity will be ready on the 7th or 8th proximo; and that he is now employed in superintending the sorting and package of the great deliveries of nutmegs stored in April last.

Banda, 19th July 1814.

I have, &c.
(signed) *David Forbes*, Resident.

Ordered, That an extract (Par. 6.) from the foregoing letter from the resident at Amboyna, with copy of the report from the resident at Banda, to which Mr. Martin refers, be transmitted to the Board of Trade for their information.

Ordered, That the following letter be written to the resident at Amboyna.

To W. B. Martin, Esq. Resident at Amboyna.

Sir:—I am directed by his Excellency the Vice President in council, to acknowledge the receipt of your letter of the 30th July, with its enclosures, to inform you, that although a regulation has been passed by this government, under which the punishment of transportation beyond sea can again be adjudged for criminal offences, his Excellency is unwilling to determine on sending convicts under this sentence to the Moluccas, in consequence of the uncertainty which exists with respect to our retaining possession of those islands. Should the Dutch colonies to the eastward be restored at a general peace, as there is reason to suppose they will be, the convicts must be removed at great expense, since they could not, with any kind of propriety, be left in the condition of slaves in the hands of a foreign power.

2.—The Vice President in council has noticed, with satisfaction, your favourable report of the expected produce of spices in the present season, and I am desired to inform you, that arrangement will be made at an early period for their conveyance to England.

I have, &c.
(signed) *H. St. G. Tucker*, Sec. to Government.

PAPERS relative to Slaves purchased by Prostitutes, or brought into the British Territories by Persons, Inhabitants of Territories not subject to the British Laws and Regulations, reported to the Governor General in council, by Mr. J. W. Ryley, the Magistrate of Cawnpore: 1815.

Extract, Bengal Judicial Consultations, 26th June 1813.

Magistrate of Cawnpore to George Dowdeswell, Esquire, Chief Secretary to Government, Fort William.

Sir:—It having been reported to me by the cutwall of the town of Cawnpore, that a woman (a common prostitute) had brought into the town of Cawnpore two girls, about ten or twelve years of age, which she acknowledged having purchased at Jhausey, I ordered the parties to attend in court; the woman produces a regular deed of sale, by which it appears that she purchased one of the girls for fifty-two rupees, and the other for fifty-nine rupees. The children state, that no forcible means were had recourse to, but that their parents sold them in consequence of their being reduced to extreme want, owing to the very great scarcity of grain, and that they themselves do not wish to go back to their homes, indeed were they to be conveyed to their parents, they in all probability would not be received, but become complete outcasts, the father of one being a Jaut, and of the other a Rajpoot, the conveyance of them, therefore, to their own village does not appear likely to be productive of any good effect whatever; and as the confinement of the woman would deprive the unfortunate girls of the only protection (such as it is) which they can now look up to, I have hesitated in carrying into effect the rules laid down in Regulation X. of 1811, for the guidance of the magistrate, in instances of this nature, and having taken bail for the appearance of the woman, I have permitted her to remain at large, until I am favoured with the orders of the executive government respecting her.

Zillah Cawnpore Bittoor,
10th June 1813.

I have, &c.
(signed) *J. Ryley*, Magistrate.

Ordered, That a copy of the foregoing letter be sent to the Nizamut Adawlut, and that they be directed to issue such orders on the subject of it, as may appear to them proper under the provisions contained in Regulation X. 1811.

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N° 42.

Extract, Bengal Criminal Judicial Consultations, the 7th August 1813.

Magistrate of Cawnpore to George Dowdeswell, Esq. Chief Secretary to
Government, Fort William.

Sir:—Doubts existing how far the rules laid down in the 2d, 3d & 4th sections of Regulation X. of 1811 are to be considered applicable to persons, inhabitants of territories not subject to the British laws and regulations, I have to request that you will inform me whether it is intended that the rules contained in the above regulation and sections are to be carried into force against natives of foreign states importing persons into the British territories for the purpose of sale.

I am induced to make this reference, and solicit the orders of government for my guidance in this instance, as fourteen men have been sent from one of the police thannahs in this district with fifty-nine slaves, women, girls and boys of different ages and of different castes, from four to twenty years of age, whom I have ordered to be detained until I am favoured with the sentiments of government respecting them.

The purchasers are all inhabitants of the territories of the Rajah of Jypoor and the slaves of the Marwar country.

I have, &c.
(signed) *John Ryley.*

Zillah Cawnpore Bittoor, 19th July 1813.

Magistrate of Cawnpore to George Dowdeswell, Esq. Chief Secretary to
Government, Fort William.

N° 43.

Sir:—Having received the orders of the court of Nizamut Adawlut upon the subject of my address to you of the 10th ultimo, by which it would appear that criminality is not considered to attach to the act of importation, so much as to the subsequent intent of disposal either by sale, gift, or disposal otherwise, I conceive it necessary, to avoid the delay incidental to a reference upon the subject, to acquaint you, for the information of the Right honourable the Governor General in council, in continuance of my address of the 19th instant, that the fourteen purchasers alluded to in that address in the most unequivocal manner declared, that the object in view by bringing the fifty-nine persons therein alluded to to Cawnpore, was the sale of them to any persons who would become purchasers.

I have, &c. (signed) *John Ryley.*

Zillah Cawnpore Bittoor, 22d July 1813.

Ordered, That the secretary write the following letter to the register of the Nizamut Adawlut.

N° 44.

Sir:—I am directed by the Right honourable the Governor General in council to desire that you will lay before the Nizamut Adawlut, for their consideration, and for any orders which the case may appear to them to require, the enclosed copy of two letters from the magistrate of Cawnpore.

2.—In furnishing the magistrate with the Court's instructions on the subject, they are requested to recal to his recollection, that points of the nature of those mentioned in his present letters, viz. the construction and application of existing regulations, are not proper objects of reference to government, but should be submitted to the superior courts of judicature.

I am, &c.
(signed) *Geo. Dowdeswell,*
Chief Sec. to Gov'.

Council Chamber, 7th August 1813.

PAPERS relative to an attempt by an Inhabitant of Bundlecund to sell a Lad in the District of Mirzapore, who had been given as a pledge for the repayment of a Debt: 1814.

Extract, Bengal Judicial Consultations, 6th May 1814.

Criminal.

Magistrate of Mirzapore to G. Dowdeswell, Esq. Chief Secretary to
Government, Fort William.

N° 42.

Sir:—I beg leave to report, for the consideration and orders of the Right honourable the Governor in council, my proceedings in the case of Boodhoo *versus* Sheojee, for attempting to sell Omrao, the brother of the prosecutor.

2.—As the accused confesses the charge, it will be sufficient to furnish the substance of his deposition before me. It states that he is an inhabitant of Dhooree in Bundlecund,

Bundlecund, his age 50; that the mother of Boodhoo and Omrao gave the latter up to him as a pledge for the repayment of the sum of 36 rupees, which was to have been returned in eight days, but was not at the end of six months, when he brought Omrao to Mirzapore, that he might realise his loan by selling him; that Boodhoo, the brother of Omrao, accompanied him hither; that six days ago he (Sheojee) had some conversation with a Gosham on the subject, but that he refused to conclude a bargain with him; that after this, Boodhoo complained at the thanna that his (Sheojee's) house is eight coss from that of the children's mother, whose sanction was not given to the sale of Omrao, who had lived with him (Sheojee) for the last six months; that he does not know where the child's father is; that it is the custom where he lives to dispose of children given as pledges; that he is not aware of the punishment which is here the consequence of doing so; that the person from whom he borrowed the money complained against him, and caused his house to be sold for it; that he came hither by Allahabad, from which place his home is six days journey.

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3.—The above was deposed on the 21st March, and was followed by an order, that the parties, with the proceedings of this court, should be sent to the acting magistrate of Bundlecund, by whom they have been returned to me; the place of abode of Sheojee not being in the Company's territory, and the attempt to dispose of the child having been made within my jurisdiction. At the same time he refers me to regulation V.* of 1809, as applying to the case.

4.—This appears to me doubtful, as the accused is not a native subject of the British government, unless by the commencement of the third section of it (which has the words "in all cases of the like nature,") it be considered as applicable, in which event only I beg the favour of your laying this before the Governor General.

* A regulation to provide for the trial of all persons native subjects of the British government, who may be charged with crimes or misdemeanors committed in places out of the limits of the British provinces.

I have the honour to be, &c.

(signed) R. H. Rattray, Magistrate.

Zillah Mirzapore, 15th April 1814.

Ordered, That the secretary write the following letter to the register of the Nizamut Adawlut.

To the Register of the Nizamut Adawlut.

Sir:—I am directed by the Right honourable the Governor General in council, to desire that you will lay before the Nizamut Adawlut the enclosed copy of a letter from the magistrate of Mirzapore.

N° 43.

2.—The case to which the magistrate alludes is not clearly stated in the accompanying letter; but as it may be inferred that the provisions of regulation V. 1809, have no relation to it, his Lordship in council requests, that the Nizamut Adawlut will put the case in the proper course of inquiry, after obtaining any further information which they may require to enable the court to give the necessary directions for that purpose.

I am, &c.

(signed) G. Dowdeswell, Chief Sec. to Government.

Council Chamber, 6th May 1814.

PAPERS relative to some Malay Slaves allowed by their own desire to accompany their European Masters to England, without bond being given for their return to India: 1812.

Extract of a Letter in the Foreign Department from the Governor General in council of Bengal, to the Court of Directors; dated 5th March 1812.

Par. 5.—The next point to which we beg leave to draw the attention of your Honourable Court, is the embarkation for England of a number of Malay slaves who accompanied the Dutch and French officers, prisoners of war, from Java to Bengal. On reference to the present list, marked N° 3, which was enclosed in our letter of the 27th of January last, and also to a supplementary list which forms an enclosure in the present address, your Honourable Court will observe, that seven Malay slaves proceeded by the last opportunity, besides four (whose names are not mentioned) by that immediately preceding it, and that six more have been allowed to embark with their masters and mistresses on the ships now under dispatch.

Foreign.

Supplementary list of Malay servants allowed to embark for Europe.

Par. 6.—In a letter, dated the 13th of January, the superintendent at Chandernagore brought the general question of the disposal of these slaves under the notice of government, and desired to be informed whether or not it was the intention of government

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To superintendent
of Chandernagore,
dated 17th Jan.

government to permit them to accompany their masters to Europe, and if so, under what restrictions. In reply to which (as per enclosed copy of our instruction), the superintendent was desired to be apprised, that although the peculiar circumstances of the situation in which the masters of these slaves were placed with relation to the latter, appeared to be such as to justify the exemption of the former from the payment of the usual deposit required for all native servants indiscriminately, prior to their embarkation for Europe; yet as we were disposed to ascribe their desire of taking their slaves along with them to Europe, more to a principal of regard for their future comfort and welfare, than to any real solicitude founded on a supposed right to the continuance of the benefit of their services, with reference to the consideration that on their landing in England, the slaves would virtually become entitled to all the privileges of free men, and be no longer at the disposal of their masters, but be at full liberty to seek whatever service they might wish to pursue, we conceived that the superintendent might easily set their minds at rest on this point, by explaining to them that government would take care to provide the means of transporting their servants back to their native country. Mr. Forbes was therefore desired to ascertain and report, whether, after this explanation, they were still anxious to take their slaves, and the latter were willing to be taken to England, in preference to their being sent back to their native country.

7.—Having reason to believe, that by being separated from their masters and mistresses, and sent back to Java, these slaves (who have been for the most part bred up in the families to which they belong) would have been cast upon the world without protection or subsistence, we were not surprised to learn that they generally preferred to accompany their masters and mistresses; and as the separation would have been productive of extreme distress and inconvenience to families and individuals, especially to the former, we had a double inducement to acquiesce in the wishes of the parties, although the situation of the masters rendered impossible the fulfilment of the condition on which alone, in ordinary cases, the orders of your Honourable Court admit of natives of Asia being allowed to proceed to England.

Extract, Bengal Foreign Consultations, 17th January 1812.

Extract of a Letter from Gordon Forbes, Esq. Superintendent at Chandernagore, to Mr. Chief Secretary Edmonstone; dated the 13th of January 1812.

I take this opportunity to mention, that there are many Malay servants who have accompanied the families of several of the officers from Java. I beg to be informed whether any of them will be permitted to go to England, and if so, under what restrictions.

To Gordon Forbes, Esq. Commissioner for Chinsurah.

N° 32.

Sir:—With due submission, I beg leave to state that I brought with me from Batavia, one Malay woman and a slave boy, which I thought of taking with me to Europe, if I was able, obtaining permission to that effect.

That having been informed such cannot be allowed, I am at a loss what to do with those two persons who have no relations in this country, and entire strangers, hardly, I am afraid, they will be able to get their livelihood.

Requesting, therefore, most humbly, that through your kind intercession, I may obtain from government that said two persons may be allowed a passage back to their native country, as my present circumstances do not admit defraying any expenses for that purpose.

I have, &c.

Chinsurah, 13th January 1812.

(signed) *Tenmissen*, Captain.

Extract of a Letter from Mr. Chief Secretary Edmonstone, to Gordon Forbes, Esq. Superintendent at Chandernagore.

N° 34.

I am directed to acknowledge the receipt of your letter of the 13th instant, desiring to be informed whether or not it is the intention of government to permit any of the Malay servants who have accompanied the families of several of the officers from Java to go to Europe, and if so, under what restrictions, and to communicate to you the following instructions and observations.

His Lordship in council observes, that although the peculiar circumstances of the situation in which the masters are placed with relation to their slaves, appear to his Lordship in council to be such as to justify their exemption from the payment of the usual

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usual deposit required for all native servants, antecedently to their embarkation for Europe, yet as his Lordship in council is disposed to ascribe their desire of taking their slaves along with them to Europe, more to a principle of regard for their future comfort and welfare, than to any real solicitude founded on a supposed right to the continuance of the benefit of their services with reference to the consideration that the moment their slaves land in England, they will virtually become entitled to all the privileges of freemen, and be no longer at the disposal of their masters, but be at full liberty to seek whatever service they may wish to pursue. His Lordship in council conceives that you may easily set their minds at rest on this point, by explaining to them that government will take care to provide the means of transporting their servants back to their native country, and you are required to ascertain and report whether, after this explanation, they are still anxious to take their slaves, and the latter are willing to be taken to England in preference to their being sent back to their native country.

Extract, Bengal Foreign Consultations, 8th February 1812.

The following orders issued since the last meeting of council, having been read in circulation, and approved, are ordered to be here recorded, together with the letters to which they refer.

Superintendent at Chandernagore, to N. B. Edmonstone, Esq. Chief Secretary to the Government at Fort William.

Sir :—I beg leave to transmit a list of Malay servants who are willing to accompany their masters to Europe, under the late orders of government, in addition to those inserted in the list* transmitted on the 21st instant.

N° 16.

* Not recorded.

I have, &c.

Chandernagore, 29th January 1812. (signed) *G. Forbes*, Superintendent.

LIST of MALAY SERVANTS attached to Officers, prisoners of war, under orders to embark for Europe, who are willing to accompany their masters under the late orders of Government, in addition to those inserted in the List transmitted on the 21st instant.

N° 17.

Name of the Ship.	Name of the Servant.	Name of his Master.
Union - - - -	Cezor - - - -	Lieutenant Delhuille.
Ocean - - - -	Manilla - - - -	Captain Gervois.
James Sibbald - - -	April - - - -	Captain Ténisson.

(signed) *G. Forbes*, Superintendent.

On the 30th ult. it was ordered, that a copy of the above list should be sent to the public department, whence the necessary orders to the commanders of the respective ships for the reception of the servants, was to be prepared in duplicate, one copy to be forwarded to the commander immediately, the other to go with the men.

On the same date it was also ordered, that a copy of that list should be communicated to the town major.

[The necessary orders for the embarkation of the above-mentioned Malay servants, were issued in the public department on the same day.]

PAPERS relative to a Regulation, N° 1, 1813, passed by the Government of Bombay, with the approbation of the Governor General in council, for preventing the importation of Slaves from foreign countries, and the sale of such Slaves in the territories immediately dependent on the Presidency of Bombay.

Extract, Bengal Judicial Consultations, the 13th March 1813.

Criminal, L. P.

Secretary to the Government at Bombay, to G. Dowdeswell, Esq. Chief Secretary to the Supreme Government at Fort William.

N° 17.

Sir :—In reference to your letter, dated the 26th of November last, I am directed by the Right honourable the Governor in council, to transmit to you, for the purpose of being laid before the Right honourable the Governor General in council, for his Lordship's approbation, the accompanying copy of a proposed regulation for preventing

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preventing the importation of slaves from foreign countries, and the sale of such slaves, in the territories immediately dependent on this presidency, which differs in some degree from the Bengal Regulation X. 1811, particularly in the 4th article, in respect to the return of slaves at the expense of the parties importing them.

2.—I am likewise directed to accompany this address, with copy of a report, by the advocate-general, on the subject of the preceding regulation.

I have, &c.

(signed) *W. Newnham*, Sub-secretary.

Bombay Castle, 13th February 1813.

(Draft.)—A. D. 1813.—REGULATION I.

N^o 18.

A Regulation for preventing the importation of slaves from foreign countries, and the sale of such slaves, in the territories immediately dependent on the presidency of Bombay, passed by the Right honourable the Governor in council, on the 1813, corresponding with the

1.—Whereas the importation of slaves from foreign countries into the British territories, is inconsistent with the dictates of humanity, and with the principles on which the administration of this country is conducted: And whereas it is fit that the slave trade should be effectually abolished, wheresoever it may be attempted to practise the same: The following rules have been enacted, to be in force immediately on their promulgation throughout the territories immediately dependent on the presidency of Bombay.

2.—The importation of slaves, whether by land or by sea, into the places immediately dependent on the presidency of Bombay, is hereby strictly prohibited, and any person infringing this prohibition, shall be liable to be prosecuted and punished for the offence, by the courts of Criminal Judicature.

3.—Any person who may be convicted of the offence of importing slaves into the British territories, subsequently to the promulgation of this regulation, shall be sentenced to imprisonment for the period of six months, and to pay a fine to government, according to his circumstances in life, not exceeding, however, the sum of two hundred rupees, commutable, if not duly discharged, to imprisonment for the further period of six months, on the expiration of the former part of the sentence.

4.—Persons imported as slaves into the British territories shall be discharged, and sent back to their friends and connections in the country from which they may have been imported, at the expense of the person or persons importing them, or permitted to remain in the British territories, according as may appear most advisable to the magistrate by whom the decision on the case may be passed.

(True copy.)

(signed) *H. Newnham*, Sub-secretary.

To *H. Newnham*, Esq. Secretary to Government.

N^o 19.

Sir:—I have the honour to return the draft of the regulation respecting the slave trade referred to me in your letter of the 30th January, with a few alterations; I do not think it necessary to incorporate the latter part of the Bengal regulation, the provisions of the Act 51st Geo. 3. c. 23, sufficiently restraining the importation of slaves into the British territories by sea.

But, with great deference to the opinion of the Right honourable the Governor General in council, I think the Act extends to importation by land as well as sea. In the preamble it is recited, that it is fit such measures should be extended to the effectual abolition of the slave trade wheresoever it may be attempted to practise the same; and in the enacting part immediately following, "If any person residing or being in any of the islands, &c. or territories under the government of the United Company of Merchants trading to the East Indies shall, &c. carry away or remove, &c. as a slave or slaves, &c. any person or persons whatsoever from any part of Africa, or from any other country, territory, or place whatsoever; or shall import or bring, &c. into any island, colony, country, territory, or place whatsoever, any such persons as aforesaid, for the purpose aforesaid; then in every such case, &c. the persons so offending, &c. are declared to be felons."

This enactment is taken verbatim from the statute, and appears to me to comprehend every possible case of the importation (that is, the introduction) of slaves into British territories. The act is highly penal, and I have great satisfaction in observing that his Lordship in council is resolved to lay before the Honourable Court the difficulties which attend carrying the penal part of the statute into execution in

India,

Penalties for a
breach of the fore-
going rule.

Persons imported]
as slaves shall be
discharged or sent
back.

India, where slavery is of a much milder feature than in the western hemisphere. The manumission of the slave will be sufficiently provided for by the regulation, and the King's Courts may act upon the statute in cases of aggravation or enormity.

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I have, &c.
(signed) *H. G. Macklin*, Advocate General.

Chambers, Court-house, 2d February 1813.

Ordered, That the secretary write the following letter to the secretary to the government at Bombay.

The Secretary to the Government at Bombay.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 30th ultimo, with its enclosures, and to desire that you will acquaint the Right honourable the Governor in council, that his Lordship in council approves the draft of the regulation proposed to be enacted for preventing the importation of slaves into the territories dependent on the presidency of Bombay; omitting, however, the words cited in the margin* from the preamble of that draft. It appears to his Lordship in council, that the wording of the preamble will be rendered more conformable with the tenor of the enacting clauses, and likewise with the principles which have dictated the depending arrangements, by the omission of the words above quoted.

Nº 20.

* " And whereas
" it is fit that the
" Slave Trade
" should be effec-
" tually abolished,
" wheresoever it
" may be attempted
" to practise the
" same."

I have, &c.
(signed) *G. Dowdeswell*, Chief Secretary to the Government.

Fort William, the 13th March 1813.

[*Vide the Bombay Papers.*]

PAPERS relative to an application from the King of Johanna to the Bombay Government, respecting some Persons who had been carried from the Island of Johanna to Mauritius by the French, and there reduced to slavery: also, to certain Natives of India who had been captured at Sea in British Vessels by the French, and sold as Slaves at Mauritius: 1813-14.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors in the Political Department, dated 31st March 1814.

Par. 71.—On the proceedings of the annexed date is recorded a dispatch from the government of Bombay, enclosing a letter from the King of Johanna respecting the payment of a debt alleged to be due by the late Mr. Smith, the master of the ship *Swallow*, and the release of certain persons stated to have been carried by the French from the island of Johanna to Mauritius, and there made slaves; your Honourable Court will observe, on a reference to that dispatch, that the Governor and Council of Bombay had not deemed it necessary to detain the Vakeels of the King of Johanna at that presidency, until the result of a reference to this government shall be ascertained, but had instructed the secretary to prepare a letter to the King, stating that the government of the Mauritius could alone determine what was proper to be done, and if necessary, recourse should be had by the King of Johanna to that government. The government of Bombay resolved at the same time to furnish the Vakeels with a passage back to Johanna by the first opportunity.

Cons. 1813.
10 December.
Nº 30 to 32.

Par. 72.—The claim which the people of Johanna have established to the consideration of the British government by their friendly and hospitable treatment of the officers, passengers and crews of English ships visiting that island, rendering us at all times desirous of showing attention to the wishes of the King of that island, as far as is consistent with the public interests, we signified to the government of Bombay, in reply to their dispatch above mentioned, that we should not have disapproved of a reference to this government on the subject of the application of the envoys from Johanna, and of their being permitted to await at Bombay the receipt of an answer.

(Pars. 73, 79 & 86, relate to another subject.)

Par. 74.—With respect to the application for the release of the persons stated to be in captivity at the Mauritius, we determined to address the government of that island, and to suggest to his Excellency the measure of purchasing those unfortunate individuals from their present masters, with a view to enable them to return to Johanna. In pursuance of this determination the Governor General addressed the letter to his Excellency the Governor of the Mauritius, recorded as per margin.

Cons. 1813.
10 December.
Nº 34.

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Par. 75.—Your Honourable Court will observe, that in soliciting the Governor of the Mauritius to adopt the necessary measures for obtaining the release of the subjects of the King of Johanna, the Governor General has expressed his persuasion, that the purchase of those unhappy persons from their present masters, if their release cannot otherwise be obtained, will receive the approbation of His Majesty's government.

Par. 76.—The Governor General has also taken this opportunity of stating to the Governor of the Mauritius in the letter above referred to, a circumstance which had been represented to his Lordship, and in which the government of the Honourable Company is peculiarly interested, namely, that there are several natives of our Indian provinces of both sexes, in a state of slavery at the Mauritius. They are stated to have been captured by the French in English vessels, in which they were acting either as lascars or menial servants. In requesting his Excellency's assistance in obtaining the release of such of those unhappy persons as survive, that they may be restored to their country and their families, his Lordship has intimated to his Excellency, that, as individuals who have acquired the property under the former laws of the island in them, for a valuable consideration, may be considered to be entitled to indemnification for their loss, we feel no hesitation in requesting him to purchase the freedom, and to charge the expense thus incurred to the government of Bengal, taking precautions at the same time, that the owners of the slaves should not take an undue advantage of this resolution. We confidently trust, that your Honourable Court will sanction with your approbation, the measure which we have thus taken the liberty to recommend to the Governor of the Mauritius.

Extract, Bengal Political Consultations, 10th December 1813.

Chief Secretary at Bombay, Political Department, to John Adam, Esq.
Secretary to the Supreme Government at Fort William.

N° 30.

Sir:—I am directed by the Right honourable the Governor in council, to transmit for the information of the Right honourable the Governor General in council, the accompanying copy of a translation of a letter from Sultan Ulavee, King of Johanna, dated the 14th September last, together with a transcript of the instructions issued to the secretary and translator in the office of country correspondence under this date.

I have the honour to be, &c.

(signed) *F. Warden*, Chief Secretary.

Bombay Castle, 11th November 1813.

N° 31.

Translation of a Letter from Sultan Ulavee, King of Johanna, to the Right honourable the Governor of Bombay, dated 7th Ramzar, 1227 Hijree, or 14th September 1813.

A. C.:—If you be disposed to make any enquiries with regard to myself, praise be to God I am now employed in discharging the obligations of gratitude for his benefits and mercies. I hope, that preserved in his holy keeping, you are in the enjoyment of good health.

An opportunity now offering for that quarter, I have considered it incumbent upon me, in conveying to you my respects, to make inquiries with regard to the state of your health. This country is now in a state of prosperity; the Island of Johanna enjoying every degree of security and tranquillity, but it is sufficient to refer for further particulars to the persons who now proceed to that quarter; among them you will find my own son Syed Abdoola bin Sultan Ulavee, and my son Mahomed bin Kholam, with the party which now accompanies them. They will have the honour of waiting upon you, and having communicated to them my wishes, I request you will consider what they may state to you as emanating from myself. The request I have to make to you is, that you will have the goodness to send them to Bengal. Under any circumstances you must aid and assist me, for you and I are as one limb; I have all along been, and are still (as I take God to witness) ready to serve you. You must know, that if this year they should go to Bengal and return (meaning disappointed in the object of their mission), it will then become necessary for me to proceed thither in person; my salutations attend you; for the rest, I request that you will not deprive me of your correspondence, which will partly compensate for our separation, and I shall be ready to serve you on all suitable occasions.

(signed) *R. T. Goodwin*,

Secretary and Translator in the Office of Country Correspondence.

Note by the Translator.

I understand from the person at the head of this mission, that the object of it is to obtain the release of several sudees belonging to the state of Johanna, who were seized and carried by the French to the Mauritius, where they were disposed of as slaves.

The head of the mission informs me, that applications have been made by his Sovereign to His Majesty's government at the Mauritius, for the restitution of the sudees who were carried off from Johanna by the French as above noticed, but that they were unsuccessful as not being supported by a requisition or order from the government of India.

(True copy.) (signed) *R. T. Goodwin.*
 (True copy.) (signed) *J. Farish, Secretary to Government.*

To R. T. Goodwin, Esq. Secretary and Translator in the Office of Country Correspondence, Political Department.

Sir:—With reference to the translate of a letter from Sultan Ulavee, King of Johanna, I convey the directions of the Right honourable the Governor in council, that you prepare a letter for the Governor's signature, acknowledging its receipt with assurances of his kindly disposition, and acquaint His Majesty, that with respect to the release of the slaves belonging to the government of Johanna, now supposed to be on the Island of Mauritius, the Governor of that island alone can determine what may be proper to be done, and if necessary, recourse should be had to him for the enlargement of the persons alluded to, whilst, from the contiguity of that island to Johanna, no difficulty can be felt on their making application to the government of the Mauritius.

N° 32.

3d.—With regard to the Vakeels, the Governor in council deems it advisable to furnish them with a passage back to Johanna by the first opportunity, unless they should be able to procure one for themselves.

(signed) I have, &c.
F. Warden, Chief Secretary.

Bombay Castle, 11th November 1813.

(True copy.) (signed) *J. Farish, Sec. to Government.*

Ordered, That the following letter be written to the Chief Secretary to the Government of Bombay.

To Francis Warden, Esq., Chief Secretary to the Government of Bombay.

Sir:—I am directed to acknowledge the receipt of your dispatch of the 11th ult., reporting the communication which has lately taken place between the government of Bombay and the king of Johanna.

N° 33.

2.—The claim which the people of Johanna have established for the consideration of the British government by their friendly and hospitable treatment of the officers, passengers, and crew of the English ships visiting that island, will make the Governor General in council at all times desirous of showing attention to the wishes of the king, as far as is consistent with the public interest, and his Excellency in council would not have disapproved of a reference to the Supreme government on the subject of the application of the envoys from Johanna, and of their being permitted to await at Bombay the receipt of an answer.

3.—With regard to the point which forms the subject of the representation of the king, I am directed to request you to submit to the Right honourable the Governor in council the following observation. The Governor General in council has determined to address the Governor of the Mauritius, and to suggest to his Excellency the measures of purchasing those unfortunate persons from their present masters, with a view to enable them to return to Johanna.

8.—His Excellency in council accordingly requests, that the government of Bombay will avail itself of an opportunity of signifying to the King of Johanna, that it is the intention of the British government of India to employ its efforts to obtain the liberation of the persons in question.

(signed) I have, &c.
J. Adams, Sec. to Government.

Fort William, Dec. 10, 1813.

Bengal Papers:
State of Slavery
in Company's
Territories.

Ordered, That the following letter be written to the Governor of the Mauritius, &c.

To his Excellency, R. T. Farquhar, Esq. Governor of the Isles of Mauritius and Bourbon, &c. &c. &c.

N^o 34.

Sir:—The King of Johanna having represented to the British government in India, that several persons belonging to the government of Johanna were seized by the French, and carried to the Mauritius, where they were made slaves, I take the liberty of apprizing your Excellency of the circumstances, and of suggesting to your consideration the propriety of adopting measures for restoring those persons to the island from which they were taken.

2.—It is superfluous to advert to the claim which the King of Johanna possesses to the consideration of the British government, on account of the friendly and hospitable treatment afforded to British subjects visiting that island, a circumstance which adds to other motives for complying with his wishes in the present instance, that of encouraging a continuance of the same conduct.

3.—The best mode of effecting this object now recommended, will no doubt suggest itself to your Excellency's mind, but I feel persuaded, that if it cannot otherwise be obtained, the purchase of those unhappy persons from their present masters, is a measure which will ensure the approbation of His Majesty's government.

4.—I regret that it is not in the power of this government to state more precisely the number, situation and other particulars regarding the persons in question, but we have not thought it right to withhold even the defective information which we possess from your Excellency's knowledge.

5.—I take this opportunity of stating to your Excellency a circumstance which has been represented to me, in which the Honourable Company's government is peculiarly interested, viz. that there are several natives of these provinces, of both sexes, in a state of slavery at the Mauritius. They are stated to have been captured by the French in English vessels, in which they were acting either as lascars or menial servants.

6.—I am persuaded that your Excellency will concur in any proper measure which may be proposed to you for releasing from slavery persons born free, and who cannot, even by the perverted reasoning which defends a trade in slaves, be considered as fit objects of that detestable traffic, and I accordingly request your Excellency's assistance in obtaining the release of such of these unhappy persons as survive, that they may be restored to their country and their families. As individuals who have acquired the property in these unfortunate persons for a valuable consideration, may be considered to be entitled to be indemnified for their loss, I feel no hesitation in requesting you to purchase their freedom, and to charge the expense thus incurred to the government of Bengal.

7.—I need not request your Excellency to take such precautions in the execution of this measure as shall prevent the owners of the slaves from taking an undue advantage of it.

8.—I propose to make an early communication on the subject of this letter, to the authorities at home, with a view to obtain their sanction to the measures which I have taken the liberty of recommending.

Fort William, 10th Dec. 1813.

I have, &c.

(signed) *Moir.*

Extract, Bengal Political Consultations, 17th June 1814.

Governor of the Isle of France to his Excellency the Right honourable the Earl of Moira, K. G. Governor General of India, &c. &c. &c.

Government House, Port Louis, Mauritius,
12th April 1814.

N^o 1.

My Lord:—In reference to my letter to your Lordship of the 28th February last, I have the honour to transmit the documents inclosed, containing the result of the investigation which I immediately directed for ascertaining the grounds of the representation made by the King of Johanna to your Lordship's government. Your Lordship may be assured that my researches, which have been unremitting since the receipt of your Lordship's commands, shall continue to be directed to the purpose of obtaining any further light on the subject.

The

The records of the prize courts, previous to the capture of these islands, having been transmitted to France, considerable difficulties exist in establishing any evidence upon the other point, viz. of lascars and menial servants being captured by the French, and sold into slavery.

While the sepoj force was maintained here, I was enabled by their means to ascertain some instances of this nature, which were instantly acted upon by me, and freedom restored to the parties. In assuring your Lordship of the strict scrutiny that shall be made on this occasion, I beg leave to report how much my researches will be facilitated by any information which may be procured in India, as to the individuals in question from their friends or relations.

I have, &c.
(signed) *R. T. Farquhar.*

Monsieur Bonnefoy, Interprète du Gouvernement.

Baye aux Fortices, le 16 Mars 1814.

Monsieur :—J'ai reçu à trois heures votre lettre de ce jour, et la traduction de deux lettres Arabes qu'elle renfermoit.

J'aurais bien désiré pouvoir vous faire passer des renseignemens positifs sur les faits articulés dans ces deux lettres au sujet de Messrs. La Blanche et Labadie. Je vous déclare que ces deux affaires étaient du ressort des administrateurs généraux : les réponses en pareil cas se faisaient à l'intendance ; l'intendant général les faisait signer au Gouverneur Général, et je n'avois aucune connaissance de leur contenu.

Je me rappelle parfaitement bien que feu le Gouverneur Général Malartie a fait renvoyer dans leur pays des prisonniers Arabes qui ont été réclamés ; mais je ne puis vous dire si tous l'ont été, ni l'époque, ni le navire qui les a transportés.

Je ne dois pas taire que le Roi d'Anjonan a envoyé, à différentes reprises, des ambassadeurs ou envoyés au sujet de quelques réclamations qu'il avoit à faire au gouvernement de l'Isle de France ; qu'il est à ma connoissance que ces envoyés s'en sont toujours retournés satisfaits ; et qu'il a été fait à leur prince des presens consistants en canons, armes, poudre, &c. dont la valeur a toujours excédé de beaucoup les réclamations faites.

Je vous renvoie ci-joint la traduction des deux lettres Arabes, que vous m'avez envoyée en communication.

J'ai, &c.

(signé) *Galechet.*

Pour copie conforme.

(signé) *C. Telfair*, Secrétaire en Chef du Gouvernement par interim.

A Monsieur Bonnefoy, Assistant Interprète du Gouvernement.

Plaines de Wilhems, le 19 Mars 1814.

Monsieur :—Aussitôt votre lettre reçue, je me suis occupé des moyens de satisfaire à son Excellence le Gouverneur Farquhar, mais toutes les recherches que j'ai pu raisonnablement faire pour répondre aux différents articles de votre lettre ont été malheureusement infructueuses : je n'ai rien trouvé de relatif aux Arabes.

Comme ci-devant commissaire des armemens, je me rappelle que le nommé Jean Naud, maître-calfât du port à l'époque de la prise de l'isle, et que je crois actuellement habitant au Piton, est le même M. Jean qui fut porteur des lettres Arabes en date du 24 Août, 1797. Cet homme, qui devoit donner des détails aux administrateurs généraux, pourrait peut-être donner quelque renseignement sur le résultat.

Je vous prie, Monsieur, de témoigner tous mes regrets à son Excellence le Gouverneur Farquhar de ne pouvoir lui donner des renseignements satisfaisants sur ces objets.

J'ai, &c.

(signé) *A. Marrow.*

Je joins ici les deux traductions Arabes, et la réponse que vous a faite M. Galechet.

Pour copie conforme.

(signé) *C. Telfair*, Secrétaire en Chef du Gouvernement par interim.

Traduction exacte de deux lettres Arabes, l'une de Sultan Kela et Sultan Abou Beckin Ibn et Sultan Hasan Ibrahim et Sherazee et Kelwa, et l'autre du gouverneur de Kelwa Shaik Mahomed Ibn Kalaf Ibn Amer et Harthee, en date du mois de Rabia et Awah, l'an mil deux cent douze de Mahomet, répondant au 24 Août, mil sept cent quatre-vingt dix-sept.

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Au Gouverneur Général, &c. en son conseil, des Isles de France et de Bourbon, en leur Departement.

Honourables Messieurs:—J'ai l'honneur de vous informer, vous dont l'amitié subsiste depuis tant d'années entre votre nation et la vôtre, vous dont la nation est plus étroitement liée avec nous que toutes autres dans cette partie du globe, qu'il y a quelque temps qu'un vaisseau à deux mâts François, commandé par M. Labadie, croisant près de la rade d'Angewa, vit un de nos vaisseaux à l'ancre dans cette rade; qu'il employa tous les moyens de s'en emparer; mais que s'étant aperçu que ses tentatives étaient vaines, il l'abandonna, et fit route pour Kelwa Isle, appartenante au Imaun de Mascatte, allant de la à Coora, autre isle entre Kelwa et Massia, où il fut rencontré d'une de nos Dahauts, (au Chelingues,) allant à Zanguebar avec une cargaison de trois cents noirs, cinquante grosses dents de Morphit, et dix mille piastres.

Lorsque le Nacodar de la Chelingue s'aperçut que les Français étaient résolus de le prendre, ne pouvant pas se défendre, il s'efforça de s'échapper, mais vainement. M. Labadie le chassa, et tira sur lui, au point que plusieurs hommes de l'équipage de la Chelingue et onze esclaves furent forcés de se jeter à la mer pour gagner l'isle de Sumaya près d'eux, laissant plusieurs hommes à-bord. Les Français allèrent à-bord, et pillèrent les objets sur-mentionnés, s'emparèrent de plusieurs propriétaires Arabes, hommes de distinction, les menèrent à-bord de leur vaisseau, et les firent prisonniers.

Cette nouvelle, étant parvenu à la côte, étonna d'autant plus qu'elle était incroyable de la part d'une nation dont les vaisseaux trouvaient tous les jours des services de tous genres dans nos ports, et étaient reçus avec amitié. Persuadé que vous ignorez ces faits, et que vous êtes éloigné de les approuver, je vous demande justice, messieurs, conformément aux lois Françaises. Je vous prie de donner vos ordres pour que M. Labadie remette les Arabes qu'il a fait prisonniers ensemble les effets et marchandises qu'il a prit que le tout me soit envoyé.

Les naturels du pays voulaient tuer le porteur de la présente M. Jean, qui est resté ici long-temps par défaut d'occasion pour vous le faire passer. Je me suis opposé à cet acte de violence de leur part, leur ayant donné ma parole qu'aussitôt que ma lettre parviendrait à l'Isle de France, leur biens et effets seraient vendus.

Convaincu de la justice des nations Européennes, et principalement de la générosité de la nation Française.

Après lecture faite de ma lettre, vous voudriez bien me faire réponse, et me croire,

Messieurs,

Votre sincère ami.

P. S.—Le porteur de la présente, M. Jean, pourra de vive voix, vous donner des détails plus circonstanciés que je ne pourrais le faire par écrit.

Je soussigné, interprète de l'état, juré pour la langue Anglaise, certifie la traduction ci-dessus et d'autre part véritable. Fort N. O. Isle de France, le 10 Ventose, an 6.

(signé) *P. Bonnefoy.*

(Pour copie conforme.)

(signé) *C. Telfair,*

Sécrétaire en Chef du Gouvernement par interim.

Port Louis, le 4 Avril 1814.

A Mons. le Cap^e Rossi, Deputé Sécrétaire du Gouvernement.

Monsieur:—J'ai l'honneur de vous transmettre des pièces, au nombre de trois, qui m'ont été confiées par son Excellence le Gouverneur, à l'effet de lui procurer des renseignements relativement à des Arabes enlevés par le Capitaine Labadie, et réclamés, en 1797, auprès du gouvernement de ces isles par le Rajah d'Anjouan.

Conformément aux instructions que j'avais reçues de son Excellence, j'ai fait venir au port et paraître dans mon bureau, M. Jean Naud dont est question en la lettre du Rajah. Ce particulier, dont le caractère simple doit garantir la vérité des faits sur lesquels je l'ai interrogé, m'a déclaré affirmativement qu'il n'y avait en que deux Arabes enlevés par le Corsaire du Sieur Labadie, et que le Rajah lui-même avait été informé qu'il n'en existait pas un plus grand nombre, que ces deux Arabes avaient été conduits à-bord du dit Corsaire, que l'un deux avait été jetté dans la mer d'ordre du capitaine, et que l'autre, voyant le sort qu'on avait fait subir à son compatriote, s'était volontairement, et après une courte prière, précipité dans

les flots. M. Jean Naud a observé que Labadie avait disparu après une action aussi atroce, et qu'il presumait qu'il était mort dans l'Inde. Il m'a également déclaré qu'il n'existait plus, depuis long-temps, dans la colonie aucun individu faisant partie de l'équipage du navire que commandait Labadie.

J'ai l'honneur d'être, avec la consideration la plus distinguée,
Monsieur, votre, &c.
(signé) *Virieux*, Procureur Gen.

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MINUTE.—The Governor General in council observes, that as the information was quite general, and obtained at the Isle of France, no measures for ascertaining the connections of the natives of India, supposed to be held in slavery at the Isle of France, can be made here with any prospect of success.

Extract, Bengal Political Consultations, 9th September 1814.

Government of Mauritius to his Excellency the Right honourable Francis Earl of Moira, K. G. Governor General, &c.

My Lord:—The bearer, who calls himself the Duke of Abdul, a native of Johanna, came up from Madagascar with a letter from the civil agent of this government there, of which the enclosed is a copy; he does not appear, however, to have any pretensions to be considered as in any way an accredited agent of the government of Johanna, but as he has expressed a desire to proceed to Bengal, I have directed a passage to be given him on board the Lady Campbell, and advanced him two hundred (200) rupees.

N° 1.

I have made inquiries of him relative to the inhabitants of Johanna, said to be sold into slavery here, under the French administration; it appears, that this has consisted merely of prisoners of war taken in battle between the inhabitants of Madagascar and Johanna, and it is to be hoped that these wars, which have considerably diminished since the abolition of the slave trade in the British dominions, may be finally extinguished by the extension of that benevolent law to the Portuguese and Arabian settlements on the east coast of Africa.

I have never ceased to give the most positive instructions to the agent at Madagascar to make the cessation of the slave traffic, and consequently the cessation of warfare, the prominent subject of his interviews with the native princes of that island, and to hold out to them that it was the surest method of conciliating the favour of the British Government.

I have, &c. (signed) *R. T. Farquhar*.
Port Louis, Mauritius, 19th July 1814.

Tamatave, 18th June 1814.

To Charles Telfair, Esq. Secretary to Government, Isle of France.

Sir:—You will receive this by the hands of a messenger from the Comora Islands, sent to solicit the protection and assistance of the English in attacks made on those Islands by the natives of the western coast of Madagascar, principally with a view to carry off slaves. These Islands affording the necessary refreshments, &c. to the ships of the East India Company which pass by the Mosambique Channel, I have considered the subject of that importance, to order the messenger a passage on board the Modeste, Captain Lamie, being the first vessel for the Isle of France, and I hope this measure will meet the approbation of his Excellency the Governor.

N° 2.

I have, &c.
(signed) *J. J. Thompson*, Gov' Agent, Madagascar.

Ordered, That a copy of the foregoing dispatch from his Excellency the Governor of the Isle of France be transmitted to Mr. Secretary Adam, with the following letter:

To J. Adam, Esq. Secretary to Government in the Political Department.

Sir:—I am directed by his Excellency the Vice President in council to transmit to you, for the purpose of being submitted to his Excellency the Governor General, the enclosed copy of a dispatch from his Excellency the Governor of the Isle of France to his Lordship's address, which was delivered by the person whom it introduces to his Lordship's notice.

N° 3.

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2.—From the communication made by the civil agent at Madagascar to the government of the Isle of France (a copy of which forms an enclosure in Mr. Farquhar's letter), it appears that the person styling himself the Duke of Abdul was sent to Port Louis from the Comora Islands to solicit the protection and assistance of the English against the attacks made on those Islands by the natives of the west coast of Madagascar, with a view to carry off slaves. It does not appear, however, that he had any other object in visiting Bengal than that of gratifying his curiosity to see the country.

3.—Although the person calling himself the Duke of Abdul, is not vested with any public character, yet under the circumstance of his introduction to his Lordship, by the Governor of the Isle of France, who appears to have supplied him with money for his expenses at that colony, and from the policy of shewing hospitality to an individual of an island, the inhabitants of which have always proved themselves so friendly to the English nation, and so useful in affording supplies to the ships of the Honourable Company, which pass by the Mosambique Channel, his Excellency the Vice President in council has deemed it proper to afford him accommodation and other necessaries during his stay at this presidency, at an expense not exceeding 200 rupees per mensem.

4.—The Vice President in council proposes to send the stranger by the first opportunity to Muscat, agreeably to his desire, when he will have no difficulty in securing a passage to Johanna.

I have, &c.

(signed) *J. Monckton*, Acting Sec^r to Government.

Fort William, 9th September 1814.

Ordered likewise, That a copy of the above-mentioned dispatch from his Excellency the Governor of the Isle of France, be transmitted to the acting Persian secretary, with directions to supply the person styling himself the Duke of Abdul, with whatever is necessary for his accommodation and support during his stay at Calcutta, at an expense not exceeding 200 rupees per mensem, and further to provide a passage for him by the first opportunity to Muscat, whence he will prosecute his return to Johanna.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Political Department; dated 22d March 1816.

Letter from the Government, dated 31st March 1814 (71 to 80). Claim of the King of Johanna to the release of certain persons stated to have been carried by the French to Mauritius, and there made slaves.

15.—With respect to the circumstance alleged by the King of Johanna, of certain persons his subjects having been carried by the French to Mauritius, and there made slaves, we entirely approve of your suggestion to the Governor of the Mauritius, for the purchase of such individuals, if in a state of slavery; and likewise of your further application to the Governor of Mauritius respecting several natives of our Indian provinces of both sexes being in a state of slavery on that island, and requesting his assistance in obtaining their release, or in purchasing their freedom, and charging the expense to your government.

The case of a Slave Girl in the family of a Mussulman at Allypore.
 Extract, Bengal Judicial Consultations, 2d August 1814.

ABSTRACT STATEMENT of Prisoners punished, without reference to the Nizamut Adawlut, by the Court of Circuit for the Division of Calcutta, at the Jail Delivery for the Foreign Settlements in the 2d Sessions of 1813.

No. of Prisoners.	NAMES.	SEX.	AGE.	Religion and Caste.	Profession.	Crime established, and when committed.	Conviction on violent presumption or otherwise.	Sentence of the Court of Circuit.	Explanation and Remarks.	Remarks of the Nizamut Adawlut.
	Khyrun Nissah Khanun.	Female.	24	Mussulman	Married woman	Cruelty towards the prosecutrix, by beating and burning her privy parts, and other parts of the body, 8th January 1814.	—	To pay a fine of rupees 200 to government, in default of which to be imprisoned for six months. 2d April 1814.	This prisoner, a married woman of respectability, is convicted of cruelty towards the prosecutrix her slave girl, a child of 11 years of age, by beating and burning her privy parts and other parts of the body. By the law officers. Futwah, the girl, is emancipated from slavery.	—

Allypore, 4th May 1814.

(signed) *J. Wintle*, First Judge.

(A true copy.)
 (signed)

M. H. Turnbull, Register.

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PAPERS relative to a Malay boy, claimed before the magistrate of the suburbs of Calcutta, by Shaik Futty Ally, as his slave, in 1815.

Extract, Bengal Criminal Judicial Consultations, the 18th July 1815.

Magistrate of the Suburbs of Calcutta, to W. B. Bayley, Esq. Acting Secretary to Government in the Judicial Department, Fort William.

N° 24.

Sir:—I request the favour of your informing the Honourable the Vice President in council, that it often occurs that children are brought in from the Tannahs, who have lost their way, and are unable to point out the residence of their parents, and are in consequence placed under the care of the Nazir of the court, until such time as they are claimed by their parents.

Under the above rule of practice, a Malay boy was brought in and claimed by Shaik Futty Ally Jemadar, who declared the boy was his slave, and was bought for 100 rials, by his brother in law, Dueloll Soobadar, of the Golamdauz battalion, at Java; on which the boy was produced, but refused to go with the man, declaring he had been cruelly treated, and would not stay with him any longer; and therefore, under the proclamation by the late Marquis Cornwallis, I deem it expedient to report the case for the information of government, in order that the boy may be returned to his own country.

I am, &c.

(signed) *John, Elliot*, Magistrate.

Fouzdarry Adawlut, Suburbs of Calcutta, the 4th of January 1815.

Ordered, That the acting secretary write the following letter to the magistrate of the suburbs of Calcutta.

To the Magistrate of the Suburbs of Calcutta.

N° 25.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of a letter from you, dated the 4th instant, reporting the case of a Malay boy, claimed by Shaik Futty Ally, as his slave.

2.—The act of purchasing and bringing from Java, as a slave, the boy alluded to in your letter, being illegal, you are desired to inform Shaik Futty Ally accordingly; and to liberate the boy from further restraint; explaining to him at the same time, the purport of the present orders for his information.

I am, &c.

(signed) *W. B. Bayley*, Acting Secretary to Government.

Council Chamber, the 18th July 1815.

COPIES of Communications from R. T. Farquhar, Esq. Governor of the Island of Mauritius to the Governor General in council, relative to the abolition of the Slave Market on those Islands; containing copies of the agreements concluded, in the name of the British Government, with Radama, King of Madagascar, in 1817, together with some further Communications respecting the application of the King of Johanna in 1813: 1813—1818.

Extract, Bengal Political Consultations, 27th February 1818.

Governor of Mauritius to His Excellency the most Noble Marquis Hastings, K.G. Governor General of India, &c. &c. &c.

Government House, Port Louis, Mauritius,
1st August 1817.

N° 39.

My Lord:—I have the honour to state to your Lordship, that having had a conversation with Mr. Richards on the subject of Madagascar and the several clusters of islands in our neighbourhood, and the political relations and connections we hold with them respectively, I have deemed it proper to communicate to your Lordship's government the position which we hold with respect to Madagascar, as it is one of growing importance and consideration; and in order to put your Lordship in possession of the details, I subjoin extracts of my official correspondence with the the Secretary of State, and of my several treaties with the chieftains of that vast fertile and populous country.

Your Lordship will observe from the documents, that my object has been from the first to preserve the rights which fell to the British dominion by the conquest of 1810, to contribute to the settlement and improvement of civilization of the numerous and augmenting population, to abolish the slave markets of these islands at its source,

source, and to put an end to those piratical expeditions which were fitted out from Madagascar by the native chieftains for the pillage of the neighbouring coast and reducing the inhabitants into slavery, and particularly those of Johanna and the other Commoro islands.

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It will be satisfactory to your Lordship, I am persuaded, to observe that the success which has attended these measures had been much beyond any thing that could have been reasonably hoped, and that connections have been formed of the most friendly nature which must give to the British name a preponderance in Madagascar, far beyond what could have entered into contemplation in so early a stage of our progress.

The extract of the diary of the British agent at Tamatave will, I flatter myself, be an interesting document to your Lordship, and exhibit that nation in a point of view which is new and striking. This brings the history of our measure up to the present time, and I shall continue to communicate to your Lordship our further progress as events occur worthy of notice.

I shall not neglect to avail myself of the influence thus obtained in securing to the king and inhabitants of Johanna, and the rest of the Commoro group, that protection they have so well merited, by their invariable attachment to the British name and the interest of the Honourable East India Company, and I confidently hope to obtain that still greater object, which has occupied so much of my attention, and for which I have made so many efforts, the effectual abolition of the slave traffic at its source in this hemisphere.

The complete civilization of Madagascar, and the adoption of that power into the place which nature has intended for so highly favourable a region, are subjects of consideration which I hope at a future occasion to submit to your Lordship's attention.

I have the honour to be, &c.

(signed) *R. T. Farquhar.*

(Copy.)—Enclosure, N° 1.

To the Right honourable Earl Bathurst, &c. &c. &c.

Port Louis, 20th April 1815.

My Lord:—Among the changes introduced into the political relations of the government of this island and its dependencies, by the restitution of Bourbon to his Most Christian Majesty, there is one of prominent importance upon which I request to be honoured with your Lordship's commands; I allude to the possession and trade of Madagascar.

N° 40.

Anxious to have your Lordship's instructions to guide me in the steps it may be necessary to adopt on all points materially involving the public interests, I hasten to lay before your Lordship all the information I possess in Madagascar, accompanied by a statement of the provisional measures I have adopted with respect to that island, and of considerations which led to them.

The commands under the sign manuel of H. R. H. the Prince Regent, under date the 14th July 1814, direct me to restore to his Most Christian Majesty the Island of Bourbon solely, which restitution was effected on the 6th instant, as detailed in my letter to your Lordship of the 9th April 1815.

The orders of the Minister of Marine in France appear likewise to be confined to charging General Bouvet and Mr. Marchant to take over possession of the Isle of Bourbon, solely in the name of his Most Christian Majesty.

Conformably to the 8th article of the treaty of peace of the 30th May 1814, France cedes to England the Isle of France and its dependencies, especially the islands of Rodrigues and Seychelles, one an adjacent, the other a very important distant dependency.

It appears, therefore, that the whole extent of territory comprehended in the boundaries of the Isle of France and its dependencies (without exception) which were unconditionally transferred to the dominion of Great Britain by the capitulation of Port Louis in December 1810, forms now a part of the dependencies of this government, and must still be considered under the sovereignty of Great Britain.

Before the conquest, the Governor General of the French possessions in this hemisphere were marked on the north of the equinoctial line, on the south of the circle of latitude on the Cape, on the east of the meridian of Point de Galle in Ceylon, and on the west by a line proceeding from the 47th degree of east longitude, down the middle channel of Mosambique, till it cuts the latitude of the Cape, of which a sketch is subjoined.

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Within these limits is the Island of Bourbon, which was taken possession of in July 1810, having no dependencies, and in that state restored on the 6th instant, agreeably to the treaty of peace. All the other islands and inlets comprehended in the above boundaries were, without exception, immediately subject to the Governor General of the Isle of France, from which all acts of authority relative to their dependencies emanated, and from which the officers appointed to the charge of those dependencies received their powers; and although I have cautiously avoided any interference with the native chiefs in Madagascar, and my attention has been principally directed to the improvement of the two islands more immediately under my control, a British agent has been kept at Madagascar, preserving our rights, facilitating the importation of cattle and rice into these colonies, and preventing any illegal and clandestine trade in slaves.

After the restoration, therefore, of Bourbon to France, I felt that it was an indispensable duty on my part to promulgate anew those laws and regulations and restrictions with regard to the settlement and commerce of Madagascar and the other dependencies, which had successively emanated from the government, whose rights we stepped into, which had been invariably maintained since the conquest, and which had not been abrogated or even affected by any act of the respective mother countries in Europe. I felt it was particularly my duty to do so at this moment, to prevent His Majesty's subjects from being inadvertently seduced into a prohibited and felonious commerce; and these considerations acquired additional force from the conflicting circumstances and adverse interests of the colonies of Mauritius and Bourbon, from the encouragement given to the slave trade by the government of his Most Christian Majesty in the latter, and the wise abolition of that traffic through all the possessions of the British Crown.

* Not here recorded.

Such are the principal grounds and considerations by which I have been actuated on issuing the inclosed proclamation* for regulating the provisional intercourse with Madagascar. As the safest mode of proceeding in the absence of any specific instructions on the subject from His Majesty's government, I have confined myself to confirming the dispositions actually existing previously to the restoration of Bourbon as far as concerned this government and its dependencies; and I have the honour to annex, for your Lordship's information, the two of my predecessor, General De Caen, which are more particularly to in the proclamation.

Two principal agents exercised a superintendence over the whole eastern side of Madagascar, the one from Fort Dauphin to the River Manazauree, the other from that river to the northern extremity. The agents were nominated by the Captain General, and they had the power of nominating secondary agents in the different places within the limits of their respective superintendence. No persons could proceed to Madagascar with the intention of residing in that island, either permanently or temporarily, without the express permission of government.

In short, in whatever part of the coast of Madagascar a merchant might have the intention of establishing a trade, he was obliged immediately to put himself under the superintendence of the agent, and was subject to all the rules which it was that officer's duty to carry into execution.

These explanations are alone sufficient to show, that the whole of Madagascar, where it is possible to establish a commerce with the natives, was only considered as a dependency of the government of the Isle of France, and that all persons who might fix their residence in or trade to that island, were constantly dependent on the chief authority, the seat of which was in this island.

Desirous of contributing to the welfare of a neighbouring colony belonging to a power in amity with H. R. H. the Prince Regent's government, and anxious to preserve the corresponding interests and relations which have so long united these two islands, it appeared on a cursory view to me at first sight, that the Governor of Bourbon and myself might make such arrangements as would admit the inhabitants of Bourbon to a participation in a direct trade to the ports of Madagascar.

This intended permission, which would only have been provisional, would have left entire the rights of the British government, and would have existed only until your Lordship's decision on its propriety might have been made known to me; but I felt myself obliged to renounce the idea when I reflected on the weighty responsibility I should incur if I acquiesced even for a moment in any measure by which the inhabitants of Bourbon, who are authorized to carry on the slave trade, would be admitted to establish any commercial relations in places which had been previously open to that traffic, and over which I had every reason to consider, that the authority of the government confided to my care extended.

With

With a view to the possibility of any reference to France by the government of Bourbon that might eventually come before His Majesty's ministers, I have deemed it my duty to leave nothing undone that could elucidate this subject; and in order to throw every light upon it in my power, I do myself the honour of transmitting to your Lordship, a note of the authentic documents, acts and instruments of the French government relative to the possession, cession to the Company of the Indies, retrocession to the Crown, and the particular acts of legislation affecting Madagascar through the succession of Governors who have held the general government of these establishments down to the last acts of my predecessor previously to the capitulation of the Isle of France, all of which are contained in the archives of the superior council of this island, now become part of the records of the court of justice. Copies of these records, proving a consecutive exercise of an undisputed sovereignty over Madagascar, I propose forwarding to your Lordship at full length, as soon as I can get them prepared.

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As Madagascar produces objects of the first necessity at Bourbon, which, so long as they are prevented from procuring them by a direct trade with the eastern parts of that island, they must obtain through the Isle of France, or at a greater price elsewhere, it is not improbable that communications may take place on this subject between the Governor of Bourbon and myself, before any specific instructions arrive from your Lordship. In this event, I shall take care in no way to compromise the question. I shall urge, if necessary, the pretensions to the right of sovereignty or exclusive control which were transferred to His Britannic Majesty by the conquest of the Isle of France. I shall continue cautiously to avoid giving the native chiefs any cause of jealousy or dissatisfaction with the British government, and I shall confine myself to referring entirely to the wisdom of His Majesty's government for decision on any point that may be controverted by the local authorities here and at Bourbon.

In expressing a humble hope that these measures may be considered prudent on the occasion, may I be permitted respectfully to submit my opinion of the importance of maintaining the rights and privileges of His Majesty's government in that island entire, as one of those possessions (independently of the great political considerations of its capability and resources adverted to in my former dispatches) peculiarly deserving the protection of H. R. H. the Prince Regent, on an occasion which, without the intervention of H. R. H.'s government, would subject the numerous and advancing population of that island to the renewal of internal wars, with a view to feed the renewed market for slaves at Bourbon.

For, although the benevolent intentions of Louis the XIV., and of the several sovereigns of France, were expressed in their different acts, relative to the colonization of Madagascar in the encouragement held forth to the cultivation of the lands of freemen, to the intermarriages of the natives with French settlers, to the introduction of christianity, and the discouragement of slavery, these acts and regulations were invariably eluded and became obsolete, and the slaves for the service of Mauritius and Bourbon previously to the conquest, were generally obtained in preference from that source.

I have, &c.

(signed) *R. T. Farquhar.*

(Copy.) Enclosure 2.

To the Right honourable Earl Bathurst, &c. &c. &c.

Port Louis, 12th September 1816.

My Lord:—I beg leave to state to your Lordship, the arrival of two young brothers of Radama, King of the Ovas, the most powerful of the princes of Madagascar, an event which may be of considerable importance to the inhabitants of these colonies, and which may be followed by advantageous results for the ultimate civilization of Madagascar.

N^o 41.

The different chiefs and sovereigns of that island had been inspired with much jealousy and distrust of the British government by the artificers of such of the French traders as had been interested in the slave trade, and whose traffic was suppressed by the establishment of the British government in these islands.

I therefore thought it indispensably necessary for preserving the harmony which should subsist between the British merchants and other subjects settled at Madagascar, and the native princes, to send a person properly qualified to the latter, in hopes of forming a lasting peace, and procuring protection to His Majesty's subjects on that island.

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One of His Majesty's subjects, a Frenchman of the name of Chardenoux, was indicated to me as peculiarly adapted for the accomplishment of the service, from his long and intimate acquaintance with the different native chiefs, and particularly from the friendship which has subsisted between him and Radama, King of the Ovas, for many years.

As my desire was at the same time to endeavour, by every amicable means, to cut off one great source of supply for the slave traffic, and as such a mission would at first appear as eminently contravening the interests of the native princes, I was the more disposed to accept of the services of Mr. Chardenoux on this occasion, as the former attempts of a similar nature I had made by means of English agents had universally failed, apparently from want of that delicacy and personal address so requisite in matters of this nature.

Subjoined is a copy of private instructions on this head, which I furnished to Mr. Chardenoux, and his answer.

Of these brothers of Radama now arrived here, one is the presumptive heir of his authority; they are accompanied by two of the chief ministers of their prince; by a son of one of the nobles of the nation of Betanaminies; three ministers of the King of Tamatave; two chieftains of the South, and a numerous suite.

To enable your Lordship to estimate the probable results of this mission, I beg leave to submit to your Lordship a rapid sketch of the political state of Madagascar, as it at present exists.

The Eastern coast is occupied by different nations, of which the most powerful are the Bitismisaries, the Betanaminies, and the Matatans. The smaller powers are obliged to follow the impulse communicated to them by those now named.

The Bitismisaries possess the fort of Taut pointe and Tamatave; the Betanaminies possess the country north of the territory of Tamatave to the lake of Nossive, the river of Mangourou forms the southern limits. The Matatans possess the coast from the river Manazoure to the river Mananghara, a few leagues north of St. Luce.

On the western side, the country is inhabited by a people called Leelaves, whose king, named Srimalaum, has sent his uncle as an envoy to propose terms of amity and commerce between the islands under my government and the trading ports of his extensive coast.

We have therefore reason to look upon the person now here, on the part of their respective sovereigns of Madagascar, as representing all that is powerful in the centre and on the coasts of that vast island.

Of those sovereigns the most warlike, most intelligent, and possessing the greatest means, is Radama. His people are the most industrious, and farther advanced in the arts of life than any other nation of Madagascar; and he has incorporated into the mass of his subjects, and reduced to his authority, all the surrounding petty states. His army consists of 40,000 men, armed with fire arms.

It therefore appears, that the friendship of so powerful a chieftain cannot fail of being eminently useful in assuring the safety and facilitating the commerce which may be undertaken, in a view of replacing the traffic in slaves abolished by the legislature.

These friendly bands will no doubt be strengthened, and the prospect of growing civilization opened, by the opportunity now given to the young princes to learn the arts and customs of European life, and the principles of our religion. The King Radama is himself eager for instruction, writes his language in the Arabic character, and is learning to write French in Roman characters; his brothers, who are arrived here, appear very intelligent for their age, which is about nine or ten years, and capable of acquiring every requisite principle of morals and religion.

(A true copy.)

Enclosure 3.

Extract of a Letter from Governor Farquhar to Lord Bathurst, dated Port Louis, 16th September 1816.

N^o 42.

The station of Lawquez, which was abandoned for the moment from the melancholy accident which has occurred to the agent and his followers, has now in consequence been resumed under happier auspices, and the acting agent resides there, and in perfect security, in the best-founded hopes of accomplishing, to the utmost, any object connected with his appointment

I have

I have much satisfaction in adding, that whilst at Port Lawquez, Captain Le Sage, by the due exercise of that discretionary power I intrusted to him, and in conformity to my instructions on that head, succeeded in preventing the annual descent and attack upon the island of Johanna, so well known for its friendly reception of British shipping. The five hundred armed boats intended for the pillage of the Commoro Islands, and manned with the warriors of Madagascar, were sent back, and their chiefs pledged no more to renew their predatory warfare, whose principal purpose was to carry off the subjects of the King of Johanna into slavery.

The act of national justice now obtained by the successful accomplishment of the mission of Captain Le Sage, is universally regarded by those best acquainted with the true interests of these islands, as an object of the greatest possible importance to their present prosperity, as well as to their future progress.

(A true copy.)

(Copy.)—Enclosure 4.

Port Louis, Mauritius, 20th June 1817.

To the Right honourable Earl Bathurst, &c. &c. &c.

My Lord:—I beg leave to state to your Lordship, that in pursuance of the views and measures submitted to your Lordship in my letters of the (—) and (—) September last, I sent to Madagascar Captain Le Sage, my aid-de-camp, in order to keep on foot the friendly communication already established with Radama, the most powerful sovereign of that island.

Captain Le Sage returned to this part on the 9th April last, having completed his mission thither, and formed a permanent bond of amity between the government of Ovah and that of this island, as your Lordship will observe by the instrument subjoined.

Captain Le Sage's journey to the interior of Madagascar having been indispensably deferred until the commencement of the rainy season, the persons composing his suite, together with himself, have suffered from the fatigue and sickness attending their route at that season, and under the circumstances in which they were placed.

I was in hopes of having been able to forward to your Lordship before now the journal of this mission; but the continued indisposition of Captain Le Sage has hitherto prevented him from completing it, and the numerous notes which he has preserved are in their present form too indistinct and disjointed to admit of their being forwarded to your Lordship. I hope, however, by an early occasion to transmit them to your Lordship, when reduced into order.

I shall only therefore take the liberty of stating here, that the result of this mission has been to assure, in an eminent degree, the safety and facility of intercourse between this island and the interior of Madagascar; that the impression it has made in that country is of the most favourable nature to the British name and interests; that we have reason to be satisfied that the princes of the interior of the island will imbibe no hostile feeling towards us from the vigorous efforts made by our cruizers to establish the slave traffic, although it is from that source these princes have been accustomed to draw a great portion of their revenue; and that we may reasonably and confidently hope, by the same friendly means hitherto pursued, to prevail upon those powers to put a final and effectual stop to any attempts at that illegal traffic at its source by their own municipal regulations. By these means, combined with those hitherto adopted by internal vigilance of the authorities under His Majesty's government here, and the watchful activity shown on all occasions by His Majesty's navy on the station, I have every reason to expect the most complete success in extinguishing the slave trade throughout this extensive archipelago radically and definitively; which I humbly conceive it is impossible to accomplish by any less comprehensive plan, whilst the market itself, so close at hand, is kept open, and the inducements of private interests run so strong in these islands in contravention to the abolition laws in England and France.

My confidence in the success of these measures is strengthened by my conviction that the cause of humanity and the abolition of the slave trade will be essentially promoted in Madagascar by the return of the two young princes (brothers of Radama king of the Ovas) who have been educated under my own immediate inspection in a due abhorrence of that unnatural traffic, and whom, at the request of their brother, I allowed to embark for their native country on the 29th ultimo.

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Previously to their departure in His Majesty's ship *Phaeton*, which conveyed them to Madagascar, I exchanged with them, according to their native custom, and at the request of their brother Radama, the solemn oath of blood in the presence of the commander of the forces, and the other principal officers of my government. I beg leave to enclose to your Lordship a copy of my letter to the King of Ovah on this occasion, who has come down in great state to the sea-shore to receive his brothers, and conduct them back to Tamatave, the capital of his country, situated at the distance of about twenty days march into the interior.

I shall not fail to keep your Lordship duly informed of every thing that may occur on this and every other service having any relation to the slave trade, for I am most anxious to fulfil the duties of my situation to the utmost on this point, not only in devotion to the commands of my prince, and the will of the legislature, but from the first principles and feelings imbibed in my early education, and cherished ever since; and I feel assured, that were it permitted to me to publish a relation of my efforts and their practical effects towards the accomplishment of this object, few individuals would be found to have been more indefatigable and persevering in the pursuit; I should not have dared to intrude in this public dispatch to your Lordship those reflections on my own personal conduct and exertions, did I not observe that the public prints are made the daily vehicles of obloquy and imputations against me, on a subject where all who know me, know me to be invulnerable.

I have, &c. (signed) *R. T. Farquhar.*

(Copy.)—Inclosure 5.

N^o 44.

Treaty of amity, commerce and navigation, between the Governor of Mauritius and dependencies, and by B. Le Sage, Esq. agent to the Madagascar States, on the one part, and by His Majesty Radama, King of the Ovas, on the other part.

Article 1st.—The peace, friendship and good understanding, that at present happily subsists between the English and Ovah nations, shall be finally ratified and established by the present treaty, so that there shall be from this day forward, and for ever, a true and inviolable peace by sea and by land, and a sincere and close friendship and union between the kingdom of Great Britain on one side, and the kingdom of Ovah on the other, as well as between all their dependent countries, states, towns and ports, and the citizens and inhabitants thereof, without any exception whatever, of persons or localities. The subjects and inhabitants of the contracting states, shall not do to each other any harm, offence or injury, either in word or deed. They will most carefully avoid all abusive language on both sides, and treat each other with every possible respect and friendship.

Article 2d.—There shall be a perfect freedom of navigation and commerce throughout the dominions of the contracting powers; so that subjects of both states shall be at liberty to enter, trade, and remain without any let or molestation whatever, with their vessels, boats, people, in all the towns, harbours and rivers of the two contracting powers dominions, and buy and sell all kinds of merchandize and provisions, and there repair their vessels or boats; and they shall depart with the same freedom from thence with their goods, merchandize and effects whatever; provided they conform to the usual regulations of the port where they may happen to be.

Article 3d.—His Majesty Radama engages, that with respect to duties upon merchandize purchased by English merchants in his ports, or any other pretensions that he may have on English vessels trading to his dominions, British vessels shall not pay any duties.

The benefit which a due observance of this provision is calculated to secure to the British nation, shall, on the part of the government of Mauritius, be likewise extended to, and reciprocally enjoyed by the subjects of his Majesty Radama, trading in English ports, who shall be exempted from paying every other but the established duties payable by British merchants themselves.

Article 4th.—The contracting parties mutually engage, that all acts of piracy shall be punished in the severest and most exemplary manner, and that some arrangement shall be concluded between the two states as soon as possible, in order to the better discrimination of who are, and who are not, to be considered pirates.

Article 5th.—His Majesty Radama engages, that should any English ships or vessels of any description, be shipwrecked or lost in any part of his dominions, or where he has any authority or influence, all those persons who may be near at the time,

time, whether on shore or passing in boats, shall afford the sufferers every possible assistance, and that the wreck or the goods, shall on no account be made a prize of, nor the people taken into slavery, but they shall be kindly treated, and together with their effects be conveyed to the nearest British settlement, where the governor will make such meritorious people as have been instrumental in preserving the lives, and protecting the property of their fellow creatures, such reward as shall appear suitable to the occasion.

Article 6th.—In the event of His Majesty the King of Great Britain's ships of war, or the Honourable Company, touching at any of the ports of his Majesty the King of Ovah, for refreshments or repairs, his Majesty Radama promises to protect them, as well as all other vessels belonging to the English, that may touch at his ports, every assistance in his power, and to furnish them at equitable prices with cattle, and such other articles of provisions as his dominions produce, in the speediest manner possible.

Article 7th.—The contracting parties further agree, and bind themselves, that in the event of any acts being committed by the subjects of either states, contrary to the terms of the treaty, it shall not occasion the breach of the treaty, or of the friendship and good understanding that has thus been permanently concluded between the two powers, but that satisfaction shall be demanded by the aggrieved party; that an investigation shall immediately take place, and those individuals who shall be found to have transgressed the treaty, shall alone be punished for a breach of duty and disturbing the public peace.

Article 8th.—His Majesty Radama agrees, that no white man whatever shall have liberty to remain and reside in his dominions, without a pass signed by his Excellency the Governor of Mauritius, with the government seal affixed thereto; also, that no ship or vessel without the said passport, shall be allowed to enter into any of his ports or dominions, for the purposes of commerce. B. Le Sage, Esq. agrees that no Ovah shall be permitted to remain at Mauritius, without a like pass from his Majesty Radama.

In witness whereof, we the underwritten, have signed the present treaty, consisting of eight articles, and affixed our seals thereto.

Done at Tamatave, 4th February 1817.

(signed)

Radama.

B. Le Sage.

Ratified by me, at the Government House, Port Louis, this 21st day of June, 1817.

(A true Copy.)

(signed)

R. T. Farquhar.

Traité d'amitié de commerce et de navigation entre le Gouverneur de Maurice et dépendances, et par Capitaine Le Sage d'un coté, et par Jean René, chef de l'état de Tamatave de l'autre.

N° 45.

Article 1st.—La paix, l'amitié, et le bon entendement qui subsistent actuellement entre la nation Anglaise, et l'état de Tamatave, dont Jean René est chef seront définitivement ratifiés, et établis par le traite actuel de sort qu'il y aura dorénavant et à jamais une paix vraie et inviolable par le mer et par les terre; et une amitié sincère immuable et parfaite entre le royaume de la Grand Bretagne d'une coté, et les sujets de Jean René, chef de Tamatave de l'autre, aussi bien qu'entre tous les pays, états, villes et ports y dependants, et les naturels, citoyens et habitans des dites sans exception quelconque soit de personnes, soit de localité.

Les sujets et les habitans des états contractants ne seront aux uns ni aux autres aucune offense ou injure, soit de mot, soit de fait. Ils éviteront soigneusement toute langue abusive de chaque coté, et ils s'entre agiront avec l'amitié et le respect le plus absolu.

Article 2d.—Il y aura une liberté parfaite de navigation et de commerce partout les dominions des parties contractants; de sorte que, les sujets des deux états seront libres à faire le commerce sans aucun obstacle ou molestation quelconque envers leurs vaisseaux, canots ou peuple, dans tous les ports, villes, et rivières des dominions des deux partis contractants; et à acheter et vendre toutes sortes de marchandises et de rivres, et y reparer leurs vaisseaux ou canots, et qu'ils en partiront dans la même liberté avec leurs effets en se conformant aux regulations accoutumées du port ou ils se trouvent.

Article 3d.—Les parties contractants s'engagent mutuellement que toutes les actes de piraterie seront punis dans la manière la plus exemplaire, et que quelque mesure sera

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sera ajustée le plutot possible entre les deux états pour mieux s'assurer des contrevénans.

Article 4.—Jean René s'engage que dans le cas que des vaisseaux Anglais ou toutes sortes de bâtimens soient naufragés ou perdus dans quelque endroit des ses dominions ou partout ou il aie quelque autorité ou pouvoir, que toute personne qui peut être pris ou par la terre, ou passant dans des canots donnera aux naufragés toute l'aide possible, et que ni les debus ni les effets ne seront par aucune consideration capturés et que l'équipage ne serra pas mis en esclavage; mais qu'ils seront bien traités et ensemble avec leurs effets sayent conduits a l'établissement Anglais le plus proche, et le gouverneur recompensera ceux qu'ont taché de conserver la vie et proteger la propriété de leurs semblables, dans une manière convenable à l'occasion.

Article 5th.—Dans le cas de l'arrivée des vaisseaux de guerre de la Grande Bretagne, ou des vaisseaux de la compagnie touchant à Tamatave pour des refranchissement Jean René promet de leur fournir aussi bien qu'a tous les autres vaisseaux appartenants aux Anglais, toute l'aide qu'il peut et leur fournir a des pris raisonnables des approvisionnements et des deures tels qu'il y'aie dans ses dominions dans la manière la plus prompte.

Article 6th.—Les partis contractants conviennement additionellement et se tient que dans le cas de la commission de quelques actes soit par les sujets de l'un soit de l'autre état, qui soient contraires aux termes de ce traité; qu'une telle circonstance n'aura pas l'effet de rompre ce traité, ni a detruire l'amitié et le bon entendement qui ont été definitivement conclus entres les deux états, mais que toute sorte de dédommagement sera demande par le parti injurée ou souffrant, et que des recherches auront lieu, a fin de punir ceux qui aient violé ce traité en troublant la tranquillité publique.

Article 7th.—C'est aussi convenu entre les hauts partis contractants, que pour prevenir ceux de leurs sujets qui pourraient pretexter ignorancede ce traité de l'amitié entre les deux états que les articles cy-dessus seront publiés dans tous les ports subordonnés, et dans toutes les provinces de leurs dominions respective, à quel effet ou en sera des copies dans les langues de chaque pays; lesquels ayant été visés seront envoyes a tous les officiers commandants en chef aux divers endroits que soient sous le commandement de Jean René et qu'ils lus publiquement par eux a leurs vaisseaux et une copie resera en archive a chaque endroit.

Article 8th.—Jean Réne convient qu'a l'égard des impots sur les marchandises achetées par des negocians Anglais dans ses ports; en toute autre pretention que Jean René pousse avoir sur des vaisseaux Anglais faisant le commerce dans ses dominions, que les sujets Anglais ne payeront point de droit; autre que le paiement accoutumé de dix (10) piastres pour le mouillage de chaque bâtiment; et le cadeau d'un peu d'arrack, suivant la contume de tous les temps.

Le benefice qu'une bonne observation de cet article est propre a faire jouir a la nation Anglais sera, par le gouvernement de Maurice également étendre et joui par les sujets de Jean René, faisant le commerce dans les ports Anglais, que seront exempts de payer tout autre, que les droits établisque sont par les negocians Anglais eux mêmes.

En temoignage desquel nous les souscrits ayant signé ces articles en nombre huit, et y avous apposé nos secans.

Faita Tamatave, ce 24 de Novembre 1816. (signé) *Le Sage, (L. s.)*
Jean René, (L. s.)

Ratifié le present traité dans tout son contenu conforme à ma proclamation du 27th Avril 1815, et sauf la partie de l'article huit qui parait imposer dix piastres pour le mouillage de chaque bâtiment, ne voulant rien innover, mais laissant tous les usages et contenues à cet égard dans l'étât ou ils étaient au moment de la prise de l'Isle de France.

(signé) *R. T. Farquhar.*
Port Louis, Isle Maurice, le 5th Janvier 1817.

Pour acceptation pure et simple sans aucune restriction et selons les desirs de son Excellence de Gouverneur Farquhar.

Tamatave, 8th Janvier 1817. (signé) *Jean René.*

Enclosure 6.

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N° 46.

Treaty of amity and alliance, offensive and defensive, between His Majesty Radama, King of Ovah and dependencies, on the one part, and his elder brother, John René, King of Tamatave and dependencies, on the other part.

Article 1st.—Radama professes the warmest friendship and esteem for John René, King of Tamatava, and receives him as his eldest brother. These sacred ties will not fail to prove mutually advantageous to the contracting parties, by assuring the safety and authority of each against all their enemies, and the disturbers of good order and tranquillity.

Article 2d.—The rights and power of the contracting parties, instead of being infringed upon by either, remain not only untouched, but will not fail to augment, in proportion to the security, strictness and duration of their friendship.

Article 3d.—The contracting parties agree, in case of danger from their interior or exterior enemies, to afford each other the promptest and most effectual aid; and if any designs or machinations prejudicial to the interest of either come to their knowledge, to do their utmost to defeat them.

Article 4th.—If any question should arise from accident or misunderstanding on the part of the contracting parties, they agree by this article to submit the subject in dispute to the arbitration of their father, their friend, and their protector, Mr. Farquhar, Governor General of Mauritius and its dependencies.

Done at the camp of Manangharazan near Tamatave, this 9th day of July 1817.

(signed) *Radama.* (L. s.)

Jean René. (L. s.)

(signed) *F. Stanfell,*

Captain H. M. Ship Phaeton, Senior Officer.

Witness, (signed) *Thomas R. Pye,*
Agent of the Mauritius Government Madagascar.

(A true copy.)

(Copy.)—Enclosure 7.

Extract of the Diary of the British Agent at Tamatave.

N° 47.

4th July.—When on my way to Joondroux in the morning, His Majesty's ship Phaeton anchored in the roads. At Joondroux heard of Radama's near approach, by a courier I had sent to watch his motions. I took Peroque immediately, and when a short distance off the river, observed the advance guard on its left bank; I communicated with it, and found it under the command of Impaul, whose orders were to fall without mercy upon Joondroux, and Fish, its chief. I explained to him that Fish had withdrawn, and I had taken the village under my protection, and I had something to say to Radama, that would, I was sure, induce him to spare that village, and change his designs of hostility to the country and Jean René. They were at first deaf to my entreaties; but on saying if they fired a musket it was against the British government who had taken the chiefs under its protection, they went aside, and after a short consultation, they agreed to halt the fighting men at the river, where men also were ordered to prepare bridges for the passage of the main body in the morning. Being, however, himself charged with the message for Jean René, he (Impaul) must continue his route for Tamatave. This advanced guard, and its leaders, breathed such hostile inclinations and intentions, that I would not trust to their word when so much was at stake as the safety of the villages of Joondroux and Tamatave, and as Radama was still a day's journey off, I determined not to leave this force in my rear, but return to Joondroux, and await the near approach of Radama. I first sent a courier back to say, that I would meet him at the bridge early in the morning. Soon after my return to Joondroux, two officers from His Majesty's ship Phaeton arrived there, to inform themselves of the cause of the great alarm and abandonment of Tamatave.

5th.—Accompanied by my interpreter, Mr. Jaques Hubert, went to my appointed interview at the bridge. Radama was not yet arrived, but came soon after in a style of magnificence that I did not expect from an army, after a fatiguing march. He went to his tent. On his sending to say he was ready, I commenced the conversation, by asking what motive had procured us the honour of this unexpected visit, and desired he would at the same time explain his reasons for having first sent to Jean René, to say he was coming to pay him a brotherly and friendly visit with a few of his people only, and all at once changing his style to that of father, and

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a dictator at the head of a vast army, making demonstrations far from friendly. These contradictions had alarmed the chief and country to such a degree, that a full explanation of his intentions was necessary before I could consent to his entering Tamatave, as Jean René was the friend and ally of his Excellency, who was the father of both. He said there appeared to be some misunderstanding between Captain Le Sage and him, from whose conversation he thought it would not be disagreeable to his Excellency, if he came to take possession of the coast, and reduce to submission its petty republics. He had also the greatest friendship for Jean René, and in adopting him as a son, he still thought he was acting right; but if he was in an error, it was not too late to retrieve it, and his arms were open to receive Jean René as his brother, since his only fear was to offend Mr. Farquhar; but he was angry with Fish for an insulting message he had sent him, and begged I would leave them to settle it alone. I said I would not interfere in that quarrel, but only remark *en passant* that Fish was also the old friend of his Excellency, and to whom it would, I was sure, be pleasing if lenity was shown. I explained to him that it was for the mutual interest of him and Jean René to be friends and brothers. The latter was ready to acknowledge his sovereignty, but was jealous of any infringement of his rights. He then spoke of the war with Damazee, and informed me that so far from being angry with Jean René for punishing that chief, he only envied him his glory, and was ashamed of being outdone. He had promised Captain Le Sage to execute that justice himself, and he found the only way to save his honour was to bring Damazee and Mazangahombe prisoners to Tamatave to be delivered up to his Excellency's vengeance, and their heads, if it were his wish, should be the forfeit of their crimes. I said I would speak of this act at a future time. He then spoke of Hector, who he said had led him astray by bad advice, and repeated at every instant his devotedness and attachment to his Excellency the Governor, and his fear of offending him in any way. After a very satisfactory conversation, I appointed to meet him again at Joondroux, (to which he would march to-morrow to impart Jean René's sentiments). I then returned to Joondroux, breakfasted, and set out for Tamatave to relieve the anxiety of Jean René and all the merchants. Held a cabal of them, reproached them for their groundless fears and want of confidence. Jean René was on board the frigate; I wrote to him to come on shore, and to Captain Stanfell; the latter in answer said, Jean René would be glad to see me on board. After dining, went to wait on Captain Stanfell and Jean René, with whom I had a great deal of conversation; he was incensed against Radama, and would not listen to my explanations of his conduct, nor his wish to receive Jean René as his eldest brother; he was, indeed, so violent, and uttered such severe reproaches for his treachery, and I left him for the night much dissatisfied. He went on board his schooner, and after reading my dispatches he came on shore.

6th.—Left Tamatave in the morning in company with Captain Stanfell. We met Radana at Manangarazore, while performing a religious ceremony at the sea side. His encampment is there, to which Captain Stanfell and myself retired until that was over. We were seated as yesterday, he (Radama) read the Arabic letter of his Excellency aloud, and at the conclusion expressed the highest satisfaction. The ratified treaties concluded by Captain Le Sage were delivered at the same time. This concluded, I commenced the subject of Jean René, he repeated his sentiments of friendship for him, but begged I would leave Fish and himself to try the strength of their arms. I replied, I should by no means interfere in that quarrel, but, *en passant*, desired him always to bear in mind that Fish was the old friend of the English government. This request of Radama's afterwards appeared to me to be an artifice, to ascertain if I was disposed to espouse the cause of Fish against him; my reply, however, drew from him, that, on accepting Jean René as his brother, he could not carry to extremity his quarrel with that chief, whom he was willing to include in the treaty of friendship and alliance which he was about to enter into with Jean René. After a very long conversation, the whole of which it was impossible for me to repeat with exactness, we took our leave, with the entreaties of Radama, that I would send him notice forthwith if any scruples yet remained in the mind of Jean René. It was then arranged that he should enter Tamatave to-morrow, in order to receive his brothers with the honours and distinction due to their ranks, and the consideration of his Excellency for them. After which the reconciliation and reinstatement of Jean René is to take place. The treaty will be exchanged mutually in writing at a moment of more leisure.

Received yesterday, by the Phaeton, dispatches from his Excellency; she conveys the princes under the care of Mr. Hastee, who in the unforeseen event of Radama's coming

coming to receive them here, will probably be spared the fatigue of such a journey. Made arrangements with Captain Stanfell for the landing of the princes, and presents, to-morrow. Radama quitting his camp at Manangarazore will be announced by the firing of musquetry. When arrived and seated, a signal will be made by the Phaeton for the disembarkation of the princes, under a salute of twenty-one guns, which, independent of the honour and respect it conveys, cannot fail to be highly gratifying to the curiosity of Radama. If I were to undertake to mention instances of the discipline of Radama's troops, and the respect paid to all the property in Tamatave by the few who were on particular duties allowed to enter, the task would be useful. Radama's sole fear is, that any thing should happen to give offence to the English government, and throw a doubt on his solicitude to anticipate and fulfil all its desires and intentions. After an interview with Jean René, on board the Phaeton, and having informed him of all that passed between Radama and myself, I sent Monsieur Jaques Hubert to Radama, to say no fresh objections were raised by Jean René to impede the conclusion of the treaty of alliance between them.

7th.—Radama's entry into Tamatave; previously wrote to Jean René, to attend. The princes landed under a salute of twenty-one guns; Radama, on his car, at the head of his troops, when they passed to the front on horseback. They dismounted, and waited the approach of Radama, to whom they were conducted by Captain Stanfell, and were lifted into the car in front of Radama, who desired them to kneel before him. After continuing in this attitude for some time, Radama dismounted from his car, which was the signal for a feu-de-joie, the most tremendous I ever heard, there being not less than 20,000 men under arms. He remained some time in conversation with me, his brothers and Captain Stanfell receiving at the same time the compliments of many native strangers. A line was then formed, his soldiers drawn up, and he mounted his car to return to his camp. As I received him at the entrance of the town with all the Europeans, so I conducted him out of it. His brothers were put on the backs of two men, who marched in front to shew them to the whole army. After seeing him some distance, for the purpose of retiring his troops from the town, who have conducted themselves always with the greatest order and regularity, I came back; every thing was concluded by three p. m. I went to dine on board the frigate with Captain Stanfell. Radama, I was informed, after changing his heavy state dress, walked into the village in the evening, and made free with the bottle in company with Jean René, who is now his best friend and confidant.

8th.—Radama came into town to view his presents, and was delighted with their number and richness; he was attended by his disciplined guard, and passed the day in visiting all the European inhabitants without exception, and returned to dine with me at Monsieur Le Garde's, in company with Jean René and Captain Stanfell. He was anxious to quit his camp and return to Ancoe in the morning, but as the treaty between him and Jean René was not yet signed, I entreated him to defer it one day, to which he at last consented; and afterwards proposed to that chief to take, after its signature, the binding and solemn oath of blood with him; drew up the treaty of amity and alliance between Radama and Jean René; the latter approves entirely of it, and to-morrow is appointed for its formal ratification; wrote three in English, and the same number in French.

9th.—Assembled the European inhabitants at Jean René's, who accompanied us to the camp at Manangarazore, to witness the signature of the treaty, &c. Radama received us in his tent, he was in his shirt prepared for his oath. The treaty was translated into the Madagascar language in the Arabic character, which he entirely approved of, with the exception of the word "territory" in the second article. He said no line ought to be drawn; Jean René was his brother, and he gave him authority over the western part of the coast of Madagascar, when himself was in the east. So far even from diminishing his authority, it was extended over the country of Betaname, which his gallantry had conquered, and whose chief Damazee he had punished for the insult offered to their good God, the English. I very readily consented to put my pen through the word, which concession so pleased him, that no more difficulties were raised, and the signatures were put to the treaty. The latter article gave him great satisfaction, and nothing can surpass the attachment and devotedness to Mr. Farquhar, which words have an import and meaning in the present instance stronger than can be imagined. Radama's eyes brightened at the name, and he concludes all his conversations by saying, "he is overpowered with gratitude too strong for the expression of his feelings, and the only return he can make is, to follow his (the Governor's) advice and wishes, and his

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his only fear is to do the least thing in opposition to either." I gave Radama a ratified treaty in French, and another in English. The same to Jean René, keeping one for his Excellency. Radama's secretary entered a copy in Arabic into a book for the reception of such documents. The oath took place immediately after; there was nothing unusual in the ceremony. Nothing now remained to be done but to quit the tent; the troops were drawn up, and a volley fired, which was the signal for the frigate to fire a salute of 21 guns, and an equal number from Jean René's battery on the beach. Radama's troops then formed a circle round us, and the two chiefs, Damauzee and Mazangahombe, with the Betaname people, were ranged in front. We stood on an eminence, from whence Radama leaning with one hand on the shoulder of Jean René, addressed them in explanation of the treaty of alliance he had just concluded with his brother, and cemented by an oath of blood. This happy termination of their expedition they owed to their good God the English, the guardian angel Mr. Farquhar, whose children, said he, we all are. An instantaneous and general shout of assent from 40,000 mouths was electric. He then addressed Damauzee and Mazangahombe, who were prisoners in front, threatening them with severer punishment than had now been inflicted on them, if they again did any thing to offend the English government. Told them they were henceforward in subjection to the King of Tamatave his brother, who was authorized to punish them for misbehaviour or aggression. They were to return to their chieftainships on these conditions, and continue during good behaviour. The troops were put through their exercise by Sergeant Brady, and never in Europe did I witness men more perfect and orderly. The commands were all in English. Their dress a turban, white shirt, jacket, waistcoat, and trowsers. Their belts of leather, and cartouche's of silver, ornamented with small beads. Their muskets glitter in the sun; in short, I was astonished at their appearance, subordination, and perfection. These might amount to about 500 men. There were also not less than 30,000 men with muskets, who, though not yet drilled, are not less correct in their conduct, nor less obedient to command. The king moves and directs this vast and apparently irregular force with a nod. No man enters Tamatave without a permission, and strict orders to avoid giving the least offence to the inhabitants, as no one sleeps out of the camp after sun set. The town, surrounded by this multitude within a mile, is as silent as the grave, and not the value of a grain of sand has been plundered or stolen. Radama enters the town with his guard only, but returns before sun set to his camp. His person and countenance are handsome and prepossessing, his mind great and enlightened, his soul noble, and his heart sensibly alive to the impressions of gratitude and friendship; indeed he appears to me to be in every way worthy of the crown he possesses, and is capable of making that respected, and his people happy. His attachment to European manners and customs, have already by example an astonishing effect, and will ultimately, by increasing their comforts, complete the work of civilization and the opening of a new commerce, in subordination of the traffic in slaves. The island will, I have no doubt, if the present policy of his Excellency is followed up with steadiness and zeal, rise into respect and consequence.

10th.—Heard of Radama's attempt to pass his army on rafts from Joondroux to the opposite side of the river, which, owing to the strength of the currents failed, with the loss of three men on the shoals at the mouth of the river. He then ascended its left bank to re-pass the bridges he had at first made. At 11 A. M. the Phaeton saluted Jean René's flag with 21 guns, after which Captain Stanfell and his officers waited on him to congratulate him on his acquisition of strength, power, and security, and on the return of tranquillity. The schooners employed in bringing fish, and his people, from Isle Aux Prune; merchants disembarking their property, others returning to Tamatave from the northward, and every thing is fast tending to its former state of confidence, order and happiness.

(A true copy.)

Chief Secretary to the Government of the Isle of France, to C. M. Ricketts, Esq.
Chief Secretary to Government, Fort William.

N^o 48.

Chief Secretary's Office, Port Louis, 3d September 1813.

Sir :—I am directed by his Excellency Governor Farquhar, to acquaint you, for the information of the Most noble the Governor General in council, that the bearers, two natives of Johanna, having arrived here on the 20th June ult. in their way to Bengal, in the capacity of ambassadors from their sovereign to the supreme government,

ment, his Excellency has ordered a passage to be provided for them and their suite, on board the schooner *Courier*, the price of which, amounting to four hundred and twenty dollars, has been paid here on account of the supreme government.

I am also directed by his Excellency to acquaint you, that the further sum of four hundred and fifty dollars has been advanced to these persons on account of the Bengal government, to defray the expense of their passage from Madagascar to this island, and their wants during their residence here. I have, &c.

(signed) *G. A. Barry*, Chief Sec^r to Gov^t.

Enclosure.

From the King of Johanna, received 4th August 1817.

I wrote to inform you of all the occurrences which have happened in this country, which is in fact your country; the people of Madagascar, who before came into this country, have lately proceeded to war and bloodshed, and brought ruin and misery on our people. In consequence of this, I have appointed special persons to ascertain how they can be relieved from the burdens of taxation, and refrain from exacting any duties on the profitable traffic which is carried on with India. I am altogether unacquainted with the nature of the intercourse which my subjects carry on with India.

I have lately learnt, that the Madagascar people meditate an expedition against the port of _____ which has always been considered as yours. In consequence of this and of the interruption which the people of Madagascar occasion to the resort of English ships to this island, which has always afforded the means of subsistence to its inhabitants, the country is reduced to a state of great distress. As I consider the prosperity of the country to be under your guardianship, I hope that you will exert yourself to insure the resort of ships to the island, as heretofore; this will be advantageous, not only to me, but to yourself. The difficulties and distresses which overwhelm me are not to be wondered at, since the world is but the mansion of misery. The loss of the ships which have been wrecked, and the disasters which have been showered on my country, are both from the decrees of fate; but I have never failed to do every thing in my power for the relief of distressed voyagers. This time, however, on the occasion of the accident which happened to the ships, I was unable, in consequence of my own calamities, to send the crews to their own country. I earnestly hope that you will do whatever you can to ensure the resort of ships as heretofore to this island. God will reward you for this act of benevolence, and I am sure that if you will exert yourself, you can effect the object; at the very time when I was most anxious for the arrival of a ship, one named the _____ arrived from *Musey*. After four months, I had been taken to *Temjabar*. Afterwards two other ships, the *Nakhadas* of which were named *Saloun* and *Wunzum*, in consequence of the kind offices of our *Hunjooun*, came to the island; and after three days, dispatched them both, together with a ship which had previously arrived from *Surat*, to the above-mentioned port. One person named _____ who was on board one of these ships, remained five months on the island, and afterwards went to *Musey*. Subsequently to this, Captain _____ of the ship *Admiral Gambier*, which was wrecked off the island of *Radnoo*, arrived at the island with forty-two men, in three small boats. A French ship arrived shortly afterwards, they were taken away by her to your port.

In consequence of all the calamities which I have suffered, I earnestly hope for your Lordship's aid and protection. My wishes will be further explained to your Lordship by *Admiral Rodney*, who proceeds from hence to wait upon you.

(A true translation.)

(signed) *C. A. Malony*, Act^s Per. Sec^r to Gov^t.

Sent the following letters to the King of Johanna, written 19th February 1818.

I have the pleasure to acknowledge the receipt of your letter, to the address of his Excellency the Governor General, brought to this presidency by your envoys, who designate themselves by the names of *Admiral Rodney* and *Duke Abdoolla*.

In the absence of the Governor General, who is at present in distant provinces of the empire, your envoys have been received and entertained with all due distinction and consideration.

I understand from them, that the principal object of their mission was to obtain assistance against the incursions of the inhabitants of Madagascar. The injury which the inhabitants of Johanna have sustained from those attacks, has long been
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N^o 50.

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a source of concern to the British government. It was therefore, with great satisfaction, that I learned by a dispatch from Mr. Farquhar, the Governor of Mauritius, that that gentleman had recently concluded engagements with the principal states of Madagascar, an express object of which is, to secure the island of Johanna and the other Comoro islands from the hostile incursions to which they were before annually subject. I confidently hope that these arrangements will be attended with full success. It is proper to apprize you, that any representations which you may have to make on this subject, should be addressed to the Governor of Mauritius; to whose charge the British interests in that quarter are intrusted.

I have great pleasure in taking this opportunity of acknowledging your uniform attachment to the British nation, and the constant kindness and hospitality which the crews of British vessels have always experienced at the island of Johanna. I desire particularly to express my sense of the benevolent treatment shewn to the crew of the late ship Admiral Gambier, which was wrecked during the last year. In return for this friendly conduct, it has been my study to treat your envoys with every degree of hospitality during their residence here, and to confer on them the most honourable marks of distinction. I have now provided them with a passage to Bombay, whence the Governor of that presidency will have them conveyed to Johanna.

I shall always be sincerely anxious for your health and prosperity.

(A true copy.)

(signed) C. A. Malony, Acting Persian Secretary to Gov.

To Major A. Barry, Chief Secretary to Government at Mauritius.

N° 51.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of your dispatch, dated the 3d September 1813, stating that two natives of Johanna, who represented themselves to be envoys from their sovereign to this government, had in consequence of that representation been sent from Mauritius to this presidency, at the expense of the Honourable Company.

2.—Your letter was delivered by the persons referred to in it, but on their being interrogated, it appeared, that they were not furnished with any credentials, or with any instructions, either written or verbal, from their sovereign, which could warrant their being received and recognized in a representative character.

3.—The Vice President in council, therefore, conceives, that when at Mauritius they must have assumed the character of ambassadors to this government, solely with the view of obtaining a free passage to this country for the sake of gratifying their own curiosity.

4.—On two former occasions this government was obliged to incur considerable expense by the arrival of persons from Johanna, who advanced similar pretensions, to be considered as ambassadors.

5.—At the present moment also there are two persons here, who came directly from Johanna with letters from the king of that island. These persons have been necessarily received and treated as ambassadors at the expense of this government.

6.—The chief object of their mission, namely, to obtain assistance against the incursions of the people of Madagascar, has been happily secured, it is hoped, by the arrangements with the principal chiefs of Madagascar, detailed in Mr. Farquhar's dispatch to his Excellency the Governor General, dated the 1st August 1817.

7.—The object of those measures, as they affect Johanna, has been accordingly explained to the envoys, and in a letter to the king. It has been at the same time stated to the king, that in any representations which he may have in future to make on this subject, it will be proper to address himself to the Governor of the Mauritius, to whose charge the British interests in that quarter are entrusted; and as it appears unlikely that the mission of ambassadors to this presidency can answer any good purpose, the Vice President in council requests, that any persons who may arrive at Mauritius with the intention of proceeding hither, may be, as far as possible, discouraged from prosecuting their voyage; the Vice President in council desires me also to state, that no expense can hereafter be incurred by this government on account of persons coming from Johanna, who are not accredited as ambassadors.

I have, &c.

(signed) C. A. Malony, Acting Persian Sec^y to Government.

Fort William, 19th Feb. 1818.

To. F. Warden, Esq. Chief Secretary to Government, Bombay.

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Sir:—I am directed to inform you, that two persons who arrived at this presidency some time ago, with letters to the Governor General from the King of Johanna, who subsequently came here from Mauritius, are now proceeding to Bombay in the ship *Po*, in which a passage has been provided for them at the charge of government. The necessity of sending them to Bombay has arisen from the want of any direct communication with Johanna.

The Vice President in council requests, that the Right honourable the Governor in council will be pleased to provide them with a passage to Johanna by the earliest opportunity which may occur. It is proper to state, that from regard to the representative character of these persons, and also in consideration of the hospitable treatment which the crews of the British ships have uniformly experienced from the inhabitants of Johanna, the Vice President in council thought it proper to assign to them an allowance of 400 rupees per mensem for their subsistence, and an allowance of 60 rupees per mensem for house rent during their residence here.

I have the honour, &c.

(signed) C. A. Malony, Acting Persian Sec. to Government.

Fort William, 19th Feb. 1818.

[For further correspondence with the King of Madagascar, see the *Bombay Papers*.]

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Political Department; dated 20th Dec. 1820.

7.—We approve of your proceedings in regard to two natives of Johanna, who arrived at Calcutta in the beginning of 1818, with a letter from the king, and of the reply which you sent to that letter; we hope that the engagements concluded by the Governor of the Mauritius with the principal states of Madagascar, will secure the Island of Johanna in future from the hostile incursions to which they were annually subject from that quarter.

PAPERS relative to the practice of selling Children in some parts of the District of Dacca: 1813–1816.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors in the Judicial Department; dated 2d October 1813.

47.—The state of the police in the district of Sylhet is represented in a favourable point of view in the report from the judge of circuit.

53.—The proceedings of the annexed date contain a letter from the register of the Nizamut Adawlut, inclosing the general report furnished by the judge of circuit, on the termination of the second circuit, in the division of Dacca, for the year 1812; but after the foregoing remarks on the state of the police in each of the districts composing that division, it will be sufficient to draw the attention generally of your Honourable Court to that report to the resolutions passed upon it by the Nizamut Adawlut, and to our own orders on the subject.

Crim. Cons.
13 March 1813.

Extract, Bengal Judicial Consultations, the 13th March 1813.

Register of the Nizamut Adawlut to G. Dowdeswell, Esquire, Chief Secretary to Government.

Sir:—I am directed by the court of Nizamut Adawlut, to request that you will submit, for the consideration and orders of the Right honourable the Governor General in council, the accompanying copies of a letter, and its several enclosures from the second judge of the court of circuit for the division of Dacca, dated the 23d December last, reporting the completion of the circuit of that division for the second sessions of 1812, and of the jail delivery of the city of Dacca for the month of November last; also copy of the resolution passed by the court on a consideration of Mr. Dick's report of this date.

Criminal.
N^o 36.

I am, &c.

(signed) M. H. Turnbull, Register.

Fort William, 18th Feb. 1813.

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Extract, Letter from R. K. Dick, Esq. second Judge of Dacca, to M. H. Turnbull, Esquire, Register to the Court of Nizamut Adawlut; dated 23d December 1812.

N° 37.

Par. 6.—Inveigling away and selling slaves has long been a prevailing offence, I believe, peculiar to this district, and numerous prosecutions are consequently preferred for recovering them.

N° 47.

Enclosed in Nizamut Adawlut's Register's Letter of 18 February.

Resolutions of the Nizamut Adawlut, on a letter from the second judge of the Dacca court of circuit, containing his remarks on the close of the circuit of that division for the second session of 1812.

Nizamut Adawlut, on 18th Feb. 1813.

Judge's Letter,
p. 6.

Par. 4.—The court are desirous of receiving a more particular explanation of the offence of inveigling away and selling slaves, alluded to in this paragraph, and direct that the second judge be called upon to furnish the same accordingly.

Ordered, That the secretary write the following letter to the Register of the Nizamut Adawlut.

To the Register of the Nizamut Adawlut.

N° 48.
To the Register of
the Nizamut Adawlut.

Sir:—I am directed by the Right honourable the Governor General in council to acknowledge the receipt of a letter from you, dated the 18th ultimo, with its enclosures.

2.—His Lordship in council concurs generally in the sentiments expressed by the Nizamut Adawlut, upon the report furnished by the second judge of the provincial court for the division of Dacca, on the termination of the second circuit for 1812. The points noticed in the resolutions recorded by the court, do not appear to require any particular orders from government. I am, &c.

(signed) *G. Dowdeswell*, Chief Sec. to Government.

Council Chamber, 13th March, 1813.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Judicial Department; dated 19th May 1815.

* Sylhet.

Par. 26.—We notice what is stated by the second judge, as to the practice long prevalent in this zillah *, of inveigling away and selling slaves. When you have received the further explanation on this subject, which the Nizamut Adawlut had called upon Sir R. Dick to furnish, you will of course supply us with this information. He seems to think this practice peculiar to Sylhet; but this we greatly doubt, after having perused the report of the judge and magistrate of Dinagepore, respecting the selling of children by their parents, which we have particularly noticed in a former dispatch from this department.

Extract, Bengal Judicial Consultations, 29th December 1815.

Criminal, N° 60.

Read, a judicial general letter from the Honourable the Court of Directors, dated the 19th May 1815.

Relative to kidnaping children at Sylhet.

Par. 26.—The court of Nizamut Adawlut not having submitted to government any further information on the subject alluded to by the Honourable Court,—Resolved, That a copy of this paragraph be sent to the Court, and that they be requested to furnish the information required, and at the same time to state whether they have reason to believe that the practice alluded to of inveigling away and selling slaves, is prevalent in other districts.

Extract of a Letter from the Governor General in council of Bengal to the Court of Directors, in the Judicial Department; dated 2d August 1816.

Letter from the Court, dated 19th May 1815.

26.—Notice a practice reported as prevalent in Sylhet of inveigling away and selling slaves; require the transmission of information called for by the Nizamut Adawlut on the subject and express doubt as to the practice being confined to the zillah above mentioned.

15.—A copy of these remarks was transmitted to the court of Nizamut Adawlut, with directions to furnish the information required by your Honourable Court, and

at the same time to state if there was any reason to believe that the practice of inveigling away and selling slaves was prevalent in any other district.

16.—We have now the honour to submit a separate number in the packet, the correspondence noticed in the margin on that subject.

17.—Your Honourable Court will perceive from the letter from Mr. Ewing, the magistrate of Sylhet, dated the 16th of March last, that the practice which formerly existed of inveigling away slaves in the district of Sylhet has ceased to prevail, and that up to the date of his letter only one instance of that offence had come to the knowledge of the magistrate since his appointment, which took place on the 13th May 1814.

Extract, Bengal Judicial Consultations, 24th May 1816.

Register of the Nizamut Adawlut to W. B. Bayiey, Esq. Secretary to Government in the Judicial Department.

Sir:—I am directed by the court of Nizamut Adawlut to acknowledge the receipt of a letter from you, dated the 29th ultimo, inclosing extract of a letter from the Honourable the Court of Directors, under date the 19th May last.

2.—The further report required by the 4th paragraph of the resolution of the Nizamut Adawlut, under date the 18th of February 1813, was duly furnished by Sir R. K. Dick, late second judge of the court of Circuit for the division of Dacca, in a letter dated the 12th March 1813.

3.—A copy of that letter is now transmitted, together with copy of a letter written to the Dacca court of Circuit of this date; and you are requested to submit the same for the information of the Right honourable the Governor General in council.

I am, &c.

(signed)

M. H. Turnbull, Register.

Fort William, 24th January 1816.

(Copy.)

To M. H. Turnbull, Esq. Register to the Nizamut Adawlut, Fort William.

Sir:—Agreeably to the orders of the Nizamut Adawlut, contained in the 4th paragraph of the Court's resolutions of the 18th ultimo, on my report at the conclusion of the 2d sessions of 1812, I beg leave to submit the following remarks, partly founded on my own observation, and on communications with the present magistrate of Sylhet.

2.—Some idea of the prevalency of the offence of inveigling away slaves, or otherwise fraudulently obtaining them in that zillah, may be formed from the number of prosecutions instituted on that account in the Fouzdarry Adawlut during the last twelve months, which amounted to 150. It is, however, to be observed, that this number greatly exceeds that of former years, in consequence of cases respecting slaves being considered by the present magistrate as more properly cognizable in the Fouzdarry court, the cause of action generally partaking more of a criminal than a civil nature, and thus more speedily affording redress to such as labour under illegal restraint and cruel treatment; at the same time referring claimants to establish their proprietary rights in the civil court, where the average number of cases may be reckoned about fifteen per annum.

3.—Slaves or others sued under that denomination, labour under many disadvantages in contending against powerful and wealthy claimants, from their peculiar situations, the nature of the claim, want of friends, and their general ignorance and poverty. Their opponents contrive to obtain fraudulent possession, either by pecuniary rewards, or by the hope of better service, or entice them to desert their masters, or by the same seductive influence cause them to be inveigled away through the medium of their private agents, and often to be sold at such distant places as to prevent future discovery, or the return of the unfortunate being. I have known several instances of individuals having been happily rescued from this fate and restored to their families.

4.—Of the total number of Fouzdarry petitions periodically received by the magistrate, about one third are for the recovery of slaves inveigled away or either fraudulently or unjustifiably obtained.

5.—The chief cause of slavery in the district may perhaps be ascribed to the extreme indigence of the lower class of inhabitants, many becoming slaves through necessity, by selling their persons, yet the severities generally incident to slavery in

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other countries are here seldom practised or carried to excess, the proprietors finding it their interest to act humanely towards them, to secure their services and promote their increase.

6.—The odious practice of trafficking in slaves has long subsisted in that zillah, and doubtless many and various abuses have been committed under the cloak of an authorized commerce, or at least of such mercantile transactions not specially prohibited. The trade is carried on to a considerable extent, as is universally acknowledged, and from the best information on the subject, it is computed that the number of slaves in the district amounts to about one sixth of the whole population; and this number progressively increases, as their offspring are also born slaves.

It is impossible to form a correct calculation of the number of slaves annually exported from the district, but it is believed to be much less considerable now than formerly.

Dacca, 12th March 1813.

I have, &c.
(signed) R. K. Dick. Second Judge.

To the Dacca Court of Circuit.

Gentlemen:—The attention of the Nizamut Adawlut has recently been called to the subject of a letter from Sir R. K. Dick, late 2d judge of your court, under date the 12th March 1813, in reply to the 4th paragraph of the resolutions of the Nizamut Adawlut of the 18th February preceding, regarding the offence of inveigling away and selling slaves, stated to be prevalent in the district of Sylhet.

2.—The court do not clearly understand from the above letter, whether the offence referred to be the inveigling and selling persons already in a state of slavery, or enticing persons in a free state, and afterwards disposing of them as slaves.

3.—The court having been called on to submit a further report to government on the subject, are desirous of being furnished with more specific information on the point above noticed, and generally on the practice referred to; also, whether the practice is prevalent in Sylhet, or in any other district in your division.

4.—You will of course exercise your discretion in consulting any of the magistrates on the subject, if you should think it necessary, for your own information.

Fort William, 24th Jan. 1816.

I am, &c.
(signed) M. H. Turnbull, Register.

Register of the Nizamut Adawlut to W. B. Bayley, Esq. Secretary to Government, in the Judicial Department.

N^o 42.

Sir:—In continuation of the subject of my letter, under date the 24th January last, I am directed by the court of Nizamut Adawlut to transmit for the information of the Right honourable the Governor General in council and the Honourable the Court of Directors, the accompanying copy of a letter and its enclosures from the court of Circuit for the division of Dacca, dated the 26th ultimo.

2.—As connected with the subject of these papers, the court further direct me to transmit copy of a letter from the senior judge of the Benares court of Circuit, furnishing an explanation called for by the court in the case of a sentence passed by him against two prisoners named Nohar and Sheeo Dyal, which was included in the statement submitted to government with my letter of the 6th ult.

3.—The court observe, that the inveigling away slaves as well as free persons, although not specifically provided for, is an offence punishable by the criminal courts, under the Mahomedan law, and general regulations in force.

4.—They propose, however, to consider the expediency of including some express provision on the subject, in the draft of a regulation concerning slavery, required by the orders of government communicated in your letter of the 15th of March last.

Fort William, 1st May 1816.

I am, &c.
(signed) M. H. Turnbull, Register.

To M. H. Turnbull, Esq. Register, to the Nizamut Adawlut, Fort William.

N^o 43.

Sir:—In consequence of your letter of the 24th January last, it appeared to us expedient to consult the several magistrates of this division regarding the offence of inveigling away and selling slaves, stated to be prevalent in the district of Sylhet.

2.—We now deem it proper to transmit, for the consideration of the Nizamut Adawlut, copies of the answers received, and forming an opinion on the communication made, the practice alluded to does not appear to prevail to a great degree in any part of this division.

3.—The

3.—The information obtained from Mymensing, is calculated to create a favourable impression of the conduct of the inhabitants of that part of the country; and Mr. Ewing's account of the prevalence of the offence in Sylhet, is also satisfactory.

4.—The circumstances detailed in the reply of the magistrate of zillah Tipperah, relate particularly to the practices which were adopted at former periods within the district of Sylhet, but we have not deemed it necessary to require from the present magistrate of the latter zillah, a copy of the sentiments furnished by Mr. Hayes; since from the answer of Mr. Ewing, we are induced to believe that the practice is now not frequent.

5.—The document alluded to by Mr. Hayes, appears to have been delivered to Sir R. K. Dick, on whose communication the attention of the Nizamut Adawlut has been drawn to the offence in question; this is an additional reason for our not transmitting the opinion of Mr. Hayes, as the letter of Sir R. K. Dick, we conclude, comprehends all the information furnished by the officiating magistrate of Sylhet.

6.—The inhabitants of the zillah of Tipperah, appear to refrain from the practice of becoming venders of slaves, although it is reported by the magistrate that they make such purchases from people coming from the districts of Sylhet, Chittagong, and Backergunge.

7.—The information communicated by Mr. Pechell does not however give us reason to believe that persons are inveigled or enticed away within the limits of the district under his charge, neither are there grounds to suppose from the magistrate's report, that such practice prevails in the zillah of Backergunge.

8.—Occasional instances appear to occur in Dacca Jelalpore, of the disposal of children as slaves, and the transfer of slaves is reported to be common, but we do not conclude from the circumstances stated by Mr. Pigou, that the offence apprehended is committed among the inhabitants of that district.

9.—Although the magistrate of the city of Dacca has reported that he has found in his court several prosecutions for inveigling away children and other persons, he adds that such causes are not very numerous, and that the practice is principally confined to the female sex.

10.—Grounding our opinion on report, we are led to believe, that persons already in a state of slavery, are seldom induced from the exercise of any undue means, to change a master from whom they experience tolerable usage; and much ill treatment will, even on particular occasions, be submitted to, if the general conduct of the proprietor be merciful, and regulated by an inclination to afford such trifling indulgencies as would naturally suggest themselves for the alleviation of the condition of individuals so unfortunately situated.

11.—The transfer of slaves we are informed sometimes takes place both with and against the consent of the slaves themselves, but in the latter case the mildest and most indulgent conduct can alone secure to the purchaser any favourable result from such transaction.

12.—Our information does not warrant us in stating, that the practice of enticing away children is prevalent with respect to those who have already been subjected to a life of slavery; neither are we prepared to assert, that persons in a free state are more frequently subject to the loss of liberty from the exercise of such measures, but we do not deny that an instance may now and then occur, in which persons of both descriptions may become victims to the snares laid for the benefit of those employed on such occasions.

13.—We do not conceive that the orders of the Nizamut Adawlut call upon us for any information respecting the practice of parents disposing of their own children; and however repugnant to the feelings of those reduced to the necessity of so unnatural an act, we are convinced that in many cases, the result is beneficial to those who are thus deprived of their natural protection and support.

Dacca, 26th April 1816.

We have, &c.

(signed)

Shearman Bird, Senior Judge.
G. Hartwell, Fourth Judge.

(A true copy.)

No signature.

To H. Walters, Esq. Register to the Court of Circuit for the Division of Dacca.

1.—Sir:—I am duly favoured with the receipt of your letter of the 6th inst. annexing copy of a letter addressed to the court of Circuit by the register of the Nizamut

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Nizamut Adawlut, relative to the offence of inveigling and selling slaves, and desiring that I will transmit to the former court such information as I may possess on this subject.

2.—With respect to the prevalence of the above mentioned offence in the district of Sylhet, agreeably to the desire of Sir R. K. Dick, I formerly furnished that judge with whatever information I possessed upon this head of inquiry, and as I have not so perfect a recollection of the subject at the present time as at the period to which I refer, I beg leave to notice to the court of Circuit, that a copy of the documents containing my sentiments upon it may be obtained from the Sylhet records, in the event of the court deeming it worth while to procure it.

3.—In the second paragraph of the letter from the register of the Nizamut Adawlut, it is remarked, that the superior court do not clearly comprehend from the letter addressed to the court by the second judge of Circuit, whether the offence therein adverted to, be the inveigling and selling persons already in a state of slavery, or enticing persons in a free state and afterwards disposing of them as slaves. Upon this remark, it appears proper that I should observe to the court of Circuit, that my information and experience do not, I believe, furnish me with an instance of the last mentioned offence having been committed within the jurisdiction of the district of Sylhet by any person or persons inhabitants of that zillah during the period that I had charge of it. I understood that this practice was refrained from by the Sylhet inhabitants in consequence of the probability of subsequent detection, but that it was occasionally resorted to by those of other districts who possess better means of effectually eluding justice. If I recollect right, the Sylhet records will furnish one or two trials corroborative of the truth of the above observation, but certainly several which were determined in my time for the alleged offence of inveigling persons already in a state of slavery. I have learnt from good authority, that the generality of the former description of persons above alluded to are females, who, being more employed for domestic purposes than those of the other sex, are in greater demand, and consequently the price for them is proportionally higher than that fixed upon for the males. These females are carried to Dacca, Calcutta, Moorshedabad, Patna, and to those opulent cities which constantly insure for them a rapid and profitable sale.

4.—Report states, that in the Mogul government, slavery existed in the district of Sylhet to such a degree, that persons would sell themselves as slaves to satisfy demands of rent, while others would, from similar necessity, dispose of their own slaves. Even at the present day it may be ascertained that some individuals, in order to supply the immediate wants of nature, voluntarily submit to a state of slavery, and dispose of their persons for determinate services so long as they may be capable of performing them. Documents to this effect are executed in the customary manner with other written engagements, and the court may easily obtain them from the magistrate of Sylhet.

5.—Since necessity alone would compel any person to submit to a state of slavery, it may therefore I presume be inferred, that the slavery herein noticed, originates in the extreme poverty of the lower orders of the society, and that to tolerate it under certain restrictions, would be preferable to exposing the poorer classes of the community to the risk of perishing for want, by depriving them of the only ostensible resource left to enable them to support existence.

6.—The records of this office exhibit no offences of the nature alluded to by the court, nor have I been able to ascertain the occurrence of them within the limits of this jurisdiction. I understand, however, that people from this zillah repair to the districts of Sylhet, Chittagong and Backergunge, to purchase slaves, who are also occasionally disposed of in this district, by such inhabitants of the above-mentioned places, who bring them hither for sale.

I am, &c.

Zillah Tipperah, 10th February 1816. (signed) J. Hayes, Magistrate.

(A true copy.) (signed) H. W. Reg.

To Shearman Bird, James Rattray, J. M. Rees and G. Hartwell, Esqrs.
Judges of the Court of Circuit for the Division of Dacca.

Gentlemen:—I have the honour to acknowledge the receipt of a letter from your court of the 6th instant, annexed copy of a letter from the court of Nizamut Adawlut of the 24th of last month.

During

During the ten months I was at Sylhet, I often heard that some persons gained a livelihood by enticing boys and girls whose parents were free, both from their houses in the district and from the adjoining territories of Kackar and Jynteah, by disposing of some to wealthy natives in the district, and carrying some for sale to other places.

From the above, I presume, that Sir R. K. Dick alluded to both offences.

It is a common practice amongst the lower class of native women, on the loss of their husbands, or at the time of a scarcity of grain, both in Sylhet and this district, to sell their children, by which the mothers gain a livelihood, and the children are much better taken care of by their new masters, than had they continued with their parents.

It happens frequently, that some mothers sell their female children to prostitutes; sales of that description are always made known to the police darogahs, whose duty it is to convey the parties instantly to the magistrate, that they may be punished for so nefarious a transaction.

Some there are, whose families have been in a state of slavery for the last hundred years, and who, when a sale of an estate takes place, are included in the purchase; as however many suits are instituted in the Sylhet district for slaves, and appeals are admitted by the court of appeal, I do not suppose Sir R. K. Dick had it in contemplation to draw the attention of government to that class of people.

It might in some measure prevent illicit transactions, if every one purchasing a child was, under pain of a heavy fine and imprisonment, ordered to register such sale and enter into an agreement at the court at the time of registering, binding himself to produce at the court the boy or girl he may buy, whenever the magistrate should call upon him.

I have, &c.

Zillah Backergunge, 12th February 1816. (signed) *J. W. Sage*, Magistrate.

(True copy.) (signed) *H. W. Register*.

To H. Walters, Esq. Register to the Court of Circuit, Dacca.

Sir:—In reply to your letter under date the 6th instant, with its inclosure, I beg leave to acquaint the court, that the practice of inveigling and selling persons either already in a state of slavery, or those in a free state, is not prevalent in this district, only one instance of the kind having come to my knowledge since I have been at Chittagong.

I am, &c.

Zillah Chittagong, 26th February 1816. (signed) *P. W. Pechell*, Magistrate.

(A true copy.) (signed) *H. W. Register*.

To H. Walters, Esq. Register to the Court of Circuit for the
Division of Dacca.

Sir:—I have the honour to acknowledge the receipt of your letter, under date the 6th ult. enclosing one from the register of the court of *Sudder Nizamut Adawlut*, desiring to be informed whether the practice of selling slaves is prevalent in this district.

In reply, I have to observe, that upon an examination of the records of the court during the last three years, it does not appear that any complaint whatever, either for selling persons already in a state of slavery, or for enticing persons in a free state, and afterwards disposing of them as slaves, have been made.

The custom of disposing of persons already in a state of slavery, is common throughout the district, regular deeds of sale are executed, some of which, indeed, have been registered in this court; and when an estate to which slaves are attached, is disposed of by private sale, the slaves are very commonly sold at the same time, though a separate deed of sale is always executed.

That persons are brought from other districts for the mere purpose of being sold to the highest bidder, I am convinced is not at present the case; that females are occasionally procured from their parents, who are in low circumstances, there is no doubt, and generally speaking, are purchased by public women, who bring them up to the same line, and make a profit by their prostitution.

It rarely if ever happens, that persons in a free state are inveigled away under false pretence, and afterwards sold as slaves, unless in the instance of young females, who, being obtained from their friends under pretence of marriage, are disposed of

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either to public women or to rich individuals, as servants for their zenanna ; that this occasionally occurred, is merely my opinion, as no cause of the above nature has been proved in this court for several years past. I have, &c.

(signed) *H. M. Pigow*, Assistant in Charge.

Zillah Dacca, Zellalpoore, 1st March 1816.

(A true copy.) (signed) *H. W. Register*.

To H. Walters, Esq. Register to the Court of Circuit for the
Division of Dacca.

Sir :—I have the honour to acknowledge the receipt of a letter from you, dated the 6th ult. accompanied by copy of a letter from the register to the Sudder Nizamut Adawlut, of the 24th January last.

I have to state in reply, for the information of the court of Circuit, that I have found in this court several prosecutions for inveigling away children and other persons with various intents, and they are generally females, such causes, however, in this city and district are not very numerous.

The unfortunate persons who are sold for slavery, are generally little children (females) or grown up girls that are enticed away from their parents or other relations in the Mofussil, and unconscious of their fate.

Persons already in a state of slavery are seldom, as far as I can discover from the records of the court, or from other information, inveigled away with a view of being sold, but female slaves are often enticed away for other purposes, sometimes by men, and sometimes by women keeping houses of ill fame.

Both descriptions of offence are, I believe, very prevalent, especially the former, though few of them comparatively coming officially to the knowledge of the magistrate.

I am, &c.

(signed) *G. C. Master*, Magistrate.

Fouzdarry Department, City of Dacca, 5th March 1816.

(A true copy.) (signed) *H. W. Register*.

To H. Walters, Esq. Register of the Court of Circuit for the
Division of Dacca.

Sir :—I have the honour to acknowledge the receipt of your letter of the 29th ultimo.

The records of this office do not exhibit a single prosecution occasioned by the enticing away a free person, and afterwards disposing of him as a slave, nor, since the year 1813, have any complaints been instituted respecting the inveigling and selling persons already in a state of slavery. From the number of cases which came before the court previous to the year 1813, the offence does not appear to have ever been prevalent in this district.

I am, &c.

(signed) *E. J. Harington*, Acting Magistrate.

Zillah Mymensing, Fouzdarry Adawlut,
7th April 1816.

(A true copy.) (signed) *H. W. Register*.

To H. Walters, Esq. Register to the Court of Circuit for the
Division of Dacca.

Sir :—I have to acknowledge the receipt of your letter, dated the 5th ultimo, addressed to the acting magistrate, with a copy of a letter from the Nizamut Adawlut, dated the 24th January, respecting the practice of inveigling away and selling slaves.

I understand that formerly instances frequently occurred of young girls and female children being kidnapped or enticed away from this district, in order to be sold to prostitution in Dacca and other places. The persons who committed this offence were generally fackeers, or wandering bazeegurs. Since my appointment, however, but one instance has come to my knowledge, and I am of opinion that the practice is not now frequent.

I am, &c.

Zillah Sylhet, 16th March 1816. (signed) *J. Ewing*, Magistrate.

(A true copy.) (signed) *H. W. Register*.

(True copies.) (signed) *M. H. Turnbull*, Register.

To M. H. Turnbull, Esq. Register to the Nizamut Adawlut, Fort William.

Sir:—I have received your letter of the 6th instant, and beg leave to acquaint you, for the information of the court, that the females sold by the prisoners Nohur and Sheo Dyaul, were free women.

I enclose a copy of the futwa of the law officer.

Benares, 19th April 1815.

(True copy.)

I am, &c.

(signed) *W. A. Brooke*, Senior Judge.

(signed) *M. H. Turnbull*, Register.

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N° 45.

Ordered, That the secretary write the following letter to the Register of the Nizamut Adawlut.

To the Register of the Nizamut Adawlut.

Sir:—I am directed by the Right honourable the Governor General in council to acknowledge the receipt of two letters from you, dated the 24th January last, and the 1st instant, on the subject of the orders from the Honourable the Court of Directors, communicated to you in my letter of the 29th December 1815, and to inform you, that the attention of the Court of Directors will be drawn to them in the next dispatch from this department.

N° 46.

2.—In preparing the draft of the proposed regulation regarding slavery, the Governor General in council requests, that the court will take into their consideration the expediency of requiring that the future purchase or transfer of slaves shall be regularly registered, and that any breach of the rules which may be framed for that purpose, shall entitle the slave to demand and obtain his freedom.

I am, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Fort William, 24th May 1816.

Extract of a Letter in the Judicial Department from the Court of Directors to the Governor General in Council of Bengal; dated 17th Nov. 1819.

Letter from the Government, dated 2d August 1816, (15 to 17.) on the supposed prevalence of the practice in Sylhet of inveigling away, or otherwise fraudulently obtaining Slaves.

Par. 8.—The adoption of any legislative measures in regard to this subject, is a matter of nice and delicate consideration, we therefore trust that the regulation which you have ordered to be framed will have been prepared with due caution.

PAPERS relative to certain Claims for the restoration of Slaves, who had, under various circumstances, quitted the Eastern Islands, or for an equivalent compensation for the loss of the said Slaves: 1814—1815.

Extract, Bengal Civil Colonial Consultations, 28th April 1815.

The secretary reports, that the following letter from the secretary to the government of Java, was referred to the advocate general on the 15th instant.

Secretary at Java to Henry St. George Tucker, Esquire, Secretary to the Supreme Government, Fort William.

Sir:—I am directed to transmit to you, for the information of his Excellency the Vice President in council, the enclosed copies of a correspondence with the resident at Amboyna, relative to some slaves who were sent to Bengal from Banda on the public account, and were brought by the late Mr. Hopkins to this island, where they have since remained.

N° 2.

2.—The executor of Mr. Hopkins having been required to send these persons to Amboyna, agreeably to the resident's request, he has started objections, that from the circumstances which have occurred since the parties were carried from Amboyna, they can no longer be considered or treated as slaves, and as there is no legal advice at this place competent to determine whether they ought to be so considered, the Honourable the Lieutenant Governor in council has deemed it advisable to refer the case to Bengal.

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I am accordingly desired to request that this government may be favoured with instructions on the case, and to add, that in the meantime the necessary measures will be taken to keep the persons in view without unnecessary restraint, in order that they may be forthcoming whenever his Excellency's decision shall be received.

I have, &c.

Batavia, 13th Dec. 1814.

(signed) *C. Assey*, Sec. to Government.

To the Honourable T. S. Raffles, Lieutenant Governor in Council, Java.

N° 3.

Honourable Sir:—I have the honour to transmit the accompanying copy of a letter from the resident at Banda, together with a copy of the enclosure to which it refers, and I request that you will be pleased to direct the necessary application for the restoration to the public service of the slaves belonging to the parks at Banda, whose names are specified in the letter from the superintendent of spices at that island, to be made to Lieutenant Williams, the executor to the estate of the late Mr. Hopkins, and that you will also be pleased to cause them to be provided with a passage to the island by the earliest opportunity.

I have, &c.

Fort Victoria, 8th August 1814.

(signed) *W. B. Martin*, Resident.

To George Babington, Esq. officiating Secretary.

Sir:—I have the honour to transmit to you a copy of a letter addressed to me by the superintendent of spices.

I hope the resident at the Moluccas will have the goodness to make an application for the return to their families of the slaves therein mentioned.

I have, &c.

Banda, 15th July 1814.

(signed) *David Forbes*, Resident.

Captain D. Forbes, Resident.

Sir:—I have the honour to report, for your information, that the parents and other relatives of the six park born slaves who proceeded to Bengal on the public service with Mr. Hopkins in the year 1812; having heard that these young men are now in Java, have earnestly requested me to intercede in favour of their being sent home to their families; and I take the liberty of soliciting your endeavours to obtain the object of their petition, as I can state from my own personal knowledge, that when these men were ordered to embark in the *Wellesley*, they were indulged with a hope of a speedy return.

Sic. orig.

The names of the six men were Hector, Taybebeck, Tayboerreuz, April, and Maandag. I have heard that one of them is dead, and that the others were at Samarang with the late Mr. Hopkins at the time of his decease.

I have, &c.

Banda, 12th July 1814.

(signed)

To J. Dupuy, Esq. Deputy Secretary to Government, Batavia.

N° 4.
Enclosure.

Sir:—I have the honour to acknowledge the receipt of your letter, dated the 22d ultimo, transmitting an extract of a letter from the resident of Banda, and directing me to deliver to the resident of Somabaya, without delay, the six slaves therein mentioned.

I am sorry to state that circumstances have placed it out of my power to execute this order, as the men are dispersed in different parts of the island, viz. Tayboeureuz, April and Maandag, at Besukie, and Taybebeck at Renibanz; Hector died in Calcutta.

I take the liberty to detail, for the information of government, what I know of these men, and how I have acted towards them.

On the night that the late Mr. Hopkins and myself left Calcutta, they earnestly requested to be permitted to accompany us, rather than be left to the care of strangers, unacquainted with the language and habits; Mr. Hopkins consented, under the impression that a passage to Banda would be more easily procured from Java than from Calcutta; but before our arrival at Samarang the Slave Transport Act was published, and Mr. Hopkins, after studying the Act and consulting with others, was of opinion that these men had, by its operation, obtained their freedom, and that any person shipping them on board of a vessel to be conveyed to another island for the purpose of being treated as slaves, would fall under the penalty of the Act.

Upon

Upon the death of Mr. Hopkins, I assembled the men, and having been accustomed to look upon them as virtually emancipated from slavery by the publication of the Slave Act, I proposed to their choice either to return to Banda, under the charge of Mr. Babington, or to remain and seek their livelihood in Java; as they are all married, and some of them had children on the island, they chose to remain. In offering them this choice, I was also swayed by the consideration that they had been for a long time residing in a country in which slavery is not permitted, where they had been summoned to appear as witnesses before the supreme court, in the suit between government and the captors of Banda; that they had been traversing the seas after the period fixed by the Slave Act; and lastly, that there were no papers of slavery with them to authorize their registry and taxation as slaves, in obedience to the colonial law, which declares that an omission in that respect liberates the slave. Under all these circumstances, I most humbly submit to the consideration of government, whether I, as executor of the late Mr. Hopkins, could have acted in any other manner than in leaving them to their own discretion to return to Banda or remain in Java.

I beg leave to observe, that the provisions of the Slave Transport Act seem to be perfectly understood by the unhappy class for whose benefit it was enacted, and that it is my firm belief, that if the Bandanese in question should be apprehended by the local authorities, for the purpose of being transported against their will to the Moluccas, they will throw themselves on the mercy and justice of a government, which guards the rights of its lowest, equally with those of its highest subjects.

In concluding, I earnestly deprecate the imputation of having been swayed by any views of self-interest in making this statement, as I have only followed the dictates of my conscience, and the wishes of my much-lamented friend and relation.

I have, &c.

(signed) *J. Williams,*

Executor to the estate of the late Mr. Hopkins.

Sourabaya, 8th November 1814.

Acknowledged.—Lieutenant Williams will be pleased to report with whom the men are at present residing, and will be informed of the further orders of government in this case on the receipt of his information.

In the meantime, as executor to the late Mr. Hopkins, he will be careful that the persons be not dispersed, but be forthcoming if required by government.

By order, (signed) *C. Assey, Secretary to Gov^t.*

Batavia, 1st December 1814.

Advocate General to W. H. Trant, Esq. Acting Secretary to Government,
Colonial Department.

Sir:—In obedience to the commands of the Honourable the Vice President, conveyed to me in your letter of the 15th instant, I have the honour to state, that the persons who were slaves at Amboyna, and who were taken by the late Mr. Hopkins to Java as his attendants, cannot be removed from Java to Amboyna, or to any other place beyond the seas, as slaves, or for the purpose of being used or dealt with as slaves, without a direct breach of the Act 51st Geo. 3. c. 23. which makes it felony for any one to do so, except in the West Indies, where, under the fourth section of the Act, slaves of a certain description may be carried from one British island there to another.

I have, &c.

(signed) *Edward Strettle, Advocate General.*

Fort William, 20th April 1815.

Ordered, That a copy of the foregoing letter from the advocate general be transmitted to the government of Java for their information.

Extract, Bengal Civil Colonial Consultations, 30th September 1815.

To W. H. Trant, Esq. Acting Secretary to the Supreme Government,
Fort William.

Sir:—I am directed by the Honourable the Lieutenant Governor in council, to acknowledge the receipt of your letter of the 28th April, with an opinion of the advocate general relative to certain slaves who accompanied the late Mr. Hopkins from

N^o 5.

N^o 11.

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from Banda to Calcutta; and to request you to inform the Honourable the Vice-President in council, that a communication of this opinion has been made to the resident of Amboyna, with an intimation, that in consequence thereof this government would not feel themselves justified in sending back the parties to the Moluccas.
I have, &c.

(signed) *Charles Assey*, Secretary to Government.

Batavia, 10th August 1815.

Extract, Bengal Civil Colonial Consultations, 7th October 1815.

Acting Chief Secretary at the Isle of France, to Henry St. George Tucker, Esq.
Chief Secretary to Government, Fort William.

N° 5.

Sir:—I am commanded by his Excellency the Governor, to transmit to you the enclosed copy of a letter from Anne Pascal, claiming a slave named Eveline, who was hired by Mr. Holson, now resident at Calcutta, to attend him during the voyage, and under a stipulated engagement of returning the black to this colony; and I have to request that you will have the goodness to use your endeavours for the return of Eveline, or for the payment of an equivalent in value to his owner, as occasion may present.

The reconsement is retained in this office, and it clearly established the property of the petitioner.
I have, &c.

(signed) *C. Telfair*, Acting Chief Sec. to Government.

Chief Secretary's Office, Port Louis, 10th August 1815.

A. Monsieur Draper, Secrétaire du Gouvernement, à Maurice.

N° 6.

Monsieur:—Exposé respectueusement Marie Anne Pascal, que lors du depart, du sieur Holson de cette colonie pour Calcuta elle lui confia pour être employé à son service la nommée Eveline son esclave; sous la condition qu'il le lui ramenerait en cette colonie qu'instruite que ledit sieur Holson s'est établi a Calcuta en qu'il ne compté plus revenir, l'exposante a recours à vous a l'effen que vous l'autorisez à reclamer a Calcuta du dit sieur Holson et par l'entremise du Capitaine Magee qu'est en parlance pour ce port son dit noir nommé Eveline, elle joint ici ses titres de propriété et son recensement.
Elle a honneur d'être, &c.

(signé)

Marie Anne Pascal.

(Pour copie conformé.)

(signé) *J. A. Draper*, D. Sec. du Gouvernement, par interim.

Port Louis, le 1er Aout 1815.

Secretary at Java, to W. H. Trant, Esq. Acting Secretary to the Supreme Government, Fort William.

N° 7.

Sir:—I am directed by the Honourable the Lieutenant Governor in council, to transmit to you the enclosed extract of proceedings of this government in the public department of this day's date, relative to a female slave who has accompanied a soldier in His Majesty's 59th regiment to Bengal, and to request that you will be pleased to submit the same to the notice and decision of the Honourable the Vice President in council.
I have, &c.

Batavia, 10th August 1815. (signed) *C. Assey*, Sec. to Government.

Extract from the Proceedings of the Hon. the Lieutenant Governor in council in the Public Department, dated Batavia, the 10th August 1815.

N° 8.

The Commander of the Forces lays before the Board the following letter addressed to him on behalf of the late Mr. Barrett's estate.

To his Excellency Lieutenant General Sir M. Nightingall, K. C. B. Commander of the Forces on Java.

Honourable Sir:—We beg leave to transmit, enclosed, a letter from Captain Hanson on the subject of a slave girl belonging to Mr. Barrett, who absconded and went with one Dilkes, belonging to the 59th regiment, to Sourabaya. Your Excellency will be pleased to observe from Captain Hanson's letter, that when an application was made to Colonel Macleod to deliver the said girl up to the civil authority, that some of the officers of the regiment said they would pay for her;
this

this not having been done, and the regiment, as we are informed, on its departure, we take the liberty of soliciting the aid of your Excellency, the slave girl having been purchased at 350 Spanish dollars.

We have, &c.

(signed) *D. Christiani, J. C. Goldman, Peter Jessen.*

Batavia, 31st July 1815.

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Territories.

Weltevreden, 27th July 1815.

Sir:—In reply to your letter of the 12th inst. I have the honour to acquaint you, that I remember the application in question to have been made to me when I was at Sourabaya on my way to Macassar last year; that I made every inquiry respecting the slave woman, and found that she was then living with Dilkes of the 59th regiment. I was desired by Lieutenant Colonel Macleod, to deliver her up to the civil authority, but some of the officers of the regiment having said they would pay for her, Colonel Macleod did not enforce the order.

I have, &c.

D. Christiani, Esq. (signed) *J. Hanson, Major of Brigade.*

It appears to the Board, that the female slave in question will have obtained her freedom by the circumstance of having quitted this island, and gone to a British settlement, but they refrain from giving any decision on the case, and resolve that a reference be made to the supreme government thereon, in order to determine whether, under the circumstances stated, any compensation to the estate can be obtained from the parties with whom the woman has proceeded.

Ordered, That an extract of these proceedings be transmitted accordingly for the decision and further orders of the Honourable the Vice-President in council.

Ordered, That this opinion and resolution be communicated for the information of the commander of the forces.

(True extract.) (signed) *J. Du Puy, Deputy Sec. to Government.*

Advocate General to W. H. Trant, Esq. Acting Secretary to Government,
Colonial Department.

Sir:—In obedience to the commands of the Honourable the Vice President in council, conveyed to me in your letter of the 30th ult. I have the honour to report, that in my opinion, neither Eveline claimed as a slave by Marie Anne Pascal of Port Louis, or the girl claimed as a slave by Messrs Barrett at Java, the former of which came here, it is stated, with a Mr. Holson, and the last with one Dilkes a soldier, I suppose of His Majesty's 59th regiment, can be laid hold of, and sent back as a slave.

N° 9.

As to compensation, it would be in vain to attempt the recovery of any from Dilkes, and if any can be recovered from Mr. Hanson, it must be on the proof of the contract he is stated to have entered into, but which I should not advise government to lend its aid to, as, independent of the difficulties in the way of such a recovery at common law, the Act of the 51st Geo. 3, c. 23, would, I think, be a bar to a recovery on any such contract.

I have, &c.

(signed) *Edward Strettle, Advocate General.*

Calcutta, 3d October 1815.

Ordered, That the following letters be written to the acting chief secretary to the government of the Isle of France, and to the secretary to the government of Java.

To C. Telfair, Esq. Acting Chief Secretary to the Government at the
Isle of France.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of your letter, dated the 10th of August last, with its inclosures.

N° 10.

The opinion of the advocate general having been taken upon the case referred to in your letter, I am directed to state, for the information of his Excellency the Governor of the Mauritius, that, considering the provisions of the Act of 51st Geo. 3, c. 23, it does not appear to this government expedient to interfere in any manner in the claim of M. Anne Pascal, with respect to the person named Eveline.

I have, &c.

(signed) *W. H. Trant, Acting Sec. to the Gov'.*

Fort William, 7th October 1815.

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N° 11.

To C. Assey, Esq. Secretary to the Government at Java.

Sir:—I am directed to acknowledge the receipt of your letter of the 10th of August, with its inclosure.

Under all the circumstances of the case which has been referred by the colonial government, it does not appear to the Honourable the Vice President in council, that the interference of government to obtain a compensation for the female slave who is stated to have left Java with a soldier of His Majesty's 59th regiment, would be proper.

I have, &c.

(signed) *W. H. Trant*, Acting Secretary to Government.

Fort William, 7th October 1815.

PAPERS relative to the detention of the crew of the ship Commerce, and of certain other persons in a state of slavery on the island of Borneo Proper; and to the means employed by the British Government in India, with a view to the obtainment of their liberation: 1815.

Extract, Bengal Civil Colonial Consultations, 16th September 1815.

Secretary at Java to Henry St. George Tucker, Esq. Secretary to the Supreme Government, Fort William.

N° 3.

Sir:—I am directed by the Honourable the Lieutenant Governor in council, to transmit to you the inclosed letter from the government of Prince of Wales's Island, relative to certain persons detained in slavery on Borneo Proper, together with the reply which has been given by this government, and to request you will be pleased to submit the same to the notice of the Honourable the Vice President in council.

I am at the same time instructed to add, that the Lieutenant Governor in council has not felt himself authorized to proceed in this matter, because since the influence of this government with the Malay states on Borneo, is lessened by the circumstance of having withdrawn the communication proposed to be established, it seems doubtful whether the object could be obtained without shew, at least of the means to enforce it, and the failure in an attempt to obtain the release of the people by negotiation, might be attended with disadvantage to the public interests, as well as injurious to the parties themselves, if not subsequently enforced.

The Lieutenant Governor in council therefore, previous to the adoption of any measures, requests to be honoured with instructions from the Governor General on the subject.

I have, &c.

Batavia, 4th May 1815.

(signed) *C. Assey*, Sec^y to the Gov.

To Charles Assey, Esq. Secretary to the Government, Batavia.

N° 4.

Sir:—I am directed by the Honourable the Governor in council, to transmit for the information of the Lieutenant Governor in council, at Batavia, copy of a letter from the resident at Malacca, dated the 12th instant, and of the enclosure therein from Mr. Clark, the owner of the ship Argo, together with the original deposition as given at Malacca by the commander of that ship.

Under the circumstances related by Captain Mackey, and the information of so great a number of the crew of the late ship Commerce being at this time in slavery at Borneo Proper, together with two of the men belonging to the Argo, the Governor in council is induced to refer to the government of Java the measures that may be needful, in the opinion of that government, for endeavouring to release the unfortunate individuals from slavery, and for preventing, if practicable, the molestation of the British trade in that neighbourhood for the future.

Fort Cornwallis, 28th December 1814.

I have, &c.

(signed) *W. A. Clubley*, Secretary.

To W. A. Clubley, Esq. Secretary to the Government at Prince of Wales Island.

Sir:—I have the honour herewith to transmit, for the purpose of being laid before the Honourable the Governor in council, copy of a letter, with inclosures from Mr. Patrick Clark of this place, relative to the ship Argo, Captain Mackey, having been obliged to quit the port of Borneo Proper, in consequence of a threatened attack upon that ship, by some suspicious prow, supposed to be pirates; owing to which circumstance, Captain Mackey was unfortunately unable to settle his mercantile transactions with the rajah, and left the place indebted to him for a quantity of

of birds nests, received in barter for iron, which have been brought on shore, and delivered to Mr. Clark, for the purpose of being restored when called for.

The Honourable the Governor will perceive, by Captain Mackey's letter, that there appears to be thirty-two men of the crew of the late ship Commerce, in slavery at Borneo Proper, and that he had been under the necessity of leaving two of his lascars and an interpreter on shore there.

Whether sufficient grounds existed for the great alarm Captain Mackey appears to have been under for the safety of the ship, I cannot take upon myself to say, but the circumstance of so many British subjects being detained in slavery, will, I have no doubt, attract the particular attention of government, and cause an active interference on their behalf.

I have, &c.

(signed) *W. Farquhar*, Res' and Commandant.

Malacca, 12th December 1814.

To Major Farquhar, Resident and Commandant, &c. &c. Malacca.

Sir:—I beg leave to inclose copy of a letter I have received from Captain J. Mackey of the ship *Argo*, regarding his having been obliged to cut from his anchor while laying off the mouth of Borneo Proper river, and proceeded to sea in consequence of being threatened with an attack by ten prows, which he conceived to be pirates, and owing to that circumstance, left the place indebted to the rajah, or one of his people, for birds nests received in barter for iron, as stated in his letter to me of the 24th instant, which I am ready to restore when called on, or to deliver the iron at the rate agreed on, although I find the birds nests are not worth two-thirds of what they are valued at.

A deposition respecting this unfortunate event is likewise inclosed, and I will be extremely obliged by your communicating it to the government under which Borneo is considered.

I have, &c.

Malacca, 29th November 1814.

(signed) *Patrick Clark*.

To Patrick Clark, Esq.

Sir:—I beg leave to inform you of my safe arrival at Malacca, with the ship *Argo*, last from Borneo Proper, where I purchased some birds nests as follows :

	Dollars.
20 Catties, a' 24 dollars per catty - -	480
18 D° - - 3 d° - d° - - -	54
241 D° - - 2 d° - d° - - -	482
	1,016
	Dollars 1,016

For which they were to be paid in iron at Sp. dollars 9 per pecul. But on the 2d of November I was under the necessity to cut from an anchor, and stand out to sea to get clear of ten pirates prows which closed on us fast, and had a very suspicious appearance. I particularly was informed the day before by the crew of the ship Commerce, which was cut off on the coast of Borneo, that an attempt would be made to obtain the ship; and when I was leaving the shore, the interpreter, seeing the rajah and his merchant in conversation, suddenly jumped between them, and called out, "Humaura Captain mut mardolla," which alarmed me greatly for the safety of the ship.

There are thirty-two of that ship's crew in slavery at Borneo Proper, and I am sorry to inform you that I left two of my lascars and the interpreter behind.

On this account I am sorry to say that I was under the necessity to leave that place before I paid for the birds nests, which I will send you by the earliest opportunity. I hope you will have the goodness to pay them in iron, if they should send to you for it, at Sp. dollars 9 per pecul, or re-deliver the birds nests.

A deposition of the foregoing circumstances will be made as soon as possible.

I am, &c.

(signed) *J. Mackey*.

To W. A. Clubley, Esq. Secretary to the Government at Prince of Wales Island.

Sir:—I am directed by the Honourable the Lieutenant Governor in council to acknowledge the receipt of your letter, under date the 28th of December last, with its inclosure relative to a part of the crew of the ship Commerce being at this time in slavery in Borneo Proper.

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The Lieutenant Governor in council regrets, that under present circumstances, he is unable to make that decided demand which might be necessary to obtain the object in view. The limited communication at present held by this government with Borneo Proper would prevent the adoption of these measures, which might be found necessary to ensure compliance with the request; and the Lieutenant Governor in council has deemed it proper to refer the case, in the first instance, to the notice of the Right honourable the Governor General in council, for which purpose a communication will be made by the very first opportunity I have, &c.

(signed) C. Assey, Secretary to the Government.

Batavia, 24th April 1815.

Ordered, That the following letters be written to the secretaries to the governments of Java and Prince of Wales Island.

N° 924. of 1815.

To C. Assey, Esq. Secretary to the Government at Java.

N° 6.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of your letter of the 4th of May last, with its enclosures, relative to certain persons detained in slavery on Borneo Proper.

2.—It is stated by you that the Lieutenant Governor in council has not felt himself authorized to proceed in the matter referred by the government of Prince of Wales Island, because, since the influence of the colonial government with the Malay states is lessened by the circumstance of having withdrawn the communication proposed to be established, it seems doubtful whether the object could be obtained without a shew at least of the means to enforce it, and that the failure in our attempt to obtain the release of the people by negociation, might be attended with disadvantage to the public interests, as well as injurious to the parties themselves, if not subsequently enforced.

3.—The Vice President in council is aware of the necessity of acting with great caution in such cases, we therefore entirely approve the resolution of the Lieutenant Governor in council, not to adopt any measures until instructions shall have been received from this government.

4.—The letter of Mr. Secretary Tucker to your address, under date the 28th of May 1814, contains a full exposition of the sentiments of the supreme government on the system of policy which it is considered proper to observe with respect to the chiefs of Borneo and the other islands. In that letter it is stated that any intercourse which it may be necessary or convenient to maintain with the chief of Pontiana, or other chiefs on the coast of Borneo, can easily be carried on by correspondence with the resident at Banjor-Massing, or by the occasional deputation of an agent on the part of the government of Java, or the government of Prince of Wales Island.

5.—It is of course extremely desirable that some measures should be taken to effect the liberation of the crew of the ship Commerce, and of the other persons mentioned in the correspondence which accompanied your letter, and it appears to the Honourable the Vice President in council that the resident at Banjor-Massing should, in the first instance, be instructed to make inquiry for the purpose of ascertaining the situation of the persons, and that any measures short of a positive demand to deliver them up be resorted to, if the resident should be of opinion that there is a probability of success. In this is to be included a consideration of the practicability of effecting the ransom of the persons detained.

6.—As it appears that Captain Mackey was obliged to quit Borneo without delivering the iron which he had engaged to give in exchange for birds nests received by him, and as that person has expressed his wish to fulfil his engagement, the Vice President in council considers it to be proper, that the resident at Banjor-Massing should convey to the chief of Borneo Proper an explanation of the case, and an assurance that the iron which Captain Mackey was bound to deliver in exchange for the birds nests, or an equivalent in money will faithfully be delivered, unless the government of Penang should already have taken measures for that purpose.

7.—In the present reduced state of the military force at Java, it would be highly inexpedient to engage in any course of measures which would render compulsion necessary, but it is to be hoped that a conciliatory mode of proceeding will not fail to have the desired effect.

8.—Should

8.—Should any circumstances occur to render any other course than that now pointed out expedient in the opinion of the colonial government, it will be satisfactory to this government to receive a further communication previously to the adoption of any decisive measures.

9.—A copy of this letter will be transmitted for the information of the Honourable the Governor in council of Prince of Wales Island, where the correspondence on this subject originated.

I have, &c.

(signed) *W. H. Trant*, Acting Sec. to the Government.

Fort William, 16th Sept. 1815.

N° 925 of 1815.

To *W. A. Clubley*, Esquire, Secretary to the Government at Prince of Wales Island.

Sir:—The government of Java having referred to this government a correspondence relative to the detention of the crew of the ship *Commerce*, and certain other persons at Borneo Proper, I am directed by the Honourable the Vice President in council to request, that you will lay before the Honourable the Governor in council, the accompanying copy of a letter on the subject, addressed by me to the secretary to the government at Java.

N° 7.

The Vice President in council is satisfied, that measures have been taken for the delivery of the iron (or equivalent in money) which Captain Mackey has engaged to give to the chief of Borneo Proper for birds nests received by him, but which the necessity for his sudden departure from Borneo, rendered at that time impracticable.

It will probably have occurred to the government of Prince of Wales Island, to communicate to the government of Java, any measures which may have been taken for the purpose above mentioned, as it is of course desirable that the authorities at that place should be informed of every particular connected with this case.

I have, &c.

(signed) *W. H. Trant*, Secretary to the Government.

Fort William, 16th Sept. 1815.

Extract, Bengal Public Consultations, 20th April 1816.

To *W. H. Trant*, Esquire, Acting Secretary to the Supreme Government, Fort William.

Sir:—I am directed by the Honourable the Lieutenant Governor in council to acknowledge the receipt of your letter under date the 16th September, relative to the fate of certain part of the crew of the ship *Commerce*, stated to be detained as slaves in Borneo Proper.

N° 12.

The Lieutenant Governor in council desires me to request you will be pleased to acquaint his Excellency the Right honourable the Governor General in council, that the resident of Banjermassin was directed to make such inquiry as he deemed practicable on this subject, and further instructions will now be given to him of the tenor and purport directed in the letter which I have now the honour to acknowledge.

I have, &c.

Batavia, 15th Feb. 1816. (signed) *C Assey*, Sec. to Government.

PAPERS relative to the Registration and Government of Slaves on Java, and in the Eastern Islands, and to the Emancipation of such as were Public Property, or had been illicitly imported, previously to the transfer of those Islands to the Dutch; also to the means provided for the return of such as had been illicitly imported to their own country: 1815, 1816.

Extract of a Letter in the Public Department, from the Governor General in council of Bengal to the Court of Directors, dated 10th May 1817.

Par. 24.—The transfer of the Island of Java and its dependencies to the Dutch, and the consequent cessation of our authority there, renders it unnecessary to trouble your Honourable Court on the present occasion with any general detail of the questions connected with the government of that settlement, which were submitted for our orders by the local authorities in the commencement of the year 1816.

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Cons. 27 April.
N° 7 to 11.
12 to 13.
15 to 17.
4 May, N° 5 to 13.

Cons. 27th April.
N° 11.

Par. 25.—The periodical reports forwarded by the government of Java, in the end of 1815, and beginning of 1816, as well as a report regarding the native orphan chamber at Batavia, will be found recorded in our proceedings of the dates noted in the margin.

Par. 26.—Of the various subjects discussed in those papers, we shall only at present notice, that the Lieutenant Governor in council adopted measures for the emancipation, in the most formal manner, of the public slaves on the island, including those who had been transferred by the prize agents, and such as had been detained by His Majesty's naval officers and others, when individuals were attempting illicitly to transport them. Adverting, however, to the great hardships to which these persons might be exposed, by remaining at Java without any regular employment, we authorized the Lieutenant Governor in council, if they were desirous of returning to their native country, to furnish them with a conveyance at the public expense, a measure which, under the circumstances of the transfer of the island, we cannot doubt will meet with your entire approbation.

Extract, Bengal Public Consultations, the 27th April 1816.

Extract of a Letter from the Governor in council of Batavia, to the Honourable N. B. Edmonstone, Esq. Vice President in council at Fort William, dated 1st October 1815.

N° 7.
Enclosure,
N° 4.

12.—We request to lay before your Excellency in council, an extract of our proceedings, under date the 12th ult. relative to the public slaves on this island, and to such as have been detained and sent in at different times, partly by His Majesty's ship *Cornelia* in 1812, and partly from attempts at illicit importation since the establishment of this government. The number of those taken over from the prize agents is not considerable, and we have of course cautiously attended to the original instructions of the late Earl Minto, that no slaves should be bought on account of government, but with the addition of the latter description of people, the total of those who, if not protected by the formalities of the colonial laws of emancipation, might possibly be hereafter considered and treated as slaves, notwithstanding the freedom they have virtually obtained by not having been annually registered according to the regulation made by this government, would amount to some hundreds. We have been of opinion, therefore, that it would be consistent with the instructions left for our guidance, and with the principles of the British legislature, that these persons should be emancipated in a decided and formal manner, and it has been directed to be done according to the established regulations of the colony, before the legal court, whose duty it has been to execute these forms.

13.—It would unnecessarily occupy your Excellency's attention to enter into a detail at present on the laws and usages upon slavery in Java; it may be sufficient to observe, that the measure above mentioned is exclusively confined to slaves under the immediate charge of government, and consequently in no way affects the question of such property among the colonists or inhabitants.

14.—The opinion of the advocate general relative to slaves from the *Moluccas*, as communicated in Mr. Secretary Trant's letter of the has been forwarded to the resident of *Amboyna* with an intimation, that in consequence thereof we did not feel ourselves authorized to consider those persons as slaves, or to send them back to *Banda* in that capacity.

N° 8.

Enclosure, N° 4.

Extract from the Proceedings of the Honourable the Vice President in council in the Public Department, dated Batavia, 12th September 1815.

Read, a letter from the collector of customs, reporting the apprehension of a Chinese, in the attempt to sell 13 Balinese as slaves from a prow in which they were landed at *Antjob*, and requesting instructions regarding them.

Ordered, That these persons be transferred to the charge of the town major, and that this officer be directed to take the necessary measures for proceeding to obtain the emancipation of them, according to the forms prescribed by the regulations of the colony on that head, after which they may be apprenticed as free persons, and under regular articles to that effect.

Ordered, That the advocate fiscal be directed to prosecute the Chinese according to law.

The Board further adverting to the situation of the children who were detained by Captain Owen of His Majesty's ship *Cornelia*, and found apprentices in January 1812, and considering that it will be consistent with the principles and measures of the British government to abolish slavery in all means consistent with the claims of property existing at the period of the conquest of the colony,—

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Resolved, That the necessary measures be taken to emancipate formally, and according to the colonial regulations, the persons, above alluded to; and also all those, without exception, who were taken over by this government as slaves from the agents for the captors.

Ordered, That the necessary orders be given accordingly to the town major, to the officer in charge of the government slaves, and to the resident of Solo, and that these officers be respectively desired to report, for the information of government, the particulars of the proceedings instituted by them in the execution thereof.

(True extract.) (signed) *J. Duprey*, Deputy Sec. to Government.

Extract of a Letter from Mr. Secretary Ricketts, to the Government of Java, dated 27th April 1816.

4.—The course which has been pursued by you for the emancipation of the slaves under the immediate charge of government, meets with the entire concurrence of the Governor General in council. As those persons however may, subsequent to their emancipation, be exposed to great hardships by remaining at Java, without any regular employment, his Lordship in council is of opinion, should they be desirous of returning to their native country, that it would be proper to send them there at the public expense.

N° 11.

Extract, Bengal Public Consultations, 4th May 1816.

Extract of a Letter from the Government of Java, to his Excellency the Right honourable Francis Earl of Moira, K. G. Governor General in council; dated 1st January 1816.

16.—Our attention has been particularly directed to an illicit importation of slaves on this island, and to a frequent evasion of the Act of Parliament, which, by its republication on this island has become a colonial law, and we request to annex an extract of our consultations, founded on a report of the advocate fiscal, in which this circumstance was brought to our notice.

N° 5.

17.—Deeming it equally due to the character of the British government, and consistent with the acknowledged spirit and intent of the acts of the British legislature, that this inhuman traffic, already forbidden in Java, should be suppressed, and punished by all just and legal means, we determined, after mature deliberation, to publish the proclamation now submitted to your Lordship's notice, whereby the possession of a slave introduced since the publication of the British Act of Parliament renders the party liable to the penalties of that Act, and the person so introduced is entitled to his freedom; and we have followed up this proclamation with an order, under date the 20th ult. requiring a transmission of a list of slaves now on the island, and of future casualties among them; the object and result of which will be, that all slaves appearing in the lists now to be furnished, and not registered last year in conformity to the proclamation under date the 15th May 1812, become by that omission free men, and entitled to receive their emancipation according to the forms of colonial law.

Inclosure,
N° 8.

18.—Our further proclamation bearing date the 20th ult. tends to secure the complete and correct registry of slaves, and contains one additional law, that slaves cannot in future be punished at the discretion of the owner, without previous inquiry or trial, but being considered to possess the personal rights of man, are entitled in that respect to the immunities possessed by other classes of His Majesty's subjects.

19.—We trust that these proceedings will be honoured with the sanction and approval of the supreme government, and we submit them with the greater confidence when we consider the pre-eminent share which your Lordship has taken in the suppression of all traffic in slaves, and in the attainment of those humane and beneficent laws regarding them, which will continue to be the honour and glory of Great Britain in future ages.

Bengal Papers :
State of Slavery
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N° 8.

Extract, Proceedings of the Honourable the Lieutenant Governor in council,
Batavia, 3d November 1815; Public Department.

Read the following letters from the advocate fiscal, on the practice of traffic in slaves, existing in the vicinity of Batavia, and in reply to a letter, directing his inquiry on this subject.

Report on the frequency of clandestine importation of slaves.

To Charles Assey, Esq. Secretary to Government.

Sir:—In reply to your letter of yesterday's date, I have the honour to state, that as soon as I have got information of the clandestine import of slaves by the Chinaman Tan Tjanlong of Anjiol, I have requested the baillien to make enquiry after him, but hearing that that man had absconded himself, I have myself taken measures I thought necessary for his apprehension, on promise of a reward of fifty dollars to those who would point him out, in which I flatter myself I will succeed, but not immediately, but after some time, when he will think himself safe, and that no inquiry is on foot about his person; in the meantime, is the Chinaman Gomo Chingko, found guilty by the jury in the last session, as an accomplice in the case, and sentenced by the court to be banished from the island. I have applied to summon the absconded man by public summons, and to be in the mean while authorized, the sequestrator of the supreme court, to dispose of the vessel arrested by me.

It is not long ago, I have been informed, that a number of upwards of 100 Balinese were clandestinely imported at the river of Bacassie and of Tangerang. I dispatched immediately two prows with some confidential persons, on whose pointing out the Balinese, Mr. Serrière caused to be apprehended twenty-three persons at the river of Bacassie, of which I have been informed but yesterday. I wrote to that gentleman immediately that there were more, and that I would assist at the inquiry which the sitting magistrate would hold into this case, requesting at the same time to send me four or five fit persons, with whom I myself would go to the roads to inquire whether or not the vessel with which those slaves were imported, was still lying in the roads here; I have in the meantime requested the sitting magistrate to grant no passports to Chinese whosoever, between this and Monday next.

I beg you will be pleased to assure the Honourable the Lieutenant Governor that I will be particularly watchful in taking such measures as will prove effectual to prevent the shameful trade in slaves, as well for the prohibition in the Act passed by Parliament on this head, as to prevent the discourses, as if this case was not treated in earnest, by which government would certainly be compromised. I will not fail to communicate on this subject with the collector of customs, as often as it will appear to me requisite.

A certain case has been referred to me this morning, of the widow of the late Captain Chinese Tha Hongko, for ill treatment of her slaves, and even for the murder of one; I will pay all due attention as to the merits of this case, to ascertain the truth hereof; I certainly suppose that such a case cannot be inquired but with the utmost rigour.

The magistrate has also delivered to me the case about a theft of four casks of ghee from the stores; I am sorry to say that the Chinaman who purchased the ghee has made himself absent while the inquiry was going on with the baillien; as I look upon him to be the true person who seduced the moorman, who delivered up the ghee to him from the warehouse, I will do my utmost to have him apprehended; and have for that purpose promised a reward of money to such persons as could give me information of him, in which I have the hope to succeed ere long.

I beg you will have the goodness to submit the above to the Honourable the Lieutenant Governor, and have the honour to be, &c.

(signed) *J. Van Sevenhoven*, Advocate Fiscal.

Batavia, 21st October 1815.

To the Honourable Thomas Stamford Raffles, Lieutenant Governor of the
Island of Java and its Dependencies, &c. &c. &c.

Continuation of the same subject.

Honourable Sir.—In endeavouring to trace newly imported slaves, against the prohibition of doing so, I discovered and apprehended two persons, who declared to me to have been imported here from Bali not much longer than a few months.

Short

Short while after, the Chinaman Orew Lengtjeen, addressed himself to me to claim these two slaves, shewing to me two certificates or deeds of property in his name, to prove his being the proprietor of them. I explained to him that those certificates were of no value, as the evidence therein given was false; he replied that he did not know it, but thought that when any one sold to him a slave, giving him at the same time the transfer of such slave, he could then be assured that he was not imposed upon, nor that he committed an offence by such purchase, requesting me to have his slaves returned to him, this I did, on his giving me security for 1,100 rupees, until I would have obtained your Excellency's decision on the proposal I have to make.

I therefore beg leave to state for your Excellency's information, that it is a common use here, even from the time the slave trade was free, that when any person had mislaid or lost the certificate of his slave, such owner easily obtained another certificate or deed of property, when he could but produce two persons, who, on presenting their oath, deposed that they bore knowledge that a certain person was for any time serving as a slave with such a one, and that they thus knew that that person was a slave; such is the certificate or deed of property which I have seen from the apprehended slaves of the said Chinaman; and as it may be true that he rested in the opinion that when he got a certificate or deed of property made out before a public notary, he did not commit any mischief, and hereby could have been shamefully misled. I therefore think it my duty to propose your Excellency to allow, that the town major do emancipate the aforesaid persons from slavery, but that they at the same time be allowed, under the necessary precautions, to remain with the said Chinaman as free persons, under such terms as free persons are generally engaged in service.

I at the same time beg leave to bring it to your Excellency's knowledge, that after the publication of the Act passed in Parliament against the slave trade, different persons could have been imported, and sold here as slaves, who were purchased by some inhabitants ignorant of their committing thereby a mischief; and that I myself have been at Clulingtzing, where I apprehended a Chinaman, at whose house a new imported person was found, whom I ordered to be seized, having had information that she knew of some other persons also clandestinely imported as slaves.

The said Chinaman declared to me, that the person seized was not his slave, but kept by him as a housekeeper. This evasion is certainly very ingenious, in case the same be admitted as the truth, and will, in a great degree, lessen the mischief; therefore, and with a view to prevent all evasions in carrying on the shameful trade in slaves in future, and also that no innocent persons be punished for this mischief, I beg leave to propose:

1st.—That a new publication be issued, thereby renewing the prohibition of the slave trade in the Act of Parliament, with the following additional limitations.

(A.)—That no person whosoever shall be allowed, under whatever pretence it may be, to take up, retain, or provide for persons, who, to all appearances, have newly been imported, or to keep such persons in his service.

(B.)—That in case some persons be found, with regard to whom there is no certainty of their being natives of Java, or of their having been residing here for a long time, every one shall be obliged to address himself with those persons to the advocate fiscal, who then shall minutely inquire into the case, and the same appearing doubtful to him, address himself to government on the subject.

(C.)—That no certificates or deeds of property made out at the evidence of two persons shall in future be valid, with respect to new imported persons, to retain them as slaves, and that those doing it contrary, shall be considered as falling on the terms of the law.

(D.)—That all those that have got newly imported slaves in possession in manner aforesaid, either ignorantly or being therein misled, shall be obliged to give information thereof to the advocate fiscal directly after the publication, in order due measures be adopted by government on the subject.

(E.)—That in case owners of slaves got by them in aforesaid manner, discover the sellers of those slaves to them, the latter shall be bound to return the value they have received for such slaves.

(F.)—That in a month after the publication any person being discovered to have in his service persons of the description as in the foregoing articles, without his having given information of them to the advocate fiscal, such a one shall be considered as falling in the terms of the law.

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2d. —That your Excellency may be pleased to direct the public notaries, and all other authorized persons to execute public deeds of property or otherwise at Batavia, and all over the Island of Java, that when persons may appear before them to give evidence of their bearing knowledge of a certain person being a slave, they should also have this person brought before them, to ascertain whether he or she really is a slave of the person in whose favour the evidence will be given; that they shall be cautious, and will inform themselves if the said person is a newly imported one (which may easily be discovered), and that in such cases, no deed of property be executed of him or her subpœna of falling in the terms of acting contrary to the laws, and that when they may be doubtful of such a person, the case be immediately referred to the advocate fiscal.

3d.—That should my abovesaid first proposal meet with your Excellency's approbation, your Excellency will then be pleased to authorize me to have in such cases as fall in the terms under L.D. the persons therein alluded to, brought before the town major, to be by him set at liberty, allowing them however to remain in the service of those with whom they were, but only as free persons, and on being thus treated; and that from time to time report hereof be made to government.

I beg leave to suggest the above as the best means, as well to prevent the trade in slaves, as to redress what has already taken place with respect to them, submitting however these my opinions to your Excellency's better judgment on this subject.

Batavia, 3d November 1815.

I have, &c.

(signed)

J. J. Van Sevenhoven, Advocate Fiscal.

The Board taking this subject into consideration, and considering it proper and in accordance with the Acts of the British legislature,—

Resolution, That all due restrictions consistent with the right of property be enforced to prevent the traffic in slaves.

Considering also that an erroneous idea would seem to exist, under which it is supposed that if the persons can once be sold, the intention of the legislature can be evaded,—

Resolved, That the following proclamation be published and circulated for general information.

PROCLAMATION.

WHEREAS the Hon. the Lieutenant Governor in council has reason to apprehend, that clandestine attempts have of late been made to introduce Balinese and others on this island, for the purpose of being sold as slaves; and that an erroneous idea may be entertained, that such persons having once been introduced, may be treated and considered as slaves without reference to the date of their being brought to this island, which is contrary to the spirit and intent of the proclamation under date 5th February 1813, whereby all further traffic in slaves is prohibited, except in as far as the rights of actual property affected the persons of slaves already in Java; the Lieutenant Governor in council does in consequence, and in accordance with the Acts of the British legislature to prevent this disgraceful traffic, hereby repeat and renew the said proclamation under date 5th February 1813; and calls upon all the public authorities acting under this government, to be vigilant and careful in preventing and bringing to notice, all persons guilty of a breach thereof; and in order to restrain more effectually the illicit importation of slaves, by withholding a right of property therein, it is hereby proclaimed, That no persons whatsoever introduced within the jurisdiction of this government since the publication of the proclamation aforesaid, can, under any circumstances, be treated and considered as slaves; all persons, therefore, who may have obtained possession of slaves since that date, are required within one month of the date thereof, to bring the said slaves before the nearest magistrate, and to show proof of the time and manner in which they obtained the said slaves; in failure whereof, the parties, if possessing persons illegally imported and treated as slaves, will be considered liable to the penalties of the Acts of Parliament, and the slaves in their possession, who are not proved to have been brought from Java anterior to the 5th February 1813, will be forthwith emancipated according to the form of the colonial laws.

The Lieutenant Governor in council is further pleased to declare, that no one is permitted to purchase any person as a slave who is not personally produced before the nearest magistrate, and proved to have been a slave in Java, or to have been imported as a slave, anterior to the prohibition of the trade in slaves; such purchases being declared null and void, and the purchasers liable to the full penalties of the law against unauthorized traffic in slaves.

Renewing Law
against the impor-
tation of Slaves.

The officers of justice and police respectively are especially charged with the execution of this order, and any public officer of government, or notary public who may assist or be concerned in the transfer or appropriation of persons as slaves (such person not being clearly so proved to have been introduced as slaves at a period when the trade in slaves was permitted), will be considered liable to the penalties of the Act of Parliament, and shall be prosecuted with the utmost rigour of the law.

That no one may plead ignorance thereof, this proclamation is directed to be published in the Government Gazette, and to be translated into the native languages, and affixed at the usual places.

Given at Batavia, this 17th day of November 1815, by me, the Lieutenant Governor of Java and its dependencies,

(signed) *T. S. Raffles.*

By order of the Honourable the Lieutenant Governor in council.

(signed) *C. Assey, Sec. to Government.*

Batavia, 17th Nov. 1815.

The Board, resuming consideration of the proposed regulations for the better prevention of the traffic in slaves, the letters of the advocate fiscal recorded last council are again read, together with the proclamation then recorded.

Read the following letter from the sitting magistrate, connected with the foregoing inquiry.

Letter from the sitting magistrate to Charles Assey, Esq. Secretary to Government.

Sir:—As sitting magistrate for the past week, I have to acknowledge the receipt of your letter of the 8th instant, and to report, for the information of government, the result of the inquiry immediately instituted into the case of the two natives of Bali, claimed as slaves by the Chinese Oura Seng Tiorno. On summoning the parties, and interrogating them in the presence of the advocate fiscal, regarding the circumstances attending their captivity, it evidently appears, that the natives in question had been imported into Batavia about the month of August last, had been clandestinely landed, it is presumed somewhere about Tanjong Priock, and conveyed to town in the night time, with four others, being the residue of eight individuals originally carried from Bali by a Chinese resident of Sourabaya, named Tro Kiebsey, and who, from the depositions of Oura Seng Tiorno, was indebted to him a sum of money, in payment of which he proposed making over three natives, alleged to be slaves, which was agreed to by Oura Seng Tiorno, provided his right of property in them could be established by the requisite papers, which having been executed in the usual form by the notary, Mr. G. Drost, the bargain was concluded. One of the three individuals (a female) thus purchased, is since dead; of the eight persons originally carried away from Bali, two had been landed, and probably sold at Sourabaya, and three of the six landed here have not yet been found, but diligent search is making, in order to discover in what manner and to whom they have been disposed of. The investigation of this case has not yet led to any further discoveries of illicit traffic in slaves, since the proclamation of this government was issued, publishing the last Act of the British legislature regarding the slave trade. As it is fully established that the two natives claimed by Oura Seng Tiorno, have been imported into Batavia long after the promulgation of the existing laws, and cannot be considered as slaves, the necessary steps will be taken for their emancipation, they have therefore been withdrawn from under the authority of the Chinese, and are provisionally in charge of the advocate fiscal. It might not be deemed presumptuous or superfluous at this time to bring to the notice of government the power which the notaries either possess or assume in granting on the simple assertion of one or two individuals, a right of property in a fellow creature, and not unfrequently done (I am informed) without even seeing the parties, or ascertaining whether they really be slaves or not. It might therefore tend in some measure to discourage the inhuman traffic, for government to impose some wholesome restrictions on the notaries in this respect, to prevent the facility with which such title deeds are at present obtained.

I have, &c.

(signed) *William Wall.*

Police Office, Batavia, 13th Nov. 1815.

The proclamation is adopted, and ordered to be translated into the native languages, and circulated for general information and guidance.

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Territories.

Batavia, the 1st December 1815.

The Board, adverting to the proclamation under date the 17th ultimo, regarding traffic in slaves, and deeming it necessary that supplementary regulations be adopted to ensure the emancipation of persons coming within the causes therein alluded to, as well as to secure the due registry of all slaves,—Resolved, that orders be prepared and laid before the Board at a future meeting.

Batavia, the 20th December 1815.

The Board, resuming the subject considered on the 1st instant, adverting to the present undefined state of the registers of slaves, and deeming it proper to carry into effect the results of the regulation of this government, by which the annual registry of slaves was required, approved the following proclamation and order; and ordered, That they be published in three successive gazettes, and made known in the native languages.

PROCLAMATION.

IN order more effectually to carry into effect the intention of the proclamation of government, under date the 15th May 1812, requiring the annual registry of all slaves, the Honourable the Lieutenant Governor in council is pleased to direct that the bench of magistrates at Batavia, and the residents in the other districts in Java and Madura, do, on or before the 15th of August in each year, transmit, for the information of government, an attested copy of the register of all slaves registered from the 1st of May preceding, in pursuance of the said proclamation. The said list to be alphabetically arranged in the following form, and a number to be set against the name of each slave, which is to correspond with the number inserted in the certificate of registry granted to the proprietor.

Number of Certificate.	Age.	Height.	Country.	Where Born.	Proprietor's Name.
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Within one month after the receipt by government of the above, a list will be published of the slaves who may appear, from the lists of former years, not to have been registered during the last year, in order that the parties may be declared to have become emancipated, in pursuance of the proclamation of government.

The Honourable the Lieutenant Governor in council is further pleased to pass the following supplementary rules and regulations respecting slaves, and will require implicit attention thereto from all persons under this government.

1st.—Whenever a slave dies, or whenever a child is born of parents who are slaves, the same shall be reported to the bench of magistrates, and the bench will transmit to government a monthly list of the casualties that have thus occurred. The same will be done in other districts by the resident.

2dly.—The public notaries will carefully retain a list of all slaves on whose account they deliver at any time the usual papers of transfer. This list is to be kept in the form above mentioned, and they will on the 1st of each month transmit a copy for the information of government.

3dly.—The government, being desirous of removing the expenses that now exist in the emancipation of a slave, and conceiving that this expense may in some instances prevent this laudable proceeding, all fees on the emancipation of slaves, whether paid to the officers of the court of justice, or to the native orphan chamber, are abolished from and after the 1st proximo.

4thly.—The following extract from the statutes of Batavia is republished, and the officers of justice and police are required to be careful in noticing any breach thereof.

“ That in order to prevent all opportunity of bad practice, no person whatsoever is allowed to bury his deceased slave, either on his own grounds or elsewhere, without giving notice to the officers of police, unless the said person resides beyond the limits of the town, in which case he shall call two of his neighbours to bear witness of the death of the slave, and report the same to the officer of police.”

5thly.—A practice having prevailed in this colony, by which the officers of police have, on the bare requisition of the proprietor of a slave, committed the said slave to prison during the pleasure of the proprietor, on condition of his paying the expense of maintenance, &c. the Honourable the Lieutenant Governor in council is

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is pleased to declare the said practice to be illegal, from and after the 1st of January next, and in future no slave whatever is to be committed to prison by any judicial or police authority, otherwise than is provided for in the case of the subjects of His Britannic Majesty, residing in these colonies in general, and without sufficient proof of the misconduct of the said slave, on a particular charge.

That no one may plead ignorance thereof, this proclamation is directed to be published in the Government Gazette, and translated into the native languages, and affixed at the usual places.

Given at Batavia, the 20th day of December 1815, by me, the Lieutenant Governor of Java and its dependencies.

(signed) *Thomas S. Raffles.*

By order of the Honourable the Lieutenant Governor in council.

(signed) *C. Assey, Secretary to Government.*

PUBLICATION.—With a view the more effectually to carry into effect the provisions of the proclamation under date the 17th November last, regarding the future importation and trade in slaves, the Honourable the Lieutenant Governor in council is pleased to pass the following order :

1st.—The bench of magistrates at Batavia, and the residents respectively, are ordered to transmit to government, on or before the 1st of February next, a list, alphabetically arranged, of all slaves within their jurisdiction, and are authorized and desired to require all householders or persons having slaves, to furnish a list agreeably to the following form.

Names of the Slave.	Age.	Height.	Country.	Whether born in Java, or imported.	Owner's Name.	General Remarks.*
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* This column is intended to include any descriptive features.

2dly.—Each person having slaves will furnish a list of this description, on or before the 15th proximo, and from them a general detailed list will be prepared and transmitted to government.

By order, &c. (signed) *C. Assey, Sec. to Government.*

Batavia, 20th Dec. 1815.

Ordered, That a copy of these documents be circulated to the courts of justice and magistracy, and to the residents throughout the island, with an injunction, that government expect and will require their implicit and zealous attention thereto.

(True extracts.)

C. Assey, Secretary to Government.

Extract of a Letter from the Governor General in council to the Government of Java, dated the 4th May 1816.

Letter from the Governor of Java, paragraph 16 to 19.

4.—The arrangements adopted by you, as reported in these paragraphs, to prevent the illicit importation of slaves into Java, and to enforce strict compliance with the provisions of the Act of the 51st Geo. 3. c. 23. are approved.

Extract of a Letter in the Public Department from the Court of Directors to the Governor General in council of Bengal ; dated the 12th May 1819.

Answer to letter from Bengal, dated the 10th May 1817, (24 to 26), transfer of Java to the Dutch. Had previously emancipated the public slaves, with an offer of returning them to their native country at the public expense.

Par. 62.—We entirely approve of your proceedings, in emancipating the slaves at Java, previously to the transfer of that place to the Dutch, as we do of the option you gave to all the slaves, of being conveyed at the public charge to their native country.

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PAPERS relative to the Abolition, by the British government in India, of a duty levied on the sale of Slaves, by the former government of Kemaon ; and to the suppression of the traffic in Slaves in those countries bordering on Nepal, which were brought under the authority of the British government by treaty, in 1815.

Extract of a Letter in the Political Department from the Governor General in council of Bengal to the Court of Directors; dated 11th September 1816.

Par. 48.—The sayer collections in Kemaon, were made on the same principle and at the same rates as had been the practice of the former governments, neither the articles on which the duty was imposed, nor the rate of duties being considered in any respect objectionable, with the exception of a tax on the sale of children, which was immediately abolished, together with the traffic itself, on our assumption of the government. We cannot touch on this subject, without adverting to a consequence of our having wrested the hill country from the Gholkas, in which your honourable Court will feel the most lively satisfaction. A slave trade of great extent has been totally extinguished, and the hapless families, from whom the Gholkas used to tear away the children for sale, have now to look with joyful confidence on the security bestowed on their offspring by the British government.

Secret Con.
4 July 1815.
N° 21 & 22.

Extract, Bengal Secret Consultations, 4th July 1815.

The Honourable E. Gardiner to John Adam, Esq. Secretary to the Government in the Political Department.

N° 21.

Sir :—I do myself the honour to submit for the consideration of his Excellency the Governor General, a statement of the transit duties in this province, with a list of the articles of trade on which they have hitherto been levied ; and in conformity to which, I have authorized their being still collected, subject to the sanction of government, and such modification as it may hereafter be deemed expedient and advisable to introduce into this branch of the public revenue.

2.—I have considered it my duty to abolish with the practice, the duties which were heretofore levied on the sale of male and female children, which I understand was formerly carried on to a great extent. This step will, I trust, meet with his Lordship's approval, the laws in force against this custom, in the rest of the Company's possessions, added to the additional check it will now receive, cannot, I imagine fail of soon putting an entire stop to this traffic, in such portion of the mountains at least as shall be under our immediate control.

3.—With this one exception, none of the other articles or the duties imposed on them, appeared to be in any wise improper, or to call for immediate abolishment or alteration.

I have, &c.

(signed) *Edward Gardiner*, Commissioner.

Kemaon Camp, near Pectorahgurh, 24th May 1815.

STATEMENT of the Sayer Duties in force in the province of Kemaon, specifying the different articles of trade, with the amount of the transit duties on each.

(Extract.)—Slaves, male and female, each, 2 R° 8 A°. This has been abolished and a stop put to the traffic, as obviously improper.

To the Honourable Edward Gardiner, &c. &c.

N° 22.

Sir :—I have the honour to acknowledge the receipt of your despatch of the 24th ult. enclosing a statement of the transit duties in the province of Kemaon, with a list of the articles of trade on which they have been hitherto levied, and reporting your having for the present authorized their being still collected, with the exception of the duties on the sale of male and female children, which have ceased with the abolition of that inhuman practice.

2.—The continuance of the transit duties, as detailed in the statement which accompanied your despatch, is sanctioned by the Governor General, and his Lordship highly approves of your having abolished the traffic in children.

I have, &c.

(signed) *J. Adam*, Secretary to the Government.

Futtyghur, 2d June 1815.

PAPERS relative to thirty-five natives of Bengal, who being found in the service of Mr. William Browne, on his estate, M'Quarrie Place, at Sydney, in New South Wales, were discharged by the colonial magistrates, and restored to their native country at the expense of the British Government in India: 1819.

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Extract of a letter from the Governor General in council of Bengal to the Court of Directors in the Public Department; dated 31st July 1820.

Par. 141.—On the proceedings noted in the margin, is recorded a letter from the secretary to the government of New South Wales, stating that thirty-five natives of Bengal, who had lately been discharged by the order of a bench of magistrates, from the service of Mr. William Browne, by whom they had been cruelly treated, had been embarked for their native country, at the expense of the colonial government, on board a ship proceeding to this port. A further letter from the secretary at Sydney, recorded on the annexed date, contains the particulars of the cases of the natives in question. It appears that they left Bengal unknown to this government, and were landed at Sydney without the previous permission of the governor of the colony. They entered freely into the service of Mr. Browne, but in consequence of his ill treatment of them, they were released by the magistrates of Sydney, from their engagements.

Cons. 1st October
1819.
1st part of 2, 3,
and 4.

Cons. 5th Nov.
N° 1 to 6.

Par. 142.—Mr. Browne not being a resident in the provinces subjected to this government, we did not consider it necessary to prosecute any investigation into the circumstances of the case, after we had received detailed information on the subject from Sydney; but we authorized a small sum to be distributed among these distressed individuals on their arrival at Calcutta, and we have taken precautions, with the view of preventing the future embarkation of people of their description for New South Wales, without adequate security for their good treatment from the individuals who may engage their services.

Par. 143.—The government of New South Wales subsequently instituted legal proceedings against Mr. Browne at Sydney, with the view of recovering the amount of the expenses incurred by that government on account of the passage to Bengal, of the above-mentioned natives. The result of the action being unsuccessful, a hope was expressed on the part of the government of New South Wales, that we should be enabled to adopt such measures as would compel Mr. Browne to reimburse the government of New South Wales, for the expense incurred on account of his servants.

Cons. 5th May
1820.
N° 5 to 9.

Par. 144.—In reply, we informed that government that we apprehended that no legal measures, as suggested by it, could be pursued in Bengal against Mr. Browne, with any prospect of success, for the recovery of the amount expended, especially as Mr. Browne was absent from Calcutta. As, however, the sum in question was humanely disbursed by that government, for the relief and accommodation of persons, subjects of the Honourable Company, we deemed it equitable that His Majesty's government should be exonerated from the burthen of such expenditure. The government was requested therefore to cause the sum of 386 *l.* 3 *s.* to be carried to the debit of the supreme government of India.

Extract, Bengal Public Consultations, 1st October 1819.

Read the following letter.

Secretary, New South Wales.

Secretary's Office, Sydney, New South Wales, 22d July 1819.

Sir:—I have the honour to inclose herewith attested copy of the muster roll of the ship *Mary* of Calcutta; whereof Mr. Benjamin Orman is commander, bound from this port to Calcutta, for the information of the Honourable the Governor General in council, pursuant to the plan adopted by this government, in respect to ships and vessels departing from hence.

N° 1

I have, &c.
(signed) *J. F. Campbell*, Secretary.

C. M. Ricketts, Esq. Chief Secretary to Government, Bengal.

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List of thirty-five male and female natives of India, proceeding at the expense of Government in the ship *Mary* to Calcutta.

MALES.

Azeem.	Kether.	Ajimal.	Gopal.
Jitto.	Kareen.	Charmine.	Lukhman.
Tagordoss.	Maboo.	Meajon.	Wudehub.
Tejua.	Succanie.	Noama.	Parseen.
Singuan.	Gursee.	Muzzoo.	Buitgram.
Tribun.	Mooleram.	Khookha.	Khatook.
Bahadeer.	Bordan.		

FEMALES.

Thomassea.	Gungah.	Buckteen.
Gurva.	Bowe.	Pearce.
Jumma.	Chandmenny.	Lutchub.

Ordered, That the muster roll mentioned in the foregoing letter, be sent to the magistrate of the town of Calcutta, with reference to Mr. Chief Secretary Ricketts's letter to their address of the 26th October 1816*.

* This letter related to the means which had been proposed for preventing the escape of convicts from New South Wales to Bengal.

N° 3.

Secretary, New South Wales.

Secretary's Office, Sydney, N. S. Wales, 23d July 1819.

Sir :—I have the honour to communicate to you, for the information of the Most noble the Governor General in council, that thirty-five miserable natives of Bengal, who were lately discharged by the order of a bench of magistrates here, from the service of Mr. William Browne, a merchant, who came here some time ago from Calcutta, in consequence of their having been cruelly and inhumanly treated in their said service, are now embarked for their native country, at the present expense of this government, on board the ship *Mary*, Captain Orman, by which conveyance I have now the honour to address you.

A representation of the circumstances of this case will be made to the government, by an early opportunity, at greater length than particular circumstances will now admit of. Five other natives are returned by this occasion, at the expense of Mr. Browne. The copy of clearance, which I transmit in the usual way, will inform you of the names of those several persons. I have, &c.

(signed) *J. F. Campbell*, Secretary.

C. M. Ricketts, Esq. Chief Sec: to Gov^t, Fort William, Bengal.

To the Magistrates of Calcutta.

N° 4.

Gentlemen :—I am directed to transmit to you the annexed extract from a letter from the secretary to the government of New South Wales, dated the 23d of July, and to request that you will examine the natives of Bengal alluded to, who are stated to have arrived from Sydney in the *Mary*, Captain Orman, and report the circumstances under which they left Bengal, and any other particular relating to their case, which you may be enabled to ascertain for the information of government.

I have, &c.

(signed) *C. Lushington*, Secretary.

Council Chamber, 1st Oct. 1819.

Extract, Bengal Public Consultations, the 5th November 1819.

The following orders issued since the last meeting of Council are ordered to be here recorded, together with the documents to which they refer.

Secretary, New South Wales.

Secretary's Office, Sydney, New South Wales, 29th July 1819.

Sir :—With reference to my letter of the 23d instant, per ship *Mary*, I have now the honour to transmit you, for the information of the Most noble the Governor General of India in council, a series of memorials and other documents respecting thirty-five Asiatic natives of both sexes, who have been embarked on board the *Mary*, Captain Orman, for passage to Calcutta, at the present expense of this government.

N° 1.

MALES.

Azeem.
Jettoo.
Takor Doss.
Tejua.
Sing Ram.
Jaebon.
Karem.
A. aboo.

These

These Indians, whose names are inserted in the margin, were originally brought here by a Mr. William Browne, who came from Calcutta about two years ago to settle as a merchant and farmer in this country, and were landed without any reference being made to his Excellency the Governor for permission so to do. When it was understood subsequently that these people had remained here of their own accord, and they being considered at once inoffensive and industrious, his Excellency did not feel it necessary to institute an inquiry into the authority by which they had been introduced here; but the treatment which they have experienced from their master being of so cruel and tyrannical a nature as to call for the humane interference of the laws, to rescue them from their manifold sufferings and oppressions. That authority having been interposed, they have been relieved from their abject dependence on Mr. Browne, and eventually provided by this government with a passage back to their native country.

The documents furnished to the Governor by a bench of magistrates, a copy thereof is transmitted herewith, will show the light in which that bench beheld the conduct of Mr. Browne and his family towards those persons, and the opinion entertained by them in regard to this government extending a temporary support and an eventual passage to Calcutta to those miserable half starved creatures.

The compassion excited on this occasion induced his Excellency the Governor, to furnish these people with shelter and other accommodation, even about government house, from the time of their being relieved from the service of their unfeeling task master, until that of their embarkation for Calcutta.

Mr. Browne having refused either to pay the passage or subsistence money of these Indians, his Excellency has been obliged to support and find passage for them at the expense of this government, to an amount exceeding 400*l.* for the recovery of which legal proceedings are about to be instituted against Mr. Browne.

As the case of the Asiatic coming hither on the good faith of employers leaving India, appears to be worthy the consideration of the Most noble the Governor General in council, so that further abuse may not take place in regard to them, and in order to guard this government also from being exposed to similar vexatious and expensive proceedings, his Excellency hopes that such measures will be adopted in punishment (if possible) of Mr. Browne, as may be a sufficient lesson to guard against a recurrence for the future of such deportation of Indian natives from their own country to this colony.

I have, &c.

To C. M. Ricketts, Esq. (signed) *J. F. Campbell*, Secretary.
Chief Secretary to Government.

(Copy.)

12th July 1819, Judge Advocate's Office.

Sir:—I beg leave to transmit enclosed the report of the special bench of magistrates, assembled by your Excellency's directions to investigate certain complaints as to various grievances and general ill-treatment submitted against Mr. Browne, of Sydney, by certain Asiatic servants late on service, as also the order of discharge made and depositions taken in that respect.

I beg leave to note also the memorials, letters and papers particularized per margin as also transmitted herewith.

To His Excellency I have, &c.
Governor Macquarrie, &c. (signed) *John Wylde*,
New South Wales. Judge Advocate, N. S. W.

(Copy.)

Whereas, complaint hath been made unto us, the Honourable John Wylde, Esq. judge advocate of this territory, D'Arcy Wentworth, Simeon Lord, and Richard Brooks, Esqrs. justices of the peace, in and for the said territory, upon the oaths of Bowannee, Lutchman, Keenoo, Denoo, Pharsing, Sing Ram, Durza Ram, Thaewa, Lutchman (the younger), Soocany, Bustee Ram, Woodchub, Azeem, Keereim, Thomassie, Gee Too, Buteen, Meerjaun, Buck Tein, and Pearce, natives of India, servants

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MALES—continued.

Sooanny.
Grassee.
Motee Ram.
Asman.
Meagor.
Roannah.
Magoo.
Chokah.
Ghopal.
Lutchnan.
Wudchub.
Tahasing.
Busty Ram.
Khatooah.
Bahadeer.
Boodeen.

FEMALES.

Thomassia.
Gurah.
Lutchal.
Gunjah.
Bow.
Choundmony.
Bucktin.
Pearce.
Jummah.
Kethia.
Chamire.

- N^o 1. Memorials of Azeem.
- 2. Woodchub and others.
- 3. Berdein.
- 4. Meajon.
- 5. Thomassia.
- 6. Woodchub and Jittoo.
- 7. Dangreine and Another.
- 8. Certificate of Budein.
- 9. Account of Charges by Budein and Another.
- 10. List of Asiatic Servants.
- 11. Abstract of Agreement.
- 12. Account of Balances to Servants, Letters from Mr. Browne.
- 13. - - - 17 June 1819.
- 14. - - - 18 " "
- 15. - - - 22 " "
- 16. - - - " " "
- 17. - - - 24 " "
- 18. - - - 28 " "
- 19. - - - 30 " "
- 20. - - - 12 July "

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servants and labourers in the said territory, that sometime since, they, the said Bowanee, Lutchman, Keenoo, Denoo, Pharsing, Sing Ram, Durza Ram, Thaewa, Lutchman (the younger), Soocany, Bushee Ram, Woodchub, Azeem, Keereim, Thamassie, Gee Too, Buteen, Meerjaun, Buck Tein and Pearce, with other Asiatic natives, were hired by and entered into the service and employment of William Browne, of Sydney, in the territory aforesaid, for certain respective times and periods, that they, together with other Asiatic natives aforesaid, did enter upon, and afterwards, until presentment of this complaint, continued in the said service and employment, and that during the said service they and other Asiatic natives as aforesaid, in the said service, have been greatly misused, refused necessary and proper provisions, and otherwise ill-treated : And whereas the said William Browne, in pursuance of our summons for that purpose, has duly appeared before us : And whereas it hath been duly proved on oath before us, that the said Bowanee, Lutchman, Keenoo, Denoo, Pharsing, Tong Ram, Durga Ram, Thaewa, Lutchman, Soocany, Bushee Ram, Woodchub, Azeem, Keereim, Thamassia, Gee Too, Buteen, Meerjaun, Buck Tein and Pearce, as also all the servants, natives of India as aforesaid, and in the said service and employment of the said William Browne, have been misused as to inadequate and very insufficient wages, for due maintenance and support in this country, and otherwise insufficiently and ill fed, unduly worked, greatly aggrieved and unjustly treated in the said service and employment of the said William Browne ; we do therefore hereby order, in pursuance of the statute in that case made, that they the said Azeem, Bow Kanum, Woodchub, Meajon, Lutchman, Jettoo, Bugthein, Pearce, Thomassia, Madoo, Toonah, Denoo, Keenoo, Bowanee, Lutchman the elder, Tuban, Asman, Bahadur, Gopall, Bustee Ram, Tejerah, Cojah, Gossee, Chaund, Munnee, Jeera, Junnua, Ganja, Chamine, Kettien and Baloon, be discharged, and we do hereby discharge them from the service and employment of him the said William Browne.

Given under our hands and seals this 12th day of July 1819.

(signed) *John Wylde*, Judge Advocate, N. S. W.
D. Wentworth, J. P. (L. s.)
S. Lord, J. P. (L. s.)
Richard Brooks, J. P. (L. s.)

(Copy.)

Court Room, Sydney, 12th July 1819.

Having, in pursuance of directions from your Excellency, inquired into and examined the complaints by certain Asiatic natives, as to general misusage, cruel treatment, and want of due provisions and other necessaries in the service and employment of Mr. William Browne, of Sydney, by whom, or at whose instance, they have heretofore been and were brought and conveyed from India to this colony, not without circumstances of doubt and suspicion, as to due sanction and public authority having been first obtained in that respect, we have respectfully to report, that upon depositions taken, (herewith transmitted) and upon other proof taken before us as to the said complaints and matters of grievances, we have determined and duly made order, under our respective hands and seals, that all the said servants should be and were respectively discharged from the said service and employment.

Desirous of giving due redress to the complainants, by means as little coercive and authoritative as the justice of the case might allow, we readily for a time delayed further proceedings, till the private arrangement suggested in Mr. Browne's letter, dated 17th June last, had been entered into. Some investigation of the accounts as to the balance of wages upon the respective services performed, as will appear by certain papers and documents herewith transmitted, was entered into, but was afterwards rendered abortive by Mr. Browne's unexpected refusal to abide, but by legal interference and decision.

And although aware that the case allows not to us as justices, the exercise of any other summary power of jurisdiction than in the above respect, we cannot be restrained from submitting to your Excellency the opinion, that in due justice and right, a free passage and return to India, with maintenance and all proper necessaries during the voyage, should be found to all the Asiatic servants respectively, who are desirous of returning to their native country so much more congenial to their habits and advantageous to their interests, at the sole expense and cost of Mr. Browne ; and where we are so satisfied, that all wages, &c. due to them may, by more efficient proceedings

proceedings than could be adopted here, be so certainly recovered, as to excite less regret that the private arrangement in part acted upon, was not more fully carried into effect.

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This also we feel assured, that Mr. Browne may, and will be enforced to repay to the public colonial fund, the sum of seventy pounds advanced therefrom, as it appears, under the humane consideration and order of your Excellency, for their maintenance and support from the period of their complaint being submitted to your Excellency up to the date of this report. As indeed any further reasonable advance your Excellency may be influenced to direct in present relief, or in providing the necessary means of return to that country, where their wrongs will be as surely as effectually had in regard.

It remains only further to state, that in these several respects Mr. Browne has been duly informed of the order made, and report submitted to your Excellency.

To his Excellency
Governor Macquarrie, &c.
New South Wales.

(signed) *J. Wylde*, Judge Advocate, N. S. W.
D. Wentworth, J. P.
S. Lord, J. P.
Richard Brooks, J. P.

(Copy.)—Before me, D'Arcy Wentworth, Esq. Magistrate of the Territory.

Bowannee, a servant of Mr. Browne's saith,—I have been fed upon Indian corn contrary to my agreement; I have had plenty; I was at the farm when Mr. Cornelius O'Brien threatened to shoot me with a musket if I dared to leave it. I was kept up all night picking Indian corn. I was building a hut, and there was some deficiency in the work, and Mr. Browne Glosse whipped me five strokes; we all worked all day every Sunday. My time of agreement is expired, and I want to go home. I have had a bottle of rum, for which I was charged two rupees, and it was half water.

Cross Examined by Mr. Browne.—The men who came first with Mr. Browne were all fed with Indian corn for twelve months after their arrival. There was a bag of rice given in to the labourers to be used at their discretion; it was among ten men, and usually lasted ten or twelve days, when it was replaced by another; this was after the first twelve months. I remember Jetto going with me to Mr. Browne to complain of insufficient food; Jetto said one mug of wheat more would be sufficient amongst four men; Mr. Browne said he would give me one mug of wheat more amongst three men, with which I was satisfied. Mr. Ward the manager, found wheat in their houses which they had not consumed; Mr. Browne told all of us whose time of agreement was expired, that they might return home in the Mary; Mr. Browne gave them the option of going; they all refused to go to the farm; when I was beat I did not complain, although I have been twice since at Sydney; since we received some land for ourselves about three months ago, we have been allowed to work for ourselves; every body works at Calcutta upon Sundays.

Sworn before me this 7th July 1819.
(signed) *D. Wentworth*, J. P.

Bowannee ^{his} ×
mark.

Lutchman, a servant of Mr. Browne saith,—I came down to Sydney to complain of ill treatment of having been beat. I was digging a ditch; Mr. Browne came past on horseback, and without any reason struck me on the face with his horsewhip, and then dismounted and struck me with his fist; it was two years since; they would not let me quit the farm to complain; Mr. Browne prevented me. I have been at Sydney once since, and did not complain; I was fed on Indian corn for twelve months after my arrival; I had enough of it; I had nothing but Indian corn, neither meat nor butter, nor any thing else; it was the second twelve month that I was fed upon Indian corn; I had rice during the first; I had dhol with the rice; I do not complain of deficiency of provisions, until Mrs. Browne's arrival about a year ago; I was a useful man in fencing, and Mrs. Browne promised to advance my wages, but he did not do it. I have had three bottles of rum charged to me, it was half water, Maloo can prove it; my time with him is expired, and I want to go home; I have got no notice of going home, except that when I came down to Sydney, Mr. Browne said, why did you come down, I was going to send for you to go in the Mary. I have been employed in falling trees, ditching, and fencing,

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fencing, and generally as a labourer; always employed on Sundays about a year ago. Mr. Browne gave me land, but I used to work on it at night; sometimes I got leave to work on it on Sundays, and sometimes not, but then I worked for Mr. Browne. I have been worse treated since Mrs. Browne's arrival than I was before.

Sworn before me the same day,
(signed) *D. Wentworth, J. P.* *Lutchman* ^{his} X mark.

Keenoo, a servant of Mr. Browne's,—They all came down to Sydney, and I came down. I complained that Mr. Browne beat me, about 18 months ago, with a horsewhip; I was doing something in the cattle yard, and master beat me; he also beat me once more, three strokes; till Mrs. Browne's arrival I had no complaint to make of food, since which I have been fed with bran bread, and not enough of that. Mr. Cornelius O'Brien ordered me out in the middle of the night some time ago to pick corn; it was three or four days after we first arrived at the farm, and threatened us with a musket if we did not; I did not complain to Mr. Browne; I was sent to the Five Islands, and was employed in fencing, digging, falling trees, and in working with a sawyer for three months, but Mr. Browne promised to advance my wages, but did not do so; I have often worked on Sunday's for Mr. Browne; I was fed on Indian corn for a twelve-month. I was first fed on rice until the corn was ripe, and afterwards on corn. Mr. Browne promised me a second advance of wages, but did not do so. About a twelve-month ago my agreement expired. Two others similarly situated went away in the *Mary* to India; I wanted to go away, Mr. Browne would not let me; I came at the time those men came, and on the same terms; and it appeared their agreement had expired, I thought mine was. The European sawyer with whom I worked, paid Mr. Browne half-a-crown a day for my labour; Mr. Browne never told us to go and help ourselves to food, when we complained of insufficiency; I have had four bottles of rum, charged a dollar a bottle, which was half water.

Sworn before me the same day,
(signed) *D. Wentworth, J. P.* *Keenoo* ^{his} X mark.

Denoo, a servant of Mr. Browne's (sworn on the Koran by a servant of Mr. Browne's, and holding the same in his hand during his examination),—I complain of insufficiency of food; I demanded from Mr. Ward, the superintendent of Mr. Browne's affairs, to have certain indulgences of tobacco, food, tea and sugar, for which two rupees per month were stopped from my wages; my request was refused, and I was told I might go to the governor. I had the same food as the rest; for the first month after my arrival I got rice; for the following twelvemonth I got Indian corn; then rice again for three months; afterwards wheat a sufficient quantity, but no dhol nor butter, nor any thing else. I was the herdsman; my time of service is expired, and I want to go back to India. I had a sore in my leg, and could not go to the herd; when Mr. Ward struck me, with a club, on my head, the mark of which still remains; in consequence of some person telling Mr. Browne that I was going to retaliate the blows I had received from Mr. Ward, Mr. Browne took a horsewhip, and beat me very severely, fifty lashes, and beat the jacket to pieces; after this, by a false representation of Mr. Ward to Mr. Browne, that I had suffered a cow to get into the wheat, Mr. Browne horsewhipped me first in the house, and then horsewhipped me in the fields with a chaise whip so severely, that I was laid up for four days. Another time, I was beat by Mr. Browne with a club, for allowing the cow to get away from her calf from her pen, Mr. Browne saying I was negligent in my duty and asleep. Since Mrs. Browne's arrival, whenever I have been ill, my food has been stopped; and on my asking for it, I have been told the door was open for me, and to go to the governor. I have received two bottles of rum, for which I have been charged four rupees, and which was half water.

Cross-examined by Mr. Browne.—For a twelvemonth I received no tobacco, but afterwards I received three pounds of string tobacco every two months; for the last ten months I have not received any; I received rice and flour. Mr. Ward is a decrepid man, and walks on crutches; I had a club in my hand when I went to shew Mr. Ward my wound, but I had no intention of using it; I had the stick in my hand, and I suppose the Europeans thought I would use it; I was carrying stones or bricks; the stick was down then, and I took it up when I went to shew him

him I was beaten. I was on shore about four months when I was beaten first; the second time was about two months afterwards; the third time was about six months after that; I did not complain, because I did not know how. Mr. Browne said, "This is not your country, where you can go and complain to the governor; and if you dare to leave my farm, I will send for you back, and the Europeans shall give you a good flogging." Mrs. Browne appeared to conciliate the business, and said, "I have forgiven you all the offences you have committed, and I will settle with you." I wanted to go, and Mr. Browne said, "Certainly, I will send you home." when he knew that my agreement was up, and I wanted to go home. Some men that came with me went away, and I said, "Why am I not sent away with them?" and Mr. Browne said he would send me in a twelvemonth. I was once in the watch-house, and brought before D. Wentworth, Esq.; it was for being out late at night with two others, one of whom, Singram, got over the wall, opened the gate, and let us in; Mr. Ward did not go with a letter in his hand from Mr. Browne, telling us that all those whose time of agreement was expired, might go home in the Mary; I had agreed to stop for a longer period, but I became dissatisfied with my situation, and I wanted to go home; I was never informed since I came to Sydney by any person in the house, that I might go home; I never was told by Mr. Browne, when I was sick here, that I might have medicine, or might be sent to Panamatta to the doctor. Mr. Browne had an hospital at his farm, and whenever we were ill we were put there, without food, and had some purgative medicine.

Sworn before me, this 9th July,
(signed) *D. Wentworth, Esq. J. P.*

Denoo, ^{his}
×
mark.

Phar Sing, a servant of Mr. Browne's, sworn, saith,—I came to Sydney to complain of insufficiency of food; I had the same food as the others; I had Indian corn for about ten months; then I had rice and dhol for two months; then I had wheat for about four months, then Indian corn again; I had not enough of it; I had salt, and nothing else. Mr. Browne did not ill treat me; he never beat me; I was employed fencing. I worked on Sundays. Since Mrs. Browne's arrival I had ground given me, on which I worked occasionally on Sundays. I want to go back to India; I do not know whether my time is expired or not. Three bottles of rum are charged to me, half water; it did not make me drunk; it is three months since I received Indian corn as a ration. Lutchman and myself cultivated about five bushels of Indian corn; I do not know for what period I agreed to come here, or whether I agreed at all. I know nothing of my agreement, but Mr. Browne promised me victuals and clothes and six rupees a month, and took me on board in the night. I was ill for some time, and Mrs. Browne took me into her own house, and took care of me.

Sworn before me, same day,
(signed) *D. Wentworth, J. P.*

Phar ^{his} × *Sing,*
mark.

Tong Ram, another servant of Mr. Browne's, sworn,—I complain of want of food, but I had the same as the rest. Mr. Browne ill treated me. I gave forty rupees to the parents of a girl to be my wife; when she came to me, Mr. Browne beat her; when I said to him that it was not the custom of Europeans to beat women, he left off beating her and beat me. I was fed for ten months on Indian corn, and nothing else; I used to grind it, and had enough of it. Three months I had rice and dhol, not Indian corn again nor wheat; I had four bottles of rum charged to me, eight rupees, and it was half water. My time is not expired, but I want to go back, and to take my wife with me.

Cross-examined.—My present wife was Mrs. Ward's servant, and lived within her house as a servant; I went in doors to speak respecting her, and Mr. Browne asked me if I would marry her; I said I was already married to her in India; Mr. Browne said, "I cannot let you have her, because she is unwilling to come;" but I said, "She will come, if you order her." I complained to Mr. Browne that she was free with other men, and would not come to me; she was delivered of a child about ten months afterwards.

Sworn before me, this 9th July,
(signed) *D. Wentworth, J. P.*

Tong ^{his} × *Ram,*
mark.

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Durga Ram, another servant of Mr. Browne, saith,—I left five rupees per month of my wages to be paid in India to my wife; I have received the letter attached hereunto from her, marked (A.), by which I learn that about eleven months ago her allowance was stopped, and that herself and children were starving; I was fed on rice and dhol, wheat, ottar and bean, mixed with the ottar; sometimes I had enough and sometimes not; I never got it alike; never been beat or ill treated by Mr. Browne. I am a blacksmith; regularly worked every Sunday; I had no rum; my time is not expired, but I want to go home. I have no other complaint to make. Mr. Browne said he would send me home.

Sworn before me, same day,
(signed) *D. Wentworth*, J. P.

Durga × *Ram*,
his
mark.

Thaciva Doss,—I came from Sydney to complain of want of food, and of bad food; I received wheat and rice and flour, mixed with bran; Mr. Browne gave me some one day, but I threw it away; I had nothing else. Three bottles of rum charged to me, watered, two rupees a bottle. I am a carpenter; worked every Sunday; I never worked for myself; I have been beaten by Mr. Browne once in Sydney; I was beat once up at the farm, and Mr. Browne alighted from his horse, and beat me right and left; I was beat again by Mr. Browne for some irregularity in putting up a pailing, one stroke on my mouth. I know not what was in the agreement I made with Mr. Browne; he promised to use me well, and I did not care how long I stopped. This country not being fit for me, I do not wish to stay in it. I do not eat meat. I am a Hindoo; it is a long time ago since I was beaten by Mr. Browne; it is upwards of twelve months ago; I did not know who to complain to. If any person else beat me, I should complain to Mr. Browne; but when he beats me, who am I to complain to? After I signed the agreement, I was kept three days in the godown, and sent on board at night; they would not let me go to Calcutta; they kept me in the 24 purgannahs with my wife and children, from whence I was shipped. I have received a letter, by which I have ascertained that my family are now receiving twelve rupees a month on my account.

Sworn before me, same day,
(signed) *D. Wentworth*, J. P.

Thaciva × *Doss*,
his
mark.

Chotee Lutchman, another servant of Mr. Browne,—I complain of want of food; I sometimes got rice, sometimes ottar and wheat, and dhol and corn, the same as the rest; I have been ill treated while I was employed in the store; Mr. O'Brien tied a rope to me, to awake me in case of alarm; I did not like it, and objected to it; Mr. O'Brien persisted in it, and then he gave me a rope's-ending; I used to do all sorts of work for him; I got a thrashing for throwing some straw out, which offended Mr. O'Brien, in consequence of which I went up to the farm; Mr. Browne ordered me back to Sydney, but as it rained he allowed me to remain till next day; I got drunk, for which Mr. P. Browne put me for three days on short allowance; I ran away in the bush; I was not flogged for it; I have worked on Sundays for myself; if the others go home I want to go also, but if they stop I will not; I had two bottles of rum charged to me; it was watered; I have lost my caste for eating victuals of Europeans, because I could get nothing else.

Sworn before me this 9th July,
(signed) *D. Wentworth*, J. P.

Chotee × *Lutchman*,
his
mark.

Soo Cany, another servant.—I complained of want of food; I was fed on rice, dhol, Indian corn, wheat, at different times, the same as the others; this is a country for Europeans, and I want to go home, not being suited to people of my sort; I had not enough of food, of food of any kind, or I would not have complained; I was once beaten by Mr. Browne four or five strokes with a rope; I am a labourer; I used to come down every Sunday to Sydney; Mr. Browne gave me a piece of ground, but I had no benefit from it; I had two bottles of rum charged; it was watered; I know nothing of my agreement; I want to go home; I have lost my caste by eating Mr. Cornelius O'Brien's own bread on the Five Islands.

Sworn before me, same day,
(signed) *D. Wentworth*, J. P.

Soo × *Cany*,
his
mark.

Bustee Ram, another servant of Mr. Browne's,—I have been frequently beaten, and sometimes have had food, and sometimes none; Mr. Browne kicked me behind, and then made my mouth bleed; I was again beat for not bringing grass enough; my food was stopped, and I had not any for three days; I was fed on corn, flour, rice and dhol, &c. &c. at different times; I had not sufficient; I was employed setting fire to trees; I was frequently beaten; I always worked on Sunday for Mr. Browne; I was ordered to gather cow dung while I was ill of a fever, and Mrs. Browne beat me with a stick, because I did not gather enough; Mr. Browne said I was a lazy fellow, and would send me home.

Sworn before me, same day,
(signed) *D. Wentworth, J. P.*

Bustee ^{his} × *Ram*,
mark.

Woodchub, another servant of Mr. Browne's,—I engaged with Mrs. Browne in India, in company with my wife and an assistant, as washerman; I was forced to work on board ship on the passage here as a Lascar; in consequence of Mrs. Browne not having given me the food I agreed to have, I was forced to eat with the Mahometans, and have thereby lost my caste; I agreed to work for three persons, Mrs. Browne, Miss Browne, and a child, and was promised on my arrival here I should have my wages advanced four rupees per month on account of Mr. Browne's washing, five rupees for Miss Forbes, and a further advance for the sons of Mr. Browne when they should arrive, and another advance for Mr. and Mrs. Ward and their family at their farm; two hundred pieces of calico came damaged from India in the *Mary*, which I was promised to be paid for washing, also for forty blankets; I have applied for payment, and have been told to ask the governor for payment, that he had no authority over him; Mr. Browne's eldest son has beat me; I have worked at chipping wood and other labourers work, and for not getting water for the kitchen Mr. J. Browne beat me, and turned myself and my wife out of doors; I had no where to go, so I went to the governor, who said there should be an investigation; after which Mrs. Browne sent for me, said, the boy has beat you, but forgive him, and it shall happen so no more. If I had known how I should have been treated, I never would have come here; I have lost my caste from the food I have been forced to eat; for the first year I received Indian corn ground and wheat flour, afterwards the flour of rotten wheat made into the bread I produced to the court; I received rice and dhol at other times; I agreed to receive twenty seer of food a month, but have only received fifteen; I agreed for ghie, salt, &c, but have received none; I agreed for seven years, but in consequence of the treatment I have received I wished to be sent back, and have my account settled; I did not wish to bring my wife here, but Mr. Browne persuaded me; we have all three lost our caste here, and shall be outcasts on our return home to India.

Cross-examined by Mr. Browne.—Mrs. Browne told me to go to the governor; she said, you may go and show your food to the governor, he is the master of thieves and rogues, and has no command over me; I have always received less than twenty seers of food.

Sworn before me, same day,
(signed) *D. Wentworth, J. P.*

Woodchub, ^{his} ×
mark.

Azeem, another servant of Mr. Browne, butler, sworn on the Koran,—I have many complaints to make of food and general treatment; I agreed to receive forty seers of flour per month, but I have only received thirty; I do not know whether it was written in my agreement that I should have fish and ghee, but it was promised to me by Mrs. Browne; the rice I have received here is generally what is given to dogs in India, and the flour is from damaged wheat. On my arrival here I was sent for some mutton; Mrs. Browne did not like it; she called me a hog, and much abused me; I was going back with it, when Mr. Thomas O'Brien, by Mr. Browne's orders, struck me several blows, and Mr. Neal O'Brien collared me, took me into the yard, where Mrs. Browne with her own hands struck me on the face; Mr. O'Brien then sent for a constable and ordered me to the watch-house, and being brought before Mr. Wentworth I was discharged; I did complain to Mr. Browne that my food was bad and insufficient; he referred me to Mrs. Browne, who told me if I did not like it to go and complain; I found my own bedding; all the rest of the servants did the same.

[Mr. Browne admits that all the complainants found their own bedding.]

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I was ordered to take care of the people, and see them do their duty; I said I was hired as butler, not as watchman; Mr. Browne took a stick, and gave me a beating; if Mrs. Browne complained, we were always beat; I was again beat by Mr. Browne on another occasion, again beaten by Mr. Browne right and left, again and again; both myself and my wife have lost our caste for dressing dog's-meat by compulsion; I was compelled to cook my victuals in the common kitchen, whereby I have also lost my caste; I complain of insufficiency of food—hunger compelled me to eat what I got; I saw Mrs. Browne put a tumbler of water into a bottle of spirits for the men; I do not know how long I agreed for, but if I had been well treated I should not have cared how long I had stopped; I want to be sent back to my own country. In addition to all these complaints, I brought my wife here under the great promises of Mrs. Browne that she would treat her as one of her own children, instead of which she has been employed in grinding grain, &c. for the use of the dungas at the farm. Mr. J. Browne threatened to beat my wife and kick her out; I complained to Mr. Browne, who bid me go to the governor, and see what he could do; if I ever received any good rice from Mr. Browne's table, Mrs. Browne said I should show it to the other servants, who would grumble; so I had no more.

Sworn before me, this 10th July,
(signed) *D. Wentworth, J. P.*

Azeem, ^{his}
X
mark.

Keereim, a table waiter of Mr. Browne's, sworn on the Koran, saith,—I have to complain of bad and insufficient food. Mrs. Browne agreed, I should be her table waiter, but since I have been here, I have been put to the work of a groom and chamber maid, and cooking the dog's victuals. I have often received a thump on the face and a box on the ear, on frivolous occasions. I was once sent for by Lieutenant M'Quarie to prepare his hookah for him. I was told by the ladies to go in my cap; Mr. Browne asked me why I did so, and gave me five or six blows with his fist; I ran behind a cask, where I was so severely beaten, that two men came and lifted me up, gave me water, took me in the kitchen, and nursed me. I was so beaten, that I lay behind the cask for an hour; Mrs. Browne called out of the window, "Give the rascal two or three more kicks." Mr. Browne once gave me fifteen strokes with a horsewhip, because I did not get his breakfast ready in time; I still bear the marks; both Mr. Brownes were up at the farm, and I was ordered by Mrs. Browne to remove their chamber-pot; I refused to do so, and she made me do it, by which I have lost my caste. I applied for my provisions to the man who gives them out; he kicked me for asking for them. I came to Sydney to complain to Mr. Browne, and I was sent to the watch-house, brought before Mr. Wentworth, and by him discharged. Mr. Browne said he would investigate it; he came up, and gave the men a club to beat me with. I agreed for twenty seers of food per month; I have never received that quantity while I was in Sydney; I have received rice and ottar, but at the farm I had nothing but damaged corn; Mrs. Browne said, shall I feed these hogs upon rice; sometimes we had butter milk, but always three parts of water; Mrs. Browne said once, you hog, you give me all the little potatoes, and keep all the large ones yourself; I once received some good flour, but generally bad, I gave it to the dogs, and complained to Mrs. Browne, when she gave me some rather better; I want to go home, but if I had been well treated, I would have remained twenty years; I have been employed in mixing rum and water for the servants, and it was equal quantities of rum and water, they were charged with it.

Sworn before me, this 9th July,
(signed) *D. Wentworth, J. P.*

Keereim, ^{his}
X
mark

Thamassee, a female servant of Mrs. Browne,—I came from India with Mrs. Browne; I was the ladies dresser, worked needle work, &c.; she used to beat me most shamefully on the slightest occasion, if I forgot to do any thing; Mr. John Browne beat me twice, once with a rattan, then with his hand on my face; he cut my eye, he thrashed me on the steps; Mr. Browne never beat me here; I had as much food as I could eat, sometimes flour, sometimes rice of a bad quality, sometimes dhol, no ghee; I never got any wages nor clothes, such clothes as I had were given me by Mrs. Browne's friends, two suits of clothes; when I did not work, I got no food; I did every thing I was ordered; I was beat by Mrs. Browne at the farm

farm at the Devil's Back ; I have been so long with Mr. Browne without wages, and I want some ; I have been with him from my infancy.

Sworn before me, this 10th July,
(signed) *D. Wentworth, J. P.*

Thamasee, ^{her}
×
mark.

Bengal Papers :
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Gee Too, washerman's helper, sworn, saith,—I complain of general bad treatment ; I have received bad and insufficient food, sometimes rice, sometimes corn, wheat, and dhol, and flour ; Mrs. Browne agreed with me in India, to provide on board with Hindoo food, instead of which I was forced to eat with the Mahomedan Lascars, by which I lost my caste. I was late one night at my washing work, when I was ordered to go and chop wood ; I objected to do so at so late an hour ; I was threatened by Mr. J. Browne, who took me by the neck and shoved me on my face ; my agreement is unknown to me ; had I been well treated, I would have stopped all my life ; if the governor would give me my belly full, I would work for him all my life ; but I have been so ill used, I will not stop with Mr. Browne ; I have complained to Mrs. Browne, who said, What of it ; if you wish to complain, you may go to the governor, who is the keeper of thieves and rogues, but who has nothing to do with me.

Sworn before me, this 10th July,
(signed) *D. Wentworth, J. P.*

Gee ^{his}
× *Too,*
mark,

Bu Tien, cook of Mr. Browne, sworn on the Koran,—I complain of insufficient and bad food, bad bread of bran, that the dogs would not eat ; no rice, nor dhol, nor ghee ; I have been generally ill treated ; Mrs. Browne said, I had been burning too much wood at the farm, and Mr. Browne came and gave me a second beating ; I was once kicked by Mrs. Browne on the throat, the mark I now bear ; I was ordered to be beat by a man who had lost his caste, which I escaped by threatening to lose my caste ; I was compelled from ill treatment to eat whatever I could get, so I have lost my caste ; Mrs. Browne once beat me with a rolling pin, which made my head bleed ; I was only employed in my own department ; I found myself in all my own things ; I want to go home ; I will stop with Mr. Browne no longer ; I memorialized the governor, and told Mr. Browne, who said, What can he do ? Mr. Browne has not settled with me ; I never threatened to shoot Mr. Browne, would I dare to do such a thing.

Sworn before me, this 10th July,
(signed) *D. Wentworth, J. P.*

Bu ^{his}
× *Tien,*
mark.

Meer Jaun, sworn on the Koran,—I am a tailor ; I complain of general bad treatment, bad and insufficient food ; Mrs. Browne agreed to give me as much as I could eat ; I came from India with her ; she has not given me as much as I could eat ; I was to have had twenty seers of food that I could eat, but I had twenty seers of what I could not eat, consequently it was not sufficient ; Indian corn meal ; I complained to Mrs. Browne of bad food ; she said she would alter it, but she never did ; I was unwell, I took a purgative ; Mr. H. O'Brien wanted me to drink some salt water ; I would not ; he beat me severely for it ; he wanted me to take some more physic ; I would not, the first had worked me so ; but he beat me until I did take it. Another time I wanted to come in the outer gate, Mr. Thomas O'Brien struck me with a horsewhip so severely, that I should have fallen, had I not been supported ; I was so insufficiently fed, that I was obliged to purchase a bag of rice at my own expense, on which I lived for a whole month ; I made my complaint to Mrs. Browne ; she said she would not redress me ; I said I would go to the governor ; she said, can the governor pull the hair off my head ; he is only the keeper of thieves, and cannot interfere with me. I know nothing of the agreement I entered into, of the particulars of it ; I was turned on board ship without going to the police office ; I desired to be returned to my own country ; I have been so ill used by Mr. Browne, I will remain no longer with him ; if he would give me the best dish I could eat, I would not stop with him ; this country does not suit me ; I was coaxed to come here, being told that I should have all the privileges I should have in my own country ; neither Mr. Browne or Mrs. Browne ever beat me ; Mr. Browne has not settled with me ; Mr. O'Brien beat me before the ship sailed ; the last time I did not complain to Mr. Browne ; why should I, he does the same ; it was on St. Patrick's night when Mr. Thomas O'Brien so cruelly beat me.

Sworn before me, same day,
(signed) *D. Wentworth, J. P.*

Meer ^{his}
× *Jaun,*
mark.

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Buck Tien, a female slave of Mr. Browne's,—I have to complain of bad and insufficient food, which has ever been, without exception, of the worst quality; why should I complain of beating? It was so every day; if I was sleeping, or if I was working, I was beaten, or if eating; am I not slave? I slept in Mrs. Browne's room. All day and all night I have been occasionally employed in grinding all the food for the dunga's; only allowed to sleep from two to four; I complain of being almost without clothing; two suits of clothing a twelve-month. All the bedding that I have got is a blanket to cover myself, and Pierce, another slave girl. I have seen when Rum-de-ali served the rum to the dunga's, Rum-de-ali put water in the bottles, which was handed by me to Mrs. Browne, and she filled it up with rum. It was afterwards served out to the dunga's; I have seen it given to the dunga's by Mr. Browne. It was dark when the slave girl and myself were taken on board; I was never taken to the police office.

Sworn before me this 10th July,
(signed) *D. Wentworth, J. P.*

Buck ^{her} × *Tien*,
mark.

Pierce, the other slave girl being called, states,—That she has been also treated exactly in the same manner as the last witness.

Sworn before me this day 10th July,
(signed) *D. Wentworth, J. P.*

Pierce, ^{her} ×
mark.

The two last witnesses declared themselves quite destitute of clothing; all they have on is borrowed; they ask how are they to go away; they say they were locked in a room by Mrs. Ward the housekeeper, and prevented making their complaints.

(True copies in eight sheets.)

(signed) *D. W.*

(signed) *J. F. Campbell, Secretary.*

(Copy.)

June 3d, 1819.

Enclosure.

May it please your Excellency:—Humbly praying your Excellency to pardon the liberty I use in thus addressing my prayer. I anxiously desire to represent, that in Calcutta I contracted with Mr. Browne to serve him seven years in the capacity of a steward, for ten rupees per month, and victuals sufficient, and those small wages were consented to by me in consideration that my wife was to accompany me, and be clothed and fed in like manner; yet I have with great submission to complain to your Excellency, who is acquainted with the usages and customs of my country, that I am compelled to do any duty as steward, besides acting against my agreement as cook for a large family, going to market, waiting at table, cutting of wood, and miscellaneous labour about the house. I have been horsewhipped by Mr. Browne, and struck violently, so as to be very ill; when my other employments have occasioned trifling neglect in cooking, my wife has been threatened, and ordered to quit their house. On applying for the clothes promised me, I am told to go and buy them; and in brief I am used extremely ill, so that I am compelled to make this representation to your Excellency, with a view of obtaining justice, though when I said I would make complaint of my bad treatment, I was threatened and used in a worse manner.

Therefore I rely on your Excellency to take the trouble of considering my grievances, and dissolve my contract, for I am placed in a situation very irksome, and entirely different from what I engaged to perform. So that I shall be bound in duty ever to pray for the welfare and health of your Excellency.

(signed) *Ajeem, a Steward.*

Mr. Lord once or twice has relieved me from Mr. Browne's ill-treatment, and refused him consent to send me to jail.

Recommended to the consideration of the bench of magistrates.

Sydney, 7th June 1819.

(signed) *L. M.*

(True copy.) (signed) *J. F. Campbell, Secretary.*

(Copy.)

To his Honour the Judge Advocate, and the worshipful the Magistrates composing the Bench, &c. &c. &c.

The Memorial of Wudchub, a washerman; Gittoo, an ironer and plaiter; Adjeem, a steward; Miajan, a tailor; Bustyram, grasscutter, waterbearer, and woodcutter; Tijua, son of Bustyram Hareem, a servant.

Most respectfully sheweth,—That memorialists entered into agreements at Calcutta with Mrs. Browne, to serve her in New South Wales according to the custom

N^o 3.
Enclosure.

custom in Bengal, which engagements have been, on Mrs. Browne's part, broken, by requiring them to perform work at variance with their several occupations, by giving them victuals of bad quality and insufficient quantity; by withholding from them the clothes stipulated to have been given them, and by severe beatings, and other cruel treatment, some of them having been kept for days without food.

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Therefore they humbly submit to your worshipful bench, that their engagements with Mrs. Brown be dissolved, and their wages paid, that they may be at liberty to return to their native country, relying on the accustomed humanity and wisdom of your worshipful bench, for such redress as justice requires.

And memorialists will, as in duty bound, ever pray.

(Copy)

To his Excellency Lachlan Macquarrie, Esquire, Captain General and Governor-in-chief in and over the territory of New South Wales and its dependencies, &c. &c.

The humble petition of Budien most respectfully showeth,—That your Excellency's petitioner arrived in this colony, per ship *Mary*, from Bengal, as servant to William Browne, Esq. at one pound per month, but in consequence of ill treatment, short allowance of provisions, and a deficiency of wages, petitioner has been obliged to resign his situation.

That petitioner most humbly prays, that your Excellency will consider his state, and further to allow him to proceed to his own country.

And he will for ever pray.

9th May 1819.

(signed) *Budien.*

The complaint of the petitioner Budien is referred to the first bench of magistrates, who are requested to summon Mr. Browne to appear before them to answer the complaint, and to provide the petitioner with a passage back to India.

Government House, Sydney, 12th May 1819.

(signed) *L. M.*

(True copy.)

(signed) *J. F. Campbell*, Secretary.

(Copy.)

June 3d, 1819.

May it please your Excellency :—I humbly beg to call your Excellency's gracious attention to the hardships of my case, for which I shall feel ever grateful.

I desire to mention, that I contracted with Mrs. Browne at Calcutta, to become her servant for seven years, at the wages of sixteen rupees per month, with victuals, as much as I could consume in reason, for which I was to work as a tailor, and I have faithfully fulfilled this agreement on my part, but am induced by ill treatment thus to solicit the interference of your Excellency, whereby he hopes to obtain justice, or to have permission to return to India. I have been beaten and horse-whipped; am furnished with provisions of bad quality and insufficient quantity, so that I am almost starved. Mrs. Browne agreed to give me two ounces of ghee or butter per diem, which she never has done.

There is no one I can call a friend here, so that I rely on your Excellency to have justice done me, for I am very miserable. I shall be thankful to your Excellency during the remainder of my life. Being with all due respect, your Excellency's most humble and ever obliged servant,

(signed) *Majon*, a Tailor.

Your petitioner cannot presume on your Excellency's time to enter into every particulars of his hardship; but if your Excellency will hear, he will relate every particular.

Recommended to the consideration of the bench of magistrates.

Sydney, 7th June 1819.

(signed) *L. M.*

(Copy.)

To his Honor the Judge Advocate, and the worshipful the Bench of Magistrates.

The humble memorial of Buckton, Pearce and Thomassia, most respectfully showeth,—That memorialists humbly desire to state to the worshipful the magistrates composing the bench, that they have been servants to Mrs. Browne for fourteen years, never having received any wages, but victuals and clothing of late very scanty, and having been severely beaten, of which they have the marks upon them, they beg to place themselves under protection of the honourable bench, who so well appreciate the value of liberty to every individual however humble.

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That petitioners have been recently desired by Mrs. Browne to marry one of her servants contrary to their inclination; they have been kept very hungry and ill clothed, which occasioned them to make application to his Excellency the Governor, who directed this measure to ascertain what recompence their services may be deemed worthy of, to dissolve the bond of slavery in which Mrs. Browne deems them held, in order that they may return to their native country.

And memorialists, as in duty bound, will ever pray.

(True Copy.)

(signed) *J. F. Campbell*, Secretary.

(Copy.)

May 31st, 1819.

May it please your Excellency:—We humbly presume to solicit your Excellency's humane consideration of our case, being strangers in this country and without any friend, or any other authority to make this application for redress.

We request your Excellency's gracious permission to state, that we are servants with Mr. Browne, and engaged at Calcutta with Mrs. Browne to wash and iron the clothes of her family for sixteen rupees a month each, with provision of equal quality and kind as is furnished in Calcutta to men of their description. This agreement was made in writing for the term of seven years, which we are willing to fulfil; but the usage we receive is so bad, that we are compelled thus to trespass on your Excellency to obtain justice, for we are compelled by violence and threats to do other work besides that agreed for, contrary to their usages in India and to the intent of their agreement. The flour is of very inferior quality, and the other provision short and bad. They are ordered to chop wood, carry water, and act as porters in the warehouse, to their great annoyance; it was promised they should have an addition of four rupees a month on their arrival here, in consideration of Mr. Browne's washing would increase their labours with a further addition of their wages, when their master's two sons should arrive from England. But, in addition to the clothes of the family, they have lately been obliged to wash two hundred pieces of damaged calico and forty blankets; they have many grievances, unnecessary to mention here; they are horsewhipped, and constantly offended with very bad language; one (the ironer, Jettoo) was put in jail, and the fees taken out of his wages. In short, we were to repeat our wish of your Excellency's interference to dissolve the agreement we made, that we may be at liberty to return to India, where we look to the Governor for redress in similar cases; or that your Excellency will be pleased to enforce the fulfilment of the agreement on the side of the master, (which will give us equal satisfaction,) agreeably to the spirit of the conditions, and the intent, we entered into the same.

Your Excellency's most obedient and most devoted humble servants,

(signed)

Wudchub, Washerman.

Jettoo, Plaiter and Ironer.

The Governor requests the bench of magistrates will be so good as to summon Mr. Browne to appear before them, to answer to the complaint herein preferred against him by the two petitioners, his Indian servants, calling on him to treat them with more humanity and justice, or to send them back at his own expence to their native country.

Sydney, 31st May 1819.

(signed) *L. M.*

N. B.—A sample of the bread issued by Mr. Browne to his Indian servants accompanies this petition.

(signed) *L. M.*

(Copy.) To his Honour the Judge Advocate, and the Worshipful the Bench of Magistrates, &c.

The Memorial of Chamine Dongrine, and of Charon Munny, respectfully showeth:—

That both memorialists engaged with Mrs. Browne of Calcutta, to serve her in New South Wales, and have both been employed on Mrs. Browne's farm; but by reason of cruelty and ill usage on their mistress's part, they pray humbly, but earnestly, to be released from such agreement. The former memorialist has to complain that she was employed at field labour, such as commonly is done by men in this colony; and having been put to bed of a male infant, she was ordered to return to work by Mrs. Browne on the fifth day after the child was born. Upon remonstrating that she was not sufficiently strong, Mrs. Browne withheld

withheld her victuals, thereby compelling her to go reaping wheat, the infant lying on the ground of the store-room locked up, which occasioned its death at twenty-one days old, for want of milk.

Your memorialist, Charon Munny, has to represent amongst a continued length of ill treatment, that by having been forced to carry a large brazen vessel of great weight, she then being heavy with child, miscarried; the next day Mrs. Browne ordered her to work, such as carrying large logs and other loads.

Relying fully on the justice and humanity which distinguished every court under British administration, your petitioners submit their hardships to your consideration, should the same appear to require such redress as they ask.

And petitioners will, as in duty bound, ever pray.

Sunday, nor any day of rest, is allowed at Mr. Browne's farm.

(True Copy.) (signed) *J. F. Campbell*, Secretary.

(Copy 8.) Port Louis, 24th Oct. 1817.

The bearer, Budien, served me in the capacity of head servant during my residence in this place, upwards of three months, and at different periods on former occasions, and I always found him an honest well behaved boy.

(signed) *M^r Laurin*, Lieut. 86th Regiment.

(Copy.)

Wutchub, a washerwoman; Jettoo, ironer and plaiter; in account with Mrs. Browne, (as per agreement held by her.)

	£.	s.	d.
To washing for 3 persons on passage, 4 months, at 16 rupees per month - - - - -	8	-	-
To d° for same persons on arrival at Sydney, 11 months, at 20 rupees per month, (Mrs. Browne included) - - - - -	27	10	-
To d° for Mrs. Browne's sister, 11 months, at 5 rupees per month - - - - -	6	17	6
To d° for Mrs. Browne's two sons, 3 months, at 8 rupees per month - - - - -	3	-	-
To d° for 200 pieces damaged calico, at 1 s. 3 d. - -	12	10	-
To d° 40 blankets - - - - -	1	5	-
	<hr/>		
	59	2	6
To d° 700 pieces, at 2 d. per piece - - - - -	5	16	8
	<hr/>		
	64	19	2
By 8 gold mohurs, at Calcutta - - - - -	£.16	-	-
11 dollars, at Sydney - - - - -	2	15	-
	<hr/>		
	£.46	4	2

N. B.—The above prices are Calcutta prices.

(True Copy.) (signed) *J. F. Campbell*, Secretary.

Bengal Papers:
State of Slavery
in Company's
Territories.

(Copy.)

NAMES of 39 Persons who exhibit Complaints against W. Browne, Esq.

- | | |
|--|------------------------------|
| 1. Ajeem, steward. | 22. Socannee, field servant. |
| 2. Bow, steward's wife. | 23. Kittuah - - d° |
| 3. Kareen, steward. | 24. Meggoo - - d° |
| 4. Abrajou, tailor. | 25. Mothe Ram - d° |
| 5. Wudchub, washerman. | 26. Trebun - - d° |
| 6. Lutchwan, washerman's wife. | 27. Asman - - d° |
| 7. Jittoo, ironer and plaiter. | 27. Bahades - - d° |
| *8. Bugthin, a house girl, an orphan. | 29. Gopall - - d° |
| *9. Paree - - d° - - d° | 30. Buste Ram - d° |
| *10. Tumussa, a woman servant. | 31. Tejnah - - d° |
| †11. Maboo, male servant of all work. | 32. Hogah - - d° |
| †12. Joanah, - d° - - d° | 33. Gosse - - - d° |
| 13. Deenoo, field servant. | 34. Chaid Munney, d° |
| 14. Keenoo - d° | 35. Jeera - - - d° |
| 15. Bowanny - d° | 36. Jumnah - - d° |
| 16. Lutchman, the elder, d° | 37. Gunga - - d° |
| 17. Poharsing - d° | 38. Chamine - - d° |
| 18. Singeram - d° | 39. Kethia - - d° |
| 19. Doorga Ram (Doss), carpenter in the rough. | |
| 20. Takoori (Doss), - - - - d° | |
| 21. Lutchman, jun. carpenter. | |

Females who are liable
to work as men.

and

40. Bouton, a cook, now in the service of Captain Murray.

* N° 8, 9 and 10 were brought up from infants by Mrs. Browne, and are considered to be actually slaves receiving a bare maintenance and no wages.

† N° 11 and 12, two males purchased by Mrs. Browne, and considered slaves as the girls.

(True copy.)

(signed)

J. F. Campbell, Secretary.

12 July 1819.

ABSTRACT of the AGREEMENTS of SERVANTS brought from Bengal By Mr William Brown.

Date of Agreement.	Names, &c. of Servants.	Time to serve.	How long to be Victualled.	Wages Per Month.	Wages payable in Calcutta.	REMARKS.
1815: Dec. 1	Deenoo Dungur -	3 years	Six months per agreement	6 R ^s 15/	3 R ^s	1st. The food per agreement is limited to 20 seers per month, about 4lbs of rice; or
—	Kunoo " -	"		7 " 17/6	4 "	
—	Bowanny " -	"		6 " 15/	1 "	
—	Lutchman " -	"	6 " 15/	—		
1816: Oct. 1	Pahir Sing " -	7 years	"	6 " 15/	2 "	
—	Singram " -	"	"	6 " 15/	2 "	
1817: Mar. 1	Megoo " -	"	"	6 " 15/	—	2d. Persons not performing their engagements are to pay the expense of their passage, and all losses occasioned by their neglect.
—	Dugaram " -	"	always	9 " 22/6	5 "	
—	Takerdoss, carpenter	"	"	17 " 42/6	12 "	
—	Lutchman Dungur -	"	6 months per verbal promise	6 " 15/		
—	Sookany " -	"		6 " 15/		
—	Catwa " -	"	"	6 " 15/		
1818: Mar. 1	Bostyram " -	7 to 10 years	"	6 " 15/		
—	Kepyah, woman	"	"	3 " 7/6		
—	Tejna, her son -	"	"	2 " 5/		
—	Assamun Dungur -	"	"	6 " 15/		
—	Jurrammy Dumen -	"	"	3 " 7/6		
—	Teerboon Dungur -	"	"	6 " 15/		
—	Luccymony Dureen -	"	"	3 " 7/6		
—	Koha, her son -	"	"	2 " 5/		
—	Gausy Dungur, boy -	"	"	4 " 10/		
—	Chundmony Dureen -	"	"	3 " 7/6		
—	Gopaul Dungur -	"	"	6 " 15/		
—	Bohadur " -	"	"	6 " 15/		
—	Moobyram Dungur -	7 to 10 years	6 months per verbal promise	6 " 15/		
—	Jurmoona Dureen -	"		"	6 " 15/	
—	Azeem Consuma -	7 to 9 years	always	10 " 25/		
—	Kurrune Kirmatgar -	7 to 10 "	"	6 " 15/	3 "	
—	Wauchobe Doby -	7 to 10 "	"	8 " 20/	4 " } -	
—	Jeetoon - D° -	7 to 10 "	"	8 " 20/	4 " }	
—	Murjaun, Tailor -	7 to 10 "	"	16 " 40/	12 "	
—	Budden, cook -	7 to 10 "	"	6 " 15/		

Note:—Persons already returned to India, and persons still adhering to their engagements, are not included above; neither are my two apprentices with whom I have no agreement but indentures in the usual form; nor the girls brought up in my family, with whom I have no agreement whatever.

Transmitted to me by Mr. W. Browne, the 30th day of June 1819.

(signed)

J^m Wylie, J. A.

(Copy.)

ACCOUNT of BALANCES due by me to my Indian Servants, and by them to me, separately specifying the Sums I claim for Passage Money under our Agreement.

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N ^o of Accounts.		Due by me to Servants.	Due by Servants to me.	Due for Passage as per Agreement.
2	Wauchope, washerman - - - -	- - - -	3 10 -	40 - -
2	Jeeton - - d ^o - - - -	- - - -	1 10 6	20 - -
3	Azeem Consurma - - - -	- - - -	13 14 6	40 - -
4	Hurram Histmitgar - - - -	- - - -	17 - -	20 - -
5	Jakoor Doss, carpenter - - - -	- - - -	3 9 9	20 - -
6	Kenoo, time out - - - -	- - - -	20 11 -	- -
7	Lutchman, first, due by account - - £.1 9 11 } I am willing to add - - 1 10 1 }	3 - - -	- - -	- -
8	Bowanny, due by account - - £.7 13 - } relinquished - - 1 8 - }	- - -	6 5 -	- -
9	Denoo - d ^o - £.34. 7. 6. relinquished part	- - -	31 5 -	- -
10	Paber Sing, time not expired - - £.8 12 8 } relinquished - - 2 7 8 }	- - -	6 5 -	20 - -
11	Singroy - - - -	- - -	11 1 -	20 - -
12	Meegoo, due per account - - £.- 11 2 } add - - - - 8 10 }	1 - - -	- - -	20 - -
13	Budden - - d ^o - - £.1. 0. 6. relinquished	- - -	- - -	20 - -
14	Marjohn - - - -	- - -	8 10 -	20 - -
15	Catawa owes me per account - - £.4 12 11 } relinquished - - - 17 11 }	- - -	3 15 -	20 - -
16	Socany, owes, - - - - £.3 1 - } relinquished - - - - 11 - }	- - -	2 10 -	20 - -
17	Lutchman, 2d - - - - £.14 1 3 } relinquished - - 1 11 3 }	- - -	12 10 -	20 - -
18	Dugeram, due to him - - - - £.4 6 - } add - - - - 4 - }	4 10 -	- - -	- -
	Time not expired, but no charge for passage, having promised to send him home this season.			
19	Teerboon, due to him, 5s. 9d. add 4s. 3d.	- - 10 -	- - -	20 - -
20	Tejna, boy, £.1. 13. 9. add 11s. 3d.	- - 2 5 -	- - -	20 - -
21	Moortyrand, £.1. 3. relinquished 3s.	- - -	1 - -	20 - -
22	Gaussy, boy, £.2. 0. 6. add 4s. 6d.	- - 2 5 -	- - -	13 6 8
23	Chondnony, £.1. 17. 6. add 2s. 6d.	- - 2 - -	- - -	13 6 8
24	Assama and wife, £.1. 13. 6. add 6s. 6d.	- - 2 - -	- - -	33 6 8
25	Gopaul, £.2. 7. less 7s. relinquished	- - -	2 - -	20 - -
26	Bustyram, £.2. 17. 3. add 2s. 9d.	- - 3 - -	- - -	20 - -
27	Luckymoney, and Koka, her son, £3. 0. 9. say	3 2 6	- - -	23 6 8
28	Jumooma, a woman - - - -	1 15 -	- - -	13 6 8
29	Hapy-ay - - - -	1 - -	- - -	13 6 8
30	Bohador, £.2. 6. 9. relinquished, 1s. 9d.	- - -	2 5 -	20 - -
		26 7 6	147 1 9	530 - -

Transmitted in Letter, dated 12th July 1819, from Mr. W. Browne.

(signed) J. Wylde, J. A.

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N^o 4.

(Copy.)—To his Honour, Judge Advocate Wylde.

Sir:—As it has been declared before your honour on a late occasion, that my cooper Haniff, was stating falsehood, I beg leave to state to your honour, that I am ready to prove, by respectable witnesses, to your honour's entire satisfaction, that the said Haniff is a man of an exemplary character in every respect, and worthy to be believed, not only upon his oath, but upon his bare assertion.

My other witness, Ramdial, is less known in Sydney, but I can support his moral character also, by unexceptionable testimonies.

Macquarrie Place, 18th June 1819.

I have, &c.
(signed) *William Browne.*

(Copy.)

Mr. Browne begs leave to state to his honour the judge advocate, that a gentleman has, at his request, called at Mr. Macvitie's house several times in the course of this day, and sought him in other places, but without success.

Mr. Browne being therefore apprehensive that Mr. Macvitie is not sufficiently at leisure to attend to the accounts which he has been requested by the bench of magistrates, and afterwards by Mr. Browne also to examine, and anxious to prevent, as far as he can, any further delay, requests his honour will be pleased to direct that such of Mr. Browne's servants as may be willing to settle their own accounts, may come to Mr B.'s house for that purpose.

Mr. Browne is ready, and more than willing, anxious to pay all balances and other sums due by him, whenever the persons to whom they are due respectively claim to receive them.

Macquarrie Place, 22d June 1819.

P. S.—Mr. Browne is just informed, that Mr. Macvitie will call on him tomorrow, but being also told that Mr. M. can devote but little time to this business, he still begs to submit to his honour, his opinion that those persons who are willing to settle their own accounts, should be told to do so.

(Copy.)—To his Honor, Judge Advocate Wylde.

Sir:—I have to acknowledge the receipt of your honour's favour of yesterday evening, and to thank you for having requested Mr. Macvitie to inspect my servants accounts on their behalf. I shall communicate with him on the subject immediately. Since the last time I took the liberty to wait on your honour, when I understood that a gentleman had been appointed to arbitrate between the servants and me, I have constantly staid at home in waiting for him, (a few minutes, twice or thrice excepted) to the prejudice of my most important concerns.

It appears to me expedient, that the several servants whose accounts are now ready, (a list of whose names I shall send to Mr. Macvitie) should attend him when he inspects the accounts, to acknowledge or object to the several items, which would enable me to satisfy them and Mr. Macvitie at once, or to bring forward proof of any claims that may be disputed. This I beg leave to submit to your honour's consideration.

Macquarrie Place, 22d July 1819.

I have, &c.
(signed) *W. Browne.*

(Copy.)—Macquarrie Place, 24th June 1819.

To his Honour, Judge Advocate Wylde, L. L. B &c. &c.

Sir:—I informed Mr. Moore yesterday, for your honour's information, that Mr. Macvitie had attended at my house, but had not been met by either the interpreter appointed by the bench of magistrates, nor by any one of the several persons whose accounts he had been requested to examine on their behalf. Although they had been called by a constable duly authorized, and furnished with a list of their names.

That those among them who appear to lead the others, would be reluctant to settle their accounts, I expected that they must well know that they are much in my debt; but I had not anticipated that they would venture to disobey the order of the bench of magistrates, or that those who have or think they have balances in their favour, would be so far influenced by the others, as to refuse to come and receive them.

I have hitherto refrained from seeing such of my servants as are indebted to me, and have absconded, but having now reason to believe that my forbearance has encouraged them to expect that they will not only exonerate themselves from their

voluntary

voluntary engagements in regard to service, but from their pecuniary obligations also ; and as the Mary's departure is fixed for the 1st April, which renders my further delay improper, I trust no impartial person can blame me for submitting my pecuniary claims on them to the proper tribunal ; unless they come forward of their own accord, forthwith to settle their respective accounts, or unless the bench of magistrates will be pleased to carry into effect their humane intentions in favour of those people, which would also be very favourable to me, as it would save me much inconvenience, and perhaps expense.

I have, &c.
(signed) *William Browne.*

(Copy.)—To his Honour John Wylde, Esq. L. L. B. Judge Advocate, &c.

Sir:—I beg leave to call to your honour's recollection, that it was asserted before a bench of magistrates, in which your honour presided, that I had unlawfully and clandestinely brought or caused to be brought, my Indian servants from Calcutta, and that I then contradicted that assertion, which I now declare to be utterly false and unfounded, and I verily believe, malicious.

I did not intend to trouble your honour on this subject until very lately, when I was informed that (to my no small surprise) the assertion above alluded to, had made some impression unfavourable to me, on the minds of many whom I had considered too well informed regarding the government of British India, to admit even the possibility of such a transaction.

I now feel it necessary to request your honour will be pleased to afford me an opportunity of bringing evidence, now fortunately in this part of the colony, to prove the falsehood of the above assertion, and that my servants came from India as legally and as regularly as myself or any other gentleman who has arrived here from Calcutta. The captain (B. Orman) who commanded the ship which brought them, the pilot (Mr. John Watts) who had charge of the ship to sea on one occasion, and Mr. Thomas O'Brien, the principal witness to their voluntary agreements publicly made, are all within your honour's jurisdiction now, but will not long remain here. I do therefore hope, or rather confidently expect, that your honour will be expected to call them before you, or condescend to notify to me, that you are satisfied that there exists no ground whatever for the assertion before mentioned.

I have, &c.
(signed) *W. Browne.*

Macquarie Place, June 28th, 1819.

(Copy.)—Judge Advocate's Office, Sydney, 29th June 1819.

Sir:—I beg leave to acknowledge the receipt of your letter of yesterday, but in respect of which, as involving altogether matter of private interest or peculiar jurisdiction, it is impossible for me duly to exercise any summary jurisdiction of examination or proceedings. With regard to the peculiar circumstance referred to, I have certainly no knowledge, nor am I aware that any question can be determinately raised upon the point but in India, where it may perhaps be a subject of public provision and restriction.

I have, &c.
(signed) *W. Wylde, Judge Advocate, N. S. W.*

W^m Browne, Esq. Macquarie Place, Sydney.

(Copy.)

Mr. Browne will, with much pleasure, furnish his honour the judge advocate with the authenticated abstract mentioned in his honour's note of this date just received, as soon as he can prepare it.

Macquarie Place, 30th June 1819.

(Copy.)—To his Honour Judge Advocate Wylde, &c.

Sir:—I have now the pleasure to furnish your honour with an abstract of the balances due by me to my Indian servants, and by them to me, and would most gladly have sent it to you much sooner had it been possible for me to have got it ready, engaged as I have been, to your knowledge and otherwise.

As your honour sometime ago directed me not to pay any balances due by me to these men to themselves, but to your honour, I now send Mr. John Browne, to pay your honour or them, as you may direct, the sums I owe them respectively, suspending for the present my claims arising from their breach of agreement.

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I beg leave to state to your honour, that I expect the ship *Mary* will be cleared from the secretary's office this morning, and that I am ready to put on board that ship such of my servants whose time is expired, together with their provisions; and as I have now no communication with such of them as have complained of me, and your honour has informed me that they are under the protection of the Crown.

I have to request that your honour will be pleased to order them to avail themselves forthwith of this opportunity. As it is your honour only who has hitherto communicated with me respecting these people, I cannot but consider this, together with my public advertisements in the *Sydney Gazette*, and the notices I have given and caused to be given to themselves sometime before they quitted my service, as sufficient notice to them, and if they do not avail themselves of this opportunity of returning to their country, I shall not deem it incumbent on me to furnish them with a passage any other time at their pleasure.

The persons having complained of me who are entitled to a passage on the *Mary* by agreement, are *Kenoo*, *Denoo*, *Bowanny* and *Lutchman 1st*; *Dugaram* is also entitled to return on the *Mary*, as I promised last year that he should.

I have, &c.
(signed) *W. Browne.*

Sydney, 12th July 1819.

To *J. F. Campbell*, Esq. Secretary to his Excellency the Governor in Chief of New South Wales.

N^o 5.

Sir:—I am directed by the Most noble the Governor General in council, to acknowledge the receipt of your dispatch, under date the 29th of July, with its enclosures, containing detailed information relative to the natives of Bengal, who have lately returned to this presidency from New South Wales.

It does not appear to the Governor General in council to be necessary to pursue the investigation any further at this presidency regarding the persons in question, but precautions will be adopted with the view of preventing the future embarkations of people of that description for New South Wales, without adequate security for their good treatment from the individuals who may engage their services.

I have, &c.
(signed) *C. Lushington*, Secretary to Government.

Fort William, 30th October 1819.

The following letter was ordered to be addressed to the magistrates of the town of *Calcutta*.

To the Magistrates of *Calcutta*.

N^o 6.

Gentlemen:—Detailed information having been received from New South Wales relative to the natives of Bengal, concerning whom your report was requested in my letter of the 1st instant, I am directed to inform you that it does not appear necessary to pursue the investigation any further at this presidency. You are authorized to distribute the sum of 200 rupees on account of government among the persons in question, and precautions will be adopted with the view of preventing the future embarkation of people of that description for New South Wales, without adequate security for their good treatment from the individuals who may engage their services.

I have, &c.
(signed) *C. Lushington*, Secretary to Government.

Council Chamber, 30th October 1819.

Extract, Bengal Public Consultations, 5th May 1820.

Secretary, New South Wales, to *C. M. Ricketts*, Esq. Chief Secretary to Government, *Fort William*, Bengal.

Secretary's Office, *Sydney*, New South Wales,
4th January 1820.

N^o 5.

Sir:—Under dates the 23d and 29th July last, I had the honour of addressing you on the subject of several natives of Bengal having been brought to this country, and afterwards cruelly treated, and finally abandoned by *Mr. William Browne*, who came from *Calcutta* to reside here a few days ago. By the present occasion I transmit you copies of those letters, and with them the originals of the memorials and examinations taken before a bench of magistrates, the copies of which accompanied my

my letter of the 29th of July, with various other documents of accounts, &c. I also forward you the copy of a letter addressed by me to the honourable the judge advocate of this territory, conveying to him the desire of the Governor, that the necessary legal measures should be taken against Mr. Browne for the recovery of the amount of the weighty expenditure that the government went to in order to support and provide those Indian servants with a passage back to their native country.

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In consequence of the instructions conveyed in my letter of the 21st of August last to the judge advocate, I am now to communicate to you, for the information of the Most noble the Governor General in council, that an action was brought in the supreme court against Mr. Browne, to recover the expenditure which this government had made, in support of his Indian servants, and for their passage back to Calcutta. Owing to some informations or want of certain required documents, the court thought fit to give a verdict in favour of Mr. Browne, whereby the weighty expenses incurred remain fixed on this government to an amount exceeding the sum of 386 *l.* 3 *s.* independent of the weighty costs of suit.

His Excellency the Governor was advised to appeal from the decree so pronounced by the supreme court; but from the consideration that such appeal must have necessarily come before himself, he being the judge of the court of appeals, was induced, from a feeling of the delicacy of his acting or pronouncing a decree in a case, when he was himself the appellant, declined prosecuting the measure any further, and thus the matter rests.

The Governor feeling however the hardship of this government being exposed to such an expense, is still willing to entertain the hope that the Governor General in council will be enabled to adopt such measures against Mr. Browne, for having clandestinely conveyed natives of India to this place, as will cause him to repay the outlayings already complained of. With this view I have now the honour to transmit herewith a copy of the appeal which his Excellency's law adviser had drawn up, for the purpose of its being brought before the court of appeals here, if his Excellency had pleased to sanction that measure, and which will shew the grounds on which his Excellency's counsel considered the verdict of the supreme court worthy of reversal.

I have the honour to be, Sir, your obedient servant,
(signed) *J. F. Campbell*, Secretary to the Government,
New South Wales.

(Copy.)

The Honourable Judge Advocate Wylde, &c. &c. &c.

Secretary's office, Sydney, 21st August 1819.

Sir:—I have the honour to accompany this with various letters, memorials, depositions, accounts, &c. as per schedule also herewith, in the business of Mr. Browne and his late servants, natives of India, whom this government has at its own present expense provided with passage to their native country; and I have to convey to you the request of his Excellency the Governor, that you will give the necessary instructions to the solicitor for the crown to sue for and recover, with the least possible delay, from Mr. Browne, the amount of the said passage money, together with the subsistence money furnished those natives, by order of the bench of magistrates, referring Mr. Solicitor Wylde to the treasurer of the police fund for the total amount of the sums.

N^o 6.

I have the honour to be, &c. &c.

(signed) *J. F. Campbell*, Secretary.

In the High Court of Appeal:—Between his Excellency Lachlan Macquarie, Esq. Captain General and Governor in Chief in and over His Majesty's territory of new South Wales and its Dependencies, Appellant, *and* William Browne, Esq. Respondent.

N^o 7.

The Appeal of the Appellant, filed 22d September 1819.

The appeal of his said Excellency Lachlan Macquarie, Esq. who sued and appeals as Captain General and Governor in Chief in and over His Majesty's territory of New South Wales and its dependencies, against the verdict given in the Supreme Court of Civil Judicature in and for the said territory of New South Wales, on the 14th day of September 1819, in a cause then and there depending in an action of trespass

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trespass on the case, to the damage of the said Lachlan Macquarie, Esq. as such captain general, &c. as aforesaid, of 1,000*l*. In which cause, said appellant, as such captain general, &c. as aforesaid was the plaintiff and said William Browne, of Sydney, merchant, was the defendant.

The appellant most humbly shows to your Excellency, that the plaint in the said action was filed in the said supreme court in the third term in the year of our Lord 1819, and was to the tenor and effect following (to wit) : New South Wales to wit. Third term in the year of our Lord 1819. His Excellency Lachlan Macquarie, Esq. captain general and governor-in-chief in and over His Majesty's territory of New South Wales and its dependencies, by Thomas Wylde, his attorney, complains of William Browne, of Sydney, in the said territory, merchant, in a plea : For that whereas the said William Browne heretofore to wit, on the 1st day of August in the year of our Lord 1819, by the permission of his said Excellency Lachlan Macquarie, Esq. so being such captain general and governor-in-chief as aforesaid, and on the undertaking of the said William Browne hereinafter mentioned, landed from the harbour of Sydney Cove at and into Sydney, in the said territory of New South Wales, thirty-nine persons of and from India (to wit), Ajeem, Karums, Meajon, Wudchumb, Jittoo, Maboo, Toanah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Parharsing, Sinjerams, Doorgo Ram (Doss), Takoor (Doss,) Lutchman (the younger), Soccanee, Kettuah, Meggoo, Mothe Ram, Tuburns, Asman, Bahadar, Gopall, Bustee Ram, Tejnah, Cokah, and Gossee, as also Bon Brighthen, Parea, Tumassah, Chaund Munny, Jeera, Jummah, Gunga, Charmine and Kethia, the said several persons being all natives of India, and before then hired by the said William Browne in India, to come to this territory in the service and employment of him the said William Browne; and the said Ajeem, Karums, Meajore, Wudchub, Jittoo, Mabor, Toannah, Deenoo, Keenor, Bowannee, Lutchman (the elder), Parharsing, Singerams, Doorga Ram (Dass), Takoor (Dass), Lutchman (the younger), Soccanee, Kettuah, Meggoo, Mothe Ram, Tuburns, Asman, Bahadar, Gopall, Bustie Ram, Tejnah, Cokah and Gossee, as also Bon Bergthin, Parea, Tumassah, Chand Munny, Jeera, Junmah, Gunmah, Chamine and Kethia, did respectively engage, promise and agree to and with the said William Browne, that on their arrival in the said territory of New South Wales, they would well and faithfully serve and perform their duties as servants to the said William Browne, according to their respective characters and capacities, until legally discharged from their several servitudes according to law, and the several agreements they had entered into touching such several servitudes; and the said William Browne, in consideration of such several servitudes, had severally promised and agreed to and with each of them the said Ajeem, Karums, Majon, Wudchub, Jittoo, Maboo, Toanah, Denoo, Keenoo, Bowannee, Lutchman (the elder), Paharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccanee, Kelluah, Meggoo, Mothe Ram, Tubun, Asman, Bahadar, Gopall, Bustee Ram, Tejurah, Cokah and Gossee, as also Bon Bugthin, Parea, Tamassah, Chound Munny, Jeerah, Jummah, Gunga, Charmine and Kethia, that he the said William Browne would, for and during the term of their said several servitudes, comfortably and sufficiently feed, clothe and lodge the said several persons so engaged and hired in India by the said William Browne, to come to this territory and there serve said William Browne, as such servants as aforesaid, for and during all the terms or times of their respective servitudes, and at the expiration of the respective terms of their said servitudes would, at his own costs and charges, find, provide and procure a comfortable and proper passage for them, said Ajeem, Kareem, Wreajon, Wudchut, Jitto, Maboo, Toanah, Denoo, Kenoo, Bowannee, Lutchman (the elder), Parharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccanee, Ketterah, Meggoo, Mothe Ram, Tubun, Asman, Bahadar, Gopall, Bustee Ram, Tejuah, Cokah and Gossee, as also, Bon Bugthm, Parea, Tumassah, Chand Munny, Jeera, Jummah, Gunga, Chamine and Kethia, from this territory back to India : And the said William Browne, in order to obtain the permission of the said Lachlan Macquarie, as such Captain General as aforesaid, and at and before the landing of the said beforementioned several persons, natives of India as aforesaid, into this territory, did promise and undertake to and with the said Lachlan Macquarie, Esq. Governor, &c. as aforesaid, that he the said William Browne would well and truly save harmless and keep indemnified the said Lachlan Macquarie, Esq. as such Captain General, &c. as aforesaid, and all other His Majesty's officers holding official situations in or about the government of His Majesty's said colony of New South Wales and its dependencies, from all damages, costs, charges and expenses whatsoever,

ever, which should or might be sustained or incurred for or by reason or means of the providing food, clothing and lodging of or for all and every of the before-mentioned persons, servants of said William Browne, or arising from or on account of their transshipment and passage from this territory back to India at the expiration of their said several servitudes; but the said William Browne, not regarding his said promises and undertakings so by him made as aforesaid, but contriving and fraudulently intending craftily and subtly to deceive and defraud the said Lachlan Macquarie, Esq. Captain General, &c. as aforesaid, has wholly neglected to provide proper and sufficient food, clothing and lodging for them the said Ajeem, Karum, Meajon, Wudchub, Jitto, Maboo, Toanah, Denoo, Kenoo, Bowannee, Lutchman (the elder), Parharsing, Singoram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccannee, Kelluah, Meggoo, Mothe Ram, Tubun, Asman, Bahadar, Gopall, Bustee Ram, Tijurah, Cokah and Gossee, as also, Bon Bugthin, Patee, Tumassah, Chaund Munny, Jeera, Jumnah, Gunga, Chamine and Kethia, whereby the said several persons aforesaid, natives of India as aforesaid, were under the absolute and unavoidable necessity of wandering up and down in great distress and misery; he, the said William Browne having not thus wholly failed in providing proper and sufficient food, clothes and lodgings for the said several persons aforesaid, natives of India as aforesaid, but having also cruelly, wantonly and inhumanly beaten and ill-treated divers of them the said several persons aforesaid, natives of India as aforesaid, whereupon they the said several persons aforesaid, natives of India as aforesaid, being thus situated as aforesaid, applied to his Excellency the said Lachlan Macquarie, Esq. Captain General as aforesaid, that he the said Lachlan Macquarie, would afford them proper and sufficient food, clothes and lodging, and grant them such other relief as in their several and respective necessities they might require: And the said Lachlan Macquarie, Esquire, governor, &c. as aforesaid, upon such the application of the said several persons aforesaid, natives of India as aforesaid, did refer such their complaints and grievances to be considered of and investigated by a special bench of magistrates, which said complaints and grievances so made to him said Lachlan Macquarie, Esq. by them the said several persons, natives of India as aforesaid, were duly taken into consideration and fully investigated by and before John Wylde, Esq. the honourable the judge advocate of the said territory of New South Wales, D'Arcy Wentworth, Esq. superintendent of police of the territory aforesaid, Simeon Lord and Richard Brooks, Esqrs. being severally justices of our Sovereign Lord the King, and composing the special bench of magistrates assembled for such purpose, to wit, at Sydney aforesaid, in the territory aforesaid; which said justices, so composing such special bench of magistrates as aforesaid, having inquired into, examined and considered the said complaint and matters of grievance so made by the said several persons aforesaid, natives of India as aforesaid, discharged the said several persons aforesaid, natives of India as aforesaid, respectively from their said several employments in the service of the said William Browne, as expressed by them in a certain order made by them the said special bench of magistrates aforesaid, to the said Lachlan Macquarie, Esq. in the words following; that is to say,—New South Wales. Whereas complaint hath been made unto us the Honourable John Wylde, Esq. judge advocate of this territory, D'Arcy Wentworth, Esq. Simeon Lord and Richard Brooks, Esqrs. justices of the peace in and for the said territory, upon the oaths of Bowannee, Lutchman, Keenoo, Deenoo, Pharsing, Sing Ram, Durga Ram, Thacova, Lutchman (the younger), Toocany, Bustie Ram, Wodchut, Azeem, Keevim, Thomasee, Gee Too, Buteen, Meenjaim, Buck Tien and Peerce, natives of India, servants and labourers in the said territory, that some time since they the said Bowannee, Keenoo, Deenoo, Pharsing, Singram, Durga Ram, Thacriva, Lutchman (the younger), Toocany, Bustee Ram, Wodchub, Azeem, Keerien, Thanassee, Gee Too, Buteen, Meerjaun, Bucklien and Pierce, with other Asiatic natives, were hired by and entered into the service and employment of William Browne, of Sydney, in the territory aforesaid, for certain respective times and periods, and that they, together with other Asiatic natives as aforesaid, did enter upon and afterwards, until presentment of this complaint, continue in the said service and employment; and that during the said service they and other the Asiatic natives as aforesaid, in the said service, have been greatly misused, refused necessary and proper provisions and otherwise ill-treated: And whereas it hath been duly proved on oath before us, that they the said Bowannee, Lutchman, Keenoo, Deenoo, Pharsing, Sing Ram, Durga Ram, Thacwa, Lutchman, Tocanny, Bustee Ram, Woodchub, Azeem, Keena, Thamasee, Gee Too, Boteen, Mojaum, Buck Tien and Pierce; as

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also all the servants, natives of India as aforesaid, and in the said service and employment of the said William Browne, have been misused as to inadequate and very insufficient wages for due maintenance and support in the country, and otherwise insufficiently and ill-fed, unduly worked, greatly aggrieved and unjustly treated in said service and employment of the said William Browne, We do therefore hereby order, in pursuance of the statute in that case made, that they the said Azeem, Bord, Kareem, Undchub, Meagon, Lutchmeen, Jettoo, Bughtee Deenoo, Keenoo, Bowannee, Lutchman (the elder), Tubun, Asman, Bahadoo, Bustee Ram, Tejuah, Cojah, Gasee, Chauna Munnee, Jeera, Jumna, Gunga, Chamiere, Kethien and Betoon be discharged, and we do hereby discharge them from the service and employment of him the said William Browne.

Given under our hands and seals, this 12th day of July 1819.

(signed) *John Wylde*, Judge Advocate, New South Wales, (L. s.)

D. Wentworth, J. P. (L. s.)

S. Lord, J. P. (L. s.)

Richard Brooks, J. P. (L. s.)

And the said Lachlan Macquarie, Esq. after the receipt by him of such order, so made as aforesaid by the special bench of magistrates as aforesaid, taking into consideration the state of absolute want and distress in which the said several persons, natives of India as aforesaid, were placed by the total failure of him the said William Browne to provide them the said several persons as aforesaid, natives of India as aforesaid, with proper and sufficient food, clothing and lodging, and the cruelty and severity with which he the said William Browne had treated them the said several persons, natives of India as aforesaid, he the said Lachlan Macquarie, Esq. found himself under the absolute and unavoidable necessity of causing certain large sums of money, to wit, to the amount of the sum of five hundred pounds, to be issued from the colonial police fund of this territory to and for the use of the said William Browne, in supplying them the said several persons, natives of India as aforesaid, with proper and sufficient food, clothing and lodging.

And the said Lachlan Macquarie, Esq. governor as aforesaid, in consequence of the total failure of him the said William Browne to find, provide and procure comfortable and proper passage for them the said several persons aforesaid, natives of India as aforesaid, from this territory back to India, and in furtherance of the orders so made by the justices composing the said special bench of magistrates as aforesaid, was under the absolute necessity of causing certain or large sums of money, to wit, the sum of five hundred pounds, to be advanced from the colonial police fund of this territory, to and for the purpose of procuring for each of them the said several persons, natives of India as aforesaid, a proper and sufficient passage from this territory back to India, in a certain ship or vessel called the *Mary*, whereof Orman was the master.

And the said appellant avers, that the said Ajerm, Karun, Meajon, Woodchub, Jettoo, Maboo, Joanah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Pharsing, Singram, Doorga Ram (Doss), Takoor (Doss), Lutchman the younger, So-cannee, Kettnah, Meggoo, Mothe Ram, Tubrun, Osman, Bahadar, Gopall, Mustee Ram, Tejuah, Cokah, and Gossee, as also Bon, Bugthin, Parea, Tumassah, Chund, Munny, Jeera, Jumnah, Gunja, Chamene, and Kettea, natives of India as aforesaid, were in the utmost state of want and distress, and totally destitute of all means of subsistence and support, and each of them respectively deprived of the means of procuring passages from this country back to India; in consequence whereof the said Lachlan Macquarie, Esq. found it necessary to advance from the colonial police fund of this territory the said sum of 1,000 *l.* to and for the said William Browne, who became indebted to the said Lachlan Macquarie, Esq. in the said sum of 1,000 *l.* for so much money by the said Lachlan Macquarie, Esq. governor, &c. as aforesaid, paid, laid out and expended to and for the use of the said William Browne in manner aforesaid; and being so indebted, he the said William Browne, in consideration thereof, afterwards, to wit, on the same day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, undertook, and then and there faithfully promised the said Lachlan Macquarie, as captain-general and governor as aforesaid, to pay him the said sum of money last mentioned whenever he should be thereunto afterwards requested.

And whereas the said William Browne heretofore, to wit, on the day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, did land at, in and upon this

this territory, to wit, at Sydney aforesaid, in violation of the laws and colonial regulations of this territory, other thirty-nine persons, which he the said William Browne caused to be brought from India, or other parts out of the jurisdiction of this territory, to wit, the persons following; Ajeem, Karum, Meajon, Undchumb, Jettoo, Maboo, Toonah, Dienoo, Keenoo, Bowannee, Lutchman (the elder), Parharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccanee, Kellaah, Meggoo, Mothe Ram, Tuban, Asman, Bahadar, Gopall, Bustee Ram, Tejnah, Cohab, and Gossee, as also Bon, Bugthen, Patee, Tunnussah, Chaund Munny, Jeera, Jumnah, Gunga, Chamine, and Kethea; the said several persons being all natives of India, or some other part of Asia, and had been before then hired and engaged by the said William Browne in India, or some other part of Asia, to come to this territory as servants to the said William Browne, and to be employed in the service of him the said William Browne at Sydney aforesaid, in the territory aforesaid: And the said William Browne having so landed them the said several persons, natives of India as aforesaid, illegally and in direct violation of the ordinances, rules, laws and colonial regulations of this territory, he the said William Browne rendered himself amenable to pay and defray and hold the said Lachlan Macquarie, captain-general and governor-in-chief as aforesaid, harmless and indemnified from and against all and all manner and every such costs, charges and expenses as might arise or be sustained in consequence of the said Ajeem, Karum, Meajon, Wudchub, Jittoo, Maboo, Toanah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Parharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Socconnee, Kellnah, Meggoo, Mothe Ram, Tubun, Asman, Bahadar, Gopall, Bustee Ram, Tejnah, Cohab and Gossee, as also Bon, Brighthin, Patee, Tumassah, Chand Munny, Jeera, Jumnah, Gunga, Charine and Keetha, natives of India as aforesaid, ever eventually becoming chargeable, as producing any expense to the colonial funds of this territory.

But the said William Browne not regarding his said liabilities, to which he had rendered himself amenable as aforesaid, but contriving and fraudulently intending craftily and subtly to deceive and defraud the said Lachlan Macquarie, Esq. captain-general and governor-in-chief as aforesaid, wholly neglected to provide proper and sufficient food, clothing and lodging, for the said Ajeem, Karum, Meajon, Wudchub, Jittoo, Maboo, Toanah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Pharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccanee, Kellnah, Meggoo, Mothe Ram, Tubrun, Asman, Bahadar, Gopall, Bustee Ram, Tejurah, Cohab and Gossee, as also Bon, Brighthin, Patee, Tumassah, Chand Munny, Jeera, Jumnah, Gunja, Chamine and Kethea, whereby the said several persons, natives of India as aforesaid, were under the absolute and unavoidable necessity of wandering up and down in great distress and misery, he the said William Browne having not only thus wholly failed in providing proper and sufficient food, clothing and lodging, for the said several persons aforesaid, natives of India as aforesaid, but having also cruelly, wantonly and inhumanly beaten and ill-treated divers of them the said several persons aforesaid, natives of India as aforesaid; whereupon they the said several persons aforesaid, natives of India as aforesaid, being thus situated as aforesaid, were each and every of them respectively discharged by John Wyld, Esq. the honourable the judge advocate of the said territory of New South Wales, D'Arcy Wentworth, Esq. superintendent of police of said territory, Simeon Lord and Richard Brooks, Esquires, justices of the peace of our Sovereign Lord the King, from their several and respective services as servants of the said William Browne.

And the said Lachlan Macquarie, Esq. &c. avers that, taking into consideration the state of absolute want and distress in which the said several persons, natives of India as aforesaid, were placed by the total of failure of him the said William Browne to provide them the said several persons aforesaid, natives of India as aforesaid, with proper and sufficient food, clothing and lodging, and the cruelty and severity with which he the said William Browne had treated them the said several persons, natives of India as aforesaid, and their discharge in consequence thereof from the service of the said William Browne by the justices aforesaid, he the said Lachlan Macquarie found himself under the absolute necessity of causing, and did cause certain large sums of money, to wit, certain sums of money to the amount of the sum of 500 *l.* to be issued from the colonial police fund of this territory, and by him the said Lachlan Macquarie, Esq. to and for the use of the said William Browne, in supplying them the said several persons, natives of India as aforesaid, with proper and sufficient food, clothing and lodging for and until a proper passage could

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could be procured for each of them the persons aforesaid, natives of India as aforesaid, back from this territory to India as aforesaid.

And of also concerning certain other large sums of money, to wit, the sum of 500*l.* to be advanced from the colonial police fund of this territory, to and for the purpose of providing the said several persons, natives of India as aforesaid, proper and sufficient passage back to India, in a certain ship or vessel called the *Mary*, whereof Orman was the master; whereby the said William Browne became indebted to the said Lachlan Macquarie in the said sum of 1,000*l.* for so much money by the said Lachlan Macquarie, Esq. as governor, &c. as aforesaid paid, laid out and expended to and for the use of the said William Browne in manner aforesaid; and being so indebted to the said William Browne, in consideration thereof, afterwards to wit, on the same day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, undertook and then and there faithfully promised the said Lachlan Macquarie, Esq. governor, &c. as aforesaid, to pay to him the said sum of money whenever he should be thereunto afterwards requested.

And whereas the said William Browne heretofore, to wit, on the day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, was indebted to the said Lachlan Macquarie, Esq. in the further sum of 1,000*l.* of lawful money of Great Britain, for so much money paid, laid out and expended by the said Lachlan Macquarie, governor, &c. as aforesaid, to and for the use of the said William Browne, and at this special instance and request, in providing food, raiment and lodging for 39 persons, to wit, Azeem, Karrum, Meajon, Wadechub, Jittoo, Maboo, Joannah, Deenoo, Keenoo, Rowannee, Lutchman (the elder), Parharsing, Singoram, Doorga Ram (Doss,) Takoor (Doss,) Lutchman (the younger,) Soccannee, Kettuah, Meggoo, Mothe Ram, Tejuah, Cokah and Gossee, as also Bon Bugthen, Paree, Tumassah, Chaund Muney, Jeera, Jummah, Gunga, Chamine and Kethia, natives of India as aforesaid, brought to this colony by the said William Browne from India and other parts beyond the seas; and being so indebted, he the said William Browne, in consideration thereof afterwards, to wit, on the same day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, undertook and then there faithfully promised the said L. Macquarie, Esq. governor, &c. as aforesaid, to pay to him the said sum of money last mentioned whenever afterwards he the said William Browne should be thereunto requested: And whereas also the said William Browne afterwards, to wit, on the same day and year last aforesaid, at Sydney aforesaid, in the territory aforesaid, accounted with the said L. Macquarie, Esq. of and concerning divers other sums of money from the said William Browne to the said Lachlan Macquarie, Esq. before that time due and owing, and then there being in arrear and unpaid upon that account, the said William Browne was then and there found to be in arrear and indebted unto the said Lachlan Macquarie, Esq. in the further sum of 1,000*l.* of like lawful money, and being so found in arrear and indebted as aforesaid, the said William Browne, in consideration thereof afterwards, to wit, on the same day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, undertook, and to the said Lachlan Macquarie, Esq. then and there faithfully promised, to pay to him the said sum of money last mentioned whenever afterwards he the said William Browne should be thereunto requested; nevertheless the said William Browne his said several promises and undertakings aforesaid in form aforesaid made, not regarding, but contriving and fraudulently intending, craftily and subtly to deceive and defraud the said Lachlan Macquarie, Esq. in this respect, hath not yet paid the said several sums of money, or any of them, or any part thereof, nor in any manner satisfied him for the same, although so to do the said William Browne afterwards, to wit, on the same day and year aforesaid, and often afterwards, at Sydney aforesaid, in the territory aforesaid, by the said Lachlan Macquarie, Esq. was requested; but to pay the same to the said Lachlan Macquarie, Esq. or in any manner to satisfy for the same to the said William Browne hath hitherto altogether refused, and doth still refuse, to the damage of the said Lachlan Macquarie, Esq. of 1,000*l.* and therefore he brings his suit; and afterwards, to wit, in the said third term, in the year aforesaid, the said William Browne, by James Norton his attorney, filed his plea in the words following, *viz.* and the said William, by James Norton his attorney, comes and defends the wrongs and injury, when, &c. and says, that he did not undertake and promise in manner and form as the said Lachlan Macquarie, Esq. governor, as aforesaid, hath above thereof complained against him; and of this he puts himself upon the honourable court, and the said Lachlan Macquarie, Esq. governor, &c. as aforesaid, doth the like.

Therefore to try the same issue above joined between the parties, the court was respited

respited between the said Lachlan Macquarie, Esq. so being such governor, &c. as aforesaid, plaintiff, and the said William Browne, defendant, until the 18th day of September 1819, unless Barron Field, Esq. judge of the said supreme court, and other the justices members of the said court shall first come on Tuesday the 14th day of September aforesaid; the same day is given to the same parties to be there.

Afterwards, at the day and year, and at the place there within contained, before the Honourable Barron Field, Esq. judge of the supreme court within mentioned, John Piper and John Harris, Esqrs. members of the said court, came as well as the said Lachlan Macquarie, Esq. so being such governor, &c. as aforesaid, as the said William Browne, by their respective attornies, whereof mention is there within made, and the court being assembled and sworn to speak the truth of the matter within contained, say, upon their oath, that the said William Browne did not undertake and promise in manner and form as the said Lachlan Macquarie, Esq. governor, &c. as aforesaid hath there within in pleading alleged, therefore, &c.

By which said verdict and judgment, the said Lachlan Macquarie, Esq. as such governor, &c. as aforesaid, is aggrieved by the said judgment so given and pronounced by the said supreme court, and doth appeal therefrom in terms of the patent, and thereupon that process of summons may be issued to said William Browne to answer such appeal, and the like process of execution as the said supreme court is by the said letters patent directed and empowered and ought of right to issue.

And for causes of appeal the said appellant so being such governor, &c. as aforesaid, sheweth, and (among other causes and matter) the causes and matter following; that is to say, that the said supreme court ought to have given a verdict for the said appellant, as such governor, &c. as aforesaid against the said respondent, and assess his damages in the sum of 386*l.* 3*s.* being the amount of monies paid for the subsistence of the said Indian natives as above in pleading alleged, and for the passage of the said Indian natives, the late servants of the said William Browne, to Calcutta. And as to the truth of the matters aforesaid, the appellant, as such governor, &c. as aforesaid, also sheweth, that on the trial of the said cause in and before the said supreme court, the appellant so being such governor, &c. as aforesaid, gave in evidence that the said Asiatic servants had been brought from Calcutta to this colony by and as servants of the respondent William Browne, most generally under agreements made between them as stated in the pleading in the said cause, and particularly on the term that as soon as the terms of durance of the said Asiatic servants had expired, that he the respondent would find and provide them with a proper passage back to Calcutta; and that the said respondent having, from the causes stated in the pleadings, neglected to perform his part of the said agreement, they, the said Asiatic servants, had made complaint to the appellant to bring such governor, &c. as aforesaid for relief in the premises. The appellant, as such governor, &c. as aforesaid, further gave in evidence that in pursuance of the above-mentioned discharge and report, and of the said respondent William Browne having refused to find and provide his said Asiatic servants, natives of India, with sufficient or any food, raiment or other necessaries, or a passage back from this territory to Calcutta, the said appellant, as such governor, &c. as aforesaid, paid or caused to be paid by the police fund 63*l.* 10*s.* for the subsistence, and 322*l.* 10*s.* for the passage to India of his said, consisting of thirty-nine natives Asiatic servants of the said respondent William Browne: That the respondent was always present during the investigation by these magistrates of the matters complained of by the said Asiatic servants, and had then said he would give all such of the Asiatic servants as were entitled to it by their agreements, passage home, and would generally submit to do what was right: That the said respondent did on the 17th day of June last, write to the said judge advocate, as the president or chairman of the said bench of magistrates, that he would give a passage to all such of his Asiatic servants to Calcutta as were unwilling to remain in his service; but on the 12th day of July, the day of the magistrates order to discharge the said Asiatic servants from the service of the said respondent William Browne, he the respondent William Browne restricted by a letter sent to the judge advocate the said offer of giving all of such his Asiatic servants to Calcutta as were unwilling to remain in his service to sending home by in the ship Mary, then lying in Sydney Cove, of which the said respondent William Browne is part owner, only such of his said Asiatic servants whose terms of service had (as he stated) expired, being (as he likewise said) five in number, and that four of the said Asiatic servants had entered into a new agreement with him the said respondent to serve him as servants for another year; but

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but the appellant so being captain general and governor in chief as aforesaid, had determined to send them all home, and in pursuance of such determination, on the 22d day of July last, they, the said late servants of the said William Browne then discharged in manner aforesaid from their said service were shipped on board the Mary, the master of which ship or vessel of which the said William Browne was either owner or part owner, received the passage money, amounting to 322*l.* 10*s.*

And the question to be determined by the said supreme court was, whether the appellant, as captain general, &c. as aforesaid, having under the circumstances before stated, made the beforementioned payments, or having directed the same to be made and paid out of the police fund as such captain general, &c. as aforesaid, could recover back the money so paid for the benefit or use of the said respondent William Browne, and to be replaced into the said police fund on an implied assumpsit of monies paid by the said appellant as such captain general, &c. aforesaid, as monies paid for the respondent William Browne, in the performance and discharge of a public duty, which the law rendered it imperative on the said respondent William Browne to do, pay and perform; and the learned judge at the said trial held, that even if the court should be of opinion that the said respondent William Browne was morally bound to pay such outlay, yet there must be an express promise to do it on the part of the respondent William Browne, before the said action could be maintained, and that in the present case no such express promise had been made by the said William Browne; and that the relation of master and servant having been put an end to by the bench of magistrates order, the government could no longer compel the defendant to terms, nor could the said action be maintained against the defendant, under his liability as master; and that the appellant, as such captain general, &c. as aforesaid, could not recover this maintenance and passage money by paying it for the defendant, and then seeking to recover it back from him in a civil court in an action upon promises. The appellant being captain general, &c. as aforesaid, submits, the said Asiatic servants, having been landed in this colony without the privity or consent of the appellant, as such captain general, &c. as aforesaid, and having been found wandering up and down the streets of Sydney without lodging, food and clothing, or other necessaries, and the said respondent William Browne having refused them with such necessaries, or to find and provide for them a passage back to Calcutta, the said appellant, as such captain general, &c. as aforesaid, had a right to grant them the said late servants of the said William Browne, the necessary relief to prevent them from perishing for hunger, or other necessary sustenance and support, and to compel the said respondent, in an action of implied assumpsit, to repay to the fund from which the necessary supplies had been granted, the monies so necessary disbursed, for as much as there are no parishes in this colony to which the said servants could apply for relief, and the respondent William Browne had refused the same, they must have starved or perished, but for such humane interference of the said appellant, so being such captain general, &c. as aforesaid, charges. That in England parishes are liable to provide for the casual poor, and the parish officers are bound to assist in all cases where such accidents or casualties take place; and that the law will so far raise an implied contract against them as to enable any person, who affords that immediate assistance which the necessity of the case usually requires, to recover the amount of the money so expended; and it is a legal known principle, that in the event of a casual poor requiring relief of medicines, &c. the parish officers are bound to supply the necessary means; and that the law will so far raise an implied contract against them as to enable any person, who affords that immediate assistance which the necessity of the case usually requires, to recover against them the amount of money expended; in this present instance, the appellant, as captain general, &c. as aforesaid, was, he submits, to the said Asiatic natives, in a colony where no parochial relief could be obtained, the only humane resource to whom they could apply for succour; and that the respondent William Browne was not only under a moral obligation to afford them that necessary assistance and support which he had refused so to do, but was also, by his written contract with the said Asiatic natives, bound so to do. The appellant, as such captain general, &c. as aforesaid, contends and submits that the court of appeal will take into its consideration the circumstances of the before stated case; and upon view of the evidence given in support of damages in the said actions in the supreme court, and reverse the said judgment so given and pronounced by the said supreme court, and will assess such damages therein as shall be found to be true

true and just, or that the said court of appeal may take such order, assessment of damages, or other sentence or decree in the premises, as shall or may be deemed most expedient just and right.

The appellant, as such captain general, &c. as aforesaid, submits his said case for the consideration of the said court of appeal, and charges that process of summons do issue for the respondent to answer such appeal, and the like process of execution as the said court, in and by the said letters patent empowered to issue, or that such further or other relief in the premises as in the said court of appeal may be deemed meet.

And the appellant will ever pray.

(True Copy, in 15 folios.)

(signed) *J. F. Campbell*, Sec^y to the Government of New South Wales.

To his Honour Judge Advocate Wylde.

Sir:— Having duly considered the communication you honoured me with when I took the liberty to wait on you this morning, I beg leave now to signify to your Honour that a sincere disposition to conform to what I understand to be his Excellency the Governor's pleasure respecting my Indian servants, still more than my desire to get rid of the trouble they are giving me, has determined me to give all the Indians in my service, who are unwilling to remain in the colony, a passage to Calcutta; those who have not, as well as those who have complained of me.

Respecting the account between me and these people, I am happy to learn that a gentleman is to be appointed on behalf of the Crown, to see them duly settled, and to receive the balances due by me.

I am now ready to produce the accounts of those entitled to agreement to return to India this season and some others, and shall, I trust, have the remaining accounts ready only before the time appointed for the ship to sail hence.

These accounts being settled, and the balances due by me being duly paid, I trust it will not be attributed to any improper feeling, if I require from those who are indebted to me, and who have obtained my orders on my agents to pay their families in India certain sums quarterly, payment on security for their respective debts, especially as I am willing to receive from those who may not be able to pay me, such security as they can give if they please. I trust I may also require that they respectively deliver up the several articles which have been placed in their charge.

I have the honour, &c.

Thursday evening, 17th June 1819.

(signed) *William Browne*.

Macquarie, Esq. &c. &c. &c.
and
Browne.

} Supreme Court, exhibited by plaintiff's attorney,
14th September 1819.

(Copy.)

Court Room, Sydney, 12th July 1819.

Having in pursuance of directions from his Excellency the Governor, inquired into and examined upon oath the complaints made by the Asiatic natives, late in your service, as to misusage, cruel treatment and want of due provisions and other necessaries, we have to inform you, that we have this day ordered the said servants, under our respective hands and seals, to be discharged from your service.

We have also submitted to his Excellency the Governor, that you be required to furnish all the servants respectively, who are desirous of returning to their native country, a free passage, with maintenance and all proper necessaries during the voyage, and also to repay to the police fund the amount of 70*l.* advanced therefrom by his Excellency's order, for their maintenance and support, from the time of exhibiting the said matter of complaint.

(signed) *John Wylde*, Judge Advocate, New South Wales.

D. Wentworth, J. P. *R. Brooks*, J. P. *Simeon Lord*, J. P.

(A true copy.)

(signed) *John Wylde*, Judge Advocate, New South Wales.

Mr. W. Browne, Sydney.

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N^o 8.

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Sydney, New South Wales, July 22d, 1819.

The Government New South Wales, Dr. to owners of ship Mary.

To the passage of 24 male natives of India to Calcutta, at 10 <i>l.</i> per %.	£. 240	-	-
To ditto ditto of 11 female natives of India to Calcutta, at 7 <i>l.</i> 10 <i>s.</i>			
per %.		82	10
		<hr/>	
		£. 322	10
		<hr/>	

Received payment for the owners of the ship Mary.

(signed) Benjamin Orman.

To the Secretary, New South Wales.

To J. F. Campbell, Esq. Secretary to the Government, New South Wales.

Sir:—I am directed to acknowledge the receipt of your letter of the 4th January last, with its enclosures, relative to the suit instituted by the government of New South Wales against Mr. Browne, with the view of recovering the amount of the expenses incurred by that government, on account of the passage to Calcutta, of certain natives of Bengal, who had been employed as servants by Mr. Browne.

2.—The Governor General in council apprehends that no legal measures, as suggested by his Excellency the Governor, could be pursued in Bengal against Mr. Browne with any prospect of success, for the recovery of the amount expended, especially as Mr. Browne is absent from Calcutta. As, however, the sum in question was humanely disbursed by the government of New South Wales for the relief and accommodation of persons, subjects of the Honourable Company, his Excellency in council deems it equitable that His Majesty's government should be relieved from the burthen of such expenditure, Major General Macquarie is therefore requested to cause the sum of 386*l.* 3*s.* to be carried to the debit of the supreme government of India, and to suggest the mode in which the amount may be liquidated.

I have the honour, &c.

(signed) C. Lushington, Secretary to Gov'.

Fort William, 5th May 1820.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Public Department; dated 27th December 1822.

Letter from the government, dated 31st July 1820 (141 to 144). Proceedings connected with the case of 35 natives of Bengal, who were discharged by order of a bench of magistrates at New South Wales, from the service of Mr. William Browne, by whom they had been most cruelly treated. They were embarked for their native country at the expense of the colonial government, on board a ship proceeding to the port of Calcutta; the expense, 386*l.* 3*s.* not being recoverable from Mr. Browne, has been debited to the supreme government of India.

50.—We have perused, with strong feelings of indignation, the details of the sufferings endured by the unfortunate natives in question, from the brutal course of conduct pursued towards them by their late master, Mr. William Browne and his family; but we are gratified to learn, that they were rescued from their sufferings and oppressions by the humane interference of the government of New South Wales.

51.—As it appears that the suit instituted against Mr. Browne by that government, with the view of recovering the expense of the passage of those natives to Calcutta, terminated unsuccessfully, and that no legal measures for that purpose could be pursued in Bengal against Mr. Browne, with any prospect of success, we approve of your having caused the amount thereof, being 386*l.* 3*s.* to be carried to the debit of your government.

52.—We observe that you have very properly taken measures for preventing the future embarkation of people of the above description for New South Wales, without adequate security for their good treatment from the individuals who may engage their services.

PAPERS relative to domestic Slavery in India, communicated to the Governor General in Council, by the Court of Nizamut Adawlut, in 1816; containing Copies of a Letter from Mr. J. Richardson, the Judge and Magistrate of Zillah Bundlecund, to the Nizamut Adawlut, dated the 23d March 1808; the Opinions of the Mahomedan and Hindoo Law Officers of the Court, on the subject of the said Letter, and the Court's Resolution thereon; together with the Court's further Correspondence with Mr. Richardson, and the Draft of a proposed Regulation "For checking and reforming Abuses in the practice of "Slavery:" 1808-1816.

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Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors, dated 1st March 1817.

11.—The proceedings of the annexed dates contain the reports furnished by the judges of circuit, at the close of the second sessions of 1814, and the first sessions of 1815, in the several districts included within these divisions.

Judicial Depart-
ments, L. P.
Moorshedabad
Crim. Cons.
15 March 1816,
N° 31 to 57.

14.—We are not aware that the documents above noticed call for any detailed observations; the principal subjects adverted to in them have in fact been recently brought under the notice of your Honourable Court in a distinct and comprehensive form, with the documents which accompanied our separate dispatch of the 29th of November last.

15.—We think it right, however, to request the attention of your Honourable Court to paragraphs 3 to 7, of the resolutions of the Nizamut Adawlut, on the report of Mr. W. T. Smith, second judge of the Moorshedabad court of circuit.

With regard to the practice now brought under consideration by the second judge of the Moorshedabad provincial court, it might, the court think, be prohibited by a regulation, without hazard of any serious ill consequences, if in cases of distress, such as now induce persons to sell themselves or their children as slaves, they were declared at liberty to dispose of their own services, or those of their children for a limited period, such as would be sufficient to indemnify the purchaser without subjecting the parties and their descendants to perpetual slavery. If this principle meet the approbation of government, the court will hereafter submit the draft of a regulation upon the subject, including also a provision for the judicial emancipation of slaves, on proof of any cruel maltreatment, and any other provisions relative to slavery that may appear expedient on consideration of a regulation for checking and reforming the abuses that have crept into practice, and at present exist, with respect to slavery, which was proposed in the year 1809, by Mr. Richardson, then judge and magistrate of Bundlecund.

16.—The paragraphs in question refer to various documents connected with the sale of children as slaves during periods of extreme scarcity, or famine, concurring as we did generally in the sentiments expressed by the court of Nizamut Adawlut on the subject, we instructed the court to submit, for our consideration, the draft of a regulation founded on the principles and directed to the objects noticed in the 5th paragraph of the court's resolutions; a copy of that paragraph is inserted in the margin for the immediate reference of your Honourable Court, and we shall hereafter communicate to your Honourable Court the result of our deliberations on this highly important and interesting subject.

Extract Bengal Judicial Consultations, 15th March 1816.

Extract Letter from the Register of the Nizamut Adawlut to the Secretary to Government, dated 11th January 1816.

Criminal, L. P.

I am directed by the court of Nizamut Adawlut to transmit to you, to be laid before the Right honourable the Governor General in council the inclosed extract from their proceedings of this date, together with the several papers therein referred to, viz.

N° 31.

1.—Copy of a Letter from the Judge and Magistrate of Zillah Bundlecund, dated the 23d March 1808, noticed in the 7th paragraph of the Court's resolutions, N° 16.

2.—Copy of a Resolution of the Court for a reference to their law officers, on the 28th April, 1808, N° 17.

125.

3.—Copies

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3.—Copies of translations of the answers from the Mahomedan and Hindoo law officers of the Court, recorded on the 29th March 1809, Nos. 18 and 19.

4.—Copy of a Letter written to the Judge and Magistrate of Zillah Bundlecund, on the 29th March 1809, N° 20.

5.—Copy of a Letter from the Judge and Magistrate of Zillah Bundlecund, dated 24th June 1809, with draught of a proposed regulation, Nos. 21 and 22.

1.—Copy of a Letter from the Judge and Magistrate of Zillah Bundlecund, dated the 23d March 1808.

To H. T. Colebrooke, J. H. Harington, J. Fombelle, and Thomas Parr, Esqrs. Judges of the Sudder Dewanny, and Nizamut Adawluts, Fort William.

N° 47.

Gentlemen:—I beg leave to submit the following discussion on a subject of great importance to the cause of humanity, policy, morals and religion, to the consideration of the Sudder Dewanny and Nizamut Adawluts, with an humble but earnest request, that the same may most respectfully be laid before the Right honourable the Governor General in council, with such observations as this most important subject may, in the judgment and wisdom of the judges of the Sudder Dewanny and Nizamut Adawluts, appear to deserve, the humane abolition of the slave trade, which not long ago has taken place in England, had added lustre to the enlightened wisdom of the British senate, and enrolled, to the latest posterity, the name of Wilberforce amongst the benefactors of mankind.

2.—That slavery should ever have been authorized in any civilized community, is as astonishing to the mind, as disgraceful to human nature.

3.—The great Author of creation, matter, motion and existence, made all men equally free. By what act then can that freedom be forfeited or given up; surely liberty can be forfeited by no act that does not militate against the general security and well being of society, from which mankind acquire their happiness and protection. Nor has man more right to sell or give up the natural freedom of his person than he has to lay down his natural life at pleasure, much less can he have any title to dispose of the liberty of another, even of his child.

4.—That every human being should contribute by his labour, whether mental or corporeal, to supply the wants of his brethren in society, on principles of reciprocity and mutual advantage, is as natural as requisite; but that God should authorize the assumption of property and the absolute control of one human being over another, nothing inferior in form or organization, is surely an impious supposition, arraigning the justice of Omnipotence, and directly contrary to every benign attribute of the Deity, as delineated by reason and religion, and impressed upon our minds by the laws of nature and the use of our rational faculties.

5.—That slavery is an infringement of the law of nature cannot be disputed. The most respectable authority proves that, therefore it is in its own nature and essence invalid. Blackstone, speaking of the law of nature, says, “this law of nature, coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding all over the globe, in all countries, and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all their force and all their authority mediately or immediately from this original.”

6.—The most strenuous defenders of this horrid imposition of the powerful on the weaker part of mankind, pretend not to maintain its propriety but on ideas of political utility. Impartial and minute inquiry into its effects would at once remove this specious veil, by which the diabolic principle is sometimes hidden; and the system, decorated in the eye of sensible and virtuous men under mistaken notions of human experience, proves the uniform tendency of slavery to be depressive of every emanation of the mind, and highly destructive to our species.

7.—No progress in arts or science can be expected from unhappy beings whose daily reflections reiteratedly press their forlorn condition upon their thoughts. The rudest cultivation of the earth is performed with sullenness and reluctance, by wretches whose miseries know no end, but in the moments of repose. The twang of the whip raises them from generally a sleepless bed of filth and uneasiness, or if worn down with the fatigues of incessant labour, and perhaps assimilated by long suffering to the wretchedness of their state they have sunk, hopeless, to rest exhausted nature; the dreaded voice of a master calls forth these unhappy victims of his luxury and debauch to a renewal of daily toil. Perhaps exposed to the burning heat of a vertical sun, immersed to the knees in water, stagnate and unwholesome,
respiring

respiring a vapour inimical to existence, perhaps buried alive in mines replete with noxious minerals and baneful air which slowly consumes the human frame, they die by piecemeal.

8.—Or if (which is the summit of a slaves good fortune) they meet with a more lenient lord, still their comforts are embittered by the dread of a change. The stroke of death, or the pressure of misfortune, may transfer them with their former masters cattle or his lands to a less tender lord; devoid of any established mode of providing for, or bringing up a family, and fearful of entering into the marriage state, having no protection or security, that their dearest and most tender connexions will not be set at nought by the capricious lust of pampered power, population suffers. If the passions of nature, and their irresistible impulse conquer or surmount these obstacles, children are produced. The depression of slavery and implicit obedience, however, has obliterated every lively and finer sensation of the human mind. The helpless infants are neglected, and in the imbecility of childhood, sink unobserved and unheeded to the grave; their very parents, contrary to every usual tie of nature, but here, according to reason, humanity, and almost paternal affection, rejoice at the early dissolution of their offspring. The more the love of their progeny is implanted in their breasts by the will of heaven, the less can they on reflection regret their being snatched away, however prematurely, from the soul harassing which they themselves have experienced and daily endure.

9.—This is no fanciful exposition of an ideal case, since paternal love in a similar situation has really excited a like perversion of nature, which the learned and ingenious Robertson records as follows.

10.—There are districts in America where this “dominion” (the unlimited power of the husband over the wife) “is so grievously felt, that some women in a wild emotion of paternal tenderness, have destroyed their female children in their infancy, in order to deliver them from the intolerable bondage to which they knew they were doomed.” The same motives of affection that urged these wretched women to destroy their female offspring, must operate to the destruction or neglect of all children born in the galling chains of hereditary bondage.

11.—In Hindostan, slaves are kept for show, or employed in the meanest and most laborious offices of servitude. In ancient times, slaves were bred to trades; to cultivate the sciences and other philosophic studies, and accordingly some of this class distinguished themselves by their abilities, and contributed to enlighten mankind. But how much more speedily has general improvement increased since the establishment of freedom through the principal parts of Europe. The freest nations have ever been the first to dispel the clouds of error, and brighten the dawnings of knowledge into the meridian splendour of truth.

12.—If any thing can add to the horror which the idea of slavery raises in every human breast, it is the reflection that by the Mussulman law respecting female slaves, the master is not only legal lord of their persons for purposes of laborious services, but for those of sensual gratification; even such as his perverted or unnatural passions may impel his brutality to indulge. The enormity of this diabolical law is shocking to humanity, and the horrors of such a wretch's situation are not calmly to be thought of. The haughty Islamite deigns not even to persuade, and is not only authorized to set every tender and delicate sensation at naught, but may legally outrage the very laws of nature.

13.—It is not less shocking to reflect that women, who have spent their youth and worn out their persons in the grossest debauchery and prostitution, when their faded beauty no longer produces their wonted luxuries, and even their former paramours in guilt and vice turn from them with satiety and disgust, purchase female children for the avowed purpose of the most licentious life.

14.—These females, were such injurious practices prevented by the abolition of all slavery, would become useful members of the community, and add to the prosperity of the state by the increase of their species. They would marry industrious labourers and mechanics, and numbers would escape being exposed to the venal and promiscuous intercourse of the sexes, which is highly prejudicial to population.

15.—The desperation sometimes occasioned by the unfeeling inflictions of cruel masters, often incite to acts of which humanity shudders. The dagger and the bowl are frequently employed to procure emancipation from the unremitted domination of brutality.

16.—This spirit of sanguinary despair, for, in a state of slavery, it scarcely deserves the harsh terms of revenge or murder, had risen to such an alarming height

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in the Roman empire as to induce the sages, of that early seat of arts and arms, to sanction by law the most unreasonable and inhuman massacres; they cannot be called legal punishments, where the innocent and the guilty are equally involved in one undistinguished carnage.

17.—There, if a slave murdered, poisoned, or caused his master's death, not only the culprit, but all his other bondsmen, however innocent, were liable to be put to death by formal process; nay, the masters had at one time power of life and death over their slaves.

18.—Under systematic slavery the minds of mankind are inevitably debased. Children being educated amongst, and attended by these wretches, imbibe their dispositions, and having the example of their parents always before their eyes, learn to consider those under them as a distinct race unworthy of the rights of humanity; consequently they beat and tyrannize over these unhappy beings in mere wantonness, with as little remorse as they torture a fly. The first efforts of imitative cruelty are viewed by the parents without reprehension, their own minds having undergone the same perversion by the same tuition and practice of maturity having deadened their feelings, so that I fear not unfrequently this early discovery of vicious inclination is considered by the fond, but mistaken parent, as a sure presage of spirit and future greatness. View the manners of those nations who tolerate slavery, and say whether this reasoning is not warranted by reality.

19.—There are districts under the Company's dominions wherein, to my own knowledge (particularly Ram Ghur), the greatest part of the cultivators and labourers are slaves; I have no scruple to avow I deem this one great cause of the wild and uncultivated condition of the country, and the barbarous and savage state of its inhabitants; for what human-being will labour with good will, or a desire of improvement, when another enjoys the sole produce?

20.—The increase of cultivation and abundance of grain, &c. &c. makes no alteration in the miserable state of these unhappy wretches. If ever so much is gained by their labour, they reap no advantage. A rag of the coarsest texture, scarcely sufficient to cover their nakedness, and a scanty allowance of the most cheap and unpalatable food, is their uniform portion.

21.—Sometimes ill-usage forces them to abscond; their masters lose much time in endeavouring to find and recover the run-aways; if forced back, they labour sullenly and slowly, and repeat their desertion the first opportunity. If lucky enough to evade discovery, they seek a retreat in the fastnesses of the woods, and associate with men of similar circumstances. In daily terror of apprehension, they cannot cultivate the soil; they cannot hire to service, dreading detection; they must live, and by what means, the most obvious the only are, theft and plunder. Long familiarity with scenes of rapine hardens their hearts to delight in acts the most atrocious, till at last, not only robbery, but murder become amongst the wanton sports of the day.

22.—Thus the state loses not only the labour of these banditti themselves, but the exertion and pains of the industrious and inoffensive are rendered abortive by the predatory incursions of such freebooters. The injury thus given birth to is great beyond conception, and much more worthy of serious consideration than a cursory view may lead to imagine.

23.—It is argued, that were slavery abolished many wretches would perish in times of extreme scarcity or famine. Admit, that some would perish, those would be chiefly the infirm and superfluous in towns, not the industrious cultivators or the ploughmen, whom the proprietors of villages would preserve with their produce. I am moreover convinced, that population would subsequently increase so much faster amongst the surviving freemen than it does, or ever can, amongst bondsmen, that it would more than counterbalance, supposing the fact established, the diminution sustained in consequence of the future purchase of slaves being prohibited.

24.—This prohibition, and the permanent tenure in the soil granted to the natives, would unitedly prove a powerful preventive of famine itself. This scourge to the human race could scarcely happen; and were every man at liberty to dispose of his labour and means to the best advantage, he would by his superior industry, and more active foresight, provide against the effects of a drought.

25.—Many in that case, which the first alarm of scarcity or famine terrifies into bondage, would assuredly find various modes of subsistence; and though there might not be more, or so many souls existing on the return of plenty, yet there would be more free men living, which are undoubtedly the most industrious and useful subjects a state can have, and would, by a more speedy increase, more than compensate.

26.—The

26.—The great advantage to population derived from the emancipation of slaves cannot be better illustrated than by quoting an example adduced by Mr. Coxe, in his tour through the Northern Countries of Europe. Speaking of the slavery of the Polish peasantry, he has the following remarkable and decisive instance of the benefit accruing from their manumission.

27.—A few nobles, however, of benevolent hearts “and enlightened understandings, have acted on different principles, and ventured upon the expedient of giving liberty to their vassals. The event has shewn this project to be no less judicious than humane; no less friendly to their own interests than to the happiness of their peasants, for it appears, that in the districts in which the new arrangement has been introduced, the population of the villages has been considerably increased, and the revenues of their estates augmented in a triple proportion.”

28.—The first noble who granted freedom to his peasants was Zamoiske, formerly great chancellor, who, in 1760 enfranchised six villages in the palatinate of Moravia. These villages were in 1777 visited by the author of the Patriotic Letters, from whom I had the following information: on inspecting the parish registers of births from 1750 to 1760, that is, during the last ten years of slavery immediately preceding their enfranchisement, he found the number of births 434 in the first ten years of their freedom; from 1760 to 1770, 620; and from 1770 to the beginning of 1777, 585 births.

By these extracts it appears, that during the first period, there were only 434 births; second period, 620; third period, 770 births.

If we supposed an improvement of this sort to take place throughout the kingdom, how great would be the increase of national population.

29.—In proof of the injustice and impropriety of slavery, because contrary to reason and to nature, a quotation from a late author of rank and respectability should have weight. This author, in discussing the principles of *natural right* expresses himself in the following enlightened and philosophic manner: “The power of satisfying our wants absolutely depends on our personal *property*; that is to say, on the perfect liberty of employing our powers, our time, and our means in the research of what is useful.” And again, “The property of our persons, therefore, is our first right, and it is our first duty to preserve and defend it; every association of men must be founded on this duty and this right.” Pursuing the subject further, he says, “A complete personal *property*, or liberty, is the common right of all, since it is necessary to all; and because men in this respect are and ever must be equal, it is this which constitutes, or at least ought to constitute, the common measure of society.”

30.—That this is the natural and just state of the case cannot be doubted; accordingly we find that the attachment of the savage, or man of nature, to his personal independence, is one of the strongest of his feelings.

31.—But leaving all further discussion of *natural right* to the philosophic investigation of the schools, let any man with common sense read Hume on the Populousness of Ancient Nations, and see to what enormous and destructive practices slavery led the men who are held up to us as patterns of virtue, and then let him ask his understanding the benefit to population that would result from the abolition of all slavery whatsoever.

32.—In elucidation, and to compass the whole in one view, I shall endeavour to contrast the effects of slavery and voluntary servitude under a system of liberty.

SLAVERY.

1st.—It is the interest and constant object of the master, to get the greatest quantity of labour at the cheapest rate, consequently he stints the slave in food and raiment. It may be urged, by clothing and feeding well, the slave would be strong, and better able to endure fatigue, but it is the constant practice of avarice, by its short-sighted policy, to counteract its own wishes: a trifling immediate advantage being generally preferred to much more essential objects, if more remote.

2d.—It

VOLUNTARY SERVITUDE.

1st.—The same object actuates the master here also, but the servant being free to stipulate, his interest counteracts that at the other, and the contest reduces and establishes the price of labour at its just rate, that is, it allows the servant sufficient to provide for himself and family, and leaves the master a competent profit.

2d.—It

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2d.—It is the uniform desire and endeavour of the slave to mitigate the hardship of his lot by evading toil, which brings him no advantage.

3d.—The slave finding himself subject to capricious treatment and change of masters, will very seldom, if ever, add the cares of providing for a family of children to his other woes, consequently he avoids marriage, and thus the community loses materially by rendering so many useless, in one of the first offices and duties of nature, and by far the most essential to a nation, procreation.

4thly.—In their old age, it is the master's interest to get rid of the feeble, who eat but cannot labour, consequently the worn down wretch is neglected, and perishes more speedily for want of care, having no family or children to ameliorate and ease the pains of sickness, or prop the weakness of decline, by the soothing attention of filial duty and affection.

5thly.—In times of scarcity and famine, the master must starve his slaves, send them to plunder, or emancipate them. The latter, his avarice will never permit.

6thly.—When they can sell themselves or their children, numbers are induced to flock to great towns and cities, whereby many die from disappointed expectation, who would otherwise pick up a scanty subsistence in scattered villages.

7thly.—It would appear that it is the advantage of masters to promote the domestic procreation of their slaves. This, like many other theoretic ideas, is found to be fallacious, and contradicted by fact. The expense of rearing, and the loss incurred by the indispensable attendance of the parents to their offspring, has always made proprietors prefer recruiting casual diminutions of their slaves by purchase, even in Rome, where slavery was universal. How much more will masters avoid such trouble and expense in this country, where I have seen in a time of local scarcity only, a stout lad of 14 or 15 years old, sold

2d.—It is the general wish of servants to satisfy their masters, that they may not lose their employment; or, if their services are no longer requisite, to entitle them to a recommendation, not to insist on the greater quantity of work a servant will perform.

3d.—A servant knowing he can dispose of his earning as he pleases, and being thus provided with an independent fund for the provision of a wife, &c. &c. will marry, natural wants and propensities strongly impelling to this union; thus the state reaps an infinite and inestimable benefit by the increase of population.

4thly.—Under voluntary servitude, by the time old age approaches, many have saved a little from the rewards of their services, to assist in softening the hardships of sickness and debility, &c. and almost all having married, and added to the general stock of industry and riches, by the procreation of their species, have some family or children to soothe the evening of life. Though this may be little weight in the scale of political reasoning, it certainly ought to have some in that of humanity.

5thly.—In real scarcity, a servant is not harder to subsist than a slave; he will not eat more, and having his stipulated wages, he is better enabled to evade the horrid effects of famine, by anticipating its approach, and making a timely provision.

6thly.—Were slavery abolished, this evil could not happen, knowing they could not sell themselves or children, &c. they would not be tempted to cities in such numbers, having only a precarious charity to rely on, they would, therefore, substitute many modes of supplying a mere sustenance in the country, from berries, herbs, &c.

7thly.—Were voluntary servitude substituted for slavery, avarice, real or mistaken, could not affect population; nature would have her due course.

8thly.—Abolish

sold for the trifling consideration of two rupees, scarcely a month's wages for the meanest servant.

8thly.—Women of bad fame purchase females for the most public prostitution, which are thereby lost to the community, few of this class proving prolific, or, if productive, rearing their children to maturity.

9thly.—Children are sometimes sold to bondage by the fraudulent villainy of others in the cases of death or absence of parents, instances of which are not uncommon.

10thly.—The sanction of slavery not many years ago, gave birth to an infamous and most diabolical traffic, shocking to think of, and as injurious to our government as disgraceful to the wretches concerned, diminishing our resources, by depriving us of subjects.

33.—The effects of slavery are as plainly injurious as the benefits of freedom are obvious and undoubted. Many more arguments might be adduced, and numerous instances of cruelty, shocking to humanity, exposed.

34.—I have endeavoured to point out some of the inconveniences of systematic slavery, and aimed at displaying the future advantages of abolishing so inhuman an institution.

35.—Aware of the great importance, and convinced of the caution with which innovation should be attempted, or the ancient laws, customs, or prejudices of a people infringed, I presume not even to sketch out the mode or to fix the period of general emancipation; and perhaps the sudden manumission of those now actually in a state of bondage, though abstractedly just, might be politically unwise, but there can exist no good reason, either political or humane, against the British government prohibiting the purchase or sale of all slaves, legitimate or illegitimate, after a specified time, and likewise ordaining and declaring that all children, male and female, born of parents in a state of slavery, shall from a like date be free.

36.—In the name of God let not the interest or convenience of one portion of that community, committed by the inscrutable will of Heaven to our government and protection, forge chains for and hold in perpetual and miserable bondage, a large proportion of the wretched remainder.

37.—Should my humble arguments on the subject draw the attention of men possessed of more ability to investigate and determine the propriety of establishing personal liberty on the British model, throughout the Company's provinces, as well as invested with power to extend relief to the objects of these lines, so as to promote a mitigation of their miserable situation, I shall deem myself well rewarded, having no end in view but the honour of my country, and the happiness of my fellow creatures.

I have, &c.
(signed) J. Richardson, J. & Mag.

Zillah Bundlecund, 23d March 1808.

2.—Resolution of the court of Sudder Dewanny Adawlut, under date 28th April 1808.

N° 48.

Read a letter from the judge and magistrate of Zillah Bundlecund, recommending a prohibition of the purchase or sale of slaves.

The court, on consideration of the above letter from the judge and magistrate of Zillah Bundlecund, with a view to ascertain whether any modification of the Mahomedan or Hindoo laws of slavery appear requisite or expedient,—Resolve, That the following questions be put to the Muftees and Pundits of this court.

1st.—What description of slaves are authorized by the Mahomedan or Hindoo laws respectively?

2d.—What legal powers are the owners of slaves allowed to exercise upon the persons of their slaves, and particularly of their female slaves?

125.

Q q 4

3d.—What

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8thly.—Abolish the unnatural law of slavery, and the evil could not occur.

9thly.—Nor this.

10thly.—Nor this.

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3d.—What offences, upon the persons of the slaves, and particularly of female slaves, committed by their owners, or by others, are legally punishable, and in what manner?

4th.—Are slaves entitled to emancipation upon any, and what maltreatment; and may the courts of justice adjudge their emancipation upon proof of such maltreatment; in particular, may such judgment be passed upon proof that a female slave has, during her minority, been prostituted by her master or mistress; or that any attempt of violence has been made upon her person by her owner.

(True copy.)

(signed)

M. H. Turnbull, Register.

N° 49.

3.—Answer to the 1st Question.

All men are by nature free and independent, and no man can be a subject of property, except an infidel, inhabiting a country not under the power and control of the faithful. This right of possession which the Mooslims have over Hurbees, *i. e.* Infidels fighting against the faith, is acquired by Isteela, which means the entire subduement of any subject of property by force of arms. The original right of property therefrom, which one man may possess over another, is to be acquired solely by isteela, (as defined above,) and cannot be obtained, in the first instance, by purchase, donation or heritage; when, therefore, an Imaum subdues by force of arms any one of the cities inhabited by infidels, such of them as may be taken prisoners become his rightful property, and he has the power of putting them to death or making them slaves, and distributing them as such among the ghazees, (*i. e.* victorious soldiers, particularly when fighting against infidels,) or he may set them at liberty in a Mussulman country and levy the capitation tax; should he make them slaves, they become legal subjects of property, and are transferable by sale, gift or inheritance; but if, after captivity, they should become converts to the faith, "Islam," the power of death over them is thereby barred, though they would continue slaves, being the necessary consequence of original infidelity; the subsequent conversion to islam does not affect the prior state of bondage to which the individual has been regularly liable by isteela, provided this be clearly established. From this it is evident that the same rules are applicable to slaves of both sexes. If slaves are afterwards sold or given away by the imaum, or by the ghazees who shared at the distribution, or if they should become the property of another by inheritance, they then become slaves under the three different classes of purchase, donation and inheritance.

If a female slave should bear offspring by any other than by her legal lord and master, whether the father be a freeman or a slave, and whether the slave of the said master, or of any other person, in any of these cases, such offspring is subject to slavery, and these are called Khanu Zads, *i. e.* born in the family. But if the children be the avowed and acknowledged offspring of the rightful owner, they are then free, and the mother of them (being the parent of a child by her master), becomes, at his decease, free also; and this rule is applicable to all their descendants, to the latest posterity.

The practice among free men and women, of selling their offspring during a time of famine, is extremely improper and unjustifiable, being in direct opposition with the principles above stated, viz. that *no man* can be a subject of property, except an infidel taken in the act of hostilities against the faith. In no case then can a person, legally free, become a subject of property, and children not being the property of their parents, all sales or purchases of them, as of any other article of illegal property, are consequently invalid. It is also illegal for any freeman to sell his own person, either in time of famine, or though he be oppressed by a debt which he is unable to discharge. For, in the first of these cases, a famished man may feed upon a dead body, or may rob another, and a distressed debtor is not liable to any fine or punishment.

We are not acquainted with the principal or detailed circumstances which led to the custom prevailing in most Mussulman countries, of purchasing and selling the inhabitants of Zunquebar, Ethiopia and Nubia, and other negroes; but the ostensible causes are, either that the negroes sell their own offspring, or that Mussulman or other tribes of people take them prisoners by fraud and deceit, or seize them by stealth from the sea shores.

In such cases, however, they are not legally slaves, and the sale and purchase of them is consequently invalid. But if a Mussulman army, by order of an Imaum, should invade their country, and make them prisoners of war by force of arms, they

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are then legal slaves, provided that such negroes are inhabitants of a country under the control and government of infidels, and in which a Mussulman is not entitled to receive the full benefit and protection of his own laws.

With regard to the custom prevailing in this country, of hiring children from their parents for a very considerable period, such as for seventy or eighty years, and under this pretext making them slaves, as well as their produce also, under the denomination of Khanu Zad (domestic slaves.) the following laws are applicable; viz. it is lawful and proper for parents to hire out their children on service, but this contract of hire becomes null and void when the child arrives at years of discretion, as the right of parentage then ceases. A free man who has reached years of discretion may, however, enter into a contract to serve another, but not for any great length of time, such as for seventy years, as this also is a mere pretext, and has the same object of slavery in view, whereas the said free man has the option of dissolving any contract of hire under either of the following circumstances; 1st. It is the custom in contracts of this nature, for a person hired on service to receive a compensation in money, clothes and food, as the price of hire. Any day, therefore, that a servant receives such compensation, he is in duty bound to serve for that day, but not otherwise. 2dly. The condition of a contract of hire requires that the return of profit be equal to the price of hire, and this cannot be ascertained but by degrees; and in course of time the contract of hire, therefore, becomes complete or fulfilled, according to the services or benefit actually rendered in return for the price of hire received, and the person hired has consequently the option of dissolving the contract at any moment of the period originally agreed for. It is, however, unavoidably and actually necessary in contracts of a different nature, such as in rents of land, &c. that the lessee should not have this power, but, reverting to contracts of hire for service for a long period, and the nefarious practices of subjecting freemen to a state of bondage and slavery, under this pretence, it appears expedient to provide against such abuses, and with this view to restrict the period for service in all contracts of hire of freemen to a month, one year, or at the utmost to three years, as in cases of "Ijanawugh," a farm of endowment.

It is customary also, among the Zunani Tuwaif, *i. e.* women, who keep sets of dancing girls, to purchase female free children from their parents, or by engagement directly with the children themselves, exclusive of the illegality of such purchases, there is a further evil resulting from this practice, which is, that the children are taught dancing and singing for others, and are also made prostitutes, both of which are extremely improper, and expressly forbidden by the law.

Answer of the 2d Question.

The rightful proprietor of male and female slaves has a claim to the service of such slaves, to the extent of their power and ability, *i. e.* he may employ them in baking, cooking, in making, dying and washing clothes, as agents in mercantile transactions; in attending cattle, in tillage or cultivation; as carpenters, ironmongers and goldsmiths; in transcribing; as weavers, and in manufacturing woollen cloths; as shoemakers, boatmen, twistors of silk, water drawers; in shaving, in performing surgical operations, such as cupping; and as farriers, bricklayers, and the like; and he may hire them out on service in any of the above capacities. He may also employ them himself, or for the use of the family in other duties of a domestic nature, such as in fetching water for washing or wuzoo, religious purification, in anointing his body with oil, rubbing his feet, in attending his person while dressing, and in guarding the door of his house, &c. He may also have connection with his legal female slave, provided she is arrived at the years of maturity, and the master or proprietor has not previously given her in marriage to another.

Answer to the 3d Question.

If a master oppress his slave, by employing him in any duty beyond his power and ability, such as insisting upon his carrying a load which he is incapable of bearing, or climbing a tree which he cannot, the hakim or ruling power may chastise him. It is also improper for a master to order his slave to do that which is forbidden by the law, such as putting an innocent person to death, setting fire to a house, or tearing the clothes of another, or to prostitute himself by adultery and fornication, to steal or drink spirits, or to slander and abuse the chaste and virtuous; and if a master be guilty of such like oppressions, the hakeem may inflict exemplary punishment by Tazeer and Uquobut Hugool Illah literally, "the right of God," and meaning on principles of public justice.

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It is further unlawful for a master to punish his male or female slaves for disrespectful conduct and such like offences, further than by tadeeb (correction or chastisements), as the power of passing sentences of tazeer and quisas, &c. is solely vested in the hakim. If, therefore, the master should exceed the limits of his power of chastisement above stated, he is liable to tazeer. If a master should have connection with his female slave before she has arrived at the years of maturity, and if the female slave should in consequence be seriously injured, so that "uterque naturæ meatus in unum coeat," or should die, the ruling power may punish him by tazeer and uquoobut Hugool Illah (as before described.)

Answer to the 4th Question.

If the master of male or female slaves should oppress or tyrannize over them by beating them, or unjustly stinting them in food, or imposing upon them duties of a difficult and oppressive nature, so as to cause them affliction and distress; or if a master should have connection with his slave girl before she had arrived at the years of maturity, or should give her in marriage to another, with permission to cohabit with her in this state, such master sins against the divine laws, and the ruling power may punish him by tadeeb and tazeer Hugool-I-Illah; but the commission of such crimes by the master does not authorize the manumission of the slaves, nor has the hakim any right or authority to grant them emancipation.

Adverting, however, to the principle upon which the legality of slavery is originally established, (*viz.* that the subject of property must be an infidel, and taken in the act of hostilities against the faith,) and also to the several branches of legal slavery arising from this principle, as by purchase, donation, inheritance, and khanu zadee, whenever a case of possession of an unlawful male or female slave should be referred to the hakim for investigation, it is the duty of the hakim to pass an order, recording the original right of freedom of such individual, to deprive the unjust proprietor of possession, and to grant immediate emancipation to the slave.

Soorajooddeen Ulee and Moohummud Rashed.

(A true translation.)

(signed) *M. H. Turnbull, H^d Ass^t.*

Answer to the 1st Question.

N^o 50.

There are fifteen different sorts of male and female slaves, as follows :

- 1st.—Girite-Jat; *i. e.* one born of a slave girl.
 - 2d.—Kireek; *i. e.* one bought for a price, either from the parents or from the former owner.
 - 3d.—Leibdhi; *i. e.* one received in donation.
 - 4th.—Dayado Pagut; *i. e.* one acquired by inheritance.
 - 5th.—Unakal Bhirt; *i. e.* one maintained or protected in time of famine.
 - 6th.—Aheet; *i. e.* a slave pledged by his master.
 - 7th.—Reen Das; *i. e.* a distressed debtor, voluntarily engaging to serve his creditor for a stipulated period.
 - 8th.—Jood'h Purapuk; *i. e.* one taken captive in war.
 - 9th.—Pun Jeet; *i. e.* won in a stake or gambling wager.
 - 10th.—Oepgut; *i. e.* one offering himself in servitude, without any compensation or return.
 - 11th.—Prub Burjeed Busit; *i. e.* a Brahmin relinquishing a state of religious mendicity, which he had voluntarily assumed. An apostate mendicant, however, is the slave of the rajah or governor only.
 - 12th.—Kirt Hal; *i. e.* stipulated, or one offering himself in servitude for a stipulated time.
 - 13th.—Bhugal Das; *i. e.* one offering himself in servitude for the sake of food.
 - 14th.—Burbar Bhirt; *i. e.* one becoming a slave on condition of marriage with a slave girl.
 - 15th.—Atma Bikrita; *i. e.* self-sold, or one who has sold himself for a price.
- And these fifteen sorts of slaves are declared by Narida Mune, according to the under-mentioned authorities; *viz.* Mituchhra, Upruth, Runta, Kur, Bibad, Chinta, Menee, Kulputroo, Sumrit, Sar, Beebad, Tandub, Sumritee, Sumacheed, Madhuble, and others.

Answer to the 2d Question.

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The owner of a male or female slave may require of such slave the performance of impure work, such as plastering and sweeping the house, cleaning the door, gateway, and necessary, rubbing his master's naked body with oil, and clothing him, removing fragments of victuals left at his master's table and eating them, removing urine and human ordure, rubbing his master's feet and other limbs, &c. In cases of disobedience or fault committed by the slave, the master has power to beat his slave with a thin stick, or to bind him with a rope; and if he should consider the slave deserving of severer punishment, he may pull his hair, or expose him upon an ass. But if the master should exceed this extent of his authority, and inflict punishment upon his slave of a severer nature than above stated, he is liable to pay a fine to the hakim or ruling power of a thousand puns of khur mohrus (eighty thousand kowrees.) This is declared by Munoo, according to Rutnad, Kun, Bibad, Chinta Mun, and other authorities.

Answer to the 3d Question.

A master has no right to command his male or female slave to perform any other duties besides those specified in the answer to the 2d question, or authority to punish his slave, further than in the manner before stated; and if he should exceed this discretionary power in either case, he is liable to the same penalty, *viz.* one thousand puns of kouries. This is declared by Munoo and Bishn.

Answer to the 4th Question.

The commission, however, of offences of the above nature by the master does not affect the state of bondage of the slave, and the ruling power has not the right of granting his manumission; but if it should be established in evidence before the hakim that any person having stolen or inveigled away, by fraud and treachery, a child or slave, had afterwards sold him to another, or that any person had compelled another into a state of slavery by force and violence, the ruling power may then order the emancipation of such child or slave; and if a master, or any other by permission of the master, should cohabit with a slave girl before she has arrived at the years of maturity, and this fact be proved, the ruling power may sentence such offender to pay a fine of fifty puns of kouries, but cannot emancipate the slave girl.

Whenever a slave girl has borne a child by her master, such slave, together with the child, becomes free, and the ruling power should sanction their emancipation.

This is the law, declared by Jak Bulk Mune, Menoo, and Kuteeabun, according to Mit Unchhra and other authorities.

(signed) *Cheetoor Bhoj Nekarutun and Chitr Puti Oopadhi.*

(A true translation.)

(signed) *M. H. Turnbull, H^d Ass^t.*

4.—Copy of a Letter to the Judge and Magistrates of Zillah Bundelcund.

Sir:—I am directed by the Sudder Dewanny Adawlut and Nizamut Adawlut, to acknowledge the receipt of your letter of the 12th inst. and to acquaint you that your letter of the 23d March 1808, was duly received and acted upon.

2.—In reply, the court direct me to transmit to you the accompanying documents, 1st, Copies of the resolution of the court on the receipt of your letter of the 23d March 1808; 2d, Questions proposed to the Mahomedan law officers of the courts, with their answer; 3d, Translation of ditto; 4th, Copy and translation of the answer of the Hindoo law officers to similar questions.

3.—If under the information contained in the papers herewith transmitted, any further provisions or modifications of the existing laws of slavery should appear to you to be requisite, the court request that you will propose for their consideration, the draft of a regulation prepared in conformity with the rules contained in Regulation I. 1803.

I am, &c.

29th March 1809.

(signed) *W. B. Bayley, Register.*

N^o 51.

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N° 52.

5.—Copy of a Letter from the Judge and Magistrate of Zillah Bundelcund, to H. T. Colebrook, J. H. Harington, J. Fombelle, and J. Stuart, Esquires, Judges of the Sudder Dewanny and Nizamut Adawluts, Fort William.

Gentlemen:—I have the honor to acknowledge the receipt of Mr. Register Bayley's letter of the 29th of March last, in reply to my address of the 12th of the same month, conveying to me the information, that my public despatch of the 23d March 1808, on the subject of slavery, had been received, and had been acted upon by the court of Nizamut Adawlut, and covering by the order of the court, its resolutions on the subject, by which it appears, that the court have deemed that despatch of sufficient importance to induce it to put four questions to the Mahomedan and Hindoo law officers, and has thought proper to inclose copies of those questions in the Persian language, together with copies of the answers to them, as given by the above law officers respectively, with official English translations of the same.

2.—Mr. Register Bayley's letter above acknowledged, informs me further, that he is directed to communicate to me, that it is the desire of the court of Nizamut Adawlut, that if after perusing the above questions and the answers thereto by the Mahomedan and the Hindoo law officers respectively, I should deem any alteration or modification of the laws of slavery in the Honourable Company's dominions necessary, that I will draw up a regulation on the subject, in the manner directed in Regulation I. of 1803, and submit the same to the consideration of the Nizamut Adawlut.

3.—As I was aware of this regular mode of introducing the subject, to which it has been the pleasure of the court of Nizamut Adawlut to refer to me, I feel it incumbent upon me, respectfully to explain my reasons for not having followed that mode in the first instance. They are, first, being deeply impressed with the great importance of the subject, whether considered in a moral, religious, or political point of view, I was anxious that it should obtain the most serious and ample discussion possible, previously to the formation of a regulation. To remedy the evil, it appeared to me highly necessary, that the evil should be ascertained and acknowledged, and its extent fully understood. Secondly, by introducing the subject in the form I did, being evidently a question of magnitude, and most necessary to be well weighed, and considered in all its branches and effects, I was in the humble and respectful hope of having my opinions and reasoning strengthened, where they were considered just and proper, and of having my arguments and misconceptions corrected where they appeared erroneous and impolitic by the superior legislative wisdom, and more extensive political, moral, and religious knowledge of the court of Nizamut Adawlut; and, thirdly, I was restrained from attempting to draw up a regulation on so important a subject, by a consciousness of my own inadequacy to the task of forming such a regulation as should effectually and justly embrace all the great objects and points of so important a law, or to word with sufficient precaution a regulation on which the freedom and happiness of thousands of my fellow creatures depended.

4.—The above were the motives which operated, to retrain my arrogating to myself the formation of a regulation on the broad and most important consideration of abolishing slavery through the Honourable the East India Company's dominions.

5.—I have most respectfully to express my regret that it has not been the pleasure of the Nizamut Adawlut to state any opinion on this comprehensive and important subject, but to refer me to the answers of the Mahomedan and Hindoo law officers, with which, having given the subject some consideration for many years past, I most respectfully state, I was not entirely unacquainted, having taken some pains to inform myself, not only of the law as it exists according to both persuasions, but also of the opinion of respectable and well informed men of both religions, as to the propriety or utility of slavery; and I can safely aver, that I never met a man of good sense and character of either religion, that did not admit of its inhumanity, and after that admission, to discuss the point of utility, would, I humbly conceive, be a perversion of the reason with which it has pleased God to bless mankind.

6.—I trust I may be respectfully pardoned for stating my embarrassment, being without aid or even a remark to guide my fallible judgment, required to form a regulation on which the freedom and the happiness of thousands of both sexes depend, and in which, not only religion, morals, and the good order of the community,

munity, but consequently the political welfare of the state are involved in a considerable degree

7.—On reflection, however, I am with deference, but confidently led to hope, that the court of Nizamut Adawlut has thought proper to reserve the application of its wisdom and legislative knowledge to the question, till from discussion the subject shall be in a more advanced and mature state, and under this respectable confidence, I feel some encouragement to proceed in my humble endeavours to bring the question forward, I shall therefore, however, conscious of my inadequacy, endeavour to discharge my duty in this business to my fellow creatures, to my country, and to my God, with an equal consciousness of the zealous rectitude of my intentions.

8.—Previously however to my submission of the draught of the regulation directed to be submitted to the court of Nizamut Adawlut, I deem it of essential importance to the elucidation of the subject to offer a few remarks on the laws of slavery as they now exist in that part of Hindostan which it has pleased God to destine and allot to the control and government of the British nation.

9.—For the sake of perspicuity and to bring the subject at once under view, I shall transcribe first, the questions put to the Mahomedan and Hindoo law officers officially, for the purpose of procuring a declaration of law on the subject of slavery, according to their respective codes, and insert their answers on one column of the page, and offer such remarks on the other as present themselves to judgment, or as seem to my humble understanding applicable or pertinent to the subject, viz.

Questions put to the Moftee by the Nizamut Adawlut.

Questions and Answers by the law officers.

Remarks.

First Question, para. 10.—What description of slaves are authorized by the Mahomedan law?

Answer, para. 11.—All men are by nature free and independent, and no man can be a subject of property except an infidel inhabiting a country not under the power and control of the faithful. This right of possession which the Mooslims have over Hurbus, *i. e.* infidels fighting against the faith, if acquired by *Isteela*, which means the entire subduement of any subject of property by force of arms. The original right of property therefore, which one man may possess over another, is to be acquired solely by *Isteela* (as defined above), and cannot be obtained in the first instance by purchase, donation or heritage; when therefore an Imaum subdued, by force of arms, any one of the cities inhabited by infidels, such of them as may be taken prisoners become his rightful property, and he has the power of putting them to death or making them slaves, and distributing them as such among the Ghazees, *i. e.* victorious soldiers, particularly when fighting against infidels; or he may set them at liberty in a Mussulman country, and levy the capitation tax; should he make them slaves, they become legal subjects of property, and are transferable by sale, gift or inheritance; but if, after captivity, they should become converts to the faith, Isleem, the power of death over them is thereby barred, though they would continue slaves, for slavery being the necessary

From the reply it is evident that by the Mussulman law, no man can have the right of property over another human being except a Mussulman, and he even can acquire that right over an infidel only, inhabiting a country not under the power and control of the faithful; and that this right which Mussulmans have over infidels fighting against the faith, is acquirable by *Isteela*, which means the entire subduement of any subject of property by force of arms; the right of property therefore which one man may possess over another, is to be acquired in the first instance by "*Isteela*" (as defined above), cannot be obtained originally by purchase, donation, or heritage, &c.

It follows, that all persons in a state of bondage, over whom the right of property has not been obtained by "*Isteela*" (as above explained), or the offspring of parents over whom the above right of *Isteela* was not acquired, are, by the Mussulman law, free, and that it is the duty of the Hakim, or persons claiming their freedom, over whom the right of property derived from "*Isteela*" cannot be legally established or traced, to emancipate and declare such persons of either sex free by a legal recorded decision, which shall secure to them the future enjoyment of that freedom.

It also appears by this answer, that although legal bondage be established, the circumstance of subsequent conversion to the faith is a bar to the power of death, which the proprietor originally possessed over all slaves over whom the right of property

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sary consequence of original infidelity, the subsequent conversion to Islam does not affect the prior state of bondage to which the individual has been regularly rendered liable by *Isteela*, provided this be clearly established. From this it is evident that the same rules are applicable to slaves of both sexes. If slaves are afterwards sold or given away, by the *Imaum* or by the *Ghazees*, who shared at the distribution, or if they should become the property of another by inheritance, they then become slaves under the three different classes of purchase, donation, and inheritance.

If a female should bear offspring by any other than by her legal lord and master, whether the father be a free man or a slave, and whether the slave of the said master, or of any other person, in any way of these cases, such offspring is subject to slavery, and these are called *Khanazad*, *i. e.* born in the family; but, if the children be the avowed and acknowledged offspring of the right owner, they are then free, and the mother of them (being the parent of a child by her master) becomes, at his decease, free also; and this rule is applicable to all their descendants to the latest posterity.

The practice among free men and women, of selling their own offspring, during the time of famine, is extremely improper and unjustifiable, being in direct opposition with the principle above stated, *viz.* that no man can be a subject of property except an infidel taken in the act of hostilities against the faith. In no case then can a person legally free, become a subject of property, and children not being the property of their parents; all sales or purchases of them, as any other articles of illegal property, are consequently invalid. It is also illegal for any free man to sell his own person, either in time of famine or though he be oppressed by a debt which he is unable to discharge. For in the first of these cases a famished man may feed upon a dead body, or may rob another; and a distressed debtor is not liable to any fine or punishment.

We are not acquainted with the principal or detailed circumstances which led to the custom prevailing in most Mussulman countries, of purchasing and selling the inhabitants of Zanguibar, Ethiopia, Nubia

property was in fact obtained by "*Isteela*;" but that the above conversion does not affect the prior state of bondage &c. &c.

That the same rule is applicable to slaves of both sexes.

Slaves sold or given away by the *Imaum* or the *Ghazee*, *i. e.* conquerors or victorious troops who shared at the distribution, or if afterwards they become the property of another by inheritance, they continue slaves under the different rights of purchase, donation, and heirship.

It appears by the Mussulman law that the offspring of a female slave, whether by a freeman or a slave of any description, except by her master, such offspring are slaves, and are called *Khanazad*, *i. e.* born in the family. If however the offspring shall be acknowledged by the master, they shall be free and the mother also, at the death of her owner, becomes free; and this also emancipates their descendants to the latest posterity. It may be inferred from the provision here noticed, if, &c. that to entitle the child to freedom, and the mother to emancipation, on the death of his lord, *his acknowledgment*, and that he is the father, the offspring of the slave is *necessary* to give the law force. Here the principles pursued by European legislation are reversed, and there are many obvious motives that may induce the owner to deny his being the father of the child.

The sale of their offspring by free men or women is declared to be *extremely improper* and *unjustifiable*, being in direct opposition to the fundamental and only principle upon which a Mussulman's right to a slave exists, *viz.* that no man can be a subject of property except an infidel taken in the act of hostilities against the faith. All sales and purchases of the above described offspring, as of any other articles of illegal property, are invalid.

It is also declared by the Mussulman law, as here developed, that a free man cannot sell his own person.

The law officer here states his unacquaintance with the circumstances which led

Nubia and other negroes ; but the ostensible causes are, either that the negroes sell their own offspring, or that Mussulman or other tribes of people take them prisoners by fraud and deceit, seize them by stealth from the sea shores. In such cases, however, they are not legally slaves, and the sale and purchase of them is consequently invalid. But if a Mussulman army, by order of an Imaum, should invade their country, make them prisoners of war by force of arms, they are then legal slaves, provided that such negroes are inhabitants of a country under the control and government of infidels, and in which a Mussulman is not entitled to receive the full benefit and protection of his own laws. With regard to the custom prevailing in this country, of hiring children from their parents, for a very considerable period, such as for 70 or 80 years, and under this pretext making them slaves, as well as their produce also, under the denomination of Kharazad (domestic slaves) the following laws are applicable ; viz. It is lawful and proper for parents to hire out their children on service, but this contract of hire becomes null and void when the child arrives at the years of discretion, as the right of parentage then ceases ; a free man, who has reached the years of discretion, may, however, enter into a contract to serve another, but not for any great length of time, such as for 70 years ; as this also is a mere pretext, and has the same object of slavery in view, whereas the said free man has the option of dissolving any contract of hire under either of the following circumstances ; 1st. It is the custom in *contracts* of this nature, for a person hired on service, to receive a compensation in money, clothes and food, as the price of hire ; any day therefore that a servant receives such a compensation, he is in duty bound to serve for that day, but not otherwise. 2dly. The condition of contract of hire requires that the return of profit be equal to the price of hire, and this cannot be ascertained but by degrees, and in course of time. The contract of hire therefore, becomes complete, or fulfilled according to the services or benefit actually rendered in return for the price of hire received, and the person hired has consequently the option of dissolving the contract at any moment of the period originally agreed for.

led to the prevalence of the custom in most Mussulman countries, of purchasing and selling the inhabitants of Zanguibar, Ethiopia, Nubia and other negroes, nor is the enquiry of any consequence to the British government, they are evidently not legally slaves by the Mussulman law.

It however appears, that if a Mussulman army, by the orders of an Imaum, should invade any or all of the above countries, and make prisoners of war by force of arms, they would then be legal slaves, provided that such negroes were inhabitants of a country under the control of infidels, and in which a Mussulman was not entitled to receive the full benefit and protection of his own laws. Parents, by this paragraph of the replies, are not entitled to hire their children for any period that extends beyond the years of discretion ; therefore any claim to a slave, on this pretence, under any denomination, is invalid.

A free man, arrived at the years of discretion, may contract to serve for a reasonable, not a great length of time, such as 70 years ; but it is here stated, that the said free man so contracting, is to receive a compensation, and is compelled to serve for that day for which he has received compensation, but not otherwise ; the person hired has consequently the option of dissolving the contract at any moment of the period originally agreed for. It is observable, that this is contrary to the nature of all contracts, which are or ought to be, specific and mutual ; but the Mussulman law assigns reasons in the subsequent paragraph of the answer on which I am remarking, explanatory of the causes which render this contract different from others, such as rents, &c. where the lessee has not this power, and those reasons are more enlightened, and shew a greater anxiety for the personal liberty of the individual than is commonly to be found amongst the laws of Mahommed ; viz. that adverting to the contract of hire for service for a long period, and to the nefarious practice of subjecting free men to a state of bondage, under this pretence, it was necessary to provide against such abuses ; with this view, it is declared that a free man is restricted by the Mussulman law from contracting to serve for a period of more than one month, a year, or three years at the utmost.

It is however unavoidable and actually necessary in contracts of a different nature, such as in rent of land, &c. that the lessee should not have this power, but reverting to contracts of hire for service for a long period, the nefarious practices of subjecting free men to
a state

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a state of bondage and slavery, under this pretence, it appears expedient to provide against such abuses, and with this view to restrict the period for service in all contracts of hired freemen to a month, one year, or the utmost to three years, as in cases of Ijanawugh, a form of endowment.

It is customary also among the Zanane Towaf, *i. e.* women who keep sets of dancing girls, to purchase female free children from their parents, or by engagements directly with the children themselves; exclusively of the illegality of such purchases, there is a further evil resulting from this practice, which is, that the children are taught dancing and singing for others, and are also made prostitutes, both of which are extremely improper and expressly forbidden by the law.

Second.

Question 12th.—What legal power are the owners of slaves allowed to exercise upon the persons of their slaves, and particularly of their female slaves?

Answer 13th.—The rightful proprietor of male and female slaves has a claim to the services of such slaves to the extent of their power and ability, *i. e.* he may employ them in baking, cooking, in making, dying, and washing clothes; as agents in mercantile transactions; in attending cattle, in tillage or cultivation; as carpenters, ironmongers and goldsmiths; in transcribing; as weavers, and in manufacturing woollen cloths; as shoemakers, boatmen, twisters of silk, water drawers; in shaving, in performing surgical operations, such as cupping, &c. as farriers, bricklayers and the like; and he may hire them out on service in any of the above capacities; he may also employ them himself, or for the use of his family in other duties of a domestic nature, such as in fetching water for washing on evazoo (religious purification) or anointing his body with oil, rubbing his feet, or attending his person while dressing, and in guarding the door of his house, &c. He may also have connexion with his legal female slave, provided she is arrived at the years of maturity, and the master or proprietor has not previously given her in marriage to another.

Here is stated a custom existing amongst the Zanane Towaf, *i. e.* "women who keep sets of dancing girls," of purchasing female free born children from their parents or others, or making engagements with the children themselves, to be taught the practice of dancing and singing for others, and also for the immoral and licentious purpose of being made prostitutes, both of which are allowed to be extremely improper and expressly forbidden by the law. The extent of the above evil would be best ascertained by a few appropriate queries put to the several magistrates, but more especially to those of the large or principal cities; the result would at once open the eyes of government to an evil which loudly calls for the interference of the legislature, on every principle of humanity, morals and policy.

There is nothing objectionable in the duties here stated to be lawfully demandable from slaves of both sexes.

The obvious immorality, and the great impolicy and inhumanity of the licentious authority stated in this answer, requires no comment. The law officer, although he has stated in part the truth, has not embraced the whole truth, the Islamite has the power by the Mussulman law, of exercising as well with his female slaves, licentious intercourse, at the mention of which modesty recedes with blushes and humanity shrinks from with horror.

Third.

Third.

Question 14th.—What offences upon the persons of slaves, and particularly of female slaves, committed by their owners or by others, are legally punishable, and in what manner?

Answer 15th.—If a master oppress his slave by employing him on any duty beyond his power and ability, such as insisting upon his carrying a load which he is incapable of bearing, or climbing a tree which he cannot, the hakim or ruling power may chastise him. It is also improper for a master to order his slave to do that which is forbidden by the law, such as putting an innocent person to death, setting fire to a house, tearing the clothes off another, or to prostitute himself by adultery and fornication, to steal or drink spirits, or to slander and abuse the chaste and virtuous; and if a master be guilty of such like oppressions, the hakim may inflict exemplary punishment by *Fazir* and *Ucqubut Shukool Illah*, literally, the right of God and *meaning* on principles of public justice.

It will be allowed that the spirit which limits and enumerates the employments which a master is hereby forbidden to extort from his slaves, under the penalty of being liable to exemplary punishment by the hakim, on principles of public justice, is humane and proper, and might be sufficient for the purpose of good order and government, were it possible that the spirit of the law could be carried into effect. But that this is grossly the reverse must be obvious to the commonest understanding. To any man acquainted with the manners and customs of the natives, no argument is necessary to prove that the reverse is the case, and it is hardly necessary to remark on the degree of suffering that a poor, illiterate, wretched and desponding slave will submit to from his lord, whom, from infancy perhaps, he has been accustomed to look upon, with trembling anxiety, as the sole arbiter of his fate, upon whose whim or pleasure all the little happiness, or rather the absence of misery, which he hopes to experience entirely depends. Is it likely that a slave under such circumstances should dare to apply to the hakim or ruling power for redress. I am afraid those who deem such specious *dead letter* a sufficient security to preserve a fellow-creature from oppression, are little acquainted with the operations of the human mind, and the effect of habitual depression and gross ignorance on one part, and of arrogance and power on the other.

The justice of this law is ostensibly the same as the points above remarked upon, but that it is also a *dead letter* is also true, and the degrees of punishment are always almost excessive on such occasions, as must always be the case when the offended party, under the influence of passion, is the arbiter of the degree of punishment; every principle of law forbids this criterion.

If a master, excited by lust, unrestrained by shame, or by habit, which is too often the case from secrecy and opportunity, shall have connection with a female slave before she has arrived at the years of maturity, if the female slave should in consequence be severely injured or die, what is the consequence? The ruling power may punish him as before defined. Great God! shall a British government sanction so horrid a law?

It is further unlawful for a master to punish his male or female slave for disrespectful conduct, and such like offences, further than by *sadeeb* (slight correction or chastisement) as the power of passing sentence of *tazeer* and *gizes* is solely vested in the hakim. If, therefore, the master should exceed the limits of his power of chastisement above stated, he is liable to *tazeer*. If a master should have connection with his female slave before she has arrived

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arrived at the years of maturity, and if the female slave should in consequence be seriously injured, so that *uterque naturæ mentus in unum coeat*, or should die, the ruling power may punish him by tazeer and Uquobut Hagool Jillah, as be-
defined.

Fourth.

Question 16th.—Are slaves entitled to emancipation upon any and what maltreatment, and may the courts of justice adjudge their emancipation upon the proof of such maltreatment. In particular, may such judgment be passed upon proof that a female slave has, during her minority, been prostituted by her master or mistress, or that any attempt of violence has been made upon her person by her owner?

Answer 17th.—If the master of male or female slaves should oppress or tyrannize over them by treating them unjustly, stinting them in food, or imposing upon them duties of a difficult and oppressive nature, so as to cause them affliction and distress, or if a master should have connection with his slave girl before she has arrived at the years of maturity, or should give her in marriage to another, with permission to cohabit with her in this state, such master sins against the divine laws, and the ruling power may punish him by tadeeb and tazeer hugool jillah, but the commission of such crimes by the master does not authorize the manumission of the slave, nor has the hakim any right or authority to grant them emancipation.

Adverting, however, to the principle upon which the legality of slavery is originally established, viz. that the subject of property must be an infidel, and taken in the act of hostilities against the faith; and also to the several branches of legal slavery arising from this principle, as by purchase, donation, inheritance, and khanazadee. Whenever a case of possession of an unlawful male or female slave should be referred to the hakim for investigation, it is the duty of the hakim to pass an order according to the original right of freedom of such individual, to deprive the unjust proprietor of possession, and to grant immediate emancipation to the slave.

(signed and sealed)

Soorajoddeen Ullee, and
Mahomed Rashed.

The purport of this question appears to be ascertained, whether on any and on what maltreatment a slave is entitled to emancipation on proof, and whether the courts of justice are entitled to pass such judgment, particularly on females being prostituted by their master or mistress during their minority, or on any attempt of violence being made on their persons.

From the reply to this question, it appears that acts of tyranny and oppression, and even violation of the person of a female slave, before she is at the years of maturity, by the master, or the crime of giving her in marriage, and in that immature state granting permission to the husband to cohabit with her, are declared, as they truly are, crimes against the divine laws, and the ruling power may punish by stripes, but it is to be observed that, by the Mussulman law, the commission of these crimes by the owner does not entitle the wretched slave to manumission, nor has the ruling power the right to grant her emancipation.

Humanity, which is shocked at the idea of its being a question whether or not British legislation shall sanction so diabolic a law, under the impressions of horror and disgust which every humane mind must feel at the depravity of such inhuman laws, which cannot fail to debase the human mind to the injury of society, to morality and religion, is relieved by the perusal of the next sentence.

Adverting to the principle upon the legality of slavery is originally established, viz. that the subject of property must be an infidel, taken in the act of hostilities against the faith; and also to the several branches of legal slavery which shoot from this root on principle, purchase, donation, inheritance and khanazeed, whenever a case of possession of an unlawful

lawful male or female slave, that is to say, who is not himself or herself under the original description of an infidel taken in the act of hostilities against the faithful under an imaum, or descended from a person of the above description, over whom the right of property has not been obtained by one of the modes described, purchase, donation, inheritance or khanazeed, shall come before the hakim or ruling power, to pass an order recording the original right of freedom of such individual, and to deprive the unjust proprietor of possession, and to grant an immediate emancipation.

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Questions put to the Pundit by the Nizamut Adawlut.

1st Question.

Remarks.

Answer, par. 18.—There are fifteen different sorts of male and female slaves, as follows.

1st. Girch Jat; *i. e.* one born of slave girl.

2d.—Keerut; *i. e.* one bought for a price either from the parents or from a former owner.

3d.—Lubdhi; *i. e.* one received in donation,

4th.—Doyada Pagut; *i. e.* one acquired by inheritance.

5th.—Unakal Bhirt; *i. e.* one maintained or protected in time of famine.

6th.—Aheet; *i. e.* a slave pledged by his master.

7th.—Rumdas; *i. e.* a distressed debtor, voluntarily engaging to serve his creditor for a stipulated period.

8th.—Joodh Puraput; *i. e.* one taken captive in war.

9th.—Punjeel; *i. e.* won in a stake or gambling.

10th.—Oapgut; *i. e.* one offering himself in servitude without any compensation or return.

11th.—Prub Burjeed Busit; *i. e.* a Brahmin relinquishing a state of religious mendicity, which he had voluntarily assumed. An apostate mendicant, however, is the slave of the rajah or governor only.

12th.—Ketkat; *i. e.* stipulated, or one offering himself in servitude for a stipulated time.

13th.—Bhogut Dos; *i. e.* one offering himself in servitude for the sake of food.

14th.—Burbar Chirt; *i. e.* one becoming a slave on condition of marriage with a slave girl.

15th.—Atmee Bekreeta; *i. e.* self-sold, or one who has sold himself for a price.

These fifteen sorts of slaves are declared by Narada Munie, according to

Of the injustice and unreasonableness of the whole of the description of slaves sanctioned by the Hindoo law on the acknowledged principles of natural freedom, or on principles of expediency and humanity, few men I conceive will doubt; and to enter into argument to prove this self-evident perversion of the laws of nature and of God, which are written in the hearts of all enlightened men, would not only exceed the limits which respect and duty prescribe to me, but would be a waste of intellect; and I am confident such wide spread degradation of the human race can never on serious consideration, be authorized by an enlightened British government.

It is observable that the Hindoo law, as here expounded, confuses the idea of slavery and servitude as in the 7th and 12th. The 8th and 9th description of slavery require no comment. The 10th is hardly a possible case; and if it were, it is contrary to the principle of reason; but it were labour lost to object to parts, where the whole is so unreasonably and grossly objectionable and contrary to the laws of God and of nature.

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the undermentioned authorities, viz. Mit, Uchria, Uprush, Ruknakar, Bebad, Chinta, Mune, Kulputroo, Sumret, Sar, Beebad, Tandub, Sumerhee, Sumucheea, Madhubheea, and others.

Second Question.

Answer, 19.—The owner of a male or female slave, may require of such slave the performance of impure work, such as plaistering and sweeping the house, cleaning the door, gateway and necessary; rubbing his master's naked body, *bunudome nehanu*, with oil, and clothing him; removing fragments of victuals left at his master's table, and eating them; removing urine and human ordure; rubbing his master's feet and other limbs, &c. In cases of disobedience or fault committed by the slave, the master has power to beat his slave with a thin stick, or to bind him with a rope; and if he should consider the slave deserving of severe punishment, he may pull his hair or expose him upon an ass; but if the master should exceed this extent of his authority, and inflict punishment upon his slave of a severer nature than above stated, he is liable to pay a fine to the hakim or ruling power, of a thousand puns of khar mahozrens, eight thousand cowries. This is declared by Munnoo, according to Patnakar, Behbad, Chinta, Munnie, and other authorities.

Third Question.

Answer 20th.—A master has no right to command his male or female slave to perform any other duties besides those specified in the answer to the second question, or authority to punish his slave further than in the manner before stated, and if he should exceed this discretionary power in either case, he is liable to the same penalty, viz. one thousand puns of cowries. This is declared by Munnoo and Beshie.

Fourth Question.

Answer 21st.—The commission, however, of offences of the above nature by the master, does not affect the state of bondage of the slave; and the ruling power has not the right of granting his manumission; but if it should be established in evidence before the hakim, that any person having stolen or inveigled away, by fraud and treachery, a child or slave, had afterwards sold him to another, or that any person had compelled another into a state of slavery by force or violence, the ruling power may then order the emancipation of such child or slave; and if a master or any other by permission of the

The facility and impunity with which power can tyrannize over a wretch in a state of bondage and absolute dependence, requires no argument; and what is the punishment if, against all chance or hope, the tyrant is brought to trial, and even to conviction? A pecuniary fine.

The foregoing remarks are equally applicable to this answer.

It does not appear that the commission of any, or all of the offences supposed in the fourth question, affect the state of bondage in the sufferings of the wretched slave, nor by the Hindoo law has the ruling power the authority of emancipating the injured bondsman, even under all the above maltreatment, but a treacherous inveigling away of a child and selling it as a slave, or the subjecting to slavery by force and violence are declared illegal, and the ruling power may emancipate such child or slave.

Should however a master or any other by permission of the owner cohabit or rather

the master should cohabit with a slave girl before she has arrived at the years of maturity, and this fact be proved, the ruling power may sentence such offender to pay a fine of 50 puns of cowries, but cannot emancipate the slave girl.

Whenever a slave girl has borne a child by her master, such slave, together with the child, becomes free, and the ruling power should sanction their emancipation.

This is the law declared by Jak Bulk Mannoo and Kutoobun, according to Mittuchora and other authorities.

(signed) *Chattoor Bhooj Nekarutun.*
Chiterput Oapadhea.

22.—The foregoing being the Mussulman law, as expounded by the Mussulman law officers, and the Mussulman law being the law by which we govern in cases of life and limb, surely it ought to be extended to personal freedom, for from personal freedom alone can life or limb, the first gifts of nature, acquire their due value. The foregoing, I think, will be admitted, and investigation will render it evident that at the present moment of the many thousands male and female slaves held in bondage in the Company's dominions, and subject to the grossest usage, prostitution, and every other depravity, under the pretence of slavery being sanctioned under the Mussulman law, not a single man or woman exists to whom the right of property, on the principle laid down by that law, can possibly be proved and established. The mode, therefore, of remedying the gross evils that do exist on this head, is as easy as it is obvious. Enforce the spirit and letter of the Mussulman law as it applies to slaves, and as far as that portion of the inhabitants of our Indian possessions are concerned. You remedy the evil, and give the blessing of liberty to thousands, and that without infringing a particle of the Mahomedan religion; on the contrary, so far as this regulation is connected with the Mussulman religion, you only check a licentious deviation from the principles of Mahomedan law and religion on the point in question. To prove that this is the case, let the two following questions to be put to the Mahomedan law officer:

1st.—Who is legally entitled to the designation of an "Imam," as alluded to by the molavy in his reply to the first question put by the court of Nizamut Adawlut?

2d.—Is there now existing in the Company's dominions a "Hurbee," or a person male or female, over whom the right of slavery can be proved on the principle laid down by the Mussulman law?

23.—The answers to the above queries, (and on that result I rest the question), I am satisfied will decide the point, and prove that, by an enforcement of the spirit and principles of the Mussulman law, a total stop would be put to the horrid practice of slavery, which, wonderful and almost incredible to state, exists contrary to law and reason throughout our dominions in India, to a degree scarcely to be believed; not a Mussulman family of even mediocrity that has not numbers both of male and female slaves. The people about their persons, and the female attendants on their women, are almost all slaves; and to my certain knowledge they have slaves for the purpose of cultivation and field labour.

24.—It may now be proper to consider the subject as far as it is stated to be admissible by the Hindoo laws, and to offer some remarks upon the answers given by the pundit to the questions by the court of Nizamut Adawlut, as explanatory of the Hindoo laws with respect to slavery.

25.—It is presumable that the Hindoo law, as expounded by the foregoing replies to the questions put by the court of Nizamut Adawlut, refers exclusively to the practice and exercise of that law under a Hindoo government, and that such a law has never for many centuries been sanctioned or permitted to be acted upon under the Mussulman government, in that part of Hindoostan now subject to British control. This may be agreed and inferred, from its being in direct opposition to the principles laid down by the Mussulman law on the subject of slavery. If then this reasoning be correct, it follows that neither reason or justice can require a restoration of the exercise of the unreasonable and unnatural laws of slavery to the Hindoos, any more than that a restoration should be made to them of the

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exercise and application of these criminal laws. We received the control, and acquired the dominion of the principal part of our territories from the Mussulman government, and as far as I am informed, we govern by the Mussulman laws, with some modifications, on principles of equity, both in civil and criminal matters, and excepting in civil cases of heirship, marriage and caste, and points in which religion is involved. In criminal cases we are certainly governed by the Mussulman law alone, under some modifications found necessary, and, on reference to the expounders of that law, found admissible also.

26.—No objection has ever been made, that I am informed of, to the general application of the Mussulman law in criminal cases. We have no hesitation in trying, sentencing and executing a Hindoo by the Mussulman law; on what principle then of reason, humanity, or even expediency, shall we hesitate to apply the principles of the Mussulman law a little further, particularly when the extension of that application has for its object the removal of an evil, depressive to the dignity of the human species, and giving room for the secret exercise of tyranny, and the commission of crimes of the grossest kind.

27.—To liberate slaves, and refrain even from the infliction of bondage on a fellow-creature, is acknowledged by the orthodox in both religions to be an act highly praiseworthy and acceptable to the Ruler of the universe. A Mussulman, I think it is proved, cannot, in the British dominions, by the spirit and conditions of his own religion, on which his laws are founded, have property in any human being. Then, in the exercise of our duty as legislators over a people which God, for wise purposes, has allotted to our governance, and will require that we administer our control for the promotion of religion, morality, and virtue, on which natural happiness is dependent, why should we allow a Hindoo to exercise a right long dormant, (if several centuries are prescriptive,) and in itself contrary to the acknowledged laws of God, of reason, and of nature.

28.—I am most sensible of the inadequacy of my abilities to do justice to the important subject which I have presumed to bring under discussion, and I pray God it may be taken up and pursued by a more able advocate, of which I do not despair, for it requires the mind to comprehend and dwell upon it only for a moment. Every thinking and well meaning man must wish to secure the blessings of freedom to every human creature; and I trust I shall soon see the happy day when, by the recommendation of the abolition of slavery throughout the British Indian dominions, the court of Nizamut Adawlut may reserve the gratitude of the numerous inhabitants of Bengal, &c. &c. that populous and valuable portion of our dominions; and when, by the adoption of that recommendation, and the sanction of a law abolishing slavery, as above stated, the present supreme government may ensure the veneration and blessing of posterity.

29.—Whatever may be the result of my public endeavours on this occasion, conscious of the rectitude of my intentions, I shall ever reflect upon them with that heartfelt satisfaction attendant on an honest endeavour to discharge my duty, and promote the relief of my oppressed and suffering fellow-creatures.

30.—Under the above impressions I submit the accompanying imperfect sketch of a Regulation as directed, and in short the whole subject, to the enlightened consideration of the court of Nizamut Adawlut; and were I not perfectly confident that my humble endeavours will meet with the most liberal and serious consideration, I should request that my former and present letter on the subject of slavery might be submitted to the consideration of the Right honourable the Governor General in council, with such observations and remarks as the enlightened wisdom and legislative knowledge of the court may deem proper. The entire reliance which, however, I have on, and the respect which I entertain for, the liberal justice of the court, and for every individual of which it is composed, render that request unnecessary, if not improper; and I dismiss my present labours, not with indifference, for I am deeply interested in their success, but with the most implicit and most confident reliance that the subject will receive the serious discussion and consideration it so well merits, and with that satisfaction which arises from meaning well.

I have, &c.

(signed) *J. Richardson*, Judge and Magistrate, Zillah Bundlecund.

Zillah Bundlecund, Fouzdarry Adawlut, 24th June 1809.

P. S.—Having submitted this imperfect draft of a regulation to the consideration of the court, according to its provisional instructions, it is unnecessary to add, that notwithstanding the information conveyed in the questions put to the Mahomedan
and

and Hindoo law officers, and their answers on the subject of slavery, and forwarded in Mr. Bayley's letter, I am still of opinion that great alterations are indispensable in the application of the law, and in the practice, with regard to slaves throughout the dominions dependent on the Bengal government, whether we consider the question either as a measure of justice and policy, or as spreading wider the blessings of personal freedom and increasing the stock of human happiness. On the above considerations I solicit and rely upon the aid of the court of Nizamut Adawlut to supply my deficiencies to promote so great a purpose as that of liberating a great portion of our fellow creatures from bondage, and preventing slavery throughout the British dominions in future.

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(signed) *J. Richardson*, Judge and Magistrate.
(A true copy.) (signed) *M. H. Turnbull*, Register.

Draft of a proposed Regulation.

A Regulation for checking and reforming the abuses that have crept into practice, and at present exist with respect to slavery within the British dominions subordinate to the presidency and government of Fort William in Bengal, passed by the Governor General in council, on _____ corresponding with the _____ of Sumbut, and the _____ Higeree.

N° 53.

I.—The state of slavery as it at present exists, and is practised throughout the British dominions subordinate to the presidency and government of Fort William in Bengal, having come publicly under the consideration of the supreme government; and the Governor General in council, adverting to the principles of sound policy which have uniformly guided and directed the British legislature, and his predecessors in the supreme government, for the purpose of extending and securing the the blessings of freedom and justice to the inhabitants of British India, has deemed the subject of such importance as to call for his most serious consideration; and it appearing to the conviction of the Governor General in council that great abuses which slavery has given rise to, actually do exist; and the Governor General in council being of opinion that immediate measures are indispensably necessary to be adopted with a view to remedy the above evils and abuses. The Governor General in council, after the most mature deliberation, is of opinion, that no reason exists why the state of slavery throughout the British possessions should not be determined by the Mahomedan law. The British government having acquired the right of legislation from a Mussulman power in previous possession of these territories for centuries, and having adopted the Mahomedan laws, particularly in all criminal cases, and indeed in all judicial cases, except those of heirship, marriage, caste, or matters connected with religion. On the foregoing principles and considerations, and there being no definitive rules or regulations yet adopted or fixed on the subject of slavery for the guidance of the judicial authorities on claims to the slaves being preferred by persons assuming the right of property over slaves, or persons considered slaves asserting or demanding their freedom, the Governor General in council is pleased to enact as follows:

The reason for passing this regulation.

II.—All claims or disputes respecting slavery, whether on the part of an assumed owner to assert the right of property over a slave, male or female, or on the part of a reputed slave, male or female, to procure their liberty from unjust control, shall be cognizable by the magistrate, and the plaint is to be received and acted upon without being sworn to.

All disputed points respecting Slavery made cognizable by the magistrate.

III.—The Governor General in council, with a view to apply the most speedy and effectual remedy possible to the existing abuses on the subject of slavery, and deeming it proper that the Mahomedan law shall be applied to define what descriptions of slaves are lawful, has therefore thought proper to insert, in the following section of the present Regulation, the first question put by the court of Nizamut Adawlut to the Molavies of that court, together with the answer of the above law officers, and to resolve and direct that the spirit and letter of the said question and answer shall hereafter be the rule and guide by which the magistrates shall conduct their investigations and decision in all cases of slavery, whether the parties asserting the right of property over a slave be a Mahomedan or a Hindoo, or any other person of whatsoever religious persuasion amenable to the jurisdiction of the court. By this means, having a fixed rule, the magistrates will be relieved from the necessity of reference to the Mussulman law officers, as well as from errors which might arise in stating the questions submitted, or from the possible want of intelligence in the law officers of the subordinate courts; and a fixed rule will exist for the guidance of the magistrate on an irrefragable question which depends upon

The Mahomedan law made the rule and standard for deciding all disputes respecting Slavery.

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The above Maho-
medan laws defined.

one fixed principle of law, unlike other litigated points which take innumerable shapes, and often depend on as many varied circumstances as there are cases.

IV.—The question and answer hereby directed to have full force in determining all claims to slavery are as follows; *viz.*

Question,—What descriptions of slaves are authorized by the Mahomedan law?

Answer,—All men are by nature free and independent, and no man can be a subject of property, except an infidel inhabiting a country not under the power and control of the faithful. This right of possession which the Moslems have over Hurbees, *i. e.* infidels fighting against the faith, is required by "Isteela," which means the entire subduement of any subject of property by force of arms. The original right of property, therefore, which one man may possess over another, is to be acquired solely by "Isteela," (as defined above,) and cannot be obtained in the first instance by purchase, donation, or heritage. When, therefore, an imaum subdues by force of arms any one of the cities inhabited by infidels, such of them as may be taken prisoners become his rightful property, and he has the power of putting them to death, or making them slaves, and distributing them as such among the ghazees, (*i. e.* victorious soldiers, particularly when fighting against infidels,) or he may set them at liberty in a Mussulman country, and levy the capitation tax; should he make them slaves, they become legal subjects of property, and are transferable by sale, gift, or inheritance; but if, after they should become convert to the faith, "Islam," the power of death over them, is thereby barred, though they would continue slaves; for slavery being the necessary consequence of original infidelity, the subsequent conversion to Islam does not affect the prior state of bondage, to which the individual has been regularly rendered liable by Isteela, provided this be clearly established. From this it is evident, that the same rules are applicable to slaves of both sexes. If slaves are afterwards sold or given away by the imaum, or by the ghazees, who shared in the distribution, or if they should become the property of another by inheritance, they then become slaves under the three different classes of purchase, donation, and inheritance.

2d.—If a female slave should bear offspring by any other than by her legal lord and master, whether the father be a free man or a slave, and whether the slave of the said master or of any other person, in any of these cases such offspring is subject to slavery, and these are called Khanaza; *i. e.* born in the family. But if the children be the avowed and acknowledged offspring of the rightful owner, they are free, and the mother of them (being a parent of a child by her master) becomes at his decease free also; and this rule is applicable to all their descendants, to the latest posterity.

3d.—The practice among free men and women of selling their own offspring during time of famine, is extremely improper and unjustifiable, being in direct opposition with the principle above stated, *viz.* that no man can be a subject of property except an infidel taken in the act of hostilities against the faith. In no case, then, can a person, legally free, become a subject of property; and children not being the property of their parents, all slaves or purchases of them, as of any other articles of illegal property, are consequently invalid. It is also illegal for any free man to sell his own person, either in time of famine, or though he be oppressed by a debt which he is unable to discharge; for in the first of these cases, a famished man may feed upon a dead body, or may rob another, and a distressed debtor is not liable to any fine or punishment.

4th.—We are not acquainted with the principles or detailed circumstances which led to the custom prevailing in most Mussulman countries of purchasing and selling the inhabitants of Zanguibar, Ethiopia, Nubia, and other negroes; but the ostensible causes are, either that the negroes sell their own offspring, or that Mussulmen or other tribes of people take prisoners by fraud and deceit, or seize them by stealth from the sea-shores. In such cases, however, they are not legally slaves, and the sale and purchase of them is consequently invalid. But if a Mussulman army, by orders of an imaum, should invade their country, and make them prisoners of war by force of arms, they are then legal slaves, provided that such negroes are inhabitants of a country under the control and government of infidels, and in which a Mussulman is not entitled to receive the full benefit and protection of his own laws.

5th.—With regard to the custom prevailing in this country of hiring children from their parents for a very considerable period, such as for seventy or eighty years, and under this pretext making them slaves, as well as their produce also, under the denomination of khanazad (domestic slaves), the following laws are applicable;

cable; *viz.* It is lawful and proper for parents to hire out their children on service, but this contract of hire becomes null and void when the child arrives at the years of discretion, as the right of parentage then ceases. A free man who has reached the years of discretion may, however, enter into a contract to serve another, but not for any great length of time, such as for seventy years, as this also is a mere pretext, and has the same objects of slavery in view; whereas the said free man has the option of dissolving any contract of hire under either of the following circumstances:—1st. It is the custom in contracts of this nature for a person hired on service to receive a compensation in money, clothes and food, as the price of hire; any day, therefore, that a servant receives such compensation, he is in duty bound to serve for that day, but not otherwise. 2dly. The condition of contract of hire requires that the return of profit be equal to the price of hire, and this cannot be ascertained but by degrees; and in course of time the contract of hire, therefore, becomes complete or fulfilled, according to the services or benefit actually rendered in return for the price of hire received, and the person hired has consequently the option of dissolving the contracts at any moment of the period originally agreed for.

It is, however, unavoidable and actually necessary, in contracts of a different nature, such as in rent of lands, &c. that the lessee should not have this power; but reverting to contracts of hire for service for a long period, and the nefarious practices of subjecting free men to a state of bondage and slavery under this pretence, it appears expedient to provide against such abuses, and with this view to restrict the period of service in all contracts of hire of free men to a month, one year, or the utmost to three years, as in cases of *ijara wugf*, a farm of endowment.

6th.—It is customary also among the *zuman towaf*, *i. e.* women who keep sets of dancing girls, to purchase female free children from their parents, or by engagements directly with the children themselves; exclusively of the illegality of such purchases, there is a further evil resulting from this practice, which is, that the children are taught dancing and singing for others, and are also made prostitutes; both of which are extremely improper, and expressly forbidden by the law.*

V.—Whenever a suit respecting slavery comes before the court, and the claimant and the slaves are not Mahomedans, the magistrate in all such cases where an assumed master is the plaintiff shall dismiss the suit, and pass a written order thereon, declaring the reputed slave free; and that if the plaintiff is hereafter guilty of exercising any undue authority over the person so liberated he shall be liable to the punishments stated in clause 11, section 8, of the present regulation. If the person claimed as a slave shall be the plaintiff, the magistrate shall call upon the opposite party, and require from him or her a short answer to the plaint without entering into an elaborate investigation, such as the examination of the bill of sale of witnesses, &c. the magistrate shall pass an order of court, declaring the party, male or female, over whom the right of slavery is asserted, free, and give the party thus emancipated a copy of the foregoing order of the court, under the signature of the magistrate and the seal of the court, and enter the above order in a register of emancipations, which each magistrate shall keep for the purpose of future reference; and the magistrate is to record the name, sex, age, and birth-place, when known, of each emancipated slave, with a short description of their persons, and any marks of visible peculiarities which may tend to identification.

VI.—When a plaint on account of a slave is instituted, and the person asserting the right of property over the slave shall be a Mahomedan, and the slave not a Mahomedan, in this case the magistrate shall, in the presence of the defendant, enter into an investigation of the case, and if, according to the letter and spirit of the Mahomedan law, as defined and explained in section IV. of this Regulation, the right of property over the slave shall not be proved, the magistrate shall pass an order of court, declaring the person over whom the right of property is asserted free; and the magistrate shall cause to be delivered to the person to whom his personal freedom shall be thus granted, a copy of the order, declaring him or her free.

* The first question put by the Nizamut Adawlut to the Mahomedan law officers on the subject of slavery, and the answers only are inserted in the above section, because it is taken for granted, that by the spirit and letter of the Mahomedan law as therein defined, no person in the Company's dominions can be proved a lawful slave. If this be a correct opinion, the root of slavery being thus extirpated, to define laws for the regulations of the shoots or branches would be superfluous; but on this point the wisdom of the court of Nizamut Adawlut and the Governor General in council, will consider and determine as may appear best.

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under the magistrate's signature, and the seal of the court. In the event of the right of property being proved, according to the spirit and letter of the Mahomedan law respecting slavery, as defined and explained in section IV. of the present Regulation, the magistrate shall pass an order of court, declaring the person over whom the right of property shall be thus proved, to be a legal slave, and furnish the plaintiff or proprietor with a copy of the said order, under his signature and the seal of the court, in like manner as the magistrate is directed to furnish the copy of the order of emancipation to the person over whom the right of property was asserted (when such order may be passed by the magistrate), as directed in the preceding section.

It is however supposed, that at the present time. it is hardly possible to establish the right of property of one man over another, according to the principle, the spirit, and the letter of the Mahomedan law. It is therefore strictly required that the magistrate pay the most scrupulous attention to the spirit and letter of the Mahomedan law, as defined and explained in section IV, of the present Regulations, in all decisions on slavery.

The sale of children
prohibited.

VII.—The purchase and sale of slaves, male and female, having become so prevalent throughout the British dominions before defined, that parents, upon slight difficulties, or in years of scarcity, often far short of famine, sell their own children, and many profligate persons, both men and women, make a trade and practice of inveigling away and stealing the children of others, and selling them as slaves, and the purchasers, without making the least inquiry into the right of the sellers to dispose of such children, buy them without hesitation : It is therefore ordered, that all cutwalls of cities and darogahs of the police, of the Mofussil Thannahs, shall be most careful that after the receipt of the present regulation, they shall take mochulkas from all passbans, chokedars and other watchmen and zemindars, or other landholders, &c. engaging to give notice of every transaction of this sort, viz. the sale or purchase of slaves, that may occur, or be attempted within their jurisdiction; and whenever any person shall attempt to sell a child, or shall have sold the same, immediately on being informed thereof, the cutwall or darogah of police shall apprehend the seller with the child, and, if to be found, the purchaser also, and send them, together with the child, without delay, to the magistrate, and the magistrate, after their appearance in the court, if the person or persons who have sold or attempted to sell such child, shall be the parent or parents of the child, shall take from them a mochulkah, engaging not to sell their child, and liberate them. If any other persons than the parents shall, by deceit or theft, endeavour to sell a child into slavery, the magistrate shall commit such person or persons for trial, before the court of circuit at the next gaol delivery; and the person detected in purchasing or having purchased such child, for the purpose of making it a slave, shall be liable to the punishment stated in the following proclamation.

If the father or mother of such child attempted to be sold into slavery shall appear, they or either of them shall be the prosecutors, otherwise the vakeel of government is ordered hereby to prosecute on the part of government. In the event of the parents or relations of such a child not being forthcoming, the magistrate will adopt such measures for its preservation, as humanity and policy, in his opinion, render proper, and report the same to the court of the Nizamut Adawlut, in the monthly reports for further orders.

Second.—The magistrates shall, as soon as practicable after the receipt of this Regulation, publish the following proclamation throughout their several jurisdictions, and report the publication thereof to the Nizamut Adawlut.

PROCLAMATION.

WHEREAS, it has been made known to the Governor General in council, that it is a practice within the British Indian dominions, for parents to sell their children like any other property, although by the Mahomedan law, no parent has the right of property over their offspring; and that it is also a practice for evil minded profligate persons to inveigle away and to steal children, and to sell them into slavery, and that many people make no hesitation to buy such children, not only without the least inquiry into the right of the seller to dispose thereof, but on the contrary, that they often purchase such children, knowing the want of right in the seller. It is therefore proclaimed, That after the publication of this notification, if any person shall purchase a child, male or female, from the father or mother or from both, and the same shall be made known to the magistrate, whether by complaint instituted in the court or otherwise, the magistrate shall declare the child *free*, and emancipate it accordingly, and a sum equal to the price received, shall be forfeited to government by the parent

or parents, and the purchaser shall be fined in an equal sum. If any person shall purchase a child from any person but its parent or parents, and such person shall have inveigled away and stolen the said child, the magistrate shall declare the child free, and after declaring the price paid to be forfeited to government, shall commit the seller for trial before the court of Circuit, and the purchaser, in addition to the loss of the price paid for such child, shall, if it be proved that he purchased the same with the knowledge of the child's being inveigled away or stolen, or otherwise fraudulently exposed to sale, shall be also committed for trial before the court of Circuit.

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VIII.—The checks established in the foregoing section, it is confidently expected will prove effectual to prevent in future, the illegal and fraudulent sale of children, for the purpose of being made slaves; therefore the magistrates are directed, for the purpose of liberating and protecting in personal freedom, such persons as previously to the publication of this Regulation, may have suffered under unjust and illegal bondage, to publish an advertisement through their jurisdictions, to the following effect; viz.

Reputed slaves, or all those of this description who conceive themselves suffering under illegal bondage, may apply and receive redress from the magistrate.

ADVERTISEMENT.

WHEREAS it has been made known to the Governor General in council, that numbers of the human species, both of mature and immature ages, in consequence of the abuses that have imperceptibly and by degrees taken place with respect to slavery, are at this moment held in bondage, contrary to the spirit and letter of the Mahomedan law, the Governor General in council has therefore been pleased to enact a Regulation, in which the letter and spirit of the Mahomedan law shall in future be the standard and rule by which the magistrates throughout the British dominions, dependent on the presidency and government of Fort William in Bengal, shall hereafter investigate and decide upon all suits instituted regarding slavery, whether the right of property over a slave be claimed, or a slave shall claim his or her liberty: It is therefore hereby notified, That every slave, male or female, who is labouring under the oppression of illegal bondage, may complain to the magistrate. If it shall be proved that their bondage is contrary to the letter and spirit of the Mahomedan law, they shall receive a written document from the magistrate, declaring them *free*. If any person whatsoever who asserts the right of property over another, shall use any forcible means to prevent any one from instituting a suit to obtain freedom, or shall use any severity to a reputed slave on suspicion of an intention to introduce such suit, and information of the above force or severity shall reach the magistrate in any manner, whether by regular complaint or otherwise, the magistrate shall inquire into the case, and shall inflict such punishment, on proof, as the case may in his judgment require, previously to any investigation being made into the right of property asserted over the reputed slave; after this, the claim is to be investigated and decided upon according to the present regulations.

2.—The magistrates are empowered, in the event of proof being adduced of force being used to prevent complaints, or the institution of a suit for personal freedom on the part of a slave, or of using severity on suspicion of a slave intending to institute such suit being proved, to inflict, at their discretion, according to the nature of the case, fine or imprisonment; the first not exceeding 100 rupees, and the second not exceeding the space of three months, or to commit the person found guilty of either of the foregoing misdemeanors to be tried by the court of Circuit.

IX.—In case of any person being summoned by the magistrate, in conformity to the regulation, and the party so summoned shall abscond or conceal himself, or shall resist the orders of the magistrate, the process directed in the 2d and 4th sections of the 3d Regulation, 1804, shall be carried into effect against the offender.

Persons who consider themselves aggrieved by the decision of the magistrate, may have a revision of the suit before the Judge of Circuit.

X.—Every person who may consider themselves aggrieved by the decision of the magistrate, may, on requisition presented in writing to that effect, have a revision of the suit by the judge of the court of Circuit, when they make the circuit of the zillah in which the suit was originally decided on, or at the court of Circuit to which such zillah is subordinate.

The Judge of Circuit to take up and act upon requisitions in writing for a revision.

XI.—The judges of the court of Circuit, on such requisition being made, shall immediately call for the proceedings of the magistrate on the suit stated, and examine the same, and if the plaint shall appear frivolous and vexatious, the judge of Circuit shall award such punishment as in his judgment the case may require, whether by fine or imprisonment, as may appear proper in his opinion, or confirm or alter the order of the court, as the case may in justice require.

XII.—The

The proclamation and advertisement contained in this regulation to be published twice a year for five years after promulgation, and once a year afterwards.

XII.—The magistrates shall be particularly careful that the cutwals of cities and the darogahs of the Mofussil police shall publish the proclamation and advertisement contained in this Regulation, once in every six months, for the space of five years after the present regulation, and after the expiration of the above period, once a year throughout their respective jurisdictions; and the cutwals and the darogahs of the Mofussil police are directed to certify the publication of the foregoing advertisements on the back thereof, and to return them to the magistrate, and the magistrate shall report the same to the Nizamut Adawlut, with the addition of his own signature and the seal of the court.

Defining the persons exempt from this Regulation.

XIII.—All persons exempt from the other regulations of government and the jurisdiction of the judicial courts, are declared to be exempted from this regulation also.

(True copy.)

(signed)

J. Richardson, Magistrate.

(signed)

M. H. Turnbull, Register.

Extract from the proceedings of the Nizamut Adawlut, dated 11th January 1816.

N^o 56.

Resolutions of the Court of Nizamut Adawlut on the Report of the Second Judge of the Moorshedabad court of Circuit, dated 5th July 1815, at the close of the second Sessions of 1814.

Par. 2. of the Report.

3.—The court lament the existence of the practice mentioned in this paragraph, viz. men and women selling themselves or their children as slaves in time of distress. This practice is sanctioned by the Hindoo but not by the Mussulman law. If entirely abrogated and forbidden under legal penalties, without providing some means of saving the lives of those who are thus disposed of, with a view to prevent their perishing by famine, it is to be feared that more serious consequences might ensue than any now experienced. In proof of this, the court refer to a letter from the superintendent of the police in the upper provinces (Mr. W. Blunt), dated the 19th July 1814, relative to a misconstruction of Regulation X. 1811, for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the presidency of Fort William. This letter was in the following terms :

“ Instances having frequently occurred, within the division of the western provinces, of persons having been apprehended by the police darogahs, and subjected to punishment for the imputed offences of having sold or purchased a slave or slaves, and it appearing that many of the local magistrates, and I believe all the police tannahdars, as well as the inhabitants generally of those provinces, consider such sale or purchase to be prohibited by Regulation X. 1811, under any circumstances whatever; I beg leave to submit, for the consideration and decision of the court of Nizamut Adawlut, whether such construction be just and conformable to the letter or spirit of the regulation, or whether the enactment alluded to has not exclusively reference to slaves imported from foreign countries. Conceiving that the object of the Regulation in question was exclusively the prevention of the importation of slaves by sea or by land from foreign states or countries for the purpose of traffic, and that it was by no means intended by that enactment to supersede the operation of the Mahomedan law, and to prohibit or to interfere with the purchase or sale of any slave or slaves within the limits of the Company's territories, who may not have been so imported, I submit, for the consideration of the court the expediency of this point being explained (should the above construction be correct), for the information and future guidance of the magistrates and their police officers, not only in order to obviate the recurrence of instances of the illegal apprehension and punishment of individuals for this supposed offence, but more particularly with a view to the preservation of the lives of the infants and children of the poorer classes of the inhabitants in these provinces, which in seasons of scarcity, similar to the last in which their parents may be unable to support them, must fall a sacrifice by famine to a mistaken principle of humanity, when those lives might not only have been preserved, but in all probability the future condition and happiness of the individual bettered and advanced under a state of bondage differing so widely, as that state is well known to do in Asia, from all other countries; and I believe the district of Agra furnished a dreadful example in the last year of the effects of the prohibition alluded to in the spectacle it presented of thousands of starving children, abandoned by their parents or expiring in their arms from hunger, whose lives might have been saved had their parents been suffered to dispose of them to the wealthier part of the community.

4.—The court had previously informed the magistrate of Agra, (in answer to a reference made by him in April 1812, that, adverting to the title and preamble of Regulation X. 1811, and to the bond required by section V. they understand the provisions in it to be applicable only to the importation of slaves for the purpose of being sold, given away, or otherwise disposed of; and on receipt of the above-mentioned letter from the superintendent of the police, this construction was communicated through the courts of circuit to the several magistrates for their information and guidance.

5.—With regard to the practice now brought under consideration by the second judge of the Moorshedabad Provincial Court, it might, the court think, be prohibited by a regulation, without hazard of any serious ill consequences, if in cases of distress, such as now induce persons to sell themselves or their children as slaves, they were declared at liberty to dispose of their own services or those of their children for a limited period, such as would be sufficient to indemnify the purchaser, without subjecting the parties and their descendants to perpetual slavery. If this principle meet the approbation of government, the court will hereafter submit the draft of a regulation upon the subject, including also a provision for the judicial emancipation of slaves, proof of any cruel maltreatment, and any other provisions relative to slavery that may appear expedient on consideration of a regulation for checking and reforming the abuses that have crept into practice, and at present exist with respect to slavery, which was proposed in the year 1809 by Mr. J. Richardson, then judge and magistrate of Zillah Bundlecund.

6.—In consequence of a previous letter from Mr. Richardson, dated the 23d March 1808, the court, on the 28th of April following, put several questions to their law officers relative to the Mussulman and Hindoo laws of slavery; and on the 29th March 1809, copies and translations of their answers were transmitted to the judge and magistrate of Bundlecund, for the purpose of enabling him to propose any requisite modifications of the existing laws of slavery in the form prescribed by Regulation I. and IX. 1803. The draft of a proposed regulation was in consequence submitted by Mr. Richardson on the 24th June 1809, and read by the court; but from the difficulty of the subject, as well as from the pressure of other business, no resolutions have yet been passed upon it.

7.—The court now resolve that copies of the following papers be transmitted for the information of the Right honourable the Governor General in council.

1st.—Letter from the judge and magistrate of Zillah Bundlecund, dated 23d March 1808.

2d.—Resolution of the court for a reference to their law officers, on the 28th April 1808.

3d.—Translations of answers from the Mussulman and Hindoo law officers of the court, recorded on the 29th March 1809.

4th.—Letter written to the judge and magistrate of Bundlecund on 29th March 1809.

5th.—Letter from the judge and magistrate of Bundlecund, with draft of a proposed regulation.

Extract, Letter to the Register of the Nizamut Adawlut, dated 15th March 1816.

Pars. 3. to 8. of the report of the second judge of the Moorshedabad court of Circuit, on the conclusion of the second session of 1814.

3.—The Governor General in council concurs generally in the sentiments expressed by the court of Nizamut Adawlut in these paragraphs on the subject of slavery, as existing in the territories immediately subordinate to the presidency of Fort William, and he will be prepared to take into his consideration the draft of a regulation founded on the principles and directed to the objects noticed in the fifth paragraph of the court's resolutions, which the court propose to submit to government.

Extract of a Letter from the Court of Directors to the Governor General in council of Bengal, in the Judicial Department; dated the 13th December 1820.

Letter from the Governor of Bengal, dated the 1st of March 1817, (15. 16.) sale of children, further communication is promised.

Par. 5.—We shall reply to these paragraphs when we receive your further report on the subject referred to.

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FURTHER PAPERS relative to the promulgation of the Act of Parliament 51st George 3. c. 23; throughout the several Territories and Settlements in India, subordinate to the Government General at Fort William in Bengal; also relative to the operation of the said Act, "on the occasion of Applications " by the Subjects or Governments of neighbouring States in amity with the " British Government, for the restoration of Slaves who had taken refuge " within the Company's Territories." 1816, 1817.

Extract of a Letter in the Judicial Department from the Governor General in council of Bengal to the Court of Directors; dated the 29th October 1817.

14 October 1817.
79 to 91.

Para. 147.—On the proceedings of the annexed date are recorded our resolutions on several references from the government of Bombay, and from the resident at Poona, on questions connected with the late Acts of Parliament for the abolition of the slave trade.

148.—The measures which were adopted by this government, with a view to give effect to the statute of the 51 Geo. 3. c. 23, are detailed in their judicial proceedings of the 26th September and 19th of December 1812. We shall however advert generally to those measures in this place.

149.—With reference to the important objects and highly penal provisions of the statute in question, it was judged proper that a copy of it should be published for general information in the Calcutta Gazette, and that copies of it should be officially forwarded to the different independent and subordinate governments in this country. On the same principle copies of the statute were forwarded to the magistrates stationed at the sea ports immediately dependent on this presidency, in order that in their capacity of justices of the peace they might aid in enforcing the provisions of the statute. It was not deemed necessary to forward copies of the Act to the other magistrates, as the Governor General in council did not consider its provisions to be applicable to the importation or removal of slaves by land.

150.—The governments of Fort St. George and Bombay, of Java, of Prince of Wales Island, of the Mauritius and of Ceylon, as well as the residents at the Moluccas and Fort Marlborough were informed of the measures above adverted to, and of the construction which the supreme government had annexed to the provisions of the statute; viz. that they could only be considered applicable to the importation of slaves by sea.

* Reg. X. 1811.

151.—A regulation* had been already passed by the Governor General in council, for preventing the importation of slaves from foreign countries, to have effect within the territories immediately subordinate to the presidency of Fort William. The rules contained in that regulation having proved fully effectual in preventing the importation of slaves by land, similar provisions were, at the suggestion of the Governor General in council, subsequently enacted for the same purpose within the territories immediately subordinate to the governments of Fort St. George and Bombay.

152.—The foregoing general recapitulation sufficiently explains the measures hitherto adopted by the supreme government with reference to the provisions of the Act of the 51st of Geo. 3. c. 23.

153.—The first question adverted to in the above-mentioned documents, as stated in the 1st paragraph of the letter from the chief secretary to government at Bombay, relates "to the application of the Acts of Parliament for the abolition of " the slave trade, to domestic slaves and the property of individuals in them, such " slavery being known and legalized under the laws of both the Hindoos and " Mussulmans, according to whose codes the courts are bound to administer " justice."

154.—On this point it appeared to us that none of the provisions of the Acts of Parliament passed for the abolition of the slave trade in any manner affected, or professed to affect, the relation between master and slave, wherever that relation might exist by law; whatever therefore had been the law according to the Mahomedan and Hindoo codes (for those over whom they extended) on the subject of domestic slavery before the passing of the Act of the 51 Geo. 3. c. 23, continued to be the law still: more especially as these codes had been distinctly recognized and ordered to be observed by Parliament. At the same time it did not seem credible that any intention existed to abrogate those codes without reference to the established

blished laws and usages of this country, and without repealing the Acts of Parliament by which the observance of them was guaranteed to the natives.

155.—The native subjects of the British government residing in the territories subordinate to the several presidencies, have in fact the same authority over their slaves, and the same property in them, that they would have had if the Act in question had never been passed; and the several zillah and provincial courts are bound to receive and determine all questions of that nature, which are respectively cognizable by them under the existing regulations.

156.—The other points adverted to relate to the conduct which should be observed on the occasion of applications being made by the subjects or governments of neighbouring states with whom we are in amity, for the restoration of slaves who have taken refuge within the Company's territories.

157.—On this point it may be remarked, that the construction which has been uniformly given by the supreme government to the Act of the 51st George 3. c. 23.; viz. that it was only intended to apply to the importation or removal of slaves by sea, would not involve any alteration in the course of proceedings hitherto adopted in similar cases.

158.—A slave by entering the Company's territories does not become free; nor can he, who was lawfully a slave, emancipate himself by running away from one country, where slavery is lawful, to another where it is equally lawful.

159.—The property in the slave still continues in the master, and the master has the same right to have it restored to him, that any native subject of our territories could have, supposing that right to be established in the mode prescribed by the local laws and regulations.

160.—Some of the terms used in the preamble of the 51st of Geo. 3. c. 23. are of a very comprehensive nature, such indeed as on the first view might lead to the inference, that the bringing of slaves by land into the territories of the Honourable Company, or the removal of them by land from those territories, were acts included within the penalties of the statute in question; and it may be convenient therefore in this place to state, generally, on the grounds on which government were led to consider the provisions of the Act (so far as they apply to the territories subject to the government of the Honourable the East India Company), to extend merely to the importation or removal of slaves by sea.

161.—The evil which specifically called for the interposition of the legislature on the occasion of passing the Act of the 47 Geo. 3. c. 36. was the African slave trade, and the chief object of the subsequent Act of the 51 Geo. 3. c. 23. was avowedly the adoption of measures to prevent the daring violations of the former law, or in other words, to render more effectual the provisions of that law.

162.—This however is evidently not the exclusive object of the latter Act; the legislature was probably aware that a traffic was carried on in slaves by importing them by sea from the eastern coast of Africa, from Madagascar, and from the Eastern Island into the islands and territories in the East Indies subject to His Majesty or to the Honourable the East India Company, and it may reasonably be supposed, that in using the comprehensive terms employed in the latter Act, the legislature meant to provide for the effectual abolition of that traffic, which was in fact of a nature and tendency scarcely less objectionable than the trade which had been carried on between the western coast of Africa and the West India islands.

163.—Had the provisions of the Act been intended to apply to the importation or removal of slaves by land in the Honourable Company's territories on the continent of India, it cannot be supposed that the legislature would have confined the operation of the 4th section of that Act exclusively to the West Indies, that it would have subjected to the punishment of transportation whole nations, amongst whom domestic slavery had immemorially existed under the sanction of law recognized by Parliament, and this without any reference to those established laws and usages, and without repealing the Acts of Parliament by which the observance of them is guaranteed to the natives, that it would in short have subjected the Hindoo and Mahomedan inhabitants of the British territories in the East Indies, to the severe punishment of transportation for acts which the 4th section of the statute renders legal in the West Indies.

164.—But if there could exist any reasonable doubt with regard to the construction of the Act which this government entertained upon a general consideration of its provisions taken in consideration with each other, and with all the former

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Acts and resolutions referred to in it, it would be difficult to reconcile any other construction of the Act with the letter of the 6th clause of the Act.

165.—That clause prescribes the course to be pursued in bringing to trial offenders against the Act.

166.—The admiralty jurisdiction vested in His Majesty's courts of justice at the several presidencies in India, would enable those courts to take cognizance of all offences relating to the importation or removal of slaves by sea contrary to the Act; but offences against the Act which may not be cognizable by the court of admiralty, could only be tried in England in the mode pointed out by the 6th clause of the 51 George 3. c. 23.

167.—If therefore this Act be construed to extend to the removal or importation of slaves by land in the territories subject to the East India Company, every native carrying or removing a slave from one part of those territories to another, is liable to be sent to England, to be tried for felony, in the mode prescribed by certain Acts of Henry 8 and William the 3d, for the suppression of piracy.

168.—It is unnecessary to enlarge further on the difficulties which must arise from any such construction of the Act. The powers vested by law in the governments of the several presidencies in India will enable them to frame such legislative enactments as may from time to time be found necessary, with a view to the correction of any abuses which may be found to prevail in the existing system of domestic slavery, or to the augmentation of the penalties already prescribed by the regulation for preventing the importation of slaves by land from foreign countries, and the sale of such slaves in the territories immediately dependant on the several presidencies.

169.—With a view to give the greatest possible weight to the sentiments which we had entertained as above expressed, (and which were in unison with those which his Excellency the Governor General was understood to have entertained on the subject previously to his quitting Calcutta for the upper provinces,) we suggested that the purport of them should be communicated to the government of Bombay through the immediate channel of his Lordship.

170.—On the proceedings noticed in the margin is recorded a letter from the secretary to the Governor General, expressing his Lordship's entire concurrence in the tenor of our resolutions above adverted to, and stating that his Lordship had transmitted a copy of those resolutions to the government of Bombay, with a letter to the effect suggested by us.

Crim. Cons.
14 Oct. 1817.
N° 87.

Criminal, L. P.

N° 79.
Judicial Department.

Extract Bengal Judicial Consultations, 14th October 1817.

Chief Secretary to Government at Bombay, to W. B. Bayley, Esq. Secretary to the Supreme Government at Fort William.

Sir:—I am directed to transmit to you the accompanying copies of a letter from the register to the Sudder Adawlut at this presidency, dated the 11th instant, and of its enclosures, as to the application of the Acts of Parliament for the abolition of the slave trade, to domestic slaves, and the property of individuals in them, such slavery being known and legalized under the laws of both the Hindoo and Mussulman, according to whose codes the courts are bound to administer justice.

2.—On a point of such importance the Governor in council deems it expedient to request to be favoured with the opinion of the advocate general at Calcutta, and the decision of the Right honourable the Governor General in council, on the subject.

I have, &c.

(signed) *F. Warden*, Chief Secretary to Government.

Bombay Castle, 14th September 1816.

To Francis Warden, Esq. Chief Secretary to Government.

Sir:—I am directed by the honourable judges of the Sudder Adawlut to request that you will lay the enclosed correspondence before the Right honourable the Governor in Council, as it may perhaps be considered expedient by him to have recourse to the law authorities of the supreme government before any instructions are communicated to the judge of Surat on the important subject of his letter.

I have, &c.

Bombay, 11th September 1816.

(signed) *John Bar*, Register.

N° 80 to 83.

To James Henderson, Esq. Register to the Sudder Adawlut, Bombay.

Sir:—With reference to the circular letter in the judicial department, addressed by Mr. Chief Secretary Warden, under date the 26th ultimo, to the different magistrates, transmitting the opinion of the advocate general as to the application of the Acts of Parliament for abolishing the slave trade, and adverting to Regulation I. 1813, for preventing the importation of slaves from foreign countries, and the sale of such slaves, in the territories subject to Bombay, I respectfully solicit the instructions of the honourable the judges of the Sudder Adawlut, as to whether the courts of civil judicature are prevented by the said Acts from entertaining suits and questions, relative to domestic slaves and the property of individuals in them, such slavery being known to and legalized under the laws of both the Hindoo and Mus-sulman inhabitants of these countries, according to whose codes the courts are bound to administer justice.

2.—Suits and questions regarding the rights of individuals to property in slaves required by inheritance, devise, sale, gift, or other mode of possession, have occurred, and some are now pending in this Adawlut, whence one cause has lately been removed by appeal into the provincial court, it becomes therefore indispensably necessary to submit the doubts, which the advocate general's opinion are calculated to give rise to, on the subject of the applicability of the Act of Parliament quoted by Mr. Macklin, to the domestic slavery recognized by the Hindoo and Mahomedan laws throughout Hindoostan.

I have, &c.

Bombay, 6th May 1816.

(signed) *John Romer*, Judge.

(True copy.)

(signed) *John Bar*, Register.

To H. G. Macklin, Esq. Reporter to the Honourable Court of
Sudder Adawlut.

Sir:—I am directed by the honourable court of Sudder Adawlut to refer to you for your opinion, the accompanying letter from the judge at Surat, dated the 6th instant.

I have, &c.

Bombay, 22 May 1816.

(signed) *J. Henderson*, Register.

(True copy.)

(signed.) *John Bar*, Register.

Opinion given by Mr. Macklin.

I am aware of the contradiction that must necessarily arise from enforcing the Acts of Parliament relative to the slave trade in countries where domestic slavery is recognized by the Hindoo and Mahomedan laws, while the courts are bound to administer justice according to those laws. The object of the legislature however was indisputably to put an end to slavery, in any shape, within the sphere of British jurisdiction, and the only mode of reconciling the contradiction is by considering the enactments respecting slavery, as a virtual repeal of that part of the Hindoo and Mahomedan laws within our own dominions.

Bombay, 22 August 1816.

(signed) *Hugh Geo. Macklin*, Advocate General.

(True copy.)

(signed) *John Bar*, Register.

(True copies.)

(signed) *J. B. Simson*, Assistant to Secretary to Government.

On the 1st November 1816 the secretary was directed to write the following letter to the advocate general.

To the Advocate General.

Sir:—I am directed by the Right honourable the Governor General in council to transmit to you the enclosed original letter from the chief secretary to the government at Bombay, dated 14th September last, with its enclosures.

2.—The Governor General in council is desirous of being furnished with your opinion in regard to the points noticed in the dispatch from the government at Bombay.

3.—You are requested to return the accompanying documents with the report above required.

I have, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Council Chamber, the 1st November 1816.

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N° 82.

Advocate General to W. B. Bayley, Esq. Secretary to Government,
Judicial Department.

Sir:—I have perused the papers conveyed to me with your letter of the 1st instant, and have the honour to report, that the Act of the 51 Geo. 3. c. 23. does, in my opinion, prohibit all future traffic in or purchase of slaves in India, whether domestic or of any other description; but if the words, “any foreign island, colony or settlement,” in the fourth section of that Act, mean places belonging to the United Kingdom, or in the occupation of or under the government of the East India Company, which I think they do, I do not think the legislature intended to emancipate those who were at the time slaves according to the then existing laws of any place, although it certainly intended to prevent the trade and traffic in future.

Calcutta, 14th November 1816. I have, &c.

(signed) *Edward Strettell*, Advocate General.

Extract from the Proceedings in the Political Department.

N° 83.

N° 13.—Extract from the Proceedings of his Excellency the Right honourable the Governor General in council, in the Political Department, under date the 16th November 1816.

To John Adam, Esq. Secretary in the Secret Political and Foreign Departments,
at Fort William.

Political Department,

Sir:—As connected with the subject of my letter to Mr. Secretary Bayley, under date the 14th of last month, I am directed by the Right honourable the Governor General in council, to transmit to you for the purpose of being laid before his Excellency the Right honourable the Governor General in council, the accompanying copies of a dispatch from the resident at Poona, dated the 17th March, and of two dispatches from the resident at Baroda, dated the 2d June last and 4th instant, on the subject of applications to them for the restoration of slaves who have taken refuge within the Honourable Company's territories, together with an opinion of the advocate general on this question, which has been communicated for the information of the residents.

I have, &c.

(signed) *F. Warden*, Chief Secretary.

Bombay Castle, 17th October 1816.

To Francis Warden Esq. &c. &c. &c.

Sir:—I have received an application from the widow of Nana Furnavees, requesting the assistance of government in recovering eight slaves of hers, who have fled to Tannah.

I am not certain whether this is a case in which any assistance be afforded under the late Acts of Parliament regarding the slave trade. With a view to corresponding complaints from our own sepoys and followers, I should be greatly obliged if the Right honourable the Governor would be pleased to procure me the legal opinion and of the proper authorities whether assistance ought to be afforded British sepoys natives of the British provinces in India, in recovering slaves that have escaped into places under paishwa's authority, or whether the prohibition against the purchase and detention of slaves by British subjects is to be understood to extend to them.

Poona, 17th March 1816. I have, &c.

(signed) *M. Elphinstone* Resident at Poona.

To Francis Warden, Chief Secretary to Government, Bombay.

Political Department.

Requesting instructions of Government on the subject of the enclosed memorandum.

Sir:—I have the honour of enclosing translate of a memorandum from the Guicawar government upon which I am induced to solicit the orders of the Right honourable the Governor in council before I submit it to the authorities at Kaira. This reference is occasioned not from the demand made in the memorandum being unusual, as since the connection with the Guicawar, the restitution of run-away slaves has always been admitted, but from the enactments of late regulations respecting slaves, which may perhaps render it improper that I should act without fresh instructions for my guidance.

2.—The following is an extract from the 9th article of the definitive Treaty, concluded at Baroda on the 21st April 1805: “Neither will the Company’s government entertain in their service any of the Guicawar servants, dependents or slaves, contrary to the inclination of that state.”

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Baroda, 2d June 1816.

I have, &c.
(signed) *J. R. Carnac*, Resident.

Extract from the
9th Article of the
Treaty.

Memorandum from the Guicawar Government.

Mosum Dubassee, a man of the Guicawar government, brought a girl in Dholka, who has run away; she has gone to Chocee Pucreea, a moaera Dholka; a letter is requested to be written to the Dholka comwavidal, to cause the girl to be restored to Dubassee’s servant when he may come for her.

(True copy.) (signed) *J. Williams*, Assistant Political Department.

To Francis Warden, Esq. Chief Secretary to Government, Bombay.

Sir:—I had the honour in my letter, dated 2d June last, to solicit the instructions of government in cases of slaves belonging to individuals in the Guicawar service absconding into the territories of Honourable Company, and the party making application to me for their restitution, conformable to the stipulation in the definitive treaty with this state.

Referring to letter
of 2d June, and
soliciting instruc-
tion in cases of
slaves absconding.

2.—I am induced to report my request for orders as a guidance, not only on account of many slaves having ran away in consequence of the impunity which has attended it, since I entertained doubts of the propriety of my preferring demands for their apprehension, but on account of Mr. Ironside having had the goodness to inform me, that (as far back as April last) he had been informed by the chief secretary to government that an application for the restoration of a slave, or any subject of His Majesty, would incur a very severe penalty.

Mr. Ironside having
stated that applica-
tion for slaves are
subjected to a pe-
nalty.

3.—The accompanying is an application made to me yesterday, to which as all others lately, I have given no answer.

Baroda, 4th October 1816

I have, &c.
(signed) *J. R. Carnac*, Resident.

Translation of a memorandum from Seteram Rowjee Dewan.

A slave boy belonging to my house, having absconded these five or seven years ago, at which time a great inquiry was made after him, but no trace of him was found out; he is, however, now discovered to be at Kaira, employed in the artillery department in pioneer corps; his former name was Doud, but he has changed it, and passing under the name of Hyder. I therefore request you will be pleased to have that boy brought from Kaira, and restored to me; dated Asevern Lood, 9th Sunday.

(True translation.) (signed) *J. R. Carnac*, Resident at Baroda.

To Francis Warden, Esq. Chief Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of your letter of the 21st March, with its enclosure from the resident at Poona, requiring my opinion as to the application of the Acts of Parliament for abolishing the slave trade, and the conduct to be observed towards persons applying either to the British government for the restoration of slaves who have escaped into British territory, or to the British residents at the native courts for the restoration of slaves escaping into the territory of the native princes.

I am of opinion that the 51st of the King, c. 23. puts an end to all doubts on the question; and that no subject of His Majesty, nor any other person, whether subject or not, residing in British territory, can either directly or indirectly assist in such restoration without incurring the penalty of transportation.

Bombay, 23d April 1816.

I have, &c.
(signed) *Hugh Geo. Macklin*, Advocate Genral.

Ordered, That a copy of the foregoing dispatch be recorded in the Judicial Department, where the subject will be taken into consideration with the case already under consideration in that department.

(A true extract.) (signed) *J. Adam*, Secretary to the Government.

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N° 84.

Extract from the Proceedings in the Political Department.

N° 18.—Extract from the Proceedings of his Excellency the Right honourable the Governor General in council, in the Political Department, under date the 7th April 1817.

To John Adam, Esq. &c. &c. &c.

Poona, 9th March 1817.

Sir:—Many questions have originated in the subsidiary force regarding the interpretation of the late Acts of Parliament on the subject of the slave trade; and on some of them I have to beg for the instructions of government.

I formerly addressed the inclosed letter to the government of Bombay, and received a reply, of which the inclosed is a copy. The opinion of the advocate general is decisive on the subject of traffic in slaves carried on within the British territories, and perhaps applies also to British subjects, natives of Europe, engaged in a similar traffic within the territories of native princes in alliance with the British government; but it is still a question, how far a native of India, subject to the British government, is permitted to purchase or to possess a slave; and whether a person so circumstanced ought to be sent by the commanding officer to take his trial at the nearest presidency, like any other offender.

It is also still a question, how we are to treat slaves, subjects of his Highness the Paishwa, who fly from their masters, also subjects of his Highness, and take refuge in our camps. It is so obvious, that we cannot open an asylum for fugitive slaves within the Paishwa's territories, that I have hitherto directed persons in these circumstances to be refused leave to reside in our camps; but I shall be happy to be informed what is the proper course in such cases, and generally, what is the law relative to the traffic in slaves as far as is applicable to our forces in the territories of allied princes.

I have, &c.

(signed) *M. Elphinstone*, Resident at Poona.

To Francis Warden, Esq. &c. &c. &c.

Poona, 17th March 1816.

Sir:—I have received an application from the widow of Nana Furnane, requesting the assistance of government in recovering eight slaves of hers, who have fled to Tannah.

I am not certain whether this is a case in which any assistance can be afforded under the late Acts of Parliament regarding the slave trade. With a view to corresponding complaints from our own sepoys and followers, I should be greatly obliged if the Right honourable the Governor would be pleased to procure me the legal opinion of the proper authorities, whether assistance ought to be afforded to British sepoys and natives of the British provinces in India, in recovering slaves that have escaped into places under the Paishwa's authority, or whether the prohibition against the purchase and detention of slaves by British subjects is to be understood to extend to them.

I have, &c.

(signed) *M. Elphinstone*, Resident at Poona.

To the Honourable *M. Elphinstone*, Resident at Poona.

Sir:—I am directed by the Right honourable the Governor in council to acknowledge the receipt of your letter, dated the 17th ultimo, and to transmit to you the annexed copy of one from the advocate general, dated the 23d instant, submitting his opinion as to the application of the Acts of Parliament for abolishing the slave trade.

I have, &c.

(signed) *F. Warden*, Chief Secretary to Government.

Bombay Castle, 26th April 1816.

To Francis Warden, Esq. Chief Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of your letter of the 21st March, with its enclosure from the resident at Poona, requiring my opinion as to the application of the Acts of Parliament for abolishing the slave trade, and the conduct to be observed towards persons applying either to the British government for the restoration of slaves who have escaped into British territory, or to the
British

British residents at the native courts for the restoration of slaves escaping into the territories of the native princes.

I am of opinion, that the 51st of the King, c. 23, puts an end to all doubt on the question, and that no subject of His Majesty, nor any other person, whether subject or not, residing in British territory, can either directly or indirectly assist in such restoration without incurring the penalty of transportation.

Bombay, 23d April 1816.

(signed)

I have, &c.

Hugh Geo. Macklin, Advocate General.

Ordered, That the above dispatch be sent to the judicial department, where other references on the same subject are under consideration.

(A true extract.)

(signed)

J. Adam,

Acting Chief Secretary to the Government.

On the 9th September last the following resolution was passed.

The Vice President in council having taken into his deliberate consideration the foregoing documents, records, the following remarks and resolutions :

The measures adopted by the supreme government, with a view to give effect to the statute of the 51 Geo. 3, c. 23, are detailed in the proceedings of government of the 26th September and 19th of December 1812. It appears to be convenient, however, to advert generally to those measures in this place.

With reference to the important objects and highly penal provisions of the statute in question, government judged it proper to direct that a copy of it should be published for general information in the Calcutta Gazette, and that copies of it should be officially forwarded to the different independent and subordinate governments in this country. On the same principle copies of the statute were forwarded to the magistrates stationed at the sea ports immediately dependent on this presidency, in order that in their capacity of justices of peace, they might assist in enforcing the provisions of the statute. It is not deemed necessary to forward copies of the Act to the other magistrates, as the Governor General in council did not consider its provisions to be applicable to the importation or removal of slaves by land.

The governments of Fort St. George and Bombay, of Java, of Prince of Wales Island, of the Mauritius and Ceylon, as well as the residents at the Moluccas and Fort Marlborough, were informed of the measures above adverted to, and of the construction which the supreme government had annexed to the provisions of the statute, viz. that they could only be considered applicable to the importation of slaves by sea.

A regulation had been already passed by the Governor General in council for preventing the importation of slaves from foreign countries to have effect within the territories immediately subordinate to the presidency of Fort William, and the rules contained in that regulation having proved fully effectual in preventing the importation of slaves by land, similar provisions were, at the suggestion of the Governor General in council, subsequently enacted for the same purpose within the territories immediately subordinate to the Governments of Fort St. George and Bombay. Reg. X. 1811.

The foregoing general recapitulation sufficiently explains the measures hitherto adopted by the supreme government with reference to the provisions of the Act of the 51st of Geo. 3, c. 23.

The first question adverted to in the documents now under consideration as stated in the first paragraph of the letter from the chief secretary to government at Bombay, relates "to the application of the Acts of Parliament for the abolition of the slave trade to domestic slaves, and the property of individuals in them, such slavery being known and legalized under the laws of both the Hindoos and Mussulman's, according to whose codes the courts are bound to administer justice."

On this point the Vice President in council observes, that none of the provisions of the Acts of Parliament passed for the abolition of the slave trade in any manner affect, or profess to affect, the relation between master and slave, wherever that relation may exist by law. Whatever therefore was the law, according to the Mahomedan and Hindoo codes (for those over whom they extend), on the subject of domestic slavery, before the passing of the Act of the 51st Geo. 3, c. 23, continues to be the law still, more especially as those codes have been distinctly recognized and ordered to be observed by Parliament. At the same time it is not credible that any intention existed to abrogate those codes without reference to the established laws and usages of this country, and without repealing the Acts of Parliament by which the observance of them is guaranteed to the natives.

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The native subjects of the British government residing in the territories subordinate to the several presidencies have, in fact, the same authority over their slaves, and the same property in them that they would have had if the Act in question had never been passed, and the several zillah and provincial courts are bound to receive and determine all questions of that nature which are respectively cognizable by them under the existing regulations.

The other points adverted to in the documents now under consideration, relate to the conduct which should be observed on the occasion of applications being made by the subjects or governments of neighbouring states with whom we are in amity, for the restoration of slaves who have taken refuge within the Company's territories. On this point it may be remarked, that the construction which has been uniformly given by the supreme government to the Act of the 51st Geo. 3, c. 23, viz. that it was only intended to apply to the importation or removal of slaves by sea, would not involve any alteration in the course of proceedings hitherto adopted in similar cases.

A slave, by entering the Company's territories, does not become free; nor can he, who was lawfully a slave, emancipate himself by running away from one country where slavery is lawful, to another where it is equally lawful.

The property in the slave still continues in the master, and the master has the same right to have it restored to him that any native subjects of our territories could have, supposing that right to be established in the mode prescribed by the local laws and regulations.

The Vice President in council observes, that some of the terms used in the preamble of the 51st of Geo. 3, c. 23, are of a very comprehensive nature, such indeed as on the first view might lead to the inference, that the bringing of slaves by land into the territories of the Honourable Company, or the removal of them by land from those territories, were acts included within the penalties of the statute in question, and it may be convenient therefore in this place, to state generally the grounds on which government were led to consider the provisions of the Act, so far as they apply to the territories subject to the government of the Honourable the East India Company, to extend merely to the importation or removal of slaves by sea.

The evil which specifically called for the interposition of the legislature on the occasion of passing the Act of the 47 Geo. 3, c. 36, was the African slave trade; and the chief object of the subsequent Act of the 51st Geo. 3, c. 23, was avowed by the adoption of measures to prevent the daring violations of the former law, or in other words, to render more effectual the provisions of that law.

This, however, is evidently not the exclusive object of the latter Act; the legislature was probably aware that a traffic was carried on in slaves, by importing them by sea from the eastern coast of Africa, from Madagascar, and from the eastern islands, into the island and territories in the East Indies subject to His Majesty or to the Honourable the East India Company; and it may reasonably be supposed, that in using the comprehensive terms employed in the latter Act, the legislature meant to provide for the effectual abolition of that traffic, which was, in fact, of a nature and tendency scarcely less objectionable than the trade which had been carried on between the western coast of Africa and the West India islands.

Had the provisions of the Act been intended to apply to the importation or removal of slaves by land, in the Honourable Company's territories on the continent of India, it cannot be supposed that the legislature would have confined the operation of the 4th section of that Act exclusively to the West Indies; that it would have subjected to the punishment of transportation whole nations, amongst whom domestic slavery had immemorially existed, under the sanction of laws recognized by Parliament, and this without any reference to those established laws and usages, and without repeating the Acts of Parliament by which the observance of them is guaranteed to the natives; that it would, in short, have subjected the Hindoo and Mahomedan inhabitants of the British territories in the East Indies to the severe punishment of transportation for acts which the 4th section of the statute renders legal in the West Indies.

But if there could exist any reasonable doubt with regard to the construction of the Act, which this government entertains upon a general consideration of its provisions, taken in connection with each other, and with all the former Acts and Resolutions referred to in it, it would be difficult to reconcile any other construction of the Act with the letter of the 6th clause of the Act.

That clause prescribes the course to be pursued in bringing to trial offenders against the Act.

The Admiralty jurisdiction vested in His Majesty's courts of justice at the several residencies in India would enable those courts to take cognizance of all offences relating to the importation or removal of slaves by sea contrary to the Act; but offences against the Act which may not be cognizable by the Court of Admiralty can only be tried in England in the mode pointed out by the 6th clause of the 51st Geo. 3. c. 23.

If, therefore, this Act be construed to extend to the removal or importation of slaves by land in the territories subject to the East India Company, every native carrying or removing a slave from the one part of those territories to another is liable to be sent to England to be tried for felony, in the mode prescribed by certain Acts of Henry the Eighth and William the Third for the suppression of piracy.

It is unnecessary to enlarge further on the difficulties which must arise from any such construction of the Act. The powers vested by law in the governments of the several presidencies in India will enable them to frame such legislative enactments as may from time to time be found necessary, with a view to the correction of any abuses which may be found to prevail in the existing system of domestic slavery, or to the augmentation of the penalties already prescribed by the regulation for preventing the importation of slaves by land from foreign countries, and the state of such slaves in the territories immediately dependent on the several presidencies. On the 9th September the secretary was directed to write the following letter to John Adam, Esq.:

To John Adam, Esq. Secretary to the Governor General.

Sir:—I am directed to request that you will submit to his Excellency the Most noble the Governor General the accompanying resolutions, which have been this day passed by the Honourable the Vice President in council on the subject of several references from the government of Bombay and from the resident at Poona on questions connected with the late Acts of Parliament for the abolition of the slave trade.

2.—The Vice President in council conceives that the tenor of these resolutions will be found to correspond in all essential points with the sentiments which his Lordship was understood to entertain on the subject previously to his quitting Calcutta.

3.—With reference to the extent to which domestic slavery exists in India, under the established laws and usages of the Hindoos and Mahomedans, and to the known habits and feelings of the people relative to that point, the Vice President in council is of opinion that the greatest care should be observed to guard against the prevalence of an impression amongst the natives that any general or direct interference in the existing relation of master and slave is contemplated by government.

4.—Any impression of that nature might be expected to excite feelings of alarm and dissatisfaction, and on this ground it appears to be of importance that the government of Bombay should avoid, as far as may be practicable, the official revival and discussion of this question after the deliberate consideration which it has undergone, in communication with the legal authorities at this presidency.

5.—If his Excellency the Most noble the Governor General should concur in the foregoing observations, and in the tenor of the accompanying resolutions, the Vice President in council would beg to suggest, in order to give to it the greatest possible weight, that the purport of them, together with the foregoing remark, be communicated to the government of Bombay through the immediate channel of his Excellency the Governor General.

6.—In that event, a copy of the resolutions will be recorded in the political department, and will thence be communicated in the ordinary course to the resident at Poona. The Vice President in council also purposes to furnish a copy of the resolutions for the information of the court of Nizamut Adawlut as soon as he shall be apprised of the sentiments of the Governor General in reply to this letter.

I am, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Council Chamber, the 9th September 1817.

Secretary to the Governor General, to *W. B. Bayley*, Esq. Secretary to the Government in the Judicial Department.

Sir:—I am directed to acknowledge the receipt of your letter of the 20th instant, enclosing a copy of the resolutions of the Honourable the Vice President in council on the subject of several inferences from the government of Bombay, and from the
resident

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resident at Poona, on questions connected with the late Acts of Parliament for the abolition of the slave trade.

2.—The Governor General having carefully perused those resolutions, has found them to be entirely in accordance with his own sentiments; and his Lordship having mentioned his concurrence on the copy of the resolutions received from you, I am directed to return it for the purpose of being recorded.

3.—His Lordship has, in conformity to the suggestion of the Honourable the Vice President in council, directed the transmission of a copy of the resolutions to the government of Bombay, with a letter to the effect recommended by the Vice President in council. A copy of my letter to Mr. Warden will accompany this dispatch.

4.—His Lordship is desirous to express his approbation of the proposed communication of the resolution to the resident at Poona from the political department, and to the Nizamut Adawlut, Cawnpore.

24th Sept. 1817.

I have, &c.

(signed) *J. Adam*, Secretary to the Governor General.

(Copy) To Francis Warden, Esq. Chief Secretary to the Government of Bombay.

N° 88.

Sir:—I am directed to transmit to you the enclosed resolutions of the Vice President in council at Fort William, on the subject of the several references that have been received from the government of Bombay and the resident at Poona, on questions connected with the late acts of Parliament for the abolition of the slave trade.

2.—These resolutions have been framed after the maturest deliberation in communication with the legal authorities at the presidency. The subject was fully discussed by the Governor General with his colleagues in the government before his departure from Fort William, and the resolutions, as now framed, have received his Lordship's entire concurrence; the Governor in council of Bombay is accordingly requested to make them the rule for his proceeding in the cases to which they apply.

3.—In transmitting the enclosed resolutions, the Governor General desires me to remark, that with reference to the extent to which domestic slavery exists in India, under the established laws and usages of the Hindoos and Mahomedans, and to the known habits and feelings of the people relative to that point, it is desirable that the greatest care should be observed to guard against the prevalence of an impression among the natives, that any general or direct interference in the existing relation of master and slave, is contemplated by government.

4.—Any impression of that nature might be expected to excite feelings of alarm and dissatisfaction, and on this ground the Right honourable the Governor in council of Bombay will feel the importance of avoiding, as far as may be practicable, the official revival and discussion of this question, after the deliberate consideration it has undergone, in communication with the legal authorities at Fort William.

Cawnpore, 24th September 1817.

I have, &c.

(signed) *J. Adam*, Sec. to the Gov. General.

Ordered, That the secretary write the following letters to the register of the Nizamut Adawlut, and to the chief secretary to the government at Fort St. George.

To the Register of the Nizamut Adawlut.

N° 89.

Sir:—I am directed by the Honourable the Vice President in council to desire that you will submit, for the information of the court of Nizamut Adawlut, the undermentioned papers on questions connected with the late Acts of Parliament for the abolition of the slave trade, viz.

Extract from the resolutions passed by the Vice President in council, in the judicial department, dated the 9th ultimo.

Copy of a letter addressed to Mr. J. Adam, the secretary to the Governor General, on the above mentioned date.

Copy of a letter from Mr. Adam, in reply, dated the 24th ultimo, and of its enclosure.

I am, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Council Chamber, 14th October 1817.

To the Chief Secretary to the Government at Fort St. George.

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Sir:—I am directed by the Honourable the Vice President in council to request that you will submit, for the information of the Right honourable the Governor in council at Fort St. George, the undermentioned documents on questions connected with the late Acts of Parliament for the abolition of the slave trade, viz.

N° 90.

Extract from the resolutions passed by the Vice President in council, in the judicial department, dated the 9th ultimo.

Copy of a letter addressed to Mr. J. Adam, the secretary to the Governor General, on the above mentioned date.

Ditto of a letter from Mr. Adam, in reply, and its enclosure, dated the 24th ultimo.

I have, &c.

(signed) *W. B. Bayley.*

Fort William, 14th October 1817.

N° 91.

Ordered, That a copy of the resolutions passed on the 9th ultimo, a copy of the letter addressed to Mr. Adam, the secretary to the Governor General, on the same date, together with a copy of the foregoing letter from Mr. Adam, in reply, dated the 24th ultimo, and of its enclosure, on questions connected with the late Acts of Parliament for the abolition of the slave trade, be sent to the political department for record, and in reply to the references from that department, of the 16th of November 1816, and 7th April last.

Ordered, That a copy of the resolutions passed on the 9th ultimo, a copy of the letter addressed to Mr. Adam, the secretary to the Governor General, on the same date, together with a copy of the foregoing letter from Mr. Adam, in reply, dated the 24th ultimo, and of its enclosures, on questions connected with the late Acts of Parliament for the abolition of the slave trade, be sent for record, and for any further orders which may be necessary to the Public department.

[Copies of the foregoing Proceedings were accordingly forwarded to the Public department; where they were recorded, without further minute, on the proceedings of the 7th of November, No. 16.]

Extract, Bengal Judicial Consultations, 21st October 1817.

Secretary to the Government at Bombay, to *W. B. Bayley, Esquire, Acting Chief Secretary to the Supreme Government, at Fort William.*

Criminal, L. P.

Judicial Department.

N° 13.

Sir:—In reference to Mr. Chief Secretary Warden's letter to you, dated the 14th September 1816, I am directed by the Right honourable the Governor in council, to transmit to you the accompanying copies of one from the judge and magistrate of Salsette, dated the 18th June last, and of its enclosure, followed by one from the advocate general at this presidency, dated the 22d ultimo, and to request you will submit to the Honourable the Vice President in council, the wish of the Right Honourable the Governor in council to be favoured with a communication of the practice established in Bengal, respecting the interference of the magistrate between masters and slaves, in complaints exhibited by either party, after the receipt of the 51 Geo. 3. c. 22.

I have, &c.

(signed) *W. Newnham, Sec. to Government.*

Bombay Castle, 18th Sept. 1817.

To Francis Warden, Esq. Chief Secretary to Government, Bombay.

Sir:—I have to request that you will lay before the Right honourable the Governor in council, the accompanying copy of a petition presented to me by Augustinho, a native of Africa, soliciting to be freed from the state of bondage in which he is held by Domings Marzello, a Portuguese inhabitant of the village of Caudowly.

Not being in possession of the late Acts of Parliament with regard to the abolition of the trade in slaves, and having only for my guidance the letter of the advocate general, dated the 23d of April 1816, which appears to be confined to the case of a master in a foreign country making application to the British government for the recovery of a slave who may have taken refuge within their territory, and to applications to British residents at the native courts of a similar nature, I have not the means of judging whether the legislature has wholly abolished slavery in this country, whether any line of distinction has been drawn between the natives of Africa and those of Asia, or, whether by having adopted the christian faith, the slave may have become entitled to any peculiar privileges or exemptions.

My object, therefore, in troubling the government with the present reference is, that I may be favoured with specific instructions for my guidance in respect to all future applications, either by slaves to obtain their release, or by masters to receive the assistance of the magistrate in the recovery of the slaves who may have effected their escape.

I have, &c.

Tannah, 18th June 1817. (signed) *S. Babington*, Judge and Magistrate.

To the Worshipful Stephen Babington, Esq. Judge and Magistrate of Salsette, &c. &c.

The humble petition of Agostinho Cafree, of Caudowly village,—

Sheweth,—That these, about 20 years, one Luis Marzello of the same place, brought to your petitioner from Bombay, and when the said Luis Marzello, these about 12 years separated from his other brothers, and the estate been divided between them then, to your petitioner was delivered in charge of one Domingos Marzello his brother, and these 12 years your petitioner serving him as slave, but the said Domingos Marzello not behave well to your petitioner, therefore your petitioner humbly implore your Worship that your petitioner wish to live free out from him of the captivity, therefore beg your Worship aid and support, will be so graciously to permit him such licence, and his master not to molest to your petitioner, which favour shall be remembered with respect and gratitude.

And your petitioner, as in duty bound, shall ever pray.

(A true copy.)
(signed)

Agostinho Cafree, ^{his} X _{mark.}

S. Babington, Judge and Magistrate.

Francis Warden, Esq. Chief Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of Mr. Secretary Newnham's letter of the 28th June, with its enclosure, requiring my opinion on the question submitted by Mr. Babington, respecting the interference of the magistrate between masters and slaves, on complaints exhibited by either party.

This question is very different from that formerly submitted to me respecting the interference of the British government, in restoring slaves who have escaped from a foreign country to their foreign masters.

The words of the statute, 51 Geo. 3, c. 23, are, “ if any person within His Majesty's dominions or the territories under the government of the Company, shall carry away or remove, or aid or assist in carrying away or removing, any person as a slave, or for the purpose of being used or dealt with as a slave, from any part of Africa, or from any other country, territory or place whatsoever, &c. he shall be transported, &c.”

These words certainly do not abolish slavery, for West India slavery is recognized in the same Act, but they appear to me peremptorily to interdict all interference on our part as to the restoration of slaves to their masters, for I cannot see how such interference could be construed otherwise than as aiding and assisting in the carrying away “ the person so restored, to be used or dealt with as a slave.”

On the same principle I think they impose a duty on the magistrate of liberating slaves who complain of being forcibly kept in their master's service. The slave who liberates himself, cannot be restored to his master without the danger of felony, and I think he might prosecute any man on the statute, who assisted his master to retake him, for the purpose of being used as a slave. The slave who complains may be viewed as a person applying for a habeas corpus, and when brought up before the judge, must be in fact set free, for the judge cannot deliver him over to his master without incurring the same penalty as before, nor can the master or any other person retake him, without incurring it likewise.

Bombay, 22d August 1817.

I have, &c.

(signed)

Hugh Geo. Macklin, Advocate General.

Ordered, That the secretary write the following letter to the secretary to the government at Bombay.

To the Secretary to the Government at Bombay.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of a letter from you, dated the 18th ultimo, with its enclosures, on questions connected with the late Acts of Parliament for the abolition of the slave trade,

trade, and to observe that the communication made by his Excellency the Most noble the Governor General to the Governor in council of Bombay, on the 24th ultimo, supersedes the necessity of any further observations on the subject of your dispatch, above acknowledged.

I have, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Fort William, 21st October 1817.

Extract of a Letter in the Judicial Department from the Court of Directors, to the Governor General in council of Bengal; dated the 13th of December 1820.

Letter from Bengal, dated the 29th of October 1817 (paragraphs 147 to 170.) Measures adopted for giving effect to the Act of Parliament on the subject of the slave trade.

Par. 270.—Will be replied to in the law department.

PAPERS relative to the extension of the Bengal Regulation, prohibitory of the traffic in Slaves, to the territories in the Deccan, conquered from the Paishwa. 1819, 1820.

Extract, Bengal Political Consultations, 16th October 1819.

M. Elphinstone to C. T. Metcalfe, Esq. &c. &c. &c.

Poona, 8th Sept. 1819.

Sir:—I have the honour to transmit for the information of his Excellency the Most noble the Governor General, a copy of a letter under date the 31st ult. from the political agent in Candeish, together with my reply of this date.

I have, &c.

(signed) *M. Elphinstone*, Commissioner.

To the Honourable M. Elphinstone, &c. &c. &c.

Dhoolia, 31st August 1819.

Sir:—Application having been lately made to me for permission to purchase some slaves, I took the opportunity of investigating the circumstances, which I have the honour to report for your information.

It appears that the slaves were young women and girls in the possession of some Mahratta Wunjarries, who, upon being questioned, state, that they purchased them in Berar, from the Tandas of the Rajpoot Brimjarrias, who said they had got them during a late scarcity which took place in the Nirmut district. Upon further investigation, I understand that the practice of carrying off children from one part of the country, to sell in another part, is not unusual with these people. The women appear unwilling to be sold, though they complain of their scanty food, and of the treatment they experienced from their present masters. Although your letter of the 19th December 1818, in answer to a former application on this subject, informed me that no variation whatever was to be made in the existing laws regarding slaves, yet it appears to me possible that that may be intended to be applied merely to the proprietary right over slaves in actual possession, and of recovering such as may desert; I request to be informed, if the practice of carrying slaves about for sale, of which several instances have lately been brought to my notice, is still to be permitted.

In the meantime I have been prohibited the sale of the young women in question, till I hear from you.

I have, &c.

(signed) *John Briggs*, Political Agent in Candeish.

To Captain John Briggs, &c. &c. &c.

Poona, 8th Sept. 1819.

Sir:—I have the honour to acknowledge the receipt of your letter of the 31st ult. regarding a traffic in slaves within your district.

The sale of slaves, as described in the above-mentioned letter, is to be permitted, but all attempts to carry off young people by force, will be punished in the severest manner.

I have, &c.

(signed) *M. Elphinstone*, Commissioner.

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N° 20.

Ordered, That the following letter be addressed to M. Elphinstone.
To the Honourable M. Elphinstone, &c. &c. &c.

Sir:—With reference to your dispatch of 8th September, I am directed to request that you will be pleased to state the grounds of your opinion regarding the expediency of permitting the sale of slaves. Independently of the general question as to tolerating the continuance of slavery, it is supposed to be very difficult to prevent the carrying off of young people by force or stealth, and other such practices, if the sale be permitted.

I have, &c.

(signed) *C. T. Metcalfe*, Secretary to Government.

Fort William. 16th October 1819.

Extract, Bengal Political Consultations, 18th December 1819.

Mr. Elphinstone to C. T. Metcalfe, Esq. &c. &c. &c.

N° 21.

Sir:—I have the honour to acknowledge the receipt of your letter, dated 16th ultimo, and to acquaint you that my reason for permitting the sale of slaves, was the general principle of not interfering with the laws of the country, strengthened in this instance by an indistinct recollection of having received instructions founded on that principle three or four years ago, when in doubt whether I ought to restore slaves who might take refuge in the cantonments of the Poona subsidiary force.

Bombay Castle, November 10th, 1819. I have &c.

(signed) *M. Elphinstone*. Commissioner.

Ordered, that the following letter be addressed to the chief secretary to the government of Bombay.

To Francis Warden, Esq. Chief Secretary to Government, Bombay.

N° 22.

Sir:—I am directed to acknowledge the receipt of a letter from the honourable the late Commissioner in the Deccan, dated the 10th ultimo, on the subject of the sale of slaves in the territories conquered from the late Paishwa, and to communicate to you, for the information of the Honourable the Governor in council the opinion of the Governor General in council on that subject.

2.—The importation of slaves by land or sea, and the sale of such slaves, are strictly prohibited in the dominions under the presidency of Fort William, and his Lordship is not aware of any sufficient objection to the extension of a similar prohibition to the territories conquered from the late Paishwa, as well as to the dominions under the presidency of Bombay generally if it do not already exist in those dominions.

3.—His Lordship therefore recommends this point to the consideration of the Honourable the Governor in council.

I have, &c.

(signed) *C. T. Metcalfe*, Secretary to the Government.

Fort William, 18th December 1819.

Extract, Bengal Political Consultations, 4th March 1820.

Secretary to the Government of Bombay, N° 68 of 1820, to W. B. Bayley, Esq.
Chief Secretary to the Supreme Government at Fort William.

N° 5.

Judicial Department.

Sir:—I am directed to acknowledge the receipt of Mr. Secretary Metcalfe's letter, dated the 18th ultimo, on the subject of the sale of slaves in the territories conquered from the late Paishwa, and to acquaint you, for the information of his Excellency the Most noble the Governor General in council, that instructions have in consequence been issued to the Commissioner in the Deccan.

2.—Adverting to the conclusion of the second paragraph, I have to request you will inform his Lordship in council, that the trade in slaves is prohibited under this presidency by Regulation I. of 1813.

I have &c.

(signed) *J. Farish*, Secretary to Government.

Bombay Castle, 22d January 1820.

Extract, Bengal Judicial Consultations, 21st January 1820.

Chief Secretary to Government at Bombay, to W. B. Bayley, Esq. Chief
Secretary to the Supreme Government at Fort William.

Criminal, L. P.

N° 35.

Judicial Department.

Sir:—I am directed to transmit to you the accompanying copy of a dispatch from the Commissioner in the Deccan, dated the 3d instant, and to acquaint you,
for

for the information of his Excellency the Most noble the Governor General in council, that the Honourable the Governor in council has approved of the reply returned by Mr. Chaplin to the magistrate at Ahmednuggur, relative to the trade in slaves in the Deccan.

Bombay Castle, 14th December 1819.

I have, &c.
(signed) *F. Warden*, Chief Secretary.

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To Francis Warden, Esq. Chief Secretary to Government, Bombay.

Sir:—I have the honour to forward, for the information of the Honourable the Governor in council, the copy of a letter, dated the 29th ultimo, from the collector of Ahmednuggur, together with my reply of yesterday's date.

Poona, 3 December 1819.

I have, &c.
(signed) *W. Chaplin*.

To W. Chaplin, Esq. &c. &c. &c.

Sir:—I do myself the honour to inclose, for your information, copies of a letter from Mr. Wilkins, and of my reply, regarding the traffic of slaves in the conquered territories.

I have, &c.
(signed) *H Pottinger*, Collector.

Circuit Cutchery, Joowur, 29th November 1819.

To Captain H. Pottinger, Collector and Magistrate of Ahmednuggur.

Sir:—I have the honour to inform you, that Brinjaries have brought lately into this district a considerable number of females, and sold them as slaves, principally to dancing girls; I beg to request to be informed if, under the territory subject to the government of Bombay, the promiscuous dealing in slaves be allowable? In making this reference to you, I beg leave to notice, that I am fully aware of the honourable the Commissioners instructions to Captain Briggs on this point; my object therefore now in bringing this subject to your notice, is merely to know if the late arrangements annexing the conquered territory to the presidency of Bombay, will make any alteration with respect to the existing laws concerning slaves.

Nassuck, 21 November 1819.

I have, &c.
(signed) *William Wilkins*, Sub-Collector.

To W. Wilkins, Esq. &c. &c. &c.

Sir:—I have had the honour to receive your letter of the 21st instant.

I am of opinion that the recent orders for annexing the conquered provinces to the presidency of Bombay do not in any manner affect former usages of the country regarding slaves, and I therefore beg you will be so good as to regulate, until further orders, your decisions in all cases that may come before you, agreeable to the instructions already promulgated under the authority of the honourable the late sole Commissioner.

I shall submit copies of your letter and this reply to the acting commissioner for his sentiments on the important questions to which they relate.

I have, &c.
Circuit Cutchery, Joowur, 27th Nov. 1819. (signed) *H. Pottinger*, Collector.

To Captain Henry Pottinger, Collector, &c. &c. Ahmednuggur.

Sir:—I have the honour to acknowledge the receipt of your letter of the 27th, with its inclosed correspondence with Mr. Wilkins relative to the trade in slaves.

2.—The mitigated kind of domestic slavery which prevails in the Deccan, and has prevailed from time immemorial in most parts of India, appears to be of a description entirely different from the foreign trade in slaves, which is prescribed by recent Acts of Parliament passed since the abolition of this traffic; and although it may perhaps at a future period be necessary to introduce some regulations to prevent the stealing or kidnapping of children, I conceive that any restrictive measure that should at once put a stop to the sale of slaves, would be an innovation which would trench materially not only on long established customs, but on the rights of private property.

3.—Whether this species of servitude, or rather of mild bondage, is eventually to be continued under certain modifications or to be abolished entirely, is a question which

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which is probably now under consideration; but as the importation of slaves from the Nizam's frontier, in consequence of the scarcity which prevails there, has of late greatly increased, the subject of your letter will be referred for the decision of the Honourable the Governor in council. Whatever eventual evil may result from the continuance of the traffic, it is certainly, I think, the means at the present moment of much actual good, inasmuch as it has the effect of preserving the lives of numbers of parents and children who would otherwise perish from famine.

4.—Under these considerations, and with reference to the orders transmitted to you by the late commissioner, I entirely approve of the tenor of the instructions you have sent to Mr. Wilkins.

Poona, 2d Dec. 1819.

I have, &c.
(signed) *W. Chaplin.*

Minute.—The Governor General in council observes that the foregoing letters require no order.

PAPERS relative to the operation of the Bengal Regulation X. of 1811, and to a circular order issued subsequently to the date of that Regulation.—1817-1820.

Extract of a Letter in the Judicial Department, from the Governor General in council of Bengal to the Court of Directors; dated the 4th of July 1817.

Police, Division of Bareilly.

3.—In the proceedings of the annexed date are recorded three reports, received through the medium of the Nizamut Adawlut, from the judges of the court of Circuit for the division of Bareilly, on the termination of the first and second sessions of 1815, and the first session of 1816.

Extract, Bengal Judicial Consultations, 14th February 1817.

Extract of a Report from Mr. W. Leycester, the second Judge of the Bareilly Court of Circuit, dated the 9th September 1815.

Par. 95.—There is a very important circular order which is a matter of much discussion, which has the appearance of having been issued on the spur of a particular occasion, and thence drawn into a precedent, and which I confess I am unable, and I hope I say it as with all deference, so without offence, to consider as being in explanation of any dubious point. I allude to the construction put on the 10th Regulation of 1811, prohibiting, under penalty, the importation of slaves. The practice under this regulation and the circular order regarding it is so various, that it is very desirable it should be reconsidered, and put to rest for ever.

96.—I shall mention several slave cases that have come to my notice.

97.—In one case, Enayt Khaun is taken up by the police darogah of Bhudyke, and sent as a prisoner to the magistrate of Cawnpore, for importing two female slaves, and the magistrate discharges him, and gives him the slaves.

98.—In a second case, Ooda is taken up for importing a woman named Mauncooer, by a police sowar, and delivered over to the police darogah of Bindrabun. Ooda says he bought her for twenty-one rupees in the Ranna's country, and she admits it, and adds, she understands he means to resell her. The acting magistrate liberates the woman.

99.—In a third case, Sabet Khawn is taken up by a jemmadar, and delivered over to the darogah of Korja Gunje. It would seem he had been sent by Assud Alee Cauzee of Jelaneh to purchase a slave in the vicinity of Cassepore and Roderpoor, (the markets for slaves imported from the hills;) but on coming to Bareilly he falls in with Besharut Khan, a slave-dealer, who from his stock in hand sells to him a woman named Zuhorun, twenty years of age; but the Cauzee thinking her too old, leaves her on Sabet Khaun's hands. The assistant magistrate liberates the woman.

100.—In a fourth case, Nurotum is taken up by the darogah of Nudjeebabad. It would seem that he had purchased a woman named Anundee, for twenty rupees, of one Serya, an inhabitant of the hills. The assistant magistrate does not liberate the woman, but takes a recognizance from Nurotum to produce her, if any other claimant should appear.

101.—In a fifth case, Choonee, the head of a set of dancing girls, prosecutes Hyatt Alee Cutwaul, of Amrooa, for detaining forcibly Munnuvur Jaun, one of her female

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female slaves. Munnuvur Jaun says, she is not satisfied to remain with Choonee, and the magistrate liberates her. Choonee appeals, and produces a deed of sale for the slave, executed by Shumshere, an inhabitant of the hills.

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102.—The opinion of the law officer of the court of Circuit is taken, who declares “the sale of a resident of this country illegal;” and the order of the magistrate was confirmed.

103.—The first case was submitted by me to the Nizamut Adawlut on the 7th February, with a recommendation that the said Enayt Khaun should be punished, and the slaves discharged or sent back as required by the 10th Regulation of 1811; and the court in reply adjudge, that under the construction given by the court to the provisions of the 10th Regulation, 1811, on the 5th October last, the case in question does not fall within the operation of that regulation; and having referred to the court's orders of the 5th October, it would seem that on a representation from Mr. Blunt, the court had decided that the regulation in question was “applicable only to the importation of slaves for the purpose of being sold, given away, or otherwise disposed of.”

104.—The cases quoted show the regulation is not so understood, or in the first case the darogah of Budhyk should have been censured for taking up Enayt Khan. In the second case the slave was not entitled to manumission; or if her declaration, that her master Ooda meant to resell her, be taken as proof that he imported her for the purpose of selling her, then Ooda should have been punished under the regulation in question. In the third case the slave was not entitled to be set free, for the purchase and sale of the inhabitants living under British dominion is not prohibited; but the case shews a decided intention in the Cauzee to have purchased a slave imported from the hills; and in the fourth case, the darogah of Nujeebabad should have been censured for taking up Nurotun; and in the fifth case the female slave was not entitled to manumission.

105.—There is also reason to believe that the government conceive they have enacted a regulation to prohibit and render penal the importation of slaves, for whatever purpose they might be imported. The following copy of a letter from the secretary to government to this court, under date the 20th September 1812, would seem to shew that unqualified prohibition was intended.

To F. Hawkins, Robert Ker and A. Ross, Esqrs. Judges of the Provincial Court of Appeal and Circuit for the Division of Bareilly.

Gentlemen: I am directed by the Right honourable the Governor General in council, to desire that you will ascertain and report whether the provisions of Regulation X. 1811, have proved effectual in preventing the importation of slaves from foreign countries into districts included within the limits of your jurisdiction. Jud. Department.

I have the honor to be, &c. &c.
(signed) G. Dowdeswell, Sec. to Government.

Council Chamber, 26th September 1812.

106.—And accordingly the court, in their reply, under date the 4th December 1812, report that “the traffic in slaves imported from foreign countries is almost, if not entirely, suppressed.” It is melancholy to reflect on the many acts of injustice which must have been committed to bring about this suppression, if in fact the regulation was construed, that importation of slaves was not prohibited excepting for the purpose of resale.

107.—It seems to be very generally understood that the regulation in question does actually prohibit the importation of slaves.

108.—The title of the regulation is for preventing “the importation of slaves from foreign countries, and the sale of such slaves, &c.” and great pains appear to be taken to disjoin the double object of the regulation. It is not to prevent the importation and sale of slaves from foreign countries, but to prevent their importation, and to prevent also their sale if imported.

109.—The preamble is,—“whereas instances have occurred of the importation of slaves from foreign countries into the British territories; and whereas such traffic is inconsistent with the dictates of humanity, &c.” Here is no allusion to a resale. The importing slaves from foreign countries is termed a traffic. The second section, in express terms, prohibits the importation. The third section prescribes a punishment for importing them, and the fourth section prescribes, that persons imported as slaves shall be liable to be discharged, or sent back to their friends.

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110.—In all these important sections there is no reference whatever to the purpose of the import. The person imported as a slave is liable to be discharged or sent back. Is it to be understood that this unqualified right to a discharge is to be limited by the intentions of the importer, which never can be known to man but through some overt act, by which the actual state of slavery would be no way altered, but the right of the slave master merely transferred, perhaps to the improvement of the condition of the slave. I do not perceive how any slaves imported can be shut out from the benefit of this section; and in the end, what is to be done if these slaves are resold? The regulations are silent and against the inference that would perhaps be drawn from the regulation in question invalidating the sale; there are two points might be urged, 1st, Whether an indigenous slave, or an imported slave was not known; 2d, That the state of the slave is the same, that he has long been known as a slave; and that, if the resale and not the state of slavery is objectionable, it will be sufficient to invalidate it, and leave the slave with the first importer, no loss having been sustained, and consequently no right acquired by the proposed transfer.

111.—The purchasing of indigenous slaves will be rendered very unsafe, (I beg to be understood as not meaning to speak in its favour,) if a man is liable to be tricked out of his property by its being shewn that the slave is imported, not indigenous, and therefore not liable to sale; and this might occur after a long lapse of years of slavery, when the mode of acquisition, or rather the period of its legality, (for if the acquisition as made in a foreign country, whether by kidnapping or in what way cannot be known), may be remembered only by a few, and as the kidnapping of children does take place in these provinces, I presume it to be more likely to happen in the neighbouring states. The people in Nepaul have often been subjected to a capitation tax, which has compelled families to sell their children, and often, as I have seen, occasioned scenes of deep distress.

112.—In every country where slavery has been established, several degrees of it have been known, each having certain rights and certain wrongs, and accordingly the situation of imported slaves, if not discharged, are quite distinct from the indigenous tribe. Will their children be slaves, and will they fall into the indigenous tribe and be liable to sale, though their mothers were not; and will the heirs of the importer succeed to his rights as masters of such slaves, or do they lapse upon his death?

113.—Though I am not aware of any difference, it may still be right to observe, that these observations do not apply merely to neighbouring states. There are very many natives of Africa in the provinces under the Bengal government, that have been imported by people now holding them as slaves, or that have been since transferred by resale, and under the operation of a different system of law. One brother may be a respected free man and a man of family in Jamaica, while the other may be, not merely a slave himself, but entail the curse of slavery on his whole race; at the same time that it may have been a matter of chance which brother was sent to the west, and which to the east.

114.—The apparent discordance of the fifth section is, I presume, ascribable to the circumstance, that captains of vessels can only come under the regulations of the Bengal government as to the point at issue, upon their bringing slaves on shore; but any master of a vessel bringing a cargo of slaves, whether to the East or the West Indies, would, I presume, be amenable for a felony to the English law.

115.—But the bond noted in the fifth section specifies, “for the purpose of selling, giving away, or otherwise disposing of any person imported as a slave.” It is not disposing of any slave, but “of any person imported as a slave,” as if expressly repelling the idea of slavery.

116.—Is not the keeping a person imported as a slave to be a slave, a disposal of him; and what is to be said to the notorious fact of female persons so imported as slaves, being let out in retail for the purposes of prostitution, and any offspring they may have being sold, agreeable to the daily practice regarding the indigenous slaves of the country, for the benefit of the slave master. This surely is a disposal of them and of their issue.

117.—I think the indigenous slavery in the country a sufficient evil, and I hope the 10th Regulation, 1811, will be found to bear me out in my protest against the importation of persons as slaves from foreign countries.

118.—I should think it fairly to be inferred, that the government of this country by the enactment of the 10th Regulation, 1811, meant to go hand in hand with the measures pursued at home.

119.—At all events, if the regulation in question does not prohibit the importation of slaves, I humbly submit, that a regulation of the kind is much needed. It seems very desirable that an Act which the British legislature has marked as a felony, and which would be tried and punished as such in the supreme court, should no longer be tolerated in these provinces.

120.—Many estates in the country are cultivated by indigenous slaves, but it is very desirable it should no longer be possible to transfer the African slave trade from the West to the East Indies, with only one proviso against it, that the slaves may not be resold; and it is also most desirable that the present importation of females, for the purpose of breeding up an hereditary race of slaves, should be put a stop to.

121.—Nothing perhaps is so revolting as the idea of hereditary slavery, of a man's inheriting at his birth nothing but the misfortunes of his parents, without hopes of emancipation, without the possibility of rising in life through exertion or talent, and liable every moment to be taken to the market and sold, and transferred to the possession of another. I can hardly conceive, indeed, that there could be any objection to modifying the present system of slavery by an Act declaring the children of slaves to be free; that if men will have slaves, they should also have to pay for them, and not to rear them, and inherit them like the produce of a farm-yard.

122.—I know it is argued that slaves in India are treated kindly, that they are comfortable, that in times of scarcity many must starve and die, if people who have the means of feeding them are not allowed to purchase them as slaves; many, I believe, are treated kindly and comfortably in their places, but that they all are so, that there is not a great deal of ill treatment, nobody will, I believe, assert, and there is not a crime committed among mankind, that has not, at one time or other, produced an incidental good, and it would be strange indeed if slavery were the only exception; but at all events it might be considered an adequate inducement to deeds of charity to compensate them by the labours of the object of it during one generation, instead of aggravating the sorrows of accidental necessity by slavery through all generations.

Extract from the Proceedings of the Nizamut Adawlut, under date the
12th June 1816.

Remarks and Orders of the Court of Nizamut Adawlut, on a Report from the second Judge of the Bareilly Court of Circuit, at the close of the first Circuit of that Division for 1815; dated the 9th September 1815.

47.—The circular order referred to, respecting slaves, was issued by the Nizamut Adawlut, on the 5th October 1814, and is included in the printed* collection of circular orders, under the head of *Slaves*, N° 2.

48.—The construction given by the court to the provisions of Regulation X. 1811, as "applicable only to the importation of slaves for the purpose of being sold, given away, or otherwise disposed of, was communicated to government on the 23d April 1812, and was again noticed in the court's resolutions of the 11th January last, on a report from the second judge of the Moorshedabad court of circuit."

49.—The court do not think it proper to offer any opinion upon the particular cases stated by Mr. Leycester, without having the proceedings before them, but observe, that in any cases brought before the courts of circuit, wherein it may appear that the magistrates have not correctly understood the provisions of Regulation X. 1811, as construed by the Nizamut Adawlut, it is their duty to inform and instruct the magistrates.

50.—It may be advisable to extend the provisions of Regulation X. 1811, so as to emancipate all persons imported as slaves into the British territories, for any purpose whatever, with an exception only to *bonâ fide* domestic slaves, whom their owners may have possessed, for at least one complete year before their importation, and who may accompany their owners on the latter coming to settle or reside in the Company's territories, such slaves to be registered as suggested in the letter from the secretary in the judicial department, dated the 24th ultimo, respecting the transfer of slaves within the British provinces, and afterwards to be considered within the general laws and regulations concerning such slaves.

51.—With regard to the importation of slaves by sea, the statute 51 Geo. 3. c. 23. appears to have made it felony, if any subject of His Majesty, or any other person residing under the government of the East India Company, after the 1st of June

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1812, directly or indirectly, carry away or remove from Africa, or any other country, or import, or aid in importing, into any country or place, any person or persons whatever, as a slave or slaves, or for the purpose of being sold, transferred, used or dealt with as a slave, with certain exceptions mentioned in section 4 of the said statute, and which appears to include the lawful removal of any slave or slaves from any British island, colony or settlement in the West Indies, to another, as well as the removal of any slave or slaves from one part of any foreign island, colony or settlement, to another part thereof, but do not expressly contain any similar provisions for authorizing the transportation of slaves from one part of the British dominion in India to another.

52.—The court, however, propose to consult the advocate general on the operation of this statute, and of Regulation X., 1811, with respect to the importation of slaves by sea into Bengal, whether for sale or for private service; and will report the result, with the regulation, to be prepared on the general subject as desired by government on the 29th March last.

53.—The court will only add, at present, that they fully participate in the sentiments expressed by Mr. Leycester, in abhorrence of hereditary slavery, and earnestly wish it could be discontinued, with regard to all children born under the British protection; but whilst it is allowed to remain, with respect to the progeny of existing slaves, born under the British government in the West Indies and South Africa, the abolition of it, on general principles of justice and humanity, could not, the court apprehend, be consistently proposed for India, where it has from time immemorial been sanctioned by the laws and usages of the country, and where, it may be added, the state of slavery is not so injurious to the objects of it as in other countries where it is still maintained.

Extract of a letter from the Secretary to Government to the Register to the Nizamut Adawlut, in reply to the foregoing communication.

Par. 48 to 53 of the
Resolutions.

8.—The Governor General in council is disposed to think that the circular orders of the Nizamut Adawlut, under date the 23d of April 1812, have narrowed the proper construction of Regulation X. 1811, and he concurs with Mr. Leycester in the general reasoning on which he has forwarded his opinion, that the intent of the enactment was to prohibit the importation of slaves altogether, and not merely the importation of slaves “for the purpose of being sold, given away, or otherwise disposed of.”

9.—None of the latter terms are used in the 2d, 3d or 4th sections of the regulation, which simply declare the importation of slaves to be a crime, prescribe the penalties for that crime, and direct that such slaves be sent back to their friends in the country from which they may have been imported into our territories.

10.—The provisions in Regulation X. 1811, so far as they regard the importation of slaves by sea, appear to the Governor General in council to have been rendered nugatory by the statutes since enacted by the British legislature.

11.—It being the intention of the court of Nizamut Adawlut to consult the advocate general on the operation of the statute 51 Geo. 3. c. 23. and of Regulation X. 1811, and to submit a report on the result of that reference, together with the draft of a regulation to be prepared by the court on the general subject of slavery, the Governor General in council suspends the further discussion of the subject until he shall have before him the report, and the draft of the regulation in question.

Extract of a letter in the Judicial Department from the Court of Directors to the Governor General in Council of Bengal; dated 26th April 1820.

W. P.

54.—Regulation X. of 1811, passed by the Vice President in council, 6th August 1811, prohibits, under penalty, the importation of slaves by land or sea, into the territories dependent on the presidency of Fort William. The circular orders of the Nizamut Adawlut, dated the 23d of April 1812, are stated to declare the regulation in question, “applicable only to the importation of slaves for the purpose of being sold, given away or otherwise disposed of.” The circular orders being acted on in some districts, and the original regulation in others, Mr. Leycester, 2d judge of the Bareilly court of Circuit, found a great diversity of practice in the enforcement of the above regulation by different magistrates. Mr. Leycester states the principal circumstances of five cases of which the summary seems to be this: in the 1st and 4th cases, slaves imported by land, not offered for sale, are restored by the magistrate to the owner; in the 2d and 5th cases, slaves imported by land,
not

not offered for sale, are liberated by the magistrate; in the 3d case, a slave not imported, but sold from the stock in hand of a slave dealer, is liberated by the magistrate. It would seem, therefore, that in the 1st and 4th cases the magistrate acted on the circular orders; that in the 2d and 5th, the magistrate acted on the original regulation; and that in the 3d, the magistrate assumed a discretionary power, and extended the application of the original regulation to a case not included in it.

55.—Mr. Leycester states his opinion, that the regulation prohibits the importation of slaves absolutely, without reference to sale or disposal, and shews, in a series of very able arguments, the great inconveniences and evils that would result from a different construction. The Nizamut Adawlut in its proceedings dated 12th June 1816, observes in reply, that the construction given by the court to the provisions of Regulation X. 1811, was communicated to government the 23d April 1812. The proceedings of your government, dated the 14th February 1817, remark in consequence,—“The Governor General in council is disposed to think that the circular orders of the Nizamut Adawlut, under date the 23d of April 1812, have “narrowed the proper construction of Regulation X. 1811, and he concurs with “Mr. Leycester in the general reasoning on which he has founded his opinion, “that the intent of the enactment was to prohibit the importation of slaves altogether, and not merely the importation of slaves for the purpose of being sold, “given away, or otherwise disposed of. None of the latter terms are used in the 2d, “3d and 4th sections of the regulation, which simply declare the importation of “slaves to be a crime, prescribe the penalties for that crime, and direct that such “slaves be sent back to their friends in the country from which they may have been “imported into our territories.”

56.—We find on this subject, the following important remarks in the report of Mr. Turner, judge and magistrate of Agra, delivered to the Governor General, dated 31st January 1815:—“Sometime ago, the magistrates were required to report how far the provisions of the 10th Regulation of 1811 were adequate to the “prevention of the importation of slaves from foreign territories; and I then hesitated not to state that I considered them fully so. But under the interpretation “of the Nizamut Adawlut, which rules the prohibition to extend only to cases where “slaves are imported for purposes of traffic, this law has nearly become a dead “letter; its provisions are evaded with the utmost facility; the importer has merely “to state that he has brought them into these territories for his private use, or for “the service of his family and friends, and he effectually secures himself from its “operation. Until some overt act be committed, it is impossible to prove that the “importation was made with a view to traffic; and even then, more particularly if “the bounds of this frontier district have been passed, the conviction of the “offender becomes a work of great difficulty. It cannot be doubted that the allowance, under any circumstances, of the importation of slaves from foreign territories, “is the source of many and great abuses. Women are seduced or finally carried “away from their friends, and children kidnapped from their parents, beyond all “possibility of recovery; productive, therefore, as the practice is, of private misery, “and inconsistent as it is in every respect with the dictates of humanity, I have “deemed the subject to merit his Excellency’s consideration, and earnestly hope “that measures will be taken to render the prohibition general.”

57.—It appears then that on the 6th of August 1811, a regulation absolutely and strictly prohibiting the importation of slaves, was enacted by your government; that on the 23d of April 1812, a circular order of the Nizamut Adawlut restricting the prohibition to importation for sale, was submitted to your government and distributed to the provincial courts; that this circular order was known and acted on in some districts, while only the original regulation was known and acted on in others; that the original regulation was as usual transmitted to us, but that we were left in total ignorance of the circular order; that though the circular order was submitted to your government, it does not seem, notwithstanding its discrepancy with the regulation, and with your intention in enacting it, and notwithstanding the very great importance of the subject, to have been in any manner adverted to by you till your attention was called to it by one of the judges of circuit; and that from the 23d of April 1812 to the 14th February 1817, a period of nearly five years, a circular order of this vital importance, superseding a regulation and possessing all the authority of a regulation, which you would not have enacted, and which we should not have approved, was allowed to remain in force without notice on your part, and consequently was never brought to our knowledge.

58.—On a subject so important as the importation of slaves, these circumstances would have demanded notice if the instance had been solitary, but being only one example among many of the manner in which circular orders are framed, distributed, and acted upon, they become entitled, not only in a particular, but in a general view, to the most attentive considerations.

59.—Regulation X. 1796, and XXII. 1803, provide, that in case of differences of opinion on the construction of the regulations arising among the judges of the zillah and provincial courts on matters relating to criminal justice, the point in dispute shall be referred for the interpretation of the Nizamut Adawlut; and that in case of any doubt occurring to the Nizamut Adawlut, it shall be submitted to the Governor General in council. These regulations appear to be defective in not requiring, that every circular order of the Nizamut Adawlut, shall be submitted to the Governor General in council for reference on a doubtful point, implies, that the point admits of two constructions, and though the Nizamut Adawlut may have better means than the provincial courts of judging which of the two interpretations is most consistent with the original intention of government, yet the government which enacted the regulation can alone certainly know its own intention in framing it. It is expedient, that the interpretation should bear the stamp of the same authority which promulgated the original laws, and that for this purpose, all explanatory circular orders should be submitted to you for sanction previous to promulgation. The legislative power in a state can be but one. A certain latitude of power to interpret law must necessarily be conceded to every judicial tribunal; but a power to enact its own interpretations, and to distribute such enactments under the name of circular orders, with authority equal to that of the original regulations, without the sanction or knowledge of the original legislative power, cannot be delegated to any subordinate authority, and could not, in the original framing of the regulations, have been intended to be delegated to the Nizamut Adawlut.

60.—The circular orders are stated by Mr. Leycester to have been in many places, “difficult of access, from having been received in letters, bound up with other letters, and consigned to the same prospect of oblivion.” He adds, that the Bareilly court of Circuit “had the circular orders bound up separately in four quarto volumes.” The Nizamut Adawlut observes in reply, that “since these remarks of Mr. Leycester were written, the circular orders have been printed and distributed to the courts of Circuit.”

61.—Considering the great and extensive importance of these circular orders, we have on frequent occasions of reference to them by the judges of circuit been surprised to have never found them recorded on the consultations. It appears to us yet more extraordinary, that having been printed and distributed to the courts of circuit, they should not have been transmitted to us in the same manner as the printed regulations are transmitted. We have seen that the circular order of the 23d April 1812 does not merely explain, but amends and virtually re-enacts Regulation X. of 1811; that the circular order was submitted to you at the time of its promulgation, but that its discrepancy with your original enactment was neither corrected nor even noticed by your government till 14th February 1817. We find it stated by the judges of circuit, that the circular orders are many and voluminous, and that “it is not uncommon to hear it observed, that such a circular order abrogates and renders void a public law.” We know not to what extent this abrogation, of which we have seen so remarkable an example in the case of Regulation X. of 1811, may have been carried in relation to other regulations. We have, therefore, a very imperfect knowledge of our judicial code while we have access to the regulations alone, and have no means of ascertaining on any occasion of reference, how far the enactment to which we refer, and which we consider as being in force, may have been modified or rescinded by a circular order of the Nizamut Adawlut. Neither can we feel assured that the controlling vigilance of your government over the degree of legislative power, thus entrusted to, or rather assumed by the Nizamut Adawlut, has been more attentively exercised in the case of other circular orders than it appears to have been in that of the 23d April 1812.

62.—We trust that a more vigilant attention will be exercised by you on similar occasions in future; and we desire that 20 copies of the circular orders of the Nizamut Adawlut which have been distributed to the courts of circuit in India, may be transmitted to us without delay, and that all circular orders of that court hereafter may be submitted for your approval before they are issued; that when sanctioned, they may be recorded on the consultation, and the same number of copies transmitted separate numbers in the packet. We cannot here avoid remarking, that

that greater care in the original construction of the regulations would afford a clear and precise definition of their intent and meaning, and supersede the necessity of circular orders altogether; and it would be better to repeal such regulations as are found of doubtful meaning, and to promulgate new laws, instead of attempting to amend them by supplementary explanations.

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PAPERS relative to the disposal of the Slaves attached to the Parks on the Island of Banda, and to the means proposed to be adopted with a view to secure their emancipation after the restoration of the Molucca Islands to the Netherlands Government: 1817, 1818.

Extract of a Letter in the Political Department from the Governor General in council to the Court of Directors; dated 7th February 1818.

1.—Your Honourable Court was apprised, by the separate letter from the Governor General in council under date the 7th December 1816, in the Foreign Department, that instructions had been transmitted to the resident at Amboyna for the restitution of the Moluccas to the authority of the Netherlands government. We have now the honour to inform your Honourable Court, that the island of Amboyna, together with most of its immediate dependencies, was formally restored to the Netherlands government on the 25th March 1817. The islands of Banda, Manado, Ternate, and their dependencies, were shortly afterwards transferred to the Dutch commissioners empowered to receive possession of them.

2.—We accordingly beg leave to draw the attention of your Honourable Court to the dispatches from the resident at Amboyna, dated respectively the 12th of June and 30th July 1817, and recorded on the Consultation of the annexed date, announcing the arrangements concluded by him with the Netherlands government relative to the transfer of the spices, military stores, and other property belonging to the British government at the Moluccas.

Cons. 8th Aug.
1817,
N° 55 to 103.

3.—Mr. Martin's dispatch of the 12th June 1817 contains two conventions concluded by him with the commissioners, together with other documents explanatory of those engagements. In the first convention, dated the 24th March, are included the questions regarding the transfer of the spices, the surrender of the Moluccas to the Dutch authority, and other points subsidiary to that act; and the right of property in the slaves employed in the parks at Banda.

5.—The late Vice President in council having taken the subjects of the documents above referred to into his deliberate consideration, recorded his sentiments on the provisions of the arrangements concluded between Mr. Martin and the commissioners of the Netherlands government, in a minute of council bearing the same date on which the papers in question were placed on record.

N° 104.

6.—To advert in detail to the resolutions of the late Vice President in council would merely be to repeat the observations passed on the several points of adjustment and discussion in Mr. Martin's dispatches, to which their attention was directed; and we therefore beg leave to refer your Honourable Court to the document in question for an exposition of the opinion of the local government on the proceedings connected with the transfer of the Moluccas.

7.—It may be proper, however, to call the especial attention of your Honourable Court to those particular points in the conventions which were not left to the exclusive decision of the government of Fort William, but were agreed to be referred to the superior authorities in Bengal, Java, and Europe.

8.—Of this description is the question whether the slaves employed in the cultivation of the parks at Banda, under the immediate superintendance of the Parkineers, as they are ordinarily termed, are to be considered as forming a part of the public property, or as belonging to the Parkineers, which is discussed by Mr. Martin in the 21st and subsequent paragraphs of his letter of the 12th June. According to the precise terms of the 6th article of the convention of the 24th March, concluded by Mr. Martin with the commissioners of the Netherlands government, it was agreed that the question of the proprietary right to the slaves should be referred to the British and Dutch authorities in Java, Bengal, and Europe; but the late Vice President in council entertaining the persuasion that the immediate agitation of the question at issue would tend to produce fruitless discussion and considerable delay in adjusting the affairs of the transfer, without producing any corresponding advantage, proposed that the above question relative to the slaves employed in the parks at Banda, together with all the other points of dispute between Mr. Martin and the

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Dutch commissioners, as described in the former dispatches, which had not been exclusively submitted to the decision of the government of Fort William, should be at once referred to the superior authorities in Europe. This subject will be further noticed in the sequel of our present dispatch.

19.—The minute of council containing the resolutions of the late Vice President in council on the arrangements concluded by Mr. Martin with the Dutch commissioners was submitted to the Governor General, in order that his Lordship might have an opportunity of conveying to the members of the local government any sentiments or observations differing from or in addition to those stated by the late Vice President in council, which a consideration of the documents might suggest to his Lordship, and of directing the adoption of a course of proceeding different from that which the late Vice President in council proposed to pursue.

Pol. Consultation,
14 Nov. 1817.
N° 35.

20.—From the letter from the secretary to the Governor General, recorded on the consultation of the annexed date, the Vice President in council had the satisfaction to learn that the sentiments and resolutions of the local government had received the concurrence of the Governor General; but his Lordship's attention having been particularly attracted by the situation of the slaves employed in the parks at Banda, suggested to the consideration of the Vice President in council whether it would not be consistent with the justice and humanity of the British government eventually to draw the attention of the authorities at home to the propriety of inducing the government of the Netherlands, under either decision of the question respecting the proprietary right to the slaves, to prescribe and enforce rules for securing the slaves from ill treatment, and to take measures for the amelioration of the condition of those unhappy persons, and even for their eventual emancipation. It was stated in the dispatch last cited, that the Governor General's knowledge of the sentiments entertained by the Baron de Capelin on the subject of the system of slavery established in the Dutch colonies, suggested to his Lordship the probability of a representation to the local authorities at Java on this subject being attended with this result. His Lordship accordingly recommended to the consideration of the local government the adoption of this step in the first instance, which might perhaps preclude the necessity of referring the question to the authorities at home. It occurred also to his Lordship's judgment, that an offer to relinquish the demand for the stipulated price of the slaves might tend to excite a corresponding spirit of liberality on the part of the government of Java to co-operate with the British government in the cause of humanity.

21.—Being in possession of the Governor General's sentiments on the provisions of the arrangements concluded by Mr. Martin with the commissioners of the Netherlands government for the restitution of the Moluccas, the Vice President in council lost no time in communicating to the Commissioners General in Java the resolutions of the British government in India on the several stipulations and arrangements connected with the transfer. The address of the Vice President in council to the Commissioners General is recorded on the consultation of the date noted in the margin.

Cons. 14th Nov.
1817.

N° 37.

22.—As the substance of the resolutions of the late Vice President in council is incorporated into that dispatch, together with a communication respecting the slaves framed in the spirit of the Governor General's observations on that subject, we do not deem it requisite to advert in detail to the various points which it embraces.

23.—Although the discussions arising from the transfer of the Moluccas to the Dutch nation have not been brought to an entire termination, yet we have considered it to be our duty no longer to suspend a communication to your Honourable Court of the intelligence of the restitution of those islands, and of our proceedings in consequence, in order that your Honourable Court may be enabled to found on it such communications to His Majesty's ministers as in your judgment you may deem necessary and expedient.

N° 55.

Extract, Bengal Political Consultations, 8th August 1817.

Extract of a Letter from the late Resident at Amboyna, to the Acting Chief Secretary to Government, Fort William; dated the 12th June 1817.

(VI.)

21.—The sixth and seventh articles of the convention concluded between the resident and the Dutch commissioners, dated the 24th March, relate to questions on which they have been referred to the final decision of the superior British and Netherland authorities. It is incumbent on me to afford such information as may
be

be necessary for the guidance of the judgment of his Excellency the Governor General in council.

22.—According to immemorial custom, the parks at Banda have, until the late prohibition of the trade in slaves, been cultivated almost exclusively by the labour of persons of that description. In the earlier periods of the Dutch government, the parks, together with the slaves employed on them, were, I believe, considered to be the private property of the Parkineers; who, in consequence of the distress produced by the hurricane which took place in 1778, were under the necessity of incurring debts, which on condition of the absolute surrender of the parks, with their appendages, the government contracted an engagement to discharge. This arrangement is however supposed to have been in a great measure compulsory on the part of government, which, aiming at the possession of more exclusive and absolute control over the management of the parks, than was compatible with the existence of independent private rights in the proprietors, seized the favourable opportunity of accomplishing an object which had long been in its contemplation.

23.—In this situation the parks at Banda were found, at the period of the conquest of that island by the English forces in the year 1796, and the Dutch commissioners who, after the peace of Amiens, were appointed to resume possession of the Moluccas in 1803, engaged to purchase from the British government all the slaves employed in the cultivation of the parks, at the price of 25 rix dollars for each slave.

24.—No alteration in the state of property then existing, appears to have been introduced until the year 1809, when the new regulations first promulgated towards the conclusion of that year, by Marshal Daendals, reinstated, according to the commissioner's interpretation of them, the parkineers at Banda, in the full possession of their former rights.

25.—The copy of a correct translation of those regulations is enclosed in this letter, and as it may contribute to assist the judgment of government in determining the question, I have also thought it proper to transmit the accompanying extract from a report to the Batavian government, drawn up by the governor of Banda, in the year 1806, which from the great similarity between them, formed, it is probable, the basis of the regulations afterwards enforced by Marshal Daendals.

(VII.)

(VIII.)

26.—It is manifest, that only a conditional right of property is communicated by those regulations to the parkineers, whose tenure is not only destitute of many of the characteristics which ascertain and distinguish private property, but even in the cases in which it seems to approach most nearly to the privileges of that condition, it is yet controlled and limited by so many circumstances of dependence and restraint, which do not coincide with such a supposition.

27.—The seventh clause which comprehends, under the description of articles provided by government, the slaves employed in the cultivation of the parks, and as such prohibits them from being either pawned or mortgaged, or considered liable to seizure for the benefit of creditors, appears to me to be still more obviously inconsistent with the opinion entertained by the commissioners, and to render it still less probable that the alienation of the slaves in question could have been intended by the author, or that he viewed them in any other light than as a trust confided to the parkineers, with a view to a specific purpose, and for the due application and distribution of whose labour in the public service, he was held to be accountable.

28.—As far as the course of uniform practice at Banda can be admitted to exercise any degree of influence on the determination of this question, it may not be irrelevant to add, that a scrupulous distinction has been always rigidly and systematically enforced between the slaves denominated public, and those who were considered as belonging to the household of the parkineer; for the former of whom he was permitted to purchase rice from the public stores at the reduced price of 50 rix dollars per cayen, while he was compelled to pay at the rate of 75 or 100 for that furnished to the latter; and that instances have frequently occurred, in which a parkineer has been dispossessed of his park, either for inattention to the care and comfort of the public slaves, or for applying their labour to purposes different from those for which they were assigned to him.

36.—The second article of this convention contains an acknowledgment, on the part of the commissioners, of the number of slaves of all descriptions existing on the parks at Banda, and of the price which they engaged to pay for them, if the claim preferred in the sixth article of the convention, dated on the 24th of March, should be rejected. A list, exhibiting the names and number of the slaves in question, is inclosed in this letter.

(XII.)

Bengal Papers:
State of Slavery
in Company's
Territories.

N° 61.

VI.—Articles of agreement concluded between William Byam Martin, Esq. duly empowered by his Excellency the Governor General in council of British India, and the Honourable N. Englehardt, and J. A. Van Middelkoop, Esq. duly empowered by their Excellencies the Commissioners General, on the part of His Majesty the King of the United Netherlands, for resuming the “possession of the Moluccas.”

Article 6th.—The commissioners, on the part of his Majesty the King of the Netherlands, having objected on the ground of the regulations introduced by Marshal Daendals, to the purchase, at an equitable valuation, of the slaves employed in the cultivation of the parks at Banda, whom, according to their construction of the regulations, they consider to be private property; this question shall be referred to the future consideration and decision of the superior British and Dutch authorities in Java, Bengal, and Europe.

N° 62.

VII.—Instructions framed by the Dutch government, under date the twenty-second day of November 1809, to the parkineers of Banda, declaratory of their rights to, and the conditions under which they were confirmed in, the possession of their Parks.

Article 1st.—Every parkineer, provided he conforms to the conditions imposed by these instructions, shall for himself, as well as for his posterity, have the permanent and hereditary use of his present park grounds, with the right to undertake the culture of spices, together with the profits obtained therefrom.

Article 2d.—A parkineer shall, with the previous knowledge and sanction of the resident, erect the house and buildings for the accommodation of himself and his family within the park at his own expense; and in the event of forfeiture of his park, his successor shall pay to him a proper valuation for them.

Article 3d.—A parkineer may at his pleasure, bequeath in his last will, or by deed during life, he may sell, let, give and transfer his aforesaid right to the park's use, under penalty however of the nullity of such deed, when the person to whom he may transfer his right should be judged by the resident and the superintendent of spices, unfit for the management of the park.

Article 4th.—If it be allowed by the resident and the superintendent of spices, the transfer of the park may take effect, if another person to whom the management of the park can be with safety entrusted, be appointed thereto.

Article 5th.—This indulgence shall be granted when a park's use, by last will or by descent, may come to an aged widow or a minor, and such assistance becomes necessary.

Article 6th.—In general, if by deed during life, by last will or by descent, the park's use should devolve on different persons, those persons to whom it may have been conjointly transferred or descended shall preserve an undivided use and management of the park, in order to prevent, by any means whatever, the division of a park by separation of the family.

Article 7th.—The parks shall not be mortgaged or pawned, either in whole or in part, by the parkineers, still less shall the produce of the soil, more especially the spices and the articles provided by government, as the park slaves, the tools, and other things requisite for the management of the parks, be subjected to seizure by the creditors of the parkineers.

Article 8th.—The parkineers shall receive payment for their deliveries of spices at the following rates, viz.

For deliveries from Neera Sullamut and the fore coast of Great Banda :			
First and middle-sized nutmegs	-	-	4 stivers per lb.
For mace	-	-	10 „
For deliveries from Pulo Ay, and the after land of Great Banda :			
First and middle-sized nutmegs	-	-	5 stivers per lb.
For mace	-	-	11 „
For the meagre nutmegs from all the parks	-	-	1½ „
For the broken nutmegs from all the parks	-	-	1 „

Article 9th.—Every parkineer shall, in rotation, as soon as possible, be furnished or completed by government with the full number of park slaves considered necessary for the management of each park.

Article 10th.—The necessary park buildings in every park shall be repaired or built in the first instance by government, with the exception of the private dwelling houses of the parkineer and his family.

Article 11-

Article 11th.—Each park slave shall be provided monthly with forty pounds of rice from the public stores, for which the parkineers shall pay in the proportion of fifty six dollars for a coyang of three thousand Dutch pounds.

Article 12th.—The parkineers will be permitted to receive from the public stores the quantity of rice requisite for themselves and families, on payment of 100 six dollars per coyang.

Article 13th.—Clothes shall likewise be furnished from the public stores at a moderate price, for clothing the park slaves, when such issues can be made.

Article 14th.—In consideration of the enjoyment of the rights and privileges above-mentioned, every parkineer shall be bound to deliver exclusively to the Company all the spices produced on his park, for payment at the established rates.

Article 15th.—A parkineer shall therefore not only himself refrain from any alienation of the spices, contrary to the stipulations abovementioned, but shall also be responsible, and according to the exigency of the case, shall be punished, if, owing to his carelessness or neglect, opportunities are given to his domestics, to the park slaves, or to strangers, to transgress the established orders.

Article 16th.—In order to guard as effectually as possible against any infringement, the parkineers shall not allow strangers nor persons not belonging to their parks to walk or ramble about them; but on discovery of any persons so doing, they shall detain them, and deliver them over to the superintendent of spices.

Article 17th.—For a similar reason they shall not permit any person, not belonging to the park, to reside within its limits.

Article 18th.—They shall also in common, but particularly the parkineer of Comber, never suffer boats or boats crews to remain near the parks, or by the watering-place at Comber, longer than is absolutely necessary, still less to abide by night; but they shall be accountable if, without loss of time, they do not give information thereof to the superintendent of spices.

Article 19th.—The parkineers shall not make any spice-oils or banda, soap so called, and are moreover forbidden to make canary oil, without in the first instance giving notice to, and obtaining the permission of, the resident and the superintendent of spices.

Article 20th.—The parkineers shall not only be bound to deliver all the spice produce exclusively to the Company, but shall be obliged, by diligence, care and attention to the culture of the spices, to bring them to the greatest perfection, and produce the largest quantity possible.

Article 21st.—Towards the attainment of the objects abovementioned, the parkineers, in so far as regards the general management and cultivation of their parks, shall obey all orders delivered to them by the resident, the superintendent of spices, and other officers who in their respective qualities are entitled to convey them; and the parkineers shall in their conduct conform precisely to such orders, and to those herein provided.

Article 22d.—The parkineers shall, as much as possible, superintend personally the management of their park concerns, and with this view they shall reside permanently within their parks, taking care whenever they have occasion to absent themselves therefrom on any urgent private business or other sufficient reason, to produce a fit person to be approved by the resident and the superintendent of spices, to take charge of the park in the mean time.

Article 23d.—In conformity with Article 14th, and the obligations required of them, the parkineers shall keep the park buildings, smoaking-house, slave-houses, and cisterns in the same state as they have been made by government. They shall keep up the number of park slaves and park tools as furnished by government according to their inventories; all deceased slaves and those deserted who may not be recovered, shall be replaced by substitutes of the same race, above fifteen and under forty years of age, without bodily defect or infirmity, under penalty, in the event of such substitutes not being accepted, that they shall be supplied at a proper valuation by the superintendent of spices.

Article 24th.—To secure the observance of the above article, a report shall be immediately made of any deceased or deserted slave to the superintendent of spices or his assistant, as likewise of the convicts and those in chains allotted to the parks, that a deficiency thereof may be supplied by government.

Article 25th.—The parkineers shall never permit the park slaves to be absent from the park, nor shall the park slaves, with or without payment, be employed on any private or domestic duties, still less shall they be exchanged, pawned, or sold.

Article 26th.—The parkineers shall not dispose of the rice and clothes which they receive from the public stores for the use of their park slaves to any other purposes than those for which they were drawn, and they shall in every respect treat the park slaves in a proper manner.

Article 27th.—Towards the improvement of the spice plantation, care must be taken to keep the parks free of fruit and weeds; that the trees are preserved clear of creepers and bird's-dung, of ants-nests, and other impurities which obstruct the growth and impair the fertility of the trees.

Article 28th.—During the raining seasons, young nutmeg plants shall be planted in the vacant spots at the least two feet long, and from sixteen to twenty-four feet asunder, the poles for which shall be dug during the dry season.

Article 29th.—The old and barren nutmeg trees shall be cut down, and such as by standing too close together prevent the necessary and salutary circulation of the air shall be thinned, with the previous knowledge and direction of the superintendent of spices.

Article 30th.—With the concurrence of the superintendent of spices, the parkineers shall plant sheltering trees where they may be required to protect the nutmeg trees against strong winds, storms, and extreme aridity.

Article 31st.—In order that the fruit may be collected in a proper manner, the ground under the nutmeg trees shall be kept perfectly clean, so that the fruit which falls may be readily seen, and not suffered to remain until it be spoiled.

Article 32d.—With the same view the parkineers shall daily allot the necessary number of park slaves to range the park, and to collect the ripe fruit; and during the harvest time, at the least two-thirds of the park slaves shall be so employed.

Article 33d.—The parkineers shall be careful that the fallen fruit is picked up once in 24 hours and brought to the house, and not less cautious that the fruit thus collected is not mixed with the ripe fruit, but that it be delivered separately to the Company.

Article 34th.—The mace of the unripe fruit which may fall from the tree shall only be received. The nutmegs shall not be smoked, but kept in a separate place to be shown to the superintendent of spices, and afterwards burnt.

Article 35th.—The parkineers shall be particularly careful that the slaves do not shake the trees, whereby the ripe as well as the unripe fruit is made to fall; but the fruit is as much as possible to be picked off the trees, and not before the outer peel has of itself opened or cracked.

Article 36th.—In smoking the nutmegs, the parkineers shall be careful that they are not placed too thick on the platform, that they are burned at the least three times a week; and that the fire under the smoking platform be never entirely quenched, but a continual smoke kept up.

Article 37th.—The nutmeg-house on each park shall have seven divisions, each partition to be allotted for the nutmegs of one month in succession, and the daily collections of one month shall be placed on the division of the platform for such month.

Article 38th.—The mace shall be delivered clean and dry, free from dirt or dust, and unadulterated by leaves or any impurity whatever.

Article 39th.—Whenever the parkineers shall neglect any of their duties above laid down, the offender shall be punished, not only by forfeiture of the park, but arbitrarily according to the circumstances of the case.

(N° VIII.)—Extract of a Letter from the Resident at Banda, containing the transcript of a Report to the Batavia Government, drawn up in the year 1806, by Mr. Henkervlucht, the Dutch Governor of Banda.

Mr. Henkervlucht proceeds to lay down the regulations he proposes to be established therein; he has reference to his fifth head of consideration.

1st.—“ The Company shall be considered the sovereign of all the parks.

2d.—“ The parkineers shall be allowed a conditional right to their parks and the buildings thereon.

3d.—“ The spices shall be delivered exclusively to the Company, and any parkineers failing in this duty, shall forfeit his park.

4th.—“ The Company shall pay a fixed and proper price for deliveries thus made.

5th.—“ The parks shall be appraised, and seven per cent paid on their value previous to the conveyance of the parks to the parkineers.

6th.—“ The

6th.—“ The parks shall not be sold or transferred without the permission of government, and five per cent shall be paid on every sale and transfer ; but if the park be bequeathed in the last will and testament of a parkineer, nothing shall be paid by the person succeeding in virtue thereof.

7th.—“ Ten per cent shall be deducted from the amount of deliveries as rent to the Company as sovereign proprietor of the parks.

8th.—“ The parkineers shall be placed under the orders of government and the court of policy, and shall obey all orders given to them.

9th.—“ The parkineers shall be obliged to reside on their parks ; on disobedience of orders to forfeit their parks, and to be sent to Batavia.

10th.—“ The parkineers, as burghers, shall be obliged to conform to all requisitions, and to obey all orders given by government.

11th.—“ The parkineers shall bind themselves to obey all orders they may receive from the Company regarding the deliveries of spices.

12th.—“ The number of park slaves shall be kept complete, those that die or desert to be replaced by others from fifteen to forty years of age ; when a deficiency of five slaves shall occur on any park, the parkineer to be subject to *parate* of execution to make good the same.

Original.

13th.—“ The parkineers shall obey all these instructions, or be liable to the penalties contained in Article 9.

14th.—“ The parkineers shall not mortgage their parks, which they will be permitted to sell for ready money only.

15th.—“ A parkineer desirous of leave of absence to carry on trade, shall find a person, approved by government, to superintend his park during his absence.

16th.—“ A parkineer wishing to bequeath the park to his child who may be a minor, shall produce a person, approved by government, to take charge of the park during the minority of the child.”

(A true extract.)

(signed) *W. B. Martin*, late Resident.

(N° IX.)—Extract of Articles of Agreement concluded between William Byam Martin, Esq. on the part of the British Government in India, and the Honourable N. Engelhardt and J. A. Van Middelkoof, Esqrs. on the part of the Commissioner General of H. M. the King of the United Netherlands, for reserving the possession of the Moluccas, the 20th May 1817.

Article 2d.—The commissioners on the part of his Majesty the King of the Netherlands, acknowledge to have received 1,567 slaves of all descriptions, being the number actually employed in the cultivation of the parks at Banda, and in the event of the rejection of the claim preferred to them by the 6th article of the convention, dated 24th March, the commissioners engage to pay at the rate of twenty-five rix dollars for each slave.

N° 64.

(N° XII.)

LIST of PUBLIC SLAVES attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*; also of those in the Slave Quarter.

N°	NAMES.	Age.	Height.		REMARKS.	N°	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
87.	Slaves attached to the Quarter.						Slaves attached to the several Parks.				
	MEN.						MEN.				
	January						Sag - - -	42	-	-	
	Tamal						Ama - - -	48	-	-	
	Ameles						Augustus - -	27	-	-	
	Kamis						Alie - - -	23	-	-	
5	Mye					5	Maanday - -	22	-	-	
	Luwang						Ricka - - -	28	-	-	
	Balie						Blanga - - -	33	-	-	
	Wago						Hercules - -	19	-	-	
	Doosa						Djomat - - -	31	-	-	
10	Basta					10	Batgo - - -	37	-	-	
	Arontos						Marcus - - -	50	5	2	
	Antonie						David - - -	32	5	6	
	Moo						Cornelis - -	20	5	3	
	Sora Kora						Larray - - -	47	5	1	
15	Koodock					15	Kombotie - -	30	5	5	
	Basoe						Jop - - -	37	5	2	
	Tonda						Ker - - -	42	5	-	
	Diema						Spadillee - -	47	5	-	
	Boliling						Noytgedaght -	32	5	3	
20	Adonis					20	Peperava - -	32	5	3	
							Vayday - - -	37	5	1	
							February - -	52	5	2	
20	Men, Total.						Cordon - - -	42	4	11	
							Maanday - -	28	5	2	
	WOMEN.					25	Ratserrille -	24	5	5	
	Rakieba						Booany - - -	50	5	5	
	Memelay						Poressa - - -	19	5	1	
	Patjar						Ambago - - -	21	5	5	
	Saima						Raromie - - -	27	5	4	
5	Rarria					30	Poename - - -	27	5	7	
	Meetang						Hadjee - - -	21	5	4	
	Wanoë						Sanadjuga - -	16	5	-	
	Beena						Tenembar - -	-	-	-	
	Toemila						Teelang Agany -	14	-	-	
10	Saira					35	Hodja - - -	13	-	-	
	Ternatie						Ceram - - -	32	5	2	
	Senkiet						Peter - - -	52	5	-	
							Katjul - - -	34	5	-	
12	Women, Total.					40	Robilay - - -	32	5	-	
	CHILDREN.						Makiday - - -	47	5	3	
	Baba, male						Benouko - - -	52	4	10	
	Oejoep "						Dorias - - -	24	5	2	
	Sapie "						Nato - - -	30	5	2	
	Arral "						Dop - - -	47	5	1	
5	Mveiding "					45	Boctong - - -	32	5	2	
	Ampie "						Saptoe - - -	20	5	2	
	Gariding "						Kasing - - -	27	5	1	
	Moeloth "						Labang - - -	32	4	11	
	Roesa "						Mooa - - -	24	5	2	
10	Mariepie, female					50	Boosook - - -	18	5	-	
	Manie "						Djomadeen - -	21	5	1	
	Mariena "						Spadilgie - -	24	5	5	
	Raiema "						Talibabo - - -	13	-	-	
	Boenga "						Augustus - -	47	5	-	
							Eende - - -	37	5	1	
14	Children, Total.					55	June - - -	36	4	11	
							Barontong - -	27	4	10	
							Sabour - - -	46	5	1	
							Roboe - - -	12	-	-	
							Hootor - - -	38	5	-	

Confiscated to the Government 25th March 1813, from Taur Taknio.

Deserted 20th October 1816.

(N^o XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda, and Pulo-Ay*—continued.

N ^o	NAMES.	Age.	Height.		REMARKS.	N ^o	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	MEN.						MEN.				
60	Hoesia - - -	39	5	-			Corjumoe - - -	14	-	-	
	January - - -	25	5	6			Ranta - - -	42	5	7	
	Saptoe - - -	32	5	-			Zelamaka - - -	42	5	-	
	Barolie - - -	28	5	3			Naglikir - - -	21	5	-	
	Boskagie - - -	57	5	6		130	Mingo - - -	38	5	2	
65	Tamatie - - -	42	5	2			Neroe - - -	22	5	1	
	Jan - - -	45	5	5			February - - -	32	4	10	
	Passentie - - -	42	5	1			Rotterdam - - -	35	5	3	
	Jonas - - -	42	5	$\frac{1}{2}$			Tober - - -	43	4	8	
	Augustus - - -	47	5	3		135	Outong - - -	47	4	11	
70	Lapadova - - -	42	5	3			Sondag - - -	35	5	1	
	Isak - - -	37	5	7			Valentine - - -	29	5	-	
	Batang Yagang - - -	28	5	2			Ambrosius - - -	31	5	3	
	Bagonie - - -	20	4	11			Salandar - - -	12	-	-	
	Schenkajee - - -	30	4	10		140	Batjo - - -	32	5	1	
75	Salassa Ketyel - - -	27	5	2			Djoemat - - -	28	5	1	
	Boetong - - -	42	4	7			Ephraim - - -	28	5	$7\frac{1}{2}$	
	Salassa Bazar - - -	42	5	8			Apoolo - - -	28	4	$11\frac{1}{2}$	
	Mingo - - -	47	5	$\frac{1}{2}$			Salassa - - -	32	5	4	
	Mundiangi - - -	32	5	-		145	Saptoe - - -	35	5	1	
30	Sartatoe - - -	52	5	4			Mandag - - -	26	5	2	
	Kintgang - - -	29	5	5			Silver - - -	24	5	-	
	Simbar - - -	39	5	2			Salassa 2d - - -	30	5	1	
	Castor - - -	42	5	1			Robyn - - -	20	4	5	
	Mundguirgat - - -	30	5	6		150	Loy - - -	37	5	3	
85	Baby - - -	32	5	5			Tanbaroe - - -	51	5	2	
	Maurr - - -	42	5	3			Camies - - -	22	5	1	
	Fortuyn - - -	18	4	8			Kabool - - -	37	5	1	
	Penie - - -	28	5	4			Maanday - - -	45	5	1	
	Mandaliea - - -	37	5	-		155	Papua - - -	14	-	-	
90	Sakno - - -	$22\frac{1}{2}$	5	2			Karralie - - -	32	-	-	
	Pakkay - - -	$20\frac{1}{2}$	5	1			Boegies - - -	31	4	10	
	Harlgnen - - -	$21\frac{1}{2}$	5	1			Datang - - -	43	5	2	
	Bentocra - - -	16	-	-			Tober - - -	37	5	-	
	Maunday - - -	72	4	10		160	Dapar - - -	27	4	9	
95	Mars - - -	22	5	-			Onvernaght - - -	39	5	4	
	Mentor - - -	17	4	9			Warrer - - -	52	5	3	
	Marcus - - -	32	4	11			Likie - - -	36	5	5	
	Hercules - - -	22	5	8			Bayonie - - -	47	5	-	
	Barnaba - - -	41	4	11		165	Tookoer - - -	37	4	11	
100	Florinias - - -	40	5	3			Saptor - - -	37	4	11	
	Elkana - - -	42	5	2			Mareman - - -	41	5	3	
	Boas - - -	30	5	4			Annibal - - -	20	4	10	
	Debet - - -	24	5	2			Tekoas - - -	29	5	-	
	Naftatie - - -	27	5	4		170	Saleman - - -	47	5	2	
105	Dings Oag - - -	23	5	1			Malovang - - -	42	5	2	
	Tedorie - - -	30	5	-			Spadilie - - -	29	5	1	
	Simon - - -	43	5	-			Yabool - - -	25	5	2	
	Talnassa Timon - - -	19	4	11			Maart - - -	36	5	4	
110	Darius - - -	55	5	1			Sehipie - - -	40	5	2	
	Miguel - - -	32	5	2		175	Anthony - - -	51	5	1	
	Abner - - -	23	5	3			Onvernaght 2d - - -	40	5	4	
	Menassi - - -	24	5	-			Friday - - -	32	-	-	
	Berkat - - -	37	4	11			Tilikora - - -	27	5	6	
	Soikalay - - -	42	5	5		180	Hercules - - -	32	5	5	
115	Bias - - -	17	4	10			Layalla - - -	42	5	4	
	Marcerius - - -	37	4	8			Anthony Kitchell - - -	-	-	-	
	Resie - - -	33	5	-			Juny - - -	28	5	$2\frac{1}{2}$	
	Misrat - - -	52	5	2			Maurr - - -	49	5	6	
	Hoopie - - -	15	-	-		185	Koepan Pera - - -	36	5	-	
120	Boeting - - -	25	5	3			Anibal - - -	50	5	$2\frac{1}{2}$	
	Roleyn - - -	23	5	2			Kassoole or Kassane - - -	48	5	6	
	Sondag - - -	26	4	11			Damon - - -	36	5	1	
	December - - -	27	5	-			Soba - - -	32	5	2	
	Martius - - -	20	4	10		190	Zacharias - - -	42	5	-	
125	Augustus - - -	37	5	2			Djoemat - - -	43	5	1	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°.	NAMES.	Age.	Height.		REMARKS.	N°.	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	MEN.						MEN.				
195	Kamees - - -	30	5	2		260	Dingsday - - -	38	5	5	
	Pratoo - - -	19	4	5 $\frac{1}{2}$			Sunday - - -	32	5	3	
	Anthony - - -	41	5	1 $\frac{1}{2}$			Primo - - -	22	-	-	
	Batjoo - - -	30	5	4			Lasega - - -	26	5	2 $\frac{1}{2}$	
	Lamama - - -	32	5	5			Kiambang - - -	43	-	-	
	Manger - - -	32	5	7			Sanal - - -	37	-	-	
	Tamocloe - - -	42	5	1		265	January - - -	17	-	-	
	Pattie - - -	22	5	4			Manilla - - -	24	5	3	
200	Antony - - -	24	5	-			Hector - - -	41	4	11	
	Talive - - -	23	5	1			Robilay - - -	50	4	11	
	Djomat - - -	37	5	2			Welkom - - -	24	4	10	
	Ambrosius - - -	47	5	1			Snaphaan - - -	32	5	4	
	Coolo - - -	42	5	2		270	Benko - - -	33	5	6	
205	Maandag - - -	25	5	2			Labasso - - -	50	5	5	
	Aloe - - -	42	5	3			Panay - - -	23	5	8	
	Randjong - - -	37	5	5			Overnacht - - -	17	4	8	
	Busta - - -	32	4	11			Laay - - -	43	5	4	
	Saptoe - - -	47	5	-		275	Sluomat - - -	17	-	-	
210	Koelie - - -	37	5	-			Marra - - -	13	-	-	
	Ponto - - -	27	4	11			Dorias - - -	28	5	2	
	Gedult - - -	37	5	3			Malacca - - -	36	5	2	
	Augustus - - -	27	5	2			Eerleck - - -	29	5	3	
	Moraffa - - -	52	5	7		280	Kapala Batoo - - -	18	4	6	
215	Timlo - - -	34	5	1			Maart - - -	38	5	1	
	Kandorra - - -	32	5	2			Ismael - - -	-	-	-	
	Battoe - - -	33	5	5			Angola - - -	12	-	-	
	Lakolor - - -	52	5	5			Ijangbang - - -	40	5	1	
	Tadjee - - -	37	5	4		285	Wellekom - - -	27	5	5	
220	Camees - - -	37	5	4			May - - -	42	4	10	
	David - - -	42	5	6			Pasentie - - -	22	5	2	
	Ekie (liper) - - -	-	-	-			Labassoe - - -	24	5	-	
	Pongayr - - -	15	4	3			Mathews - - -	45	5	-	
	Fortnyn - - -	27	5	5		290	Goliath - - -	16	4	4	
225	Wilkom - - -	26	5	6			Maniellie - - -	14	-	-	
	January - - -	27	5	4			Patoetoe - - -	38	5	2	
	Maanday - - -	19	4	8			Maandag - - -	32	5	3	
	Laconissu - - -	20	5	2			Missere - - -	72	5	4	
	Lakena - - -	15	-	-		295	Lassie - - -	26	4	-	
230	Bayonie - - -	13	5	2			Sieding - - -	28	5	4	
	Valentyn - - -	52	5	3 $\frac{1}{2}$			Lafleur - - -	47	5	5	
	Lackaday - - -	30	5	5			April - - -	67	5	2	
	Bermoolah - - -	37	5	6			Ontang - - -	27	5	4	
	[The name omitted in the original.]					300	Salassa - - -	27	5	2	
235	Sovey - - -	27	5	3			Saptoe - - -	28	5	5	
	Hector - - -	42	5	5 $\frac{1}{2}$			Maart - - -	42	5	3	
	Robo - - -	37	5	3			Hercules - - -	27	5	3	
	Beem - - -	47	4	11		305	Mercurius - - -	37	5	2	
	Basta - - -	35	5	3			Djoemat - - -	27	5	4	
240	Paris - - -	38	5	5			Laliasso - - -	42	5	2	
	Taykoeda - - -	28	5	5			Sauket - - -	50	5	1	
	Neptinus - - -	32	5	7			Spook - - -	32	5	6	
	Uridag - - -	29	5	3			Oemar - - -	26	5	1	
	Lay - - -	52	4	10		310	Yamar - - -	37	5	2	
245	Oentong - - -	34	5	3 $\frac{1}{2}$			Fortnyn - - -	52	5	9	
	Toptoe - - -	22	5	2 $\frac{1}{2}$			Killirussang - - -	37	5	4	
	Cain Belak - - -	13	-	-			Ibrahim - - -	50	5	1 $\frac{1}{2}$	
	Mingo - - -	13	-	-			Katinro - - -	16	4	8	
	Karazie - - -	30	5	7		315	September - - -	62	4	10	
250	Saturday - - -	31	5	1			Datong - - -	17	4	3	
	Maart - - -	30	5	2			Jupiter - - -	28	5	3	
	Felix - - -	31	5	4			Cæsar - - -	27	5	1	
	Laudo - - -	24	5	6			Serber - - -	28	5	6	
	Orson - - -	50	5	-		320	Taypara - - -	18	4	9	
255	Orontos - - -	32	5	-			Onvernaught - - -	26	5	1 $\frac{1}{2}$	
	Ponto - - -	20	5	2			Tikoes - - -	30	5	5	
	January - - -	34	5	6			Avanture - - -	34	5	5	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda, and Pulo-Ay*—continued.

N ^o .	NAMES.	Age.	Height.		REMARKS.	N ^o .	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	MEN.						MEN.				
325	Samarong - - -	19	4	10		390	Palamedas - - -	30	5	2	
	Basta - - -	28	5	3			Baerony - - -	43	5	3	
	Abdul - - -	28	-	-			Mingo - - -	19	5	-	
	Toboor - - -	53	5	1			Sactie - - -	27	5	1	
	Plato - - -	29	5	2 $\frac{1}{2}$			Daniel - - -	13	-	-	
	January - - -	51	5	3		395	Bess - - -	27	5	1	
330	Ponto - - -	28	5	2			Aboel - - -	37	5	-	
	Primo - - -	43	5	1			Mingo - - -	16	4	3	
	Cardoes - - -	42	5	5			Soobah - - -	22	4	11	
	Camees - - -	39	5	7			Manor - - -	18	-	-	
	Paunsie - - -	33	5	-		400	November - - -	40	5	-	
335	Keys - - -	17	4	10			Rabo - - -	32	5	3	
	Katjong - - -	62	5	5			February - - -	30	5	1	
	Badjie - - -	42	5	4			Ambrocious - - -	52	5	-	
	Lomps - - -	41	5	2			Mangirai - - -	34	5	4	
	Koko - - -	32	4	11		405	Salassa Papooa - - -	12	4	10	
340	Magors - - -	34	5	3			Salamat - - -	17	4	7	
	Baroe - - -	37	5	3 $\frac{1}{2}$			Karrah - - -	52	5	2	
	Diompe - - -	23	4	9			Sondag - - -	27	5	1	
	Konerrer - - -	47	5	1			Fortnyn - - -	25	5	2	
	Salelie - - -	37	4	11 $\frac{1}{2}$		410	Robbo - - -	28	5	4	
345	Amoos - - -	34	5	3			Sineng - - -	38	5	2	
	Menander - - -	32	5	1 $\frac{1}{2}$			Kasiany - - -	25	5	- $\frac{1}{2}$	
	May - - -	38	5	5			Makanty - - -	32	5	1	
	Acontas - - -	38	5	7			Batjee - - -	29	5	6	
	Laokie - - -	-	-	-		415	Palie - - -	22	5	3	
350	Maat - - -	15	4	5 $\frac{1}{2}$			Labosse - - -	29	5	3	
	Jupiter - - -	27	5	2			Mangary - - -	32	5	3	
	Berkat - - -	32	5	4			Gombo - - -	32	5	4	
	Saptoe - - -	32	5	3 $\frac{1}{2}$			Nortgedaght - - -	19	4	10	
	Dalie - - -	36	5	1		420	Mamlie - - -	19	5	1	
355	Djoemat - - -	32	5	- $\frac{1}{2}$			Toypoos - - -	26	5	-	
	Sampie - - -	37	5	3			Coolie - - -	17	-	-	
	Djiengooloe - - -	57	5	5			Silassa - - -	14	-	-	
	Kandatie - - -	42	5	-		425	Seneng - - -	46	5	3	
360	Sondag - - -	22	5	-			Rotalla - - -	29	5	2	
	Poelay - - -	40	5	3			Pombo - - -	24	5	2	
	Permay - - -	34	5	-			Cæsar - - -	27	5	3 $\frac{1}{2}$	
	Daengoh - - -	32	5	3			Elias - - -	44	5	1	
	Tekoes - - -	19	4	5			Rabo - - -	35	5	4	
365	Sanheet - - -	53	5	6		430	Cordon - - -	51	5	4	
	Anthonie - - -	27	5	1			Godult - - -	37	5	2	
	Sondag - - -	-	-	-			Cloas - - -	26	5	6	
	Prims - - -	42	5	4			Maros - - -	32	5	2	
	Ponto - - -	44	4	11		435	Tekoes - - -	30	5	4	
	Isaac - - -	48	5	-			Tosmat - - -	41	5	- $\frac{1}{2}$	
370	Gedult - - -	42	5	6			Tobias - - -	34	5	2 $\frac{1}{2}$	
	Gardoes - - -	30	4	9			Doorias - - -	28	5	4	
	Kema - - -	31	5	1			Louis - - -	27	5	4	
	Datang - - -	32	4	9			Fortnyn - - -	25	5	-	
	Mey - - -	46	5	- $\frac{1}{8}$			Aboo Lama - - -	39	5	3	Died.
375	Papooa - - -	50	4	11		440	Damon - - -	49	5	5	
	Slamat - - -	32	5	3			Robotimor - - -	42	5	2	
	Ceram - - -	32	5	2			Taykoida - - -	20	-	-	
	Ankoolie - - -	31	5	5			Plato - - -	15	-	-	
	Mamlyce - - -	30	5	2 $\frac{1}{8}$			Moses - - -	37	5	-	
380	January - - -	30	5	3		445	Djoemat Banda - - -	32	5	4	{ Removed to Quarter 1815.
	Marcus - - -	42	5	3			Augustus - - -	27	5	2	
	Junie - - -	24	4	11			Djoemat Tiemor - - -	32	5	1	
	Lay - - -	32	5	2			Nortgedaght - - -	28	4	9	
385	Kodja - - -	57	5	7			Randah - - -	-	-	-	
	Hercules - - -	35	5	3			Rasie - - -	38	5	6	
	Endie - - -	28	5	2		450	Seco - - -	30	5	4	
	September - - -	27	5	1			Philip - - -	35	5	2	
	David - - -	27	5	9			Dingsdag - - -	33	5	3	
	Goliah - - -	27	-	-			January - - -	36	5	5	Died.

(continued.)

(N^o XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N ^o	NAMES.	Age.	Height.		REMARKS.	N ^o	NAMES.	Age.	Height.		REMARKS.
			Fect.	Inches.					Fect.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	MEN.						MEN.				
	Basta - - -	27	5	1			Mentjarie - - -	32	5	2	
	November - - -	40	5	4			Mercurius - - -	30	5	-	
455	Maanday - - -	32	5	3		520	Sextus - - -	30	5	4	
	Djomat - - -	28	5	6			Darius - - -	47	5	2	
	Joseph - - -	26	5	1			Bessie - - -	17	-	-	
	Barollee - - -	35	-	-	Died.		Salvinus - - -	44	5	3	
	Mey - - -	24	5	3			Vinkel - - -	42	5	3	
	Radja - - -	29	5	2		525	Manak - - -	34	5	4	
460	Bermoola - - -	32	5	2			Janis - - -	32	5	2	
	Rataba - - -	28	5	4			Malthis - - -	47	5	3	
	Nanka - - -	37	5	1			Adiem - - -	40	5	2	
	Raydag - - -	23	4	11			Abraham - - -	34	5	2	
	Sehenkags - - -	42	5	2		530	Roesa - - -	42	5	2	
465	Trommo - - -	52	5	2			Pasquil - - -	29	5	2	
	Cardoes - - -	52	5	3			Urbanus - - -	37	5	-	
	Lakesie - - -	57	5	-			Dingsday - - -	37	5	4	
	Peguin - - -	27	5	-			Hector - - -	32	4	11	
	Robo - - -	52	5	2		535	Ratoe - - -	30	5	2	
470	Camels - - -	20	4	11			Trivie - - -	31	5	4	
	Alie - - -	37	5	4			Lakoe - - -	32	5	6	
	Robo Kitjeel - - -	20	5	1			Augustus - - -	37	4	11	
	Sondag - - -	27	5	5			Gaurr - - -	47	-	-	
	Mangeray - - -	37	5	2		540	Barole - - -	47	5	3	
475	Wongso - - -	28	4	8			Benonko - - -	30	5	3	
	David - - -	27	5	1			Maanday - - -	36	5	1	
	Thomas - - -	13	-	-			Bergona - - -	27	5	4	
	Sabitoe - - -	28	5	4			Salep - - -	29	5	3	
	Boetong - - -	32	5	5		545	Ooy - - -	34	5	2	
480	Spadiloe - - -	47	5	3			Busoecka - - -	36	5	2 $\frac{1}{2}$	
	Blananpintoe - - -	32	5	5			Laurers - - -	32	5	5	
	Laroc - - -	52	5	2			Effrinus - - -	24	5	4	
	Soesa - - -	47	5	3			Hercules - - -	18	4	10	
	Taytak - - -	28	5	5		550	Sineng - - -	17	4	6	
485	Bermocla - - -	28	5	3			Toekam - - -	18	4	10	
	January - - -	56	4	10			Philander - - -	17	4	8	
	Gadong - - -	12	-	-			Maloedin - - -	16	4	5	
	Castor - - -	32	4	10			Engelsman - - -	16	4	5	
	Zondag - - -	34	5	2		555	Telamachen - - -	18	5	-	
490	Patty - - -	27	5	4			Mingo - - -	13	-	-	
	Samarang - - -	30	5	6			Lapa Dooa - - -	13	-	-	
	Patjoe - - -	32	5	2			May - - -	37	5	6	
	Labassoe - - -	32	5	4			Berket - - -	42	5	4	
	Batjoc - - -	32	5	3		560	Palalisa - - -	37	5	4	
495	Basta - - -	32	5	1			Dollat - - -	32	5	1	
	Pegoe - - -	30	5	-			Bellie - - -	32	5	1	
	Maurr - - -	52	5	2			Poedie - - -	31	5	1	
	Potiphur - - -	12	-	-			Pena - - -	-	-	-	
	Voydag - - -	27	5	2		565	Castor - - -	31	5	4	
500	Tomies - - -	26	5	1			Orie - - -	23	5	4	
	Saptoe - - -	23	5	2			Java - - -	33	5	5	
	Mentor - - -	20	4	6			Batjee - - -	30	5	1	
	Tau Sapo - - -	17	4	6			Maandag - - -	42	5	1	
	Namasso - - -	17	4	5		570	Sebing - - -	47	5	6	
505	Augustus - - -	37	4	11			Maros - - -	37	5	10	
	September - - -	32	5	4			Barole - - -	28	5	3	
	Rongo - - -	28	4	11			Hector - - -	35	5	-	
	Boctony - - -	16	4	5			Toko - - -	37	5	3	
	Adonis - - -	57	5	1		575	Manilie - - -	37	5	1	
510	Mingo - - -	30	5	3			Monoeka - - -	35	5	3	
	Augustus - - -	38	5	3			Banks - - -	30	5	2	
	Goliah - - -	30	5	4			Klongkong - - -	37	5	-	
	Rocekeah - - -	37	5	2			Sene - - -	28	5	1	
	Saturnes - - -	40	5	-		580	Senala - - -	29	5	7	
515	Kanties - - -	28	5	2			Sampa - - -	35	5	4	
	Apollo - - -	47	4	9			Robo - - -	34	5	4	
	Mentor - - -	37	5	6			Camees - - -	37	5	4	

(N^o XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda, and Pulo-Ay*—continued.

N ^o	NAMES.	Age.	Height.		REMARKS.	N ^o	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	MEN.						WOMEN.				
585	Djoemat - -	42	5	4			Diana - -	17	-	-	
	Lebilay - -	37	5	3			May - -	28	-	-	
	Oedpen - -	42	5	-			Tina - -	23	-	-	
	Damon - -	19	4	11			Moro - -	34	-	-	
	Kalo Bolier - -	18	4	10		5	Teylebik - -	15	-	-	
	Laboar - -	17	4	10			Dassie - -	38	-	-	
590	Mingo - -	42	5	6			Gandaria - -	50	-	-	
	Jonas - -	32	5	3			Nessa - -	38	-	-	
	Marens - -	31	5	2			Sauna - -	-	-	-	
	Steeman - -	28	5	5		10	Boosah - -	-	-	-	} Confiscated to the Government from F. Beyer.
	October - -	20	5	-			Clementina - -	22	4	10	
595	Parasia - -	36	5	3			Asia - -	42	4	11	
	Labassoe - -	27	5	2			Tomdjong - -	32	4	8	
	Spadille - -	20	5	1			Preassa - -	37	5	-	
	Behoe - -	31	5	2		15	Sato Doit - -	32	4	11	
	Juny - -	31	-	-			Rampie - -	37	4	8	
600	Byjewal - -	47	5	-			Maurras - -	22	4	9	
	Botta - -	42	5	8			Raun - -	50	4	9	
	Lebasso - -	32	5	3			Patre - -	37	4	11	
	Nootgetaght - -	32	5	4		20	Saranie - -	57	-	-	} Infirm.
	Moy Moy - -	39	5	2			Rebecca - -	26	4	10	
605	Siba - -	-	-	-			Pandag - -	24	5	1	
	Sapa - -	35	5	2			Mogtel - -	42	4	11	
	Bekie - -	32	5	1			Warra - -	42	4	9	
	Papooa - -	47	4	10		25	Saloekemi - -	42	4	10	
	Tapo - -	25	5	-			Eroe - -	26	4	10	
610	Manding - -	32	4	10			Clarinda - -	32	4	9	
	Pieties - -	22	5	2			Beema - -	27	4	9	
	April - -	34	5	1		30	Aliena - -	27	4	11	
	Robo - -	32	5	-			Tedonie - -	34	5	-	
	Outong - -	30	-	-			Beenie - -	37	5	2	
615	Cæsar - -	-	-	-			Aletta - -	42	4	9	
	Kayjo - -	-	-	-			Tandjong - -	38	4	11	
	Jambo - -	-	-	-		35	Champaka - -	34	4	9	
	Malayn - -	-	-	-			Cesla - -	27	4	10	
	Robbo - -	-	-	-			Poey - -	27	4	7	
620	Capido - -	-	-	-			Rosina - -	27	5	5	
	Sienna - -	-	-	-			Payom - -	27	5	1	
	Romakay - -	-	-	-		40	Boessoe - -	22	4	9	
	Columbo - -	-	-	-			Willie - -	20	4	11	
	Compies - -	-	-	-			Masasayau - -	13	-	-	
625	Malikie - -	-	-	-			Tytekoo - -	19	4	11	
	Talane - -	-	-	-			Papooa - -	16	4	9	
	Poca - -	-	-	-			Koé - -	30	4	6	
	Odo - -	41	5	-		45	Poé - -	-	-	-	
	Maurr - -	30	5	6			Amidja - -	18	-	-	
630	Liedya - -	24	5	2			Celiba - -	42	5	-	
	Saeena - -	37	5	4			Gaudaria - -	52	5	4	
	Jero - -	32	5	2		50	Wilhelmina - -	27	4	7	
	Miding - -	34	5	3			Ramrang - -	43	4	10	
	Saura - -	39	5	5			Terema - -	16	4	2	
635	Baga - -	35	5	6			Ijampaka - -	39	4	11	
	Jan - -	52	5	1			Banverdatang - -	36	4	9	
	Rokocmaurr - -	24	5	-			Rampie - -	40	5	1	
	Roy - -	24	5	5		55	Kalaminda - -	26	5	-	
	Madar - -	26	5	2			Julia - -	42	5	1	
640	Machat - -	31	5	1			Junor - -	47	4	8	
	Mokhte - -	26	5	4			Rosanira - -	32	5	1	
	Resie - -	12	-	-		60	Tanjong - -	37	4	9	
							Wellemyntje - -	47	5	1	
642	Men, Total.						Detie - -	32	5	-	
							Saima - -	40	5	-	
							Aurora - -	28	4	9	
						65	Silpa - -	30	4	8	
							Poafia - -	42	5	-	
							Kokie - -	32	5	-	

(N^o XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda, and Pulo-Ay*—continued.

N ^o	NAMES.	Age.	Height.		REMARKS.	N ^o	NAMES.	Age.	Height.		REMARKS.
			Fect.	Inches.					Fect.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	WOMEN.						WOMEN.				
	Triema - - - - -	42	5	1			Poylikia - - - - -	38	4	10	
	Tekoos - - - - -	42	4	10			Beloas - - - - -	31	5	3	
	Kavanga - - - - -	25	4	9			Rosina - - - - -	33	5	2	
70	Dalima - - - - -	41	4	9		135	Silpa - - - - -	29	5	2	
	Ijampaka - - - - -	42	5	-			Kasieman - - - - -	67	5	1	
	Africa - - - - -	-	-	-	Unfit.		Socka Hattie - - - - -	29	5	-	
	Stankie - - - - -	32	4	9 $\frac{1}{2}$			Piellie - - - - -	20	5	2	
	Boongu - - - - -	16	4	6 $\frac{1}{2}$			Falieda - - - - -	32	4	6	
75	Tameany - - - - -	37	5	2		140	Kokie - - - - -	20	5	-	
	Senitja - - - - -	42	4	8			Mocra - - - - -	26	4	7	
	Papeia - - - - -	16	-	-			Tredja - - - - -	35	4	10	
	Tanema or Kassie - - - - -	28	4	10			Poongoe - - - - -	38	4	6	
	Tameela - - - - -	25	-	-			Sonia - - - - -	58	4	7	
80	Piatooe - - - - -	28	4	9		145	Pandang - - - - -	22	4	7	
	Esther - - - - -	25	5	1			Lydia - - - - -	30	5	-	
	Anak Kichell - - - - -	27	5	2			Rosie - - - - -	42	5	-	
	Djamela - - - - -	37	4	11			Minerva - - - - -	42	4	9	
	Augustina - - - - -	61	5	1			Sabiens - - - - -	27	4	10	
85	Tabitha - - - - -	32	4	9		150	Silvia - - - - -	32	5	-	
	Dorias - - - - -	30	5	-			Jasmina - - - - -	30	-	-	
	Tarieme - - - - -	14	-	-			Rampe - - - - -	40	-	-	
	Engelina - - - - -	30	5	-			Tanping - - - - -	14	-	-	
	Dielie - - - - -	29	4	3			Beatrice - - - - -	13	-	-	
90	Aulina - - - - -	30	5	1		155	Malattie - - - - -	14	-	-	
	Sitie - - - - -	28	4	7			Sarah - - - - -	29	4	8	
	Boonga - - - - -	22	4	9			Angelien - - - - -	27	4	10	
	Paulina - - - - -	27	5	1			Renie - - - - -	34	5	1	
	Florentina - - - - -	27	4	10			Rosie - - - - -	47	4	10	
95	Beatrice - - - - -	25	4	9		160	Larnakerie - - - - -	22	4	8	
	Claartye - - - - -	30	5	-			Alida - - - - -	45	4	1	
	Goening - - - - -	21	4	10			Alert - - - - -	22	4	9	
	Denda - - - - -	25	4	11			Rasie - - - - -	25	4	10 $\frac{1}{2}$	
	Banseba - - - - -	21	4	10			Mawar - - - - -	35	5	3 $\frac{1}{2}$	
100	Bintang - - - - -	16	4	-		165	Moro - - - - -	43	5	4	
	Saronic - - - - -	40	4	11			Tisbet - - - - -	41	5	4 $\frac{1}{2}$	
	Angelica - - - - -	47	4	5			Laloo - - - - -	38	4	8	
	Tjenta - - - - -	25	4	9			Esther - - - - -	26	4	7	
	Atie - - - - -	23	4	9			Pandang - - - - -	27	4	1	
105	Leonora - - - - -	17	4	9		170	Tockar - - - - -	32	4	8	
	Pangunting - - - - -	25	4	9			Bandany - - - - -	27	5	3	
	Focla - - - - -	26	4	11			Salaterie - - - - -	32	4	7 $\frac{1}{2}$	
	Meedja - - - - -	28	-	-			Gorani - - - - -	16	4	4	
	Portia - - - - -	30	4	7			Aitcloe - - - - -	32	5	1	
110	Kustansie - - - - -	15	-	-		175	Poev - - - - -	37	5	4	
	Djamela - - - - -	37	4	11			Silfra - - - - -	42	4	7	
	Rosina - - - - -	42	4	4			Taiomina - - - - -	47	4	11	
	Europa - - - - -	21	4	7			Minerva - - - - -	32	4	10	
	Clarinda - - - - -	26	4	11			Sarah - - - - -	44	4	9	
115	Magtel - - - - -	29	4	11		180	Baide - - - - -	47	4	8	
	Dakka - - - - -	37	5	1			Pala Bonga - - - - -	42	5	-	
	Regina - - - - -	41	5	-			Bentang - - - - -	32	4	8	
	Oesla - - - - -	22	4	10			Champaka - - - - -	37	4	9	
	Loorie - - - - -	27	4	11			Kosie - - - - -	-	-	-	Infirm.
120	Saliena - - - - -	27	4	7		185	Pendang - - - - -	42	5	-	
	Katarina - - - - -	40	-	-			Malatie - - - - -	37	4	8	
	America - - - - -	15	4	-			Saima - - - - -	42	4	8	
	Piepie - - - - -	28	4	6			Manees - - - - -	34	5	-	
	Amelia - - - - -	27	4	9			Augustine - - - - -	27	4	11	
125	Pomin - - - - -	20	4	4		190	Bemende - - - - -	45	4	9	
	Pooy - - - - -	50	5	1			Sabina - - - - -	29	4	9	
	Alagita - - - - -	36	4	10			Pahara - - - - -	26	4	11	
	Gandareen - - - - -	28	-	-			Buhsaye - - - - -	17	4	7	
	Josepa - - - - -	50	4	9			Saria - - - - -	39	4	9	
130	Satia - - - - -	37	4	10		195	Poev - - - - -	40	4	11	
	Rebecca - - - - -	37	4	8			Sanina - - - - -	38	4	11	
							Rosetta - - - - -	41	4	7	

Deserted 29th
March 1817.

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda, and Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height.		REMARKS.	N°s	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
	Slaves attached to the Parks—continued.						Slaves attached to the Parks—continued.				
	WOMEN.						WOMEN.				
	Pariea - - -	25	4	11			Dapoon - - -	27	5	-	
	Clara - - -	37	4	11			Juliana - - -	52	4	8	
	Cananga - - -	32	4	10			Dalima - - -	42	4	7	
200	Saiba - - -	32	4	8		265	Agar - - -	32	-	-	
	Malatie - - -	47	5	1 $\frac{1}{2}$			Socket - - -	47	4	11	
	Bibie - - -	53	4	11			Calista - - -	28	4	11	
	Flora - - -	34	5	1			Patjau - - -	22	4	8	
	Bea - - -	41	5	-			Camoenie - - -	32	5	-	
205	Patra - - -	25	4	4		270	Rosie - - -	25	4	8	
	Rockie or Siebie	57	4	10			Dooa - - -	14	-	-	
	Aurora - - -	32	4	11			Jacomina - - -	16	-	-	
	Poey - - -	55	5	2			Over - - -	12	-	-	
	Sooive - - -	60	4	5			Falieda - - -	32	5	-	
210	Pausina - - -	42	5	3		275	Sarone - - -	31	5	1	
	Patja - - -	37	4	10			Tamba - - -	36	4	8	
	Castoorie - - -	29	4	10			Albertina - - -	42	4	10	
	Champaka - - -	32	4	7			America - - -	26	4	11	
	Minerva - - -	32	5	1			Julia - - -	41	4	11	
215	Tamibe - - -	16	-	-		280	Klara - - -	21	4	10	
	Triego - - -	13	-	-			Lydia - - -	22	4	11	
	Saronie - - -	42	4	9			Sayang - - -	28	4	9	
	Rampie - - -	37	5	-			Rosie - - -	26	5	-	
	Rooshny - - -	35	4	8			Rambega - - -	12	-	-	
220	Camvemag - - -	30	4	10		285	Clarissa - - -	14	-	-	
	Bandarve - - -	28	4	11			Champaka - - -	20	4	4	
	Rosina - - -	29	4	10			Diana - - -	57	4	11	
	Roosie - - -	32	4	11			Marrar - - -	41	4	9	
	Banda - - -	40	-	-			Diana - - -	35	4	9	
225	Bangoostan - - -	42	4	11		290	Calista - - -	56	4	10	
	Bala Bonga - - -	22	4	9			Pala Boongu - - -	34	5	1	
	Djamela - - -	28	4	11			Tamar - - -	37	4	9	
	Clarinda - - -	32	5	1			Ramasirce - - -	49	4	9	
	Olympa - - -	24	4	11 $\frac{1}{2}$			Lydia - - -	33	4	7	
230	Satia - - -	51	5	2		295	Sayang - - -	32	-	-	
	Benie - - -	31	4	6			Malatie - - -	37	4	9	
	Kananga - - -	36	5	1			Gandasoolie - - -	53	5	2	
	Camilla - - -	37	4	9			Ombong - - -	33	4	9	
	Kananga 2d - - -	52	4	10			Alidah - - -	32	5	3	
235	Boesook - - -	30	4	7		300	Justina - - -	40	4	10	
	Magtel - - -	37	4	10			Boeta - - -	30	4	11	
	Sarrieu. - - -						Bave - - -	40	4	9	
	Gandona. - - -						Tamelah - - -	41	4	10	
	Benie 2d. - - -				Died.	305	Doelah - - -	42	4	9	
240	Tondie - - -	32	-	-			Bietja - - -	52	4	8	
	Angelica - - -	27	-	-			Kaudie - - -	27	4	10	
	Cundassa - - -	20	4	9			America - - -	40	5	-	
	Peupity. - - -						Triema - - -	40	5	-	
	Mauyoor - - -	33	5	-			Taykambing - - -	30	4	11	
	Damiena - - -	28	4	9		310	Boonga - - -	24	5	-	
245	Rosetta - - -	31	4	11			Augustina - - -	42	4	10	
	Diana - - -	40	5	2 $\frac{1}{2}$			Tikoos - - -	32	4	11	
	Ombong - - -	41	4	10			Robina - - -	32	4	8	
	Rosie - - -	37	4	9			Africa - - -	37	5	3	
	Mengoer - - -	30	5	2 $\frac{1}{2}$		315	Gantie - - -	49	4	9	
250	Polo Sarij - - -	30	4	8			Aurora - - -	62	4	6	
	Angelina - - -	22	4	8			Europa - - -	30	5	-	
	Rosie 2d - - -	30	4	10			Susanna - - -	68	4	7	
	Rosina - - -	46	4	9			Areidja - - -	32	5	2	
	Estria - - -	44	5	-		320	Carolina - - -	20	-	-	
255	Mocna - - -	54	4	11			Jaomina - - -	48	5	5	
	Noressa - - -	26	5	2			Lorinda - - -	26	4	11	
	Boylilie - - -	25	5	1			Pandang - - -	27	5	1	
	Waykelie - - -	33	4	11			Rosamala - - -	22	4	7	
	Francina - - -	32	4	11		325	Boonga - - -	40	4	9	
260	Katherine - - -	30	4	11			Sameeda - - -	32	5	1	
	Marrar - - -	32	4	10			Champaka - - -	35	4	9	

(continue.)

(N^o XII.)--List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N ^o	NAMES.	Age.	Height.		REMARKS.	N ^o	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
Slaves attached to the Parks—continued.						Slaves attached to the Parks—continued.					
WOMEN.						WOMEN.					
	Gandaria	- 29	4	11		395	Walimoe	- 38	4	11	
	Padong	- 27	5	-			Poongting	- 36	4	9	
330	Poey	- 49	4	10			Nooa	- 28	5	-	
	Justina, 2d.	- 47	4	8			Taninoe	- 26	4	11	
	Dolphina	- 16	4	7			Batooha	- 27	5	-	
	Albertina	- 42	5	-		400	Wakahogee	- 27	4	7	
	Gantie	- 47	4	11			Walaba	- 12	-	-	
335	Africa, 2d.	- 27	4	9			Iundje	- 33	5	-	
	Quantjee	- 28	4	11			Rosina	- 22	4	9	
	Gambooring	- 16	-	-			Dallar	- 26	4	10	
	Ladong	- 14	-	-		405	Saronie	- 32	4	11	
	Josepha	- 32	5	-			Alima	- 35	4	6	
340	Augustina	- 32	5	-			Juliana	- 32	4	5	
	Mina	- 19	4	7			Cecilia	- 29	4	9	
	Kandasa	- 32	4	7			Leah	- 26	4	11	
	Lorinda	- 42	4	10		410	Closina	- 28	4	9	
	Ganta	- 32	5	-			Kassina	- 29	5	4	
345	Kanango	- 22	5	-			Clossine	- 42	4	10	
	Agar	- 32	4	11			Zeonipo	- 32	4	11	
	Marga	- 30	4	10			Gambin	- 34	4	11	
	Paim	- 32	4	10		415	Saima	- 29	5	2	
	Minga	- 22	4	11			Silvia	- 27	4	8	
350	Sarah	- 52	4	8			Tayboorong	- 26	4	11	
	Minerva	- 28	5	-			Soarisa	- 42	5	-	
	Miong	- 22	5	-			Tisso	- 37	5	-	
	Limbie	- 32	4	10		420	Doca	-	-	-	
	Lomia	- 34	5	-			Onie	-	-	-	
355	Dooa Pietas	- 15	-	-			Pandang	- 30	-	-	
	Manwar	- 14	-	-			Panasso	- 27	4	11	
	Boosook	- 52	4	8			Kabeena	-	-	-	
	Saronie	- 42	5	2		425	Sawassa	-	-	-	
	Kasiera	- 22	4	11			Donisa	- 22	-	-	
360	Falieda	- 14	-	-			Dado	- 36	4	8	
	Poey	- 26	4	8			Closina	- 42	4	10	
	Daphne	- 41	5	-			Christina	- 57	4	9	Died.
	Poassa	- 22	4	9			Say	- 52	4	4	
365	Pocnoc	- 17	4	5		430	Dietie	- 47	4	4	
	Rampe	- 29	5	4			Janna	- 32	4	11	
	Tandjong	- 27	4	9			Lydia	- 33	4	9	
	Malotie	- 28	5	-			Armenina	- 32	5	5	
	Saronic	- 32	4	7			Antonia	- 42	5	1	
370	Taykambing	- 32	-	-		435	Tocto	- 32	4	11	
	Aliema	- 17	-	-			Pielis	- 32	5	-	
	Silpa	- 12	-	-			Koolipera	- 32	4	8	
	Angelina	-	-	-	Liper.		Poloo	- 22	4	7	
	Champaka	- 31	5	-			Pilupola	- 21	5	1	
375	Tanjang	- 43	4	4		440	Kaymooka	- 22	5	1	
	Soolassee	- 43	4	11			Boenga	- 20	5	-	
	Diana	- 23	5	2			Gandaria	- 34	5	2	
	Bintang	- 32	4	10			Namoolo	- 24	4	11	
	Constancie	-	-	-			Lorinda	- 57	4	9	
380	Marcela	- 52	4	9		445	Maunar	- 30	4	3	
	Mingo	- 38	4	7			Cananga	- 23	5	-	
	Aneka	- 30	4	4			Malatie	- 42	5	2	
	Tamiela	- 37	4	9			Morlay	-	-	-	
	Rampie	- 52	4	8			Watania	-	-	-	
385	Justina	- 27	4	8		450	Tingalaka	- 32	4	10	
	Rakela	- 30	4	9			Rosetta	- 50	5	8	
	Martina	- 34	5	1			Agar	- 28	4	9	
	Angelica	- 31	4	9			Pytia	- 47	5	1	
	Albertina	- 14	-	-			Massa	- 37	4	10	
390	Rossina	- 39	4	9		455	Aliema	- 52	4	11	
	Rosie	- 39	4	10			Saima	- 42	4	11	
	Boodook	- 29	4	6			Poey	- 32	5	1	
	Bynessa	- 40	4	10½	{ Exchanged with		Regina	- 30	4	9	
	Malattie	- 17	-	-	Magtel.		Harmina	- 40	4	11	

(N^o XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda, and Pulo-Ay*—continued.

N ^o	NAMES.	Age.	Height.		REMARKS.	N ^o	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>					
WOMEN.						WOMEN.					
460	Champaka	50	4	11		530	Sarang	36	4	11	
	Portia	37	4	11			Boynassa	35	5	—	
	Rampie	37	4	11			Poetgok	32	4	10	
	Marta	37	4	11			Boonga	37	4	11	
	Andromeda	42	4	10			Loena	32	4	9	
465	Maer	32	5	—			Paterera	37	4	11	
	Manyver	37	4	10			Rassamalung	24	4	10	
	Poenooch	32	4	10			Niesa	32	4	9	
	Casoombar	30	4	11			Sabina	22	4	11	
	Cananga	50	5	1		535	Gardine	29	4	11	
470	Paterara	24	4	8			Rosie	32	4	10	
	Amaril	34	5	—			Bine	22	4	9	
	Jasmina	21	4	11			Malatie	32	5	—	
	Rebecca	32	5	1			Alima	32	5	1	
	Rosina	42	4	7		540	Calay	43	5	—	
475	Africa	32	5	—			Coolie Mata	42	4	11	
	Gardanon	32	4	9			Adinda	20	4	9	
	Julia	33	4	9			Saronie	28	4	10	
	Delila	52	4	7			Florentina	28	4	11	
	Poolo Rhina	16	4	3		545	Camoening	37	4	8	
480	Tantja	17	4	5			Minerva	34	4	10	
	Aletta	37	5	4			Boey	40	4	11	
	Patra	32	4	9			Lalo Molay	45	4	11	
	Sedia	27	5	—			Aran Kora	37	5	—	
	Julia	28	5	1		550	Poola Ay	37	—	—	
485	Diana	32	4	7	Infirm.		Lapa Dora	—	—	—	
	Gamber	—	—	—							
	Clarinda	32	5	1		551	Women, Total.				
	Sheba	23	4	11			MALE CHILDREN.				
	Juliana	25	4	9			Monser	7	—	—	
490	Bintang	32	4	7			Krepo	7	—	—	
	Grassia	34	5	—			Hadeni	6	—	—	
	Rosetta	42	5	—			Siving	4	—	—	
	Tamala	34	4	11			Pedongda	3	—	—	
	Mondo	22	4	9		5	Saptoo	—	—	—	
495	Satoc Doit	23	4	11			Govnon Joodjoo	4	—	—	
	Soeso	27	4	9			Breda	4	—	—	
	Hella	32	5	1			Adnisa	3	—	—	
	Mina	29	4	9		10	Baste	3	—	—	
500	Lompo	31	4	11			Manilie	3	—	—	
	Minga	35	5	—			Saptoe	2½	—	—	
	Arica	13	—	—			Maart	—	—	—	
	Closina	52	4	9			May	—	—	—	
	Estrea	52	5	—			Jacob	10	—	—	
	Boonga	42	5	2		15	Tiega Sooco	7	—	—	
505	Denira	32	4	8			Koostcoost	3½	—	—	
	Marta	32	4	9			Sarceng	10	—	—	
	Martjee	31	4	8			Assap	—	—	—	
	Rakiema	34	4	2			Barentong	—	—	—	
	Gandasoolie	30	5	—			Bassier	—	—	—	
510	Galatie	28	4	9			Sarralay	—	—	—	
	Poongoot	24	4	10			Soosa	—	—	—	
	Aliema	27	4	9			Komedie	10	—	—	
	Lakeena	40	5	1			Carmies	8	—	—	
	Maninga	37	4	11			October	5	—	—	
515	Jasmie	23	4	10			Mey	—	—	—	
	Benie	25	—	—			Vorydag	—	—	—	
	Salastina	13	—	—			Manings	10	—	—	
	Africa	12	—	—			Maranda	7	—	—	
	America	19	—	—			Sampson	14	—	—	
520	Tego Doit	32	4	8			Saptoe	12	—	—	
	Santjee	29	4	9			Vrigdag	3	—	—	
	Asia	32	5	1			Katty, or Masafy	3½	—	—	
	Sarissa	32	4	8							
	Conna	36	4	8							
525	Amelia	42	4	8							

(N° XII).—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°	NAMES.	Age.	Height.		REMARKS.	N°	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	MALE CHILDREN.						MALE CHILDREN.				
35	Robo - - -	1	-	-			Barente - - -				born 11th November 1816.
	Daniel (Bla Panta)	-	-	-			February - - -				seven months.
	Oontong (Ponto)						Arias - - -				born 20th January 1816.
	Seladeen - - -						Saptoe - - -	6½	-	-	
	Maanday (Asing)					105	Mances - - -	9	-	-	
40	April - - -						Pillio Pala - - -	5	-	-	
	Saturday - - -						Corneles - - -	2½	-	-	
	Toonis - - -	12	-	-			Moandag - - -	10	-	-	
	October - - -	6	-	-			Potiphar - - -	10	-	-	
	Sinbaar - - -	9	-	-		110	Spadilie - - -	10	-	-	
45	Coolit - - -	8	-	-			Soote in val				
	Leba - - -	6	-	-			July - - -	5	-	-	
	Alsje - - -	2	-	-			Saptoe - - -	5	-	-	
	Saringhie - - -	14	-	-			Basar - - -	2	-	-	
	Socka - - -	2½	-	-		115	Pieter - - -	2	-	-	
50	Rufinas - - -	1	-	-			Taykoeda - - -	4	-	-	
	Joseph - - -						Baratjenta - - -	1	-	-	
	Majoos - - -						Wastor - - -				five months.
	Tavier - - -						Joonbarve - - -				born 11th January 1816.
	Godult - - -					120	Dingsday - - -				born 11th March 1816.
55	Pondok - - -						Saturday - - -				born 24th May 1816.
	Bayenie - - -	9	-	-			Djoemat - - -	10	-	-	
	Vilvaren - - -	2½	-	-			Darpa - - -	5	-	-	
	Manielie - - -	8	-	-			Baroatong - - -	2	-	-	
	Soecroe - - -	11	-	-		125	Aarba - - -	1	-	-	
60	Basta - - -	9	-	-			Abodoel - - -				
	Valentyn - - -	10	-	-			Bansoesa - - -				born 14th July 1816.
	Baloe - - -	3¼	-	-			Saban - - -	5	-	-	
	David - - -	4½	-	-			Malayo - - -	11	-	-	
	Sorthor - - -	1	-	-		130	November - - -	4	-	-	
65	Darpa - - -	6	-	-			Letty - - -	6	-	-	
	Spadilie - - -	5	-	-			Mey - - -	5	-	-	
	Marcus - - -	4	-	-			Moelsing Palla				two months.
	Salamaton - - -	7	-	-			Maridag - - -				born 20th Nov. 1816.
	Augustus - - -					135	Tayfroos - - -	13	-	-	
70	Takkar - - -						Oosman - - -	12	-	-	
	Valentyn - - -						Mingo - - -	12	-	-	
	Yop - - -	6	-	-			Tany - - -	14	-	-	
	Sabang - - -	5	-	-			Roebing - - -	11	-	-	
	Salassa - - -	4	-	-		140	September - - -	4	-	-	
75	Welkom - - -	3	-	-			Aroeding - - -	13	-	-	
	Sondor May - - -	3	-	-			Herodes - - -	3	-	-	
	Papova - - -	9	-	-			Onvernaght - - -	1	-	-	
	Taypoos - - -	1½	-	-			Boodernan - - -				born 11th October 1815.
	Taykooda - - -					145	Orsang - - -				born 4th October 1816.
80	Maart - - -	11	-	-			David - - -				born 13th Dec. 1816.
	Adieu - - -	8	-	-							exchanged by Gadong.
	Wieding - - -	7	-	-							born 9th June 1816.
	Avrel - - -	4	-	-			Mercurius - - -				
	Agat - - -	1	-	-			Chelassa - - -	11	-	-	
85	Isay - - -					150	Mingo - - -	12	-	-	
	Adam - - -						Sereng - - -	2½	-	-	
	September - - -						Djoemat - - -	12	-	-	
	Pala - - -	11	-	-			May - - -	10	-	-	
	Boenga - - -	9	-	-			Tay-Tay - - -	5	-	-	
90	Mingo - - -	6	-	-		155	Zalasse - - -	4	-	-	
	Waysamsia - - -	7	-	-			Abooar - - -	3	-	-	
	Japhet - - -						Pahalo - - -	1	-	-	
	Sarang - - -						Rachmat - - -	2	-	-	
	Pela Ombong - - -	6	-	-			Noochvenraght - - -				born 28th August 1816.
95	October - - -					160	Kersdag - - -	1	-	-	
	Mingo - - -						Ismael - - -	1	-	-	
	Mardjan - - -						Sondag - - -	1	-	-	
	Augustus - - -						Nicodemus - - -				born 27th July 1816.
	April - - -						Sagmat - - -				born 5th January 1817
100	Romalong - - -					165	Tinses - - -	12	-	-	
							Polo Bhun - - -	10	-	-	

(N^o XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda, and Pulo-Ay*—continued.

N ^o	NAMES.	Age.	Height.		REMARKS.	N ^o	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	MALE CHILDREN.						FEMALE CHILDREN.				
	Malako - - -	8	-	-			Clementina - -	seven months.			
	Japhet - - -	6	-	-			Sayang - - -	born 8th December 1815.			
	December - - -	3	-	-			Salima - - -	ten months.			
	Ultimo - - -	1½	-	-			Roema Baroe - -	four months.			
170	Jakien - - -	4	-	-		40	Miena - - -	11	-	-	
	BoesooH - - -	7	-	-			Otto - - -	8	-	-	
	Bermoolah - - -	5	-	-			Taymen Yak - -	13	-	-	
	Apson - - -	1½	-	-			Aliena - - -	5½	-	-	
	Arkat - - -	1½	-	-			Rosaminda - - -	4¼	-	-	
175	Sadrag - - -	2	-	-		45	Boongarath - -	3	-	-	
	Bersoeka - - -	born 15th August 1816.					Tatoe - - -	7	-	-	
	Romaleng - - -	born 1st September 1816.					Meang - - -	7	-	-	
	Benius - - -	8	-	-			Pandag - - -	2	-	-	
	Djoemat - - -	born 4th October 1816.					Sondor Pay - - -	1¾	-	-	
180	Julius - - -	3½	-	-		50	Kamoning - - -	¾	-	-	
	Mercinius - - -	born 6th November 1816.					Rakima - - -	six months.			
	Dingsday - - -	13	-	-			Willemyntje - -	three months.			
	Martinus - - -	10	-	-			Sarah - - -	three months.			
	Tomattie - - -	8	-	-			Dakinea - - -	1	-	-	
185	April - - -	4	-	-		55	Larrarintje - -	born 9th December 1815.			
	Dingsday - - -	9	-	-			Hagar - - -	nine months, d ^o 21st Feb. 1816.			
	Koral - - -	6	-	-			Anarria - - -	born 21st November 1816.			
	April - - -	2	-	-			Howlina - - -	6	-	-	
	Junie - - -	1	-	-			Florentina - - -	¾	-	-	
190	Koopong - - -	7	-	-		60	Tarodjong - - -	1	-	-	
	Avinteur - - -	two months.					Dolphina - - -	born 30th March 1817.			
	Surrey - - -	-	-	-			Tay Ayang - - -	7	-	-	
192	Male Children, Total.						Polosaria - - -	4	-	-	
	FEMALE CHILDREN.						Clartjee - - -	4	-	-	
	Samina - - -	3	-	-		65	Sertera - - -	8	-	-	
	Ijindana - - -	-	-	-			Clara - - -	4	-	-	
	Tikoos - - -	-	-	-			Boonga - - -	8	-	-	
	Sarina - - -	4½	-	-			Poosa - - -	four months.			
5	Poolo Sarie - - -	8	-	-		70	Mondo - - -	one month.			
	Danda - - -	nine months.					Patjar - - -	one month.			
	Rosie - - -	four months.					Kadera - - -	11	-	-	
	Matalotie - - -	6	-	-			Soenting - - -	9	-	-	
	Anda - - -	3	-	-			Loan - - -	3	-	-	
10	Jolie - - -	4	-	-		75	Koenang - - -	1	-	-	
	Karrassie - - -	1¼	-	-			Tabitha - - -	2	-	-	
	Dalina - - -	1	-	-			Catarina - - -	four months.			
	Kokies - - -	9	-	-			Taypoes - - -	born 30th July 1816.			
	Tekoes - - -	10	-	-			Lakoresa - - -	8	-	-	
15	Jacomina - - -	three months.				80	Garada - - -	8	-	-	
	Mampalair - - -	17	4	9			Salea - - -	8	-	-	
	Francina - - -	12	4	9			Toekar - - -	2	-	-	
	Adinda - - -	11	4	10			Flora - - -	11	-	-	
	Cottie - - -	15	4	10			Memenag - - -	14	-	-	
20	Raa - - -	16	4	7		85	Wilhelmina - -	10	-	-	
	Kourr - - -	14	4	4			Nina - - -	3½	-	-	
	Arettie - - -	7	-	-			Olympie - - -	2½	-	-	
	Smartje - - -	4¼	-	-			Kaato - - -	seven months.			
	Almerica - - -	4	-	-			Sadia - - -	4	-	-	
25	Patjar - - -	1¼	-	-		90	Putjok - - -	2¼	-	-	
	Roempo - - -	born 29th October 1815.					Pandang - - -	born 27th December 1815.			
	Ledia or Rattinie	born 29th December 1815.					Malatie - - -	born 17th June 1816.			
	Damina - - -	born 22d September 1816.					Kam Can - - -	born 28th December 1816.			
	Dainca - - -	born 21st November 1816.					Silpa - - -	born 9th March 1817.			
30	Daiba - - -	born 7th February 1817.				95	Nasa - - -	three months.			
	Catjandie - - -	6	-	-			Augustina - - -	two months.			
	Waringie - - -	9	-	-			Lao - - -	born 22d January 1816.			
	Mima - - -	3½	-	-			Rosie - - -	6	-	-	
	Regina - - -	3½	-	-			Flora - - -	9	-	-	
35	Dorsina - - -	1	-	-		100	Niesa - - -	3½	-	-	
							Mances - - -	3½	-	-	
							Robie - - -	5	-	-	

(continued.)

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda, and Pulo-Ay*—continued.

N ^o	NAMES.	Age.	Height.		REMARKS.	N ^o	NAMES.	Age.	Height.		REMARKS.
			Feet.	Inches.					Feet.	Inches.	
	Slaves attached to the Parks— <i>continued.</i>						Slaves attached to the Parks— <i>continued.</i>				
	FEMALE CHILDREN.						FEMALE CHILDREN.				
	Angeliën - -	8	-	-			Guntie - -	7 $\frac{1}{2}$	-	-	
	Adinda - -	3 $\frac{1}{4}$	-	-		145	Kiba - -	7	-	-	
	Rampe Ceram - -	6	-	-			Kamtang - -	6	-	-	
105	Malatie - -	3 $\frac{1}{2}$	-	-			Kaiete - -	4	-	-	
	Soenting - -	2	-	-			Kalassa - -	8	-	-	
	Florentina - -	2	-	-			Julia - -	8	-	-	
	Andermida - -	5	-	-		150	Minerva - -	born 26th October 1815.			
	Mangustan - -	2	-	-			Souda - -	9	-	-	
110	Solatrie - -	1 $\frac{1}{2}$	-	-			Cambang - -	11	-	-	
	Tingelaka - -	2	-	-			Malatie - -	8	-	-	
	Calista - -	4	-	-			Bitja - -	7	-	-	
	Rampe - -	3	-	-		155	America - -	5	-	-	
	Olympie - -	Born 1st November 1815.					Saibre - -	born 15th November 1816.			
115	Rindo - -	Born 18th December 1816.					Savegie - -	born 10th December 1816.			
	Clementina - -	Born 17th January 1816.					Waykelie - -	11	-	-	
	Rosmoo - -	Born 11th March 1816.					Waynama - -	11	-	-	
	Sarah - -	Born 24th March 1816.				160	Salvina - -	7	-	-	
	Tanjong - -	Born 27th April 1816.					Dorcas - -	6	-	-	
120	Rumboctang - -	Born 10th May 1816.					Niza - -	6	-	-	
	Agelina - -	Born 9th July 1816.					Mangustan - -	3 $\frac{1}{2}$	-	-	
	Kaneepe - -	4	-	-			Albertina - -	3	-	-	
	Pindang - -	7	-	-		165	Clara - -	3 $\frac{1}{2}$	-	-	
	Manjoor - -	3	-	-			Tolinda - -	1 $\frac{1}{2}$	-	-	
125	Poetja Palia - -	3	-	-			Barsila - -	born 5th July 1816.			
	Angelina - -	Born 30th October 1816.					Sarra - -	born 14th November 1816.			
	Olympie - -	4	-	-			Samaria - -	12	-	-	
	Gandasoolie - -	11	-	-		170	Aletta - -	12	-	-	
	Andermeda - -	1 $\frac{1}{2}$	-	-			Dorila - -	11	-	-	
130	Lausa - -	five months.					Gandama - -	11	-	-	
	Mangoosta - -	4 $\frac{1}{2}$	-	-			Samiela - -	1 $\frac{1}{2}$	-	-	
	Pelie - -	8	-	-			Mangustan - -	7	-	-	
	Piatoe - -	3	-	-		175	Moiliaro - -	6	-	-	
	Gandania - -	2 $\frac{1}{2}$	-	-			Agrippa - -	7	-	-	
135	Solutase - -	born 1st March 1816.					Angelina - -	3 $\frac{1}{2}$	-	-	
	Woana - -	3 $\frac{1}{2}$	-	-			Ijendana - -	2	-	-	
	Albertina - -	14	-	-			Jusmina - -	born 1st April 1816.			
	Francina - -	9	-	-		180	Rangina - -	born 16th December 1816.			
	Tandasie - -	8	-	-			Tandjong - -	born 23d March 1817.			
140	Piatore - -	4 $\frac{1}{2}$	-	-			Fatima - -	3	-	-	
	Saria - -	9	-	-							
	Cotta - -	3	-	-		182	Female Children.				
	Tandjong - -	1	-	-							

A B S T R A C T.

MEN - - - - -	662
WOMEN - - - - -	563
MALE CHILDREN - - - - -	201
FEMALE d° - - - - -	187
TOTAL SLAVES - - - - -	1,613

WE hereby certify, That the foregoing is an accurate List of the Slaves attached to the Quartier and Parks, at the period of the restitution of Banda to the Dutch Government.

The Commissioners on the part of the Netherlands Government.

(signed) *Maneer Ver Heccall*, Lieutenant Colonel Royal Navy, commanding his Netherland Majesty's Ship Erreth, represent late Coloniel Diète.

R. N. P. Commissioner.

(signed) *W. Berkhoff*.

Banda Neira, 1st April 1817.

Resolutions of the Government, August the 8th, 1817.

Bengal Papers :
State of Slavery
in Company's
Territories.

N^o 104.

11.—On the question whether the slaves employed in the cultivation of the parks at Banda, under the immediate superintendence of the parkineers, are to be considered as forming part of the public property, or as belonging to the parkineers, which is discussed by Mr. Martin in the twenty-first and subsequent paragraphs of his letter of the 12th of June; the Honourable the Vice President records the following observations :

12.—The Vice President in council remarks, that according to the precise terms of the sixth article of the convention of the 24th March, concluded by Mr. Martin with the Commissioners of the Netherlands government, it is agreed that the question of the proprietary right to the slaves be referred to the British and Dutch authorities in Java, Bengal and Europe, but the Vice President in council entertaining the persuasion, that the intermediate agitation of the question at issue, would tend to produce fruitless discussion and considerable delay in adjusting the affairs of the transfer, without producing any corresponding advantage, proposes that the above question relative to the slaves employed in the parks at Banda, together with all the other points in dispute between Mr. Martin and the Dutch commissioners, as described in that gentleman's dispatch now under examination, which have not been exclusively submitted to the decision of the government of Fort William, be at once referred to the superior authorities in Europe.

Ordered, That a copy of the resolutions of government above recorded, together with copies of the documents they apply to, be sent, with the following letter, to Mr. Secretary Adam, for the purpose of being laid before his Excellency the Most noble the Governor General.

To John Adam, Esq. Secretary to the Governor General.

Sir:—The dispatches from Mr. Martin, the late resident at Amboyna, dated respectively the 12th June and 30th ult. reporting the transfer of the Moluccas to the authority of his Majesty the King of the Netherlands, were submitted to the perusal of his Excellency the Most noble the Governor General, previously to the departure of his Lordship from the presidency; I have now the honour to transmit to you the accompanying extract from the resolution of the Vice President in council of this date, containing the sentiments of the Honourable the Vice President in council, on the provisions of the arrangements concluded by Mr. Martin with the commissioners of the Netherlands government, relative to the transfer of the spices, military stores, and property belonging to the Dutch government on the island of Amboyna and its dependencies, for the purpose of being submitted to the Governor General, in order that his Lordship may have an opportunity of conveying to the Vice President in council any sentiments or observations differing from, or in addition to those stated by the members of government, which a consideration of the documents may suggest, and of directing the adoption of a course of proceeding different from that which the Vice President in council proposes to pursue.

N^o 106.

2.—Copies of the documents to which the resolution of the government apply, are also enclosed for information and reference.

I have, &c.

(signed) *J. Lushington,*

Fort William, 8th August 1817.

Acting Secretary to Government.

Extract, Bengal Political Consultations, 14th November 1817.

Extract, Letter from J. Adam, Esq. Secretary with the Governor General, dated Camp Secundra, 23d October 1817, to the Secretary to Government, Fort William.

3.—The Governor General entirely coincides in the opinion of the Vice President in council, that the question respecting the proprietary right to the slaves employed in the parks at Banda, which by the sixth article of the convention concluded between Mr. Martin and the Commissioners on the 24th March 1817, "is referred to the future consideration and decision of the superior British and Dutch authorities in Java, Bengal and Europe," shall be left entirely to the decision of the superior authorities in Europe (excepting in the case supposed, in what I am about to state), with the view of avoiding fruitless and embarrassing discussions as well as considerable delay in the adjustment of the transfer of the Dutch possessions in the East.

N^o 35.

Bengal Papers :
State of Slavery
in Company's
Territories.

4.—His Lordship's attention has been particularly attracted by the situation of the slaves employed in the parks, and he has directed me to submit, for the consideration of the Honourable the Vice President in council, whether it would not be consistent with the justice and humanity of the British government eventually to draw the attention of the authorities at home to the propriety of inducing the government of the Netherlands, under either decision of the question, to prescribe and enforce rules for securing the slaves from ill treatment, and to take measures for the amelioration of the condition of those unhappy persons, and even their ultimate emancipation. A knowledge, however, of the sentiments entertained by Baron Capellin, on the subject of the system of slavery established in the Dutch colonies, suggests to the Governor General the probability of a representation to the local authorities at Java on this subject being attended with this result. His Lordship therefore recommends to the consideration of the Honourable the Vice President in council, the adoption of this step in the first instance, which may, perhaps, preclude the necessity for referring the question to the authorities at home. It might, in his Lordship's judgment, be accompanied by an offer to relinquish the demand for the stipulated price of the slaves, in the confidence that this act of spontaneous liberality on the part of the British government, will be met by a corresponding spirit on the part of the government of Java, to co-operate with it in the cause of humanity.

Extract of a Letter from the Vice President in Council at Fort William, to the Commissioners General at Java, of His Majesty the King of the Netherlands; dated the 14th November 1817.

Nº 37.

7.—According to the precise terms of the sixth article of the convention of the 24th of March, concluded by Mr. Martin with the Commissioners of the Netherlands government, it is agreed that the question of the proprietary right to the slaves, be referred to the British and Dutch authorities in "Java, Bengal and Europe;" but bearing in mind the anxiety which the Prince sovereign of the Netherlands is known to have manifested to co-operate with the British nation, for the abolition of the traffic in slaves, we are induced to hope that the same spirit of benevolence animates his Royal Highness's representatives in the East, and that the discussion of the question regarding the proprietary right in the slaves of Banda, may be superseded by an arrangement founded on those principles of enlightened humanity, by which both nations are actuated.

8.—Entertaining a firm conviction, therefore, that your Excellencies partake of the generous sentiments by which the public acts of your sovereign have been distinguished, they form a sanguine expectation that your Excellencies will be cordially disposed to adopt some special measures for the amelioration of the condition of those unhappy persons who are the objects of our observations. We are of opinion, however, that the object in view can only be satisfactorily accomplished by the entire emancipation of the slaves in question, and in order to evince our earnest desire to promote its success, we have the honour to intimate to your Excellencies our willingness to relinquish the demand for the stipulated price of the slaves in the parks of Banda, provided your Excellencies will consent to co-operate in the cause of humanity, by liberating those unfortunate individuals from their present state of wretchedness and degradation.

9.—Relying on this act of spontaneous liberality being met by a corresponding spirit on the part of the government of Java, we propose to suspend a communication to our superiors in England, regarding the proprietary right to the slaves, until we shall have been favoured with the communication of your Excellencies reply to the preceding suggestion.

10.—As, however, the intermediate agitation of the question at issue, in the event of our proposition being unsuccessful, would tend to produce fruitless discussion, and considerable delay in adjusting the affairs of the transfer, without producing any corresponding advantage, we are of opinion that the above question relative to the proprietary right to the slaves, together with all the other points in dispute between Mr. Martin and the Dutch commissioners, which have not been exclusively submitted to the government of Fort William, should at once be referred to the superior authorities in Europe.

Extract of a Letter in the Political Department, from the Court of Directors to the Governor General in council of Bengal; dated the 23d of May 1821.

Bengal Papers:
State of Slavery
in Company's
Territories.

Par. 3.—In your letter of the 7th February 1818, you notify the transfer to the commissioners of his Majesty the King of the Netherlands, of the possessions in the seas and on the continent of Asia, the restitution of which was prescribed by the convention between Great Britain and Holland, signed in London on the 13th August 1814. The different questions arising out of the restitution of the Dutch possessions, which have been referred to Europe for adjustment, will naturally become matter of discussion and negotiation between His Majesty's government and that of the King of the Netherlands, the result of which will of course be communicated to you.

Extract from the Proceedings of the Governor General in council, in the Judicial Department; containing the case of a Brahmin found guilty of murdering a Female Slave in Furruckabad, in the Bareilly Division: 1820.

Extract, Bengal Judicial Consultations, 24th November 1820.

Extract from the Report of Mr. W. Ewer, Superintendent of Police, dated the 1st June 1820.

Division of Bareilly, Furruckabad.

Criminal, W. P.
N° 22.

17.—Another case of murder is, an instance of wanton and foolish barbarity; a female slave belonging to a Brahmin was in the habit of quitting his house without his permission; he therefore cut her down with his sword, was apprehended, committed to the court of circuit, convicted, and executed.

PAPERS relative to the prosecution of two Inhabitants of Allyghur, for stealing a Girl in the Territory of the Rajah of Bhurtpore: 1821.

Extract, Bengal Judicial Consultations, the 7th September 1821.

Acting Magistrate of Allyghur, to W. B. Bayley, Esq. Fort William.

Sir:—I beg leave to request, that under the provisions of Regulation V. 1809, his Excellency the Most noble the Governor General in council will be pleased to authorize me to bring to trial before the court of circuit, at the next sessions of this district, two prisoners, named Ujoyram and Lulloo, inhabitants of this district, charged with the commission of kidnapping a girl about four years of age, from the village of Gowurdhure, situated within the territory of the Rajah of Bhurtpore.

Criminal, W. P.

N° 3.

Zillah Allyghur Coel,
10th August 1821.

I have, &c.
(signed) J. C. Dick, Acting Magistrate.

Ordered, That the chief secretary write the following letter to the acting magistrate of Allyghur.

To the Acting Magistrate of Allyghur.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 10th ultimo, and in reply, to acquaint you, that his Excellency the Most noble the Governor General in council authorizes you to bring Ujoyram and Lulloo, the persons mentioned in your letter to trial before the court of circuit, under the provisions of Regulation V. 1809, for the crime which they stand charged with having committed in the territory of the Rajah of Bhurtpore.

N° 4.

I have, &c.

Council Chamber, the
7th Sept. 1821.

(signed) W. B. Bayley, Chief Sec^y to Gov^t.

PAPERS relative to a case of Slave Theft in the Delhi Territory; 1823.

Extract, Bengal Political Consultations, 9th May 1823.

Mr. Fraser to G. Swinton, Esq. Secretary to Government, Political Department, Fort William.

Sir:—Some time last year, when a caravan of dancing women was proceeding from Kurnoul across the river Jumna, on the occasion of a marriage, in passing by a village of the chief of Koonjpoorah, one of the professional ladies was forcibly carried away by some armed horsemen, who took her first into the adjacent village and afterwards removed her to Koonjpoorah. This act was done, I believe, at the instigation

N° 34.

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instigation of a principal servant of the chief of Koonjpoorah, in consequence of his personal attachment to the woman.

2.—The men whose property the woman was at the time she was carried off, and who still advance their claim, state her to be a purchased slave. They made a regular complaint in the division court at Punnecfut, the matter being off and on for some time, until the person who caused the woman to be carried away, seeing no other measure likely to secure her, married her; and then resisted, on the score of her honour, the measure of sending her to the civil court, to answer to the complaints of the claimants. The woman at first was averse to remaining with the person who caused her to be carried off, but the marriage ceremony very naturally made her content.

3.—The repeated desires of the division court, and of the Delhi court, reiterated through me, has produced nothing but promising answers, although it was explained perhaps improperly to the chief, that almost certainly the claimants would not be able to prove their right to the woman, and that when she was called upon to give her reply, she might do so through another person, although her presence was necessary, and that, as a matter of course as to the inviolability of her veil, that, on that score, herself or her nominal husband need be under no apprehension. Should the claimants be unable to support their right, the woman would be at liberty to go; should the right of the claimants be established, the court would require proper security, according to Saed, that her character might be no longer placed in jeopardy. It was explained likewise to the parties concerned, that the marriage could not be valid until the woman was declared free by the Saed. In short, every thing was yielded but the points of justice, which required that a native subject should have his cause fairly tried before he lost his property. The indecorous and outrageous conduct of the Koonjpoorah chief was overlooked purposely, it may be improperly, and it was desired only that proper grounds should be shewn for emancipating the woman.

I need not explain to you what the state of a woman, brought up from childhood by men who live upon her earnings as a professional dancer and singer, is; women so situated are generally nominal slaves, and only nominal; the men or women who bring them up and teach them, very seldom establish a lawful right to their persons as slaves, and when cases of this nature come before the Delhi courts, the women are almost invariably liberated. In cases where their actual slavery is established, the master is bound over in very heavy penalties never to require them to prostitute their persons; in fact, the form of appearing in court is almost the only measure necessary for any dancing woman to obtain her freedom. This form is however necessary and proper, and in the present case it is more particularly so, because the woman was taken away by force, by armed men.

It is to be remarked, that the people who carried the woman away, chose a particular spot, where the high road from Kurnoul to Meeruth passes through a small slip of the Koonjpoorah territory, that runs down along the edge of the Jumna, supposing that the act so committed upon their own independent territory would not be noticed; it escaped their judgment, that the perpetration of such an act, even within their own limits, upon a British subject, would not pass unnoticed. The high roads to Meeruth, Seharumpore, and Hurdweer, from Kurnoul pass through the Koonjpoorah territory, and to permit the chief or his servants to molest passengers in any improper way, would be absurd. The only extenuatory reply offered by the chief of Koonjpoorah, is, that the woman came voluntarily, and was not carried away by force.

Until this day the chief has evaded my demands, that the woman should be sent to reply to the complainant, and to say if she is content to remain where she is. His replies are like all natives, humble and promising, but the knowledge that no fixed political power yet stands at Delhi, induces him to go on with procrastination. Such a state of disobedience to local authority is detrimental to public security, and the first step I have taken to mark the opinion entertained of his contumacy, is to attach seven villages of district Kurnoul, held on the tenure of jageer, under a grant by the British government.

I should be very well content if the matter was so settled that the woman remained to them, and the villages to us, but it would be improper, I think, to do merely this; if the chief of Koonjpoorah has been wrong in refusing to send her to the court, he should be punished further, and required to do so; if not, it is absurd to restore his villages; but if, upon a consideration of the whole, the measures pursued

sued be approved, the chief should be informed that the villages are retained permanently, and that further perseverance in refusal to send the woman to reply to her claimants, will be visited with still harsher measures.

I may add, that the Persian proceedings in the case are too numerous to transmit to government, and would take too much of my time to translate. The man who has married the woman is not a pathan or relation to the chief, but Mussulman of low birth and humble sphere, raised to improper power by the young chief, over whom he exercises unlimited control. I am, &c.

(signed) *W. Fraser*, 2d Member officiating Political Agent.

Camp Tatainah, 1st April 1823.

Ordered, That the following letter be written to Mr. Elliott.

To the acting Agent of the Governor General in the Western Provinces.

To C. Elliott, Esq. acting Agent to the Governor General at Delhi.

Sir:—The Governor General in council having had under consideration Mr. Fraser's dispatch of the 1st ultimo, reporting the forcible abduction of a dancing girl belonging to a set of performers, inhabitants of the Delhi territory, by some followers of the chief of Koonjpoorah, within the limits of that estate, and the measures adopted by him in consequence, I am directed to communicate the following orders and observations thereon.

2.—The Governor General in council entirely concurs in opinion with Mr. Fraser, that the offence committed by the retainers of the chief of Koonjpoorah, was one which called for serious notice on the part of the chief local authority, but apprehends that there has been much irregularity in the mode of taking cognizance of it. It is not apparent what jurisdiction the courts either at Kurnoul or Delhi have in the business, as the Nawaub, with his servants and subjects, are not amenable to those tribunals, and the case therefore appertained entirely to the offices and authority of the agent to the Governor General and the deputy superintendent. As far as government can collect from the letter under consideration, no reference seems to have been made to the opinion or services of the latter officer.

3.—The Governor General in council cannot for a moment imagine, that the chief of Koonjpoorah, when regularly called upon by yourself, will refuse to make reparation as far as is in his power, for the outrage and violence committed by his followers, and the course which you are now desired to pursue, is the following:

4.—After communicating to that chief the strongest sentiments of displeasure with which the Governor General in council has learnt the offence of which his people have been guilty, and his own extremely improper conduct in evading compliance with Mr. Fraser's injunctions, you will instruct the deputy superintendent to investigate the affair, and to ascertain the amount of damages due to the owners of the set for the loss of the woman's services, supposing it should appear (of which indeed there cannot be any doubt) that a *bonâ fide* marriage has taken place. The deputy superintendent will further, after hearing the statements of all parties, adjudge such penalty as may seem adequate to the offence, against the principal agents in the forcible seizure of the female, and will report his decision for your final orders and the information of government. Any attempt on the part of the Nawaub to screen his adherents, and thereby obstruct the course of justice, will expose him to the suspicion of having countenanced their illegal violence, and on proof of this, you will consider yourself at liberty to impose a suitable fine on the chief himself, should his conduct in the business appear to demand that measure of infliction.

5.—When the affair shall have been settled as above, the seven Koonjpoorah villages in the district of Kurnoul, will of course be released from attachment.

I have, &c.

(signed) *G. Swinton*, Secretary to Government.

Fort William, 9th May 1823.

Extract, Bengal Political Consultations, 3d October 1823.

Acting Agent of the Governor General in the Western Provinces, to G. Swinton Esq. Secretary to Government in the Political Department, Fort William.

Sir:—On the receipt of your letter, dated the 9th of May last, I forwarded a copy thereof, with Mr. Fraser's Persian proceedings, to Lieutenant Murray, and directed that gentleman to carry into effect the orders of government therein communicated.

Letters to Lieut. Murray, dated 2d and 6th June. Lieut. Murray's answer, dated 23d July. My reply, dated 26th July. Lieut. Murray's letter, dated 30th August. My answer, dated 3d September 1823.

Copies of the correspondence noted in the margin, is herewith submitted for the consideration of the Right honourable the Governor General in council, and from the Persian proceedings held by Lieutenant Murray, the marriage of Moossummah Jummia to Gholiam Mahomed Khan, is satisfactorily proved.

3.—The defendant's witnesses have deposed, that when she remained till a doolee could be procured to carry her to Koonjpoorah, she was overtaken by her Naika Moossummat Begha, who not only stripped her of her ornaments, but even took away her chudder; this, however, is denied by Moossummat Begha, and as Eddo has sworn to the value of the ornaments, Lieutenant Murray has very properly levied the amount from the defendant. Although Eddo now refuses to take the money which I have directed Lieutenant Murray to hold in deposit, he will no doubt apply for it, when he finds that the girl is not to be restored to him.

I have, &c.

N^o 7. Delhi, 3d Sept. 1823. (signed) Charles Elliott, A. G. G.

(Copies.)—To Lieutenant Murray, Deputy Superintendent of Sikh and Hill Affairs, Umballa.

Sir :—I have the honour to enclose, for your information and guidance, copy of a letter from the secretary to the government, dated the 9th ult. with copies of two letters addressed by me this day to Mr. Fraser, and to the Nawaub Buhadoor Jung Khan, of Koonjpoorah.

I have, &c.

Delhi, 2d June 1823. (signed) C. Elliott, A. G. G.

To Lieutenant Murray, Deputy Superintendent of Sikh and Hill Affairs, Umballa.

Sir :—With reference to my letter of the 2d instant to your address, I now transmit a copy of Mr. Fraser's report to government of the 1st of April last, regarding the abduction of a nautch girl by a retainer of the chief of Koonjpoorah, which has been found with some letters in the office of the board under Mr. Fraser, and signed by him, as second member, and not as agent; I also transmit herewith some Persian papers relating to this dispute, found in the Persian office of the court of circuit, which I will thank you to return, after inspection.

I have, &c.

Delhi, 6th June 1823. (signed) C. Elliott, A. G. G.

To C. Elliot, Esq. Agent of the Governor General, Western Provinces, Delhi.

Sir :—I have the honour to acknowledge the receipt of your letter of the 2d and 6th ult. with their several Persian and English enclosures, relative to the abduction of a female slave, the property of a Kunchun, an inhabitant of the town of Kurnoul, by a retainer of the Koonjpoorah chief.

2.—The Persian proceedings held by Mr. Fraser, detailed minutely the circumstances of the case, and this gentleman's letter of the 1st April last, to the political secretary to government, fully illustrates and canvasses the claims of the one party, and points out the violence of the other.

3.—I have failed in my endeavours to satisfy the owner of the girl, and I enclosed copy of a document under his hand, waiving all accommodation or pecuniary recompence for the loss of his property, and the services of the woman.

4.—I beg to call your attention to N^o 22, of the Persian proceedings, purporting to be a petition from the woman in question, to Mr. T. Metcalfe, and that gentleman's order declaring her free, and should any person wish to prefer a claim to her, to carry their cause into the Dewanee Adawlut.

5.—If the woman is not to be forced from the Koonjpoorah chief, and the proprietor will not accept a remuneration for the loss of her services, I beg to be instructed in the course I am to pursue. The claimant is a British subject; the defendant an independent chieftain; the first has lost his property, and the latter unlawfully retains it.

I have, &c.

(signed) W. Murray, Deputy Superintendent.
Umballa, 23d July 1823.

To Lieutenant Murray, Deputy Superintendent of Sikh and Hill Affairs, Umballa.

N^o 8.

Sir :—I have the honour to acknowledge the receipt of your letter, dated the 23d instant, with the Persian proceedings held by Mr. Fraser, and the document executed

executed by Eddo, prosecutor, refusing to accept any pecuniary compensation for his loss of the services of Mossummaut Jummia.

2.—According to the Mahomedan law, which in several instances has been enforced by the Nizamut Adawlut, a nautch girl is at liberty to forsake that course of life, and to unite herself in marriage to one of the faithful, and such act is by the Mahomedan law officers considered laudable. It would appear, that in this light, the case is received by the Honourable the Governor General in council, as in the 4th paragraph of Mr. Secretary Swinton's letter, dated the 9th May last, you are directed to ascertain the amount of damages due to the owners of the dancing girl, for the loss of the woman's services, supposing it should appear that a *bonâ fide* marriage has taken place.

3.—No proceedings of yours are to be found in the mofussil, I therefore am under the necessity of returning the *nuthu*, with a request that you will, in the first instance, obtain proof of the marriage, then ascertain the value of the ornaments which Moossummaut Jummia took with her, and either insist on their being returned to Edo, or award an equivalent in cash. After this, it will be for you to determine what compensation should be made to Edo for the loss of Moossummaut Jummia's services, and having levied the amount from Moolonee Gholam Mahomed, hold it in deposit, if Edo should refuse to receive it, explaining to him at the same time, that according to Mahomedan law, by which he is bound to abide, a legal marriage sets aside his claim to the restoration of the girl.

4.—These points being adjusted with the principal persons concerned, you will be so obliging as to report to me, whether the conduct of the Nawaub Buhadoor Jung Khan has been such as to render it necessary that a fine should be imposed on him.

I have, &c.

Delhi, 26th July 1823.

(signed) C. Elliott, A. G. G.

To C. Elliott, Esq. Agent to the Governor General, Western Provinces,
Delhi.

Sir:—I have had the honour to receive your instructions of the 26th ult. in the case of Edo Kunchun, and beg leave to transmit the mofussil with the proceedings held by me attached.

2.—The amount of the girl's ornaments are sworn to as amounting to rupees 450, and the loss of her services is estimated by the vakeel of chieftains attendant at my office, and to whom I referred this point, at rupees 600, making a total of rupees 1,050, which I offered to Edo, who positively refused to receive this sum, and departed to Kumaul.

3.—The chieftain of Koonjpoorah, Buhadoor Jung Khan, has shown the most ready attention to meet my wishes, and I beg leave to bring to your notice the punishment he has already suffered in the attachment of his villages by order of the late acting agent.

I have, &c.

(signed) W. Murray, Deputy Superintendent.

Umballa, 30th August 1823.

Lieutenant Murray, Deputy Superintendent of Sikh and Hill Affairs,
Umballa.

Sir:—I have the honour to acknowledge the receipt of your letter, dated 30th ult. with the Persian proceedings in the case of Edo, prosecutor, versus Moolonee Gholam Mahomed.

2.—You will be pleased to hold in deposit the sum of 1,050 rupees from the defendant to be paid to Edo when he may think proper to accept it, and I request that you will issue the necessary orders for the restoration of the estate to the Nawaub Buhadoor Jung Khan.

I have, &c.

Delhi, 3d September 1823.

(signed) C. Elliott, A. G. G.

Ordered, That Mr. Elliott be informed that the proceedings of the deputy superintendent, and the decisions passed by himself in the case referred to in the foregoing dispatch, are entirely approved and confirmed by the Governor General in council.

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Criminal, W. P.
N° 25.

PAPERS relative to the Prosecution of two native Subjects of the British Government who were detected in Kidnapping Children in the Rewah Territory: 1823.

Extract, Bengal Judicial Consultations, 28th August 1823.

To W. B. Bayley, Esq. Chief Secretary to Government, Fort William.

Sir:—I have the honor to request you will be good enough to obtain for me the sanction of the Right honourable the Governor General in council, to enable me to commit Juggernaut and Sirdar to take their trial before the court of circuit for the crime of kidnapping in the Rewah territory.

2.—The charge against them has been sufficiently substantiated to warrant their commitment.

3.—Juggernaut and Sirdar are both native subjects of the British government, and residents in this district. The former was once before apprehended on a similar charge, but was released on the plaintiff (an inhabitant of Rewah) declining to prosecute.

I have, &c.

(signed) *G. Mainwaring*, Magistrate.

Banda, S. D^a Bundelcund, 15th August 1823.

Ordered, That the chief secretary write the following letter to the magistrate of the southern division of Bundelcund.

N° 26.

To the Magistrate of the Southern Division of Bundelcund.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 15th inst. and in reply, to acquaint you, that the Right honourable the Governor General in council authorizes you to bring Juggernaut and Sirdar the prisoners mentioned in your letter to trial before court of circuit under the provisions of Regulation V. of 1809, for the crime which they stand charged with having committed in the Rewah territory.

I am, &c.

(signed) *W. B. Bayley*,
Chief Secretary to Government.

Council Chamber, 28th August 1823.

PAPERS relative to the restoration of twenty young Children, of both Sexes, who had been kidnapped in the Assam Territory, and brought for sale into the British Territories: 1823.

Criminal, L. P.

Extract, Bengal Judicial Consultations, 18th September 1823.

N° 9.

From D. Scott, Esquire, civil Commissioner in the North-east Part of Rungpore, to W. B. Bayley, Esq. Chief Secretary to the Government, Fort William.

Sir:—I have to request the permission of the Right honourable the Governor General in council to deliver up to the Assam government, five Burniese or Assamese subjects, concerned in committing dacoity and murder on the Boorhampootur, within the Assam territory, and who were apprehended with a part of the plundered property at Gowalpara.

2.—I have also to request the sanction of government to release or to send back to Assam, should they desire it, about twenty young children of both sexes, who appear to have been kidnapped by the above mentioned robbers, and brought into our territories, in contravention of the provisions of Regulation X., of 1811.

I have, &c.

(signed) *D. Scott*.

Zillah Rungpore, Commissioners Office,
4th Sept. 1823.

Ordered, That the Chief Secretary write the following letter to the civil commissioner in the north-east part of Rungpore.

From Mr. Chief Secretary Bayley to D. Scott, Esq. Commissioner in the North-east part of Rungpore.

N° 10.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 4th instant, and in reply to acquaint you, that the Right honourable the Governor General in council authorizes you to deliver over to the government of Assam, the five Burmese or Assamese subjects stated to have been concerned in a dacoity and murder

murder perpetrated in the Assam territory, who were apprehended with a part of the plundered property at Gowalpara, in our territory.

2.—His Lordship in council likewise authorizes you to release or to send back to Assam, should they desire it, the twenty children who were kidnapped by the above mentioned robbers, and brought away to the Company's territories.

Council Chamber,
18th Sept. 1823.

I am, &c.

(signed) *W. B. Bayley*, Chief Sec^r to Gov^t.

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PAPERS relative to the Means employed by the Bengal Government, for the prevention of a Traffic in Slaves, to and from the Port of Calcutta, by Arab Ships: 1823.

Extract, Bengal Judicial Consultations, 25th March 1824.

Magistrates of Calcutta, to *W. B. Bayley*, Esq. Secretary to Government
in the Judicial Department.

Criminal.

N^o 28.

Sir:—We beg leave to submit to the notice of the Right honourable the Governor General in council, the annexed copy of an article which appeared in the Calcutta Journal on Saturday the 1st instant, under the head of Slave Trade in British India.

2.—It professes “to announce to the public the disgraceful fact, that Calcutta is the mart in which the manacled African is sold like the beast of the field to the highest bidder, that 150 eunuchs have been landed from the Arab ships this season, to be sold in Calcutta, and that those ships are in the habit of carrying away the natives of this country, principally females, and disposing of them in Arabia, in barter for slaves for the Calcutta market.”

3.—It is unnecessary that we should remark on the injurious tendency of these statements, calculated as they are to impress the public mind with the opinion, that the purchase and sale of slaves is openly carried on in this settlement.

4.—With a view to ascertain what foundation the editor might have for the statement published by him, he was requested, in the first instance, by Mr. Shakespeare, to disclose such information as he possessed on the subject, and his attendance was subsequently required at the police office for the same purpose.

5.—In the answer to Mr. Shakespear's letter, the editor objected to furnish any specific information on the points noticed by him, nor has he chosen to come forward when called upon more formally by the magistrates.

6.—As we have every reason to believe that the circumstances as stated by the editor are grossly exaggerated, we have not deemed it necessary to compel his attendance at the police office; but as the assertions contained in the article referred to may possibly have attracted the notice of government, we have thought proper to report the above particulars.

7.—From cases that have occasionally come to our notice, there are grounds to apprehend that the commanders of Arab ships do manage to introduce slaves into the town clandestinely, notwithstanding the penalties and restrictions in force for the prevention of such practices.

8.—Under the provision of Regulation X. 1811, a bond is taken from the commanders of a certain class of ships previously to their being allowed to land their cargoes; and they are also required to give in a list of their crews and passengers. We must confess, however, that these are very inadequate restrictions to prevent the introduction of slaves into the town; the penalty could only be enforced by the detection of the offence, which is attended with much difficulty; and in fact such part of the regulation as regards the importation of slaves by sea, must be considered to have been superseded by the statute 51 Geo. 3, c. 23, which declares the offence to be a felony.

9.—The delivering in a list of the crew and passengers affords a still less check against the evil. Such lists are not given in upon oath, nor any means taken to ascertain their correctness. It would, we conceive, be attended with benefit, both in preventing the introduction into the town of slaves as well as of persons not licensed to come to India, were commanders required to give in such lists on oath, and were all ships visited immediately on their arrival at Sangor, either by custom house officers, or officers from the bankshall, for the purpose of taking down a correct list of every person on board of them.

10.—We are further of opinion, that the taking of a bond under the provisions of section 5, Regulation X. 1811, from the captains or supercargoes therein mentioned,

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tioned, should be discontinued, and that in lieu of being required to execute a bond, a printed notice should be delivered to them on their arrival, informing them of the real penalties attached to the crime of selling or disposing of persons as slaves within the British territories. The purport of the notice should likewise be publicly promulgated on board the vessel.

Calcutta, Police Office,
Nov. 1823.

We have, &c,
(signed) *H. Shakespear*, Chief Magistrate.
W. C. Blaquiere, Magistrate.
J. W. Hogg, Magistrate.
Charles Paton, Magistrate.

Slave Trade in British India

Our readers are of course aware that the nefarious traffic in human beings is equally forbidden by the letter and the spirit of British law in every portion of the British dominions, be their geographical position what it may, whether in the frozen regions of the north, or the scorching climate of the torrid zone; wherever the British flag waves the disgraceful commerce is made criminal by British law; what, then, will the humane and enlightened community of this magnificent capital of our Eastern possessions say, when they are told, that with all its glittering spires of the temples of a pure religion; all its splendid palaces, bespeaking the taste and refinement and the riches of their inhabitants; with all its colleges and schools, and societies to promote the propagation of knowledge, civil and religious; what will they say, when they learn, that amidst all these signs of veneration for christianity, the philanthropy, the greatness, and the refinement of Britons and British subjects in a British capital, it is disgraced by witnessing the lowest degradation of the human species? That this great capital is in short at once the depôt of the commerce and riches of the East, and the mart in which the manacled African is sold like the beast of the field to the highest bidder. What may be said to this by the enlightened community we address, we need not anticipate; it is our duty to announce to them the disgraceful fact. We are informed that 150 eunuchs have been landed from the Arab ships this season, to be sold as slaves in the capital of British India! It is known too, that these ships are in the habit of carrying away many of the natives of this country, principally females, and disposing of them in Arabia, in barter for African slaves for the Calcutta market!! Can it be possible that such degrading, such wicked scenes are passing around us, and that the actors are suffered to escape unnoticed and unpunished? We fear the fact is too true; but we hope that the publicity thus given to it will lead to the prevention of such gross violations of law and humanity in future. We can conceive the difficulty of detection in these cases; but let all those who are aware of the illicit practices of these followers of Mahomet remember, that they are imperiously called on as christians, and as British subjects in particular, to bring to punishment these violators of law and humanity. Nature shudders at the thought of the barbarities practised by these abusers of God's noblest creature, who are led by an accursed thirst of gold to brutalize the human species; only one fact shall suffice to shew the savage and murderous barbarity resorted to by the wretches engaged in a traffic so revolting to humanity. A gentleman has informed us, that of 200 African boys emasculated at Judda, only ten survived the cruel operation. After such a statement, it would be to suppose our fellow subjects totally destitute of all the best feelings of our own nature, to doubt that every exertion will be made by such of them as can in any way aid in putting down a traffic so inhuman and abominable, and in preventing the capital of British India from being disgraced by it.

(True copy.)

(signed) *H. Shakespear*, Chief Magistrate.

Note.—The following Resolution was passed on the 27th November last.

N° 29.

Resolutions.—The Governor General in council having taken into his consideration the foregoing report from the magistrates of Calcutta, records his entire approbation of the proceedings adopted by them, with a view to ascertain whether there existed any, and what foundation for the statement contained in the Calcutta Journal of the 1st instant, under the head of "Slave Trade in British India."

It is stated by the magistrates, that from cases which have occasionally come to their notice, there are grounds to apprehend that the commanders of Arab ships do manage to introduce slaves into the town clandestinely, notwithstanding the penalties and restrictions in force for the prevention of such practices, and it seems, therefore,

fore, highly desirable to adopt such further measures as may be best calculated to guard against any future occurrences of the same nature.

His Lordship in council conceives that the commanders, officers, and owners of the ships, by which the traffic alluded to in the letter of the magistrates is carried on, are not ordinarily subjects of His Majesty; that they do not reside in any of the islands, colonies, settlements, &c. belonging to the United Kingdom, or in His Majesty's occupation and possession, or under the government of the United Company, and that they therefore are not liable to the penalties of the 51st Geo. 3, c. 23. But all persons resident in Calcutta, who are directly or indirectly concerned, or aiding and assisting in the transshipment by sea of any person or persons to be sold or dealt with as a slave, or who may import or bring to Calcutta any such persons for that purpose, or who may wilfully use or employ any ship for that purpose, or take to freight or hire any ship to be used or employed in removing or importing slaves, or who knowing the employment of such ship, may navigate, or enter, or embark on a ship so employed, such persons are declared felons, and subject to the penalties prescribed by the Act in question.

It is very possible that the Arabs, who are settled or established as merchants in Calcutta, and the commanders and navigators of Arab vessels accustomed to trade with this port, may not be fully acquainted with the provisions of the statute referred to, or with the penalties attached to the removal and importation of slaves, the circulation of the substance of the Act, translated into the Persian and Arabic languages, so far at least as it is applicable to persons residing in any of the Company's settlements or territories, may be productive of future restraint, especially if accompanied by a proclamation in the same languages from government, declaring that the Act will be strictly enforced, and that means will be adopted for examining and searching vessels for the discovery of slaves, either exported from or imported into Calcutta.

The proclamation and translation of the substance of the Act should be communicated to all the principal Arab merchants in Calcutta, especially to those who are concerned in the ships which either belong to, or are navigated to or from this port, to all the commanders of Arab vessels now in the port, or which may hereafter arrive, and to the several political agents and other public officers at or near to the ports whence the Arab vessels usually sail.

The practice which has prevailed, even to the extent stated by the magistrates, cannot, the Governor General in council observes, have been unknown to the Arab merchants who are resident in Calcutta, and the traffic must have been carried on through their instrumentality. It is therefore possible that the magistrates may be enabled, by offering rewards and by extending the hope of liberation to those who have been recently imported as slaves, to fix the offence on some of the parties concerned in the trade, and the government may then be enabled to bring the parties to punishment.

The best mode of visiting and searching Arab ships at the time when they arrive, or are about to quit the river, if such a measure should be eventually deemed advisable, will be suggested by the Marine Board.

In the meantime the Governor General in council resolves, that a copy of the foregoing resolutions be communicated to the magistrates of Calcutta, with an intimation of the wish of government that they will prepare and submit, in the English language, a draft of the proposed proclamation, including such portion of the provisions of the 51st Geo. 3, c. 23, as it may be necessary to promulgate for the purposes above indicated.

(signed) *W. B. Bayley*, Chief Secretary to Government.

Note.—On the 27th November last, the chief secretary was directed to write the following letter to the magistrates of Calcutta:

To the Magistrates of Calcutta.

Gentlemen:—I am directed by the Right honourable the Governor General in council to acknowledge the receipt of a letter from you, dated the instant, with its enclosure, and in reply to transmit to you the accompanying copy of resolutions, this day passed by government in the judicial department, on the subject of the traffic in slaves.

2.—You are desired to prepare and submit to government the drafts indicated in the above resolutions.

I am, &c.
(signed) *W. B. Bayley*, Chief Sec. to Government.

Council Chamber, 27th Nov. 1823.

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N^o 31.

Magistrates of Calcutta to W. B. Bayley, Esq. Chief Secretary to Government.

Sir:—We have the honour to acknowledge the receipt of a letter from you, under date the 27th of November last, forwarding to us copy of an extract from the resolutions of the Right honourable the Governor General in council of the same date, on the subject of the traffic in slaves.

2.—With the permission of government, we propose to forward to all the Arab merchants, and other persons connected with Arab shipping resident in Calcutta, an extract from the statute 51st Geo. 3, c. 23, with a translation in the Persian and Arab languages, and we trust that this measure will be approved.

3.—We beg to annex copy of that part of the statute which we think it will be expedient to circulate to the merchants, together with copy of the letter which will accompany it.

Calcutta Police Office, 22d March, 1824.

We have, &c.

(signed) *H. Shakespear*, Chief Magistrate.

W. C. Blaquiere, *J. Alsop*,

P. Andrew, *Charles Paton*,

W. H. Hogg, } Magistrates.

To

I am directed by the magistrates of Calcutta to send for your information and guidance, the extract from the 51st Geo. 3, c. 23, together with translations in the Persian and Arabic languages, and to inform you, that government have directed the magistrates to use the utmost vigilance in order to detect and bring to public justice any person or persons offending against the provisions of the statute.

The magistrates have received information that persons are occasionally brought to Calcutta, or removed therefrom in Arab ships, and sold as slaves; and they deem it right to apprise you, and all persons connected with Arab shipping, of the heavy penalties and punishment which will be incurred by a violation of the law.

Calcutta Police Office.

I am, &c.

(signed)

Clerk.

“ Be it therefore enacted, by the King’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any subject or subjects of His Majesty, or if any person or persons residing or being within this United Kingdom, or in any of the islands, colonies, dominions, forts, settlements, factories or territories, now or hereafter belonging thereto, or being in His Majesty’s occupation or possession, or under the government of the United Company of merchants trading to the East Indies, shall, from and after the first day of June next, by him or themselves, or by his or their factors or agents, or otherwise however, carry away or remove, or aid or assist in the carrying away or removing, as a slave or slaves, or for the purpose of being sold, transferred, used or dealt with as a slave or slaves, any person or persons whatsoever, from any port of Africa or from any other country, territory or place whatsoever, either immediately or by transshipment at sea, or otherwise, directly or indirectly, or shall import or bring, or aid or assist in the importing or bringing, into any island, colony, country, territory or place whatsoever, any such person or persons as aforesaid, for the purposes aforesaid, or shall knowingly or wilfully ship, embark, receive, detain or confine on board any ship, vessel or boat, any such person or persons as aforesaid, for the purpose of his her or their being so carried away or removed, imported or brought as aforesaid, or of being sold, transferred, used or dealt with as a slave or slaves, or shall knowingly and wilfully use or employ, or permit to be used or employed, or left or take to freight or on hire, any ship or vessel to be used or employed in carrying away or removing, importing or bringing, or for the purpose of carrying away or removing, importing or bringing, as aforesaid, any such person or persons, as a slave or slaves, or for the purpose of his her or their being sold, transferred, used or dealt with as a slave or slaves, or shall fit out or cause to be fitted out, or shall take the charge or command of, or navigate or enter and embark on board any such ship or vessel, as master or captain, mate, supercargo or surgeon, knowing that such ship or vessel is actually employed, or is in the same voyage for which he or they shall so enter and embark on board, intended to be employed in carrying or removing, importing or bringing as aforesaid, any such person or persons as or for the purpose of his her or their being sold, transferred, used or dealt with as a slave or slaves; then and in every such case the person or persons so offending, and their councillors, aiders and abettors.

abettors, shall be and are hereby declared to be felons; and shall be transported beyond seas for a term not exceeding fourteen years, or shall be confined and kept to hard labour for a term not exceeding five years, nor less than three years, at the discretion of the court before whom such offender or offenders shall be tried and convicted."

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(True Extract.) (signed) Clerk.

Ordered, That the chief secretary write the following letter to the magistrates of Calcutta.

Gentlemen,—I am directed to acknowledge the receipt of a letter from you, dated the 22d instant, with its enclosures, and in reply to acquaint you, that the Right honourable the Governor General in council approves the communication proposed to be made by you to the Arab merchants and other persons connected with Arab shipping, residing in Calcutta, in order to prevent the importation into, or exportation from this country, of any person or persons for the purpose of their being sold as slaves.

N° 32.

2.—It may be expedient to add to the letter, to be addressed to the above individuals, a paragraph, desiring them to take every opportunity of making known to their correspondents in the Red sea, Persian Gulph, &c. the purport of this communication.

I am, &c.

(signed) *W. B. Bayley*, Chief Secretary to Government.

Council Chamber, 25th March 1824.

PAPERS relative to the construction of the Bengal Regulation X. of 1811, with reference to Slaves imported from Assam into Bengal: 1825.

Criminal, L. P.

Extract, Bengal Judicial Consultations, 21st July 1825.

Commissioner of Rungpore, to *W. B. Bayley*, Esq. Secretary to the Government in the Judicial Department, Fort William.

Sir:—I request to be informed whether the provisions of Regulation X. of 1811, are still to be considered applicable to the importation of slaves from Assam into Bengal.

N° 17.

2.—A great number of the inhabitants of the former country being at present in a state of absolute starvation, they are happy to part with their children for a trifling sum, or even gratis, to any one who will undertake to provide for their mutual wants, and in this manner, the sepahes, merchants, native officers and others in Assam, have become possessed of a number of boys and girls, which they will hereafter endeavour to take away with them.

3.—The slaves in question, I have no doubt, are in nine cases out of ten, intended *bonâ fide* for domestic service, being chiefly boys of good caste, purchased by Hindoos for the purpose of supplying them with water, and performing other menial offices which they cannot receive from impure hands.

4.—Should the Right honourable the Governor General in council determine that Assam is still to be considered as a foreign territory, I have to request authority to disburse what may be necessary for the subsistence of the children that will in that case be detained at Gowalparah, until they can support themselves, their parents being in most cases unable to maintain them.

5.—I take the present opportunity of bringing to the notice of government the expediency of making provision for the importation into our territories of slaves by visitors or by emigrants coming to settle therein, a modification of the existing law, which I believe will be found in the code of every nation where internal slavery is permitted.

6.—As the law at present stands, almost every Asiatic foreigner of respectability entering our territories with his family by land, is subject, on his arrival, to fine and six months imprisonment, there being scarcely any such person who has not in his train one or more domestic slaves, and of them, (supposing on account of ignorance the penalty to be remitted) he is nevertheless liable to be deprived without compensation and without a possibility of guarding, by any degree of prudence, against an evil that could not have been contemplated, either with reference to the avowed existence of internal slavery in the British dominions, or to the universal practice of other Asiatic states.

I have, &c.

(signed) *D. Scott*, Commissioner.

Commissioners Office, Zillah
Rungpore, 3d July 1825.

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N^o 18.

Ordered, That the chief secretary write the following letter to D. Scott, Esq.

To D. Scott, Esq. civil Commissioner in the North-east parts of Rungpore.

Sir:—I am directed by the Right honourable the Governor General in council to acknowledge the receipt of your letter of the 5th instant. The construction which has been given by the court of Nizamut Adawlut to the provisions of Regulation X. 1811, and which was communicated to the several courts of justice in a circular letter, dated 5th October 1814, seems sufficient to meet the difficulties adverted to in your letter, and to render it unnecessary that government should at present determine whether Assam is or is not to be considered as a foreign territory.

2.—A copy of the circular order in question is enclosed in this letter.

Council Chamber,
21st July 1815.

I am, &c.
(signed) *W. B. Bayley*, Chief Sec. to Gov^t.

PAPERS relative to the concealment of a Female Slave, named Keera, in the Military Cantonments at Keytah, in Bundlecund; and to the subsequent imprisonment of Deenha, the Mistress of the said Slave in the said Cantonments: 1815, 1816.

Extract Bengal Criminal Judicial Consultations, 19th January 1816.

W. P. Extract from the Proceedings in the Military Department: 656.

N^o 9. Extract from the Proceedings of his Excellency the Right honourable the Governor General in council, in the Military Department, under date the 29th December 1815.—(N^o 11. A.)

To C. W. Gardiner, Esq. Secretary to Government, Military Department.

* Memorial of Duhan Tuwaif, inhabitant of Sagur. Copy of a letter from Major General Marshall to the Adjutant General, dated Cawnpore, 21st October 1815.

Copy of "List of Documents," English and Persian, the former from N^o 1 to 10, the latter from A. to K. inclusive. A memorandum of the Commander in Chief's, on the papers transmitted by Major General Marshall.

Sir:—I am directed by the Right honourable the commander in chief to transmit to the military department the documents noted in the margin*, and connected with a complaint made by Deenah Tuwaif, inhabitant of Sagur.

Major General Marshall, commanding in the field, was directed to make an inquiry into the matter, and to call on all the parties whose evidence he might think necessary towards an elucidation.

Colonel Routledge, commanding in Bundlecund, was desired to forward every one connected with the transaction to the head quarters of the field at Cawnpore.

The result of the major general's inquiries is contained in the papers herewith transmitted, and which his Excellency requests may be transmitted to the judicial department for consideration, and with a view to ascertain whether or not there be grounds for criminal prosecution of Colonel Routledge and the other parties concerned.

Adjutant General's Office,
Residency of Fort William,
3d November 1815.

I have, &c.
(signed) *G. H. Fagan*, Adjutant General.

P. S.—A letter has just been received from Major General Marshall, which mentions the arrival of the complainant at Cawnpore, and that papers in continuation will be forwarded in a few days.

(signed) *G. H. Fagan*.

(Duplicate.)—Memorial of Duhan Tuwaif, Inhabitant of Sagur,—

Represents, That Muhees Baboo, and Coleechurn Baboo, shopkeepers in the cantonments of Keytah Boondeelkund, having inveigled away and concealed one of her female slaves named Keera, she applied to them to have the slave returned, when they denied having any knowledge of her.

That prosecuting her inquiries, she learnt from a person named Huree Baboo, employed in the Godown, that the beforementioned Baboo had secretly removed the girl to the village of Rouree (dependent on Pulwaree Boondeelkund), and placed her in the house of Sikhjee, zemindar of the said village.

That going to this village, she herself there saw her slave, and demanded her of the zemindar.

That

That the zemindar, instead of giving her up, set out immediately to Keytah, to give intelligence thereof to the beforementioned Baboos; when the latter, with a servant named Kehinan, set out from Keytah, and travelled with all expedition to Rouree, whence they removed the girl to some other place.

That she was no sooner aware of this act of theirs, than she carried her complaint to Colonel Relter (supposed Routledge), commanding officer of Keytah, who called the several parties before him. The zemindar, on being questioned by the colonel on the subject of the girl, informed him, that the beforementioned Baboos brought her to his house, and also carried her away from thence; which the Baboos, who were present, did not deny, but presenting a nuzeerana of 200 rupees to the colonel, represented, that unless Huree Baboo were intimidated, and the complainant punished, the matter could not be got over.

That the colonel, in consideration of the nuzeerana of 200 rupees, confined Huree Baboo (an innocent man), for the space of one month, and then released him, and also confined the complainant, on the pretext that the girl in question did not belong to her, although she offered to produce the bill of sale of the girl.

That she received no provision for fifteen days of the time of her confinement, except half a seer of sultoo daily, from the kindness of a sepoy.

That after being nearly starved, Mahomed Allee, the colonel's moonshee, (alias Mootusuddee, of the battalion bazaar), came to the memorialist, and said, that if she wished to obtain her release, she must make a nuzur of a diamond belonging to her to the colonel, or she could not obtain it. To effect this purpose, she gave up her diamond to the moonshee, who immediately made out a deed of her consent thereto, and presented it to her, along with a rupee, which she was obliged to receive for fear of further confinement, and was then set at liberty.

Although it may be difficult to establish the fact of the bribe of 200 rupees, her confinement and that of Huree Baboo, are undeniable, as well as her claim to the girl.

The Memorialist therefore prays for justice.

(True copy.) (signed) *H. Hathwaite*, Persian Interpreter,
(signed) *G. H. Fagan*, Adjutant General.

(Copy.)—To Colonel G. H. Fagan, Adjutant General.

Sir:—In obedience to the orders contained in your letter of the 25th of August last, I used my best endeavours to obtain every information on the subject of the petition presented against Colonel Routledge by a woman named Deenha Tuwaif.

2.—The accompanying English and Persian documents of which I have the honour to send a schedule, will shew the result of my inquiries.

3.—While waiting the expected arrival of the complainant, I requested Lieut. Hardy, interpreter and quarter master to the 2d battalion 28th regiment, to translate the Persian statements, which he has done in a very liberal and clear manner, and I beg leave to add my testimony to the ability and merits of that officer.

4.—Colonel Routledge was unable to send me the complainant, but with his letter (N° 1.), he sent me two Bengalees, Collychurn and Myers Ghose, the former having had much to do in the transaction. They brought me a green glass bead, said to be what was purchased of the complainant, and the Persian papers, marked I. and K., the former an acknowledgement of the complainant having sold the bead of her own free will and consent, and the latter, an avowal of the complainant to give up all right to her slave girl.

5.—The former being witnessed by respectable men, I called for their appearance at Cawnpore, and took their statements of the affair, and from these it is evident that the glass bead sent me is not what Deenha Tuwaif sold for one rupee, but in what stage it has been changed does not appear. Collychurn is the only man that says it is the same, but the falsity of his statement is shewn in Colonel Routledge's letter (N° 10.), where the colonel acknowledges having received the bead from his hand.

6.—The statement, or deposition (N° 5.), of Doorgapersaud, I give no weight to, because he mentions several that were present when he saw the bead, two of them I had before me, but they declare they never saw the bead.

7.—The irregularity of confining Huree Baboo one month and eleven days in Colonel Routledge's personal guard, then releasing him and confining the complainant in the same guard, was of itself sufficient to induce belief of any thing unfavourable she might assert.

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8.—From the great lapse of time since I sent for the complainant, and my having received no tidings whatever of her, I have thought it best to delay no longer in transmitting the information obtained ; but as she may yet arrive, kept the bead to shew her, and will, in the event of her coming, have the honour to send you her deposition, with those of her witnesses, in continuation of my inquiries.

I have, &c.

Cawnpore, 21st Oct. 1815.

(signed) *D. Marshall*, Major General,
Commanding Field Army.

P. S.—To save remark on Colonel Routledge's having a native commissioned officer's guard, it is proper to explain, that he was written to long back on the subject, and reduced his guard according to the regulations.

(signed) *D. Marshall*, Major General.

(True copy.) (signed) *G. H. Fagan*, Adjutant General.

(Copy.)—English Documents.

N° 1.—Letter from Lieutenant Colonel Routledge to Major General Marshall, dated 12th September 1815.

N° 2.—Translation of the Deposition of Kisseur Singh, soobadar 1st battalion 23d native infantry.

N° 3.—Translation of the Deposition of Shunkur Singh, havildar 1st battalion 23d Native Infantry.

N° 4.—Translation of the Deposition of Deenah Singh, sepahee 1st battalion 11th Regiment Native Infantry.

N° 5.—Translation of the Deposition of Doorgapersaud, late ketwal of the Sudder Bazar of Keilah.

N° 6.—Translation of the Deposition of Mohummud Allee, Col. Routledge's moonshee.

N° 7.—Translation of the Deposition of Kaleechurn Bungalow Baboo.

N° 8.—Translation of the Deposition of Huree Bungalow Baboo.

N° 9.—Translation of the Deposition of Maheish Bungalow Baboo.

N° 10.—Letter from Colonel Routledge to Major General Marshall, dated 13th October 1815.

(signed) *A. Hardy*, Lieutenant, Interpreter,
2d Battalion 28th Native Infantry.

(True copy.) (signed) *G. H. Fagan*, Adjutant General.

Persian Document.

A.—Deposition of Kisseur Singh, soobadar, of the 3d Grenadier Battalion 23d Native Infantry.

B.—Deposition of Shunkur Singh, havildar.

C.—Deposition of Deenah Singh, sepahee.

D.—Deposition of Doorgapersaud, late cutwal of the Sudder Bazar Buncledund.

E.—Deposition of Moonshee Mohummud Allee, Col. Routledge's moonshee.

F.—Deposition of Kaleechurn Baboo.

G.—Deposition of Huree Baboo.

H.—Deposition of Maheish Baboo.

I.—Razeenamah of Deenha, for sale of the stone.

K.—Discharge of Deenha from all claims on account of the woman named Heera.

(signed) *A. Hardy*, Lieutenant, Interpreter,
2d Battalion 28th Native Infantry.

(True copy) (signed) *G. H. Fagan*, Adjutant General.

N° 1.—To Major General Marshall, Commanding, &c. &c. &c. Cawnpore.

Sir :—In compliance with the contents of a letter which I lately received from the adjutant general by direction of his Excellency the commander-in-chief, in consequence of a petition (on complaint) preferred to his Lordship on the part of a woman said to have been confined by me in consequence of a transaction connected with a female formerly under her protection, I herewith send the natives concerned against whom the said woman had preferred a complaint to me, whose names are Collychurn and Myass Ghose, camp followers and shopkeepers residing in the station bazar of Kytah.

The adjutant general tells me to desire the complainant to present to you a duplicate of the petition to head quarters, but I know not where the woman is, nor can I obtain any tidings of her, although I have been making inquiries since my receipt of the adjutant general's letter.

Possibly she may be at Cawnpore, and that you may have heard something of her.

I have not seen her petition to the commander-in-chief, but I am sure she has not any just cause for complaint in the matter she presented to me about four or five months ago, although she gave me a great deal of trouble.

She in the first instance complained that Myass Ghose, one of the shopkeepers I mentioned, had detained a woman slave of hers, and prayed, that he might be compelled to deliver her up. I made inquiry into the matter, and even confined the shopkeeper until he should produce the woman slave, but as the woman complainant declared that she had written documents to prove that she had purchased the woman she claimed as a slave, I desired her either to bring herself or send for them; but after various pretences and promises to do so, she failed in producing any such proof, and as our laws do not at any rate tolerate slavery, I would not do any thing more in the business, and accordingly sent the parties away.

I am confident, that if on investigation it should clearly appear that this woman has asserted an unfounded and false complaint, you will cause her to be punished in proportion to her offence.

I have, &c.

(signed) *F. Routledge*, commanding in Bundlecund.

Keitah, 12th September 1816.

Deposition of Kisseur Singh, subadar of Colonel Munro's battalion
23d Native Infantry.

N^o 2.—At the station of Keitah, my duty was at the gate of Colonel Routledge, and I accordingly, with a guard of Sepahees, arrived at the gate of the aforementioned gentleman, and previously coming on the duty, a black complexioned woman was in confinement in the guard.

At the expiration of four days on this duty, I perceived that the woman aforesaid kept weeping and lamenting day and night from hunger; that she did not receive any thing for subsistence from the commanding officer, nor had she any thing in her own possession; pitying her case, I gave her to eat four cakes from my own victuals, and in the morning represented to the colonel aforesaid; "This woman is poor and helpless, and you are master and lord of the district, no advantage results from keeping her in confinement, and it would be better to release her; further she has not any thing to eat, and is dying with hunger, and when she goes to comply with the calls of nature, a surety accompanies her, which is contrary to the usage of Hindostan." The colonel then said, upon ascertaining the matter, "I will order her release." After conversation to this effect, I returned to my guard; in the afternoon of the same day, the person named Kaleechurn, a Bengalee, Baboo and Moonshee Mohummud Allee came to me at the guard, and the Bungalow aforesaid said to me, "you made a report to the colonel for the release of this woman;" I replied, "it is my custom when any person is in the guard, to report the good and bad concerning them." The Bengalee then said to me, "You reported that this woman had not any thing in her possession, and was dying with hunger; she has a stone of the emerald species of great value." Upon this I called the woman to me, and asked, "Have you any thing belonging to you?" She replied, "I have not any thing." The Bengalee then signified to the woman, "that stone which you showed to some Bungalaw Baboo (whose name I the deponent forget), where is that stone?" On hearing these words from the Bengalee, the woman acknowledged that she had it. I then said to the woman, "where is it?" She replied, "it is deposited in my house." I accordingly sent a sepahee with the woman, who, having gone to the house, brought to the guard a bundle of clothes tied up, which being opened, she produced from amongst

^{Green Stone*}

them an emerald, in shape diminishing towards the top (like a sorahee), the weight I guess might be six or seven mashas†, and put it into my hand. I examined it well with my own eyes; it was a stone of a green colour, brilliant, and when placed on cloth, from its lustre, a green colour was visible on the cloth; having thus looked at it, I returned it into the woman's hands; the Bengalee aforesaid then said to the woman, "sell this," the woman replied, "I will not sell it;" after this conversation,

* Thus written above in the original.

† 1 Masha 8 rupees 1 rupee, 8 grains rice.

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* Acquittance.

the Bengalee and Moonshee aforesaid went to their own house, and the woman remained as usual confined in the guard. The next morning, the Moonshee and Bengalee again came to the guard and sat down, then the woman, from what apprehension I know not, said to me, "I now will sell that stone;" I said to the Moonshee and Bengalee, "This woman will now sell the stone if agreeable to you, take it accordingly;" the Moonshee said, "I will give one rupee;" the woman replied, "give whatever you please;" thus the Moonshee gave to the woman one sirenuggur rupee and took the stone, and on the spot having written with his own hand a razeenamah,* said to me, do you also sign as witness to this paper. I said to the woman, "Are you satisfied;" the woman answered, "What can I do, I am satisfied." I then wrote my testimony to the paper. Then the Moonshee and Baboo aforesaid went into the bungalow to the colonel, and having come out again, the Moonshee said to me, "Let this woman go." The woman being released, accordingly departed.

† Gen' Marshall.

After this, I went to the presence of the colonel and reported, "That woman has been released from the guard, and your Moonshee has taken at the price of a sirenugur rupee an emerald stone which was in her possession." The colonel replied, "it is not of any consequence, let it pass." And in the present instance, when the colonel in consequence of a summons from the presence†, dispatched me to this place, at the very time of sending me off, I proposed to the colonel, "give me that emerald that I may take it with me, to the end that should the aforesaid woman not be satisfied, she may receive back the emerald and return the rupee." The colonel replied, "I have already sent off the emerald."

And now I am in attendance at the presence, and the green coloured stone which I have here looked at, is not that emerald stone which the Moonshee and Bengalee aforesaid took from the woman aforesaid. As to the future, my masters are the controllers. That which I knew, I have most truly stated. No more.

The mark × and signature of *Kisseree Singh*, Subadar above-named.

(True translation.)

(signed)

A. Hardy, Lieut. Interpreter 2d Battalion 28th N. I.

Deposition of Shunker Singh, havildar Colonel Munro's battalion, or 1st battalion 23d regiment.

N° 3.—At the station of Keetah, my duty, together with Kissore Singh, subadar, was at the gate of Colonel Routledge; accordingly I, with the guard of sepoy, arrived at the gate of the aforesaid gentleman, and previously to my coming on the duty, a black complexioned woman, whose name I do not know, was in confinement in the guard. At the expiration of four days, the woman appeared weeping and lamenting night and day from hunger. She did not receive any thing for subsistence from the commanding officer, nor had she any thing in her possession, accordingly the above-named subadar taking pity, gave the woman four cakes to eat, from his own victuals, and in the morning reported it to the colonel, whose answer I do not know. In the afternoon of the same day, the persons named Kalee Churn, a Bengalee, Baboo and Moonshee Mohummud Allee, came to the guard to the subadar, and the Bengalee aforesaid said to the subadar, why did you make a report to the colonel for the release of this woman? The subadar replied, "it is my custom, when any person is in the guard, to report the good and bad concerning them, the Bengalee said to the subadar, you reported that this woman had not any thing in her possession, and was dying with hunger. She has a stone of the emerald species, of great value." The subadar then asked the woman, "Have you any thing in your possession," the woman replied, "I have not any thing." The Bengalee then signified to the woman, "that stone which you have shewn to some Bengalee, Baboo (whose name I the deponent forget) where is that stone?" on hearing these words, the woman acknowledged that she had it; the subadar accordingly sent a sepoy, in company with the woman, who went to her own house, and brought to the guard a bundle of clothes tied up, which being opened, she produced from amongst them a green stone, species of emerald, in shape diminishing towards the top, (like a soorahee) the weight of which I guess might be six or seven mashas, and put it into the subadar's hand, and the subadar having looked at it, returned it into the woman's hands. Then I also having taken the said emerald from the woman's hand, and inspected it with my own eyes, returned it again to her. The aforesaid Bengalee then said to the woman, "sell this," the woman then replied, "I will not sell it." This conversation having taken place, the Moonshee and Bengalee aforesaid,

said, went to their own house, and the woman remained as usual, confined in the guard. The next morning, the Moonshee and Bengalee came to the guard and sat down. Then the woman, from what appearance I know not, said to the subadar, "I now will sell that stone." The subadar accordingly said to the Bengalee and Moonshee, "This woman will now sell that stone, if agreeable to you to take it." The Moonshee said, "I will give one rupee." The woman replied, "I will not say any thing, give what you like;" thus the Moonshee, in my presence, gave to the woman one sreenugur rupee, and took the above mentioned emerald stone, and having written on the spot with his own hand a razeenamah, said to me, "Do you also be a witness to this paper." I said to the woman, "Are you satisfied?" the woman replied, what can I do, "I am satisfied;" so I gave the paper to the Moonshee, telling him to write my attestation, and he wrote it accordingly. Then the Moonshee and Bengalee aforesaid, went into the above-named colonel's bungalow, and having come out again, the Moonshee said to the subadar, "Let this woman go." The subadar accordingly gave me an order, put this woman outside the bungalow compound; I put her out, and came back; after this, the subadar went to the colonel, and having reported the release of the woman, returned.

And now I am in attendance at the presence, and have looked at the green coloured stone; this in possession of the general, it is not that emerald stone which the Moonshee and Bengalee aforesaid took from the woman aforesaid. As to the future, my masters are the controllers. That which I know, I have most truly stated. No more.

The mark X and signature of *Shunkur Singh*, havildar above-mentioned.

(True translation.)

(signed) *A. Hardy*, Lieut. Interpreter 2d Battalion 28th N. I.

Deposition of Deenah Sing, sepoy of the Dow Battalion, or 1st Battalion
11th Regiment.

N^o 4.—At the station of Keitah, I was on duty with Subadar Kisseree Sing, at the gate of Colonel Routledge, and remained present with the above guard; and previously to my coming on duty, a black complexioned woman, whose name I do not know, was in confinement in the guard; of other circumstances I have not any knowledge, but one day I was on duty as kote sentry, and when relieved I came back, and was taking off my accoutrements on my bed; during this, the above-mentioned subadar called out to me and said, "Two men of our battalion are witnesses to a razeenamah, you belong to a dow battalion, do you also give your attestation, that they may not be three men of the same battalion;" accordingly I came, and stood near the subadar, and asked the aforesaid, "Do you, with your own consent, sell this stone? May I give my attestation to the razeenamah." The woman replied, "What can I do, I am content, give your attestation." I accordingly had it written on the razeenamah paper. Then taking from the subadar's hand into my own, the emerald stone which Moonshee Mohummud Allee took from the woman aforesaid, I examined it well with my own eyes, and the said stone was soorahee shaped, weighed as I guess six or seven mashas, and was very luminous and brilliant, and when placed on cloth, a green colour from its lustre was visible on the cloth.

And now I am in attendance at the presence, and this stone of a green colour, which I have looked at, is not the emerald stone which the said Moonshee Mohummud Allee took from the aforesaid woman.

As to the future my masters are the controllers. That which I know I have most truly stated. No more.

Mark of signature of *Deenah Singh*, Sepoy abovementioned.

(True translation.)

(signed) *A. Hardy*, Lieut. Quar. Master, 2d Batt. 28th Reg. and Interpreter.

Deposition of the man named Doorgapersaud, late Kotwal of the
Sudder Bazar of the Cantonment of Keitah.

N^o 5.—I have not any knowledge of the circumstances attending the confinement of the woman whose name I do not know, nor for what fault she was put into confinement; but to this extent I know, a nach woman was in confinement in Colonel Routledge's gate guard. One day, I, together with Ramkishun, hunkurrah, Gunneish, jemadar of the hurkurrahs in Colonel Routledge's service, Soobhan Maholdar Kaleechurn, Bengalee Baboo Gunga, and others, was sitting on a charpae at the house of the above jemadar; during this, Moonshee Mohummud Allee, a moonshee in the service of Colonel Routledge, came there, having hold in his hand of a kind

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of stone of a green colour, soorahee shaped, and a razeenamah paper, which paper he read to the aforesaid Bengalee; and afterwards taking hold of the white thread which was run through the above stone, and shewing it to us all, he said, "Folks say that this stone is worth a thousand rupees, and some say that it is worth five hundred rupees; look at it. This said stone, whose value may be four annas, I have taken for a rupee." Then I, seeing the bulk and brilliancy of the stone, said to the moonshee, "If you speak of the value of this stone as four annas, I will give you a hundred rupees as its price." The moonshee replied, "You are a child; what do you know?" Afterwards to this effect, the moonshee tied up the above stone in a corner of his turban, and on account of rain falling, sat down there. After a space of about three hours, when the rain had ceased, Kaleechurn Baboo, and the aforesaid moonshee, went into the bungalow of the above-named Colonel Routledge, but I do not know what words passed; and a moment afterwards I went into the bungalow, and the colonel gave me my dismissal or discharge chit, and accordingly being dismissed, I came from the cantonment of Keetah to Cawnpore. And now I have examined the green stone, this which is at the presence, it is not that green stone which Moonshee Mohummud Allee showed at the house of Guneish in the cantonment of Keitah. As to the future my masters are the controllers; the circumstances which I had knowledge of I have most truly stated. No more.

Signature of *Doorgapersaud*.

(True translation.)

(signed) *A. Hardy*, Lieut. Intr. 2d Battalion 28th Native Infantry.

Deposition of Moonshee Mohummud Ulee, in the service of
Colonel Routledge.

N^o 6.—In the month of April 1815, A. D. at Pinwaree, the person named Deenha Nachwoman, attended at the presence of Colonel Routledge, and through the means of Meer Ruhm Ulee Chunduree, made a complaint. "Moheish Baboo, Bengalee, has by force secreted in some place a woman of mine, and keeps her there. My master is lord of the district; I am hopeful that, by the orders of my master, the aforesaid woman may be restored by the above Baboo." In consequence, the colonel sent a havildar and a hurcurrah, in company with a man of Deenha aforesaid, saying, "Go to the cantonment of Keitah, and bring Maheish Baboo in custody." Accordingly the havildar and hurcurrah aforesaid, went to the cantonment of Keitah; and having returned in the evening, represented to the colonel that the above Baboo had gone to some village for the purpose of cutting wood, and therefore they had not found him. The colonel said, "Well, he shall be sought for." Next morning some person gave information to the woman aforesaid, "Your woman is in the village of Roree, dependent on Pinwaree, and distant three coss from hence, at the house of Sookh Singh, zemindar." Accordingly the woman hearing these words, went at that very time to the said village, and asked the above-named zemindar, "If a person named Heera, my woman, was in your house; where is she?" The zemindar replied, "She was; but two or three days since Moheish Bengalee Baboo took her from hence to some other place." The woman came again to the colonel, and stated, "My woman was at the village of Roree at the house of the zemindar of the place, and two or three days back, Moheish aforesaid, has taken her from thence also to some other place." In consequence of this, the colonel sent a havildar to bring the zemindar of the aforesaid village, and the hurcurrah went to the village, and brought the zemindar in custody; and on being questioned, the zemindar deposed, "Its true, Moheish Baboo came and settled the woman named Heera in my house, and the said Baboo and Heera Baboo both used to come and remain with the above woman; but one day there was a quarrel between Heera Baboo and the woman, and in consequence of this, after Moheish Baboo had himself remained three or four days at the village, he sent the above woman in company with a man named Kushenan, his own servant, to some other place." Having made a representation to the above effect, the aforesaid zemindar returned to his own village. Two days afterwards, Moheish Baboo came unsent for, and of his own accord went into the colonel's tent, and the colonel was very angry, and said, "You have secreted the woman of Deenha Nachwoman, who states that with her woman aforesaid are ornaments, her property, to the amount of five hundred rupees; it is absolutely necessary for you to point out where she is." The Baboo replied to the following purport: "The above
woman

woman has run away." The colonel said, "This is not of any signification; the necessity of pointing her out falls upon you." After this the Baboo took his leave, and came out. Two days after, the colonel taking me with him for the purpose of providing bricks and wood for building a new bungalow, arrived in the cantonments of Keitah; that day, about twelve o'clock, Kaleechurn Bengalee Baboo came to the colonel's presence, and having spoken with him in the English language for about an hour, came out, and at the time of coming out, spoke to the following effect to me and others who were standing outside of the bungalow: "I have become security for Moheish Baboo." Afterwards the colonel mounted, and arrived at the camp of Pinwaree, and Deenah Nachwoman always attended every two or three days, and kept petitioning that her woman might be restored; and the colonel told her that she should be restored to her. Shortly after, the victorious army marched from Pinwaree, and returned to the cantonment of Keitah; and the the aforesaid Nachwoman was as usual in attendance. One day, Kaleechurn Baboo represented to the colonel, "Moheish Baboo alone did not take away the woman of Deenha; the man called Huree Bengalee Baboo is also a confederate in this business." The colonel said, "How do you know?" "The zemindar of the abovenamed village, in whose house they went and staid, is a witness that both staid in the same house with the aforesaid woman. If this should not be proved, I will produce confirmation." Then the colonel sent for me, and said, Kaleechurn Baboo speaks as above, do you also understand it; and I hear that Huree Baboo is at Rath in the saltpetre factory; send for him, and let it be ascertained." Accordingly I, in obedience to the orders of the colonel, sent two hurkurras, who having fetched Huree Baboo from Rath, brought him with them to the colonel's presence, and the colonel showed great anger towards Huree Baboo, and said, "You and Moheish Baboo jointly confederate, have taken away the woman of Deenha Nachwoman; and Deenha states, that she has with her ornaments to the amount of five hundred rupees; it falls upon you to give information of her; if not, I will flog you." Huree Baboo answered, "I was at the village of Bundah for the purpose of grazing camels, and at the request of Moheish Baboo, I merely pointed out a place to remain at in the house of the zemindar of the village of Roree; I have no other concern with the aforesaid woman. Accordingly the colonel ordered me,—'Do you write, and take from Huree Baboo an agreement to this effect, that if any fault regarding the above woman should hereafter be proved against him, he would be against the commanding officer.' In consequence of this, I took Huree Baboo to Shekh Agheon, subadar of the guard at the colonel's gate, and in presence of him, wrote and took an engagement to the purport written above." After writing the engagement, the colonel said to Huree Baboo, "Give security." The Baboo replied, "No one will give security." Upon this the colonel put Huree Baboo into confinement in the guard at his own gate, and gave me an order, "Send for the zemindar of the village of Roree, and ascertain the matter." Accordingly I again sent a hurkurrah to bring the zemindar of the aforesaid village; and the said zemindar, in presence of Huree Baboo, clearly stated, "The woman named Heera was in my house, and both Huree Baboo and Moheish Baboo used to come there, and remain together at the same house, and one day there was a quarrel between Huree Baboo and the aforesaid woman; accordingly Moheish Baboo took away the woman from thence, and settled her in another place." On hearing this, Huree Baboo being confuted, remained silent, and continued as before in confinement. One day Kaleechurn Baboo represented to the colonel, "Moheish Baboo states, that the woman named Heera affirms, I am not a daughter of Deenha Nachwoman, neither am I her purchased slave. I remain in her house merely of my own accord and pleasure, and Deenha Nachwoman has wrongfully complained against us, who are respectable people, and destroyed our character." The colonel accordingly sent for Deenha, and asked her, "Under what circumstances is that woman with you?" Deenha replied, "She is my purchased slave." The colonel said, "Have you her certificate of sale?" The woman replied, "I have, but it is left at Sagur; in the space of ten days I will send for and give it." The colonel said, "If the bill of sale should be in your possession after my examining it, the aforesaid Bengalees shall be punished, and your woman given up to you." When ten days had passed, and the bill of sale had not arrived, Kaleechurn Baboo again represented to the colonel. Moheish Baboo and Huree Baboo aforesaid stated, that they have made particular inquiry of the woman named Heera, who says, "I am not a purchased slave of Deenha Nachwoman, and no certificate of my purchase is in possession

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of the said Deenha, and she has made a false complaint, let our master do justice in this affair, otherwise I will prefer a complaint of this against my master." Accordingly the colonel released Huree Baboo from confinement, and sending for Deenha Nachwoman, said to her, "you have not delivered the bill of sale according to your promise, and have made a false complaint, therefore remain in the guard until the arrival of the said paper; and on the day when you send for and deliver the paper, on that very day your woman in person shall be restored to you, and punishment inflicted on the Bengalees." The woman was accordingly confined in the colonel's gate guard; when Kisseree Singh Subadar of the Munro battalion was on duty at the colonel's gate, the subadar seeing the hunger and affliction of the above woman, took pity and reported to the colonel: "The woman who is confined in the guard is an old woman, and moreover for two days has been starving; I think that she will die, it is better that her case, whatever it may be, should be inquired into, and her release ordered." The colonel replied, "Very well, on ascertaining the matter, at that very time I will send to inform you." Then the colonel called to him at first, Baboo Kaleechurn alone; I do not know what he said, nor what the Baboo represented in reply. When the said Baboo came out, I went into the bungalow, the colonel ordered, "Do you go to the Nachwoman aforesaid, and say to her, you engaged that in ten days you would produce the bill of sale, to this time it is not come, if it be existing bring it, that your woman may be given back, if not, write and give a razeenamah that between me and woman aforesaid there is no concern." Thus I and the aforesaid Baboo went separately to the guard; the said Baboo said to the subadar in an angry manner, "Why did you report to the colonel that this woman is dying with hunger, what information have you, and what does my master know that she is possessed nothing and is dying with hunger; she is possessed of great wealth." After discourse to the above effect, I and the above Baboo went to our own houses. The next morning, Kaleechurn Baboo came to me, and practising deceit and imposture, showed me a sreenugur rupee and said, "in possession of Deenha aforesaid is a stone of the emerald species, do you go along with me to the guard, to the said woman, and in your own name having taken the above emerald at the price of this rupee, give it to me." As at that time the access of the above Bengalee to the colonel's presence was very great, I reflected in my own mind, that should I not consent to the proposal of the Baboo, he may most probably, by making some representation to the colonel, procure my discharge from my employment, I therefore consented to the Baboo's proposal, and going in his company to the guard, first asked the woman aforesaid, "Will you produce the bill of sale of the woman called Heera, or will you give her acquittance?" The woman answered to this effect, "the paper is not in my possession, of my own will I will write and give the acquittance paper." Accordingly in presence of Kisseree Singh, subadar, I wrote the acquittance paper which is at the present, and took the attestation of Sunkur Singh, havildar, Dinah Sing, sepahee, Guneish, jemadar, and other hurkurrahs in the service of Colonel Routledge; and half an hour afterwards, I said to Deenha aforesaid, "Have you any stone? If you will sell it, give it me." The woman said, "What kind of stone is it?" During this, the aforesaid Baboo, who was sitting at the distance of ten paces, called out, and signified "that stone which you that day showed to some Bengalee;" on hearing this, the woman said, "I have it," and accordingly produced a stone of a green colour, emerald species, soorahee shaped, from the brightness of which, the white thread which was inserted through the hole of it was clearly visible, of great lustre, and weighing, I should guess, more than four mashas, and she put it into the hand of the subadar. I said, "if you will sell it, take a rupee as the price of this stone;" the woman, in the manner of a person afflicted said, "I will give it;" I said, "If you will give it, give it willingly, take the rupee, and write a razeenamah." The woman said "well, I sell it with my own consent, write and take a razeenamah;" accordingly at that very time, I took a sreenugur rupee from Baboo Kaleechurn aforesaid, and put it into the woman's hand, and the abovenamed subadar gave the aforesaid emerald stone into my hand, and the havildar, and other sepahees took it from my hand and examined it. After this, I wrote the razeenamah in presence of the aforesaid subadar, and had it witnessed by Seadeen Singh, havildar, Shunkur Singh, havildar, Deenah Singh, sepahee, and Guneish, jemadar of the hurkurrahs in Colonel Routledge's service. After this, I gave the above emerald stone and the razeenamah into the hands of Kaleechurn Baboo, and the said Baboo, on that very spot, wrapped the above stone in his d'hoter, and took it away; then I, together with

with the Baboo aforesaid, went to the bungalow into the presence of the colonel; the above Baboo (concealing, I know not in what place, the above emerald and razeenamah,) showed the colonel merely that acquittance paper which Deenha Nachwoman had written, and given on the subject of having no claims on the woman called Heera; and the colonel having sent for Deenha aforesaid into the bungalow, said, "Have you of your own free will written and given an acquittance paper respecting your woman?" The woman replied, "I have written and given it of my own free will." The colonel said, "If you have written it of your own free will, write your signature;" accordingly the woman made her mark with her own hand upon the acquittance paper; after this, the woman being released, went to her own house, and I came to my own residence. I do not know whether the Baboo aforesaid gave above emerald to the colonel, or whether he kept it himself; on this subject I have not any knowledge; and at the time when Kaleechurn Baboo in obedience to the colonel's orders departed from the cantonment, I have not any knowledge whether the colonel delivered from himself the above emerald stone to the aforesaid Baboo, or whether the Baboo himself produced it. Now that I am in attendance at the presence, it is not that emerald stone, which I, sitting in the colonel's guard gate in the cantonments, took from the woman aforesaid called Deenha, and delivered to the aforesaid Bengalee; because, although the form is the same, yet the green polish (or water) of which possessing a brilliancy, and the water of this is black; and the thread through that was in consequence of its transparency already visible, and in this there is not that transparency in bulk, also it was something larger than this stone that which I knew, I have most truly stated; as to the future, my masters are the controllers. No more.

In repetition.—Having taken the emerald stone above from Deenha aforesaid, at that very time I delivered it to Kaleechurn Bengalee Baboo, in presence of Kisseree Singh, subadar, Shunkur Sing, havildar, Deena Singh, sepahee, and others.

Signature of *Mohammed Ulee*, moonshee, in the service of Colonel Routledge.

(True translation.)

(signed) *A. Hardy*, Lieutenant, Interpreter, 2d Battalion, 28th N. I.

Deposition of Kaleechurn Bengalee Baboo, merchant, in the Cantonment of Keitah.

N^o 7.—In the month of April 1815 A. D. a sepahee and an hurkurrah, sent by Colonel Routledge, together with Deenha Nachwoman, came from Pinwaree to my shop in the cantonment of Keitah, and said, "Where are Moheish Baboo Kuhman, your servant, and the woman whom the said Baboo keeps in his house; let them go along with us, as the colonel has sent for them." I replied, "Moheish Baboo is gone to the village of Bandah for the purpose of cutting wood; the man Kuhman is present, take him; and the aforesaid woman is not in my house, search for and take her." Accordingly the sepahee and chuprassee aforesaid took the man Kuhman in confinement towards Pinwaree to the colonel. The colonel asked the said Kuhman, "Were you in company with Moheish Baboo when he brought the woman of Deenha from the village to the camp at Pinwaree?" He answered, "Yes, I was; but on arriving near the camp, the Baboo and woman sat down under a tree, and sent me towards Keitah; further, I have no knowledge where the woman went, or where Moheish Baboo is." On this account, the colonel caused the aforesaid man to be confined. Next morning I went to the village, where Moheish Baboo was collecting wood, and said, "The person called Deenha Nachwoman has made a complaint against you to the colonel respecting her woman, in consequence of which the colonel sent for you; it is requisite that you should go to his presence, and state your reply." Upon this, Moheish Baboo answered, "I have been to the village of Bandah for the purpose of cutting wood for finishing your business." Then the above gentleman said, "A Nachwoman has preferred a complaint against you concerning her woman; well, go now to cut the wood, and take with you your man who is in confinement; it shall be ascertained hereafter." At the expiration of three or four days, the colonel aforesaid came from Pinwaree to the cantonment of Keitah, and put Moheish Baboo into confinement, saying, "Produce the woman." The aforesaid Baboo then sent a letter to me, who was cutting grass at a village three coss distant from cantonments, stating, "the colonel has confined me." Accordingly I arrived, and having become security for Moheish Baboo, was released from confinement; after this, the colonel frequently said to me

me in the way of reproof, "produce the above woman," and I continued to reply in this way, "the woman is not with us; she went with Rajoo Baboo, Huree Baboo, and divers other Bengalees." On hearing the purport of this, he caused search to be made for Rajoo Baboo and the others, and did not find them; but the man called Huree Baboo, who was at that time present at the saltpetre factory at Rath, he sent one of his own hurkurrahs to fetch and put him into confinement. In the afternoon, when I went to the bungalow of the aforesaid colonel, I asked the sentry "What had become of a Bengallee, who arrived in confinement from Rath." The sentry replied, "The colonel demanded security from him, which security he did not give, and therefore is confinement." Having remained in confinement about a month and a half, he obtained his release. One day I represented to the colonel at the time when the above man was with Moheish Baboo, she said, "I am not a purchased slave of Deenha Nachwoman, and remain in her house from my own will and pleasure." On hearing this, the colonel asked Deenha aforesaid, "Is the woman named Keera your daughter, or is she purchased?" She replied, "She is my purchased slave, and her bill of sale is in existence at Sagur." The colonel accordingly directed, "send and get the paper, in order that after examining it, I may do justice in the manner which is customary." The woman aforesaid promised in the space of twenty days "I will send for and give it." When an interval of one month and eight days had elapsed, and the aforesaid woman had not produced the above bill of sale, I presented to the colonel, "the women aforesaid agreed to produce the bill of sale in twenty days, and even to this time, when a month and eight days have elapsed, she has not produced it; the above woman has produced a false complaint against us; let our master do justice in this affair, if not, I will go to the presence of the general at Cawnpore, and prefer a complaint." In this way the colonel sent for Deenha aforesaid, and having caused her to be confined in the guard at his own gate, said, "You have made a false complaint against the Bengalees; satisfy them." Thus the woman was confined; and five or six days after, the colonel sent for me and said, "this morning the subadar of the gate guard represented that the woman who is in confinement in the guard speaks of making you satisfaction; do you go to the subadar." Accordingly I went alone to the subadar aforesaid, and the subadar said, "This woman speaks of making you satisfaction; she is poor, and receives nothing for subsistence." I replied to the subadar, "This woman says that she is poor; this woman is possessed of a green coloured stone of the value of ten or twenty rupees, why does she not, by selling that, make an adjustment with us?" On hearing this, the subadar asked the woman, "Have you any stone?" The woman replied, "I have not." After this, I said, "you formerly showed to us a green coloured stone, and said, 'this stone is worth twenty rupees;' where is that stone?" On hearing this, the woman, after remaining silent, agreed that she had it; after this, the subadar asked the woman, "You are possessed of some stone, where is that stone?" The woman replied, "it is at my dwelling-house." Then the subadar sent a sepahee in company with her. During this, Moonshee Mohummud Allee also came and sat down there. The aforesaid woman having gone to her own house, brought a bundle of clothes tied up, and in presence of the aforesaid subadar, opened it and produced from the midst a stone of a green colour, serahee shaped, the weight of which, I guess, might be six or seven rupees. She put it into the hands of the subadar; the subadar said, "this stone is nothing at all; what do you say to this?" and addressing himself to me, said, "Baboo, you wrongfully and falsely distress this woman." I said to the subadar, "I do not know what this is; but this woman said the stone was real." Accordingly, the subadar again asked the woman, "where did you get this stone?" The woman returned for answer, "once at Jauloon I went to dance at the rajah's house, and the lady of the said gave it me as a present, and the above lady when she gave it to me said, 'this stone was a drop worn at my ear, but one day it separated from my ear, and falling into the fire, it was burnt, in consequence of which no lustre remains in it;' but the above lady gave me the stone, calling it real; from this I know that it is real." The subadar said, "your words relate to a great man's house; probably it may be. After this, the havildar and sepahee of the guard took it into their own hands and inspected it, and every one, according to his own conception, spoke of the value of the above stone; some at two rupees, and some at ten rupees, and some one said the stone is not real. In this manner Moonshee Mohummud Allee said to the above woman, "Well, be this stone real or false, which ever is in my fortune so it will be, if you will give it me for one rupee I will take it." The woman consented, and said,

"take

"take it." Afterwards to this effect, I and the said moonshee got up and went to our own houses ; in the middle of the road the moonshee said to me, "do you lend me a rupee, that I may take this stone ; when I receive pay from my master I will repay you." I delivered to the moonshee one sreenugur rupee which was at that time about me ; about twelve o'clock the next day, the aforesaid colonel again sent for me, and I accordingly attended Moonshee Mahommed Allee, who said to me, "Why do you make such delay in coming? the paper of acquittance of all claims of Deenha aforesaid lies ready, and the colonel is in great anger, saying, 'I gave orders yesterday for the release of that woman ; why is she not released by this time?'" Accordingly I and the said moonshee, together with Deenha the woman aforesaid, waited upon the colonel, and the aforesaid woman presented with her own hands, to the colonel, the acquittance paper which the said moonshee had written, with the attestation of the subadar, havildar, and others, and represented, "I am satisfied, and with my own consent and desire have written and given this rezeenamah." After that, the colonel said, "depart to your own country;" and he wrote his own signature. In this manner the woman obtained her release from confinement, and I went to my own house. I have not any knowledge at what time, in what manner, or in presence of what persons the aforesaid moonshee took the stone ; but two days afterwards I asked the moonshee, "Have you taken that stone?" The moonshee replied, "I have taken it ; but after taking the stone, the aforesaid woman said, 'moonshee, God preserve you, for in the Bazaar no one would give me four annas as the price of that stone, and you have given me a rupee : I shall reach Sagur excellently.'" And in the present instance, when the colonel, conformably to a summons from the presence, dispatched me to this place, he sent for me and said, "I have heard that Moonshee Mahommed Allee has taken some stone from the said moonshee, and taking it with you to Cawnpore ; present it to the general on your arrival at the presence." The colonel accordingly sent for the above moonshee, and said, "Deliver that stone to Kaleechurn Baboo, that he may take it to the general's presence." In this way the moonshee, before the colonel's face, put the aforesaid stone into my hand ; then the colonel aforesaid took it out of my hand, and having examined it, said, "What sort of stone is this ; has the woman lodged a complaint?" At that time the above moonshee said, here is a razeenamah paper on account of the purchase of this said stone. The colonel said, give that also.

Accordingly, having brought the aforesaid stone and razeenamah to the exalted presence, I have presented them. No more.

(True translation.)

Signature of *Kaleechurn Baboo*.

(signed) *A. Hardy*, Lieutenant, Interpreter, 2d Battalion, 28th Reg' N. I.

Deposition of the man named Huree Bungalee Baboo.

N^o 8.—I was for the space of a year and a half at the Commissariat Godown appertaining to the station of Keitah, with Shee Narrain Baboo. In the month of April 1815, A. D. but the day of the month I do not know, I went from the above cantonment to Rath to Mindkishore, the saltpetre Baboo, and I guess that I remained there twenty days, and on the twenty-third day of the above month, an hurkurrah and a chuprassie of Colonel Routledge's came in the morning to me at Rath, and asked, "Is your name Huree Baboo?" I answered "Yes." They then said, "the above colonel has sent for you." I said, "if the colonel has sent for me, by the afternoon I will attend him." The hurkurrah and chuprassie said, "our orders are, bring him with you at this time, and if he should make any pretext for not coming, deliver him to the tehsildar or policedar, and return." Accordingly I, in company with the said hurkurrah and chuprassie arrived at the colonel's house, in the cantonment of Keitah, and said to the hurkurrah and chuprassie, "if the colonel has sent for me, I will go inside the bungalow, to the colonel's presence." The hurkurrah and chuprassie first said, "go to the moonshee and sit down ; the moonshee will inform the colonel, and then it will be proper to go." Accordingly, I went and sat down with the moonshee, and said, "give the colonel information of my arrival." The moonshee said, "at this time the colonel is in the inner apartments, at a proper opportunity I will inform him, and then you must go." I replied, "I am a Hindoo, if there will be any delay in my attendance, I will bathe, and after eating something, I will attend." The moonshee said, "very well," and sent an hurkurrah with me, saying, "after letting this man eat something, bring him back." Accordingly

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I went in company with the hurkurrah, and having eaten something, again returned to the moonshee. The above moonshee said, "sit down, I will inform my master, and call you." He accordingly went into the bungalow, and returning, took me himself into the presence. The colonel said, "there is a complaint against you, and you have committed a great fault." I represented in form, "what fault has occurred; what person has preferred a complaint?" The colonel ordered the moonshee, as follows; "Take this man to the gate guard, and deliver him to the subadar, that he may keep him in confinement, and afterwards an investigation shall be ordered." Accordingly, in the afternoon of the 23d of April of the above year, the said moonshee took me with him to the guard, delivered me to the subadar, and said, "keep this man in confinement, but do not give him any annoyance." I was accordingly kept in confinement; and after eight days, as the colonel was one day taking a walk in the evening, came towards the guard, I represented to him. "No fault has been committed by your slave, and he is wrongfully confined, order the matter to be investigated." The colonel replied, "I will order an investigation." Accordingly the next morning, the above moonshee called me to him, and having taken down my oral deposition in writing, sent me back to the guard, and when I went out to eat my victuals, or to comply with the exigencies of nature, a sentry accompanied me, and brought me back to the guard, and I continued in confinement. At last, on the 3d or 4th day of June of the above year, I, accompanied by the sentry, went to the house of Shee Narrain Baboo, for the purpose of eating my victuals. After me, an hurkurrah of the colonel's came to me and said, the colonel says, "I have particularly inquired; there is no fault against Huree Bungalee Baboo, therefore I have released him," and the hurkurrah took with him to the bungalow guard, the sentry who had accompanied me; and I having obtained my release, remained as usual at the house of Shee Narrain Baboo aforesaid. On the 22d of September of the above year, the above colonel sent for me, and said, "General Marshall has sent for you, my moonshee, a subadar and others are going from hence, do you go in company with them." In consequence of this, I have attended at the illustrious presence at Cawnpore. O Master, on account of the woman named Keera, they confined me in the guard without cause, and at the expiration of a month and eleven days released me. What really occurred, I have most truly stated.

Signature of *Huree Bengalee Baboo*.

(True translation.)

(signed) *A. Hardy*, Lieut. Interpreter, 2d Battalion 28th Native Infantry.

Deposition of Moheish Baboo, Partner of Kaleechurn Baboo, Merchant
in the Cantonment of Keitah.

N^o 9.—In the month of December 1815, A. D. a woman named Deenha, of the Ramjunee tribe (Hindoo dancing woman), together with her set, came from Sagur to the cantonment of Keitah, and settled at the edge of the Sudder Bazar; accordingly I used to send for the woman named Keera, who was of the aforesaid Deenha, sometimes at night and sometimes by day, and after keeping her with me dismissed her; in this manner a meeting occurred two or three times; and after a month the aforesaid Deenha, together with her household, went somewhere, and seven days afterwards, she, returning to the cantonments alone, said to me, "The girl named Keera has run away from my tent, if you have seen her tell me." I replied, "I have not seen her, nor has she come to me." After asking me to the above purport, the above woman settled in the aforesaid cantonment; during this the victorious army having marched to Pinwaree, all the people of the house of Deenha came and collected, and remained at that place. On the 2d or 3d day of April 1815, I went to a village, the name of which I do not recollect, for the purpose of cutting wood, and searching for trees; went to a village of Bundah, and by the side of the said village there was a well, and having gone to it for the purpose of getting water, I saw the aforesaid woman Keera bathing: recognizing her, I asked, "What are you doing here, your mistress is making search for you?" She replied, "I am not her daughter, it is my pleasure; I will stay wherever my inclination may lead me;" and in the above village there was a house, which she pointed out saying, "In that house a chuprassie has settled me." After conversation to the above purport, I returned to Pinwaree. On the third day after that, I again went to the village where I had seen the woman Keera, for the purpose of cutting wood, and cut down a tree; afterwards I went to the door of Keera's house, and sat down;

down; and as she was a Hindoo of the Ramjune tribe, I called for her hooka, smoked, and asked her, "How did you come here?" the woman replied, "I am not a daughter of Deenha Nachwoman, nor her purchased slave; I stayed with her merely of my own will and pleasure, and have gained her hundreds of rupees, and she annoys me, therefore I stay at any place;" and she said to me, "Take me with you to camp;" I gave her no answer, and when I departed towards the camp, the above woman followed me, and arrived in the camp. I went into the tent of Rajee Mess Baboo, and the said woman sat down outside the tent, under a pomegranate tree, and entered into conversation with some troopers and others; afterwards I rose up, and went into the cantonment of Keitah; and the woman remained sitting in the same place. Three days afterwards, when I went again to Pinwaree, I had not seen the above woman; in the morning the above-named Deenha, meeting me, said, "My woman, named Heera, came in company with you to the camp, where is she?" I remarked to her, "She did come, but sat down under a pomegranate tree, and I went to Keitah; I do not know further where she went, search for her, and take her." Five days afterwards the said Heera and I again met; I asked her, "Where have you been; your mistress has been asking me, where is the woman named Heera gone?" The woman replied, "I am not her daughter, she enticed and brought me away; wherever I may meet with her, I will make her accountable." During this, General Marshall marched from Pinwaree to Cawnpore; and two or three days after, the above Deenha Nachwoman preferred a complaint against me to Colonel Routledge, stating, "Moheish Baboo keeps my woman Heera in his house;" accordingly the said colonel sent a sepahie and a hurkurrah to the cantonment of Keitah, to fetch me, as on that day I had gone to a village for the purpose of cutting wood, the sepahie and chuprassie aforesaid returned. The second day after, when I returned to Pinwaree, I heard that the aforesaid colonel had sent a sepahie and a hurkurrah to fetch me. In consequence of this, without being sent for, I attended at the colonel's presence. The colonel said, "A Nachwoman has preferred a complaint against you, respecting a woman of her's." I represented, "The above woman is not with me;" and after stating this, I came out. The morning after, when the said colonel came to Keitah, he sent for me, and said, "The woman is with you, give her up, or go into confinement." I said, "Order it to be investigated;" the colonel said, "Until the time it is investigated, you shall remain in confinement." Accordingly, I remained a day and a half in confinement in the gate guard. I afterwards said, "I will give security;" the colonel said, "Well, give security." Having accordingly given the security of Kaleechurn Baboo, I obtained my release. Seven or eight days after, when the 4th regiment of cavalry marched from Pinwaree towards Pertaubgurh, I went one march along with the said regiment for the purpose of collecting sums of money entrusted to some men, and having collected the money, returned, after two days, to cantonments, and heard that the colonel had put Huree Bengalee Baboo into confinement, on account of the woman named Heera; but I did not understand what the colonel asked the above Baboo, nor what answers he gave; but the said colonel sometimes blamed me and Kaleechurn Baboo, and said, "Produce the woman belonging to Deenha, otherwise I will again order you to be confined." In this manner an interval of near two months elapsed; one day I represented to the colonel, "The woman named Deenha has preferred a complaint against me, two months have elapsed, and no examination has been made by my master; I am hopeful that he will order an examination into this affair;" accordingly the said colonel sent for Deenha Nachwoman, and said, "If you have the certificate of sale of the woman Heera, bring it, and she shall be restored." The woman returned for answer, "I have it, but it is left at Sagur, in fifteen days time I will send for and produce it." Thus a space of twenty-two days passed, and the said woman had not produced the above bill of sale. I accordingly represented to the colonel, "The above woman promised, in your presence, to produce the bill of sale in fifteen days, whereas twenty-two days have passed, and she has not produced it." In consequence of this, the colonel sent for the above woman, and asked, "Have you not brought the certificate of sale?" The woman returned for answer, "In my part of the country, it is not the custom to write certificates of the sale of slave girls." The colonel said, "If you have not the paper, how can you get your woman restored?" the woman said, "I am without remedy, let my master do whatever he may be disposed to." I at that very time represented to the colonel, "My master has wrongfully confined me two days, and taken away my character." Accordingly, the colonel said to the above woman, "You have made a false complaint,

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plaint, and caused Moheish Baboo to be confined two days ; now do you, in retribution thereof, remain in the same manner in confinement." Accordingly, the above woman, conformably to the colonel's orders, was confined in the gate guard of the said colonel, and remained in the guard three days, when the subadar of the guard and other men gave Kaleechurn Baboo to understand, "What advantage can arise to you from having this woman confined? she is a woman, be satisfied, and cause her to be released." Accordingly, the above Baboo said to me, and I also said, "I am satisfied." In consequence of this, Kaleechurn petitioned the said colonel, and having caused to be written by the said Deenha an acquittance from all claims on account of the woman Heera, she was released. No more.

(True translation.)

Signature of *Moheish Baboo*.

(signed) *A. Hardy*, Lieutenant, Interpreter, 2d battalion 28th N. I.

To Major General Marshall, commanding 1st Division and Field Army,
Cawnpore.

Sir :—I hope you will have the goodness to excuse the interruption of this address. But the absence of my moonshee Mohummud Allee for so long a period, has been productive of much inconvenience to me, and I shall feel greatly obliged by you directing him to return to me as soon as circumstances will possibly permit.

I learn from a letter I just received from him, that his detention has been chiefly owing to some difference in the separate accounts given by him and Collypersaud, regarding the bead alluded to, in the petition presented to the commander-in-chief, by a woman (or by others in her behalf), although I cannot perceive why this should be the case.

I am desirous of giving every information in my power on the subject, especially as it appears by Brigade Major Fountain's public letter by your order, that the complaint applies to myself.

The following, however, is all I know of the transaction.

The same day or the day after, this woman, Collypersaud, his relation Moheish, had agreed amicably to terminate their long pending dispute, Collychurn came and made his salem to me, and at the same time presented a bead. I took it in my hand, looked at it, and asked where he got it. He replied, your moonshee bought it from that woman for one rupee. I said it was a common glass bead, of no use or value. But as it is not usual to reject trifling salems offered in the way of compliment, I immediately took it into the next room, and gave it to my daughter, who looked at it, and made the same observation that I had done myself, viz. that it was a common green glass bead of no value, and of no use to her ; I, however, left it with her, and I can truly declare, that we never talked of or thought of it afterwards, until my receiving a letter from the adjutant general regarding the petition presented to his Lordship by the woman ; I went and asked my daughter if she recollected my having given her a bead about a month ago ; she said, she recollected the circumstance very well, and asked why I inquired about it ; I told her, because I have just received a public letter from the adjutant general, communicating that a petition had been presented to Lord Moira by the woman who had sold it to the moonshee ; that the natives concerned on the occasion, were to be sent to Cawnpore ; and, as I wished to send the bead by the man from whom I got it, for the purpose of shewing it to General Marshall, and relate to him what he knew about it, I hoped she would search for, and be able to find it, which she did, and I immediately returned the bead to Collypersaud, with instructions that he would deliver it to you, and faithfully and truly tell you every thing he knew regarding it.

It is to be regretted that this infamous woman (who is a common prostitute of the lowest class) should have had it in her power to have caused so much trouble, and calumnious reports, by the assertion of the most palpable falsehoods, instigated no doubt by other evil minded persons ; but I confidently trust, Sir, that you will ere this, have been fully convinced of her guilt, and not only cause her to be punished in proportion to her offence, but do me the justice, as well as those falsely accused in her petition, to write to his Excellency the commander-in-chief, in such manner as will effectually remove any unfavourable impression or doubt which might otherwise rest on his Lordship's mind.

I have, &c.

Keitah, 13th October 1815. (signed) *Francis Routledge*, Colonel,
commanding in Bundlecund.

Minute,—It appears that Colonel Routledge confined under charge of his own guard, two persons not accused of any military offence, and not residing within the cantonment.

It appears that no provision was made for the subsistence of the woman, one of those prisoners, and a very unpleasant suspicion arises, that hunger and the grievous indelicacies to which she was subjected, were contemplated as means of reducing her to submit to what was to be demanded from her.

It appears that the known agents of Colonel Routledge were apprized of this woman's possessing a stone supposed to be an emerald, and valuable.

It appears that those agents at length prevailed on the above female prisoner Deenha (a nachwoman) to produce the stone in question.

It appears that the stone was examined by the subadar of the guard and by others present, all of whom observed the brilliancy and fine colour of the stone, whence they imagined it to be of considerable worth.

It appears that the agents above-mentioned, bought the stone from the woman for one sirenugur rupee, and it is clearly perceivable, from even the imperfect testimony yet obtained, that the woman sold it at that price through being frightened, bewildered and in despair, it obviously having been held out to her, that her compliance was the only mode by which she could terminate her existing confinement and sufferings.

It appears, if one is to credit the statement of Collychurn, that the stone so obtained remained in the possession of Moonshee Mohummud Allee till he was required to produce it, in order to its being sent to Major General Marshall, and that the moonshee did then deliver it to Collychurn, in presence of Colonel Routledge.

It appears, if one is to credit the statement of Colonel Routledge, that the stone was (immediately after its being procured from the woman) presented by Collychurn as a salam to Colonel Routledge, who gave it to his daughter Mrs. Hawkins, she remarking that it was only a glass bead; and it is asserted by Colonel Routledge and Mrs. Hawkins, that the said glass bead continued in the possession of Mrs. Hawkins till he required and obtained it from her, in order to send it to Major General Marshall.

It appears that the persons who had examined the stone while it was yet belonging to Deenha at the guard, unanimously declare the bead transmitted by Colonel Routledge to Major General Marshall, not to have been the stone sold by Deenha.

The reflections which arise from this state of the evidence, are very unfavourable for Colonel Routledge, no reason is assigned why Collychurn, who was in constant intercourse with Colonel Routledge, and seems to have been employed in the management of his affairs, should have thought it requisite to present a salem; or presenting the salem, should have offered any thing so common and useless as an ordinary bead; nor is it less remarkable, that Colonel Routledge should have feared to offend a person of such intimacy with him, by rejecting the offering. But if Collychurn had made that present, it is impossible he should have forgotten it; and so far from there being any comprehensible objection to his stating the fact, it was the very thing he would naturally have done (supposing the transfer an honest one) on finding himself likely to be criminally charged with having appropriated to himself the gem in question.

It follows, that either he did never give the stone to Colonel Routledge, or that he gave it as an article of value by guilt obtained, and never to be acknowledged. In the first case, why then does Colonel Routledge declare that he received the stone or bead from Collychurn? In the second case, the production of the bead instead of the real stone, would have proved Colonel Routledge's conscious participation in the iniquity of the transaction. The suspicion urges itself strongly, that Colonel Routledge gave to Mrs. Hawkins the bead, making her unknowingly a party in the business, that her being a depository of the article, might vouch for its identity with the stone extorted from Deenha, should inquiry ever be made into the matter. It would appear that Collychurn had been but insufficiently instructed in the plan of substituting the bead for the gem, and thereby proving from reference to the intrinsic worthlessness of the trinket, that it could not have been an object to defraud the woman out of it at the price of a rupee, the necessity of accounting for the intermediate custody of the article, in order to bar the probable imputation of its having been exchanged, did not at the moment occur, and hence it may be surmised, has arisen the total variance between the statements of Collychurn and Colonel Routledge, as to the disposal of the stone immediately after it was purchased.

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N^o 157.—To C. W. Gardiner, Esq. Secretary to Government in the Military Department.

Sir:—In continuation of my letter, N^o 11, (A.) dated the 3d instant, I have the honour to transmit the copy of a letter from Major General Marshall, under date the 28th ultimo, together with the three Persian papers, and the bead therein mentioned.

Translations of the two Persian papers marked (L.) and (M.) are also transmitted.

A translation of the paper marked (N.) was transmitted with the other papers in a former address.

I have, &c.

(signed) *G. H. Fagan*, Adjutant General.

Adjutant General's Office, Presidency of Fort William, 22d Nov. 1815.

To Colonel G. H. Fagan, Adjutant General.

Sir:—Accompanying I have the honour to transmit you three Persian papers, marked (L.) (M.) and (N.) The first is the statement of the complainant; the second, the statement of her servant; and the last, the duplicate of the arzee, delivered by the complainant Deenha Tuwaif, at Futtu Ghur, for the consideration of the Right honourable the Commander-in-chief, the foregoing being in continuation and in conclusion of my inquiries, forwarded you with my letter of the 21st instant.

These papers serve to prove, if further proof was necessary, that the bead sent me, and which I have the honour to inclose herewith, is not the bead that was obtained from the complainant Deenha Tuwaif.

Cawnpore, 28th Oct. 1815.

I have, &c.

(signed) *D. Marshall*, Maj.-Gen. commanding Field Army.

Deposition of Bindrabun, inhabitant of Ahmunda, dependant in Poonah.

That he has been the servant of Deenha Tuwaif, of Sagur, for these last fifteen years, and accompanied her from thence to the cantonments of Keitah; that Heera, one of his mistress's slave girls, having run away at Khurela, she, to regain possession of her, carried her complaint before Colonel Routledge against Moheish Baboo, a Bengalee; that the colonel before-mentioned, demanding a sight of the deed of sale of the girl, he was despatched by his mistress to Sagur to fetch it, and that in the mean time his mistress was confined in the colonel's own guard.

That the deponent is at a loss to know for what reason his mistress was confined, and wherefore the Moonshee Mohummud Allee and Kaleechurn Baboo took a jewel away from her. That his mistress having been released from confinement, concealed herself in the village of Keitah, until such time as he returned from Sagur with the deed in question.

That his mistress then going privately to Major Popham's moonshee, and relating to him the whole of her case, afterwards set out, accompanied by the deponent, to Futtu Ghur, and presented her memorial to Colonel Fagan, to which not receiving any answer, she returned to Sagur.

That his mistress having been permitted to repair to Cawnpore, accompanied by the deponent, appeared before Major-General Marshall, and exhibited a jewel (which accompanies the depositions), similar to, but not near so valuable as the one she had been unjustly deprived of by the moonshee and Kaleechurn Baboo, before-mentioned.

(signed) *H. Huthwaite*, Captain,

Persian Interpreter to his Excellency the Commander-in-chief.

Deposition of Deenha Tuwaif, dancer, (owner of the jewel), inhabitant of Sagur, stating,—

That about eleven months ago, during the mohurriun, she removed from Mow Raneepoor to the cantonment of Keitah; and that, after a sojourn of two days in the latter place, a person named Moheish Baboo, a Bengalee, called at her house, and prevailed upon her to send him one of her girls; that accordingly a girl named Heera went to his house the same evening, and returned home the following morning, and repeated the visit for the two succeeding days, for which she received three rupees from the baboo; she did not return for fifteen days, nor did the baboo make her any recompence for the girl's absence from home.

That

That the deponent afterwards went with her girls, and established herself at Khurela, about eight coss distant from Keitah, when, on the second morning of her residence there, the before-mentioned girl ran away from her; in search of whom she sent her servant, named Bindrabun, towards cantonments, who proceeded in his inquiries as far as the quarter guards, the sepahees of which informed him, that a woman had passed that way into cantonments; that servant passing onwards, sought the girl for two days, but without success.

That on the second day, the deponent went alone into cantonments to the house of Moheish Baboo, and demanding her slave girl from him, the said baboo, that the girl had not come to him; that, in reply to this she observed, that the girl could not have gone to any body but himself, when the baboo said he knew nothing about her.

That she then said nothing further to the baboo, but remained in cantonments to make inquiries after the girl. That on the second day, her servant Bindrabun, prosecuting his search after the girl, went to the house of Moheish Baboo, when the Bengalee rising up to beat him, he retired. That this Bengalee came to the deponent the same day, and complained to her that her servant was constantly returning to his house in search of the girl, adding, that if she were there, he would consent to pay a fine of 500 rupees to the honourable Company, and then offered to pay her demands upon him for the girl's former visits to his house; that not agreeing to this offer, she continued her search for the girl a whole month, at the expiration of which, the troops marching towards Pinwaree, she accompanied them to that place in hopes of finding her.

That about the period when the general was removed to Cawnpore, the before-mentioned baboo came to the deponent, and told her to search for the girl at Ralth, Pinwaree, and other villages, which she accordingly did, in company with her servant Bindrabun; that going towards Beender, where the said baboo was cutting wood for the colonel's bungalow, she fell in with a Bengalee named Huree Baboo, and asked him if he knew any thing of a slave girl who had run away from her, to which he replied in the negative, but added, that Moheish Baboo keeps a girl in the village of Beender, though whether she belongs to you or not I cannot say; upon which she sought for the girl in the village of Beender, but without success. That, remaining at this place, she sent her servant into a neighbouring village called Rowree, who returned the next morning with intelligence that he had there seen the girl; that she thereupon went to this village, and demanded her slave girl of the zemindar Sookhjo, who informed her that Moheish Baboo, and another person named Kishman, had carried the girl to some other place.

That she forthwith returned to camp, and laid her complaint before Doorgapersaud, the kotwal, who said he could do nothing in the business, unless the zemindar were also present; that she secured the attendance of the zemindar, who acknowledged to the kotwal that Moheish Baboo had lodged a girl named Keera at his house for about a month, but that he had removed her to some other place.

That the kotwal then carried the deponent before Colonel Routledge, and stated her case to him, when the colonel asked if it were correct, to which she replied that it was; that the colonel, sending a hurcurrah along with her to bring the zemindar in question before him, heard from him a confirmation of the account he had previously received from the kotwal.

That the colonel thereupon sending a hurcurrah and a havildar along with her servant to Keitah to fetch Moheish Baboo and Kishman, they met with Kaleechurn Baboo, whom the former said was gone to Beender to cut wood; that they brought Kishman to the colonel, who asked him if he knew the girl in question, and where she then was; to which he replied that her name was Keera, but he did not know where she then was, as the baboo had taken her from him when close to camp, and had sent him on to Keitah; on hearing which the colonel confined this man.

That the baboo, the next morning, came into camp, waited upon the colonel, and obtaining the release of Kishman, sent him back to Keitah; that not knowing what to make of this occurrence, the deponent sent to the Moonshee Mahommud Allee, who told her that the baboo acknowledged having the girl in question, and that she should be given up to her, if she would present a nurzur to the colonel of fifty rupees; that she offered thirty rupees, all the money she was possessed of, as well as the amount of her demand upon the baboo, provided she got back her slave girl; in addition to which the moonshee demanded something for himself.

That after having wasted more than a month in this business, the colonel informed her, that the troops were upon the point of returning to cantonment, and that the

girl

girl should there be given back to her; instead of which, six days after the arrival of the troops in cantonments, Hurree Baboo Bengalee was confined in the colonel's own guard, and the moonshee told the deponent, that unless she would depose in writing, that the said Hurree Baboo had got the girl in his possession, her nose and hands should be cut off.

That not agreeing to this, she was sent for by the colonel to his bungalow, when he asked her, whether the girl in question was her daughter, or whether she had purchased her; on saying the latter, the colonel asked for the deed of sale, which she said she had, but that it was at Sagur; that on the colonel's requiring her to show the deed, she dispatched her servant Bindrabun to Sagur to fetch it.

That three days afterwards, the colonel sent an hurkurrah to bring her again before him; that she went, but saw only the moonshee, and having remained at the bungalow till evening, was then put in confinement in the colonel's own guard, where she remained four days without food; that on the relief of the guard, the havildar reported the circumstance to the moonshee, who replied, that the woman had plenty of money of her own.

That the relieving Subadar Kissuree Singh, after he had been five days on the guard reported to the colonel, that the deponent had remained nine or ten days, and was nearly exhausted; the colonel observed to him, that the woman was a haramzadee, and had plenty of money, but that if she would give up all claims to the girl in question, she would be set at liberty, to which she did not consent.

That the next morning the Moonshee Mahomud Allee and Kaleechurn Baboo coming to the deponent, told her, that if she would give up all claims to the girl, and would make a nuzuranse of the jewel belonging to her to the colonel, she should be set at liberty; that on her telling Kaleechurn she had not the jewel, he replied, I know you have, and if you do not give it up, your nose and hands shall be cut off; that on hearing this threat, she acknowledged having such a thing, but said that it was at her house; that the subadar on this, sent a sepahee with her to her house, from whence she brought it folded up in a piece of cloth, and threw it down before the moonshie, the baboo, and the subadar; that a sentry who was present opened the cloth, took out the jewel and handed it over to the subadar, who gave it to Kaleechurn, who carried it to the colonel; the colonel, however, sent it back to be returned to the deponent, which was done; that after some further discourse, the moonshie and baboo retired, leaving her still in confinement.

That these two persons returned the next morning to the deponent, to prevail upon her to give up the girl, which not consenting to, the moonshee turned to the subadar and said, you see what a haramzadee this woman is; she shall not however be released unless she give up all claims to the girl; that the subadar hereupon representing to her the situation she was in, recommended her to waive all claims to the girl in question, to which at length she unwillingly consented.

That the moonshie in consequence, drew up the deed of release of the girl, which was afterwards witnessed by the subadar, havildar and others, whose names she does not know; this matter being settled, the moonshee then said to the deponent, that she must also give up the jewel as a nuzurauna to the colonel; that to save her life, *nolens volens*, she gave up the jewel to the moonshee, who carried it into the bungalow, and returned saying, that the colonel had accepted of it, and had sent her a sirheenugur rupee to procure her some food; that refusing to receive the rupee, the moonshee abused her and frightened her so much, that she at last took it; that the moonshee afterwards obliged her to sign a razeenamah of the sale of the jewel (witnessed as before). The deponent, however, cannot say whether the colonel accepted the before-mentioned jewel, or whether the moonshee kept it himself.

That after the papers before mentioned had been given her, the moonshee and Kaleechurn told her she must quit this part of the country, with a threat, that if she made a complaint to any one of what had passed, her nose and hands should be cut off; that she was no sooner set at liberty than she quitted Keitah, and remained in concealment for fifteen days waiting for the return of her servant from Sagur; that on his rejoining her, she went privately to Major Popham's moonshee to get a memorial of her case drawn up, and carried it with her to Furruckabad, where she presented it to Colonel Fagan. But not receiving any answer thereto, she, after waiting two or three days, returned to her home at Sagur.

That obtaining permission to visit Cawnpore, she appeared before Major General Marshall, bringing with her a jewel similar to but not near so valuable as the one Moonshee Mahomud Allee had taken from her whilst confined in the guard at Keitah,

Keitah, which had cost Bologee, an inhabitant of Kulpee, by whom it was given to the deponent, 910 rupees 13 annas.

The deponent, Deenha Tuwaif, therefore prays, that justice may be rendered to her.

(signed) *H. Huthwaite*, Captain, Persian Interpreter
to his Excellency the Commander in Chief.

Ordered, That copies of the foregoing papers, together with the Persian documents marked A. to N. inclusive, and the emerald bead therein referred to, be transferred to the judicial department for consideration, and such orders as may be deemed necessary.

(A true extract.) (signed) *C. H. Gardiner*, Sec. to Government.

Ordered, That the secretary write the following letter to the magistrate of Bundlecund.

Sir:—I am directed by the Right honourable the Governor General in council to transmit to you the accompanying extract from the proceedings of Government in the military department of the 29th ultimo.

2.—The translation included in that extract, appearing to be in many respects inaccurate, I am directed to send to you the accompanying Persian originals for your further information.

3.—The Governor General in council desires that you will proceed to investigate, in your capacity of magistrate of Bundlecund, the charges of illegal confinement and exaction contained in these papers, so far as they affect Collychurn and Moon-shee Mahomed Allee, the two natives who appear to be chiefly implicated in the transaction, with a view to the eventual commitment of those persons, or either of them, for trial before the court of circuit.

4.—You are desired to report the result of your proceedings, and of the court of circuit in this case for the information of Government.

5.—The glass bead alluded to in the proceedings is also herewith transmitted.

Council Chamber, 19th Jan. 1816.

I am, &c.

(signed) *W. B. Bayley*, Sec. to Government,
Judicial department.

Extract, Bengal Judicial Consultations, 26th April 1816.

To *W. B. Bayley*, Esq. Secretary to Government.

Sir:—Having this day received a private request from Colonel Routledge, to furnish him with a copy of the proceedings connected with the charge of illegal imprisonment and extortion, which I have been directed to inquire into, as far as relate to the conduct of Collychurn Bengalee and Moonshee Mahomed Allee, I request you will be pleased to inform me, whether I may comply with Colonel Routledge's request, in respect to the English documents connected with the case received in your letter of the 19th January.

2.—I have hitherto been prevented from proceeding in the case from my inability to discover the residence of Moonshee Mahomed Allee; he has, however, at length been apprehended, and the inquiry shall be commenced without further delay.

I have, &c.

Foujdaree Adawlut,
Zillah Bundlecund, 10th April 1816.

(signed) *J. Wauchope*, Magistrate.

Ordered, That the secretary write the following letter to the magistrate of Bundlecund.

To the Magistrate of Bundlecund.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 10th instant, and to acquaint you, that as the inquiry which you have been instructed to prosecute, under the orders of government, of the 19th January last, is not directed to any judicial investigation into Colonel Routledge's conduct; the Right honourable the Governor General in council does not consider it to be necessary or proper to authorize you to furnish Colonel Routledge with a copy of any of the papers which have been transmitted to you in my letter above alluded to.

Council Chamber,
26th April 1816.

I have, &c.

(signed) *W. B. Bayley*, Sec. to Government.

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N° 10.

Criminal, W. P.

N° 10.

N° 11.

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Criminal, W. P.
N° 1.

Extract, Bengal Judicial Consultations, 13th September 1816.

To W. B. Bayley, Esq. Secretary to Government.

Sir:—In continuation of my reply to your letter of the 19th January 1816, on the case of Collychurn and Moonshee Mahomed Allee, charged with extortion and illegal imprisonment, in which I was directed to report the result of the proceedings of the court of circuit, as well as my own, I have the honour to state, for the information of the Right honourable the Governor General in council, that Mr. Wynne, by whom the cause was tried, has found it necessary to refer it for the decision of the court of Nizamut Adawlut.

Zillah Bundlecund,
26th August 1816.

I have, &c.
(signed) *J. Wauchope*, Magistrate.

Ordered, That the secretary write the following letter to the register of the Nizamut Adawlut.

To the Register of the Nizamut Adawlut.

N° 2.

Sir:—I am directed by the Right honourable the Governor General in council to desire, that you will lay before the Nizamut Adawlut, the inclosed copy of a letter from the magistrate of Bundlecund, dated the 26th ultimo, and acquaint the court, that his Lordship in council is desirous of being informed of the result of the proceedings which may have been held by the Nizamut Adawlut, in the case of Collychurn and Moonshee Mahomed Allee, the persons mentioned in Mr. Wauchope's letter, together with any suggestions which the court may judge it proper to submit to government, connected with the trial in question.

Council Chamber,
13th Sept. 1816.

I have, &c.
(signed) *W. B. Bayley*, Chief Sec. to Government.

Extract, Bengal Judicial Consultations, 16th December 1816.

Magistrate of Bundlecund to W. B. Bayley, Esq. Secretary to Government in the Judicial Department, Fort William.

Criminal, W. P.

N° 18.

Sir:—In obedience to the orders of government conveyed by your letter, under date the 19th of January last, I have now the honour to report the result of my proceedings in the investigation of the charges of illegal confinement and extortion contained in the papers transmitted with that letter, as far as they affect Collychurn and Moonshee Mahomed Allee. I have committed both those persons to take their trial before the court of circuit, the result of the proceedings of which court I shall, in obedience to the further orders contained in your letter, hereafter have the honour to report.

2.—The investigation has been unavoidably retarded until the 30th ultimo, when it closed; 1st, from my inability for a long period to discover the residence of Moonshee Mahomed Allee, and 2dly; from the delay incurred in procuring witnesses from distant quarters, who were not summoned till after the inquiry had commenced.

3.—Conceiving that it would be satisfactory to his Excellency in council, that my report should be accompanied by the whole of the evidence in detail, I have deemed it right to transmit * copies and translations of all the depositions and examinations that have been taken in the case, a copy and translation of a letter from Benaik Row, the chief of Saugor, on the subject of the emerald, and a copy of my final proceedings, under date the 30th ultimo, assigning my reasons for committing the defendants to the court of circuit.

EXHIBITS:

- N° 1.—Razeenamah for the emerald.
N° 2.—Acquittance for the slave girl.
N° 3.—Letter from Row Benaik Row, of Saugor, respecting the stone.

COMPLAINT.

N° 3.—Deposition on oath of Deenha Tuwaif, complainant, taken on the 20th April 1816.

N° 6.—Continuation of the same on the 27th April.

DEFENCE.

N° 4.—Examination of Moonshee Mahomed Allee, taken on the 20th April 1816.

4.—The representation of Deenha, the complainant before me, is substantially the same as that which she had formerly made to his Excellency the Governor General. Her indigent condition, and the apparent improbability of her exposing an emerald of value to the hazard incidental to the insecure and wandering life

* Documents accompanying this Report.

N^o 7.—Second examination of Moon-shee Mahomed Allee, on the 22d April 1816.

N^o 9.—Third examination of the same, on the 23d April 1816.

N^o 14.—Fourth examination of the same, on the 24th April 1816.

N^o 20.—Fifth examination of the same, on the 23d May 1816.

N^o 5.—Examination of Culeechurn, taken on the 22d April 1816.

EVIDENCE.

N^o 8.—Deposition on oath of Kisree Sing, soubahdar, taken on the 23d April 1816.

N^o 13.—Second deposition, on the 24th April 1816.

N^o 10.—Deposition on oath of Shunker Sing, havildar, taken on the 23d April.

N^o 11.—Second ditto, on the 24th April.

N^o 12.—Deposition on oath of Deenah Sing, sepoy, on the 24th April 1816.

N^o 15.—Deposition on oath of Bendrabund, the plaintiff's attendant, taken on the 24th April 1816.

N^o 16.—Deposition on oath of Hurree Baboo, taken on the 24th April 1816.

N^o 17.—Deposition on oath of Muhush Baboo, taken on the 24th April 1816.

N^o 18.*—Deposition on oath of Mudaree, taken on the 27th April 1816.

N^o 19.*—Deposition on oath of Sheeden, havildar, taken on the 27th April 1816.

N^o 20.*—Second ditto of ditto, on the 29th April 1816.

N^o 21.*—Deposition on oath of Syphun Bangallie, taken on the 3d May 1816.

N^o 22.—Deposition on oath of Shoekh Soobhau Mohullahdar of the Kytah Bazar, taken on the 3d May 1816.

N^o 23.*—Deposition on oath of Sykjoo, zemindar of Rooree, taken on the 3d May 1816.

N^o 24.*—Deposition on oath of Bence Sing, soubahdar of the 1st battalion 3d regiment native infantry, taken on the 23d May 1816.

N^o 25.*—Deposition on oath of Ramdeen, sepoy 1st battalion 3d regiment native infantry, taken on the 23d May 1816.

N^o 26.—Deposition on oath of Deebby Sing, sepoy of the 1st battalion 3d regiment

life she had followed since she left her home, excited some suspicion in my mind as to the alleged worth of the stone, and I therefore thought it right to address a letter to Row Benaik Row, the chief of Saugor, (from a lady of the family to which he is manager, the stone is stated to have been presented to the plaintiff), requesting that he would furnish me with a particular account of the circumstance. Benaik Row, in his reply states, that the mother and maternal aunt of Deenha had been fifty or sixty years in the service of Bala Row, (the predecessor of the present Nana Govind Row), that on the occasion of the marriage of the grandson of Bala Row, (to celebrate which Bala Row, and Luchmun Bhaee his wife, came from Culpee to Saugor), Luchmun Bhaee presented the mother of the plaintiff with a pair of emeralds which she had taken from a pearl necklace, and that the plaintiff had afterwards sold one of them in Seendiah's camp.

5.—The defence made by the accused before me, particularly that of Calleechurn, varies considerably from the substance of their examinations before General Marshall, as shall hereafter be more particularly noticed. I shall now briefly report the statements of each.

6.—Calleechurn asserts before me, that Deenha, the complainant, having accused Muhush Baboo his partner, to Colonel Routledge, of inveigling away her slave girl, with her ornaments, the colonel put Muhush Baboo in confinement; that he remonstrated with the colonel, telling him that the girl had gone with Muhush of her free will, and had lived with several other persons, whom he enumerated; that the colonel upon that, and in consideration of a recommendation in his (Calleechurn's) favour from General Marshall, which he shewed him, released Muhush Baboo on his security; that the colonel afterwards informed him that he had satisfied himself from what he had learnt from the zemindar of Rooree Khirah, the place where the slave girl had been secreted; that what he had told him was true, and asked at the same time for Hurree Baboo, against whom the colonel's suspicions seem now to have been excited; that Hurree Baboo was sometime afterwards summoned from Raoth, and confined by the colonel, who at the same time enjoined Calleechurn to produce the slave girl; that five or six days afterwards, Calleechurn told the colonel that the girl had been compelled, against her will, to adopt her profession, and that she was now a British subject, and would not return to the Mahratta country.

7.—That

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regiment native infantry, taken on the 23d May 1816.

N^o 27.*—Deposition on oath of Beebootee Sing, sepoy of the 1st battalion 3d regiment taken on the 23d May 1816.

N^o 29.—Deposition on oath of Door-gapershaud, late cutwal of the Kytah Bazaar, taken on the 30th May 1816.

N^o 31.—Proceeding, committing the defendant, dated 30th May 1816.

Those marked (*) were not examined by General Marshall.

as she was an inhabitant of Saugor, and had preferred a false complaint against the Bengallees, she must either give security, or be sent before the magistrate, and that as she had no answer to make, the colonel put her into confinement.

8.—That four or five days after this, the subadar of the guard in which the plaintiff was confined, having intimated that she wished to settle the matter, the colonel sent him (Kaleechurn) to visit her; that the plaintiff then told him she was without food, and had been desired by the colonel to settle with the Baboos when she should be discharged; that he desired her if she had any complaint to make about the girl, to make it before the magistrate, but she said she would not do so, but would prosecute him for six months before the colonel, and get *him* sent to the guard; that when he asked how she would support herself in that time, she said she had a precious stone she would sell; that the soubahdar asked what stone it was; and being informed of what she had said, he asked her where it was deposited; that she then denied having the stone, but being reminded by Calleechurn of the jewel she had once offered for sale to Muhush Baboo, she reluctantly acknowledged that she had it, and brought it from where she had previously lodged; that Moonshee Mahomed Allee was present during this conversation; that when the woman went to fetch the stone, both he and the moonshee retired, (he to a bungalow near the colonel's residence), but returned when the stone was produced by the plaintiff; that the soubahdar first took the stone, and inspecting it, observed, that it was not worth four cowries, and possessed no brilliancy; that the plaintiff, after explaining how she came by it, said, that in consequence of its falling into the fire from her ear when wearing it, it had lost its lustre; that the colonel then coming out of the bungalow with his daughter, and hearing of the circumstance, desired his bearer to bring the stone to look at; that in the evening he (Calleechurn) got the stone from the soubahdar, which he handed to the colonel, who inspected it, as did his daughter, and observing that it was a false jewel, returned it to him, and he gave it back to the soubahdar, who restored it to the plaintiff; that the soubahdar then asking her the value of the stone, she answered that since it had fallen into the fire its value had decreased, and was not now ascertainable; that Moonshee Mahomed Allee valued it at one rupee, and the plaintiff assented; that on retiring, the soubahdar asked what was to be done about the razeenamah, when the defendant answered he would consult with Muhush Baboo; that he at the same time gave Moonshee Mahomed Allee a rupee to purchase the stone.

9.—That next day the moonshee accosted him, and told him the colonel was angry at the delay in the release of the woman, which had been suspended only on his arrival to settle the razeenamah, and which the moonshee said was all ready and witnessed, and that he, the moonshee, and plaintiff then went to the colonel's residence, where the plaintiff drew her pen over the paper in token of signing it in presence of the colonel, who said he would himself afterwards sign it.

10.—That three days afterwards, Calleechurn asked the moonshee if he had bought the stone, when he answered in the affirmative, regretting that he had thrown away a rupee on what was not worth four annas.

11.—That on the 10th or 11th of September, the colonel desired him to go to Cawnpore to be present at the investigation into a complaint about the stone and girl, which General Marshall had been desired to institute; that having prepared to depart, he went to the colonel's bungalow, where he found Moonshee Mahomed Allee,

7.—That two or three days after this, the colonel informed the defendant he had required the complainant to produce the deed of sale of the girl, which she had promised to do in twenty-five days; that a month elapsing without the production of the papers, Kaleechurn and Muhush Baboo remonstrated with the colonel on the ill-usage they had sustained, and threatened to appeal to the magistrate and to General Marshall if he did not punish the complainant for preferring a false complaint against them. That two days after this, he went at the colonel's desire to the plaintiff, and told her that

Allee, who desired him to take the stone which he had purchased along with the paper to Cawnpore ; that he first objected to this, but having carried the stone to the colonel, and asked him why he should be selected to take it, and being ordered by him to go, as the moonshee's going would be inconvenient, he assented ; that the colonel at the same time looked at the stone, and observed, " is this, which is not worth four annas, what the woman calls a jewel ? " He further declares that the stone was in the moonshee's hand when he went into the bungalow, but whence he brought it he cannot say.

12.—The two papers were then shewn to Calleechurn, and he declared they were not those which the plaintiff had signed, one of which he asserts was broader, and the other smaller ; being afterwards shewn the green bead, he affirmed it was not the same stone which he conveyed to General Marshall.

13.—Such is the whole substance of Calleechurn's account of the transaction before me. The most important variation between it and the statement he made before General Marshall has relation to the manner in which the stone was deposited from the time of its being extorted to that of its transmission to Cawnpore. Before General Marshall, he declared that when Colonel Routledge was about to send him to Cawnpore, he desired him " to get a stone from Moonshee Mahomed Allee, which he (the colonel) had heard the moonshee had taken, and to carry it to Cawnpore ; that the colonel summoned the moonshee, and desired him to deliver the stone to him (Calleechurn), and it was so delivered before the colonel's face." Before me he declares, that when he went to the colonel, preparatory to his departure to Cawnpore, he found the moonshee and the colonel together, and the stone in the moonshee's hand, and pretends ignorance how it came there. In other respects his present statement differs immaterially from that which he made to General Marshall.

14.—But the most important feature in Calleechurn's examination is his own admission, that the confinement of the woman was procured by him in satisfaction of the injury which he and the other Bengallees conceived they had sustained at her hands. Before General Marshall, this admission involves a confession of the extortion of the gem ; for he there admits that when he visited the plaintiff in the guard, and was told by the soubahdar of her distressed situation, he observed, " she had an emerald, why does she not, by *selling that, make an adjustment* with us ? " And when the plaintiff denied having such a stone, he reminded her of the precious stone she had formerly shewn to the Bengallees ; and according to the concurring evidence of the native officers of the guard, which it is difficult to disbelieve, he accompanied that address by the threat, that unless she produced the stone, she should never be released.

15.—Before me he has been more guarded, though here also he fully avows that it was owing to his menaces that Colonel Routledge imprisoned the woman ; but in the conversation which passed on his visit to her when in confinement, in consequence of the colonel informing him that she talked of making a settlement with the Bengallees, he pretends that the mention of the stone originated with her, she shewing it spontaneously, threatened to sell it, that she might thereby be enabled to prosecute him for six months. He adds, however, that afterwards denying before the soubahdar that she had the stone, he reminded her of that which she had formerly offered to sell to Muhush Baboo, and which immediately led to its production. A fore-knowledge of the stone is here expressly admitted by Calleechurn ; and that its previous disclosure to the Bengallees had excited his avarice, and had led directly to that treatment which compelled the woman to surrender it, appears to me to be clearly and confessedly proved. The very act of confinement cannot certainly be directly charged to Calleechurn, but that his expostulations and threats induced Colonel Routledge to confine her, he not only admits, but seems anxious to avow.

16.—It is only further necessary to remark upon Calleechurn's defence, that he denies the bond shewn to him in court to be the same as that he carried to General Marshall. He also denies the identity of the two deeds of acquittance for the stone and the slave girl.

17.—The first part of Moonshee Mahomed Allee's story differs immaterially from that told by Calleechurn. He evidently wishes to make it appear that Calleechurn was the originator and author of the ill treatment of the complainant ; that what he did in the business was under the direction of Calleechurn, and that under that influence he confesses he went to the plaintiff, when in confinement, to require her to sell the emerald for a rupee ; that he received the emerald from the hands of the havildar, by whom it was taken from the complainant, and gave it to Calleechurn ;

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churn; that having drawn out a razeenamah for the stone on the same paper on which he also wrote out an acquittance for the slave girl, and having attested it by several persons present, he, Calleechurn, and the plaintiff, went with it to the colonel, where the plaintiff signed the paper, and he, the moonshee, returned home, leaving Calleechurn with the colonel; that he was not present when Calleechurn got his orders to go to Cawnpore, but saw him enter the colonel's bungalow to receive them, carrying the stone along with him. Before General Marshall, it will be recollected, he expresses himself as uncertain whether Calleechurn, on the occasion of his departure for Cawnpore, produced the stone himself, or whether he received it from the colonel.

18.—The moonshee positively denies that the documents produced are those which he wrote out. Those, he affirms, differed both in tenor and form; they were both, he asserts, indited on the same piece of paper, and the razeedamah for the stone designated him only as the agent of Calleechurn in the purchase. The razeenamah presented to General Marshall, and now contained in the proceedings, makes the moonshee the sole purchaser, and contains no mention of Calleechurn. The concurring testimony of the witnesses who signed the document (excepting only Guneesh, who is not forthcoming,) prove that only one paper was executed and attested by them; and a comparison of the hand-writing of the present documents with that of several perwannahs, which Moonshee Mahomed Allee confesses he wrote in Colonel Routledge's name to certain thannahdars of this district on the subject of supplies: the hand in which the acquittance for the slave girl is written entirely corresponds with the perwannahs acknowledged by the moonshee, but the razeenamah does not. The latter document must therefore be a forgery; but by whom or for what purpose it was forged, all the attainable evidence does not suffice satisfactorily to elucidate. The moonshee alleges that the documents were not shown to him by General Marshall at Cawnpore, and therefore he had not an opportunity of contradicting them.

19.—It may be conjectured that the razeenamah was forged, either to fix the guilt of the transaction exclusively on the moonshee, by making him the principal, not the agent in the business, or with a view to obtain the surreptitious signature of Colonel Routledge to the razeenamah for the stone when he conceived he was only signing the release for the slave girl. The colonel's signature is attached only to the release for the slave girl, not to the razeenamah for the stone.

20.—I shall now proceed to notice the evidence. Sixteen witnesses have in all been examined, seven of whom were formerly examined by General Marshall. Three of those, the soubahdar, havildar, and a sepoy, were witnesses to the paper, and members of the guard in which the plaintiff was confined. With some variation, they depose that they found the complainant in confinement when they mounted guard; that she remained in their custody, according to the soubahdar, three or four, to the others, five or six days. They differ as to which of the defendants first demanded the stone of the woman, but they agree in stating that Calleechurn was the person who compelled her to acknowledge she had it, by reminding her of the stone she had previously displayed to his friends. They also concur in stating that Calleechurn was the person in whose possession the stone was last seen by them, and in denying that the plaintiff told the story Calleechurn ascribes to her of the stone falling into the fire, and thereby losing its lustre and value.

21.—The other evidence taken by General Marshall are, Bindrabund, the plaintiff's attendant, who corroborates her story as far as he was privy to the facts, and to all appearance in a credible manner; Hurree Baboo and Muhush Baboo, whose evidence is immaterial, as relating only to circumstances which preceded the confinement of the plaintiff; and lastly, Doorgahpershaud, late cutwal of the bazaar at Kytah, who declares that the moonshee showed him the paper on which the two agreements were written, and also the stone, which he declares was not the same as that shown him in the court.

22.—The witnesses whom I have examined, in addition to those who were examined by General Marshall, are, 1st, Sheodeen Sing, a havildar of the guard in which the plaintiff was confined, and a witness to the paper, whose testimony nearly coincides with that of the soubahdar and havildar of the guard already noticed; 2dly, Shoekh Soobhan, mohullahdar of the Kytah bazaar, whose name is also attached to the paper, and who swears that he witnessed a fareghkuttee at the plaintiff's request; but all he knows of it is, that it bound her not to return to Kytah; he says he did not see Calleechurn when the paper was executed, neither did he see or hear anything of the stone; 3dly, Madarce, a cook to the mess of

N^o 8. 10. 11. 12.
& 13.

N^{os} 15, 16 & 17.

N^o 20.

N^o 19.

N^o 22.

N^o 18.

Colonel

Colonel Routledge's battalion; and 4thly, Syphen, his wife, lodged near to the hut where the plaintiff resided at Kytah, and were summoned at the instance of Calleechurn, apparently with the view to show the miserable and defenceless manner in which she was lodged, and the improbability of her having with her, in such a situation, so valuable an article as an emerald. They speak merely to the bundle in which the stone was deposited being left uncared for in the temporary and open chopper in which the plaintiff had lodged; and 5thly, Sykjoo, a zemindar, in whose village the plaintiff's slave girl was at first secreted, and whose evidence is immaterial, as having no reference to the confinement of the plaintiff.

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N° 21.

N° 23.

23.—Conceiving that some light would be thrown upon the circumstances and reasons of the confinement of the plaintiff from those native officers who were on guard when she was first placed under restraint, I summoned them from Benares, where I learnt they were quartered. A soubahdar and three sepoy's belonging to Colonel Routledge's battalion appeared; but all the informatinn I have been able to extract from them is, that the plaintiff was conducted to the guard by a bearer of Colonel Routledge, whose name they know not, and who conveyed the orders of the colonel for her confinement.

N° 24, 25, 26, & 27.

24.—Having thus completed my recapitulation of the complaint, defence, and the evidence, it only remains for me to express my opinion, that although both defendants are confessedly guilty of being instrumental to the imprisonment of the plaintiff, and the exaction of the precious stone, the value of which, as I have already observed, does not appear to have been materially exaggerated by the plaintiff, yet the guilt of Calleechurn appears to me in a much more heinous light than that of Moonshee Mahomed Allee. The incentive to, and object of the conduct of Calleechurn is clear and confessed; and all he seems to aim at (particularly in his first statement before General Marshall) is to shew that the treatment he and his associates had suffered, was such as to justify the confinement of the plaintiff and the extortion of the stone, supposing it to be the invaluable thing which he in vain attempts to prove it to be, by the unsupported story of its falling into the fire, which he put into the plaintiff's mouth. No such incentive appears to account for the conduct of the moonshee; and (as I have expressed myself in my proceedings of the 30th ultimo) considering the obvious hostility which subsists between him and Calleechurn, and which could hardly fail to lead to his detection if he had profited by the transaction, together with his present destitute condition consequent to his discharge from Colonel Routledge's service shortly after his return from Cawnpore, I am inclined to think that his guilt is confined to being the disinterested participator in an act which he could not but know was a criminal one.

N° 31.

25.—All my endeavours have failed to discover by whom and under what circumstances the glass bead was substituted for the emerald, nor do I see how that mystery can be further cleared up. The result of this inquiry leaves the stone in the hands of Calleechurn in the bungalow of Colonel Routledge, according to the account of Moonshee Mahomed Allee, and it was last seen in his possession on his way to the bungalow by the majority of the witnesses. The defendants alone are privy to the production of the bond which was about to be sent to Cawnpore. Moonshee Mahomed Allee, before General Marshall, states his ignorance, whether Calleechurn or Colonel Routledge produced it on that occasion. Before me he asserts, that when Calleechurn went into the colonel's bungalow to receive his orders, he carried the stone with him. Calleechurn avers before the general, that the moonshee was the depository of the stone. Before me he alleges, that when he went to receive his orders to go to Cawnpore, the stone was in the hands of moonshee, who was in conversation with the colonel. I have, &c.

(signed) J. Wauchope, Magistrate.

Fouzdarry Adawlut, Zillah Bundlecund, 5th July 1816.

Ordered, That the enclosure which accompanied the foregoing letter, be deposited among the orders of the secretary's office.

Register of the Nizamut Adawlut, to W. B. Bayley, Esq. Secretary to
Government, in the Judicial Department.

Sir:—In pursuance of the desire of government communicated in your letter, under date the 13th September last, I am directed by the court of Nizamut Adawlut to transmit to you, for the information of his Excellency the Right honourable the Governor General in council, the accompanying extract from the proceedings of the

N° 19.

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the court of this date, containing the sentence passed by them on the prisoners, Moonshee Mahomed Allee and Calleechurn, together with a copy of the letter therein mentioned from the officiating judge of the Benares court of circuit, dated 19th August last.

I am, &c.

(signed) *M. H. Turnbull*, Register.

Fort William, 18th November 1816.

Extract from the proceedings of the Nizamut Adawlut, under date the 18th November 1816.

Present,—J. Fombelle, Puisne Judge, and W. E. Rees, Officiating Judge.

The Court having duly considered the proceedings held on the trial of Moonshee Mahomed Allee and Calleechurn, charged with illegally imprisoning the prosecutrix, and extorting from her a precious stone, and the futwa of two of their law officers on the said trial pass the following sentence :

The prisoners, Moonshee Mahomed Allee and Calleechurn, have been convicted by the futwa of two of the law officers of this court, on violent presumption of compelling Mussumaut Deenha, when in confinement of Colonel Routledge's guard, by threats and intimidation, to sell to Calleechurn an emerald of great value, for a very inadequate price, and declared liable to discretionary imprisonment. Although the court do not concur in the futwa of the law officers, in considering the fact of the green drop actually extorted by the prisoners from the prosecutrix, having been a real emerald of great value, sufficiently established to warrant the conviction of the prisoners on that ground, however suspicious the circumstances may be, the court are satisfied that the prisoners are guilty of having extorted from the prosecutrix a green drop for the trifling sum of one rupee, under a persuasion that it was an emerald of considerable value. Under the foregoing opinion, and under the futwa of their law officers, the court sentence the prisoners to be imprisoned one year from this date.

The court consider it necessary to record, that the green drop in question was sent by their desire to a professed European jeweller, in Calcutta, for his opinion respecting it, and that the answer states that it was nothing but glass.

Read a letter from the secretary to government in the Judicial Department, dated the 13th September.

The Governor General in council having in the letter above recorded expressed a desire to be informed of the result of the proceedings held by the Nizamut Adawlut on the trial of Moonshee Mahomed Allee and Calleechurn, with any suggestions which the court might think it proper to submit to government connected with the trial in question,—

Resolved, That a copy of the letter from Mr. Wynne, the officiating judge of the Benares court of circuit, before whom the trial was held, transmitting his proceedings on the same, with a copy of the sentence now passed upon the prisoners, be submitted to the Governor General in council ; the summary of the trial contained in Mr. Wynne's letter, and the proceedings and correspondence on the subject are already before government, comprising every thing material connected with the case ; the court are not aware of the necessity of submitting to government any specific suggestion on the occasion.

(A true extract.)

(signed) *M. H. Turnbull*, Register.

(Copy.)—To *M. H. Turnbull*, Esq. Register to the Nizamut Adawlut, Fort William.

Court of Circuit.
2d Sessions of 1816.
Banda.
Magistrate's Calendar, N° 33.
Mussumaut
Denha v° Moonshee
Mahomed Allee
and Calleechurn,
for illegal imprisonment and extorting
a precious stone.
May and June 1815.

Sir:—I request that you will submit, for the orders of the Nizamut Adawlut, the accompanying proceedings on the trial of Moonshee Mahomed Allee and Calleechurn, for illegal imprisonment and extortion.

2.—The offence with which the prisoners have been committed, took place in April 1815, and there have been no less than three examinations ; Major General Marshall commanding in the field was first desired by the Right honourable the Commander-in-chief to make an inquiry into the matter, and to call on all the parties whose evidence he might think necessary towards an elucidation.

3.—Colonel Routledge commanding in Bundelcund was desired to forward every one connected with the transaction to the head quarters of the field officer at Cawnpore.

4.—The result of the major general's inquiries contained in the papers herewith transmitted, and which his Excellency requested might be transmitted to the judicial department for consideration, and with a view to ascertain whether or not there were grounds for a criminal prosecution of Colonel Routledge and the other parties concerned.

5.—The Governor General in council directed the proceedings of government in the military department to be transmitted to Mr. Wauchope, and ordered him to proceed to investigate, in his capacity of magistrate of Bundleeund, the charges of illegal confinement and extortion in those papers, as far as they affected Calleechurn and Moonshee Mahomed Allee, the two natives who appeared to be chiefly implicated in the transaction, with a view to the eventual commitment of those persons, or either of them, for trial before the court of circuit.

6.—The circumstances of the case are as follows :

7.—Mussumaut Deenha, a nauchwoman, travelled about a year ago from Saugor to Futtihgurh with a petition to the Governor General to recover a female slave, who had been seduced from her service with her ornaments, whereby she had been prevented from receiving the benefits arising from her servitude.

8.—The petition states, that Muhesh Baboo and Calleechurn Baboo, shopkeepers in the cantonments of Kytah Bundleeund, having inveigled away and concealed one of her female slaves named Heera, she applied to them to have the slave returned, they denied having any knowledge of her.

9.—That prosecuting her inquiries, she learned from a person named Huree Baboo, employed in the Godown of Kytah, that the above-mentioned Baboos had secretly removed the girl to the village of Rouree (dependant on Putwarree Bundleeund), and placed her in the house of Sikhjee, zemindar of the said village.

10.—That going to this village, she herself there saw her slave girl, and demanded her of the zemindar.

11.—That the zemindar instead of giving her up, set out immediately to Kytah to give intelligence thereof to the before-mentioned Baboos ; when the latter, with a servant named Kishnan, set out from Kytah, and travelled with all expedition to Koonree, whence they removed the girl to some other place.

12.—That she was no sooner aware of this act of theirs than she carried her complaint to Colonel Retter (supposed Routledge) commanding officer of Kytah, who called the several parties before him ; the zemindar, on being questioned by the colonel on the subject of the girl, informed him, that the before-mentioned Baboos brought her to his house, and also carried her away from thence, which the Baboos, who were present, did not deny, but presenting a nuzurana of 200 rupees to the colonel, represented that unless Huree Baboo were intimidated, and the complainant punished, the matter could not be got over.

13.—That the colonel in consideration of the nuzurana of 200 rupees, confined Huree Baboo (an innocent man), for the space of one month, and then released him ; and also confined the complainant on the pretext that the girl in question did not belong to her, although she offered to produce the bill of sale of the girl.

14.—That she received no provision for fifteen days of the time of her confinement, except half seer suttoo daily from the kindness of a sepoy.

15.—That after being nearly starved, Mahomed Allee, the colonel's moonshee (Allee's mootsuddee of the battalion bazar), came to the memorialist and said, that if she wished to obtain her release, she must make a nuzur of an emerald belonging to her to the colonel, or she could not obtain it. To effect this purpose, she gave up the emerald to the moonshee, who immediately made out a deed of her consent thereto, and presented to her, along with a rupee which she was obliged to receive for fear of further confinement, and was then set at liberty.

16.—That although it might be difficult to establish the fact of the bribe of 200 rupees, her confinement, and that of Huree Baboo, was undeniable, as well as her claim to the girl.

17.—The representation of Deenha the complainant before me is substantially the same as that which she had formerly made to his Excellency the Governor General and to Mr. Wauchope ; her indigent condition, and the apparent improbability of her exposing an emerald of value to the hazard incidental to the insecure and wandering life she had followed since she left her home, excited some suspicion in Mr. Wauchope's mind as to the alleged worth of the stone, and he therefore thought it right to address a letter to Row Benaik Row, the chief of Saugor, as from a lady of the family to which he is a manager ; the stone is stated to have been presented to the plaintiff, requesting that he would furnish him with a particular account

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of the circumstance. Benaik Row, in his reply states, that the mother and maternal aunt of Deenha had been 50 or 60 years in the service of Bala Row, the predecessor of the present Nana Govind Row ; that on the occasion of the marriage of the grandson of Bala Row, to celebrate which, Bala Row and Lutchmun Bhaee his wife, came from Culpee to Saugor. Lutchmun Bhaee presented the mother of the plaintiff with a pair of emeralds which she had taken from a pearl necklace, and that the plaintiff had afterwards sold one of them in Scindeah's camp.

18.—The defence made by the accused before me, particularly that of Calleechurn, varies considerably from the substance of their examinations before General Marshall, as shall hereafter be more particularly noticed ; I shall now briefly report the statements of each.

19.—Calleechnurn asserts, before me, that Deenha, the complainant, having accused Muhesh Baboo, his partner, to Colonel Routledge, of inveigling away her slave girl, with her ornaments, the colonel put Muhesh Baboo in confinement ; that he remonstrated with the colonel, telling him, that the girl had gone with Muhesh Baboo, of her own free will, and had lived with several other persons whom he enumerated ; that the colonel, upon that, and in consideration of a recommendation from General Marshall, in his (Calleechnurn's) favour, which he shewed him, released Muhesh Baboo on his (Calleechnurn's) security ; that the colonel afterwards informed him that he had satisfied himself, from what he had learnt from the zemindars of Roosukherah, the place where the slave girl had been secreted ; that what he had told him was true, and asked at the same time for Hurree Baboo, against whom the colonel's suspicion seems now to have been excited ; that Hurree Baboo was some time afterwards summoned from Rhaat, and confined by the colonel, who at the same time enjoined Calleechnurn to produce the slave girl ; that five or six days afterwards Calleechnurn told the colonel, that the girl had been compelled, against her will, to adopt her profession, and that she was now a British subject, and would not return to the Mahratta country.

20.—That two or three days after, the colonel informed the defendant, he had required the complainant to produce the deed of sale of the girl, which she had promised to do in twenty-five days ; that, a month elapsing without the production of the papers, Calleechnurn and Muhesh Baboo remonstrated with the colonel on the ill usage they had sustained, and threatened to appeal to the magistrate and to General Marshall, if he did not punish the complainant for preferring a false complaint against them ; that two days after this, he went at the colonel's desire to the plaintiff, and told her, that as she was an inhabitant of Saugur, and had preferred a false complaint against the Bengallees, she must either give security, or be sent before the magistrate, and that as she had no answer to make, the colonel put her into confinement.

21.—That four or five days after this, the subadar of the guard in which the plaintiff was confined, having intimated that she wished to settle the matter, the colonel sent him (Calleechnurn) to visit her ; that the plaintiff then told him she was without food, and had been desired by the colonel to settle with the Baboos when she should be discharged ; that he desired her, if she had any complaint to make about the girl, to make it before the magistrate, but she said she would not do so, but would prosecute him for six months before the colonel, and get him sent to the guard ; that when he asked how she would support herself in that time, she said she had a precious stone, which she would sell ; that the subadar asked what stone it was, and being informed of what she had said, he asked her where it was deposited ; that she then denied having the stone, but being reminded by Calleechnurn of the jewel she had once offered for sale to Muhesh Baboo, she reluctantly acknowledged that she had it, and brought it from where she had previously lodged ; that Moonshee Mahomed Allee was present during the conversation ; that when the woman went to fetch the stone, both he and the moonshee retired (he to a bungalow near the colonel's residence), but returned when the stone was produced by the plaintiff ; that the subadar first took the stone, and then inspecting it, observed that it was not worth four cowries, and possessed no brilliancy ; that the plaintiff, after explaining how she came by it, said, that in consequence of it falling into the fire from her ear, when wearing it, it had lost its lustre ; that the colonel then coming out of the bungalow with his daughter, and hearing of the circumstance, desired his bearer to bring the stone to look at ; that in the evening he (Calleechnurn) got the stone from the subadar, which he handed to the colonel, who inspected it, as did his daughter, and observing that it was a false jewel, returned it to him, and he gave it back to the subadar, who restored it to the plaintiff ; that the subadar then asking her

her the value of the stone, she answered, that since it had fallen into the fire, its value had decreased, and was not now ascertainable; that Moonshee Mahomed Allee valued it at one rupee, and the plaintiff assented; that on retiring, the subadar asked what was to be done about the razeenamah, when defendant answered, he would consult with Muhesh Baboo; that he at the same time took Moonshee Mahomed Allee a rupee to purchase the stone.

22.—The next day the moonshee accosted him, and told him the colonel was angry at the delay in the release of the woman, which had been suspended only on his arrival to settle the razeenamah, and which the moonshee said was all ready, and witnessed; and that he, the moonshee, and plaintiff, then went to the colonel's residence, where the plaintiff drew her pen over the paper, in token of signing it in presence of the colonel, who said he would himself afterwards sign it.

23.—That three days afterwards, Calleechurn asked the moonshee if he had brought the stone, when he answered in the affirmative, regretting that he had thrown away a rupee on what was not worth four annas.

That on the 10th or 11th of September, the colonel desired him to go to Cawnpore, to be present at the investigation into a complaint about the stone and girl, which General Marshall had been desired to institute; that having prepared to depart, he went to the colonel's bungalow, where he found Moonshee Mahomed Allee, who desired him to take the stone which he had purchased, along with the paper, to Cawnpore; that he first objected to this, but having carried the stone to the colonel, and asked him why he should be selected to take it, and being ordered by him to go, as the moonshee's going would be inconvenient, he assented; that the colonel, at the same time, looked at the stone, and observed, "Is this, which is not worth four annas, what the woman calls a jewel?" He further declares, that the stone was in the moonshee's hand when he went into the bungalow, but whence the moonshee brought it, he cannot say.

The two papers were then shewn to Calleechurn, and he declared they were not those which the plaintiff had signed, one of which he asserts was broader, and the other smaller; being afterwards shewn the green bead, he affirmed that it was not the same stone which he conveyed to General Marshall.

24.—Such is the whole substance of Calleechurn's account of the transaction before the magistrate and me. The most important variation between it and the statement he made before General Marshall, has relation to the manner in which the stone was deposited, from the time of its being extorted to that of its transmission to Cawnpore. Before General Marshall he declared, that when Colonel Routledge was about to send him to Cawnpore, he desired him to get a stone from Moonshee Mahomed Allee, which he (the colonel) said the moonshee had taken, and to carry it to Cawnpore; that the colonel summoned the moonshee, and desired him to deliver the stone to him (Calleechurn), and it was so delivered before the colonel's face. Before the magistrate and me he declares, that when he went to the colonel, preparatory to his departure to Cawnpore, he found the moonshee and the colonel together, and the stone in the moonshee's hand, and pretends ignorance how it came there. In other respects his present statements differ immaterially from that which he made to General Marshall.

25.—But the most important feature in Calleechurn's examination is his own admission that the confinement of the woman was procured by him, in satisfaction of the injury which he and the other Bengallees conceived they had sustained at her hand. Before General Marshall this admission involves confession also of the extortion of the gem, for there he admits, that when he visited the plaintiff in the guard, and was told by the subadar of her distressed situation, he observed, "She had an emerald, why does she not, by *selling that*, make an adjustment with us?" and when the plaintiff denied having such a stone, he reminded her of the precious stone she had formerly shewn to the Bengallees, and according to the concurring evidence of native officers of the guard, which it is difficult to disbelieve, he accompanied that address by the threat, that unless she produced the stone, she never should be released.

26.—Before me he has been more guarded, though here also he fully avows that it was to his menaces that Colonel Routledge imprisoned the woman; but in the conversation which passed on his visit to her when in confinement, in consequence of the colonel informing him that she talked of making a settlement with the Bengallees, he pretends that the mention of the stone originated with her, she having spontaneously threatened to sell it, that she might thereby be enabled to prosecute him for six months. He added, however, that afterwards denying before the subadar that

she

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she had the stone, he reminded her of that which she had formerly offered to sell to Muhesh Baboo, and which immediately led to its production ; a fore knowledge of the stone is hereby expressly admitted by Calleechurn, and that its previous disclosure to the Bengallees had excited his avarice, and had led directly to that treatment which compelled the woman to surrender it, appears to me to be clearly and confessedly proved. The very act of confinement cannot certainly be directly charged to Calleechurn, but that his expostulations and threats induced Colonel Routledge to confine her, he not only admits, but seems anxious to avow.

27.—It is only further necessary to remark upon Calleechurn's defence, that he denies the bead shewn to him in court to be the same as that which he carried to General Marshall. He also denies the identity of the two deeds of acquittance for the stone and the slave girl.

28.—The first part of Moonshee Mahomed Allee's story differs immaterially from that told by Calleechurn ; he evidently wishes to make it appear, that Calleechurn was the originator and author of the ill-treatment of the complainant ; that what he did in the business was under the direction of Calleechurn, and that under this influence he confesses he went to the plaintiff when in confinement, to require her to sell the emerald for a rupee ; that he received the emerald from the hands of the havildar, by whom it was taken from the complainant and gave it to Calleechurn ; that having drawn out a razeenamah for the stone on the same paper on which he also wrote on it an acquittance for the slave girl, and having attested it by several persons present, he (Calleechurn) and the plaintiff went with it to the colonel ; here the plaintiff signed the paper, and he (the moonshee) returned home, leaving Calleechurn with the colonel ; that he was not present when Calleechurn got his orders to go to Cawnpore, but saw him enter the colonel's bungalow to receive them, carrying the stone along with him ; before General Marshall it will be recollected, he expresses himself as uncertain whether Calleechurn, on the occasion of his departure from Cawnpore, produced the stone himself, or whether he received it from the colonel. He further says in his defence, that he was made the dupe of craft and subtilty, to give a colour to the transaction, from the criminality of which he declares himself entirely free ; that he is unpractised in deceit, and that Calleechurn is a designing character, and has made him the dupe to hide his own criminality ; and relates a variety of circumstances relative to the imposition practised on him.

29.—The moonshee positively denies that the documents produced are those which he wrote out ; those he affirms differs both in tenure and form ; they were both indited on one piece of paper, and the razeenamah for the stone designated him only as the agent of Calleechurn in the purchase. The razeenamah presented to General Marshall, and now contained in the proceedings, makes the moonshee the sole purchaser, and contains no mention of Calleechurn. The concurring testimony of the witnesses who signed the document (excepting only Guniesh, who is not forthcoming) proves, that only one paper was executed and attested by them ; and a comparison of the hand-writing of the present documents with that of several perwannahs which Moonshee Mahomud Allee confesses he wrote, in Colonel Routledge's name, to certain thannadars of this district on the subject of supplies, the hand in which the acquittance of the slave girl is written entirely corresponds with the perwannah acknowledged by the moonshee, but the razeenamah does not ; the latter document must therefore be a forgery, but by whom or for what purpose it was forged, all the attainable evidence does not suffice satisfactorily to elucidate. The moonshee alleges that the documents were not shewn to him by General Marshall at Cawnpore, and therefore he had not an opportunity of contradicting them.

30.—It may be conjectured that the razeenamah was forged either to fix the guilt of the transaction exclusively on the moonshee, by making him the principal, not the agent in the business, or with a view to obtain the surreptitious signature of Colonel Routledge to the razeenamah for the stone, when he conceived he was only signing the release for the slave girl ; the colonel's signature is attached only to the release for the slave girl, not the razeenamah for the stone.

31.—I shall now proceed to notice the evidence ; sixteen witnesses have in all been examined ; seven of whom were formerly examined by General Marshall, three of those, the subadar, havildar and a sepoy, were witnesses to the paper, and members of the guard in which the plaintiff was confined ; with some variation they depose, that they found the complainant in confinement when they mounted guard ; that she remained in their custody, according to the subadar, three or four, to the others, five

five or six days. They differ as to which of the defendants first demanded the stone of the woman, but they agree in stating, that Calleechurn was the person who compelled her to acknowledge she had it, by reminding her of the stone she had previously displayed to his friends. They also concur in stating, that Calleechurn was the person in whose possession the stone was last seen by them, and in denying that the plaintiff told the story Calleechurn ascribes to her of the stone falling into the fire, and thereby losing its lustre and value.

32.—The other evidence taken by General Marshall, are Bindrabund, the plaintiff's attendant, who corroborates her story as far as he was privy to the facts, and to all appearance in a credible manner; Hurree Baboo and Mahush Baboo, whose evidence is immaterial, as relating only to circumstances which preceded the confinement of the plaintiff; and lastly, Doorgapershaud, late cutwaul of the bazaar at Kytah, who declares that the moonshee shewed him the paper on which the two agreements were written, and also the stone, which he declares was not the same as that shewn him in the court.

33.—The witnesses whom the magistrate examined in addition to those who were examined by General Marshall, are 1st. Sheodeen Sing, a havildar of the guard in which the plaintiff was confined, and a witness to the paper, whose testimony nearly coincides with that of the subadar and havildar of the guard, already noticed.

2dly.—Sheikh Soobhan Moohulladar, of the Kytah Bazaar, whose name is also attached to the paper, and who swears that he witnessed a farigh-kuttee, at the plaintiff's request; but all he knows of it is, that it bound her not to return to Kytah. He says, he did not see Calleechurn when the paper was executed, neither did he see or hear any thing of the stone.

3dly.—Mudaree, a cook to the mess of Colonel Routledge's battalion, and,

4thly.—Syphen, his wife, who lodged near to the hut where the plaintiff resided at Kytah, and were summoned at the instance of Calleechurn, apparently with the view to shew the miserable and defenceless manner in which she was lodged, and the improbability of her having with her in such a situation, so valuable an article as an emerald. They speak merely but to the bundle in which the stone was deposited, being left uncared for in this temporary and open chopper, in which the plaintiff had lodged.

5thly.—Sykjoo, a zemindar, in whose village the plaintiff slave girl was at first secreted, and whose evidence is immaterial, as having no reference to the confinement of the plaintiff.

34.—Mr. Wauchope conceiving that some light would be thrown upon the circumstances and reasons of the confinement of the plaintiff, from those native officers who were on guard when she was first placed under restraint, summoned them from Benares, where he learnt they were: a subadar and three sepoy's belonging to Colonel Routledge's battalion appeared, but all the information we have been able to extract from them is, that the plaintiff was conducted to the guard by a bearer of Colonel Routledge, whose name they know not, and who conveyed the orders of the colonel for her confinement.

35.—Having thus completed my recapitulation of the complaint, defence and the evidence, it only remains for me to express my opinion, that a suspicion arises that the plaintiff was induced to part with a valuable emerald for one sereenugur rupee through terror and alarm, and that hunger and the other grievous indelicacies she was subjected to were obviously contemplated by Calleechurn as the means of reducing her to a compliance, as the only mode by which her existing imprisonment and sufferings could terminate; and that although both defendants are confessedly guilty of being instrumental to the imprisonment of the plaintiff, and the exaction of the precious stone, the value of which, as I have already observed, does not appear to have been materially exaggerated by the plaintiff, yet the guilt of Calleechurn appears to me in a much more heinous light than that of Moonshee Mahomed Allee. The incentive to, and object of the conduct of Calleechurn is clear and confessed, and all he seems to aim at, particularly in his first statement before General Marshall, is to show that the treatment he and his associates had suffered was such as to justify the confinement of the plaintiff and the extortion of the stone, supposing it to be an invaluable thing, which he in vain attempts to prove it to be by the unsupported story of its falling into the fire, which he put into the plaintiff's mouth. No such incentive appears to account for the conduct of the moonshee, and considering the obvious hostility which subsists between him and Calleechurn, and which could hardly fail to lead to his detection if he had profited by the transaction, together with his present destitute condition, consequent to his discharge from

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Colonel Routledge's service shortly after his return from Cawnpore, I am inclined to think that his guilt is confined to being the disinterested participator in an act which he could not but know was a criminal one.

36.—All the magistrate's endeavours seem to have failed to discover by whom and under what circumstances the glass bead was substituted for the emerald, nor do I see how that mystery can be further cleared up. The result of the present inquiry leaves the stone in the hands of Calleechurn, in the bungalow of Colonel Routledge; according to the account of Moonshee Mahomed Allee, it was last seen in his possession on his way to the bungalow by the majority of the witnesses. The defendants alone are privy to the production of the bead which was about to be sent to Cawnpore. Moonshee Mahomed Allee, before General Marshall, states his ignorance whether Calleechurn or Colonel Routledge produced it on that occasion. Before me he asserts, that when Calleechurn went into the colonel's bungalow to receive his orders, he carried the stone with him; Calleechurn avers before the general, that the moonshee was the depository of the stone. Before me he alleges, that when he went to receive his orders to go to Cawnpore, the stone was in the hands of the moonshee who was in conversation with the colonel.

37.—The law officer convicts only the prisoner Calleechurn of extortion and illegal imprisonment, and acquits the Moonshee Mahomed Allee; but the evidence establishing moreover in my opinion the fact against Mahomed Allee, this reference has become necessary to the superior court. This implication is indeed sufficiently established from the part he confesses to have taken in writing out the deed of compromise for the stone, as also in demanding it from the plaintiff; but, as I have before said, no sinister or self-interested motives appear, which could have influenced him either in the act of extortion or in the confinement of the complainant.

38.—It is hardly conceivable that the complainant should travel such a distance to complain to the Governor General without being driven by the anguish of disappointment, and from a firm confidence in the justice of the British law. This unhappy woman has been harassed and bewildered for a period of more than a year, searching for the redress which I trust the court will be able to afford to her, adequate to the injuries she appears to have experienced.

Allahabad, 19th Aug. 1816.

I have, &c.

(signed) *R. Wynne*, Officiating Judge.

(A true copy.)

(signed)

H. M. Turnbull, Register.

MINUTE.—Under the circumstances stated in the foregoing letter, and in the inclosures submitted by Mr. Wauchope, the magistrate of Bundelcund, no further order on the subject of the trial alluded to in those papers appears necessary.

NOTICES of Slavery in Malwa, by St. John Malcolm, G. C. B. & K. L. S.

Extract, Bengal Political Consultations, the 7th July 1821.

Extract from Sir John Malcolm's Report on Malwa, dated the 11th February 1821.

Part Twelfth.

94.—Slavery in Malwa is chiefly limited to females, but there is perhaps no province in India where there are so many slaves of this sex. The dancing girls are all purchased when young by the nakins, or heads of the different sects, who often lay out large sums* in these purchases; female children and grown-up young women are bought by all ranks. Among the Rajpoot chiefs these slaves are very numerous, as also in the houses of the principal Brahmins; the usage however descends to the lowest ranks, and few merchants or cultivators with any property are without mistresses or servants of this description. Male slaves are rare, and never seen but with men of some rank and property, with whom they are usually the confidential servants.

95.—There are a variety of ways in which slaves are procured in Malwa; numbers date their condition from a famine or scarcity, when men sold their children to those who were able to support them, with the natural view of preserving the lives of their offspring, at the same time that they obtained means of protracting their own.

* They obtain advances from Sahokars, upon interest, like other classes.

own. A great number of the slaves of Malwa from Rajpootana*, where the excesses of the Mahrattas drove the inhabitants to exile, and to such distress as to be compelled to part with their children. But besides these sources of slavery, there are others of a more criminal nature.

96.—There are many instances of Rajpoots and men of other tribes, particularly Soandees, selling the children whom they have by their slaves, and who are deemed to be born in a state of bondage. This only takes place when the father is in distress, or when he is tempted by a large price. The sale, however, of the offspring of these women by other fathers than their masters is more common. The slaves bred (to use a term suited to their condition) in this manner are not numerous; but the further demand is supplied by the Binjarries, who import females into and from Guzerat† and other countries, which they usually pretend to have bought; and by the tribe of Gwarriah, who have been noticed as open and professed stealers of female children.

97.—When these slaves are bought, an inquiry is made as to their tribe, and the general answer (particularly from the Gwarriahs) is, that they are Rajpoots. The children are taught to make pretensions to high birth, and daily instances occur of whole families losing caste in consequence of their being too hastily credited‡. When persons of inferior tribes discover their daughters, or husbands their betrothed wives, in the house of Brahmins, which often happens, the latter are compelled to undergo long and expensive penances to recover the purity from which they and their family have fallen, in consequence of being defiled by intercourse with females so far below them. It is a remarkable fact, and one of the few creditable to the late community of the Pindarries, that among the numerous prisoners of all ages and sexes whom they took, though they employed them as servants, gave them to their chiefs, and accepted ransoms for them from their relations, they never sold them into bondage, nor carried on, like the Binjarries, a traffic in slaves.

98.—Females in Malwa, except in times of scarcity, or general distress, from any cause (when they are very cheap,) are sold from 40 to 50, to 100 and 150 rupees; the price is accordant with their appearance. They have been at times an article of considerable commerce, many being annually sent to the southward, particularly to the Poobnah territories, where they sold high. This trade, which has of late years decreased, was principally carried on by the Mahratta Brahmins§, some of whom amassed great sums by this shameless traffic.

99.—Male slaves, it has been stated, are few in Malwa, and are generally treated more like adopted children than menials. The case is very different with females, who almost in every instance are sold to prostitution; some, it is true, rise to be favourite mistresses of their master, and enjoy both power and luxury, while others are raised by the success in life of their sons, but these are exceptions. The dancing women, who are all slaves, are condemned to a life of toil and vice, for the profit of others, and some of the first Rajpoot chiefs and zemindars || in Malwa, who have from 50 to 200 female slaves in their family, after employing them in all the menial labours of their house during the day, send them at night to their own dwellings, where they are at liberty to form such connections as they please, but a large share of the profits of that promiscuous intercourse into which they fall, is annually exacted by their master, who adds any children they happen to produce to his list of slaves. The female slaves in this condition, as well as those of the dancing sets, are not permitted to marry, and often very harshly treated, so that the latter, from this cause and the connections they form, are constantly in the habit of running away. If discovered, they are always given up, provided the deed of purchase can be produced, which with them above all others, must be registered at the cutwall's chabootre at the period the slave is bought.

100.—It

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* Marwar is the province from which the greatest numbers are obtained. In the famine of 1813-14, Ameer Khan formed in that country a battalion of children and youths of this class, 1,200 strong.

† Guzerat has, during the late troubled state of Malwa, drawn annually a large supply of female slaves, chiefly through the Binjarrees, from that province.

‡ Among the numerous females whom my efforts have recovered from slavery, several of low tribes have been discovered in the houses of Brahmins.

§ Benaick Pundit, a Carcoon Brahmin, who resided about twenty years ago as the chief government officer in Dhar, in the district of Bhersiah, made a large fortune by this trade. He used to send from fifty to sixty of these females every year to Poonah.

|| The present Rajpoot zemindar of Taul, on the Chumbal, has at least one hundred and fifty slaves. The father of the present zemindar of Fourah, had at one time three hundred. The principal Brahmin ministers at the courts of Scindiah and Holkar, have from ten to fifty and sixty of these female slaves in their families. The rawul of Banswarrah has 200.

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100.—It is not the habit of the native governments of Malwa to take any cognizance of the punishment which masters inflict upon slaves, except such extend to their life, when they are responsible ; they are in some cases cruelly treated, but this is not general ; it is indeed against the interest of the master to do so, when there are so many opportunities of escaping from his authority.

101.—The state of Malwa for the last 30 years has been favourable to the species of slavery described, and that province is filled with the mixed progeny of these unfortunate women. This traffic must however now decrease, as the Gwarriahs and others who carried it on, can no longer steal or conceal children with that confidence of impunity which they had long done. A few years ago no man dared leave his own district to inquire after his wife and daughter ; the whole country can be now traversed in safety ; from this cause, and the discoveries of guilt that have recently been made, these stealers of women and children have taken alarm, while the restitution to their relatives of slaves, bought them at high prices, must deter future purchasers.

PAPERS relative to Slavery in Kumaon, 1824.

Extract of a Letter in the Judicial Department, from the Governor General in council to the Court of Directors, dated 14th September 1826.

W. P.
Crim. Cons.
26th Feb. 1824.
N^o 10 & 12.

57.—On the proceedings of the annexed date is recorded a letter from the commissioner of Kumaon, submitting a report on the state of the police, and on the administration of civil and criminal justice in that province, during the year 1823.

59.—We took measures to furnish the commissioner without delay with the form of proclamation approved by us, prohibiting the sale of wives and widows by their husbands, or late husband's family. We need not repeat the expression of our determination to put down so barbarous and hateful a custom.

Criminal, W. P.

Extract, Bengal Judicial Consultations, 26th February 1824.

N^o 10.

Extracts of a Letter from G. W. Traill, Esq. Commissioner at Kumaon, to Mr. Chief Secretary Bayley, dated 1st January 1824.

Agreeably to the orders of Government, contained in your letter of the 31st January 1823, I have the honour to submit a report of the state of criminal and civil police in this province, during the expired year 1823.

CRIMINAL.

CRIMES.	Total Number.	Convicted.	Acquitted.	Not Apprehended.	Under Examination.
N ^o 3.—Arson - - - -	1	1	—	—	—
6.—Selling slaves - -	4	3	1	—	—

Complaints of a trivial nature.

	Number.	Proved.	Dismissed.	Withdrawn or Nonsuited.	Pending.
N ^o 10.—Complaints regarding } sale of Females }	168	19	67	78	4

N^o 3, Arson.—This offence appears to be rare in the hills. The present instance evidently originated in the uncivilized character of the perpetrator ; sold by his parents at an early age to a Bhotrea ; but became tired of his bondage, he demanded his release on payment of the money originally advanced for him ; the claim being refused, he in the first instance carried off a quantity of property, which he buried in the snow ; with the view of compelling a compliance with his demand ; as this

this measure did not produce the intended effect, he set fire to his master's house, which with nearly twenty other houses in the village, was burnt to the ground.

N° 6.—Requires no particular remark.

N° 10.—In my former report of the 21st July 1822, transmitted to Mr. G. Glynn, commissioner under Regulation X. of 1817, I took the liberty of suggesting the expediency of some public prohibition against the sale of wives and widows by the husband or their heirs; I was subsequently directed to submit a draft of a proclamation to that intent, which was accordingly furnished to the Nizamut Adawlut on the 15th March 1823. No further orders have been since received. The number of applications to the court in cases of this kind as here exhibited (168), adds weight to my former recommendation; a penalty or fine equal to double the amount of the purchase money might be enacted against such practice.

The cases dismissed are, almost wholly, claims founded on purchases of this nature, made since the introduction of the British government.

The total number of persons sentenced to imprisonment from the 1st of January last has been thirty-eight, for the undermentioned offences.

Selling slaves - - - - - 6

Extract Letter from Mr. Chief Secretary Bayley to G. W. Traill, Esq. Commissioner at Kumaon; dated 26th February 1824.

N° 11.

3.—With reference to the remarks offered by you on the expediency of issuing a proclamation against the sale of wives and widows by the husbands or their heirs, I am directed to transmit to you the accompanying copy of a letter from the register of the Nizamut Adawlut, dated the 4th April 1823, and of the orders issued by government in reply on the 5th June last.

N° 3 & 4.

4.—As those orders do not appear to have reached you, a reference will be made to the Nizamut Adawlut, in order that the omission may be supplied with all practicable expedition.

To the Register of the Nizamut Adawlut.

Sir:—I am directed by the Right honourable the Governor General in council to transmit to you the accompanying extract from a letter, dated the 1st ultimo, from Mr. Traill, the commissioner in Kumaon, and to observe, that the draft of the proclamation adverted to in that extract was approved by government, as communicated to the court in my letter of the 5th June last; and that the court were requested to instruct Mr. Traill, through the provincial court for the division of Bareilly, to give due publicity to the proclamation throughout the tract of country under his superintendence.

N° 12.

2.—It is probable that the instructions in question have been accidentally mislaid, and it seems desirable that the provincial court at Bareilly should be immediately furnished with a duplicate of them for Mr. Traill's information and guidance.

I have, &c.

(signed) *W. B. Bayley*, Chief Secretary.

Council Chamber, 26th February 1824.

Reports of Cases adjudged in 1812.—Nizamut Adawlut.

Prosecutor,—Cullub Ally Mokhtar, on the part of Mussumaut Sahib Jaun.
Prisoners,—Chumelee, slave girl, aged 25, and Nuseem Hubshee, slave boy, aged 12.

Trial 6.

Charge,—Theft.

About the 2d of March 1812, Mussumaut Sahib Jaun missed the sum of 114 rupees; the prisoners, who are her slaves, having absented themselves two or three days before the loss was discovered, were suspected of being the thieves. Being interrogated, the first prisoner is said to have confessed her guilt, and to have implicated her companion. The prosecutor deposed, that Chumelee admitted having stolen the key of the money chest from under the pillow of her mistress, and having given it to Nuseem Hubshee, who took out of the chest the sum that was missed, of which he gave her 100 rupees, retaining 14 for himself; that Chumelee confessed further having deposited her share of the booty with a person named Mirza Jaun, but that this person, when required to restore the money, denied ever having received it. The prisoner, Nuseem Hubshee, it was stated by two witnesses, had made a verbal confession of having opened the chest and taken out the money. The prisoners admitted before the magistrate that they had made their respective confessions voluntarily;

City of Patna.—A. Welland, Circuit Judge, Nizamut Adawlut y Burges, July 3, 1812. By the Mahomedan law, hudd, or the prescribed punishment for larceny, is not incurred by a slave stealing or assisting to steal the property of his owner; but he is liable to discretionary punishment for breach of trust.

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Para. 27 & 28.

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tarily ; but on their trial before the court of circuit, they alleged that they had been tutored. The law officer of the court of circuit declared in his futwa, that there existed no proof of the exertion of undue influence in obtaining the confessions of the prisoners: that the former of them (Chumelee) being the slave girl of the owner of the property, could not be sentenced to the prescribed punishment of surka (larceny), but that in consequence of her kheat, or breach of trust, she was liable to discretionary punishment by tazeer ; the futwa further stated, that the prisoner Nuseem was convicted of being an accomplice in theft; that in consequence of his not having attained the age of maturity, a sentence of tazeer could not be passed ; but that with a view of deterring him from similar practices in future, he should not be discharged without reproof and admonition. The judge in circuit did not concur in opinion with his law officer, considering the slavish subserviency of the prisoners to the will of others, and their readiness to admit whatever was required of them, he did not attach any weight to their confessions. He was not inclined to give credit even to the story of the money having been stolen at all, for it was stated by the prosecutor, that the chest from which it was taken contained altogether 1,500 rupees, and that his client was continually drawing from it small sums for her expenditure, of which no written account had been kept. The judge also thought it probable, that, had the theft been committed, the prisoners would have left the village, and made off altogether with the booty ; under these considerations he was of opinion that they should be acquitted and released. The law officers of the Nizamut Adawlut delivered a futwa similar to that given by the law officers of the court of circuit, but assigned as a further reason for not considering the offence of the prisoner Chumelee to be larceny, the circumstance of her not having with her own hand opened the chest, and taken the money ; her confession (the only evidence against her) merely implicating her as a receiver. The court of Nizamut Adawlut not being satisfied with the conviction of the prisoners, directed that they should both be immediately discharged.

Reports of Cases adjudged in 1817.—Nizamut Adawlut.

Prosecutrix,—Moossumaut Punchum.

Prisoners,—1. Sheik Mudaree, Mahomedan, aged 28 years.

2. Sumboo Manjee, Hindoo fisherman, aged 25 years.

Charge,—Kidnapping a female child.

Trial 6.

The prisoner Sheik Mudaree was charged with having kidnapped and offered for sale Moossumaut Goomaree, daughter of the prosecutrix, a girl aged eight years; Sumboo Manjee of having aided and abetted him. The prisoners pleaded, "Not guilty."

The prosecutrix stated, that she was employed by Sheik Budeen to nurse his child ; that her daughter went out one day to play in the haut of Huckmaree, which is on the banks of the river Lohaee, about 75 bubits from the house of Sheik Budeen ; that, as the girl did not return in the evening, she searched for her, but without success ; that she heard nothing of her till she was summoned to Jureedpoor by the magistrate, when she found the prisoners and her daughter.

The prisoner Mudaree confessed at the Thannah, that he hired a boat belonging to Sumboo Manjee to take a letter to Chilcote, that having arrived at the Ghaut of Kakinaree, he went into the haut and purchased some articles of food, and carried off the girl Goomaree to the boat without permission of her parents ; that he proceeded to the bunder of Manikgunge, where he came to, and that he agreed to sell the girl to Peer Khan, jemmadar of the Thannah of Manikgunge. When examined before the magistrate, he declared that the mother of the girl gave her to him to sell, but could not recollect the mother's name. On his trial he denied the confession made at the Thannah, but acknowledged the one made before the magistrate.

The prisoner Sumboo Manjee stated at the Thannah, and before the magistrate, that Mudaree having hired his boat, took him first to Hukmaree, where he landed, and returned with the girl Goomaree ; that on his remonstrating with him, he (Mudaree) told him it was no business of his, and desired him to proceed ; and that he proceeded till they came to Manikgunge, where Mudaree went away with the girl, leaving him with the boat at the ghaut.

The confessions of the prisoners were fully proved by the evidence of the attesting witnesses, and corroborated by the examination, without oath, of the girl Goomaree, to whom the oath was not administered on account of her tender age (eight years,) and her apparent ignorance of the meaning of an oath. She had been playing with other children, and that they having been taken home by their friends, she was left alone,

alone, when Mudaree asked her to come to his boat, and on her refusal, he carried her off; that on the second day they arrived at Manikgunge, where he was about to sell her to Peer Khan, jemmadar, as his sister, but that she applied to the Darogha, who apprehended Mudaree and Sumboo, and sent them to the magistrate.

The fact of the attempt to sell the girl was clearly established by the depositions of Peer Khan, Jemmadar, Shahabodeen, and other witnesses, whence it appeared, that having arrived at the ghaut of Manikgunge, Mudaree offered to sell the girl, calling her his sister, to Peer Khan the jemmadar of the Thannah for 15 rupees; that Peer Khan desired him to give a regular deed of sale, and having occasion to go away on duty, gave rupees 14. 8. to Shahabodeen, desiring him to get a deed of sale from Mudaree, and to take him to the Darogha to have it witnessed, and after that was done, to pay the money to Mudaree as the price of the girl, eight annas being deducted for stamp paper; that when they all went to the Darogha, the girl, who had told the jemmadar she was the sister of Mudaree (from fear probably,) told the Darogha that she had been kidnapped; on which the Darogha caused both prisoners to be taken into custody. Mudaree attempted but failed to prove, that the mother of Goomaree desired him to sell her.

The futwa of the law officers of the court of Circuit convicted Mudaree on strong presumption (ghalebezun) of kidnapping Moossamut Goomanee, and offering to sell her, and declared him liable to punishment by tazeer. Sumbo Manjee, against whom nothing further was considered to be proved than that he lent his boat to Mudaree for hire, was acquitted by the law officer.

The judge of Circuit concurred with the futwa as far as it related to the crime of Mudaree, and recommended a punishment of ten stripes of the corah, and imprisonment for three years; but considering Sumbo in the light of an accomplice, referred the trial to the Nizamut Adawlut.

The law officers of the Nizamut Adawlut convicted both prisoners on violent presumption—Mudaree, of having kidnapped Goomanee, daughter of the prosecutrix, and of offering to sell her afterwards, and Sumbo Manjee of concealing his knowledge of the kidnapping, and of aiding in the intended sale; and declared them liable to discretionary punishment by akoobut to the extent of their respective crimes

The court fully concurring in the futwa, sentenced Sheik Mudaree to receive thirty stripes with a corah, and to be imprisoned with hard labour for seven years, and Sumbo Manjee to imprisonment with hard labour for two years.

(signed) *J. F. M. Reid*, Preparer of Reports.

PRINCE OF WALES ISLAND PAPERS.

A MEMORANDUM of the period on which Prince of Wales Island came under the Dominion of the East India Company.

PULO PENANG, since called Prince of Wales Island, was ceded to the East India Company by the King of Queda in the year 1786. The treaty was negotiated by Captain Francis Light.

By another treaty with the King of Queda, negotiated by Sir George Leith in the year 1800, the Company became possessed of the tract of sea coast opposite to Pulo Penang, on the Malayan Peninsula, extending from Qualla Kurrian to the river side of Qualla Mooda, and measuring inland from the sea-side sixty orlongs.

PAPERS relative to the means employed to obtain Settlers on Prince of Wales Island, the introduction of Caffree Slaves from Fort Marlbro' to be employed as Cultivators, and of domestic Slaves in the families of some wealthy Mahomedans: also relative to the number, registration, and treatment of Slaves on Prince of Wales Island: 1786-1805.

Extract from the Proceedings of the Governor General in council of Bengal relative to Prince of Wales Island, the 2d May 1786.

Extract from a Letter from Captain Light to the Governor General in council, dated the 15th February 1786.

The King of Queda, who now solicits your friendship and alliance, and has sent by me a grant of the island of Penang, has annexed to the grant some requests, of which you have a copy, with explanations and remarks. (*Vide Appendix.*)

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Minute.—Resolved, in consideration of the Board's favourable opinion of Captain Francis Light, his knowledge of the Malay language, and the high esteem in which he stands with the King of Queda and other Malay chiefs, that he be vested with the charge and superintendence of the island of Penang on the part of the Company, until their pleasure be known, or until further orders, and that he be furnished with a proper commission as commander of the *Eliza*, and superintendent of the island and harbour of Penang.

Resolved, That the following replies be given to the conditions required from this government by the King of Queda, which are to form a letter to him.

To the 5th Article.—All persons residing in the country belonging to the King of Queda, who shall become his enemies, or commit capital offences against the state, shall not be protected by the English.

APPENDIX.

N° 35. Extract from a Minute by the Governor General, recording several Papers relative to a proposed settlement in the Straits of Malacca.

Conditions required from this Government by the King of Queda.

N° 36. 5.—Any man in this country, without exception, be it our son or brother, who shall become an enemy to us, shall then become an enemy to the Honourable Company; nor shall the Honourable Company's agent protect them without breach of this treaty, which is to remain while sun and moon endure.

N° 37. Captain Light's remarks upon the foregoing requests of the King of Queda.

N° 39 to 40. 5.—This article comprehends the principal and almost only reason why the King wishes an alliance with the Honourable Company; and in the treaty must be worded with caution, so as to distinguish between an enemy endeavouring or aiming at his destruction or the kingdom, and one who may simply fall into displeasure with either the king or his minister. The Honourable Company should reserve the power of protecting all persons who take shelter under their flag, if not convicted of such crimes as shall by both parties be deemed unprotectable treason, murder, forgery, and any other as may be deemed necessary to include.

All slaves must be returned to their masters, for they are part of their property.

If any inhabitant run away from his creditors, and take shelter in Penang, his creditor, on making application to the resident, shall have the same power over him as if he still remained at Queda. The same privilege to be given to the inhabitants of Penang.

Any servants of the Honourable Company, European or Indian, deserting, shall be delivered up, and the resident may send an officer, either civil or military, who with two of the king's officers, shall be empowered to search for and seize all such deserters.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, the 6th April 1786.

Minute.—The Governor General lays before the Board the following query proposed to him by Captain Light, with his answer.

Query.

Answer.

People will come from Malacca, from the coast of Coromandel, and many other places, to settle at Penang; it will be necessary to grant them a proportion of land, and to establish a police for their security.

That would be proper.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, the 2d May 1786.

Extract from Captain Light's Instructions.

We are now to proceed to give you such instructions as in the present stage of this business appear necessary, previously to appointing you to the charge and superintendence of the Island of Penang, on the part of the English East India Company, with the entire command of all the forces, military and marine, and with the government of all inhabitants, whether European or Indian, who may reside

reside there, until the pleasure of the Honourable the Court of Directors shall be known.

We authorize you to receive all persons wishing to settle under our protection, and we direct that you furnish us with a plan for the internal government and police of the island; you will be particular in your advices respecting the number of the inhabitants; their increase, together with a list of arrivals and departure of ships, specifying the cargo of each, and their destination.

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Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, the 9th October 1786.

Extract of a Letter from the Superintendent of Prince of Wales Island, to the Governor General in council, dated the 12th Sept. 1786.

I brought from Bengal three carpenters and eight labourers, Chinese, who are of infinite service to us; I have likewise hired eight Chinese from Queda, but they have been so long with the Malays, they have lost much of their native industry.

I most earnestly and humbly request your Honourable Board will, as soon as possible, send a reinforcement.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 13th December 1786.

Extract of a letter from the superintendent of Prince of Wales Island, to the Governor General in council, dated the 12th September 1786.

Our inhabitants increase very fast; upwards of 100, including women and children, are already come over from Queda. The king is so much alarmed that he has imposed a duty of 100 dollars upon every family leaving the place.

Extract of a letter from the superintendent of Prince of Wales of Island to the Governor General in council, dated 5th October 1786.

I request the favour of a further supply of 100 coolies, as the price of labour here is enormous, one-quarter dollar per day for one man. If they are husbandmen, the better; they then may be employed occasionally in cultivating the ground.

N° 215.

Minute of the Governor General.

Requests of Mr. Light to be determined on by the board.

7th. One hundred coolies, if husbandmen, so much the better.

N° 233.

Resolved,—That a proportion of artificers be sent to Prince of Wales Island.

N° 234.

Resolved,—That the residency of Fort Marlborough be desired to furnish 100 or 150 Caffrees (volunteers if possible) for Prince of Wales Island; and that they be conveyed thither by the Ravensworth.

N° 237.

The following letter is in consequence of the preceding resolution written:

N° 355.

To Fort Marlborough.

Gentlemen,—Mr. Light our superintendent at the new settlement of Penang, now called Prince of Wales Island, having requested us to send him a number of people for the purpose of cultivating the country, and assisting at the works carrying on there and other public services, we desire that you will hold 150 Caffrees, volunteers if possible, in readiness to be sent there, from your presidency by the Ravensworth.

Fort William, 13th December 1786.

We are, &c.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 22d January 1787.

Extract of a letter from the Governor General in council of Bengal, to the Superintendent of Prince of Wales Island, dated 22d January 1787.

We have directed the deputy governor in council to send you 150 Caffrees from Bencoolen, for the purpose of clearing and cultivating the country, and we shall desire the gentlemen at Canton to encourage the Chinese to resort to, and settle on Prince of Wales Island.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 27th July 1787.

Extract of a letter from Captain Light the superintendent of Prince of Wales Island, to the Governor General in council, dated Fort Cornwallis, 18th June 1787.

The Ravensworth arrived here in the evening of the 7th instant, and landed 126 Caffrees, many of them so old they are unfit for service. The gentlemen of Bencoolen did not send the least notice of the manner in which they were maintained there. I learn from Mr. M'Donald they were allowed drams, men, women and children, rice, buffalo meat, and money. I have allowed the men drams, but not the women or children; the whole a measure of rice, and 4 cash per day, which will amount to $3\frac{1}{2}$ dollars a month for each person.

Extract from the Proceedings of the Governor General in council of Bengal relative to Prince of Wales Island, 25th January 1788.

Reconsidered Captain Light's letter, dated 18th June, and recorded in consultation 27th July.

From the description of the Caffrees sent from Bencoolen to Penang, it appears to the Governor General in council that the gentlemen at that residency have rather consulted their own convenience in getting rid of a useless incumbrance, than a wish to promote the prosperity of Penang; but to discharge them would be, in fact, to give them up to beggary, or to starve.

Agreed, That Mr. Light be authorized to give their liberty to such as he may deem unserviceable, allotting to them at the same time some land, and a small proportion of their present allowances for support; or to adopt such other means to relieve the Company from this expense as he may deem more advisable.

Extract of a Letter from Captain Light, Superintendent of Prince of Wales Island, to the Governor General of Bengal, dated 7th October 1787.

A register is kept of all slaves bought and sold here, and of all transfers and sales of houses and lands.

The Honourable Company's slaves are employed sawing timber and cutting neebongs. They are more tractable than on their first arrival: they are allowed one seer of rice and one dram a day, and one Spanish dollar a month; the Tindals, $1\frac{1}{2}$ Spanish dollars. The sawyers and artificers to be rewarded according to their merit. They have sometimes a bullock. Serjeant Dorris is appointed their overseer, with a salary of ten Spanish dollars per month. The whole expense will not amount to more than three Spanish dollars per month for each person.

Extract from a Letter from the Governor General in council of Bengal to Captain Light, Superintendent at Prince of Wales Island, dated 25th January 1788.

18th June.—With respect to such of the Caffrees brought in the Ravensworth from Bencoolen as you think unserviceable, we recommend to you to give them their liberty, allotting to them at the same time some land, and a certain proportion of their present allowances for their support; but we do not intend this as a direction, and if other means should occur to you as more advisable to relieve the Company from the present heavy expense of maintaining the Caffrees. We leave it to you to adopt them, instead of those we have proposed.

Extract from the Proceedings of the Governor General in council of Bengal relative to Prince of Wales Island, 14th September 1787.

Extract from an Enclosure in Captain Kyd's Letter to the Secretary General, dated 8th September 1787.

Penang as yet can be said to have no inhabitants of its own, or even any but the servants of gentlemen and the followers of the troops that are firmly established. When it was first taken possession of by this government, there were a few Malay families, who subsisted by fishing and extracting of wood-oil and dammer, and who lived near the point where the fort stands, but have removed to another part of the island. One of these people (a very old man) gives an account of there having been,

been, about thirty years ago, a great many inhabitants on the island (not less than three thousand), and that at one place it was well cultivated, which is evinced by the number of burying-places that are yet to be seen on a part of the island, which comprehends at least a space of three square miles, and which, from the clearness of wood, and from many fruit trees that are to be seen, and above all, from the appearance of inclosures and furrows, gives a convincing proof that the whole of that space has been recently in cultivation. These people having given themselves up to plunder and piracy, which disturbed the commerce of Queda, the king fitted out an armament, and expelled them from the island. It has always, however, been the occasional resort for piratical Malays, of whom there are a great many in the Straits of Malacca. The little of the woods that are cleared, and all the works about the point, has been done by the Lascars of the detachment, and by Malays, who come from the continent for the sake of high wages, and return again when their labour is no more wanted, or when they are no longer inclined to work; for there is no gain will induce a Malay to constant and unremitting industry: but in clearing the woods they are particularly expert, and whatever class of men it might be eligible to fix on the island as the cultivators and permanent settlers, the temporary services of the Malays will probably always be necessary in cutting down trees and clearing the woods.

Prince of Wales
Island Papers:
State of Slavery
in Company's
Territories.

Extract from the Proceedings of the Governor General in council of Bengal relative to Prince of Wales Island, 25th August 1788.

N^o 1.—Extract from a Letter from Captain Light, the Superintendent of Prince of Wales Island, to the Governor General in council, dated Fort Cornwallis, 20th June 1788.

Since this accident, there has arisen no great occasion for the exertion of justice; the greater number of thefts have been committed by our own Caffrees, who seem to have been prepared by frequent practice for any punishment. The most noted offenders I have ordered to wear shackles, and to carry wood and water, under the charge of a sentinel. There are two or three hundred Malays continually here, who come from all parts to seek employment, and after having earned a little money, return to their families, when they are succeeded by a new set. Indeed, it is surprising to find so many strangers, who are not at all averse to thieving in their own country, conduct themselves with so much good order when here. I expected, from the exposed situation of the settlement, to have been very much troubled; but the Malays seem to be greatly civilized by their intercourse with this place, and familiarized to its government; they also find themselves interested in its preservation.

16.—The Honourable Company's supercargoes in China having sent here this season ten bricklayers and one labourer, under an engagement that they shall be kept in constant pay by the Company, I have employed them in building a store-room for the military stores, which they have completed in a most excellent and workmanlike manner; they are now employed in building a custom-house, which is much wanted, in order that every merchant may land and weigh his goods there, to the end that an accurate account of the exports and imports may be obtained. I shall afterwards employ them in building a warehouse for holding the Company's goods, which at present are exposed to considerable danger from fire in temporary godowns.

Prince of Wales
Island Papers :
State of Slavery
in Company's
Territories.

AN ESTIMATE of the Expense of the Settlement at *Prince of Wales Island*, payable there for one Year; viz. from the 1st May 1788 to the 30th April 1789.

CAFFREES :			
Wages of 120 Caffrees p' month	- - -	127 50	-
Arrack and rice for d ^o for 1 month	}	164 92	-
s ^a r ^a 345. 8.			
2 head of cattle	- - -	20	- -
Wages of an overseer	- - -	10	- -
		<u>322 42</u>	-
Months	- - -	12	- -
Estimated annual expense of clothing	- - -		
		3,869 4	-
		350	- -
			4,219 4 -
CHINA ARTIFICERS :			
Old establishment of bricklayers and carpenters	- - -	80	- -
Gardener	- - -	15	- -
10 bricklayers and 1 labourer sent this year by the super- cargoes from China	}	28	- -
		<u>223</u>	- -
Months	- - -	12	- -
			2,676 - -
BOMBAY ARTIFICERS :			
Provision money, s ^a r ^a 187	- - -	Sa R ^o 2,244	or
			1,025 - -
MISCELLANEOUS :			
8 Lascars for the Company's boats	- - -	24	- -
An examiner of making prows	- - -	15	- -
2 assistants	- - -	8	- -
		<u>23</u>	- -
A Malay writer	- - -	20	- -
A cutwall	- - -	30	- -
Medium charges of people confined in prison for crimes	- - -	20	- -
		<u>117</u>	- -
Months	- - -	12	- -
			1,404 - -
		Spanish Dollars	9,324 4 -

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 14th September 1791.

Extract of a Letter from the Superintendent of Prince of Wales Island to Lord Cornwallis, dated 2d July 1791.

Par. 2.—Having found it expedient to conclude an agreement with the King of Queda previous to the receipt of your letter, a copy whereof is forwarded with my letter of 31st May, I have taken the liberty to make a few observations on the articles agreed on.

Articles.

3d.—That all slaves running from Queda to Pulo Penang or from Pulo Penang to Queda shall be returned to their owners.

4th.—All persons in debt running from their creditors from Queda to Pulo Penang, or from Pulo Penang to Queda, if they do not pay their debts, their persons shall be delivered up to their creditors.

Par. 3.—I would propose, that if the King of Queda's allowance should be increased to 10,000 Spanish dollars per annum, I may be authorized to demand two further stipulations on his part.

Observations.

This article requires no explanation; it is for the mutual benefit of both parties.

This article requires no explanation; it is for the mutual benefit of both parties.

1st.—That

1st.—That his ryots may not be restrained from coming to this island to seek for employment. This is of great importance as it is from their labour we have been enabled to cultivate so much land in a short time.

2d.—To have the liberty of purchasing or employing people to cut timber, attaps, rattans and necboons in an uninhabited forest near us.

Prince of Wales
Island Papers :
State of Slavery
in Company's
Territories.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 24th August 1792.

Extracts from a Report by Captain Light, Superintendent of Prince of Wales Island, to the Governor General in council of Bengal, dated 30th July 1792.

Par. 4.—I find it difficult to preserve a friendly communication with the Rajah of Queda. By the 3d article of the late treaty with him all slaves belonging to either places are to be returned. The term slave can only be applied to a person legally sold, or one condemned to slavery for crimes. The king extends it to such people as have taken refuge in his country from war, or famine, and to debtors to his merchants ; several of these people, not natives of Queda, but Burmen and Chooliars, have come over with their families and demanded protection ; the king sent to demand them as slaves, I have not refused giving them up, but as they cannot be prevailed upon to return, being assured to suffer death, I have endeavoured to persuade the king to use gentle methods, as the only means to engage them to return.

Par. 9.—Soyad Hussain and Soyad Jaffer, two Malays of Arabian extraction, and of considerable property, with very large families, are come to reside here ; they are importunate to obtain a written declaration of the laws they themselves are subjected to, and a license to govern their own families, slaves and dependents with an independent power, and in all cases to be judged by the Mahomedan laws ; and that if they found their residence here inconvenient or disagreeable, they might, without molestation, depart with their families. This was a matter of long debate before they would resolve to remain here. I do not think myself authorized, without the approbation of your Lordship, to execute a compact of this moment ; I represented to them the impropriety of any subject having an entire independent authority ; that a reasonable, and as far as the general welfare would permit, an independent authority would be allowed them over their families and dependents, that their religion, laws and customs would be undisturbed, and that they might inflict any punishment upon their children and family, excepting mutilation or death ; if the crime committed was of such magnitude as to require more than a whipping, the culprit should be committed to prison and tried by the laws of the island ; that if the case concerned one of their people, and one of the inhabitants, or if any of their people committed a public breach of the laws, they should be tried publicly ; that they and their families might quit this island whenever they thought proper. The pride of the Soyads, who boast of being descendants of the Prophet, will not allow them to submit to any authority but their own ; they are so much respected by the Malay princes, that their persons are held too sacred for punishment ; the only chastisement they inflict on them is either a fine or dismissal from their country. They trade duty free, and for the life of a slave they would think themselves degraded to give an answer. Their jealousy is extreme ; should any man be found in private converse, or in the apartment of the women, his death would be inevitable ; this is the motive, though not mentioned, for their demanding a written contract, to preserve their persons from being brought before a court of justice. A medium rule may be drawn, which will prevent these people from yielding to sudden and excessive gusts of passion, without offence to their religious character.

Par. 10.—I have appointed hakims, or notaries, to keep registers of marriages, births, deaths, slaves and sales of land and houses ; they are imperfect at present, but by degrees will become regular and prevent much litigation.

Extract, Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 7th December 1792.

The following dispatches have been received this morning from Prince of Wales Island, by the country Ship Eliza.

Prince of Wales
Island Papers:
State of Slavery
in Company's
Territories.

N° 3.

Extract, Letter from Francis Light, Esq. Superintendent of Prince of Wales Island, dated 12th November 1792.

Par. 3.—The primary intention of government in forming this settlement being somewhat changed. the objects that remain and are at present in view I apprehend to be comprehended under the following heads :

4.—1st. To fill the island with inhabitants, and from their industry to provide provisions, refreshment and succour for shipping.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 12th August 1793.

Extract from a Letter from the Secretary to the Bengal Government to the Superintendent of Prince of Wales Island, dated 12th August 1793.

I am directed by the Governor General in council to reply to such paragraphs of your dispatches during part of the last and present year, as appear to require any decision upon them, having previously made you acquainted with his Lordship's sentiments and orders upon the agreement which you concluded with the King of Queda on the 1st of May 1791.

Agreement with the King of Queda.

3d.—All slaves running from Queda to Pulo Penang, or from Pulo Fenang to Queda, shall be returned to their owners.

Observations and Orders.

3d.—This article, abstractedly considered, must be advantageous to both parties ; but if it be used for any oppressive purpose, it will be deprived of its chief value on this head, therefore it will

be proper to annex to the treaty a declaratory article, specifying precisely the class of persons coming in future under the description of slaves ; and his Lordship in council is pleased to desire that you will receive the term in the most confined sense, as well because the doing so will tend to increase the population of the settlement under your superintendence, by affording an asylum from the oppression of the Queda government, as because, if the expression were taken in the sense given to it by the Empetuan, it might injure, and could not serve the settlement at Prince of Wales Island. It is imagined that his rights cannot suffer by the declaratory article I have mentioned, as others in the agreement have provided for the surrender of all persons charged with treason, murder or forgery, and of those who have fled from their creditors.

Police.

Par. 9.— The Governor General in council approves of your answer to the claims of the two Malays, Soyad Hossain and Soyad Jaffer, who went to Prince of Wales Island for the purpose of residing there with their families. These were to obtain a written declaration of the laws they themselves were subjected to, and a licence to govern their own families, slaves and dependents with an independent power, and in all cases to be judged by the Mahomedan laws.

The degree of liberty which is consistent with the welfare of the society in which he resides belongs to every individual, but an exemption of the nature required in the application of the Malays, relative to instituting a sort of arbitrary domestic police, is repugnant to reason and subversive of the rights of society.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 19th January 1795.

N° 1.

Extract of a Letter from Mr. Philip Manington (who succeeded to the superintendency of the Island on the death of Captain Light) to the Governor General in council, dated 11th December 1794.

Par. 3.—The Honourable Company's slave Caffrees, that came from Bencoolen seven years ago, are not to this day brought upon the books. I have had a muster of them as per list enclosed, have ascertained their age, and have fixed a valuation on each. I shall be glad to have your instructions if they are to be brought on the books as the Company's property or not, most of them are old, infirm and incapable of work.

Captain Light's
Letter, dated
30 July 1792.

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REVIEW ROLL of the Honourable Company's CAFFREE SLAVES, Prince of Wales Island, 29th November 1794.

NAMES.	Age.	Valuation.	EMPLOY.	NAMES.	Age.	Valuation.	EMPLOY.
TINDALS.				WOMEN.			
		Sp. D's				Sp. D's	
Yockwood -	50	40	Repairing Roads.	Mama Greasa -	40	25	Repairing the Roads.
Bombay -	40	30	D°	Chulcha -	45	20	With Lieut. Mackalister
Boherra -	45	35	D°	Wannakce -	45	20	Unable to Work.
Sangoolah -	30	50	D°	Sally -	30	20	D°
Friday -	20	50	Attending the Hospital.	Amflate -	25	20	D°
MEN.				Tavo -	45	20	D°
Lewis -	30	50	Repairing Roads.	Conny Highen -	35	20	D°
Pindy -	45	35	D°	Bullah -	45	20	Sick in the Hospital.
Jack, 1st -	25	45	On Mr. Light's ground.	Saltamah -	42	20	Repairing Roads.
Mackadam, 1st -	40	40	D°	Ramnanah -	40	20	D°
Marrack, 1st -	40	40	D°	Nanny -	22	40	D°
Commiss -	42	40	{ Attending the Europe	Bonny -	40	25	D°
Muftah -	25	50	Barracks.	Saltamah -	33	30	D°
Malingurrah -	50	30	D°	Thomasa -	33	30	Sick in the Hospital.
Massariah -	28	45	Sick in the Hospital.	Sellevah -	40	20	Sweeper.
Timpoh -	35	50	On the Signal Hill.	Allin -	40	20	Sick in the Hospital.
Onlough -	35	40	Repairing Roads.	Maria -	40	20	D°
Jack, 2d -	36	40	D°	Betty -	44	20	With Mr. Layton.
Philip -	28	45	On board the Galley.	Ririe -	44	20	Repairing Roads.
Tom -	30	45	Repairing the Road.	Shehimbo -	44	20	Attending the Hospital
Narrakee -	40	40	D°	Chetterah -	36	20	Repairing the Roads.
John -	50	30	D°	Sallamah -	44	20	Sweeper.
Lulembing -	50	30	D°	Adea -	36	20	Repairing Roads.
Gorah -	28	45	At the Flag Staff.	Bootie -	44	20	Sweeper.
Sallamen -	42	30	D°	Kentily -	25	30	Repairing Roads.
Muckadam -	35	40	Repairing Roads.	Chelsaro -	54	20	Unable to Work.
Lirie -	50	25	D°	Sosa -	33	30	D°
Chimbrouchy -	42	35	Cutting Firewood.	Wangah -	32	30	Repairing Roads.
Tonnyony -	50	25	Repairing Roads.	Paddy -	33	30	On the Signal Hill.
Martin Linch -	40	40	{ Attending the European	Mary -	40	20	Sweeper.
Muftah -	32	45	Barracks.	Chillah -	36	25	Repairing Roads.
Juba -	-	-	D°	BOYS.			
Tuckall -	30	45	On board the Drake.	Jack -	9	-	On board the Drake.
Mussalick -	50	25	Repairing Roads.	Tintimdare -	9	-	Unable to work.
Frank -	30	40	With Mr. Layton.	Young Tom -	2	-	D°
Mohumbo -	35	40	On the Signal Hill.	GIRLS.			
Mattiff -	50	25	D°	Young Lee France -	6	-	Mr. Light promised that persons born on the Island should be free. with Mr. Young
Mattiff -	50	25	Cutting Firewood.	Young Polly -	8	-	
Jaum -	33	40	Repairing Roads.	Fatemnah -	4	-	
Marrack -	30	40	D°	Young Sally -	1½	-	
WOMEN.				Armamah -	5	-	
Kitty Keek -	35	20	Unable to work.	Minty -	1	-	
Mincy -	35	30	Repairing Roads.	Young Sosa -	2	-	
See France -	35	30	Attending the Hospital.	Kitty Keek -	4	-	
Polly -	25	40	Repairing the Roads.	Lucy -	14	-	
Jefferam -	32	35	D°	Fanny -	9	-	
Callapillah -	44	25	D°	} Unable to Work.			
Ademy -	44	25	D°				

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 13th February 1795.

Extract of a Letter to Mr. P. Manington, Acting Superintendent of Prince of Wales Island, dated 13th February 1795. N° 9.

1.—We have received your Letter of the 11th of December, with the several enclosures mentioned therein.

9.—Under the description contained in the 3d Paragraph of the Slave Caffrees brought from Bencoolen, we can only consider them as objects of charity, and as such they ought not to be brought upon the books as public property. 152.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, the 8th June 1795.

Extract of a Letter from the Superintendent of Prince of Wales Island, to the Governor General in council of Bengal, dated 13th May 1795. N° 1.

Your orders respecting the Company's Caffree slaves shall be attended to; and in the mean time such as are able to work shall be employed in whatever is useful in the Settlement.

Extract, Bengal Law Consultations, 16th December 1796.

The following Papers, bearing the signature of the Superintendent of Prince of Wales Island, have been received without a letter.

RETURN of CAFFREE MEN and WOMEN SLAVES.—Fort Cornwallis, Prince of Wales Island, 31st October 1796.

NAMES.	Supposed Ages.	REMARKS.	NAMES.	Supposed Ages.	REMARKS.
MEN.			WOMEN.		
Arcooty - -	40	Infirm and unfit for labour Sick in Hospital.	Salamah, 1st - -	50	Infirm and unable to work.
Massavoy - -	34		Salamah, 2d - -	28	
Bombay Jack - -	60	Sick in Hospital.	Salamah, 3d - -	63	Infirm and unable to work.
Muckadam, 1st - -	40		Bohney - -	40	
Muckadam, 2d - -	36	Sick in Hospital.	Sousah - -	32	Infirm and unable to work.
Jemm - -	25		Connahiah - -	30	
Timpo - -	23	Sick in Hospital.	Chenshauk - -	50	Infirm and unable to work.
Tom - -	30		Betty - -	58	
Burrack, 1st - -	45	Sick in Hospital.	Boungah - -	40	Infirm and unable to work.
Burrack, 2d - -	26		Addeah - -	41	
Philip - -	25	Infirm and unfit for labour Sick in Hopital.	Allen - -	40	Infirm and unable to work.
Friday - -	26		Rhivoo - -	52	
Gorah - -	28	Sick in Hospital.	Cheeleah - -	-	Infirm and unable to work.
Boherah - -	48		Bootee - -	53	
Sleeminnie - -	56	Infirm and unfit for labour Sick in Hopital.	Tamassiah - -	36	Lent to Mrs. Glass.
Songolah - -	30		Nanee - -	30	
Lewis - -	46	Infirm and unfit for labour	Paddee - -	30	Lent to Mrs. Glass.
Nariquey - -	30		Polly - -	26	
Jack - -	28	Infirm and unfit for labour	Lahemboo - -	40	Lent to Mrs. Glass.
Mussootekey - -	62		Sittarah - -	30	
Moftah, 1st - -	34	Sick in Hospital.	Lucy - -	22	Lent to Mrs. Lucas. With Mrs. Page.
Moftah, 2d - -	36		Romanah - -	30	
Soloman - -	44	Infirm and unfit for labour	Andahmy - -	38	Lent to Mrs. Lucas. With Mrs. Page.
Muttalingeech - -	35		Marreah - -	35	
Labowah - -	60	Sick in Hospital.	Sapraunce - -	30	Lent to Mrs. Lucas. With Mrs. Page.
Mohimba - -	40				
Antyia - -	42	Infirm and unfit for labour	BOYS.		
John - -	50		Harry - -	12	
Tuchall - -	40	Sick in Hospital.	Tom - -	4 years.	
Chimbyouche - -	42		Massaboy - -	1 d°	
Chimatiff - -	59	Infirm and unfit for labour	Tempoo - -	8 months	
Pindy - -	50		Yangoooloo - -	7 d°	
Fanswney - -	-		GIRLS.		
WOMEN.			Sally - -	3 years.	
Katkey - -	30	Sick in Hospital.	Sousouh - -	4 d°	
Mangty - -	29		Amanah - -	8 d°	
Kellampelah - -	34	Sick in Hospital.	Saprance - -	9 d°	
Iaphram - -	30		Katkey - -	7 d°	
Sally - -	26	Sick in Hospital.	Fatimah - -	7 d°	
Wannachey - -	34		Lucy - -	3 months	
Mary - -	32	Sick in Hospital.	Fanny - -	13 years	
Annefah - -	25		Polly - -	14 d°	
Mongruria - -	43				

ABSTRACT :—MEN.

Fit for any work - - - - -	5
D° for moderate work - - - - -	18
Unfit for work - - - - -	4
Sick in hospital - - - - -	5
D° in quarters - - - - -	1
TOTAL - - - - -	33

(signed)

Forbs. Ross Macdonald, Sup^t.

Extract, Bengal Public Consultations, 28th January 1802.

Judge and Magistrate of Prince of Wales Island, to the Chief Secretary to Government at Fort William.

I request that you will be pleased to lay the enclosed papers before his Excellency the Most Noble the Governor General in Council.

I have the honour to be, &c. &c.

(signed) *John Dickens*, Judge and Magistrate, &c.

George Town, Prince of Wales Island, 1st January 1802.

To his Excellency the Most Noble Richard Marquis Wellesley, K. B.
Governor General in Council, &c.

My Lord Marquis:—In a case which lately came judicially before me, a question arose, “Whether civil slavery, that is, a right in one man, over the person and fortune of another, were to be considered as established at Prince of Wales Island.”

2.—I was not ignorant, that slavery, limited and unlimited, has been here tolerated. I know that emigrants, both from the Malays, Peninsula, and from the Eastern Islands, who had become inhabitants of Prince of Wales Island, have been permitted to retain in slavery those whom they had brought as slaves to this place. Some of these, indeed, are in utter slavery, while others are only in limited servitude. The latter is the condition of those who are styled slave debtors, and these are people that voluntarily became slaves to their creditors till their debts are paid.

3.—But all this passed, *sub silentio*; for after careful search, I have not found any regulation of the local government, or any order from the Governor General in council, authorizing the establishment of slavery, limited or unlimited, at Prince of Wales Island. This right, if any such in fact exists, rests therefore simply on an usage of fourteen years.

4.—Thus circumstanced, having no authority to guide my judgment, my delicacy increased in proportion to the interests on which I was called to determine; and in this case, subordinate to the question of civil slavery, arose two other questions. The 1st. a question of fact, “Whether the father of A. ever had been a slave at Quiddah.” The 2d, or question of law, “What was to be the condition of A. now resident at Prince of Wales Island, whether born of one parent, who was free, and of another, who was enslaved, or born of parents who were both slaves, and now resident at Prince of Wales Island.”

5.—I was desirous of avoiding the determination of this case, and remitted it to the Lieutenant Governor; but in deference to his particular request, I gave my opinion that the evidence did not prove that the father ever had been a slave, but that it inclined to shew that the mother had been a slave at Quiddah, and I thought the son should follow the condition of his father; I was led to this opinion, from a consideration that it is the old law of villanage in England, and although I know it was contrary to the maxim of the civilians, *partes sequitur ventrem*, yet the latter authority had no weight with me; first, because slavery had not yet been established by authority at Prince of Wales Island; next, because I could not see any local circumstance requiring its establishment; and lastly, because a state of slavery is, in its own nature bad, neither useful to the master nor to the slave, nor to the state under which they live.

6.—The Lieutenant Governor, on the contrary, was of opinion, that the evidence proved both parents of A. were slaves, and under the regulations for the administration of justice on this island, ultimately decreed, that A. resident in this island, should be delivered up as a slave to Hakim Sullee, Captain Malay, resident also on this island.

7.—By this decree, slavery is now recognized, and established by the local government of this island, and therefore, in addition to the observations which heretofore I have had the honour of submitting to the consideration of your Excellency in council, I feel the necessity of representing, that regulations are now requisite, in which the right that a master is to possess over the person and fortune of his slave, at Prince of Wales Island, should be explicitly defined; and I hope that your Excellency in council, will take into consideration the case of the offspring of slaves, and particularly of those who are born of one parent who is free, while the other is a slave.

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8.—Nothing can be presumed on the moderation or justice of Mahomedans who possess slaves. By their usages, the virtue or honour of female slaves is at the mercy of their master. I could hope, that the right of the master, was by law expressly limited to the bounds of humanity.

9.—I have thus presumed to take up your Excellency's valuable time, in recommending this class of our inhabitants to your generous consideration; and I have no other apology to offer, than my conviction that the subject matter of my letter is of the first importance to the interests and prosperity of this rising colony.

10.—I have the honour of sending enclosed, a return of the present state of the jail, and with sentiments of profound respect and duty,

I have the honour to be, &c. &c.
(signed) *John Dickens*, Judge and Magistrate
of the Settlement at Prince of Wales Island.

George Town, Prince of Wales Island, 1st January 1802.

Ordered, That the following letter be written to the Judge and Magistrate of Prince of Wales Island, by the secretary:

To John Dickens, Esq. Judge and Magistrate at Prince of Wales Island.

N^o 50.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of your letters of the 25th of October last and 1st instant, with the several enclosures stated to accompany them, and to inform you, that all your letters should be addressed to the Lieutenant Governor of the island, on whom it will depend, if he shall deem it proper, to transmit them to Government, with such observations as he may judge it to be necessary to submit respecting them.

I am, &c.
(signed) *C. R. Crommelin*, Secretary to Government,
Public Department.

Extract, Bengal Law Consultations, 27th December 1804.

Acting Lieutenant Governor of Prince of Wales Island to John Lumsden, Esq.
Chief Secretary to the Government, at Fort William.

Sir:—Herewith I have the honour to transmit to you, to be laid before his Excellency the Most Noble the Governor General in council, an attested copy of the proceedings of a court held by me, as prescribed in the 15th paragraph of the regulations for this settlement, dated 1st August 1794, for the trials of persons charged with crimes of a capital nature.

I have the honour, &c.
(signed) *W. E. Phillips*, Acting Lieut.-Gov.

Fort Cornwallis, Prince of Wales Island, 10th Nov. 1804.

Wednesday, the 3d October 1804.

The court met pursuant to their last adjournment, at 10 o'clock, A. M.; and the Provost brought prisoner into court, Goolamie, who was committed to prison on the 24th of April 1804, by Robert Townshend Farquhar, Esq. Lieutenant Governor of the said island, charged with the wilful murder of a female person known by the name of Kitchie, as appears by the proceedings had before the acting coroner for the said island, following; that is to say;—

“Ayar Etam, 22d April 1804, Memorandum.

“On viewing the body of the deceased, Kitchie, we found it in such a putrid state that it was impossible to examine it, much less to have the body opened, and therefore cannot say that the said Kitchie died in consequence of the beating and kicking she received from Goolamie, as mentioned in the annexed depositions, or from sickness. As witness our hands.

Signed by *J. U.* “*A. Macintosh*, *Abdul Mromen*.”
(signed) “*John Brown*, Coroner.”

“George Town, Prince of Wales Island.

“The information of Hoolooloo, (a Buggis woman, and who is the slave of one Inchey Garruff, of George Town aforesaid), taken by me, John Brown, acting coroner for the said town and island, who being charged to give evidence on the part

part of Government, touching the death of a woman (a native of the Buggis country, known by the name of Kitchee, and who was also a slave of the said Inchey Garruff's) who was found dead in a house at Ayer Etam in the said island, which house is situated in a plantation, the property of Philip Manington of the said island. This informant saith, that on or about the 20th inst. April, between the hours of three and four o'clock of the afternoon of that day, this informant went to the house of a Bengal man, whose name is Goolamie, with the said deceased Kitchee, at Ayer Etam aforesaid, and with whom the deceased, Kitchee, cohabited, and at which house some words arose between the said Goolamie and the said Kitchee, in consequence of the deceased's asking the said Goolamie for a dollar; Goolamie refused to give her a dollar, and on Kitchee's repeating her request, he, Goolamie, took a stick and struck her, and kicked her in the back. And this informant saith, on her interfering, the said Goolamie beat her with the said stick with which he had beat Kitchee; upon which this informant ran away, and went to her house; and this informant saith, the deceased, Kitchee, was sick at the time of such kicking or beating, with a complaint in her bowels; and the next day, about 3 o'clock, a Bengal man of the name of Gurrobu Balla, came and informed this informant that the said Kitchee was dead. And this informant went to the house of the said Goolamie, and found that the said Kitchee was dead. And this informant further saith, that she desired the said Gurabee Balla to go and inform the Provost of what had happened; and further knoweth not.

“ Taken by me, (signed) “ *John Brown, Acting Coroner.*”

“ The 22d April 1804.

“ The deposition of Gurebee Balla, a native of Bengal, taken upon oath before me, John Brown, acting coroner for the said town and island, this 22d day of April 1804, who being charged to give evidence on the part of Government, touching the death of a woman named Kitchee, found laying dead at Ayer Etam in the said island,—saith, that he is a gardener in the employ of Philip Manington, Esq. and works on his plantation at Ayer Etam, with three other Bengal men, also in the employ of the said Philip Manington, Esq. whose names are Goolamee Mahomed, Sophey and Ramgany; that on or about the 20th of this instant April, about five o'clock in the afternoon of that day, the deceased, Kitchee, with another woman of the name of Hoolooloo, came to the said house, where this deponent, Mahomed Sophey, and Goolamee were. Goolamee and the deceased had for some time cohabited together. The deponent heard Kitchee ask Goolamee for a dollar; Goolamee replied he had no money, and was angry with Kitchee, and took a piece of nubory and beat her, and desired her to go away; and she, the said Kitchee, did go away, but the other woman of the name of Hoolooloo remained behind in the house; and in about half an hour afterwards Kitchee returned, and went into the said house, where this deponent, Mahomed Sophey, and the said Hoolooloo were, and Goolamee followed her, and asked Kitchee for what she had returned, and he, Goolamie, kicked Kitchee several times with his foot in the small part of her, Kitchee's back, and she fell on the ground and cried out she was much hurt. And this deponent further saith, that the deceased, Kitchee, appeared to be in great agony from the kick she so received in the small part of her back, and Goolamee helped her, the said Kitchee, to the cot, and laid her thereon, and went and gathered some leaves and made a medicine, and gave it to her, Kitchee; this was about ten o'clock at night, and the deponent then went to sleep. The next morning the deponent arose about six o'clock, and then saw Goolamee giving medicine to Kitchee, who was still lying in the cot apparently very ill. The deponent heard Goolamee tell Kitchee that he was going to the town to get medicine for her. The deponent further saith, that Goolamee did not appear then angry with Kitchee; and about eight o'clock Goolamee left Ayer Etam and went to the town; and this deponent, Mahomed Sophey and Kitchee, were then in the house. After Goolamie had left Ayer Etam, Kitchee continued to get worse and worse; and the deponent observed to Mahomed Sophey, that he thought Kitchee would die, and that it would be proper to follow Goolamie to the town, and give information of what had happened; and Mahomed Sophey immediately left Ayer Etam for that purpose, and left him, the deponent, and the deceased, in the house. A short time after Mahomed Sophey left the house the deponent went into the jungle to look for his buffaloes, and on his return to the house, about three o'clock, he found the said Kitchee was dead, and this deponent went and called Hoolooloo, who came to the house,

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and the deponent returned with her, and remained there until about ten o'clock at night, when Mahomed Sophey returned; and this deponent, with the said Mahomed Sophey, came to the town, and informed the Provost of what had happened; and further this deponent knoweth not.

(signed) "with the mark of *Gurebee Balla*."

"Sworn before me, *John Browne*, Coroner,
"the day and year before written."

"The deposition of Mahomed Sophy, a native of Bengal, taken by me, John Browne, coroner for the said island, who being duly sworn to give evidence on the part of the Government touching the death of one Kitchee, saith, That on or about the 20th instant, he was at Ayer Etam, where he worked in the plantation of Philip Manington, and lived in a house there with three other men, one of the name of Golamee, the others of the names of Gurulee, Balla and Ramgany; Golamee cohabited with the deceased Kitchee, who frequently came to the said house, but did not altogether reside there; Kitchee, with another woman named Hoorbaloo, came to the said house on the said day about five o'clock in the afternoon; Kitchee was very unwell and complained of a pain in her inside; some words arose between Kitchee and the said Golamee, concerning Kitchee's asking Golamee for a dollar, which he refused to give, and beat her with a stick, and afterwards kicked her in the back, on which she fell to the ground; Goolamee took her, Kitchee, up and laid her on the couch; the next morning Goolamee went to George Town to get medicine for Kitchee; Kitchee got worse, and Gurebu Balla desired him to follow Goolamee to the town, and give information of what had happened; the deponent saw Goolamee at the house of Jaffer Misty, near the first bridge in George Town, and Goolamee told this informant that he was going immediately up with medicine for Kitchee; the deponent desired that he would make haste, as Kitchee was worse; Goolamee went away, and about eight o'clock at night on the said 20th day of this instant April, he, this deponent, returned to his house at Ayer Etam, and found that Kitchee was dead, and that Goolamee had not been there, nor has he, the deponent, seen the said Goolamee since; and the deponent saith, that he and the said Guribu Balla came to the town, and informed the Provost of what had happened; and this deponent upon his oath saith, that he cannot tell whether the said Kitchee died in consequence of the beating and kicking aforesaid, or whether the said Kitchee died from sickness.

(signed) "with the mark of *Mahomed Sophy*."

"Sworn before me, *John Browne*, Coroner,
"the year and day before written."

To Mr. John Browne, Coroner.

Sir:—For the information of the jury on the body of a female Malay, I have to report as follows:—

The body must have been dead at least 24 hours; from the very putrid state of the body, it was impossible to say where the injury was given which was said to be cause of her death; a mark on the right side of the back, near the region of the kidney, had something like the appearance of contusion, but I cannot take upon myself to say it was, or if it was the case, that it (the contusion) was the immediate cause of her death.

I am, &c.

(signed) *G. M. Elmes*, Assistant Surgeon at the

Ayer Etam, 22d April 1804.

Hospital, George Town.

And the said John Brown, Provost, now before this court, charged the said Goolamee, for that, on the 22d of April 1804, at Ayer Etam, in the said island, the said Goolamee, with force and arms, in and upon the said Kitchee, then and there, being feloniously, wilfully and with malice aforethought, did make an assault, and with a stick of wood, which he the said Goolamee then and there in his right hand held, in and upon the loins and back of the said Kitchee, did strike and beat; and also for that the said Goolamee, then and there with his foot, in and upon the loins and back of the said Kitchee, did kick and beat, giving to the said Kitchee, by the beating, striking and kicking aforesaid, several mortal wounds and bruises, and of which said several mortal wounds and bruises she the said Kitchee then and there died; and so the said Provost charges, that he the said Goolamee, the said Kitchee then and there feloniously and wilfully did kill and murder, against the peace, and so forth

This

This charge being explained to the prisoner, he pleaded thereto not guilty.

And the said Provost, being now called upon to produce evidence in support of the said charge, represents to the court, that Gurrebee Balla is now without the jurisdiction of this court, so that he could not be summoned to be re-examined before this court; and that Hoolooloo is unable to attend through sickness, and that George Elmes, who examined the body, is not within the jurisdiction of this court, so that he could be summoned to be re-examined before this court, but that Mahomed Sophy is present in court; whereupon the said Mahomed Sophy being duly sworn, saith, that in the month of Moharin last (about five and a half months since), at Ayer Etam, in the said island, the witness lived in the same house with the prisoner; Gurubee Balla and Ramzang know nothing respecting the death of Kitchee, for whose murder the prisoner is now on his trial; that the said Kitchee was the slave of Gooster, the wife of Incher Garriff, and occasionally came to the said house as a common prostitute; and one day of the last Mohurrum, about five o'clock in the evening, the said Kitchee, with another woman named Hoolooloo, came to the said house to visit Goolamee, as she had done every three or four days for the two months preceding; and the witness saith, that from the appearance of the said Kitchee, as well as from her own declaration, that she had a pain in her bowels; he knows that the said Kitchee was at that time unwell. A dispute arose between Goolamee and Kitchee, on account of her refusing to go with him to the town to see the procession of the Mohurrum, unless Goolamee gave her, before she went, a dollar; and Goolamee thereupon ordered Kitchee to go away, and shoved her out of the said house, but without violence; about a quarter of an hour afterwards the said Kitchee returned to the said house, and Goolamee, the prisoner, was displeased with the said Kitchee, and gave her abusive words, and kicked her with his foot four times on the loins with some violence, and gave her with his open hand three or four slaps in the face; the said Kitchee was sitting on the ground, when the prisoner Goolamee kicked her as aforesaid, and on her being kicked, she fell on the ground on her side, and complained that she was much hurt, and desired the prisoner not to beat her any more; afterwards Goolamee got water, and washed Kitchee clear from the dirt on her body, and put her on the bed in the said house; the said Kitchee died during the next day; the witness saw the body of the said Kitchee about ten o'clock of the night of the next day, and it was cold. The witness cannot speak to the cause of her death.

The prisoner declined cross-examining this witness.

The Provost states, that he has no other witnesses to adduce in the support of the prosecution.

The prisoner rests on his plea of not guilty.

The court, having taken the evidence into their consideration, are of opinion, that the prisoner, Goolamee, is not guilty of the murder of Kitchee, with which he stands charged, and he is accordingly acquitted of the said charge.

(signed) *W. E. Phillips*, Acting Lieut. Governor.
John Dickins, Judge and Magistrate.
George Caunter, J. C. Assistant.

Extract of a Treaty concluded by Sir George Leith with the King of Queda, in August 1800, and confirmed by the Governor General in Council, in November 1802, for the Surrender to the Company of a tract of Land on the Queda shore.

Article 4.—All slaves running away from Purlies and Queda to Pulo Penang, or from Pulo Penang to Purlies and Queda, shall be returned to their owners.

5.—All debtors running from their creditors from Purlies and Queda to Pulo Penang, or from Pulo Penang to Purlies and Queda, if they do not pay their debts, their persons shall be delivered up to their creditors.

Extract of a General Letter from the Court of Directors to the Governor in Council of Prince of Wales Island; dated 18th April 1805.

Par. 60.—It is stated by the late Lieutenant Governor, that in 1801–2, there were 723 persons who possessed landed property, and that there were at that time upon the island above 1,200 slaves. We cannot authorize any encouragement being given to the introduction of slaves into the island; we could wish, that the clearing of the lands and the cultivation of the pepper and the spices should, as we understand they may, be carried on by free people. At the same time care must

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be taken, that slaves belonging to ships occasionally resorting to the island, and who may land for the purpose of obtaining their freedom, be delivered up on sufficient proof of their being the property of the claimants.

Extract of a General Letter from the Governor in Council of Prince of Wales Island to the Court of Directors; dated 12th November 1805.

Letter from the
Court, dated
18th April 1805.
(60.) Introduction
of slaves not to be
encouraged.

Par. 73.—It is estimated that there are from 1,200 to 1,400 slaves on the island, most of whom are employed in domestic purposes; a register is kept of their sale and transfer from one master to another, but there is not any tax or duty levied upon their importation. It would, perhaps, be good policy to impose a duty, as no inconvenience could arise were it entirely discontinued.

SUGGESTIONS for the Abolition of Slavery on Prince of Wales Island, submitted in 1805, by the Lieutenant Governor R. T. Farquhar, Esq. to the Governor General in Council of Bengal.

Extract, Prince of Wales Island, Public Consultations, 4th Oct. 1805.

Extract of a Letter from the Governor General of Bengal to the Lieutenant Governor, dated 27th September 1805.

It is understood that the system of slavery has been carried to a considerable extent at Prince of Wales Island, and that the number of male and female slaves now at that settlement is not inferior to five thousand. The toleration of this system cannot be necessary in India, where labour of every description can be performed by free men; and although the prejudices of our native subjects on the continent of Asia may there forbid the entire abolition of slavery, the same objection does not appear to be applicable to Prince of Wales Island, which has been settled within these twenty years.

31.—Under these circumstances, it is considered to be desirable, that at Prince of Wales Island the system of slavery should, if possible, be prohibited. His Excellency in council accordingly desires, that you will consult the best informed European inhabitants of the island, with respect to the means by which this measure can be accomplished without injury to individuals, and that you will submit your opinion in detail on this question for the orders of the Governor General in council, after you shall have had an opportunity of examining the subject with those who may be qualified to afford you accurate information regarding the effects of the abolition of slavery, as it would be contemplated by the Chinese, Malays, and other native settlers on the island.

Extract, Prince of Wales Island, Public Consultations, 17th Dec. 1805.

Extract, Letter from R. T. Farquhar, late Lieutenant Governor of Prince of Wales Island, to the Secretary to Government; dated 8th Nov. 1805.

Lastly, I proposed to recommend to the Board of Plantation the means of abolishing slavery at Prince of Wales Island, the great body of planters being, of course, materially concerned in this important point of reference.

I have the honour to transmit to you herewith, my ideas upon the best and most feasible method of annulling slavery in the shortest period in which that desirable object can be effected, without prejudice to individuals, or injury to the public interests of the settlement; but I recommend, that this measure be postponed until all the objects of the Board of Plantation, and particularly that of advancing small sums to industrious planters, for the encouragement of cultivation, can be carried into execution.

Enclosure in the foregoing.

N^o 3.—On Slavery at Prince of Wales Island.

I recommend slavery's being abolished at Prince of Wales Island. It is the greatest of all evils, and the attempt to regulate such an evil is in itself almost absurd.

There was some excuse for using slaves in the West Indies, on account of the want of people, and Africa offered the readiest supply.

But there is no excuse for continuing the practice in India, a country fully peopled, and where cultivation and commerce can be carried on by free men.

But,

But, as slavery has in some degree been sanctioned by the government of Prince of Wales Island, it would be unjust, without an equivalent to the proprietors, to declare slaves free.

Suppose then that a committee were appointed, and authorized to affix to each slave now on the island, a value at which his master should be obliged to liberate such slave, on tender of the amount.

Such as could not procure funds from their relations or friends, equal to the valuation, to become debtors, and serve the creditors, as now practised, under the following simple regulations:—

The lender to find the borrower, in lieu of his services, meat, clothes and lodging, good and sufficient.

If in chastising a borrower for any fault (without the authority of the police) the lender bring blood, the debt to be cancelled.

If the lender cohabit with any of the female borrowers, the debt to be cancelled.

No idleness in the borrowers is to add to the debt; but if dissatisfied, the lender may demand his money. Should the emancipated slave be unable to procure the money, the master may apply to the police, where the necessary inquiries will be made, and correction given accordingly.

The foregoing regulations would ameliorate the condition of those now slaves, and in time liberate the whole from debt, and give us from four to five thousand good subjects in place of useless sufferers.

This is an object worthy of government's attention in every point of view.

(signed) *R. T. Farquhar*, late Lieut.-Governor.

Extract of a General Letter from the Court of Directors to the Governor in Council of Prince of Wales Island, dated 18th Feb. 1807.

Letter from Prince of Wales Island, dated 12th November 1805.

73.—Discouragement of Slavery.

Par. 43.—We find by a reference to your consultations of the 4th October 1805, a letter recorded from the supreme government, recommending the abolition of slavery at your presidency; and on your consultation of 17th December 1805, we observe a plan submitted by the late Lieutenant Governor for effecting that desirable object, under date the 8th November preceding, neither of which are noticed in your advices, although the last letters received from your government are dated 20th March last.

44.—As the toleration of slavery cannot be necessary at Prince of Wales Island, where the population is at present extensive and is daily increasing, we consider it a subject deserving of your serious notice, and direct that every means be resorted to for effecting its immediate abolition, provided the public interests of the settlement are not materially injured; but even in that case, we conceive an early period may be determined upon for the entire emancipation of slavery at your presidency, from the date of which it ought by no means to be tolerated.

A PLAN for the Abolition of Slavery on Prince of Wales Island, proposed by Governor Phillips in 1807.

Extract of a Letter from the Governor in council of Prince of Wales Island, to the Court of Directors, in the Public Department, dated 29th January 1808.

Letter from the Court, dated 18th February 1807, (Par. 43.) conceiving, that an early date should be fixed for the Abolition of Slavery.

41.—We have the honour to refer your Honourable Court to a minute recorded by Mr. Phillips on this important subject, and to the proclamation now under the consideration of government, intended to be published with the view of effectually abolishing slavery on this island; and as this important subject will be resumed by us at an early period, we hope to be enabled, by the next dispatch, to report to your Honourable Court, on the measure having been carried into execution, agreeably to your orders.

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Extract, Prince of Wales Island Consultations, 29th December 1807.

Mr. Phillips lays before the Board the following minute, viz.—

Minute by Mr. Phillips.—Although domestic slavery, as practised by the Malays, meliorates in a great degree the situation of the slave, as hitherto permitted on this island, when compared with that of the same class of people in other quarters of the globe, still slavery in its mildest form is degrading in the minds of Britons, and hitherto only tolerated as a means of drawing population to an infant colony, which from the now flourishing state of this island, is no longer necessary, therefore derogatory to our national character, and should in my opinion cease to exist; at the same time every reasonable consideration is due towards their proprietors, so as to remunerate the one without injustice to the other, or too suddenly interfering with ancient and authorized usages. This subject has, it appears, engaged the attention of the Honourable the Court of Directors, and they have more than once urged their government here to adopt the necessary measures for effecting so humane and honourable an object, as the personal freedom of a considerable proportion of their subjects; I have consequently felt interested in the cause, and made such inquiries as enable me to state, that there cannot be less than three thousand, men, women and children, in a state of bondage on this island, and that of this number, the families of Tunka, Pootry, Seied Hussein, the Pangavas Heirs, Maha Raja Stra, and Noqueda Byan, together possess nearly one-third of that number.

The gradations of local usages of slavery are various, and not minutely known at present to Europeans; it seems therefore eligible, that they should be developed by the cool investigations of an intelligent committee formed for the purpose, the result of whose inquiries into each particular class may be submitted to government, prior to the promulgation of any positive regulation, which, if hastily adopted, might, I apprehend, be too general to embrace the various shades of the existing evil, and engender alarm in the minds of the proprietors of slaves.

In this persuasion, I have drawn up and now submit a rough sketch of a proclamation, announcing in general terms the intentions of government with respect to emancipation, and directing masters to produce their claims on the persons of their alleged slaves within a twelvemonth, or to forfeit such claims in toto; these claims may be registered by the committee, who should be directed to class them for the information of government, to whom they may also be directed to submit their proposed means for freeing each class with the least pecuniary injury or domestic inconvenience to the proprietor.

My own ideas are, that the committee should place a value on each slave, as also a value on his annual labour, after deducting his maintenance, and having done so, that the slave should continue in bondage till the estimated value of his labour has reimbursed the master for his original cost. Should the slave deem himself ill treated, he may at any time sell the labour due to that master to one more mild, and who may be disposed to advance that sum to the original master. As the value of labour here is very high, and that of the slaves the reverse, I do not think I am sanguine in estimating that the greater part of these poor creatures would be free in two years from the date of their valuation.

(signed) *W. E. Phillips.*

Christmas day, 1807.

Whereas the Honourable the Governor and Council have taken into their most serious consideration the evils and oppressions attendant on slavery, as hitherto tolerated to some extent at this presidency and its dependencies, and have come to the resolution that no further importation of slaves shall be permitted after the ———, and that from and after the 1st of January 1809, slavery, as now practised, shall cease and be abolished; but in order that this desirable object may be effected with as little private distress to proprietors of slaves as practicable, a committee will be appointed, to take cognizance of the claims of all such proprietors, and to frame for the approbation of government, plans for commuting the same.

Notice is therefore now given, that the intermediate time, from the promulgation of the proclamation to the 1st January 1809, the committee will sit at ———, twice a week, for the hearing and ascertaining the claims that may be brought forward.

Further notice is hereby given, that either master or slave may state their case, and all such masters as neglect to bring forward their claims within the allowed period, shall not have any redress or claim whatever on the person of his alleged slave, who shall be virtually free from and after the date above specified, and any
master

master, preventing by threats or restraint of any kind, his slave from laying his case before the committee, shall on proof of the same be fined in the value of the slave, such value being awarded by the committee, and paid into a general fund, to be applied to the object of general emancipation.

Agreed, That the recommendation of Mr. Phillips be adopted generally, but that the consideration of the subject do lie over for further consideration.

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PAPERS relative to Slavery on Prince of Wales Island, 1808, 1809; containing a Minute and Correspondence of the Governor, N. Macalister, Esq., together with the Regulations proposed by him in April 1808, the subsequent Proceedings of the Committee for the Abolition of Slavery, with the Minutes of Council thereon, and the Plan of Debtor Service, which was proposed as a Substitute for Slavery.

Extract of a Letter from the Governor in Council of Prince of Wales Island to the Court of Directors in the Public Department, dated 6th April 1808.

Par. 6.—We have the honour to forward to your Honourable Court, a number in the packet, copy of a minute recorded by the Governor, relative to the abolition of slavery on this island, and we trust, the measures taken in consequence will enable us, at an early opportunity, to report more fully to your Honourable Court on this desirable object.

Cons. 6 April.

Extract, Prince of Wales Island, Public Consultation, 6th April 1808.

The Honourable the Governor records the following Minute, viz.—

MINUTE by the Governor.—I have to call the Board's particular attention to the subject of the abolition of slavery on this island, and to the minute recorded by Mr. Phillips on the 29th December last. The Act of the Legislature of Great Britain, in abolishing the slave trade that has hitherto existed in the West Indies, and the positive orders of the Honourable Court of Directors, call so immediately, in my opinion, for active measures on our part, that no further delay should take place in carrying into effect this important measure here, where a single benefit cannot be stated as likely to arise from its continuance.

I entirely concur in the ideas of Mr. Phillips, with respect to the means proposed to be adopted for freeing each class of slaves with the least pecuniary injury or domestic inconvenience to the proprietor, and that the desirable measure may be effected, by prohibiting, after a certain date, the transfer of slaves by purchase, gift, or otherwise, and making each slave become a debtor to his master in a given sum, calculated on the value of his present services.

With this view, it was my intention to have proposed to the Board, certain resolutions for carrying the same into immediate effect; but as I have lately had an opportunity of obtaining the sentiments of the heads of the different casts here, who are the principal holders of slaves, I am induced to recommend, that previous to the Board's coming to a decision, and declaring all slaves free after a certain period, a committee should be appointed for the purpose of fully investigating the subject, and after hearing the arguments of the different proprietors of slaves, to submit such regulations for their emancipation, as may appear to them best calculated to effect the object in view.

The principal objection that appears to exist is among the higher classes of natives who have settled here with their slaves, under an assurance that their domestic arrangements would never be interfered with. Many of them have slaves in their zinanas, which I fear no measures taken at present, short of absolute coercion, would induce them to set free, more particularly as it is considered a degradation, if females, who may be once admitted, afterwards to enter into other alliances.

As I understand, that any regulations that can be made, leaving it to the proprietor to emancipate his slave, by making him his debtor to a certain amount, will be considered a more accommodating mode to the holders of slaves, and as the object may be alike effected, whether the act of giving freedom proceeds direct from the government or the master, I subjoin the heads of certain regulations for the committee's consideration, which, as far as I have been able to ascertain, are approved of by the principal natives on the island.

Should the Honourable Board approve of the mode recommended in the proposed general regulations, and submit them as the ground work of the committee's deliberations,

deliberations, I am of opinion, that the sums proposed to be levied as duties, should be considered as set apart, to form a fund for the aged and young children, slaves, who may by their emancipation be otherwise left destitute, and for remunerating such persons whom the regulations may, from their general and extensive tendency, possibly injure in a pecuniary degree.

I have, lastly, to propose, that as there are several slaves belonging to the Company on this island, they be declared free from and after the 12th August next, and virtually, at liberty to go and come, and to apply their industry at pleasure ; and that the secretary do lay before the Board at their next meeting, a draft of the instructions to the committee.

HEADS OF REGULATIONS.

1.—That the importation into Prince of Wales Island of slaves of every description, be prohibited from and after the date of the proclamation, and that all slaves (those the property of natives of Quedah, who have a right to retain the same by treaty, and slaves belonging to the masters of foreign vessels, casually touching at Prince of Wales Island, excepted) landed in Prince of Wales Island after that date, be considered as free men, and at liberty to apply their industry at pleasure, within Prince of Wales Island.

2.—That the masters of vessels arriving at this port, having on board slaves belonging to their respective vessels, or who may have been brought under an ignorance of the existing regulations, be required to send in to the collector's office, a list and description of such slaves, in order that they may be registered, and on the departure of the vessels permitted to depart in the same condition of slaves as they arrived ; nothing in the proclamation tending to affect slaves who may be brought to this port under such circumstances, provided they are not transferred, and that they quit the place in the vessels in which they severally arrived within a given period ; or to prevent the master of such vessels from reclaiming any slave or slaves who may have run away from them during their stay in the port of Prince of Wales Island.

3.—That from and after the date of the proclamation, the transfer of slaves within Prince of Wales Island, whether by purchase, gift or bequest, or otherwise, be prohibited ; and that the proprietors of slaves now on this island, be required immediately to register their respective slaves (having regular slave papers) at the collector's office, where an exact description roll of such slaves will be kept. All slaves not so registered within two months from the date of the proclamation to be free, and at liberty to go and come without molestation from their former masters or mistresses.

4.—That a duty at the rate of five dollars for each male slave, and ten dollars for each female slave, be paid to the collector by the proprietor, previous to the registry of each slave, as above mentioned.

That an annual duty, at the rate of five dollars for each male slave, and ten for each female slave, be paid by the respective proprietors on or before the 1st day of January in every year, when a certificate (in which the slave will be described) will be given of the same having been paid ; in failure of the payment of this duty within one month after such 1st day of January in every year, the slave or slaves for whom the said duty has been so omitted to be paid, to be free from that date, and at liberty to go and come without any molestation from their former masters or mistresses.

5.—All slaves that may from time to time become free under the proposed regulations, to be granted a certificate of the same on their application.

6.—All children that may be born within Prince of Wales Island after the date of the proclamation, of slave parents, shall be free from their birth ; and the proprietors of the slave parents shall afford such children maintenance until they are capable of obtaining a livelihood for themselves, or their parents may become free.

7.—That from and after the 12th day of August 18—, slavery, whether originally by purchase, transfer, gift or descent, or by what other means so become, do cease and be abolished within Prince of Wales Island.

(signed) *N. Macalister.*

Ordered, That the same lie over for consideration.

Extract of a Letter from N. Macalister, Esq. to the Secret Committee of the Court of Directors, dated Fort Cornwallis, the 7th April 1808.

Para. 11.—I have also to refer your Honourable Committee to the general dispatch from this government, for the measures intended to be adopted by us, which will be actively followed up, and, I have every reason to believe, tend in a very short period to the total annihilation of this traffic of the human species, from the continuance of which there does not appear one solid advantage likely to arise.

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Extract of a Letter from Colonel Macalister to the Chairman of the Court of Directors, dated Fort Cornwallis, 7th November 1808.

Para. 14.—By the China fleet we shall have the honour of transmitting to the Honourable Court of Directors, the regulations established for the abolition of slavery on this island, which are intended to be duly published and carried into effect, previous to the 1st of January next.

Extract of a Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors in the Public Department, dated 4th February 1809.

Para. 10.—We have to refer your Honourable Court to the consultations noted in the margin, for our proceedings on the subject of the abolition of the system of domestic slavery hitherto existing on this island, which important and desirable object we at one time expected might have been fully accomplished, even so as to effect the emancipation of slaves now on the island. Cautious, however, of interfering in the domestic arrangements and customs of the various native inhabitants who have resorted to and settled on this island, on the faith that such should not be interfered with, and adverting to the measures taken by your other governments in India, towards the abolition of slavery at their respective presidencies, we have not at present deemed it advisable to proceed further than they have done. To have denied the native inhabitants here those domestic privileges that, though not openly allowed, are tacitly admitted elsewhere, would, in our opinion, have tended materially to affect the population of the island, by discouraging the general resort to this place.

Cons. 1807.
27th Dec. 1808.
6th April, 29th Sept.
13, 20, and
27th October.

11.—Whatever measures may become advisable at a future period, in following up the plan of totally abolishing slavery on the island, the present time, when the island, from the distress of the cultivators, and the general stagnation of trade, is suffering from temporary emigration, is by no means calculated for the adoption of any measures likely to affect the hitherto tolerated customs of the native inhabitants. We have, therefore, deemed it improper to adopt either of the plans recorded on our proceedings for the immediate abolition of slavery; and, confining our attention more particularly to the discouragement of the same in future, we have taken the most effectual measures in our power for preventing the further importation of slaves, as well as the transfer of those now on the island, by which means we have a confident hope, that the practice will be so far reduced as to render a more immediate interference on the part of government unnecessary, at least until the minds of the inhabitants shall be more prepared for the measure, and the population of the island sufficiently permanent not to be affected by its adoption.

12.—The slaves belonging to the Honourable Company were sent from Bencoolen on the first settlement of the island, and are at this time few in number, mostly old and infirm, and young children, incapable of maintaining themselves by their daily labour. These we have resolved to emancipate, continuing, however to the old and infirm the maintenance hitherto allowed them by the Company, and subsisting the children till they respectively become enabled to maintain themselves.

Extract, Prince of Wales Island, Public Consultations, the 21st July 1808.

The Board, referring to their proceedings of the 29th December and 6th April last, on the subject of the emancipation of slaves, and the abolition of slavery at Prince of Wales Island,—

Resolved, That in conformity with the minutes submitted by the Honourable the Governor, and Mr. Phillips, that a committee be appointed, for the purpose of into their consideration the object in view, of emancipating, as far as possible, slavery as hitherto tolerated in Prince of Wales Island; that for this purpose the secretary be directed to prepare instructions for their guidance, grounded on the minutes recorded on their proceedings of the 29th Dec. 1807, and 6th April last.

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Resolved further, That the collector be prohibited (from and after this date) from registering the sale of slaves imported, and that the following European gentlemen and natives, as being the best informed on this island, be requested to form the above mentioned committee, viz.—

<i>George Caunter</i> , Esq. Chairman,	<i>David Browne</i> ,	} Europeans.
<i>James Scott</i> ,	<i>Tho. M'Quoid</i> ,	
<i>Juan Sied Hussain Jelabdin</i> ,	<i>Abdul Rahman</i> ,	and } Natives.
<i>Caunder Maydeen</i> ,	<i>Lowe Ammee</i> ,	

Extract, Prince of Wales Island, Public Consultations, 29th September 1808.

To J. C. Lawrence, Esq. Assistant Secretary to Government.

Sir:—Enclosed are the proceedings of the committee, appointed by the Honourable the Governor and Council to take into consideration the abolition of slavery on this island, which I request you will please to lay before the Board.

Prince of Wales Island, 17th September.

I have, &c.
(signed) *George Caunter*.

Proceedings of the Committee nominated by the Honourable the Governor and Council, for the purpose of considering the most eligible Mode of abolishing Slavery on this Island.

Present,—*George Caunter*, *James Scott*, *David Browne*, and *Thomas M'Quoid*, Esquires.

Juan Syed Hussain, *Caunder Maydeen*, *Jelabdeen*, and *Ammee*.

The undersigned, European members of the committee, beg leave to express the high pleasure and gratification they experienced in being called on by government to assist and co-operate with the Honourable Board, in effecting the benevolent object submitted to their consideration, and at the same time to assure the Honourable Board, that in deliberating on this important subject, the committee have not failed to give it that considerate and serious investigation which the interest it involves demands, and to be directed by a due regard to those circumstances of humanity and policy, which with so much propriety are adverted to, and discriminated in the letter of the secretary to government, under date the 21st July last, nominating this committee, and in the regulations suggested by the Honourable the Governor, transmitted inclosed therein.

After mature deliberation, the undersigned are of opinion, that the views of humanity, and of the British Legislature, signified in the late Acts respecting the abolition of slavery in the British West India Islands, may be extended and adopted here, consistent even with due attention to the political circumstances of this settlement; and with all deference, they beg leave to recommend to the Honourable Board, the immediate and positive emancipation of slaves, in preference to relying on the accomplishment of it by the establishment of an annual tax, which, while the richer masters would be able to meet it, might have the effect only to induce the poorer to insist with rigour and inhumanity on greater exertions of service from their slaves, in order to enable them also to meet it.

The undersigned are aware, that from the extreme low price of produce, combined with other circumstances, the population of the island has lately suffered a considerable diminution, by the emigration of chiefly Chinese inhabitants, and that at no period has it been more necessary to encourage and promote the resort and residence of Malays here, in order to replace those labourers who have emigrated; but the undersigned are of opinion, that the abolition of slavery by the emancipation of slaves, and the prohibition of the slave trade and purchase of slaves, will not tend in such degree to discourage the resort of the Malays, and consequent increase of the population, as ought to be allowed to stand in competition with the prevention of those cruelties, which there is too much reason to suppose are inflicted by inhuman masters on their slaves. Besides, the undersigned are of opinion, that even many of the people who are at present imported and sold, and purchased as slaves, will still continue to come here, though under other circumstances. These slaves are either persons who, in consequence of their own imprudence, have voluntarily sold themselves and families, or who have been forcibly seized and carried off from adjacent territories into slavery, or who have become slaves from other sources,
recognized

recognized by the Malay laws, whom the distresses of their masters necessitating to dispose of, they bring here from being able to obtain a higher price for them than they can procure in their own countries; and so soon as they are prohibited from selling them here, they will most likely adopt the mode at present practised in regard to their more favoured slaves, of emancipating them, and allowing them to endeavour, by mortgaging their labour, or by contracting to perform certain work or jobs, to procure in advance a sum to be paid in consideration of their emancipation, which though it may not amount to so much as the price they would obtain if sold here as slaves, the undersigned have no doubt, from the superior spirit of speculation, paucity of labourers, and high price of labour, which prevails here, comparatively with what exists in the Malay countries adjacent hereto, will even exceed the price they could procure at home or elsewhere. This practice cannot be considered as in any way encouraging slavery. On the other hand, as slavery is universally prevalent in all the adjacent countries over which the British government have no controul, were such an usage not sanctioned, the objects of it would continue slaves, so that recognizing it is in fact extending the operation of humanity, by not only rescuing them from being subject to inhuman treatment, but in fact effecting their emancipation.

Allowing, however, that the abolition of slavery might have the effect to retard the increase of the population, it would benefit the island in another respect most essentially, by effectually and entirely putting a stop to the infamous practice still existing, notwithstanding every effort and regulation of government, of purchasing females for the purpose of hiring them, and compelling them to ply as public prostitutes, and enable many industrious Chinese and others, to obtain wives, whom this infamous practice has hitherto prevented. The great gain resulting from it, enabling the bawds to purchase these females at most extravagant prices, and consequently by connecting these Chinese and others more permanently, through the medium of families, with the settlement, will not only improve much the character of the community, but tend ultimately to afford a more certain source of increase of population than from casual residents.

Independent therefore of the calls of humanity, and of the distinguished example afforded to the world by the British Legislature, the undersigned must allow, that these considerations have also had much weight in inducing them to recommend the immediate and positive emancipation of slaves, though they at the same time are aware of the propriety and necessity of regarding, as far as is consistent with humanity, the *property* of the owner, and the prejudice of the natives of higher rank; but these they are hopeful may be nearly assimilated and combined, by adopting as the basis of emancipation, a custom and usage which has been immemorially sanctioned and prevalent in the Malay countries and on this island since the formation of the settlement, viz. that of mortgaging labour and services in consideration of a sum advanced, for which the person or persons become debtors. Originally in some degree resembling the feudal system which prevailed formerly in Europe, these services extended to accompanying their creditors or masters in all predatory expeditions, and obeying all their commands of whatever nature, the masters providing for their subsistence and clothing. In general the connection was formed voluntarily by the debtor, uncompelled by pernicious necessities, with the view thereby of securing the interest and protection of the master, and occasionally by his own imprudence having involved him in debt, which entitled his creditor to his services till it was liquidated. On this island, the engagement of course extends only to the use of his labour, and is generally made by a deed or bond in the Malay language, of the following tenour:—

“*A.* has come and solicited, and received from *B.* a debt to the extent of fifty dollars. All *B.*'s commands *A.* promises to obey, and to work long and short (*i. e.* at all hours); when working within (*i. e.* labouring for *B.*) be victualled and clothed within, and when working without (*i. e.* labouring for himself) to find subsistence and clothing himself.”

He is liable to repay the debt when demanded, and being merely a debtor, is nearly as much under the protection of the law as any other servant, the master being amenable for beating or treating him otherwise inhumanly; and he has also at all times an option of leaving his service, on giving proper intimation and paying the amount he owes. In this manner a very considerable proportion of the Malay population on this island have emigrated from their own countries and resorted here; for from the greater riches and superior spirit of adventure that exists here, those debtors, who from being badly treated, wish to pay off their debts, and leave the

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the families of their masters, or who are obliged to do so, in consequence of the request of the creditors, whose distresses probably necessitate them to demand payment of the debt, find little difficulty in procuring the amount here in bonds of the above nature; and the vicinity and previous settlement here of many of the most respectable of their countrymen, as well as the daily opportunities that occur of communication and intercourse with their former homes, readily reconcile them to this emigration. Besides the more opulent natives, the European planters, who experience the necessity of encouraging the settlement of Malays here, are also in the practice of making loans of this kind, but in general in place of taking bonds similar to the above, they contract for the performance of a certain specified service or job, and consider the sum paid or lent as an advance to account of it.

Having stated these observations with a view of developing as distinctly and minutely as possible to the Honourable Board, the various circumstances and motives which have presented themselves for the consideration, and influenced the opinion of the undersigned members, they now beg leave to suggest to the Honourable Board, the facility of adopting an arrangement founded on this usage, which they conceive would not only meet the wishes and acts of the British Legislature, by depriving inhuman masters of the power of treating cruelly their fellow creatures, but would also go much further, as it would positively emancipate even those that are at present slaves, and would at the same time secure to the owners nearly the value of the property. This the undersigned with deference submit, would be completely effected by simply declaring all slaves emancipated, and that in future they are to be considered only as debtors to their masters for a certain sum, which sum ought to be fixed as nearly as possible at the cost or value, but so moderate that a debtor, in the event of wishing to leave his master, would not be likely to have any difficulty in procuring a loan of the amount from another, either on the terms of the bond above cited in general use, or by contracting to perform some work, on account of which he might receive that amount in advance. As however it would be impossible, without an infinite deal of trouble, to go into an inquiry of the particular state, circumstance, and cost or value of each slave, the undersigned would therefore propose, that one general sum should be fixed for every individual slave; but previous to stating their opinion with regard to the sum to be fixed, the undersigned beg leave to premise, that all slaves on the island are, excepting a few Caffrees, Malays, Battahs or Chuliahs, the former much more valuable than the latter, whose labour in general is not equal to more than their subsistence and clothing; the undersigned therefore, with all due deference, beg leave to suggest, that each Malay, Battah or Chuliah slave, either male or female, and of whatever age, shall as a consideration for their emancipation, become a debtor each to his or her master or mistress in the sum of 50 Spanish dollars, providing however, that the consideration for a family of Malay, Battah or Chuliah slaves, composed of a father and mother, or either of them, and all the children under nine years of age, be rated at only 100 Spanish dollars; those above nine, in this case, to be rated at 50 dollars each, as other slaves, and that Caffree or Negro male slaves, of whatever age, shall become a debtor for 100 Spanish dollars; and all female Negro slaves, of whatever age, for 50 dollars to their masters or mistresses, as a consideration for their emancipation; of a family of Negro slaves, composed of a father and mother, or either, and children, shall, for both the parents or either of them, and all the children under nine years of age, be rated at only 150 dollars; those above nine, to be rated according to their sex, agreeably to the sum fixed as the consideration for the emancipation of other individual slaves of their caste.

By this plan, the undersigned have no doubt, that many slaves become debtors, would in consequence of the privilege they would possess of changing their masters, and undertaking different contracts and services, soon be enabled, by economy and industry, to liquidate their debts and liberate themselves entirely from every kind of bondage; yet the undersigned would also suggest, in order that entire emancipation might positively be in their view at a certain period, and more particularly in the view of those, who probably from attachment or other motives, might not wish to quit the family or relinquish the services of their masters, that a sum of half a dollar shall be credited to them monthly by their masters, and written off from the amount of their debt; this however to be allowed only to those who may have attained the age of 21 years, and the allowance of it to those under that age, to commence only on their attaining that age, and to be applicable only to the period those slaves or debtors continue with their original masters, as any subsequent engagement with another master must be regulated entirely by the terms of the agreement made
between

between them, nor ought it to preclude masters, who may find the services of their slaves become debtors not equal to this allowance, and their subsistence and clothing, to dispense with their services, and insist on the amount of their debt. Debtors, if of good character, will always be able to change their masters, and consequently there is little or no chance of their being inhumanly treated; yet it ought to be adverted to at the same time, that if they fail to serve their masters with fidelity, or by impropriety of conduct, occasion detriment or injury to their masters, they must be liable to be mulcted in the damages, to be added to their debt, as if they should obstinately refuse, or from notorious infamy of character, be unable to pay their debt when demanded, and at the same time refuse or decline doing their duties properly, that the master ought not to be precluded from chastising and punishing them with more severity than he would be allowed to do a monthly servant; neither should these debtors be at liberty, without giving the previous intimation which is customary with regard to other servants, to leave the employment of their master, who might otherwise be in consequence subjected to much inconvenience.

The undersigned European members having thus minutely detailed their sentiments on this important subject, feel it at the same time their duty to transmit herewith, for the information of the Honourable Board, a communication from the Mussulman members, stating objections on their part to the emancipation of slaves, founded on the injunctions of the prophet, which they state prohibit any others than slaves from attending on their women, and that therefore they cannot dispense with slaves for that purpose. In support of this they adduce a passage in their Koran, which, on reference to Sale's translation of it, volume 2, page 192, the committee find translated thus:—"And speak unto the believing women, that they restrain their eyes and preserve their modesty, and discover not their ornaments, except what necessarily appeareth thereof; and let them throw their veils over their bosoms, and not shew their ornaments unless to their husbands, or their fathers, or their husband's fathers, or their sons, or their husbands sons, or their brothers, or their brothers sons, or their sisters sons, or their women, or the captives which their right hand may possess, or unto such men as attend them and have no need of women, or unto children who distinguish not the nakedness of women; and let them not make a noise with their feet, that their ornaments which they hide may thereby be discovered."

The undersigned deem it unnecessary to state to the Honourable Board the import, in their opinion, of this passage, or to elucidate it by remarking how much the habits and manners of the Mahometan society, particularly of the poorer classes, are in opposition to the doctrine deduced from it; they beg leave only to call the attention of the Honourable Board to the following passage of the Koran, Sale's translation, volume 2, page 194:—"And unto such of your slaves as desire a written instrument, allowing them to redeem themselves on paying a certain sum, write one, if you know good in them, and give them of the riches of God, which he hath given you." Which certainly not only directly enjoins the emancipation of slaves, but exactly in the manner suggested by the undersigned members.

The undersigned, however, are far from wishing to recommend or advise the adoption of any measure which might be generally disagreeable or offensive to the Mussulman community here, whether their objections to it originate in ignorant prejudice, or proceed from a regard to interest and convenience; but they have good reason to believe, that the opposition, even among the followers of the Mahometan religion here, to the emancipation of slaves, is very partial, and confined almost entirely to a few of the first rank. Should, however, the Governor and Council think it advisable and proper to pay attention to these objections, the undersigned beg leave to state, that they conceive they might be sufficiently obviated by permitting each of them to retain their concubines, who shall not be allowed to quit the families of their masters, except they may be badly or inhumanly treated, which *de facto*, and of having cohabited with their masters, should entitle them to absolute emancipation; and by allowing them further to select, for each of their wives, one slave as an attendant, to be rated at the sum of 200 Spanish dollars, which would make it unlikely that any one would pay that amount, and deprive their masters and mistresses of their services, subject however to the deduction of one-half dollar a month for redemption; and the masters and mistresses to be required to furnish a description of each individual concubine, and each slave so selected, to be inserted in the present registry of slaves, to prevent the possibility of substituting others hereafter in their room.

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The undersigned, along with these proceedings, beg leave also to transmit for the information of the Honourable Board, the sentiments of Mr. M'Quoid, the other European member of the committee.

(signed) *G. Counter. J. Scott. D. Brown.*

Prince of Wales Island, 15th September 1808.

Minute of Mr. M'Quoid.—When the abolition of slavery on this island was first spoken of, the measure had not a more zealous or ardent supporter than myself, nor has it in its abstract sense at the present moment; but, until the subject came to be discussed, in consequence of government appointing this committee to deliberate upon, and recommend to them the best mode by which so very desirable an object would be carried into effect, without injustice to the proprietors of slaves, or too suddenly interfering with ancient and sanctioned usages, I confess I had not given it that consideration which, as a member of this committee, I have since felt it my duty to do; nor had I the most distant idea of the strong and very general opposition it would meet with from the respectable natives, or more strictly speaking, the free black inhabitants professing the Mahomedan religion on this island.

It is this opposition to the measure, that has induced me seriously to reflect on the policy of it. I am aware, that the majority of the European members with whom I have here the honour to be associated, are of opinion, that as we have not been called upon to do so, we have consequently no right to question or inquire into the policy of the measure; and although it is with extreme diffidence that I venture to dissent from the opinion of men of such experience and ability, yet I do notwithstanding conceive it to be the duty of this committee, or of any individual member in it, to whom a well-grounded objection as to its policy, should occur in the course of the investigation, freely to state such objection; and it is to be hoped, that the Honourable Board will impute the supererogation, if it may be so termed, to a zealous anxiety for the welfare and prosperity of the island; at least it is this motive alone which actuates me.

The native members of this committee, certainly ought to be considered as the voice of their sect on the island. I will first state, as they occur to me, the objections urged by them, which may be divided into three distinct heads. I will then state their arguments in support of those objections, with my own deductions therefrom, and will close this minute by submitting a plan, which appears to me calculated to remedy the evils to be apprehended from the immediate and unqualified abolition of slavery.

1st Objection.—That the abolition of slavery will interfere with their religious customs, particularly regarding their women, and that Mussulmen might as well be ordered to wear hats (their own words), as to be obliged to emancipate the slaves now in their possession.

2d Objection.—That it will interfere with the whole of their domestic arrangements, inasmuch as it is not customary among Mussulmen in Malay countries, to order or exact from a slave debtor, or from a person receiving daily or monthly wages, that kind of domestic labour which they can exact from a slave.

3d Objection.—That when they settled on this island, they did so on the faith and implied assurance, that their customs and usages would not be interfered with.

Argument on the first Objection.—By the law of their prophet, say they, a Mussulman may have four wives, if he can afford to maintain so many, and he is not restricted to any number of concubines. His wives are generally chosen from among the daughters of free men of an equal rank with himself; but his concubines can only be taken from among his slaves. Now, say they, if all slaves are emancipated or made simple debtors, our concubines will of course have it in their power to leave us, on paying the sum fixed upon as their value, which in most instances, they will themselves be able to do, from the fruits of their master's generosity, and in this infant and confined settlement, Mussulmen will find it difficult to meet with suitable wives. It is considered by all Mussulmen, but particularly among the higher class of Malays, a very great disgrace for a woman, with whom he has once cohabited, to go with strange men, or leave his house without his consent and permission, which their emancipation will enable them to do, even while they are with child by their master.

Argument on the second Objection.—Domestic bondage has prevailed among their forefathers from time immemorial, and is now permitted, and even countenanced, in the

the other settlements of the Honourable Company in India. In Malay countries, that is, in countries governed by Malay princes, a master has, in certain cases, power over the life of his slave. Here, that power has never been exercised, and the master is in all cases equally liable to answer for an act of cruelty or any improper conduct towards his slave, as he would be for any act towards a person to whom he paid monthly wages. There are many natives, especially among the middling and lower classes, who, if their slaves are liberated, will not be able from their confined circumstances, and the higher price of labour, to hire servants to perform such menial offices as their slaves now perform, and who will therefore be put to the greatest possible inconvenience.

Argument on the third Objection.—So long as their customs and usages did not militate against any positive law or regulation of government, they settled upon this island on the faith that such customs should not be interfered with. They found slavery existing here, and sanctioned by the government, and the fees levied by government upon the sale or transfer of slaves, they considered as a guarantee to the purchaser or proprietor, that his property was sacred; and so strongly are the natives impressed with this idea, that they actually think, and do not hesitate to say, that the government might as well take the clothes off the back as emancipate the slaves now in their possession, under such circumstances.

To the mind of the liberal and enlightened Christian, these objections and the arguments thereon will doubtless appear weak indeed, when placed in opposition to the noble and humane object of liberating from bondage thousands of his fellow creatures. No member of this committee feels the force of the foregoing remark more sensibly than I do; but I am at the same time to consider, that this settlement is not composed of enlightened Christians only; that we are surrounded by nations who profess the Mussulman faith, and that it has ever been the policy of Europeans, but more particularly of Englishmen settling in this country, to interfere as little as possible with the religious tenets or prejudices of the natives. It has been urged, that the doctrines of Mahomed do not support the objections urged in the present instance, and that these objections originate in ignorance of the law of their prophet. Admitting this argument to be correct, which I much doubt, experience teaches us, *that religious tenets, whether well or ill-founded, are equally difficult to remove, and that in either case an attempt to remove them will be attended with the same consequences.* Now the question resolves itself to this;—What are the consequences likely to result from the abolition of domestic slavery, as it at present exists on this island? Though it may perhaps be difficult to foretell all the consequences of this, we may be assured, that the measure will occasion the highest degree of dissatisfaction and disgust against the government, among the whole body of Mussulmen, composing little less than one half of the inhabitants residing on the island; that there is every reason to fear it will occasion great numbers of them to emigrate, and that it will most certainly prevent any respectable native of that persuasion from settling upon it hereafter.

It is on this ground I venture to oppose the emancipation of slaves on the island, to the extent which has been proposed by one of the members of this committee, and because I feel convinced that the object may be ultimately attained by some other mode, the operation of which will not be less sure, though not so immediate in its effect.

Before I conclude, I wish to remark, that as the government have been pleased particularly to direct our attention to a plan proposed by the Honourable the Governor on this subject, wherein nothing like the immediate emancipation of slaves is mentioned, and where it is even recommended, that an annual tax should be levied upon slaves, with an intent, no doubt, to do away slavery by degrees, it must be evident (at least to me it is so), that the Honourable Board never meant to confine this committee to the simple consideration of the best mode by which the measure could be carried into immediate execution, but that they also expected our opinion as to the practicability and policy of doing so at once. If, however, I should be mistaken, and it shall prove to have been the determination of government, immediately to abolish slavery on the island, and that we are only called upon to recommend to them the best mode by which it can be so effected, I wish it to be understood, that I coincide in the outline of the plan proposed by Mr. Brown, and adopted by this committee, of making the slaves simple debtors to their present owners, which, with some little additions, is certainly the most just and humane mode that can be adopted under such circumstances.

I will not at present trespass on the time of the committee, farther than by submitting the plan I have before alluded to (herewith annexed, marked A.) which may admit of many alterations and modifications for the better.

Prince of Wales Island, 15th Aug. 1808. (signed) *Thomas M'Quoid.*

(A.)

1st.—The importation and transfer of slaves prohibited under a severe penalty, from this date.

2d.—The children of slaves, who shall from the date hereof be born in bondage, to be free, and the owner of the mother of such child shall be obliged to maintain it (if the father of the child be not able to do so) until it is sixteen years of age, so that in this case the child is to be considered in the light of an apprentice to the owner of its mother, until it arrives at such an age, as by its labour or services it will have repaid the owner the expense he or she may have been at for its maintenance during its infancy.

3d.—Persons already in possession of slaves to whom they can make good their title as such, may hereafter transfer them, as *slave debtors*, at a certain rate to be fixed upon, as the case may be, according to the plan proposed on this head by the committee.

4th.—All reputed slaves, whose owners cannot produce a slave paper, or other positive evidence in proof of their right to them as slaves, but who at the same time can satisfactorily prove an implied right to them as such, in consequence of long residence in their families or otherwise, shall from the date hereof become *slave debtors*, for a sum to be fixed upon in conformity to the plan already recommended in the third regulation.

5th.—All slaves kept after the date hereof, for the purpose of prostitution, that is, hired out for prostitution, to be liberated; and if it shall appear on investigation that force has been used by the owner to oblige any slave to prostitute herself, the owner shall be further liable to fine or other punishment, at the discretion of the magistrate.

6th.—Whenever it shall be made appear to the satisfaction of the magistrate, that any slave has been treated with inhumanity or cruelty by his or her owner, such slave shall be immediately liberated.

At the end of a certain period, say ten years, by the operation of regulations similar to the above, there will be but few slaves on the island. The minds of the inhabitants will be accustomed to the measure, and if it is then found expedient to do so, the complete emancipation of the remaining slaves may be declared, without the owners considering it as any hardship.

(signed) *Thomas M'Quoid.*

Ordered, That the above report do lie for consideration.

Extract, Prince of Wales Island, Public Consultations, the 13th October 1808.

The Board referring to the committee's report on the emancipation of slavery, read on the 29th ult.

Mr. Pearson submits the following minute, viz.—

MINUTE of Mr. Pearson.—The intentions of the Board, when communicating their wishes and instructions to the committee, were, I conceived, that they should, as far as their local experience and acquaintance with the habits and ancient customs of the different descriptions of Asiatics, residents upon this island, would enable them to do, take into their consideration the measures best to be pursued for restraining, and ultimately, as far as might be practicable, abolishing the system of slavery, as hitherto tolerated at this island. It does not, however, appear to me, that the committee, with the exception of one of its members, Mr. M'Quoid, have considered the Board's instructions in this point of view. The sentiments expressed by Mr. M'Quoid on the subject, in my opinion, are replete with good sense and policy, and appear to me to accord with the ideas entertained by the Board, when Colonel Macalister, on the 6th April, recorded some proposed regulations for emancipating, as I imagined, the slaves on this island by degrees, and to an extent only, that the prejudices of the natives of the higher order would politically admit of.

It never has been, and perhaps never will be found practicable to abolish slavery altogether, on the Continent of India; how then can it be expected to be done here, while

while our population is principally composed of natives of India, and others professing the Mahomedan religion, and who of course brought with them their customs and religious prejudices. I do therefore most strongly oppose, as fraught with incalculable mischief, the adoption of the measure recommended by the committee, and advise a far more just, wise, and politic proceeding, that of founding regulations upon part of those proposed by Colonel Macalister, and the suggestions of Mr. M'Quoid, which tend immediately to do away the most noxious parts of the practice of slavery, and ultimately to prohibit the system, as far as it has been found practicable in other parts of India.

(signed) *H. S. Pearson.*

Extract, Prince of Wales Island, Public Consultations, the 20th Oct. 1808.

The Board referring to the report from the committee appointed to investigate into the condition of slavery at Prince of Wales Island, read on the 29th ult.

The Honourable the Governor and Mr. Phillips recorded the following minutes, viz.—

MINUTE by the Governor.—Having maturely considered the subject of the emancipation of slaves, and the abolition of slavery at this island, as drawn to our notice by the report of the committee, read on the 29th ult. I am of opinion, that the measure proposed by the majority of the committee, of emancipating all slaves, and making them debtors, without reserve or limitation, with respect to time or other circumstances, is manifestly objectionable.

I have further to state, that in my opinion the suggestions contained in the minute by Mr. M'Quoid, the remaining member of the committee, which accompanies their report, and which coincide with those contained in my former minute on the subject, are equally likely to effect the desirable object proposed, without militating in a considerable degree against the customs, habits and prejudices of the Mussulmen, part of the population of this island.

I have therefore to propose, that the regulations contained in my minute, recorded on the 6th April last, together with the suggestions contained in the minute from Mr. M'Quoid, be taken as the ground-work of a regulation for the gradual and final emancipation of slaves, and the abolition of slavery on this island; and that the secretary be directed to prepare and lay before the Board, a draft of these regulations, for their approbation and amendment.

(signed) *N. Macalister.*

MINUTE by Mr. Phillips.—Although three of the four European members of this committee coincide with the opinions offered in the minute recorded by me at this Board on the 29th December last, yet I cannot but allow, that the arguments now brought forward by the dissenting European member, supported, as it would appear by all the Asiatics in the committee, against the immediate and positive emancipation of the slaves on this island, merit due consideration from the Board, so far as they may relate to the dissatisfaction apprehended by that portion of the committee, should a too sudden interference with ancient and authorized usages be adopted.

My original opinions on emancipation are however not materially changed, as I do not conceive the objections stated against them either of force sufficient to outweigh the object in view, nor that they possess the extreme influence apprehended; but as slavery is tolerated, though not avowedly authorized, among the Mahomedan subjects in British India, and as this island has lately from various causes suffered by emigrations, it may not at this moment be either advisable to risk a further reduction of the population, or to disregard the apprehended disgust that an immediate abolition of slavery might create in the minds of some of the most respectable and wealthy Asiatics, I therefore do not dissent to what my two seniors at this Board have recommended in their respective minutes.

As, however, the objections stated cannot in any way affect the honourable Company as owners of slaves, I trust there will arise no disunion of sentiment in declaring free all the male and female slaves, the property of the Company, even although such as are incapable of labour should be subsisted by government during the few years they may still live. Such an act will be a considerable pecuniary saving to the Honourable Company, an honourable example, one looked for by the community, and may ultimately extend its influence materially towards repressing the present stated disinclination to the measure of general emancipation.

(signed) *W. E. Phillips.*

Mr. Erskine

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Mr. Erskine stated his intention of submitting his sentiments on the subject at the next meeting of the Board.

Ordered, That the same do lie over till the next meeting of the Board.

Extract, Prince of Wales Island, Public Consultations, the 27th October 1808.

The Board, referring to the minutes recorded by the Honourable the Governor, and Mr. Phillips, at their last meeting on the subject of slavery at Prince of Wales Island,—

Mr. Erskine submits the following minute:—

MINUTE by Mr. Erskine.—After anxiously weighing and considering the various matters connected with the subject of abolishing slavery on this island, and the sentiments expressed in the communications from the Honourable Court of Directors, as well as the supreme government of India, and from the minutes of the members of this Board, and the report of the committee referred to on this subject, appointed to propose the best and most eligible mode of carrying so desirable an object into execution,—

I am of opinion, that the observations submitted to the notice of the Board by Mr. M'Quoid, are the best digested, most plain, and practicable, but by no means to sanction or authorize the transfer of people in bondage, which would be a direct encouragement of this detested traffic.

I would from a certain day (say Christmas day next) declare all slaves emancipated within this jurisdiction, and am of opinion, that any difficulty that would accrue from such a circumstance as "general emancipation," would be temporary only, and that such unfortunate creatures as were not oppressed in servitude by the unkindness of their owners, would never desert them.

(signed) *J. J. Erskine.*

Ordered, That the secretary do prepare and lay before the Board a draft of the regulations, as proposed by the Honourable the Governor at their last meeting.

Extract, Prince of Wales Island, Public Consultations, 17th Nov. 1808.

The Board, referring to their proceedings on the subject of the abolition of slavery on this island,—

Resolved, That instructions be issued to the collector of customs, and to the police magistrate, to discourage by every possible means in their power the future importation of slaves into this island, as well as the transfer of those now on the island from their present proprietors.

Extract of a Letter from the Court of Directors to the Governor in council of Prince of Wales Island, in the Public Department; dated 1st November 1809.

Letter from, dated 29th January 1808, (41.) adverting to measures adopted for the Abolition of Slavery on the island.

Par. 18.—As we find, by your letter of the 4th February 1809, that you have not deemed it advisable on more mature deliberation, to prosecute the measures which were in agitation when this paragraph was written, but have limited your present view to the adoption of such steps as may operate to discourage slavery on the island, and to prepare the way for the eventual discontinuance of that practice, under circumstances more favourable to its abolition, we shall postpone the consideration of this subject until we reply to that letter.

Extract of a public Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors; dated the 7th of June 1810.

Letter from the Court, dated 1st November 1809, paragraph 18, relative to the Abolition of Slavery.

23.—In the 10th and 12th paragraphs of the general letter from this government, dated the 4th February 1809, your Honourable Court were advised of the measures adopted in pursuance of your further orders on this subject.

Extract, Letter from the Court of Directors to the Governor in Council of Prince of Wales Island, in the Public Department, dated 16th May 1810.

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Letter from Prince of Wales Island, dated 4th February, 1809, (10-12,) stating Reasons for suspending the immediate Abolition of Slavery; but that the most effectual measure had been adopted to prevent the further Importation of Slaves, as well as the transfer of those already on the island.

Par. 4.—We have perused the reports of the committee appointed by you for considering the expediency of abolishing slavery at Prince of Wales Island; we have also had under our view the separate observations of Mr. M'Quoid, a member of that committee, together with the several minutes recorded on your proceedings on this subject.

5.—The principles now generally recognized by the nation, strongly incline us to the immediate emancipation of slaves at your presidency; but as it appears to be objected to on the part of the native inhabitants (particularly those of the Mahomedan persuasion), who have settled with their slaves under our protection, upon the assurance that their domestic arrangements would not be interfered with; and as it is certainly highly politic to attend in every practicable instance to the prejudices of the natives, we concur with you, that the adoption of effectual measures to prevent the further importation of slaves at Prince of Wales Island, and the transfer of those already there from their present proprietors, are the most eligible means of discouraging this inhuman traffic at your settlement, particularly as they strike at the root of the evil, and if strictly enforced, may be expected finally (although gradually) to abolish slavery at your presidency. We accordingly approve the resolutions you have adopted upon this occasion.

Extract of a public Letter from the Governor in Council of Prince of Wales Island to the Court of Directors; dated the 1st January 1811.

Letter from the Court, 6th May 1810, (4 and 5,) approving the resolution of this government for the discouraging the importation of slaves on the island.

24.—We are much gratified by your Honourable Court's approbation of the measures adopted by us for discouraging slavery at this residency; and we have the satisfaction to acquaint you, that by the enforcement of the means framed for the prevention of the slave trade in general, the best possible effects have been experienced.

PAPERS relative to the publication of the Slave Trade Felony Act, in 1813.

Extract, Prince of Wales Island, Public Consultations, 7th January 1813.

Mr. Secretary Tucker, Fort William, to the Honourable Wm. Petrie, Governor in Council of Prince of Wales Island.

Honourable Sir and Gentlemen:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3, c. 23. entitled, "An Act for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, entitled, 'An Act for the abolition of the 'Slave Trade,'" I am directed to bring the subject under your immediate notice.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published, I have the honour to forward, by his Lordship's direction, for the information and use of your government. Copies of it will also be transmitted to the other governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that in their capacity of justices of peace, they may aid in enforcing the provisions of the statute.

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council only necessary to add, that he is of opinion that measures should be adopted by your government, for giving effect to the intentions of the legislature within the limits of your authority.

I have, &c.

(signed) *H. St. G. Tucker*, Sec^y to the Gov^t.

Fort William, 17th October 1812.

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With the view of giving the fullest effect to the intentions of the legislature and the wishes of the supreme government, on the subject to which the present Act of Parliament relates,—

Ordered, That the same be published in The Government Gazette, and that copies of the Act be sent to the Honourable the Recorder, to the Magistrates, and the Commandant at Malacca.

[*Note.*—The Act was accordingly published in the Prince of Wales Island Gazette of the 9th January 1813.]

NEW ARRANGEMENT of the Company's Caffrees, in 1818.

Extract of a Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors in the Public Department, dated 1 July 1819.

Cons. 17th Dec.
1818.

101.—On the recommendation of our superintendent of police, to whose report in our consultations we beg leave to refer you, we have determined to grant to the Caffrees (who still remain of the enfranchised slaves formerly belonging to the Company) the monthly sum of four dollars each, in lieu of the rations they have heretofore received. This judicious suggestion has enabled us to abolish the situation of overseer of these Caffrees, whose salary was ten dollars per month.

102.—The monthly stipend now granted to the Caffrees will be drawn for by the superintendent of police in future, and they will likewise be under better care by means of the police department, whose superintendent will have the charge of them.

Extract, Prince of Wales Island Public Consultations, 17th December 1818.

Superintendent of Police to W. A. Clubley, Esq. Secretary to Government.

Sir:—I take the liberty to report to you, for the information of the Honourable the Governor in Council, that many years ago a considerable number of Caffree slaves, a hundred and upwards, belonging to the Honourable Company, were sent here from Bencoolen to assist, as I have been informed, in clearing the level parts of this island from jungle. About the year 1809 or 1810, all the survivors among these people were emancipated; but a few, who were infirm and aged, ordered to be subsisted at the public expense. There are now only two men and four women of this description left, for whom rations of meat, rice, and liquor, besides a small monthly gratuity, is given, equal in all to about five dollars each person per month; also an overseer at ten dollars per month allowed to look after them. I therefore respectfully beg leave to suggest a monthly salary, say four dollars; to each, be given for their support, instead of the present rations and allowance; which, should the Honourable the Governor in Council approve of, might be drawn by me, and paid them, through this department, which would also save the expense to the Company of an overseer, whose services under the proposed plan would not be required. I have been induced to make this report, as the termination of the present year is approaching, and would recommend the new system, if adopted, to commence from the 1st of January 1819.

I have, &c. &c.

(signed) *Rich. Caunter*, Superintendent of Police.

Fort Cornwallis Police Office, 7th December 1818.

Resolved, That the arrangement proposed by the superintendent of police be adopted from the 1st proximo; from which date the salary of the overseer of Caffrees is to cease, and the allowances for the Caffrees men is to be drawn by the superintendent of police.

Extract of a public Letter from the Court of Directors to the Governor and Council of Prince of Wales Island; dated 23d January 1822.

Letter from Prince of Wales Island, 1st July 1819, (101 & 102). Government have determined to grant to the Caffrees (who still remain of the enfranchised slaves formerly belonging to the Company), the sum of four dollars per month each, in lieu of rations. The situation of overseer, whose salary was ten dollars per month, abolished; the Superintendent of Police is in future to have the charge of them.—*Note*; they are six in number only.

Par. 34.—The arrangement reported in these paragraphs, appears to be judicious and economical, and therefore has our approbation.

REGULATIONS passed in 1820 for the Protection and Government of Slave Debtors, with the Correspondence relative thereto.

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Extract of a Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors in the Public Department; dated 24th of August 1820.

165.—Our attention having been, by a petition of certain Mahomedan inhabitants of this settlement, drawn to a consideration of the customs relative to slaves and slave debtors, which had prevailed amongst them since the abolition of the slave trade in the year 1806, we considered it necessary to promulge a regulation, whereby the custom of debtors serving as slaves, in consequence of the sum due by them to their masters, might be restrained from giving cover to abuses, and to the perpetuation of a system of slavery, under a different name.

166.—It would be as vain as unjust to prevent entirely the custom above adverted to, being one which the natives have been for ages used to, and which has many advantages, as well to the servants as to the masters; but we beg to refer your Honourable Court to a minute recorded by our president on the proceedings of the 4th May, containing regulations which were registered in the usual form in the Court of Judicature, and have since been enforced on all occasions to which they apply.

167.—We hope for your Honourable Court's approbation of the rules we have laid down, which previously to their adoption were communicated by our president to the honourable the recorder, and by the aid of his legal advice, have been so framed as to adapt them alike to the forms of British jurisprudence, and to the peculiar habits of the people, whose observance of them is to be required.

Extract, Prince of Wales Island Consultations; 6th April 1820.

The honourable the governor records the following petition from certain Mahomedan inhabitants, with the reply, which he directed the Malay translator to transmit thereto.

PETITION from certain Mahomedans.

Translation of a Letter from several Mahomedan Inhabitants of Prince of Wales Island, to the Honourable the Governor; dated the 25th Jemadialawal 1235, 11th March 1820.

Compliments,—We the principal persons among the Arabs, Malays, Chaleahs, and other Mahomedan inhabitants, represent the subject of debtors and slaves to your honor; that lately many slave debtors have run away, and on their masters applying to the police and the supreme court, and producing their ransoming bonds, certified by the seal of former governors, no examination of the case has been held, but they have been released by the magistrate in the police, or the honourable the recorder in the court. All the Mahomedan inhabitants of Penang have been in consequence much distressed, and have no where to apply for redress. Formerly, in the time of governor Macalister, the subject of the release of slave debtors was discussed, and we of the Mussulman religion consulted on the subject, because, according to that faith, slaves are allowed, and the governor was made acquainted with it, and he agreed, that those who were at that time slaves should remain so, but that no more should be bought or made slaves of in future. The orders of governor Macalister in council were, that those who were debtors should, when they pleased it, pay their debts, and orders were given against selling or buying slaves. We of the Mussulman religion represent the case to your honor, and request that the former orders on the subject may be confirmed, for all your honor's subjects in Penang are much distressed, and have no where else to apply for redress but to your honor; for very great numbers of slaves have been released by the magistrate at the police, and the honourable the recorder at the court. And the law of the Mussulman religion about marriages is, that no slaves or children of slaves shall be able to contract a valid marriage without the permission of their masters; the Mussulman religion is therefore in danger of being destroyed; we
therefore,

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therefore, the Mahomedan inhabitants, request your honor to support the Mussulman religion ; if your honor does not assist us, all our slaves will run away, and your subjects in Penang will be much distressed.

(signed)

Syed Hussain.

Syed Ahmed.

Haju Cassim.

Haju Abduhahmun.

Haju Abdulkhadir.

Noqueda Kitchec.

Tuan Maharaja.

Khadir Mydeen.

(Khutub) Jema Saib.

(Inaum) Nena Mahomed.

Sheck Hossein.

Haju Ahmed.

(A true translation.)

(signed) W. S. Cracroft, Malay Translator to Government.

To the Mahomedan Inhabitants.

Draft of the Governor's Reply to Syed Hussain and other Mahomedan Inhabitants, by the Malay translator ; dated 16th Jemadilakhir 1235, 1st April 1820.

I have the directions of the Governor to acknowledge his receipt of your joint address, dated the 25th of the past month of Jemadialawal, and to inform you, that its contents have obtained his most serious and considerate attention, as well as inquiry ; the result of which satisfies him, that the high authorities to which it refers, in respect to the liberation of debtors and slaves, have neither disallowed debts or emancipated from servitude ; but in two or three instances, wherein, after an attentive and patient investigation, satisfactory evidence has appeared either of gross and unjustifiable abuse of the power of the master, or that the debt claimed was on the authority of papers fraudulently obtained, or on such as were executed by children of an age incompetent to give validity to any contract whatever. It is therefore the opinion of the Governor, that the respectable Mahomedans who have addressed him on this interesting subject have prematurely and unnecessarily taken alarm. At the same time he desires me to assure you, that the honourable the recorder, as well as the magistrates, are with himself fully disposed, and do give every consistent consideration to the religious usages and even prejudices of the various classes of the inhabitants on this island, that they are aware of the policy of preserving due subordination from the inferior to their superiors, and will enforce such whenever the claims of the superior are manifest and his conduct humane ; and that, as the covenants existing between master and debtor are at present in many instances misapprehended, new and appropriate regulations shall be framed and promulgated, with due consideration to local usage and the mutual advantage to those who sell their labour in prospective, as well as to that of the master, and that the drafts of such regulations will be made known to Syed Hussain and others, before their being made public.

(signed) W. S. Cracroft, Acting Malay Translator.

Extract, Prince of Wales Island, Public Consultations, 4th May 1820.

The Honourable the President records the following minute on the subject of slave debtors, and the state of persons of that description in general, on this island.

MINUTE by the President.—I need not acquaint the Board that a custom obtains at this settlement which has always prevailed in every Asiatic country, and indeed sometimes extensively in Europe, of persons mortgaging their labour and services in consideration of a sum advanced, for which they become debtors to persons advancing the sum ; but some recent instances which have come to my knowledge, of abuse on the part of the masters of such debtor servants, render me desirous of proposing certain regulations for the purpose of protecting and ameliorating the condition of this class of people, and of preventing an usage which we have sanctioned, from becoming a means of perpetuating and extending all the evils and horrors of slavery only under a different appellation.

That a person may dispose of his services prospectively to another, no one ever doubted ; but by the voluntary servitude to which he subjects himself, he forfeits no rights but such as are necessarily included in that servitude, and is obnoxious to no punishment, but such as a voluntary failure in the service may be supposed reasonably to require. Those persons, however, who possess debtor servants on this island are often inclined to look upon them in a state of unconditional servitude, in
which

which, of course, no person can put himself or be placed by others; they also consider mere maintenance as an equivalent for the labours of the servant, and seldom look upon the sum originally advanced as affected or reduced in any degree by his services, whatever may have been their fruits or their length. This is manifestly unjust.

The practice as now allowed is also liable to many other serious abuses. Children and minors may be transferred as debtor servants by people who have perhaps kidnapped them at the other islands. They may be transferred by their parents upon the payment of a trifling sum, without any compact as to the nature, degree, and duration of the servitude, and be thus placed in a state little short of absolute slavery. Further, the ends of the parents on such occasions may be directed to their own advantage, and not to the benefit of the children, which is of course unjustifiable; and young women may be thus delivered over to the absolute disposal and caprice of a private master, and their labours converted into the means of gratifying his lust or avarice.

Under these circumstances I would beg to propose, that from and after this date the following regulations be adopted and furnished to the magistrate, for his guidance in respect to debtor servants, and their masters or mistresses:—

1st.—All contracts or papers binding persons to serve in the capacity of debtor servants, shall be acknowledged by the contracting parties respectively, before the magistrate; shall be drawn out in English and Malayan languages; and after being regularly numbered and set down in a register, to be kept at the police office, shall be delivered to the master and servant, stamped with the official seal of the office.

2d.—The contracts or papers so registered, shall specify, as far as possible, the nature and degree of the service to be performed by the debtor, and always fix a definite term of servitude, with the sum, which shall tend towards the monthly liquidation of the money advanced to him or her. These articles to be determined by the contracting parties, before the magistrate, who will of course regulate and controul them according to reason and justice.

3d.—No youth of either sex under the age of 14 years, shall be deemed competent to enter into a compact for future services, unless with the consent of persons who prove that they are authorized by nature or law, to contract for him or her; and that they are engaging such youth with a view to his or her benefit, and not to that of their own; and no minor's term of servitude shall be engaged to extend, if a male, beyond the period of his attaining the age of 21 years; or if a female, beyond the age of her marriage, when such persons will be at liberty to renew their engagement, or otherwise provide for themselves.

4th.—In the case of females so bound or apprenticed, their contract or debt shall be immediately cancelled by the magistrate, in every instance of its being subsequently proved before him, that the master has cohabited with her, or that he or her mistress has been in any manner accessory to her prostitution, such master or mistress will of course be further punished according to law.

5th.—Whenever it shall be proved to the satisfaction of the magistrate, that any debtor servant has not been provided with proper food, clothing, or habitation, by the master or mistress, or has been otherwise treated with inhumanity or cruelty by him or her, the contract or debt of such servant shall be immediately cancelled, in addition to such other punishment as the magistrate may legally inflict on the master or mistress.

6th.—In case of the death of the master or mistress, the debtor servant shall have the option of repaying to the estate such sum as the magistrate may conceive equitable for unexpired services, or serve out the remaining period with the executor or legal representative; and no such debtor servant shall, without his or her own consent, be removed from the island, or be transferred to another person by his master or mistress, unless the terms of his contract included such condition.

7th.—The children of all female debtor servants are free; but if the father or mother be unable, and the master or mistress of the female debtor servants undertake formally before the magistrate to support such offspring, they shall be entitled to the gratuitous services of the children so supported, until they obtain the age of 16 years, as a recompense for the expense incurred in their maintenance.

8th.—If a debtor servant fails to serve his or her master or mistress with fidelity, or has become neglectful from improper and vicious habits, or if he or she occasions any detriment or injury to his or her mistress, the magistrate, on such being proved

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proved to his satisfaction, shall punish him or her in the same manner as the law provides in the case of a common servant so offending.

9th.—The above regulations shall be translated into the different native languages, and shall be always read at the police office to all parties contracting for services, before the papers are signed and sealed.

Over all the Eastern countries with which we are acquainted, slavery has prevailed from time immemorial, and although the supreme government at a very early period, as may be seen by Sir William Jones's charge to the Grand Jury at Calcutta in 1785, denounced the traffic in slaves, and positively prohibited their sale, yet the system of slavery is found to be so interwoven with the manners, customs and usages of our Mahometan population, that the continuance of domestic bondage or slavery has never been abolished. When Soyod Hussain and Sayed Jaffer first came to reside at this settlement, in July 1792, Captain Light appointed hakims, or native notaries, to keep a register of slaves; and the supreme government aware that the above named persons were of Arab extraction, and of course possessed of a numerous band of slaves, approved of Captain Light's promise to them of not interfering with such followers, as well as of his appointment of hakims. A register of the sale and transfer of slaves was thenceforth always kept at this island by an officer of government, who collected a duty on the value paid for them until the year 1808, when the promulgation of the highly philanthropic laws of our European legislative authorities, induced the government to nominate in September of that year, a committee of European inhabitants, for the purpose of considering the most eligible mode of abolishing slavery. The report of that committee, from which the then police magistrate, Mr. M'Quoid, dissented, urged an immediate emancipation of all slaves, by rendering and denominating them debtor servants to their owners. As numerous difficulties opposed such an arrangement, the only measures then adopted, were to discontinue the registry of the sale and transfer, and to issue a positive order against the further importation of slaves into this island.

Abhorrent, and justly abhorrent, as is the very name of a slave to the feelings of a Briton, yet to promulgate an order directing the immediate emancipation of all slaves at this island, would assail the feelings, interest and peculiar prejudices, and would arouse the worst passions of the whole of the Mahometan inhabitants, which compose by far the greater portion of our population; nor would the ends of such a decree be attained, for its publication would either expel most of the Mahometans from the island, with their women and slaves, or set free a number of persons incapable of obtaining or labouring for their livelihood, who would be forced into every species of want, misery and vice. It can be hardly necessary to enter into long arguments to shew the difficulty of abolishing slavery, since the most able and strenuous advocates for the abolition of the slave trade in the British House of Commons, always deprecated the danger and impolicy of thinking to emancipate slaves before their moral condition was so far improved as to render them capable of enjoying freedom. In India, where slaves, and particularly where female slaves are joined to all Mahometans on the most intimate domestic connections, the difficulty is ten-fold enhanced, and has therefore always prevented our most enlightened Governors General from interfering in any degree with the system of domestic bondage, as it exists throughout the Company's territories in Hindostan.

Although however it be allowed, that it would be as inconsistent with true benevolence as with policy, to issue an order proclaiming an immediate emancipation of all slaves, yet it must be remembered, that a British court of justice, which has entire jurisdiction over this island and its dependencies, can never recognize such a being as a slave; and that this government has not the power of framing express regulations concerning slavery. This difficulty can be obviated only by our suggesting to the magistrate to regard persons brought before him as slaves, under the denomination of debtor servants, and to apply the foregoing regulations, and the principles on which they are founded, to such persons and their owners, as far as circumstances will admit. Of course, this arrangement cannot have operation on any person who was not actually registered as a slave before the publication of the order prohibiting their importation; and it should be a standing rule with the magistrate, to afford to all slaves brought before him the liberty of redeeming themselves, by paying to their owners a valuation regulated according to their relative age, condition, and length of service. The foregoing regulations should also be made applicable to all cases brought before the magistrate, concerning such persons as are now under the condition of debtor servants at this settlement.

I trust, that by such an arrangement we shall not assault too abruptly the feelings and prejudices of our Mahometan inhabitants, while it will prevent the extension of slavery, secure to persons in that unfortunate state proper protection and an amelioration of their condition, and lead to a gradual emancipation of all slaves.

A general registry of slaves has been considered by eminent men in Europe, as the most effectual mode of preventing the further introduction of slaves into our settlements; this subject has been anxiously considered by me, and without reference even to what I have before stated, namely, the incompetence of this government to legislate at all on slavery, or to order any registry of slaves, my conviction is, that such a plan is incapable of effectual adoption among Mahometans, who would as soon murder as expose their women slaves to the officers we might appoint to register their names and description, while any return or account (could we even obtain such from them) which they might tender to the police office concerning their slaves, would be delusive and wholly inefficient towards attaining the ends proposed by a registry.

St. George's day.

(signed) *W. C. Phillips.*

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Resolved,—That the rules laid down in the above minute be formed into a regulation, and that regular indentures of apprenticeship and debtor service be on all occasions prepared at the police office, the registrar of such papers being authorized to levy a fee of one dollar on the former, and half a dollar on the latter.

Extract of a public Letter from the Court of Directors to the Governor and Council of Prince Wales Island, dated 23d April 1823.

Letter from Prince of Wales Island, 24th August 1820, (165 a 167,) refer to regulations which have been passed in regard to the custom of debtors serving as slaves, which practice had prevailed amongst the Mahometan inhabitants of the settlement, since the abolition of the slave trade in the year 1806.

Par. 33.—These just and humane regulations have our cordial approbation.

PAPERS respecting the seizure of some persons from Malacca by the Malays, who carried them into slavery; and their subsequent emancipation from slavery at the request of the Prince of Wales Island government.

Extract of a Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors in the Public Department, dated 6th May 1815.

209.—Having lately received from the resident at Malacca, a report of several persons belonging to that settlement having been seized in boats, by pirates belonging to the neighbouring country of Perah, and carried into slavery there, we thought it proper to dispatch the Hon. Company's cruiser *Thetis*, with a demand for their liberation.

Cons. 11th March.

210.—We also warned the rajah against the practice of seizing individuals for the purpose of extorting a ransom for their liberation, and advised him that none would in the present case be allowed, and that we expected the immediate release of the parties.

211.—The *Thetis* returned from this service on the 8th April, and brought one of the persons who had been seized; but her detention at Perah having been limited to four days, the *laxamana* gave to the commander of the cruiser a promise that the remainder should be sent back without delay.

212.—This promise has been fulfilled; and we have given orders for sending the liberated individuals to Malacca without delay.

Extract, Prince of Wales Island, Public Consultations, 11th March 1815.

Resident at Malacca to W. A. Clubley, Esq. Secretary to Government,
Prince of Wales Island.

Sir:—I have the honour to acquaint you, for the information of the Honourable the Governor in council, that I received a few days ago a letter under date the 6th instant, from Mr. Caunter, the police magistrate at the presidency, intimating that two inhabitants of this settlement, viz. Abraham Fradick, a native Christian, and Cassim, a Malay, who had been lately captured by the pirates and carried to Perah,

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Perah, had arrived at Penang, where the deposition of the former had been taken before W. E. Phillips, Esq. (of which he transmitted me a copy), and acquainting me that a passage had been taken for the deponent and the Malay man on board the brig Swan, for this place, where they have arrived safe, and prove to be two of the men mentioned in my letter of the 9th instant, as having been carried off from hence by the pirate prows with which the boats fitted out here had an action at the entrance of Lingey River, on the 14th of last month. The four other men, mentioned in the aforesaid deposition as being still detained as prisoners at Perah, are likewise inhabitants of Malacca, and were captured by the above pirates about the same time; their names are as follow: Carim, a Malay; Sie Adam, ditto; Sie Baman, a Malay lad; and Joaquim, a Portuguese boy.

Mr. Caunter likewise transmitted me a note in the Malay language, addressed to Mr. Koek, of this place, by the lacsemana of Perah, stating, that the pirates having brought there six Malacca people whom they had captured, he had redeemed them for the sum of 120 Spanish dollars, and was ready to restore the four remaining with him on the payment of that sum. It however appears but too evident, that the lacsemana himself must have either been directly concerned in the piracies which have been recently committed in this neighbourhood, or at least that he considers the conduct of the pirate Naquedah Kooloop, who captured the Malacca men, and who resides under his own immediate authority, as no punishment; but on the contrary agrees to pay him for the prisoners thus brought in. Under such circumstances, I conceive, that to pay the ransom required is quite out of the question, as it would prove the direct means of encouraging such acts of piracy in future; however, it will be for the Honourable the Governor in council to determine what further steps are proper to be taken on the present occasion.

Finding that I omitted to mention in my letter of the 9th instant the names of the three principal pirates who were killed during the action of the 14th ultimo, I now beg leave to insert them, viz. Pangalima, Gobar, Long Kagoo, and Boosoo.

Malacca, 25 February 1815.

I have, &c.
(signed) *Wm. Farquhar*, Resident, &c.

The Board considers it proper, that a demand should be made without delay on the rajah, to ensure the liberation of these persons, and that for this purpose the Honourable Company's cruizer Thetis should be forthwith dispatched to Perah.

The demand of a ransom is, in the opinion of government, quite inadmissible, and in the letter which is to be written the same should be expressed in forcible terms, and the necessity of ensuring the release of the parties impressed on the rajah's attention.

Ordered, that the Malay translator do prepare the draft of the letter to the rajah, and submit it with the translation, to government as early as possible.

Extract, Prince of Wales Island, Public Consultations, 17th March 1815.

Approved the following letter to the rajah of Perah, on the subject of the reference ordered to be made to him last council, viz.—

To the Rajah of Perah.

After compliments;

It is with regret I find myself so soon again called upon to address my friend on the subject of fresh piracies committed by the bad men of Perah.

My friend professes his inability to controul the acts of his principal officers; but I cannot admit of this as a sufficient excuse, and unless unequivocal satisfaction be afforded to me of my friend's earnest desire to punish such, whensoever they are discovered, I shall be compelled to regard him as abetting their piracies, and must resent them accordingly.

I desire then, that without any delay, the four persons named Kareem, Sie Adam, Sie Baman (a lad), and Joakim, the three first Malays, and the last a Portuguese boy, all of Malacca, now in the possession of the lacsamana of Perah, may be forthwith delivered to the bearer of this, Captain Reynolds, of the Honourable Company's cruizer Thetis. I also desire, peremptorily, that Nakooda Kooloop may be delivered up to Captain Reynolds, in order that a judicial investigation may take place, how far he may be guilty of the seizure of those people, and that he may meet with the punishment which his audacious atrocities merit.

(signed) *Wm. Petrie*.

Ordered, That the *Thetis* be accordingly dispatched on the service, and that the following instructions be issued to the commander, viz.—

To the Commander of the *Thetis* Cruizer.

N^o 54.—To Lieutenant Reynolds, acting in command of the *H. C. Cruizer*, *Thetis*.

Sir:—Upon receipt hereof you are directed to weigh your anchor, and proceed through the South Channel, down the Straits, as far as the entrance of Perah river, where you will anchor the brig, and proceed in person up the river to the king's residence, with the letter to his address, which is inclosed, and of which for your more particular information I forward you a translation.

The object of your proceeding to Perah is pointed out in that letter; and as you will be at liberty to take with you an interpreter, you will explain to the rajah the necessity of his releasing the people without delay, and causing them to be given into your charge.

You are at liberty to take with you either a boat from hence fit for going up the river, or you will procure a suitable one on your arrival for that purpose, the expense of which will be defrayed by government. You will take care to go up well manned and armed, but on no account to exhibit any hostile intention; but on the contrary to be as civil as possible, and to endeavour by conciliation to persuade the rajah to the necessity of releasing the people in question. On receiving the men you will return with all practicable expedition, and report your proceedings; but in the contrary case, if the rajah or his ministers should decline to deliver them, you will merely ask in civil terms a reply to that effect, and return with the letter.

The 20th March.

I am, &c.

(signed) *W. A. Clublely*, Secretary to Government.

Extract, Prince of Wales Island, Public Consultations, 13th April 1815.

Commander of the Hon. Company's Cruiser *Thetis*, to *W. A. Clublely*, Esq.
Secretary to the Government, Prince of Wales Island.

Sir:—I have the honour to acquaint you, for the information of the Honourable the Governor in council, with the return of the vessel under my command. Having weighed, agreeably to the general instructions received at this presidency on the 20th March 1815, under the same date, I proceeded through the southern channel, towards Pera river, with the government boat in company, where I arrived on the 24th; but having during the passage experienced heavy squalls, I thought it much better to moor the vessel under the shelter of Pulo Ding Ding, than to be exposed to the open sea in shoal water; and in consequence moored her between the island and the main; and during the vessel's stay there had experienced severe squalls from different points of the compass.

On the morning of the 25th, I left the ship in the above boat, with the Malay man and the interpreter, and proceeded up Pera river, and on the 28th, at sun-set, arrived at the residence of the rajah, when he came to the boat, and I presented him with the letter, which he declined taking until he had assembled the whole of his ministers, which took place on the morning of the 30th, when I presented him with the letter; and immediately on his receiving it, a salute was fired of five guns; and after perusing the letter, he informed me, that only a Portuguese boy was there at present, and the three Malays had been employed by some Chinamen to go into the country for paddy, and that Nakoda Kooloop and a Malay had been sent to Malacca.

I then told him the necessity of releasing those men, and to be delivered into my charge as soon as possible; but finding that they really were in the country, and I could not wait their return, in consequence was obliged to leave them behind.

The rajah then informed me, that none of them had yet been sold, but were all under the charge of the lacksamana; and if I could not stay until these three Malays returned, he would send them to Penang as soon as they did return.

On the 2d of April I received the Portuguese boy, and the inclosed letter from the rajah of Pera, those three Malays still being in the country, and my time being expired, I took my departure, and proceeded down the river with the boy and the interpreter, and on the 5th arrived on board. The weather being unfair, and the boat's crew, consisting of thirty men, being greatly exhausted, I waited till the

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next morning at daylight, then weighed and proceeded towards Penang; and on the 7th, at sun-set, anchored four miles to the southward of Pulo Ramo, and at daylight next morning weighed with the ebb-tide, and a light northerly air, and proceeded up the southern channel, and at two P. M. anchored in Penang harbour.

I have, &c.

(signed) *R. Reynolds*, Lieutenant commanding.

H. C. C. Thetis, 8th April 1815.

Mr. Phillips lays before the Board the following translation of a letter from the Rajah of Perah, on the subject of the mission for which the Thetis was sent there.

RAJAH OF PERAH.

Translation of a letter from the Rajah of Perah, dated 23d of Rubee Oolakhir 1230, or 4th of April 1815.

After compliments;

I have received my friend's letter by Captain Reynolds, of the cruizer Thetis, in safety, and have understood its contents; my friend writes, that the Perah people are pirates, and receive bad people, and carried away four Malacca people, particulars which have greatly astonished me, as I had no knowledge whatever of such, and I myself never harboured any pirates. I have made inquiry regarding the four Malacca men, with the lacksamana, and find that they were not taken by Perah men, but by a Lanoon, named Palernabraheem, who brought them into Pera. The lacksamana, finding that these people belonged to Adreeng, of Malacca, took them from the Lanoon. Two men he sent by a Chinese boat, with a letter to Adreeng, intimating, that if he would send a trust-worthy person to receive the four, they would be delivered, but for as long a time as has since elapsed, no answer has been received; at present a letter arrives from my friend, demanding these four people. Three of them having gone in quest of a livelihood, I begged the captain of the vessel to give me five or six days in order to procure them, for I am now in the deepest affliction; but he would not consent to this. The Portuguese boy named Joakim, I have delivered to him, and if the others come, I shall send them also to my friend in the month of Joomadoolual (May). If I do not send them, the shahbundar and lacksamana assuredly will, at the farthest, before the end of the above month. I beg of my friend to send two vessels of war to Pera, to guard this neighbourhood, for nothing can be more abhorrent from my disposition than to join in such wickedness, though it were with my nearest relation or dearest friend. I have further now to add, that some time ago I sent to my friend a confidential messenger, Nakhoda Mohummud, bearing a letter and complimentary present of four pieces of tin, and five large bundles of rattans; have they reached my friend? At present I have nothing to offer him but two pieces of tin, and two large bundles of rattans, which though unsuitable, I hope my friend will accept, as a token of the purity of my mind, and sincerity of my friendship.

(A true translation.)

(signed) *J. M'Innes*, Acting Malay Translator to Government.

Ordered, That the necessary information be sent to the resident in Malacca, in reply to his reference on this subject, that the boy who has been released be sent to Malacca, and the others, in like manner, when they may be liberated.

Extract, Prince of Wales Island, Public Consultations, 21st April 1815.

The Honourable the Governor lays before the Board the following translation of a letter from the Lacksamana of Pera:

Lacksamana of Pera.—Translation of a Letter from the Lacksamana of Pera to the Governor, dated 5th Jumudoolual 1230.

After compliments;—The subject of this letter is the Malacca people who were taken by the Lanoon Pangleema Ibraheem, and brought by him into Pera. Having on inquiry found that these six people belonged to Peter Adrung, at Malacca, I received them, and dispatched two in a Chinese boat, with a letter to Peter Adrung, telling him that there still remained four people with me, and requesting that he might speedily send to Pera some trust-worthy person for the purpose of receiving

receiving them ; but no answer has in all the time which has since elapsed reached me. In the mean time the governor sends a vessel of war, under Captain Reynolds, with a letter to his majesty the king of Pera, to demand these four people. Three of them being at that time in quest of food for themselves, the king sent by Captain Reynolds the Portuguese boy named Joakim, promising, in his letter to the governor, that the three remaining people should be sent to Penang in this month ; accordingly, I now send the three men in question by the boat of a Chinese, named Booto.

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(A true translation.)

(signed) *J. M'Innes*,
Acting Malay Translator to Government.

The Board has much satisfaction in observing, that the persons for whose liberation from slavery the *Thetis* was lately sent to Pera, have been all released.

Agreed, That a copy of the above letter be sent to the resident at Malacca, and that he be informed, that the persons alluded to, with the boy Joakim, formerly released, will be sent to Malacca by an early opportunity.

Extract, Prince of Wales Island, Public Consultations, 27th May 1815.

Resident at Malacca to *W. A. Clubley*, Esquire, Secretary to Government,
Prince of Wales Island.

Sir:—I have the honour to acknowledge the receipt of your letter, under date the 17th ultimo, relative to the measures the Honourable the Governor in council had deemed it advisable to pursue, for obtaining the liberation of the four remaining captives belonging to Malacca, detained by the lacksamana of Pera ; and it affords me the greatest satisfaction to acquaint you, for the information of government, that these poor people all arrived here safe in the *Charlotte* brig the day before yesterday, and have been sent back to their afflicted families.

They all agree in affirming, that they were captured by people belonging to Pera, and not by Lanoons, as stated in the Rajah of Pera's letter to the Honourable the Governor in council.

I have, &c.

(signed) *W. Farquhar*, Resident, &c.

Malacca, 11th May 1815.

Extract of a Letter from the Court of Directors, to the Governor in council of Prince of Wales Island, in the General Department, dated 3d of July 1817.

Letter from Prince of Wales Island, dated 6th May 1815 (209 to 212).—The Company's cruizer *Thetis*, dispatched to Perah, to demand the liberation of several persons belonging to Malacca, seized in boats by pirates, and carried into slavery. The persons in question delivered up in consequence.

Par. 56.—We also approve of the measures you adopted for procuring the release of the several persons belonging to Malacca, who were piratically seized and carried to Perah.

57.—Malacca being now (as we conclude) restored to the King of the Netherlands, conformably to the treaty, the local government of that state will, of course, exercise its own right of interference with the neighbouring chiefs, in the event of any occurrence of a similar nature to that in question hereafter taking place there.

Extracts from the Prince of Wales Island Consultations of the Year 1806, relative to the provisioning and treatment of some Dutch Slaves found in Malacca.

Extract, Prince of Wales Island, Public Consultations, 27th February 1806.

A letter from Captain Farquhar, dated 14th instant, enclosing the following particular statement of the quantity of rice and provisions each individual receives in garrison at present, which is used to the European soldiers, being paid for by them at a fixed sum monthly, as appears in their pay abstracts ; viz.—

Ratio of Provisions issued to one Man, Europeans and Natives, for one Day, in the Garrison of Malacca, made out conformable to General Orders :

Europeans.—To Serjeants, Drummers, Rank and File.	
Rice, $\frac{1}{2}$.	Salt beef, 1 pound.
Arrack, 2 drams.	Or fresh, $1\frac{1}{2}$ d°.
Salt, $\frac{1}{8}$ measure.	Firewood, 5 billets.

Natives.—Bengal M. Regiment, Madras V. Battalion.
Gun, Tent, and Store Lascars.

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To Commissioned, Non-commissioned, Drummers, Rank and Files, &c. &c.

Rice, 1 seer.	Pepper, $\frac{1}{4}$ ditto.
Salt, $\frac{1}{8}$ measure.	Chillies, $\frac{1}{4}$ ditto.
Dholl, $\frac{1}{8}$ ditto.	Turmaric, $\frac{1}{8}$ ditto.
Ghee, $1\frac{1}{2}$ pollam,	Garlic, $\frac{1}{4}$ ditto.
Tamarind, $1\frac{1}{2}$ ditto.	Onions, $\frac{1}{4}$ ditto.
Tobacco, 1 ditto.	Salt fish, 2 ditto.
Buttonutt, $\frac{1}{2}$ ditto.	

Dutch Slaves and Convicts.

Rice, 1 seer.	Salt, $\frac{1}{8}$ measure.
Pepper, $\frac{1}{4}$ pollam.	Lamp oil, $\frac{1}{4}$ pollam.

Puckallie attached Madras E. Regiment.

Rice, - - - 1 seer.

Puckallie attached Madras E. Artillery.

Rice, - - - 1 seer.

Malacca Native Infantry.

To Commissioned, Non-commissioned, Rank and File.

Rice, - - - 1 seer.

(signed) *S. R. Brown*, Lieut. and Commiss' of Provisions.

Resolved, That Captain Farquhar be informed, in reply to one of his letters of the 14th instant, that from the time of the intended relief of the garrison of Malacca, the Dutch slaves and convicts receive the same allowance as the people of that description at the presidency, a statement of which must be furnished to the commandant; and that Captain Farquhar be requested to transmit, as early as convenient, a list of the Dutch slaves and convicts, with their mode of employment.

Extract, Prince of Wales Island, Public Consultations; 10th April 1806.

Read the following Letter from the Commandant at Malacca, viz. to G. S. Pearson, esq. Secretary to Government, Prince of Wales Island.

Sir:—I have herewith the honour to transmit for the information of government, a list of the Dutch slaves and convicts at this place, specifying the manner in which they are at present employed, together with their monthly pay and daily allowance of provisions.

From the difficulty of procuring servants at Malacca, the officers of the garrison have been permitted to employ a proportion of the Bengal convicts, as particularized in the list.

The convicts condemned by the fiscal, are generally in heavy irons, and employed at the public works during the period of their sentence.

The Dutch slaves, of which by far the greatest part are women, children, or old and infirm men, are employed as set forth in the roll.

Mr. Beggle, who is in charge of the whole, and who does not draw any allowance for his trouble, has been permitted to employ such of the female slaves and others, not immediately fit for hard labour, on his own account in cutting grass, and supplying firewood, &c. for the use of the garrison.

The present pay and allowances of the Dutch slaves, being much less than what the honourable Company's Caffrees receive at the presidency, I have deferred issuing the orders of government, under date the 27th February, placing them upon a footing with that description of people, until the further pleasure of the honourable the governor and council shall be known. If it should be judged expedient to make any alteration in the present allowances, I would recommend, that they may be permitted to draw the same as directed for the Bengal convicts, only that they should be served with clothing once every six months, as at present.

I have the honour to be, Sir, your most obedient humble servant,
(signed) *W^m Farquhar*, Captain Commissioner, Malacca.

Malacca, 27th March 1806.

LIST of the Company's SLAVES and Fiscal's CONVICTS at Malacca.

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MEN.

Didu,	} Black Mandoors.	Dappat,	} Little boys.
Gany,		Kinkum,	
Cumbang,		Sapty, very old and infirm,	
Abim,		Owanka,	
Nama,		Fingal,	
Dingal,		Seeding,	
Moeda,		Sallee,	
Portlee,		Amat,	
Cledde,		Lutus,	

18 men Slaves.

Talip,	} Fiscal's convicts.
Maccao,	
Achmet Lebbi,	

FEMALE SLAVES.

Onjar,	} Very old and infirm,	
Cambang,		
Sanie,		
Mannis,		
Mayin,		
Malatte,		
Pangadowang,		
Salussee,		
		Berray, Fiscal's convict.

16 female slaves.
39 men and women.

The three black mandoors receive seven fanams six doits ; the other men and convicts, four fanams seven doits, and the women, one fanam and nine doits each per month, together with one seer of rice, one fourth Pollam pepper, one fourth Pollam oil, and one sixteenth measure of salt each per day ; clothing once in six months, at the rate of one Spanish dollar and two fanams for each man, and one Spanish dollar ten fanams and eight doits for each woman.

The men under charge of a European mandoor are employed in cleaning the fort, government house, barracks, sinks and sewers, and other public places, repairing the streets, &c. ; and the women in cutting grass for the Company's buffaloes, attending in the scavengers carts, dressing the victuals for the people, and attending the old and infirm slaves, &c.

Malacca, 22d March 1806. (signed) *J. L. Beggie.*

LIST of Bengal Convicts.

Madomette,	} Employed about the Government House,	Coodie Ram, with Lieutenant Steiner,	} Mr. Surgeon Loftie,
Goor Chan,		Chandu Tagoor,	
Sappal Ram,		Madan Serkar,	
Nilla Dass,		Palla Ram, with Mr. Beggie,	
Mudan Gass,		Badinat,	
Badirnat Bagdy,	} D ^o Lieutenant Brown,	Rumsay,	
Hingam Ray,		Soenuttan, at the Public Works,	
Iagodas,		Gole Tagoor,	
Ragonat, d ^o Lieutenant Hadwen,		Dookoo,	
Annos Gass, d ^o Lieutenant Yates,		Bano women.	

20.—Bengal convicts receive eighteen fanams each per month, and one sier of rice, one fourth Pollam pepper, one fourth Pollam oil, and one sixteenth measure of salt each per day ; clothing every six months to the value of five Spanish dollars each ; those who are not employed by the above gentlemen, attend the scavengers carts, and do duty together with the Company's slaves, under the direction of the European mandoor.

(signed) *J. L. Beggie*, in charge of the convicts.
Malacca, 22d March 1806.

Ordered, That the commandant be directed to make such issue of clothing and provisions to the slaves and convicts, as he may seem conducive to their comfort, not exceeding in expense that granted the same description of people at the presidency.

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in Company's
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OPINION of the Recorder in 1821, as to the legality of apprehending and sending back to Malacca a runaway slave.

Extract, Prince of Wales Island, Public Consultations; 29th Nov. 1821.

Read a letter, with its enclosure, from the governor of Malacca, requesting that a runaway slave from thence, brought away by the commander of the ship Gloucester, may be apprehended.

Resolved, That the honourable the recorder be requested to give his opinion, whether the slave in question can legally be secured, and sent back to Malacca.

Extract, Prince of Wales Island, Public Consultations, 13th December 1821.

Honourable the Recorder to W. A. Clubley, Esq. Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of yours of the 30th November, with a copy of a dispatch from the governor of Malacca. I am not acquainted with the Dutch language, and therefore if there should be any circumstance in that part of the dispatch which varies the question submitted to me, from the governor of Malacca's letter in French, I should wish to have a translation of it; but as it is not probable, I do not delay my request, that you will communicate to the Honourable the Governor in council, that in the absence of any treaty, I am of opinion that the slave in question cannot be legally secured and sent back to Malacca.

I have, &c.

(signed) *Ralph Rice.*

Prince of Wales Island, 2d December 1821.

The Secretary reports that the governor of Malacca was advised of the above.

FORT ST. GEORGE PAPERS.

PAPERS relative to a Slave Girl, the property of John Clapen Bolt, an inhabitant of Bimlipatam, 1787.

Extract, Fort St. George, Public Consultations, the 9th March 1787.

Read the following letter from the acting resident at Bimlipatam, with the papers accompanying it.

Charles Nicholas White, Esq. Secretary.

Sir:—I have been favoured with a letter from Mr. Deputy Secretary Clerk, enclosing the orders of the honourable the President in Council for registering vessels at the port of Bimlipatam.

Herewith I enclose copy of a letter to me from Mr. Dormieux, provincial Dutch chief at Bimlipatam, with copies of papers relating to the subject of it, and have to request, that you will lay them before the governor at a convenient opportunity.

Bimlipatam, 24th February 1787.

I am, &c.

(signed) *John Snow.*

To John Snow, Esq. Resident on behalf of the Honourable English Company at Bimlipatam.

Sir:—I am sorry that I am drove to the necessity of addressing you in this public manner, in order to represent to you the danger for the community here in keeping any longer at this place the person of John Clapen Bolt, who wrote me about one o'clock a letter, and on my declining to receive it, he sent the enclosed chit to Captain Kingsmill. I do not know his intentions in it; but as he is known to be of a very bad character, as well from what happened before as his conduct ever since, I think it necessary to acquaint you of it, as being in a public character here; and since the said Bolt, though a prisoner under the rajah's amaldars, is so improperly guarded, I request that you will be pleased, for the common safety, to have him secured and sent to a place where he may be taken care of.

Bimlipatam, 23d Feb. 1787.

I am, &c.

(signed) *John Marks Dormieur.*

To Captain Kingsmill.

Sir:—If you have those pistols that I saw this morning to dispose of, pray let me know, as there was a person yesterday in my house who wanted a pair very much.

Yours, &c.
 (signed) Bolt:

To Claud Russell, Esq. Chief and Council at Vizagapatam.

Gentlemen:—I have taken the liberty of ordering two sepoys, belonging to the guard put over Doctor Martin's effects, to conduct John Clapen Bolt to Vizagapatam, who it appears caused the death of a slave girl by cruel and improper correction.

Herewith you will receive the declaration of a surgeon who examined the corpse, also the deposition of a person in the Dutch service; who was called upon by the prisoner's wife to intercede for the deceased. Two other persons will give depositions when you are pleased to require their attendance. One saw the prisoner beat the deceased at nine o'clock in the morning, and the other at three in the afternoon.

I also send to you, under charge of the sepoys, two coolies employed by the prisoner to beat the deceased with a stick, which the sepoys will deliver to you.

I am, &c.
 (signed) John Snow.

Mr. John Snow.

Sir:—I am ordered by the chief and council to acquaint you, that they have received your letter of the 1st instant, accompanied with a prisoner, who had caused the death of a slave girl by cruel and improper correction; but as he belongs to the Dutch factory, and is under their protection, the prisoner is now returned to you, that he may be delivered over to the Dutch government, to whose authority he is amenable.

Vizagapatam, 2d Sept. 1787.

I am, &c.
 (signed) F. H. Drake, Secretary.

Dirk Wrymoet, Esq. &c. &c. &c.

Sir:—In conformity to the orders of the chief and council of Vizagapatam, communicated to me by a letter from their secretary, of which a copy is enclosed, I send you, under charge of two sepoys, John Clapen Bolt.

A deposition and a declaration respecting the prisoner are inclosed.

Bimlipatam, 4th Sept. 1786.

I am, &c.
 (signed) John Snow.

To Claud Russell, Esq. Chief and Council at Vizagatam.

Gentlemen:—We have the honour to transmit to you a copy of the letters we received yesterday from Mr. Snow, with the person of John Clapen Bolt, whom we have immediately delivered over into the custody of the amuldar of this place, with the declaration and deposition to his charge, to act further with him as the rajah may think proper, since the said Bolt is neither a subject of the Netherlands, nor has now or ever been, for what we know, in our Company's service; neither can he be considered under our protection at present, as he latterly came from Calcutta, by chance here, with an intention to proceed to Madras; and as the act laying to his charge was committed out of our jurisdiction, the only thing we could do for the peace and safety of the community here was, to have the corpse examined by a surgeon, and to give cognizance of the whole affair to Mr. Snow, the only one of your Company's civil servants, to whom also the declaration of the surgeon was delivered, with a deposition of one of our Company's servants.

As we do not think ourselves authorized to interfere any further than we have already done in this disagreeable business, we esteem it incumbent on us to acquaint you of it, in order to avoid all responsibility respecting it.

Bimlipatam, 5th Sept. 1787.

We have, &c.
 (signed) Dyk. Wrymoet.
 John Marks Dormieur.

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It appearing that John Clapen Bolt, who is charged with having caused the death of a slave girl by cruel and improper correction, is not a subject of the Netherlands, and from a wish that an offence of so flagrant a nature should not pass unregarded ;

Resolved, That the chief and council be directed to secure the person of Bolt, and to inform this government, where the death of the slave girl was occasioned, and whether the man is a British subject, or has ever been employed in the service of His Majesty, or the English East India Company.

Diary, 11 March.

Sent the following letter to Vizagapatam :—

To Claud Russell, Esq. Chief and Council at Vizagapatam.

Gentlemen :—We have received a letter from Mr. Snow, with copies of other papers, on the subject of an European named John Clapen Bolt, who, from the depositions taken, had, it appeared, caused the death of a slave girl by cruel and improper correction. By your secretary's letter to Mr. Snow, dated 2d September last, you considered him, we perceive, to belong to the Dutch factory at Bimlipatam, and that he was under their protection ; but the chief and council declare to you, that he is not a subject of the Netherlands, and had never been, to their knowledge, in the Dutch Company's service, neither could he be considered under their protection, and that the act laid to his charge was committed without their jurisdiction.

Under these circumstances, and from a wish that an offence of so flagrant a nature should not pass unregarded, and, if possible, to bring the offender to justice, we desire you will have the person of Bolt properly secured, and inform us where the death of the slave girl was occasioned, and whether he is a British subject, or has ever been employed in the service of His Majesty, or the English East India Company.

We have, &c.

(signed) *Archibald Campbell* and Council.

Fort St. George, 11th March 1787.

Extract, Fort St. George, Public Consultations, 24th April 1787.

Extract, Letter from the Chief and Council of Vizagapatam, to the President and Council of Fort St. George, 6th April 1787.

We have the honour of acquainting you, that in consequence of your orders of the 11th inst. Jasper Bolt, accused of murdering his slave girl, and who has been in confinement under the rajah, (the crime having been committed within his jurisdiction, and the late Act of Parliament extending the English criminal jurisdiction not then existing), is now brought to Vizagapatam, and closely kept in the cutwal's choultry. By his own account it appears, that he was about eleven years in the Bombay marine service until the year 81 ; is a native of Hamburgh, and has been about two years married to a Dutch woman, the widow of a Dutch officer at Pulicat.

Minute,—Agreed, that the chief and council be desired to inform the Board what evidence there is of the guilt of Jasper Bolt, now under confinement at Vizagapatam.

Extract, Letter from the President and Council, to the Chief and Council at Vizagapatam, 28th April 1787.

Diary 28.

We have received your letter of the 6th inst. and desire you will inform us particularly, what evidence there is of the guilt of Jasper Bolt, now under confinement at Vizagapatam, on suspicion of murder.

Extract, Fort St. George, Consultations, 5th May 1787.

Extract of a Letter to the Governor General in council ; dated 5th May 1787.

One Jasper Bolt, a native of Hamburgh, and not in the service of His Majesty, or the Company, was lately put under confinement by the chief and council at Vizagapatam, on suspicion of having murdered his slave girl at Bimlipatam. As this district has come into the possession of the Company since the year 1753, it appears he cannot be brought to a trial at the quarter sessions here under the charter jurisdiction ; and we therefore request, that you will do us the favour of obtaining for us the opinion of the judges of the supreme court of judicature at Calcutta, whether he can be tried under the late Act of Parliament.

Extract, Fort St. George Consultations, 3d July 1787.

Read the following letter from Vizagapatam.

To the Honourable Sir Archibald Campbell, K. B. Governor in Council
of Fort St. George.

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Honourable Sir:—Enclosed we have the honour to send three depositions concerning the death of the slave girl, attributed to Jasper Bolt, at Bimlipatam. Mons. Robert, one of the declarants, it seems had left Bimlipatam long since, but the other, a Dutchman, is an inhabitant there, as well as Yelloo, the cooley. There was another cooley who could have given testimony, but having gone to Coriga before the late storm, it is feared he has shared the same fate with the unhappy inhabitants.

We have the honour to be, with great respect, Honourable Sir, your most obedient and humble servants,

(signed)

Claud. Russell.

Charles Martone.

Joseph Baker.

Vizagapatam, 20th June 1787.

I, Frans Casperez, do declare, That on the 30th of August, about five o'clock in the afternoon, when I was at Mr. Pleyt's upon a visit, and was sitting in his bed-chamber, I have been called by Captain Bolt's spouse; I went to her; she told me that one of her husband's fingers was got out of joint, and desired me that I would come and look at it; I asked her how it happened; she answered me, that it was the fault of the slave girl, who (she further said) therefore was punishing. I went to her husband to look at the accident, when I then saw into his yard that his slave girl was held fast by somebody at a tree, and had been struck by a cooley with a thin firewood, and he was standing by. After I looked at Mr. Bolt's finger, I would return back, but his spouse desired me to stay there, and to induce her husband to cease the striking, which I did; but Mr. Bolt gave no audience to it, and said to me, that she had been struck before much worse, and could also easily endure that punishment; upon which saying, I did not stay there three minutes longer, went out of his house to Mr. Pleyt, and while I was sitting there with a society, Mr. Bolt came likewise, after a quarter of an hour to Mr. Pleyt's, and a short while after, about half an hour after six, I quitted the company, and went to my house.

This declaration I do testify to be the truth.

(signed)

Frans Casperez.

This first day of September 1786, appeared before us, Dirk Vymoet, chief, and Johannes Markus Dormieux, second, of this counting board, both committee members of the Honourable Council of Justice, at the coast of Coromandel, upon desire of the commissary of the English troops, Mr. John Snow, inhabitant here, the deponent mentioned in the declaration herebefore, which being here distinctly read before and explained word for word, he fully persists by his sayings, without any further alteration, and confirms the same with solemn oath, by lifting up his two fore fingers of his right hand, and uttering these following words, "As true, help me God Almighty."

This done, re-examined, and sworn in the united counting board, Bimlipatam, aforesaid date, in the presence of Messrs. Dirk Vrymoet and Johannes Markus Dormieux, committee justifiable Members,

(signed) *F. Casperez*, in witness of *O' Hokens*,
by indisposition of the Secretary empowered to this.

Our presence committees,

(signed) *Dirk Vrymoet*, *J. M. Dormieux.*

The Declaration of Yelloo, a fisherman, and inhabitant of Bimlipatam.

That he was a servant to Mr. Plate, the secretary to the government of Bimlipatam; that one day after dinner he was employed in fanning his master, who had laid down to sleep; that the wife of J. Bolt came to the house, and desired the said Yelloo to go over the way to her house, which he refused to do without his master's permission, on which the said Bolt's wife asked his master's leave for the said Yelloo to go to her house, and obtained it; that he went to the house of the said Bolt with the wife of Bolt, and was conducted to a place, where he found Bolt and a slave girl, the latter tied up to a tree, and saw the said Bolt beat the girl with a stick; that having tired himself, he ordered this declarant Yelloo, to beat the slave girl,

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girl, which he refused to do, but on Bolt's threatening to beat him, he complied, and taking a stick did give the girl several blows; that Bolt told him he did not strike her hard enough, and was going to beat him, but seeing an opportunity of getting away, he availed himself of it and escaped.
John Baker.

This day, 31st day of August 1786, at nine o'clock in the morning, Mr. Ormond Torbert, surgeon at Bimlipatam, having received an order from Mr. Vrymoet, governor of that place, and from Mr. Dormieux, his second, to come to the house of the Sieur Bolt, to inspect the body of a caffree, who had died in the night; after opening it, I certify the following to be the cause of her death: That the negro having been tied up to a tree, the knees and breast bearing against it, received in that position a blow from a piece of wood upon her reins, which having unfortunately disjoined the third vertebre of the loins, and otherwise injured the kidneys, &c. was the cause of her death.

In witness whereof, I certify this to be the truth, at Bimlipatam.

31st August 1786.

(signed) *Torbert.*

(A true translation.) (signed) *Thomas Chase, French Translator.*

Ordered, That the above letter do lie on the table.

Extract, Fort St. George, Public Consultations, 21st July 1787.

Sent in circulation, the following General Letter from Bengal.

The Honourable Sir Archibald Campbell, K. B. President, &c. Council of Fort St. George.

Gentlemen:—We have the pleasure to enclose extract of a letter from the judges of the supreme court of judicature, in reply to the reference made to them, at your request, regarding the murder committed at Bimlipatam, by Jasper Bolt, a native of Hamburg.

We have, &c.

(signed) *Cornwallis.*

Charles Stuart.

Fort William, 22d June 1787.

Extract of a Letter from the Judges of the Supreme Court of Judicature to the Right Honourable the Governor General in council; dated 21st June 1787.

We are of opinion, that the statute of the 24th of His present Majesty, s. 44, (which we presume is meant by the president and council of Fort St. George), does not extend to the crime of which Jasper Bolt is accused, even if he were one of His Majesty's subjects within the meaning of the clause; and you will permit us to suggest, that if an extension of jurisdiction, both in respect of capital crimes, and of the persons who may commit them, can be obtained from the legislature, it may be the means of preventing the perpetration of such offences, as cannot now be punished in due course of law.

(A true extract.)

(signed) *John White, Sub-Secretary.*

Extract Letter from the Governor in Council to the Right honourable the Governor General; dated 21st July 1787.

We have had the honour to receive your letter of the 22d ultimo, enclosing the reply of the judges of the supreme court at Calcutta in regard to Jasper Bolt; but as they have inferred, that we alluded in our letter of 5th May to the 44th section of an Act of the 24th of the present reign, we take leave to request you will be pleased to explain to the judges, that our allusion was to the 29th clause of a subsequent Act, passed in the 26th of His present Majesty, and which appears to extend in a very great degree the jurisdiction of our court of justice here. As an early communication of their sentiments is of material consequence, we particularly entreat that you will obtain us a further explanation on the subject as soon as possible.

Extract, Fort St. George, Public Consultations, 21st September 1787.

Read the following letter from Bengal:—

The Honourable Sir Archibald Campbell, K. B. President, and Council of Fort St. George.

Gentlemen,—We have the pleasure to enclose you copy of a second letter which we have received from the judges of the Supreme Court of Judicature, in consequence

consequence of your further reference to them regarding the murder committed at Bimlipatam, by Jasper Bolt, a native of Hamburgh.

We have the honour to be, gentlemen, &c.
(signed) *Charles Stuart. John Shore.*

Fort William, 27th August 1787.

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To the Right honourable Charles Earl Cornwallis, Knight of the Most noble Order of the Garter, Governor General, &c. &c. and the Gentlemen of the Council.

My Lord, and Honourable Sirs:—We have had the honour to receive your letter of the 6th instant, in which you inform us, that the president and council of Fort St. George, in a second reference respecting the case of Jasper Bolt, have explained to you, that their former allusion to a late Act of Parliament, under which they supposed that he might be tried, was not to the statute of 24th of George the Third, chap. 25th, section 44, as we had conceived, but to the 29th clause of one of the Acts of Parliament respecting India, which were passed in the 26th year of the present King, meaning, as we now find, that of the 26th George the Third, chap. 57th, section 29.

Of that last mentioned statute, we had not received any authentic information, neither in fact had any of us seen a copy when we answered your letter of the 28th May last; we have now perused the clause referred to, and agree with the president and council of Fort St. George, that it does in a great degree extend their authority with regard to the cognizance of crimes committed beyond the limits of their charter jurisdiction, inasmuch as it plainly includes murder and other felonies, which were not comprized in the former statute of the 24th year of his Majesty's reign. But with regard to persons, there is not the like extension of judicial authority. The persons who by this new law are declared to be amenable to the Courts of Oyer and Terminer in India, are "as well the servants of the said United Company as well as other of his Majesty's subjects, resident or to be resident in India." Now, it has been expressly stated to us by your Honourable Board, that Jasper Bolt is a native of Hamburgh, and that he was not in the service of his Majesty or the Company, at the time when the crime was committed of which he is accused. We must therefore remain of opinion, that he is not liable to be tried by the Court of Oyer and Terminer at Madras, for the murder committed at Bimlipatam, whether he would have been amenable to that court, if not being a British subject, he had been actually in the service of the Company at the time when the crime was perpetrated, we have not thought it necessary to consider, because that is not the event which has happened, and on which the doubt has arisen.

We have the honour to be, my Lord and Honourable Sirs,
your most obedient and most humble servants,
(signed) *Robert Chambers. John Hyde. William Jones.*

Fort William, 14th August 1787.

The judges of the Supreme Court of Judicature at Calcutta, being of opinion, that Jasper Bolt is not liable to be tried by the Court of Oyer and Terminer at Madras, under the late Act of Parliament, as he is a native of Hamburgh, and was not in the service of his Majesty or the Company, when the crime of which he is accused was committed.

Resolved, therefore, that the chief and council at Vizagapatam be directed to release him from his present confinement; but the Board conceiving him, and likewise John Martin, who was lately brought to trial here, to be unfit persons to reside any where under this government, it is agreed that immediate notice be given them by the chief and council, to depart the Company's limits; and that Martin do not henceforth receive either pay or allowance from the Company.

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PAPERS relative to Mr. Andrew Perry, and others, who were detected in the year 1790, in carrying off, for the purpose of selling them into slavery, a number of Children who had been kidnapped in the neighbourhood of Ganjam, and other places in the northern Circars; and to the publication of a Proclamation, prohibitory of the Traffic in Slaves.

Extract of a Letter from the Governor and Council of Fort St. George to the Court of Directors in the Public Department; dated the 18th September 1790.

24.—It being reported to us, that a number of persons intended for sale, had been brought hither from the northern settlements in several country vessels, we resolved, that they should be landed and maintained at the Company's expense, until they could be sent back to their former places of residence, or such of them as were capable of gaining a livelihood, should have it in their option to be liberated at this place.

25.—We likewise issued a proclamation throughout the districts dependent on this presidency, prohibiting any traffic in the sale or purchase of slaves; and with a view more effectually to prevent a practice so detrimental to the country, and injurious to the rights of humanity, we offered a reward of 30 pagodas for the discovery of every offender, to be paid on conviction, and of ten pagodas, for each person of either sex, who should be delivered from slavery in consequence of such discovery.

Extract of Fort St. George Public Consultations, the 5th March 1790.

Mr. Taylor, the acting justice, acquaints the Board, that it having come to his knowledge, that several children had been brought hither from the northern settlements in country vessels now in the roads, for the purpose of traffic, he ordered them to be landed, and being now under charge of the cutwal, to the number stated in the following list, Mr. Taylor requests the sentiments of the Board in regard to the future disposal of them.

LIST of the PRISONERS and CHILDREN in the custody of the Cutwal Choultray, 5th March 1790.

Brought from	By whom.	Girls.	Boys.
Ganjam - - -	Nagoor Sheck Meeralubby - - -	4	3
Culingapatam - - -	D° Cathur Modein - - -	1	—
Chicacole - - -	D° - - - d° - - -	1	—
Poondey - - -	Caruckaul Murapillay - - -	1	—
D° - - -	Nagoor Modein Bava, b ^t by his brother-in-law - - -	2	2
Soimapaoram - - -	Meeralubby Malamy, sent by d° - -	2	2
		11	7
Apprehended from the different houses of Coyalar or Lubby cast at Maratta town - - - - -		9	14
TOTAL - - -		20	21

41 children.

Read the following petition on the subject:—

To the Worshipful James Taylor, Esq. the humble Representation of
Merchants, &c. of foreign Countries of Southward.

We went upon our vessels to the northward to carry on traffic, and touched at several ports, such as Ganjam, Soornaporam, Cullingapatam, Comandoo and Beemoodeepatnam, where we landed the goods that were brought in our twenty vessels, and continued selling them. While the case being thus, that thirty leagues distant from the ports where we are, a famine arose at Jaggernautporam, by the providence of God, when every one disposed of their children for want of food to live on; that the inhabitants of that country brought and sold the said children at the ports where we being landed, and the said children were purchased by several sorts of tribes. Amongst them we bought each one and two children, whom we maintained and nourished as our own sons; and we have substantial proofs to it, that at the time we shipped them in our said vessels, we did pay duty and custom at the rate of

of two rupees to the devaunum in that place; and then we brought each one in their respective vessels, and arrived in this port. Thereupon we disembarked the paddy, rice and grain, &c., and also cloth and different sorts of goods from our said vessels, which we lodged in banksals and godowns; then continue selling the said premises; a lascar re-sold here of the said child aforesaid, which that the cutwal of this place understanding, did apprehend the said lascar and boy, and confined them; on account of this, he the said cutwal sent some sepoy, who came and seized upon the boys, whom we kept and maintained as our sons, that were sitting without the houses, and playing in the streets, and carried them away, to the great amazement of us, who never imagined and conceived such ill proceeding should be acted under the jurisdiction of his Britannic Majesty's flag. And on the night following a sepoy belonging to the cutwal, and a telliar came, and not only entered our houses, tried and searched, and also carried away boys and girls. Besides this, the above mentioned sepoy went to our said vessels, seized the children aforesaid, and lascars; after they landed them, they were put into confinement, upon which we, the whole multitude, went to and asked him, the cutwal, how he dared to do such bad conduct, to which he answered and said, that he did not do this but by the order and direction of your worship.

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Notwithstanding this, if your worship send for those that are under confinement, and examine into the matter, then your worship will understand every circumstance plainly. During the time they were with us, had the happiness of enjoying and eating good bread, and now they were destined to live on light food.

Therefore we humbly and submissively implore your worship to take this our deplorable case into your serious consideration, and be so kind and gracious on us, who are poor and foreign merchants, and deliver our said children up to us; and also to restore the things and goods that were pillaged from our said vessels, for which act of humanity we, as in duty bound, shall ever pray.

T. Chase, Clerk to the Justices.

(Signatures.)

Resolved, That any traffic in the sale or purchase of slaves be prohibited by public proclamation throughout the Company's districts dependent on this presidency.

Ordered, That the secretary do accordingly draw out a proclamation for the consideration of the board.

Resolved, That the children mentioned by Mr. Taylor be maintained by the cutwal at the Company's expense, until they can be returned to the places from whence they were brought; and that if any of them are able to work for their livelihood, that it be left in their option to remain at this place.

Extract of Fort St. George Public Consultations; 6th March 1790.

In consequence of resolutions passed at yesterday's consultation, sent in circulation the following proclamation:—

PROCLAMATION.

Whereas several vessels belonging to native merchants at some of the southern ports, have lately arrived here; and it being discovered that there were on board a number of slaves intended for sale, who had been purchased at Ganjam, and other ports or places in the circars, government have ordered them to be landed from the said vessels, and to be maintained at the Company's expense, until they can be sent back to their former places of residence; or that such of them as are capable of gaining a livelihood, shall have it in their option to be liberated at this place; and the governor in council being determined to exert to the utmost extent the power and authority vested in him, to prevent a practice so detrimental to the country and injurious to the rights of humanity, it is hereby publicly declared, that all and every person residing within the districts and places dependent on this presidency, or in any respect subject to its authority, or to the jurisdiction of the courts here, who shall hereafter be concerned directly or indirectly in carrying on a traffic in the purchase or sale of the natives as slaves, will be prosecuted with the utmost rigour at the Company's expense; and if British born subjects, will be considered as unworthy of the Company's protection, and be forthwith ordered to Europe; or if such person or persons be not subject to the jurisdiction of the courts, he or they will be apprehended and kept in confinement, to be dealt with according to the laws of the country.

And that no one may plead ignorance hereof, the committee of regulation for the town of Madraspatnam, and the chiefs and councils, residents and collectors in the

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several parts of the country, are hereby required to give immediate notice of this proclamation, in such manner as shall render the knowledge of it universal to persons of all descriptions, and to repeat the same in the first week of January in every year. They are further required to pay the strictest attention to the regulations contained in it, and to take the most active steps in their power to enforce them.

And in order more effectually to prevent so detestable a practice, and that the unhappy sufferers may be rescued from misery, a reward of twenty pagodas is hereby offered for the discovery of every such offender, to be paid on conviction, and of ten pagodas for each person of either sex who shall be delivered from slavery in consequence of such discovery.

The Governor in council recommends to all commercial houses and private merchants to assist, as far as depends on them, in carrying these regulations into effect, by taking the most effectual means in their power to prevent the commanders of their vessels, or those consigned to them, or otherwise placed under their directions, from carrying away natives of this country in order to sell them for slaves.

The master attendant of this port, as well as the several beach masters at other ports on this coast, are hereby prohibited from granting in future a port-clearance to any ship or vessel, until the commander shall have previously declared that there are not then on board, and that he will not receive on board, any natives as slaves, with an intent to dispose of them, or whom he (the commander) has any reason to suppose will be disposed of as such after they leave this country. And that no one may plead ignorance of this proclamation, it is hereby directed that it be placed constantly in view at the sea-gate of Fort St. George, and at the most public places at the other ports on this coast, in the English and country languages.

By order of the Governor in council,

Cha' N. White, Secretary.

Fort St. George, 6th March 1790.

[*Note.*—The receipt of the foregoing proclamation was acknowledged by the several subordinate councils, who promised that it should be translated into the country languages, and published, and every attention on their part given to carry it into effect.]

Extract of Fort St. George Public Consultations, 24th March 1790.

Received the following Letter from the Clerk to the Justices :

To the Honourable Major General William Medows, President and Governor, &c.
in council, Fort St. George.

Honourable Sir and Sirs :—There are now in the road several vessels bound to the northward ; and as the change of the monsoon will soon prevent any intercourse by sea with the northern settlements, I beg leave to suggest the propriety of returning to their several stations the unfortunate children who were lately brought to Madras for sale.

I have the honour to be, &c.

23d March 1790. Honourable Sir and Sirs, your very obedient servant,
(signed) *Thomas Chase, Clerk to the Justices.*

Received the following Letter from the Commander of the country vessel the Experiment :

To Charles Nicholas White, Esq. Secretary.

Sir :—Hearing that there are forty-one children wanted to be sent to Ganjam, and as I expect to sail for there in a few days, I will take them at one pagoda a head, provided the Company lay in their provisions.

I am, &c. Sir, &c. &c.

(signed) *John Fergusson, Commander of the snow Experiment.*
24th March 1790.

Sent the following Letters in consequence :

To Captain John Fergusson, Commander of the Snow Experiment.

Sir :—I have to acknowledge the receipt of your letter of the 24th instant, offering to convey on board the Experiment to Ganjam a number of children, on receiving one pagoda for each person, and the Company being at the expense of victualling them ; and am directed to inform you, that the Governor in council has been pleased

Diary 25th
March 1790.

pleased to accept of your proposal, and the garrison storekeeper has in consequence been intrusted to ship provisions on board your vessel for their maintenance, during the passage to Ganjam.

I am, Sir, your most obedient servant,
(signed) *Robert Clerk*, Deputy Secretary.

Fort St. George, 25th March 1790.

To Mr. Vincentio Corbett, Garrison Storekeeper.

Sir:—It being the intention of government to send to Ganjam, on the snow Experiment, about forty natives, who were lately released from slavery at this place, I am directed to desire you will put on board that vessel such articles as may be requisite for their subsistence on the passage thither.

I am, Sir, your most obedient servant,
(signed) *Charles N. White*, Secretary.

Fort St. George, 25th March 1790.

Extract of Fort St. George Public Consultations, 8th April 1790.

Sent the following letter to Ganjam, by the country vessel Experiment.

To Morgan Williams, Esq. Chief, &c. Council at Ganjam.

Gentlemen,—I am directed to inform you, about 32 natives, lately released from slavery at this place, have been put on board the snow Experiment, bound for Ganjam, and it is recommended by government, that you will procure service, or afford a present subsistence for such of them as may be unable to gain a livelihood, or have not friends to support them.

I have the honour to be, &c. &c.
Fort St. George, 8th April 1790. (signed) *C. N. White*, Secretary.

Extract of Fort St. George Public Consultations, 13th April 1790.

Read the following letter from the captain of the country snow, Experiment.

Sir,—Having received an order from you to receive on board a number of children for Ganjam, and as I sail to-morrow, request you will give me an order on the chief and council of Ganjam for the payment of their passage on my delivering them there.

I am, Sir, your most obedient servant,
(signed) *John Fergusson*,
Commander of the snow Experiment.

Agreed, That the chief and council at Ganjam do pay to the captain of the snow Experiment for passage money, on account of the children lately released from slavery, at the rate of one pagoda a head for each person landed at Ganjam.

Extract of Fort St. George Public Consultations, 1st June 1790.

Extract of a Letter from Ganjam, dated 19th May 1790.

The full number of the natives who had been redeemed from slavery, as mentioned in your secretary's letter of the 7th April, were landed here from the snow Experiment, to the master of which we paid the passage allowance which you desired.

They were in so sickly a condition when landed, that we found it expedient to place them under the charge of our surgeon in the public hospital, and when they recover, we shall attend to your directions respecting the mode of their future subsistence.

Extract of Fort St. George Public Consultations, 7th May 1790.

Read the following letter from Masulipatam, with the papers accompanying it.

To the Honourable Major General William Medows, Governor in council,
Fort St. George.

Honourable Sir and Sirs,—A doney having lately arrived at this port, with a number of people on board, supposed to have been procured by some means or other by the master of the vessel, about Ganjam, and in the Cutack country, with an intention to dispose of them again as slaves; it became necessary more particularly in consequence of your orders, communicated to us under date the

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9th ultimo, to inquire by what means the said master of the vessel, Andrew Perry, procured those people, and for what purpose. We have the honour of inclosing a copy of his declaration, delivered in writing, wherein he has stated his motives for procuring those unfortunate people, who must otherwise, as he alleges, have starved by reason of the scarcity that prevailed in the Cattack country, and avows it to have been his intention to have disposed of them again, as the only means he had of being reimbursed the expense he had been at; we also inclose copy of the information given by John Berry, the only other European belonging to the vessel, giving an account of the manner of his first coming out to this country. Besides the above, the other persons belonging to the vessel have been examined, and we inclose a copy of the information given by Loll Chund, tindal, as being the fullest, and containing the purport of all the others; although the master, Andrew Perry, affirms it to be a fabrication, as he says he did not meet with this man until his arrival at Vizagapatam, where he first entertained him; and we must in justice allow, that the answers given by the tindal to the questions put to him regarding his knowledge of Vizagapatam, seeming to be equivocal, supports, in some degree, what the master has said in this respect. The people deemed slaves, all agree in one and the same story, namely, that a great scarcity having prevailed about Jugernaut, in the Cattack country, they were prevailed on at different times by a native, who belonged to the master of the vessel, to proceed with him to Ganjam, under promise that they should be supplied with rice, clothes, &c., and that after being there a few days, they were severally, and at different times asked, to go on board his doney, which lay at some distance from the town along the beach, and upon refusal were forcibly carried on board. Their information of what passed after their being put on board, agrees with that given by the tindal. These seem to be all the particulars worth communicating, except that the master appears to have sailed from Ganjam with 38 people, whom he considered as slaves, of whom seven died during the passage; seven had been disposed of before he reached this place, and the remainder are landed.

We think it highly probable that the master, Andrew Perry, did not know of the proclamation you had published, until his arrival at Masulipatam, and so far his conduct, how improper soever it may be deemed in other respects, cannot, we think, be ascribed to a disregard or contempt of the authority of government. He likewise adds several other circumstances in extenuation of his fault, and mentions people who are acquainted with his having before bore a good character, which we need not enumerate, as his own declaration is inclosed. We shall in the mean time detain both him and the other European, until we are honoured with your directions for their disposal, as well as whether the people considered as slaves, and who are now maintained at the Company's expense, are to be dismissed here, or sent on the first vessel that may proceed from hence to Ganjam, where they will have but a short distance to travel before they reach their native country.

We have the honour to be, very respectfully, Honourable Sir and Sirs, your most obedient humble servants,

(signed) *Antony Sadlier.* *William Dobboyn.*
Samuel Statham.

Masulipatam, 27th April 1790.

To Antony Sadlier, Esq. Chief, &c. Council of Masulipatam.

The humble Petition of Andrew Perry,

Sheweth:—That your petitioner having unhappily fallen under the cognizance of your Board, for offences understood to be committed by him, which appearances may render but too strongly to be suspected, such as to justify cause for his present confinement, and the consequent inquiries into his conduct, presumes to appeal to the principles that ever actuate a British administration, the known justice and generosity of your Board; flattering himself, when it shall be known, that such his conduct, however irregular it may unfortunately have been in some particulars, still has had humanity as its original and sole motive, and not the horrid principles cruelly imputed to him; that your petitioner, on a candid hearing, will do away the unfavourable impression, misrepresentation, may too successfully have formed against him.

Your petitioner, as he is informed, stands accused of having violently seized on and carried away from Ganjam a number of women, boys and children, said to be the natives of Jaggernaut; that these unfortunate wretches, having been clandestinely decoyed away from their families and parents, had secretly been conveyed on board a doney of your petitioner, at Ganjam, under all the circumstances of force
on

on their inclinations, added to ill treatment, so far even as to the denying them proper food; and the purpose of your petitioner declared to be, that of disposing of these miserable creatures as slaves, to your petitioner's advantage and certain gain.

That your petitioner did procure a number of unhappy beings at Ganjam, and actually brought them away with him from that place by sea, he does freely confess; nay, by those who have arrived with him at this place, there need no question be made of it; but the manner of acquiring them, the motives which first induced him to a wish of bringing them away, and his treatment of them, after they had once embarked with him, is what your petitioner has to answer to and to confute; and this he trusts he can do with a clear and good conscience, and with a confidence of giving satisfaction to your Board.

Your petitioner arrived at Ganjam the 7th of October last, in a small vessel of his own, having a quantity of wine on board, which he continued to sell off to different gentlemen of the place, by himself and through the means of a dubash he employed for that purpose. It was during this period that your petitioner fell sick of a fever and ague, somewhat recovering of which, your petitioner was advised by the doctor who attended him, to take an airing on a lake adjoining to Manacapatam, as the change might be of benefit to your petitioner's health. Juggernaut being not far distant, curiosity led your petitioner, in one of these jaunts, to walk towards the village, and the scene that then presented itself to your petitioner, soon arrested your petitioner's whole attention and compassion. A famine had raged in this particular spot with uncommon fury, the dreadful effects of which were but too visible; humanity shuddered at the sight; nor could the most unfeeling have refused the strong impulse your petitioner certainly felt on this occasion, of affording all the assistance in his power to distress so truly pitiable; with this view, and not from the sordid principles attributed to your petitioner, did he return to Manacapatam, where he had met his dubash; and your petitioner directed him to repair to Juggernaut, with money which your petitioner gave him, in order to contribute to the necessities of those who most needed it.

Your petitioner's dubash soon returned with some of the natives, whom he said he had purchased of their parents, who prayed to part with them, as no subsistence remained sufficient for themselves and children too; your petitioner was well satisfied with what had been done, as your petitioner's wish was to convey them to other parts where they might procure a livelihood, and your petitioner knew that this means of bettering their situations, had been a practice perfectly congenial to their own customs and wishes, and always adopted on such occasions; these seven people were therefore brought by your petitioner to Ganjam, where your petitioner found that many others had already arrived under the same circumstances, and who were then preparing to go to other countries on various vessels then laying there; the people holding charge of them, expecting their reimbursement for their care of them, on delivering them over to such as might take them into service. Your petitioner being about to leave Ganjam at this time, with some sugar he had purchased from the sale of the wine, he did not scruple to take more of those unhappy wretches under his protection, who willingly engaged to embark with your petitioner, and seek that subsistence elsewhere, which their native country denied them. Your petitioner's design, in common with others, who had taken these starved wretches, being, as he solemnly avows, no other than to carry them to Madras, whither he was then bound, and then to part with them to such persons as might reimburse him in the expenses he had been at in procuring them, and afterwards in subsisting them. Nor could your petitioner expect even this reimbursement; for many of those he had taken with him were very old, and not likely to be received on any terms; others again were young children, and could not for many years be capable of any service.

Thus has your petitioner related the facts, at least by which means, and from what motives, the people whom he is accused of having procured for the purpose of selling as slaves, have been found with him. It is needless to relate the misfortune of your petitioner since he left Ganjam, of losing his vessel and little property he possessed; and how contrary winds and current, and the badness of the vessel on which he arrived in these roads, had drove his second vessel on shore, and been at length the cause of drawing on him the irksome circumstances under which he now labours.

Your petitioner being brought before the acting justice of this place, whose liberal manner of treating him your petitioner will ever remember with gratitude; the examinations of these people, brought here by your petitioner, having been then taken in his presence, leave your petitioner now only to add, that your Board will certainly be aware on perusing them, how much pains has been taken to fabricate a story by

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which the natural antipathy and vicious inclination of a native may be gratified, when an unfortunate European is brought forward to suffer by his malignity. The same taught tale comes from the mouth of twelve years with as much facility as from ripened age, nor is a single point differed from in a relation which must have been industriously fabricated to effect your petitioner's destruction; but should this be doubted, when your petitioner solemnly declares that the tindal "Mahomed," who now calls himself "Loll Chund," only first became known to your petitioner at Vizagapatam, long after your petitioner had left Ganjam, which was the first of your petitioner having ever seen him. It may be wondered, how then he could speak to the facts, which he says happened at Ganjam, where he was not present with your petitioner, and his story being the same with all the rest, must prove the fabrication of the whole. And should there unfortunately still exist a doubt in the breast of your Board, after saying thus much to controvert the infamous assertions set on foot against your petitioner, may the letter of a respectable gentleman in the Honourable Company's service at Vizagapatam, which your petitioner has the honour on this occasion to submit to your perusal, may this letter, "as your petitioner cannot possibly doubt," serve more fully to expose some part at least of the cruel falsities so apparent on the face of the examinations.

That tale of suffering which appears on the face of those examinations, the depriving these unhappy people of their food, and the compulsive measures talked of for bringing them away from Ganjam, your petitioner must beg totally to disavow; he could not indeed have imagined such matter to be brought forward as part of the accusations against him, but that he reflects how this story has been dictated to them by that malignant spirit of ingratitude so natural to a native of this country. On inquiry at Vizagapatam, where your petitioner's name is well known, it may be found that far different was the fact in this respect; by particular orders, these unfortunate wretches were brought on shore and publicly examined, and they were found to have voluntarily engaged, and that their treatment was such as at that time perfectly satisfied them. The untruth brought forward in this respect, your petitioner cannot therefore better refute, than by a reference so open and so undoubted.

It is now time your petitioner should call on the pardon of your Board for having so long detained your attention to this explanation of himself, which he humbly hopes will acquire to him your indulgent consideration of his case, and such alleviating arguments in his favour, when his situation is represented to the Honourable Governor in council, as may procure him a releasement under easy circumstances; and when the Honourable Governor in particular shall learn that your petitioner was totally and in every respect ignorant of the orders published, to prevent the disposing of natives in any manner and under any circumstances whatever, "your petitioner having only heard of these orders on his arrival here, and which his intention to sail direct for Madras may, indeed, prove." Your petitioner trusts, that in such case, your Board will easily effect his being excused this, his first and last offence against the orders and directions of a government under which he hopes still to continue, on the endeavours that have ever actuated him of gaining an honest and respectable livelihood.

In granting which, your petitioner, as in duty bound, shall ever pray.

Masulipatam, 13th April 1790.

(signed) *Andrew Perry.*

John Berry, seaman, being called, says, that he came out to this country in a Sardinian vessel, called the Duke of Ostend, which he left at Coringa, with an intention to return from thence to Europe; that he met with Captain Perry at Muddapollam, and understanding he was in want of an European to go with him; he agreed, and got leave from Captain Beek, with whom he then was, to engage with Captain Perry accordingly.

Question. Do you remember what particular allowance was served to the people whom the captain had procured at Ganjam?—*Answer.* I do not know of any particular allowance, but understood that the tindal had directions in general to give them as much as they should want.

Q. Do you remember ever hearing the people complain of not having enough?—*A.* I never heard them once complain.

Q. Were there any particular restrictions kept over these people, in respect to their being obliged to stay constantly below deck, or how?—*A.* I never heard any thing of this sort, but suppose when the weather blew, they would always be sent below to be out of the way.

(signed) *W. Brown.*

Loll Chund, tindal, aged 30, deposeth as follows :—That he had come to Jagganaut to pray to the pagoda, and from thence had gone to Ganjam, where he met with Captain Perry, who engaged him to his service, and promised to give him rice, and his monthly pay to be six rupees, which the captain, as well as another person who went away since, both promised him ; that he had agreed to go on board the captain's vessel then laying at Ganjam, but only wished to get his clothes, which were at the washerman's. That the captain had told him to go on board, and never mind his clothes, that he would give him plenty of clothes himself ; that he had then gone on board, and the doney set sail. That having arrived near Jaggernautporam to take in water, the weather had become violent, and the vessel at length went on shore near there. That the captain had there landed the stores, and the people out of the vessel, and delivered them over to the care of this deponent on the spot ; the captain had afterwards gone himself to Jaggernautporam village to procure another doney. That the captain had brought another doney with him from the village, and finding her not large enough to contain the stores as well as the people that the captain had engaged, with some people for another doney, in one of which he had embarked the said stores, and taken the command of her himself ; that on the other doney the people, meaning the boys and girls he had procured at Ganjam and Jaggernaut, had been embarked, and the charge of them given to this deponent, with strict orders not to touch at any port, but to accompany the captain's doney, and to anchor out at sea whenever they should be obliged to stop any where ; that they had gone to Jagganaporam village with the doney, and landed the people there ; that the people had been on shore with him, and that the captain had come to him about nine o'clock at night, and asked him what news ; that he told the captain, for want of rice and water, two of the people had died, one girl and one boy ; that the girls and boys had been all this time in a house belonging to an arrack farmer, where they were kept close ; that they staid some time there, for about 20 or 30 days, being all along under this deponent's charge. That during their stay there, the captain had sold one boy and four girls ; that the captain had then told him he would go to Coringa and return immediately ; mean time, he gave him one rupee for expenses, which went the first day, and as the captain did not return for five days, he was obliged to beg for their subsistence. That the captain had soon after returned, and that they had sailed there on a large doney which the captain bought, and coming near Nursapore, they had fallen in with another vessel, to the captain of which the two girls had been sold. That they had come away, and anchored off Hamsaldever. That the captain had engaged three fishermen to pilot the vessel out, and after keeping them three days without victuals, endeavouring in vain to get the vessel out, the captain had threatened and drawn a sword against and struck them with the back side of it, which alarmed them, and made them jump into the sea ; that the captain had then taken a fuzee, and threatened to fire on them, which made them sink themselves under water, and then swim away. That the captain had afterwards put to sea again, but considering that they had no water on board, the tindal persuaded them to draw near shore, and in doing so, the wind had taken the vessel, and drove her into the road of Masulipatam ; that the vessel had parted her cable, and drove on shore ; that the captain had then landed as well as all the people ; that the captain had told this deponent to go on board again, and to take the boys and girls with him, but the Company's peons coming, laid hold of them all, and carried them to the cutwal's choultry.

(*Question by the captain.*)—*Q.* Where was the vessel you left, previous to going to Jagganaut ; how long had you left her ?—*Answer.* I left the ship at Ganjam, and had been away ten days, when I arrived at Jagganaut.

Q. How long did you stay at Jagganaut ?—*A.* About two days, on my way home.

Q. Did you return to Ganjam, to go on board the vessel you had left before, or what other reason induced you to return ?—*A.* I met a relation at Jagganaut, who told me there was a person at Ganjam, who would be glad of my service, and I accordingly agreed to go back with him.

Q. How many days after you arrived at Jagganaut, did you meet with your relation, as you mentioned above ?—*A.* About two days.

Q. Where did you first meet with me ?—*A.* I first saw you at Ganjam.

Q. Where was the doney laying, and how did you get on board ?—*A.* The doney was laying close in shore, and I stopt on board from the land.

Q. How many vessels were laying there at that time ?—*A.* Only yours.

Q. Who was the person that agreed with you for me ?—*A.* He was a native belonging to that country.

Q. Did

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- Q. Did that man go on board with me?—A. No, he went away.
- Q. What agreement did he make with you, to engage you into my service?—
A. I was to have rice, and six rupees per month.
- Q. How many did the ships consist of?—A. Four in all.
- Q. Did the doney sail immediately as we all went on board?—Yes; we went out by means of bamboos.
- Q. Did we stop any where before we came to Jagganautpooram?—A. We got a cask of water in at Ganjam, and we stopt at some places when the wind failed us.
- Q. What was the name of the place we stopt at, and what did we do there?—
A. I do not know the name of the place, but remember we took in some fish and water there.
- Q. How long did the vessel stop at this place?—Two days.
- Q. In how many days did we come from that place to Jagganautporam?—
A. About five days.
- Q. What sort of weather was it, when the doney went on shore?—A. Strong contrary winds.
- Q. Were you ever at Vizagapatam, or do you know the place?—A. I have been off shore, and then was told the place was Vizagapatam.
- Q. What vessel were you on board of when you were off Vizagapatam, as you say?—A. On board yours, when you stopt there.
- Q. What did we get there?—A. We took in water.
- Q. How much rice was allowed to be served out to the people?—A. I gave all that you allowed, about nine sears at Jugganatporam, and less out at sea.

Copied 8th July.

^{his}
Loll X Chund,
mark.

(signed) W. Browne, Clerk to the Committee.

The Board having taken the above papers into consideration, express their wish, that the examinations of the parties had been taken in a more full and particular manner.

There appears too much reason for supposing that compulsive measures were used in carrying the unfortunate natives on board the doney near Ganjam, and from the numbers who afterwards died, that they were improperly treated during the passage; but as the Board suppose Andrew Perry did not know of the late proclamation, and as the nature of the evidence might not induce a jury to find a verdict against him, in case he were brought to trial here, it is resolved, that he, with the other European, be released; and that the chief and council do endeavour to make them sensible of the lenity observed towards them, as also of the heinousness of the allegations against Perry; and that in committing a second offence, he will be punished to the utmost rigour of the law, and sent by the first conveyance to England.

Agreed,—That such of the people as are able to procure a subsistence, have liberty to remain at Masulipatam, or to proceed to Ganjam by the first conveyance, with those who cannot gain a livelihood.

Extract of Fort St. George Public Consultations, 8th May 1790.

Sent letters to the garrison storekeeper and Mr. Wilson, also the following, agreeable to orders at yesterday's consultation.

To Anthony Sadlier, Esq. Chief, &c. Council, at Masulipatam.

Gentlemen:—We have received your letter of the 27th ultimo, and cannot but express our wish, that the examinations of the parties had been taken in a more full and particular manner.

There appears too much reason for supposing that compulsive means were used in carrying the unfortunate natives on board the doney near Ganjam, and from the number who afterwards died, that they were improperly treated during the passage; but, as you suppose the commander, Andrew Perry, did not know of our late proclamation, and as the nature of the evidence might not induce a jury to find a verdict against him, in case he were brought to a trial, we desire that he, with the other European, may be released; at the same time, we request you will endeavour to make them sensible of the lenity observed towards them, as also of the heinousness of the allegations against Perry, and that on committing a second offence, he will

will be punished to the utmost rigour of the law, and sent by the first conveyance to England.

Such of the people as are able to procure a subsistence may have liberty to remain at Masulipatam, or to proceed to Ganjam by the first conveyance, with those who cannot gain a livelihood.

Fort St. George, 8th May 1790.

We are, &c. &c.
(signed) *W. Medows, &c.* Council.

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Extract of a Letter from the Court of Directors to the Governor General in council of Fort St. George, in the Public Department, dated 30th March 1791.

Par. 7.—Your conduct respect the persons who were brought from the northern settlements on several country vessels for the purpose of being sold as slaves, is entitled to our highest commendation. We hope the proclamation published on 6th March 1790, will effectually tend to put a stop to this inhuman traffic at the several settlements subject to your authority.

PAPERS relative to a Traffic in the Inhabitants of the Northern Circars, carried on by the French and Dutch; 1792–1794.

Extract of a Letter from the Governor in Council of Fort St. George, to the Court of Directors in the Public Department; dated 28th Jan. 1793.

15.—We have received further complaints from the northern settlements, of the traffic carried on by foreigners in the purchase of the inhabitants as slaves, whilst a severe famine prevailed, and the wretched inhabitants were equally anxious with the purchasers for the continuance of a commerce so disgraceful; we could hardly expect that our utmost endeavours to check such transactions would be effectual; but as this calamity became less grievous, our hopes of success were more flattering, and we doubted not, that the practice would very shortly cease altogether.

16.—It appears, however, by the correspondence of your resident at Ingeram, that the French are still uncommonly active in prosecuting this odious traffic; and by a late letter from that gentleman, we observe that their principal agents of Yanam are not ashamed to countenance it, if not to be individually concerned in it.

17.—We have made repeated and strong representations to the Governor of Pondicherry upon this subject; but though he professes, and we believe very sincerely, the same abhorrence with ourselves of these practices, and the same desire to restrain them, his authority appears altogether incompetent to that end, and we have judged it necessary, therefore, to report the subject to the Governor General in council, that we may receive the benefit of his advice and sanction, as to the measures further requisite to be pursued on this occasion.

Extract of a Letter from the Governor in council of Fort St. George, to the Court of Directors in the Public Department; dated 2d May 1793.

4.—You were advised, under date the 28th January, of our reference to the Governor General in council, with regard to the traffic carried on by the French in purchasing the natives as slaves.

5.—His Lordship forwarded to us, in consequence, copies of letters he had addressed to the governors of the Isle of France and Pondicherry, requesting us at the same time to instruct the chiefs and residents in the northern circars to seize all persons detected in this infamous pursuit; and if any of the French nation should be apprehended, that we would send them to Pondicherry.

6.—The proposed orders were accordingly transmitted, and the chief and council at Vizagapatam have since informed us, that upon receiving intelligence of some natives being secreted at Bimlipatam, they deputed an officer with a party of sepoys to search for them, and that he enlarged no less than five hundred and sixty-five young persons, whom it had been intended to export as slaves. The chief and council did not seize the proprietors of the houses in which the slaves were found, as they were doubtful how far our instructions might warrant their apprehending persons under the protection of a foreign flag.

7.—We much approved of the conduct of the chief and council in liberating so many unfortunate persons; but we directed them on all future occasions to apprehend the parties concerned in such criminal practice, without any distinction, agreeably to the spirit of our former orders; and for the further prevention of this traffic

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traffic, we directed a party of sepoy to be stationed in the village of Bimlipatam, under a careful officer, with instructions to seize all persons attempting to export the natives from thence.

Extract, Fort St. George Military and Political Consultations, 14th February 1792.

Read the following letter from the chief and council at Pulicat:

To the Honourable Sir Charles Oakeley, Bart. Governor and President, and the Gentlemen the Members of the Council of Fort St. George.

Honourable Sir and Sirs:—We have received of our chief of Juggernaickpooram, a copy of a correspondence with the English residents at Ingeram and Narsepoor, item, the chief and council at Masulipatam, which we have the honour to send inclosed, and on which we feel ourselves obliged to address you, Honourable Sir and Sirs, with seriousness.

We are obliged to it, because the subject from which this correspondence originated is of a nature too insignificant and frivolous, than that it could have authorized the authors thereof to insolence and molestation; first, by writing letters to the above mentioned, our chief, in an offensive and imperious manner, than by sending an armed party, and by it to blockade our territory.

We say, that the subject is too insignificant for going to such a length. Surely we look upon the affair as far fetched. Quarrels on account of a slave trade, that is now commonly practised, and not easily to be prevented, because proceeding from such melancholy visitations as grievous famine prevailing almost over the whole coast, which, as it seems irremediable, causes the poor to run into such desperate extreme, as rather to give themselves over to slavery, or sell themselves, than for want of food to die a certain death.

It is very painful not only to be obliged to be a spectator of such afflicting misery, especially when it is not in one's power daily to provide a number of people with the necessaries of life, while for want of provision we ourselves suffer; but also, and what is much to be lamented, to experience such rude attacks and imperious precepts as the above-mentioned dependents of your Honour make use of, to bring our gentlemen of the first quality into a suspicion of such a vile practice; and as, if they were authorized to it, to put in force against them a prohibitory order, published by the British government against the selling of natives as slaves, just as if we or our chiefs were incapable of reasonable and equitable sentiments, of our ownelves to prevent such irregularities, in case we should find that by them is acted against humanity, or should be requested to join in the views of the English government to oppose them.

Sic. orig.

For, as to the order and prohibition which the British government has instituted, although we have not been made acquainted with it, yet we do acknowledge, that it is of a nature salutary and good to resist the disorder of making free men slaves, and that it also must be applicable with regard to all which government look upon as their subjects, or depending on their authority; but not to say, that the laws of Hindoostan allow that parents may sell their children and others, in case of necessity, themselves, or that they may hire themselves out as slaves for a time, which comes very near to, if it is not above the common course of man's life; we may ask, what authority has the law of an English government over the subjects of our nation, and where is it admitted and agreed to, that the English law with regard to the Dutch, shall have the right of execution too? All must shrink before superior force; but even as the gentlemen, your agents, endeavour to plead the cause of humanity, which ought to have place with regard to the natives, so ought they to know, that it is criminal when they insult and violate the rights and privileges of other people; and that the laws of their sovereign, or a government under him, are but of force against and applicable to their own subjects and dependents, and thus are they fully as punishable as when one wilfully takes up arms in order to make himself of consequence against others.

The first uncivil aggressors are the residents of Ingeram and Narsepoor, Messrs. Yeats and Tudor. Their manner of writing includes all, except that politeness at which one is so easily offended with regard to others. The one demands haughtily an immediate subjection to the English law, and the other threatens, in case of failure, that he will apply the penalty to which it obliges, while the gentlemen of Masulipatam, judging according to the warm reports of these residents, true or false, with

with English authority, pass over to charges and expressions, all of a nature injurious to one representing us, and who is alone to be corrected or reprov'd by us in case of conviction, of such low sentiments and practices as the gentlemen of Masulipatam suppose to be inherent in a person that is not an Englishman by birth, when the judgment of these gentlemen ought to make distinction between the character that one supports, and what may be supposed to be the sentiments of the crowd. And as if this was not enough to stretch the injuries to the highest pitch, and to shew how little regard they have for a Dutch government, the above Masulipatam gentlemen proceed to violence, sending armed people, violating by them not only the rights of our river, by falling violently upon and searching the vessels in it, but what is still more, the commanding officer of the detachment, Captain Stevenson, sends in the night armed people upon our territory of Jaggernaickpooram, who disturb the chief in his rest, and insist in the night on producing certain persons, of which they say, that they were hidden there; and this open violence, endeavours the above commanding officer to palliate, as if the sepoys had been too zealous in the execution of their orders, and as if the affront was to be done away by the correction of a corporal, when Captain Stevenson himself is to be reprimanded and corrected.

We cannot believe that these injurious acts are supported by any other authority, but a too high idea of the law here in question, and as if the Dutch were also subject to it. Surely we cannot imagine, that the above unwarrantable conduct, as with regard of the correspondence or the addresses, so with regard to the authority adopted to give weight to these ideas or notions, by open acts of hostilities, will, in any manner be approved of by you Honourable Sir and Sirs; but, on the contrary, that with regard to them, an order will be issued which shall better agree with that confidence which subsists between the two nations, in the bonds of unity and friendship, and shall set due bounds to contemptuous treatment, open violence, and interruption of such rights and privileges as belong to us, as by reason of treaties between our respective sovereigns, so also by the prerogatives and privileges which until now, guard us against usurpation and dependence.

To shew how willing we are to be beforehand in all things which may lead to what is least troublesome, we have already sent off the necessary orders to Jaggernaickpooram, relative to the prohibition of purchasing and selling slaves, by what foreigner soever it be done within our territory, with a declaration, that all sales and purchases which can be proved after the date of this our prohibition, to have been made by any foreigner, shall, when discovered, be considered as clandestine, and *ipso jure*, null and void, empowering and qualifying our chief to take out of the hands of the owner, such an object as may have happened to get into slavery, and to send it to one of the gentlemen the English residents, which is nearest, with the request, after the grant of a certificate of delivery, to guard its liberty thus obtained, and to prevent that it appear not again at Jaggernaickpooram; and in both cases, to take upon them the responsibility for, and settling of, all disputes and cavillations with the owner, who may happen in the purchase and exportation of slaves, to see himself thus disappointed, and also to direct the same, if necessary, with his action of damages, to the said resident or residents.

Moreover, we have ordered, that this our prohibition be published immediately, for the information of every one, and therefore request of you, Honourable Sir and Sirs, that you will issue a peremptory order for the time to come, preventing all molestation and unwarrantable suspicion, whilst on our side we pledge our word, that among us, there is no such thing as a slave trade for exportation, and that by virtue of the above-mentioned prohibition, it shall also be prevented, with regard to others.

We have the honour to remain, with high esteem, &c. &c. &c.

(signed)	<i>Jacob Eilbracht.</i>	<i>Jacob Van de Raeff.</i>
	<i>J. J. Wincklemans.</i>	<i>F^k William Bloeme.</i>
	<i>Louis Adrien de Brueys.</i>	<i>Jⁿ Jⁿ Hasz.</i>

Pullicat, Fort Geldria, February 2d, 1792.

[Correspondence referred to in the foregoing letter.]

To Cas Leon Eilbracht, Chief, &c. Council at Jaggernautporam.

Gentlemen:—A report having prevailed at this place, that certain individuals residing at your factory, were concerned in purchasing the native inhabitants of the country,

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country, and exporting them as slaves; and as this kind of traffic is strictly prohibited by our government, we wrote to the resident at Ingeram, and also to Mr. Tudor, on the subject, requesting their interposition to prevent it. By a letter, which we have just received from Mr. Tudor, we are concerned to find, that the information we have received by common report, has but too much foundation, and that contractors reside openly at your factory, who furnish the commanders of vessels with slaves, by which means upwards of five hundred persons have lately been exported. We are also informed, that this traffic is openly countenanced by you, and written passes granted, in consideration of which, seven rupees per head is paid for each slave exported; that two subjects of France, named Burelle and La Touche, as also another, Portuguese, reside as slave contractors at your factory, by whom two vessels named L'Aimable Marie and La Baillie de Souffrein, have lately been dispatched, as also a sloop belonging to a Mr. Boule, about three weeks ago; and that there is at this time a French ship, called Les Deux Amis Reunis, laying at your factory, for the express purpose of taking in slaves.

We need not, we are convinced, say much to you in regard to the horror that such a barbarous traffic must necessarily excite in all minds endowed with the common feelings of humanity; being willing to believe, that although there may be individuals of all nations so depraved as to take advantage of the famine that prevails, for enriching themselves, yet that no European government, notwithstanding reports to the contrary, can so far debase the character of the nation to which it belongs, as to give any countenance thereto any Europeans or natives that may be found within the limits of the Company's authority, either engaged themselves or concerned with others, in buying up the inhabitants, thereby subject themselves to the penalties set forth in a proclamation published some time ago by our government; and wherever the persons of native inhabitants so obtained may be found; they will be seized and liberated, for which purpose directions will be sent without delay to the officer commanding at Samulcotah; and we also trust to your doing every thing that may be necessary for preventing and discouraging a traffic so shocking in itself, and so repugnant to the dictates of human nature, from being carried on either openly or privately, within the limits of your factory.

We have the honour to be, Gentlemen, your most obedient humble servants,
(signed) *Anthony Sadlier.* *W. Dobbyn.*
Masulipatam, 16th January 1792. *Samuel Statham.* *Andrew Scott.*

To Captain T. Stevenson, Commander at Samulcotah.

Sir:—As I presume that the guard placed at the opposite side of the river, who stopped and visited the boat of my servant, which I permitted to go on board of the French ship, to release two of his nephews carried away by force at Talroe, being dispatched on account of the slave trade, I find myself obliged to acquaint you, that a transportation of men is practised every where; and as the said, my servant, returned without having been capable to release his family, I now send him to you with his complaint, which I request of you to lay before your government, that they may know that barbarous actions of such a kind as they complain of, happen also at places under their own resort, and to insist for the poor man, if possible, upon every assistance.

I also send a child, which was probably in danger to be carried off yesterday; and I will send you every poor person which I can imagine to run such a risk, as I find it impossible to keep them all here for want of victuals.

I have the honour to be, Sir, your most obedient servant,
Jaggernauthporan, 20th January 1792. (signed) *C. L. Eilbraert.*

C. L. Eilbraert, Esq. Chief, &c. at Jaggernauthporam.

Sir:—I have received your letter of the 19th, and have only to say, that the government of Masulipatam having had information of the most infamous traffic (the purchasing of slaves) being carried on by some person or persons at Jaggernauthporam, and willing to guard against and prevent a practice so inhuman and so detrimental to the country, have ordered me to post a guard at Cockenada to put a stop to any further exportation of those poor wretches, who may from the present distress of the times, be drove to the desperate course of selling themselves and children.

The stopping of the boat last night has been, I suppose, owing to the zeal of the sepoys to prevent perhaps the slavery of some of their own kindred.

Your