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P A P E R S

PRESENTED TO PARLIAMENT BY HIS MAJESTY'S  
COMMAND,

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

FOR THE MELIORATION OF THE CONDITION OF

**THE SLAVE POPULATION**

IN HIS MAJESTY'S POSSESSIONS IN THE

WEST INDIES, ON THE CONTINENT OF SOUTH AMERICA,

AND AT

THE MAURITIUS.

*[In continuation of the Papers presented in the Year 1829, No. 333.]*

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*Ordered, by The House of Commons, to be Printed,*  
*16 July 1830.*

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SLAVE POPULATION  
IN THE  
WEST INDIES, SOUTH AMERICA,  
AND  
THE MAURITIUS.

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JAMAICA.

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— No. 1. —

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EXTRACT from a Despatch from Lord *Belmore*, dated King's House, Jamaica, 20th December 1829, addressed to the Right Honourable Sir *George Murray*, G. C. B., Principal Secretary of State for the Colonies, &c. &c. &c.

“ HAVING already reported to you the proceedings of the House of Assembly up to the 14th ultimo, I am now to acquaint you that, after very long discussions, an Act for the government of slaves has been passed, a copy of which accompanies this despatch.

“ I regret extremely that one clause has been left in this bill, creating a more marked and invidious distinction between sectarians and ministers of the established church than those which occasioned the rejection of the Act of 1826. I watched this measure through its whole progress, and used every exertion in my power to effect the removal or modification of this clause. I enclose a copy of the amendments proposed by the Council to this bill, in which they endeavoured to destroy the distinction between sectarians and ministers of the established church, but their endeavours failed of success. However, as the bill upon the whole is certainly more favourable to the slave than that of 1826, I could not feel myself justified in refusing my assent to it, more especially as abundant time will be afforded for His Majesty's Government to decide upon this bill, as it does not come into operation until the first of August next.”

JAMAICA Ss.—An ACT for the Government of Slaves.

WHEREAS it is expedient that the laws now in force relating to slaves should be revised and consolidated, and other provisions be enacted to promote their religious and moral instruction, and by means whereof their general comfort and happiness may be increased as far as is consistent with due order and subordination and the well-being of this colony :

May it therefore please your Majesty, that it may be enacted,—Be it therefore enacted by the Governor, Council and Assembly of this Your Majesty's island of Jamaica, that from and after the commencement of this Act, an Act intituled “ An Act for the subsistence, clothing, and the better regulation and government of Slaves, for enlarging the powers of the Council of Protection, for preventing the improper

improper transfer of Slaves, and for other purposes," passed the nineteenth day of December in the fifty-seventh year of the reign of his late Majesty King George the Third; also an Act intituled "An Act to amend the Slave Act, by altering the mode of carrying into execution the sentence of death of Slaves," passed the fourth day of December in the second year of the reign of His present Majesty King George the Fourth; also an Act intituled "An Act to take away clergy from offenders in rape on Slaves," passed the eleventh day of December in the fourth year of the reign of His present Majesty King George the Fourth; also an Act intituled "An Act for removing impediments to the manumission of Slaves by owners having only a limited interest," passed the eighteenth day of December in the fifth year of the reign of His present Majesty King George the Fourth; also an Act intituled "An Act to prevent levies on Slaves on Saturday," passed the eighteenth day of December in the fifth year of the reign of His present Majesty King George the Fourth; and also an Act intituled "An Act to enable Slaves to receive bequests of money or other personal estate," passed the twenty-first day of December in the sixth year of the reign of His present Majesty King George the Fourth; shall be and stand repealed, and the same are hereby repealed accordingly.

Whereas doubts may be entertained whether the Act of twenty-fifth George the Third, chapter eight, has been repealed by any Act or Acts heretofore passed; in order to put an end to such doubts, be it enacted by the authority aforesaid, that nothing in any Act heretofore passed, or nothing in this Act contained, shall repeal the said mentioned Act, but that the same shall be in as full force and virtue as if the said several Acts had never been made.

And be it further enacted by the authority aforesaid, that all owners, proprietors and possessors, or in their absence, the managers or overseers of slaves, shall, as much as in them lies, endeavour the instruction of their slaves in the principles of the Christian religion, whereby to facilitate their conversion, and shall do their utmost endeavours to fit them for baptism, and as soon as conveniently can be, cause to be baptized all such as they can make sensible of a duty to God and the Christian faith, which ceremony the clergymen of the respective parishes are to perform when required, without fee or reward.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any slave or slaves who has or have been baptized, who may be desirous of entering into the holy state of matrimony, to apply to any clergyman of the established church to solemnize such marriage, who is hereby required to perform the same without any fee or reward, if such clergyman shall upon examination of such slaves consider them to have a proper and adequate knowledge of the nature and obligation of such a contract: provided always, that such slave shall produce to the clergyman a permission in writing from his owner, or from the legal representative of his owner, for that purpose.

And whereas by the ninth section of the eighth George the Second, chapter fifth, it is enacted, that whenever hereafter any slave or slaves taken on any writ of *venditioni* shall be exposed to sale, the provost marshal or his deputies respectively shall sell all such slaves singly, unless in case of families, in which case, and no other, the said provost marshal, or any of his deputies, may set up to sale such family or families, consisting of a man and his wife, or reputed wife, his or their children: And whereas it seems necessary further to enforce this provision, be it therefore enacted by the authority aforesaid, that in all cases where a levy shall be made by any deputy marshal or collecting constable, of a family or families, each family shall be sold together and in one lot: provided always, that nothing in this Act contained shall be understood to interfere with levies on individual slaves, nor be construed to authorize excessive levies.

And be it further enacted by the authority aforesaid, that no white person or persons of free condition, shall expose on a Sunday, after the hour of eleven o'clock in the forenoon, any goods or provisions for sale, in any market, or in any shop or other places, under a penalty not exceeding five pounds for every offence, to be recovered in a summary manner before any two magistrates; and if any slave do commit such offence, the goods so exposed to be forfeited by order of any justice of the peace, for the benefit of the poor of the parish in which such offence is committed: provided that nothing herein shall extend to prevent the keeping open any druggist's shop, tavern or lodging-house, or the sale of fresh meat and fresh fish,

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fish, or milk, on Sunday; such sale however not to take place in any town or place during the hours appointed for the celebration of divine service therein: provided always that sufficient notice be given in the market that the hour for closing it has arrived.

Whereas it is expedient to render the Sabbath, as much as possible, a day of rest and for religious worship; and whereas it would be right and proper that slaves should be protected on some other day in the week, besides Sunday, from being taken or levied upon for debt, under any process issuing out of any of the courts of justice in this island, or by collecting constables for taxes: be it therefore enacted by the authority aforesaid, that it shall not be lawful to make any levy upon any negro or other slave on Saturday, and that they shall be exempt from all such process, and also from levies by collecting constables for taxes, on that day, the same as on Sunday.

And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, the slaves belonging to or employed on every plantation or settlement shall, over and above the holidays hereinafter to be mentioned, be allowed one day in every fortnight to cultivate their own provision grounds, exclusive of Sunday, except during the time of crop, under the penalty of twenty pounds, to be recovered against the overseer or person having the care of such slaves; provided always, that the number of days so allowed to the slaves for the cultivation of their grounds shall be at least twenty-six in the year.

And whereas much mischief is occasioned by persons employing the slaves of others; be it enacted by the authority aforesaid, that from and after the commencement of this Act, no person or persons whomsoever shall employ the slave or slaves of others, for any reward or hire to be paid to them, on the Sunday or any other day allowed such slave by law, without the consent in writing of such owner or owners, or overseers, first had and obtained, under a penalty not exceeding five pounds for each negro so hired or employed; such penalty to be recovered in a summary manner by warrant under the hands and seals of two magistrates of the parish in which the property is situated where the offence shall have been committed; and in case of non-payment of such penalty, to commit the offender or offenders to the common gaol of the county in which such offence shall have been committed, for a space not exceeding twenty days or until such penalty shall be paid; and such penalty shall be for the benefit of the party, proprietor or possessor, of such slave complaining, in case such offence shall be proved by a disinterested person; and in case such offence shall be proved by the owner, proprietor or possessor of such slave, such penalty shall be for the benefit of the poor of the parish in which the same offence shall be committed.

And be it enacted by the authority aforesaid, that during the crop not only shall the slave as heretofore be exempted from the labour of the estate or plantation on Sundays, but that no mills shall be put about or worked between the hours of seven o'clock on Saturday night and five o'clock on Monday morning, under the penalty of twenty pounds, to be recovered against the overseer or other person having the charge of such slaves.

And be it enacted by the authority aforesaid, that every master, owner or possessor of any slave or slaves, or his or her overseer or chief manager, shall, under the penalty of ten pounds for each neglect, cause the condition of the negro grounds to be inspected once in every month at least, in order to see that the same are cultivated and kept up in a proper manner, of which oath shall be made, as in this Act is hereafter directed. And whereas it may happen that on some plantations, pennis, settlements and towns in this island, there may not be lands proper for the cultivation of provisions, or where by reason of long continuance of dry weather the negro grounds may be rendered unproductive, then and in that case the masters, owners or possessors do, by some other ways and means, make good and ample provision for all such slaves as they shall be possessed of, equal to the value of three shillings and four-pence currency, per week, for each slave, in order that they may be properly supported and maintained, under the penalty of fifty pounds.

And be it further enacted by the authority aforesaid, that every master, owner or possessor of slaves, shall once in every year provide and give to each slave they shall be possessed of, proper and sufficient clothing, to be approved of by the justices

justices and vestry of the parish where such master, owner or possessor of such slaves shall reside, under the penalty of five pounds for each slave for whom such clothing shall not be provided, to be recovered in a summary manner before three justices of the peace.

And be it further enacted by the authority aforesaid, that every master, owner, proprietor or possessor of slaves, his or her overseer or chief manager, at their giving in an account of their slaves and stock to the justices and vestry on the twenty-eighth day of March in every year, or at the vestry which shall be held next after that day, shall, under the penalty of one hundred pounds for every neglect, give in an account on oath of the nature and quantity of the clothing actually served to each slave on such plantation, penn or other settlement, for the approbation of the justices and vestry as aforesaid; and shall likewise at the same time declare on oath that he has inspected or caused to be inspected the negro grounds (where such negro grounds are allotted) of such plantation, penn or settlement, according to the directions of this Act; and that every negro on the property is sufficiently provided with grounds, or where there are no negro grounds, such ample provision as hereinbefore directed.

And be it further enacted by the authority aforesaid, that when the number of slaves belonging to any master, owner or possessor, shall not exceed forty, and such master, owner or possessor shall not comply with the enactments contained in the two foregoing clauses of this Act, the justices and vestry of the parish where such master, owner or possessor of such slaves resides, shall have power and authority to impose a penalty not exceeding fifty pounds, to be recovered in a summary manner, before any two of his Majesty's justices of the peace, by distress and sale of the offender's goods and chattels.

And whereas by the usage of this island slaves have always been permitted to possess personal property, and it is expedient that such laudable custom should be established by law; be it therefore enacted by the authority aforesaid, that if any owner, possessor, or any other free person whatsoever, shall wilfully and unlawfully take away from any slave or slaves, or in any way deprive or cause any slave or slaves to be deprived of any species of personal property by him, her or them lawfully possessed, such person or persons shall forfeit and pay to such slaves the value of such property so taken away as aforesaid, the same to be recovered under the hands and seals of any three justices of the peace before whom the complaint shall be laid and the facts proved; which three justices of the peace shall have the power of summoning witnesses, who shall be bound to attend and give their testimony under the penalty of five pounds: provided nevertheless, that nothing in this Act shall be construed or deemed to authorize any trespass, or to allow any slave or slaves to turn loose or keep on his owner's or other person's property, any horses, mares, mules, asses, cattle, sheep, hogs or goats, without the consent of his owner or person in possession of such lands being first had and obtained.

Provided always, and be it further enacted, that the said justices shall not have power to investigate any proceeding under the preceding clause, unless the complaint be brought before them within twenty days of the alleged committal of the injury; and provided that such justices shall not take cognizance of any claims made by slaves for property above twenty-five pounds value, but all claims for sums above that amount shall and may be recovered by the owner, on behalf and for the use of such slave, in the courts of this island; but provided always, that nothing herein contained shall be deemed to authorize the institution of any suit at law or in equity for the recovery of any such claim by any slave in his own name, or otherwise than in the name of his said owner.

Whereas it is expedient that the owners of slaves or other persons should have it in their power to reward the fidelity of slaves, or to make them a bequest as a reward for their services or good conduct; be it therefore enacted by the authority aforesaid, that any pecuniary bequest or legacy of a chattel to a slave shall be deemed and considered to be a valid and legal bequest or legacy, and the executor or executors, or other representative of the testator, shall be authorized to pay the amount of such legacy, or to deliver such chattel to such slave: provided always, that nothing herein contained shall be deemed to authorize the institution of any action or suit at law or in equity for the recovery of such legacy, or to make it necessary to make any slave or slaves a defendant or defendants to a suit in

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equity ; but provided always, that the owner of such slave may institute any such suit or suits as he may conceive necessary for such slave's benefit, giving security for costs.

And in order that further encouragement may be given to the increase and protection of negro infants, be it further enacted by the authority aforesaid, that every female slave who shall have six children living, or who, having raised from infancy and during the period of nurture a child or children of deceased mothers, and which shall continue to live with her as her adopted child or children, shall have of her own, and of such so raised and adopted child or children, six children living, shall be exempted from all hard labour in the field or otherwise, and the owner or possessor of every such female slave shall be exempted from all manner of taxes for such female slave, any thing in the Act, commonly called the Poll Tax Law, or any other of the tax laws of this island, passed, or annually to be passed, to the contrary notwithstanding ; and a deduction shall be made for all such female slaves from the taxes of such owner or possessor, by certificate of the justices and vestry ; provided nevertheless, that proof be given on oath to the satisfaction of the said justices and vestry, not only that the requisite number of children, together with the mother or adopted mother are living, but also that the mother is exempted from all manner of field or hard labour, and is provided with the means of an easy and comfortable maintenance.

And be it further enacted by the authority aforesaid, that no master, owner or possessor of any slave or slaves, whether in his or her own right, or as attorney, guardian, trustee, executor or otherwise, shall discard or turn away any such slave or slaves on account or by reason of such slave or slaves being rendered incapable of labour or service to such master, owner or possessor, by means of sickness, age or infirmity, nor wilfully permit any diseased slave to go at large and travel about, but every such master, owner or possessor as aforesaid, shall be and he is hereby obliged to keep all such slave or slaves upon his, her or their properties, and to find and provide him, her or them with sufficient clothing and wholesome necessaries of life, and not suffer such slave or slaves to wander about, under the penalty of twenty pounds for every such offence, to be recovered by an action to be filed in the supreme court by the churchwardens of the parish in which such slave has been apprehended, such action to be triable in the county where the cause of action arose, with full costs out of purse, excepting where the party offending shall reside in the parish where the said offence shall be committed ; and if in such parish there shall be a court of common pleas, then and in such case such penalty shall be recoverable in such court of common pleas by the churchwardens of the parish in which the offence shall be committed, such penalty so recovered in either of the ways aforesaid to be for the use of the said parish ; and in the mean time, and until the said action shall be tried, any two justices of the peace, upon their own view, or upon the information of any white or free person on oath, are hereby empowered and required to take up such wandering sick, aged, infirm or diseased slave or slaves, and to lodge him, her or them in the nearest workhouse, there to be clothed and fed, but not worked, at the expense of the master, owner or possessor, until such trial as aforesaid can be had ; and after such action shall have been tried, and judgment recovered against the defendant, he is required under the like penalty of twenty pounds, to be recoverable in like manner, with costs as aforesaid, to take such slave or slaves under his or her care, and to pay the fees incurred for the maintenance and support of such slave or slaves, and so on from time to time until such owner or other person shall make provision for such slave or slaves ; provided, that before any action shall be brought for the recovery of the penalty hereby imposed, one month's notice in writing, under the hands of the churchwardens aforesaid, shall be given to the party offending, of the intention of the said churchwardens to bring such action ; and in case such owner or other person shall thereupon admit the said slave to be his property, remove him and relieve the parish of the burthen of such slave, and shall pay all costs of maintenance of the said slave up to that time, such owner or other person shall be entitled to give these last mentioned facts in evidence under the general issue pleaded to such action, if brought, and the same when proved shall be taken as a full answer to and in bar to the said action.

And whereas from the decease and change of residence of many proprietors of slaves, and other circumstances, and from the manumission of negro, mulatto and other

other slaves, without any suitable provision being made for their future maintenance, many unhappy objects afflicted with contagious distempers, or disabled from labour by sickness, age and otherwise, and having no owners, prove dangerous, or become a burthen or nuisance to the several towns and parishes of this island; for remedy thereof, be it enacted by the authority aforesaid, that the justices and vestry of the several towns and parishes in this island be empowered to lay a tax upon the several towns and parishes, in the same manner as the parochial taxes are usually laid, for the purpose of raising such a sum as they shall judge sufficient to provide for the maintenance, clothing, medical care and attendance, in the workhouses or other convenient places of the said several towns and parishes of this island, of such negro, mulatto or other slaves, or other unhappy objects as aforesaid; and the magistrates respectively of such town and parish are hereby empowered and required, upon application being made to them, or either of them, or upon view, to order all such objects as aforesaid to be removed and conveyed to the respective workhouses of each parish where (if a slave) the former proprietor or proprietors, owner or owners, of such slave lived or resided, or if a person manumized or made free, of the parish wherein the owner or owners commonly resided, or the property was situated, to whom or to which such manumized person belonged immediately previous to the execution of such manumission, or if such manumission be by will, immediately previous to the decease of the testator or testatrix, there to be lodged and taken care of as aforesaid; and the magistrates and vestries of the several towns and parishes as aforesaid are hereby empowered and required to make from time to time all such humane and salutary regulations for the purposes aforesaid as to them shall seem necessary and expedient; and the keeper of the workhouse in such parish to which such slave or free person shall be sent by warrant from any other parish, shall be obliged to receive the same, under the penalty of twenty pounds.

And be it further enacted by the authority aforesaid, that all owners or others who may manumize such slaves as are old, infirm, or unable to work for their maintenance, are hereby obliged to provide for such maintenance by allowing each and every such slave at the rate of ten pounds per annum, under the penalty of one hundred pounds, to be recovered in the grand or assize courts, and to be paid over to the churchwardens of the parish where such slave may reside, which parish shall, after the recovery of such sum, provide for and pay the sum of ten pounds annually for the support of such slave.

And whereas it sometimes happens that aged, infirm or disabled slaves, belonging to the estates of insolvent debtors, remain in the custody of the provost marshal of this island, or his deputies, without a possibility of the same being sold for the benefit of the creditors of such estates; be it enacted by the authority aforesaid, that upon proof being made on oath by any deputy marshal, before any three magistrates of any of the parishes or precincts of this island, that any slave or slaves of the above description has or have been in his custody for more than six months thereto preceding, that each slave or slaves have been repeatedly put up to sale by public outcry, that no bidder has offered to purchase the same, and there is no probability of his or her being sold, it may and shall be lawful for the said three magistrates to make an order, under their hands and seals, for the removal of such slave or slaves to the parish wherein the owner of such slave or slaves resided at or immediately before the time when he or she took the benefit of the Act for the relief of insolvent debtors, now in force or hereafter to be in force, there to be maintained and provided for: and it is hereby enacted, that such order, being recorded in the office of the clerk of the peace of the parish or precinct wherein the gaol of such deputy marshal as aforesaid shall be situated, shall be deemed and taken in all the courts of this island as a complete and perfect acquittal of all demands, claims, suits and actions, of every kind, on or against such provost marshal or any of his deputies, as may or shall be made, instituted or preferred by any person or persons whatsoever, on account or by reason of the removal of any such slave or slaves as aforesaid out of his or their custody: provided always, that if such slave should at any time thereafter recover and become saleable, it shall be the duty of the supervisor of the workhouse in which such slave is confined, to report the same to the provost marshal general, and thereupon the supreme court shall order such slave to be sold by the provost marshal for the benefit of the insolvent's estate.

And be it further enacted, that every field-slave, on any plantation or settlement, shall on work-days be allowed half an hour for breakfast, and two hours for dinner, and that no slaves shall be compelled to any manner of field work upon the plantation before the hour of five in the morning, or after the hour of seven at night,

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except during the time of crop, under the penalty not exceeding fifty pounds, to be recovered against the overseer or other person having the charge of such slaves.

And be it further enacted by the authority aforesaid, that for the future all slaves in this island shall be allowed the holidays of Christmas and Easter, provided that at every such respective season no more than three holidays shall be allowed to follow or succeed immediately one after the other, any law, custom or usage to the contrary notwithstanding; and if any master, owner, guardian or attorney, of any plantation or settlement, or the overseer of such plantation or settlement, shall presume at the seasons aforesaid to allow any holidays to any slaves on any such plantation or settlement, other than is directed by this Act to be given, every person so offending shall forfeit the sum of five pounds.

And in order to encourage slaves to detect runaways; be it enacted by the authority aforesaid, that every slave or slaves that shall inform against any persons that shall have, or conceal any runaway slave or slaves, so that such runaway slave or slaves may be taken and restored to his, her or their owner or owners, or be committed to any workhouse, every such slave or slaves so informing shall be entitled to such reward as any justice shall think just and reasonable, and be paid by such person or persons as such justice shall determine ought to pay the same, not less than twenty shillings nor exceeding forty shillings, to be enforced by a warrant under the hand and seal of such justice.

And be it further enacted by the authority aforesaid, that if any person hereafter shall, with malice aforethought, kill or murder any negro or other slave, such person so offending shall on conviction be adjudged guilty of felony, without benefit of clergy, and shall suffer death accordingly for the said offence.

And be it enacted by the authority aforesaid, that if any person or persons shall, at any time after the commencement of this Act, unlawfully and carnally know and abuse any female slave under the age of ten years, every such unlawful and carnal knowledge shall be felony, and the offender thereof, being duly convicted, shall suffer as a felon, without benefit of clergy.

And be it further enacted by the authority aforesaid, that if any person or persons shall, at any time after the commencement of this Act, commit a rape on any female slave, then and in every such case every such person, being thereof lawfully convicted, shall be deemed guilty of felony, and suffer death, without benefit of clergy.

And be it further enacted by the authority aforesaid, that no conviction or attainder of felony under this Act shall extend to the corrupting the blood, or the forfeiture of lands or tenements, goods or chattels, any law, custom or usage to the contrary thereof in any wise notwithstanding.

And in order to prevent any person from mutilating, dismembering, or cruelly beating or confining any slave or slaves; be it enacted by the authority aforesaid, that if any master, mistress, owner, possessor or other person whatsoever, shall at his, her or their own will and pleasure, or by his, her or their direction, or with his, her or their knowledge, sufferance, privity or consent, mutilate or dismember any slave or slaves, or wantonly or cruelly whip, maltreat, beat, bruize, wound, or imprison or keep in confinement without sufficient support, or brand, any slave or slaves, he, she or they shall be liable to be indicted for such offence in the supreme court of judicature, or in any of the assize courts or courts of quarter sessions of this island, and upon conviction shall be punished by fine not exceeding one hundred pounds, or imprisonment not exceeding twelve months, or both, for each and every slave so mutilated or dismembered, wantonly or cruelly whipped, maltreated, beaten, bruised, wounded, or imprisoned or kept in confinement without sufficient support, or branded; and such punishment is declared to be without prejudice to any action that could or might be brought at common-law, for recovery of damages, in case such slave or slaves shall not be the property of the offender; and in atrocious cases, where the owner of such slave or slaves shall be convicted of such offence, the court before whom such offender shall have been tried and convicted are hereby empowered, in case they shall think it necessary for the future protection of such slave or slaves, to declare him or her or them free, and discharged from all manner of servitude, to all intents and purposes whatsoever; and in all such cases the court are hereby empowered and authorized, if to them it shall appear necessary, to order and direct the said fine to be paid to the justices and vestry of the parish to which the said slave or slaves belonged, to the use of the said parish, the said justices and vestry, in consideration thereof, paying to each of the said slave or slaves so made



made free, the sum of ten pounds per annum for his or her maintenance and support during life.

And be it further enacted by the authority aforesaid, that in case any slave or slaves shall suffer any before-mentioned mutilations or wanton punishment, or confinement or branding, such slave or slaves, on his, her or their application to any justice of the peace, the said justice of the peace shall be and is hereby directed, required and empowered, on view, or its appearing to his satisfaction that such mutilation or wanton punishment or branding have been really suffered, to send such slave or slaves to the parochial or nearest workhouse where such offence shall be committed, and such slave or slaves shall be there safely kept, and carefully attended, but not worked, at the expense of such parish, until such time as the special sessions hereinafter mentioned shall meet; and such slave shall be kept separate and apart from slaves committed to such workhouse as runaways or criminals, in a place appropriated in such workhouse for that purpose; and the said justice of the peace to whom such application shall have been made as aforesaid, is hereby required and directed forthwith to certify the nature of such application or complaint to the custos or senior magistrate in the parish or precinct wherein such workhouse shall be situate, whose duty it shall be and he is hereby directed and required to convene a special sessions, consisting of not less than three justices of the peace of such parish or precinct; which special sessions, when met, is hereby empowered and required to make further and full inquiry upon view, and by the examination of witnesses, into the commitment of the mutilation or punishment of such slave or slaves; and if upon examination it shall appear to them that the complaint of such slave or slaves is frivolous or unfounded, it shall be lawful for them and they are hereby required to dismiss the complaint, and to direct such slave or slaves to be delivered over to his, her or their owner or owners or possessor, or his, her or their legal representatives or to direct such punishment, by confinement to hard labour or whipping, or both, as to them may seem proper; but if upon such examination and inquiry as aforesaid, it shall appear to the satisfaction of the said justices that the complaint is well founded, they are hereby directed to lodge the examinations with the clerk of the crown, or clerk of the peace, that the parties may be prosecuted according to law, and to bind over the said offenders and witnesses in a sum not exceeding fifty pounds, with securities, to appear at the grand or assize courts, or quarter sessions of the parish, and to remand the said slave or slaves to the workhouse, to be kept until such time as there shall be a legal meeting of the justices and vestry of such parish, which meeting the custos or chief magistrate is hereby required to call as early as conveniently may be; and such justices and vestry, when met, are hereby appointed a council of protection of such slave or slaves, and are hereby directed and empowered, if they think proper, to make further inquiry into the commitment of the mutilation or punishment of such slave or slaves; and if to them it shall appear proper, the said justices and vestry are hereby empowered and required to prosecute to effect such owner or owners, the expense of which prosecution shall be paid by the parish where such offence shall be committed; and in case the owner or owners of such slave or slaves shall appear capable of paying the costs and charges of such before-mentioned prosecution, the said justices and vestry are hereby empowered to commence a suit or suits against such owner or owners of such slave or slaves, and recover all costs and charges out of purse by them laid out and expended in such suit or suits; and the keeper of the workhouse where such slave or slaves shall have been first committed, is hereby directed and required, upon due notice of the meeting of the said special sessions, or of the first meeting of the council of protection of the parish where the offence was committed, to produce such slave or slaves for the inspection and direction of such special sessions and council of protection, under the penalty of one hundred pounds for every neglect in not producing before such council of protection such slave or slaves.

And be it enacted by the authority aforesaid, that if, after due notice of such meeting being convened, a sufficient number of magistrates and vestrymen do not attend to form a council of protection, the custos or senior magistrate who may preside at such meeting is hereby empowered and required to inflict a fine, not exceeding ten pounds, upon every vestryman or magistrate voluntarily absenting himself, to be levied by warrant under his hand and seal.

And be it further enacted by the authority aforesaid, that in case any justice of the peace shall receive any complaint or probable intelligence, from any slave or otherwise, that any slave or slaves is or are so mutilated or cruelly punished, or is or are confined without sufficient support, or has been branded, it shall and may



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be lawful for such justice of the peace, and he is empowered and required forthwith to issue his warrant to any constable, ordering him immediately to proceed to the place where such slave or slaves are confined, and such slave or slaves to release and bring before such justice, who, on view or proof of the fact, is hereby authorized to send such slave or slaves to the workhouse for protection, there to be kept, but not worked, until inquiry shall be made into the fact according to law.

And in order to restrain arbitrary punishment, be it further enacted by the authority aforesaid, that no slave in any plantation or settlement, or in any of the workhouses or gaols in this island, shall receive more than ten lashes at one time and for one offence, unless the owner, attorney, guardian, executor or administrator, or overseer of such plantation or settlement, having such slave in his care, or keeper of such workhouse, or keeper of such gaol, shall be present; and that no such owner, attorney, guardian, executor, administrator, or overseer, workhouse-keeper, or gaol-keeper, shall on any account punish a slave with more than thirty-nine lashes at one time and for one offence; nor inflict nor suffer to be inflicted such last-mentioned punishment, or any other number of lashes, twice in the same day, nor until the delinquent has recovered from the effects of any former punishment, under a penalty not less than ten pounds, nor more than twenty pounds, for every offence, to be recovered against the person directing or permitting such punishment, in a summary manner, upon conviction before any three magistrates, by warrant of distress and sale; and in default of payment, the said magistrates are hereby required and empowered to commit such offender to the common gaol for any space of time not exceeding ten days, besides being subject to be prosecuted by indictment in the supreme or assize courts, or courts of quarter sessions, of this island, as for an offence against this Act.

And be it further enacted by the authority aforesaid, that no person or persons shall, after the commencement of this Act, commit or send any slave or slaves belonging to him, her or them, to any workhouse in this island, for any offence whatsoever, for a longer space of time than ten days, without a commitment or warrant, to be signed by a justice of the peace, or shall give, or direct or cause to be given to any slave in such workhouse more than twenty lashes, without a warrant from a justice of the peace, under a penalty of five pounds for each and every such offence; and if any person shall further punish or cause to be punished any such slave or slaves, for the same offence for which he, she or they had suffered such punishment as aforesaid, or such punishment as a justice of the peace shall have directed, either by recommitting such slave or slaves to the same workhouse, or committing or sending him, her or them to any other workhouse, or otherwise howsoever, such person shall suffer such punishment by fine, not exceeding twenty pounds; and if any workhouse-keeper shall give or cause to be given any number of lashes contrary to the true intent and meaning of this clause, such workhouse-keeper shall suffer punishment by fine, not exceeding ten pounds, for each and every slave so punished; and the several penalties and fines under this clause are to be recovered before any three justices of the peace, who may commit the person so offending to gaol until such penalties or fines are paid, or may issue their warrant for the levying and sale of the same by sale of the goods and chattels of the offender.

And be it further enacted by the authority aforesaid, that in no case whatever shall the supervisor of any workhouse receive a slave or slaves for punishment, or inflict any whipping by order or authority from the owner, overseer, possessor or employer of such slave or slaves, unless such order or authority be in writing, under a penalty not exceeding ten pounds for each offence, to be recovered in manner last before mentioned.

And be it further enacted by the authority aforesaid, that no workhouse-keeper shall employ the slaves committed to his charge for punishment, in his own service or for his own advantage, unless by permission in writing of the president and governors of the said workhouse, under a penalty of ten pounds for each offence, nor shall he on any account employ in his own service or for his own advantage any slave committed for security or protection to his custody, under the like penalty of ten pounds for each offence.

And be it further enacted by the authority aforesaid, that in case any justice or justices of the peace shall receive any complaint or probable intelligence, from any slave or otherwise, that any slave or slaves has or have been improperly punished contrary to the true intent and meaning of this Act, it shall and may be lawful to and for such magistrate to associate two other of the magistrates of the said parish with him, and to inquire in a summary manner into such complaint; and if upon inquiry

inquiry it shall be found that the said complaint is true, it shall be the duty of the said magistrates, and they are hereby required, to proceed against the offender according to law; but if it shall appear that such complaint was groundless, the said magistrates may punish each complainant, and the person giving information thereof, being a slave or slaves, by whipping, not exceeding thirty-nine lashes, or by confinement to hard labour in the workhouse for a space of time not exceeding three days.

And be it further enacted by the authority aforesaid, that no person shall, on any pretence whatsoever, punish any negro or other slave, whether his own property or otherwise, by fixing or causing to be fixed an iron or other collar round the neck of such slave, or by loading the body or limbs of such slave, for any offence whatsoever, with chains or weights of any kind, other than a light collar, without hooks, for one, and light collar and chains, where there are more than one, and which collar or collars and chains shall not be affixed but by the direction of a magistrate, under a penalty not less than five pounds, nor exceeding fifty pounds, to be recovered in a summary manner, before any two or more justices of the peace of the parish or precinct where the offence shall be committed; and all and every the justices of the peace within this island are hereby authorized, directed and required, under the penalty of one hundred pounds, on information or view, to order such collar or collars, chain or chains, irons or weights, to be immediately taken off from the slave or slaves wearing or bearing the same.

And be it further enacted, that no slave, such only excepted as are going with firewood, grass, fruit, provisions, or small stock, and other goods which they may lawfully sell, to market, and returning therefrom, shall from and after the commencement of this Act be suffered or permitted to go out of his or her master or owner's plantation or settlement, or to travel from one town or place to another, unless such slave shall have a ticket from his master, owner, employer or overseer, expressing particularly the time of such slave's setting out, and where he or she is going, and the time limited for his or her return, under a penalty not exceeding forty shillings for every slave so offending, to be recovered from the master, owner, employer or overseer, in a summary manner, before any one justice of the peace, by warrant of distress, complaint being made to him upon oath, unless the master, owner, employer or overseer of such slave shall prove upon oath before any justice of the peace of the parish or precinct where such master, owner, employer or overseer may or shall live or happen to be, that he did give the said slave such ticket as aforesaid, or that such slave went away without his consent, in which case the justice to order punishment; and if such justice shall neglect or refuse his duty, either in causing the penalty to be forthwith levied, on complaint being made to him as aforesaid, on the owner, overseer, or any other person who shall suffer a slave, being under his or their direction, to go without a ticket as aforesaid, every justice so offending shall forfeit the sum of five pounds, any law, custom or usage to the contrary notwithstanding.

And whereas great inconveniences have hitherto existed from possessors of slaves giving tickets for the purpose of procuring employment in the several towns of this island; be it enacted by the authority aforesaid, that from and after the commencement of this Act, it shall be incumbent upon every possessor of any slave or slaves, when inclined to hire such slave or slaves in any other manner than by lease, or for a shorter time than three months, to apply to the police officer or clerk of the peace in the several towns and parishes of this island, and there enter or record the name of such slave or slaves to be so hired, and the said officer of police or clerk of the peace is hereby directed to grant such slave or slaves a ticket to authorize him, her or them to hire themselves for any space of time as the owner may require it, not exceeding three months; and any slave found working out in any of the towns or parishes of this island without such ticket, shall, on conviction before any two justices, receive punishment by whipping, not exceeding thirty lashes; and the owner or possessor of such slave so convicted shall be summoned before any two of the justices of the peace for the parish or precinct where such owner or possessor resides, who, upon proof that the said slave or slaves were so working without such ticket with the knowledge of the said owner, shall be authorized and they are hereby required to inflict a penalty by fine on the said owner or possessor, not exceeding five pounds for each offence.

And whereas it is very dangerous to the peace and safety of this island to suffer slaves to continue as runaways, and it is absolutely necessary to declare and make known to the public what slave shall be deemed such; be it enacted by the authority

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authority aforesaid, that from and after the commencement of this Act, any slave or slaves who shall be absent from his owner or employer without leave for the space of five days, or who shall be found at a distance of eight miles from the house, plantation or other settlement to which such slave or slaves shall belong, without a ticket or other permit to pass, except, as hereinbefore excepted, in going to and returning from market, shall be deemed a runaway.

And be it further enacted by the authority aforesaid, that if any slave shall run away from his or her owner or lawful possessor, and continue absent for a term exceeding six months, such slave being convicted thereof shall be sentenced to be confined to hard labour for such time as the court shall determine, or be transported for life, according to the magnitude of the offence.

And be it further enacted by the authority aforesaid, that if any slave shall run away from his or her lawful owner or possessor as aforesaid, and continue absent for any term not exceeding six months, such slave shall be liable to be tried before two justices, and upon conviction thereof shall for the first offence suffer such punishment by flogging not exceeding thirty-nine lashes, or confinement to hard labour not exceeding three months, as the said two justices shall think proper to direct; but if the said slave hath frequently run away, and is by his or her owner or possessor declared to be an incorrigible runaway, he or she shall be tried as if he or she had been runaway from his or her said owner or possessor and continued absent for a term exceeding six months, and such slave being convicted thereof shall be sentenced to be confined to hard labour for such time as the court shall determine, or be transported for life, as the court shall direct.

And be it further enacted by the authority aforesaid, that any slave or slaves who shall knowingly harbour or conceal any runaway slave or slaves, or shall furnish a ticket or letter to such runaway slave or slaves for the purpose of enabling them to evade detection, shall be liable to be tried for the same at the quarter sessions or special slave court hereinafter appointed, and on conviction shall suffer such punishment as the court shall think proper to direct, not extending to life.

And be it further enacted by the authority aforesaid, that if any white person, or person of free condition, shall wilfully or knowingly employ, harbour or conceal any runaway slave, he, she or they shall be liable to be indicted in the court of quarter sessions of the parish or precinct where such offence has been committed, and on conviction shall suffer such punishment by fine not exceeding fifty pounds, or by imprisonment not exceeding three months, as the court shall think proper to inflict, and also the further sum of three shillings and four-pence per day, for every day such slave or slaves may have been so runaway, to be paid to the owner or possessor of such slave, to be recovered in the same manner and by the same remedy as the fine: provided nevertheless, that nothing in this clause shall prevent the injured party from prosecuting under the Act commonly called the "Inveigling Act," if it shall be deemed proper.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of the peace, and he is hereby authorized and required, upon complaint made to him on oath that any slave or slaves are runaway, or on suspicion or probable intelligence of the same, and that he, she or they have absconded from the service of their owners or employers, to grant a warrant to search for and apprehend all such runaway slaves, as also such slaves as the complainant shall have just cause to suspect to be guilty of wilfully entertaining, harbouring or concealing such runaway slaves; and it shall and may be lawful for any person or persons so authorized by warrant as aforesaid, to enter any negro house or houses, or other place occupied by any slave or slaves, to search for any slave or slaves, having first given notice to the master, owner, manager or overseer, on the plantation to which such house or houses, or other places as aforesaid, belong, or proprietor or occupier of any house, and after such warrant obtained and notice given as aforesaid, to break open the door or doors of such negro houses or rooms into which admittance shall be refused; provided such warrant be executed by a lawful constable, or some white or free person specially sworn as a constable for the purpose.

And whereas the more effectually to conceal runaway slaves or prevent their being apprehended, tickets are given by ill-disposed persons of free condition; be it therefore enacted by the authority aforesaid, that any white person or persons of free condition, granting or giving a letter or ticket to enable any slave to absent himself or herself from his or her owner or possessor, shall be liable to be tried for the said offence before the supreme court of judicature, or in either of the courts

of assize or courts of quarter sessions, in this island, where the offence shall be committed, and on conviction shall suffer such punishment by fine or imprisonment, or both, as the court in their discretion shall think proper to inflict, not extending to life.

And be it further enacted by the authority aforesaid, that any slave, or other person or persons whatsoever, who shall apprehend any runaway slave or slaves, shall for every one so apprehended be entitled to receive from the owner, employer, overseer or manager of such slave or slaves, the sum of ten shillings, and no more, besides mile-money at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards: provided nevertheless, that nothing in this Act contained shall be construed to extend to an allowance of the said sum of ten shillings and mile-money, in addition to the sum allowed to maroon negroes for apprehending runaways; and provided also, that it is not hereby intended to deprive the said maroons of their legal and established reward of forty shillings for each negro.

And be it further enacted, by the authority aforesaid, that the person or persons so apprehending such runaway slave or slaves shall convey him, her or them to their respective owner, employer or manager, or to a justice of the peace, who shall or may commit him, her or them to the nearest workhouse, and the workhouse-keeper is hereby required and ordered to receive such slave or slaves into custody, and to pay the party delivering such slave or slaves the said sum of ten shillings and mile-money as aforesaid, and no more, for each slave so delivered, under the penalty of five pounds.

And to the end that the owners or possessors of runaway slaves may have a due knowledge where such slaves are confined, after their being apprehended and sent to any workhouse in this island, in order that such owners or possessors may apply for such slaves; be it further enacted, by the authority aforesaid, that from and after the commencement of this Act, all and every the workhouse-keepers in any of the parishes of this island, shall and they are hereby obliged, once in every week, to advertise in the Gazette of Saint Jago de la Vega, the Royal Gazette, and the Cornwall Chronicle, the height, names, marks and sex, and also the country, where the same can be ascertained, of each and every runaway slave then in custody, together with the time of their being sent into custody, and the name or names of the owner or owners thereof, if known, and that upon oath, under the penalty of ten pounds for every slave so neglected by him to be advertised; and for the expense of such advertisement, they the said workhouse-keepers shall and may and they are hereby authorized to charge the owner or possessor of such runaway slaves so advertised, at and after the rate of three shillings and four pence per month for each paper, and no more, which said sum of three shillings and four pence per month for each paper to be paid to the printers of the several papers respectively, the amount of whose accounts, after being properly authenticated upon oath, shall be paid annually by the treasurers for the time being of the several workhouses in this island: and that it shall and may be lawful for the workhouse-keeper to detain and keep in custody such runaway slave or slaves until the owner or owners thereof, or some person on their behalf, properly authorized, shall pay unto such workhouse-keeper what shall have been paid to the person or persons who apprehended and brought such slave or slaves into custody, with two shillings and sixpence in the pound for laying out the money, the cost of advertising at and after the rate above-mentioned, and sixpence for every twenty-four hours such slave or slaves shall have been in custody, for maintenance, and two-pence per day for medical care and extraordinary nourishment, where necessary, the expense of clothing, when supplied, and also the charges of advertising above directed, and no other fees whatever; and that the workhouse-keeper, and no other person, shall attest upon oath that the charges in the account for mile-money, and the reward for apprehending such slave, were actually paid to the person who brought such runaway, and that the whole of the charges in the said account are strictly conformable to law: Provided always and it is hereby declared that the owner or owners of any slave to be committed by the judgment of any court, or by order of the magistrates, to any workhouse, by way of punishment, shall not be answerable for or compelled to pay the workhouse-fees for the time such slave shall be so committed and confined.

And be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol in this island shall, under the penalty of ten pounds for every neglect, provide and give to every slave confined in such workhouse or gaol a sufficient quantity of good and wholesome provisions daily, that is to say, not less than

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one quart of unground Guinea or Indian corn, or three pints of the flour or meal of either, or three pints of wheat flour, or eight full-grown plantains, or eight pounds of cocoas or yams, and also one herring or shad, or other salted provisions equal thereto, and shall also under the like penalty provide and supply every slave confined as aforesaid with good and sufficient clothing, where necessary.

Provided always, and it is hereby enacted by the authority aforesaid, that in case any negro or other person sent in and detained in any workhouse as a runaway slave, shall allege himself or herself to be free, it shall be the duty of the custos or senior justice of the parish or precinct wherein such workhouse is situated, to convene, as soon as conveniently may be, a special sessions, consisting of not less than three justices of the peace, of such parish or precinct, and of which special sessions, and of the time and place of holding the same, due notice shall be given in the several county newspapers of this island, and which special sessions, being so convened, shall carefully and attentively investigate, inquire into and examine the truth of such allegation; and if it shall appear to such special sessions that such person so detained as a runaway slave is free, such person shall be forthwith discharged, and in case it shall appear to such special sessions that such person is a slave, he or she shall be forthwith remanded to the workhouse whereto he or she had been sent: provided always, and it is hereby declared, that the decision of such special sessions shall be without prejudice to the prosecution of the right or title of any person to such runaway, or to prosecution by such person detained as a runaway, of his or her right or title to his or her freedom.

And it is hereby further enacted by the authority aforesaid, that no slave or slaves so detained as a runaway slave or slaves, shall be sold by any workhouse-keeper until such special sessions has been convened and held, and such investigation, inquiry and examination had, and without the same being certified by the justices attending such special sessions, under their hands and seals; and the sale of any such runaway slave or slaves made without such certificate being obtained, shall be and the same is hereby enacted and declared to be null and void to all intents and purposes, and no right, title or interest whatsoever shall pass thereunder to any purchaser whomsoever, anything in this Act, or in an Act of the Lieutenant-governor, Council and Assembly of this island, made and passed in the thirty-second year of his late Majesty's reign, intituled "An Act for establishing public workhouses in the several parishes in this Island," or any other Act, law, usage or custom to the contrary in anywise notwithstanding.

And be it further enacted by the authority aforesaid, that if any slave or slaves shall be sold out of the workhouse, and the purchaser is privy to any fraud of such slave or slaves, either of passing under a false name, or otherwise howsoever, such sale or sales shall be null and void, and such purchaser shall be liable to be indicted for such offence in the supreme or assize courts of this island, or in the quarter sessions of the parish wherein such offence shall have been committed, and if convicted, be punished by fine not exceeding one hundred pounds, or by imprisonment not exceeding six months; and any manumission of such slave or slaves derived from any sale or sales as aforesaid, when such slave or slaves has passed under a feigned name in such workhouse, or committed any other such fraud, shall be null and void to all intents and purposes whatsoever, whether the purchaser or purchasers through whom such manumission was derived was or was not, or were or were not, or were to such fraud.

And be it further enacted by the authority aforesaid, that if any workhouse-keeper shall knowingly and wilfully, directly or indirectly, connive at or collude with any slave in any such fraudulent practices, or with any purchaser or intended purchaser, to obtain the fraudulent sale or manumission of any slave or slaves, or who shall knowingly insert a wrong name or description in advertising such slave or slaves, or shall omit by all legal means to ascertain the true name and owner of such slave or slaves, or shall neglect to advertise as hereinbefore mentioned all the marks on such slave or slaves, such workhouse-keeper, being thereof duly convicted, shall suffer such punishment by fine not exceeding one hundred pounds, or by imprisonment not exceeding six months, as to the court shall seem meet, and shall further be rendered incapable of holding any such office of supervisor or workhouse-keeper.

And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, every workhouse-keeper in this island who shall have any action in replevin, *homini replegiando*, or ejectment, brought against him for any negro or other slave or slaves in his custody, shall under a penalty for every offence not less than five pounds nor exceeding fifty pounds, as shall be inflicted by the judges

judges of His Majesty's supreme court of judicature or courts of assize in this island, immediately after he receives such replevin, *homini replegiando*, or ejectment, give notice in the several county newspapers of such action, and at whose suit it is brought, and the name or names of such negro or other slave or slaves, together with his, her or their mark or marks, and the best information he can get concerning the real owner of such slave or slaves, and shall continue such notice for four weeks before the trial shall be had upon such replevin, *homini replegiando*, or ejectment, or such slave or slaves be taken out of the custody of such workhouse-keeper, the costs of which, and all other expenses incurred, shall be paid to such workhouse-keeper by the person who shall recover such slave or slaves; and if any person or persons shall give notice to such workhouse-keeper of his or her or their intention to take the defence of any action so brought, such workhouse-keeper shall detain in his custody the slave or slaves for or by whom such action shall be brought, until the trial of such action or order of the court thereon, under the penalty of one hundred pounds, unless the security offered in cases of *homini replegiando* shall justify before a judge of the grand court or courts of assize, in such sum as such judge shall think proper; notice of such justification, and the time and place thereof, and the judge before whom the same is to be taken, being given to the person intending to take the defence of such action.

And be it further enacted by the authority aforesaid, that no writ of *homini replegiando* shall in any case issue without good and sufficient security being first given; and if the security, after affidavits filed, shall be deemed by the court to be insufficient, other and better security shall be required in manner aforesaid, and so *toties quoties*; and if a verdict pass against the plaintiff, such security shall be liable to pay all the costs incurred by the defendant in such action, anything in this or any other Act to the contrary notwithstanding.

And whereas several slaves have found means to run away from their owners and depart from this island, to the great damage of such owners, in evil example to other slaves, who may be thereby induced to attempt or conspire to do the same; and whereas there is reason to suspect that such slaves have been aided and assisted in such escape and departure by other persons, and there is not any adequate punishment provided by law for such running away or departure, or attempting or conspiring to run away and depart this island, or for persons aiding, assisting or abetting such runaways: for remedy thereof, be it enacted by the authority aforesaid, that from and after the commencement of this Act, if any slave shall run away from his, her or their owner or owners, employer or employers, and go off, or conspire or attempt to go off this island, in any ship, boat, canoe, or other vessel or craft whatever, or be aiding or abetting or assisting to any other slave or slaves in such going off this island, he, she or they so running away and going off, or conspiring or attempting to go off, or so aiding, assisting or abetting in such going off, being thereof convicted, shall suffer such punishment as the court shall think proper to direct, not extending to life.

And be it further enacted by the authority aforesaid, that if any white person, or person of free condition, shall knowingly be aiding, assisting or abetting any slave or slaves belonging to any other person, or in or to whom any other person hath any right, title or interest, in going off this island, he, she or they, being convicted by bill, plaint or information in the supreme court of judicature or either of the courts of assize of this island, shall forfeit the sum of three hundred pounds for each slave, one moiety whereof shall be to our sovereign lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted; and shall also suffer imprisonment at the discretion of the said court, for any space of time not exceeding twelve months, without bail or mainprize.

And be it further enacted by the authority aforesaid, that it shall and may be lawful to proceed against the person or persons so aiding, assisting or abetting any slave or slaves in going off this island, whether the principal or principals be convicted or not, anything in this or any other Act, law, custom or usage to the contrary thereof notwithstanding.

And be it further enacted by the authority aforesaid, that no negro or other slave shall be allowed to travel the public roads with dogs, or cutlasses or other offensive weapons, without a ticket from his owner, or to hunt any cattle, horses, mares, mules or asses, in any part of this island, with lances, guns, cutlasses, or instruments of death, unless in the company of his or their master, overseer, or some other white person

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person by him or them deputed, or by permission in writing; and if any negro or other slave shall offend contrary to the true intent and meaning of this Act, he, she or they, being thereof convicted before three justices, shall suffer such punishment as they shall think proper to inflict, by whipping, not exceeding thirty-nine lashes, or confinement to hard labour in the workhouse, for any space of time not exceeding three months.

And be it further enacted by the authority aforesaid, that if any master, owner, guardian, possessor, or attorney, overseer or book-keeper, or other free person employed on any plantation or settlement, shall hereafter suffer any slaves to assemble together and beat their drums, and blow their horns or shells, upon any plantation, pen or settlement, or in any yard or place, under his, her or their care or management, or shall not endeavour to disperse or prevent the same, by themselves, or by immediately giving notice thereof to the next magistrate or commissioned officer, that a proper force may be sent to disperse the said slaves, every such master, owner, guardian, possessor or attorney, overseer or book-keeper, or other free person so employed as aforesaid, shall for every such offence, upon conviction thereof, upon an indictment in the supreme court of judicature, or courts of assize or quarter sessions of the parish wherein such offence shall be committed, pay a fine of fifty pounds to His Majesty, His heirs and successors, for and towards the government of this island, and the contingent charges thereof; provided nevertheless, that information of such offence shall be made upon oath before any of His Majesty's justices of the peace, within the space of fourteen days after the commission of the offence.

And be it further enacted by the authority aforesaid, that all officers civil and military shall be and are hereby empowered and required to enter into any plantation, settlement or other place, to disperse all such unlawful assemblies, and to suppress and prevent all unlawful drummings or other noise as before mentioned, any law, custom or usage to the contrary notwithstanding, according to the nature degree or circumstances of the case: provided always, that nothing herein contained shall be construed to prevent any master, owner, or possessor of any plantation or settlement, or the overseer thereof, from granting liberty, to the slaves of such plantation or settlement only, for assembling together upon such plantation or settlement, and playing and diverting themselves in any innocent amusements, so as they do not make use of military drums, horns or shells, but that they shall and may grant such liberty when and as often as they please, anything in this or any other Act to the contrary notwithstanding, provided that such amusements are put an end to by twelve of the clock at night.

And in order to prevent riots and nightly meetings among negro and other slaves, to the disturbance of the public peace, and endangering their healths; be it further enacted by the authority aforesaid, that all negro burials shall in future take place in the day-time, so that the same may be ended before sun-set; and if any master, owner or possessor of slaves, his or her overseer or chief manager, shall knowingly suffer or permit the burial of any slave otherwise than as before directed, he shall forfeit the sum of fifty pounds; and if any burials shall take place in any of the towns of this island, or in savannas, commons or other places not in charge of an overseer, after sun-set, every person of free condition in whose house, yard or premises any slaves shall be permitted to assemble for attending such burials, shall forfeit a sum not less than five pounds nor exceeding fifty pounds; and the negro or other slaves who shall meet for the purpose of attending such burial, or be found thereat; shall upon conviction before three or more magistrates, suffer such punishment as the said magistrates shall direct, not exceeding thirty-nine lashes.

And be it further enacted by the authority aforesaid, that if any white or free person shall hereafter suffer any unlawful assembly of slaves at his or her house, or settlement, every such free person shall, upon due conviction thereof, before any court of quarter sessions, suffer punishment by fine not exceeding one hundred pounds, or imprisonment not exceeding six months; provided nevertheless, that information thereof shall be given on oath, within fourteen days after such unlawful meeting.

And be it further enacted by the authority aforesaid, that if any white or free person or persons, or any slave or slaves, shall knowingly suffer any person to game with any slave or slaves in any house or out-house in his charge, or shall be found gaming with any slave or slaves, such person or persons shall and may be apprehended and taken before any three justices of the peace in the parish in which such

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person or persons shall be apprehended, who are hereby authorized and empowered to inflict on such person or persons, if a slave or slaves, such corporal punishment by whipping, not exceeding thirty-nine lashes, as such justices shall upon conviction thereof think proper to order and direct; and if a white or free person, shall and may commit such white or free person to the nearest common gaol for any period of time not exceeding six days.

And whereas it may happen that slaves directed to be manumized by will may find it difficult to establish their freedom, by reason of the person or persons acting under such will refusing to enter into the security required by law on the manumission of slaves; be it enacted by the authority aforesaid, that from and after the commencement of this Act, whenever any person shall by will, in writing, expressly manumize, or direct to be manumized, any slave or slaves belonging to him or her, the usual bond required by law in cases of manumission shall not be necessary, but the estate of the person so manumizing any slave or slaves, or directing any slave or slaves to be manumized, shall be and the same is hereby declared to be liable to the payment of the annual sum required by law to be paid to any slave manumized, and the freedom of such slave so manumized, or directed to be manumized by will, shall be at once established: provided always, that nothing in this Act contained shall extend or be construed to extend to exempt such slaves so manumized from any debt or demand against the estate of the testator, to which such slave or slaves should be otherwise liable; and provided always, and it is hereby enacted, that any will in writing which by law would be deemed valid and sufficient for disposing of goods and chattels, or other personal estate, shall be and the same is hereby declared to be valid and sufficient for manumizing, or directing to be manumized, any slave or slaves, anything in a certain statute made and passed in the twenty-ninth year of the reign of his Majesty King Charles the second, commonly called the statute of Frauds and Perjuries, or in a certain Act of the Governor, Council and Assembly of this island, made and passed in the sixteenth year of his late Majesty's reign, intituled "An Act to regulate the devises of negro, mulatto, and other slaves, in wills," or any Act, law, usage or custom, to the contrary in anywise notwithstanding.

Whereas it sometimes happens that persons in possession of slaves, by reason of their having only an interest for life or other limited freehold estate in such slaves, or by limitations, trusts or other legal impediments, are prevented from giving an effectual manumission to such slaves, although desirous so to do, and it is proper that owners should possess in all cases the power of rewarding fidelity and good conduct in their slaves by manumission, where the same can be affected without prejudice to the rights of other persons; be it therefore enacted by the authority aforesaid, that any person or persons having legal or equitable estate for life, or for other freehold interest in, and being in the actual possession of any slave, and who shall be desirous or consenting that such slave shall be made free, shall be entitled to make an application to the custos or senior magistrate of the parish where such slave shall reside, and in case such custos or senior magistrate shall be related to the party applying, or interested in the matter, then to some other magistrate, and shall deliver a written statement, verified upon the oath of the applicant or applicants, or in case of absence, of his, her or their attorney, duly constituted, which oath the said custos, or senior or other magistrate, is hereby authorized to administer, stating the nature and extent of the interest of such person or persons, and the different rights, claims and limitations to which such slave is subject, and the impediments which prevent such slave being manumitted in the ordinary manner; and such custos, or senior or other magistrate, shall associate to himself two other magistrates disinterested in the matter, and shall inquire into the merits of the application; and if such application shall appear to the said magistrates, or any two of them, to be well founded, three indifferent persons shall be appointed as valuers, one of whom to be named by the party or parties applying, and another by the person or persons entitled in remainder or otherwise interested, or if a minor, by his or her guardian, and appearing personally, or by his, her or their attorney or attorneys, lawfully constituted, before the said magistrates, and the third to be nominated by the said magistrates, and in case no other person or persons shall appear before the said magistrates having an interest in the said slave, then two of the said valuers shall be appointed by the said magistrates, and such three persons shall inquire into the value of the slave so intended to be manumized, and shall make their reports in writing under their signatures to the said three magistrates: provided always, that if the person having such vested estate or interest as



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aforsaid, or such estate in remainder, shall be covert, the consent of such feme covert to such manumission, and her authority to any person or persons to appoint a valuator, given in the same manner as by the laws of this island is required in the execution of deeds by femes covert, and recorded in the office of the secretary of this island, shall be sufficient to authorize the magistrates to give such authority and order as hereinafter mentioned ; and when such feme covert is absent from this island, to dispense with her appearance before them ; provided, that before such custos, or senior or other magistrate, shall entertain such application, it shall be made to appear to him that notice has been given in the three county newspapers for three weeks successively of the intention to make such application, stating the name or names of the person or persons applying, the name or names of the slave, the place or places where such slave has been resident for the last twelve months, and the time when such application is intended to be made.

And be it further enacted by the authority aforsaid, that when such valuation shall be reported and approved of, the said custos, or senior or other magistrate, and his associates, shall and they are hereby required to give an authority to the receiver-general to receive the amount of the valuation, and to place the sum, when paid, to the credit of the person or persons interested in the said slave ; and the said amount shall bear an interest of six per cent, payable out of the public funds, so long as the same shall remain in the hands of the receiver-general.

And it is hereby further enacted by the authority aforsaid, that the receiver-general shall give to the party or parties paying in the amount of the valuation, a certificate under his hand that the same has been paid to him ; and upon the production of such certificate of the receiver-general, to the said custos, or senior or other magistrate, and his associates, they are hereby authorized and required again to meet and give an order for the manumission of the said slave, in manner following :

“ Whereas *A. B.*, of \_\_\_\_\_ did on the \_\_\_\_\_ day of \_\_\_\_\_ last past, appear before us, and did make a statement upon oath that he was tenant for life (*or as the case may be*) and in the actual possession of a certain slave, named \_\_\_\_\_ and that he was desirous that the said slave should be made free, but that he was prevented from so doing by reason of legal impediments : And whereas the said slave, named \_\_\_\_\_ hath been valued by three indifferent persons at the sum of \_\_\_\_\_ pounds, and a certificate of the receiver-general hath been produced to us that the amount of such valuation had been paid into his office : We do, therefore, in pursuance of an Act of the Governor, Council and Assembly, declare the said slave to be free. In witness whereof, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ .”

And it is hereby enacted by the said authority aforsaid, that the said order of manumission, together with the valuation and the receiver-general's certificate annexed thereto, shall be entered in the office of the secretary of this island, and recorded in a separate book for manumissions, and shall not be delivered out except under an order of the court of chancery or supreme court, but shall be kept in the said office as original documents, and a certified copy of the same shall be received as evidence in all courts, and be of the same force as the originals.

And be it further enacted by the authority aforsaid, that the amount of the valuation, or the interest thereof, shall be paid by the receiver-general, under an order of the court of chancery, or of the supreme court, to be made upon the application of the person or persons interested in the money ; and such money shall be considered as of the same nature, whether real or personal estate, as the slave would have been if proceedings under this Act had not taken place, and the said money shall be liable to the same descent, limitations, trusts, debts and incumbrances as the slave was subject to ; and it shall be in the power of the said courts, or either of them, to direct the principal or the interest thereof to be paid by the receiver-general, according to the rights of the different owners, or their creditors.

And be it further enacted by the authority aforsaid, that in case any slave manumized in pursuance of this Act, shall have belonged at the time of his or her manumission to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such slave, after being so manumized, if a male, shall die in the life-time of the tenant for life, or being a female slave, shall die in the life-time of the tenant for life, without leaving her surviving, any child or children born after the date of the manumission, or such child or children die after her

her death in the life-time of the tenant for life, then and in every such case the person or persons in remainder shall not be considered to be entitled to the principal or interest of the said money, but the same shall be deemed the property of the tenant for life, as against all persons to take in succession, without prejudice to the creditors of the person who limited the said slave in settlement, or the creditors of the tenant for life.

And whereas it may sometimes happen that the persons desirous of effecting such manumissions as aforesaid may wish to invest the consideration of such manumission in the purchase of other slaves, instead of placing the same in the hands of the receiver-general, or may be prevented from carrying their intentions into effect without incurring considerable expense, by reason of the estate to which the slave or slaves so intended to be manumized may belong, being in the hands of a receiver appointed by the Court of Chancery; be it enacted by the authority aforesaid, that in all such cases it shall and may be lawful for the person or persons so desirous of effecting such manumission as aforesaid, under and subject to the same regulations as are hereinbefore prescribed relative to persons having only a limited interest, to invest the consideration which he, she or they shall have received in the purchase of other slaves or slaves, to be held by him, her or them, subject to the same descent, limitations, trusts, orders, debts and incumbrances, to which the slave or slaves so manumized shall have been subject.

And whereas it is now required by law, in all cases of manumission by deed, that a bond should be given to the churchwardens of the parish for the payment of an annuity of five pounds for the maintenance of any slave intended to be manumized, and such bond is in many cases unnecessary; be it therefore enacted by the authority aforesaid, that it shall not be necessary to give such bond to the churchwardens, provided that in lieu thereof the slave intended to be manumized shall be produced to the magistrates and vestry of the parish where such slave shall reside, or it shall be otherwise shown to their satisfaction that the manumission is not given for the purpose of relieving the owner from the obligation of maintaining an aged or infirm slave, a certificate whereof shall be given by the clerk of the vestry, and shall be annexed to and entered in the secretary's office with the deed of manumission.

And whereas it is expedient to prevent slaves from being purchased by persons for the purpose of re-sale, and to prevent such re-sales; be it enacted, that from and after the commencement of this Act, if any person or persons shall be found travelling about from place to place, exposing or offering for sale any negro, mulatto, or other slave or slaves, it shall and may be lawful for any person whomsoever to seize and detain any such person or persons, and the slave and slaves under his or their charge, and carry such person or persons, and slave or slaves, before any one of His Majesty's justices of the peace of the parish where such offence shall be committed, which said justice is hereby authorized and required to call to his assistance two other justices of the said parish, and which three justices, being so associated, shall on due proof on oath that the party or parties brought before them had been found exposing or offering a slave or slaves to sale, contrary to the true intent and meaning of this Act, cause the said slave or slaves so offered for sale to be publicly sold, by warrant under the hands and seals of the said three justices, one moiety of the money arising from the sale thereof, after deducting the expenses of the said sale, to be paid into the hands of the churchwardens of the said parish where the offence shall be committed, for the use of the poor of the said parish, and the other moiety to the use of the person or persons who shall bring the offender or offenders before the said justices; and it is hereby enacted and declared, that the oath of the person or persons bringing such offender or offenders before the said justices shall be received and taken, and shall be considered good evidence against such offender or offenders.

And be it further enacted by the authority aforesaid, that if any sale or sales of slaves shall be so made as aforesaid, the same shall be and are hereby declared to be null and void, and that no title shall accrue to the purchaser or purchasers thereof, and any slave or slaves so sold shall become forfeited, and any justice of the peace, on receiving information on oath of any such sale or sales, shall issue his warrant to take up such slave or slaves, and if it shall appear to his satisfaction that such slave or slaves has or have been so sold, he shall declare the same to be forfeited, and proceed to sell the said slave or slaves, and apply the money arising from such sale in manner hereinbefore mentioned.

And it is hereby enacted by the authority aforesaid, that no writ of *certiorari*, or other process, shall issue or be issuable to removing any proceedings whatsoever,  
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had in pursuance of this Act, unto the supreme court of judicature, or any other of the courts of this island.

And be it further enacted by the authority aforesaid, that if any slave or slaves shall, after the commencement of this Act, enter into or be concerned in any rebellion or rebellious conspiracy, or commit any murder, felony, burglary, robbery, or set fire so any houses, out-houses, negro houses, cane pieces, grass or corn pieces, or break into such houses, out-houses, or negro houses, in the day time, no person being therein, and stealing thereout, or commit any other crime which would subject white persons or persons of free condition to be indicted for felony, such slave or slaves shall for every such offence or offences, upon trial and conviction thereof in manner hereinafter mentioned, suffer death, transportation, or such other punishment as the court shall think proper to direct, according to the nature and extent of the offence.

And be it further enacted by the authority aforesaid, that if any slave shall assault or offer any violence, by striking or otherwise, to or towards any white persons or persons of free condition, such slave upon due and proper proof shall upon conviction be punished with death, transportation, or confinement to hard labour for life or a limited time, or such other punishment, according to the nature of the offence, as the court shall in their discretion think proper to inflict, provided such assault or violence be not by command of his, her or their owners, overseers, or persons entrusted with them, or in the lawful defence of their owners persons or goods.

And be it further enacted by the authority aforesaid, that if any slave or slaves shall hereafter be found to have in his, her or their custody or possession, any fire-arms, pikes, sabres, swords, cutlasses, lances, gunpowder, slugs or ball, without the knowledge or consent of his, her or their owner or possessor, or his, her or their overseer, such slaves shall be taken before three magistrates, who shall, if they are of opinion that the same was with evil intent, commit such slave or slaves to the gaol, to be tried at the court of quarter sessions or special slave court as hereinafter directed, and upon conviction the said slave or slaves shall suffer transportation or such other punishment as the court shall think proper to direct, not extending to life.

And in order to prevent the many mischiefs that may hereafter arise from the wicked act of negroes going under the appellation of Obeah or Myal men and women, and pretending to have communication with the devil and other evil spirits, whereby the weak and superstitious are deluded into a belief of their having full power to exempt them, whilst under their protection, from many evils that might otherwise happen : be it further enacted by the authority aforesaid, that from and after the commencement of this Act, any slave who shall pretend to any supernatural power in order to excite rebellion or other evil purposes, or shall use or pretend to use any such practices, with intent or so as to affect or endanger the life or health of any other slave, or under any other pretence whatsoever, shall upon conviction thereof suffer death or transportation, or any such punishment as the court may direct, anything in this or any other Act to the contrary in anywise notwithstanding.

And whereas it has been found that the practice of ignorant, superstitious or designing slaves of attempting to instruct others has been attended with the most pernicious consequences, and even with the loss of life ; be it enacted, that any slave or slaves found guilty of preaching and teaching, without a permission from their owner, and the quarter sessions for the parish in which such preaching or teaching takes place, shall be punished in such manner as any three magistrates may deem proper, by whipping, or imprisonment in the workhouse to hard labour.

And whereas the assembling of slaves and other persons after dark, at places of meeting for religious purposes, has been found extremely dangerous, and great facilities are thereby given to the formation of plots and conspiracies, and the health of the slaves and other persons has been injured in travelling at late hours in the night ; be it further enacted by the authority aforesaid, that from and after the commencement of this Act, all such meetings between sun-set and sun-rise be held and deemed unlawful, and any minister or other person professing to be a teacher of religion, ministers of the established church excepted, who shall, contrary to this Act, keep open any places of meeting between sun-set and sun-rise, for the purpose aforesaid, or permit or suffer any such nightly assembly of slaves therein, or be present thereat, shall forfeit and pay a sum not less than twenty pounds or exceeding fifty pounds for each offence, to be recovered in a summary manner before any three justices, by warrant of distress and sale, one moiety thereof to be paid to the informer, who is hereby declared a competent witness, and the other moiety to the poor of the parish in which such offence shall be committed ; and in default of pay-  
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ment thereof, the said justices are hereby empowered and required to commit such offender or offenders to the common gaol, for any space of time not exceeding one calendar month.

And be it further enacted, by the authority aforesaid, That from and after the commencement of this Act, it shall not be lawful for any person whatsoever to demand or receive any money or other chattel whatsoever, from any slave or slaves within this island, for affording such slave or slaves religious instruction, by way of offering, contributions or under any pretence whatsoever; and if any person or persons shall contrary to the true intent and meaning of this Act, offend herein, such person or persons shall, upon conviction before any three justices, forfeit and pay the sum of twenty pounds for each offence, to be recovered in a summary manner, by warrant of distress and sale, under the hands and seals of the said justices, one moiety thereof to be paid to the informer, who is hereby declared a competent witness, and the other moiety to the poor of the parish in which such offence shall be committed; and in default of payment the said justices are hereby empowered and required to commit such offender or offenders to the common gaol for any space of time not exceeding one calendar month.

And whereas a practice of nightly and other private meetings has frequently taken place among the slaves in several parts of this island, and which have been unknown to the owner, attorney or other person having charge of the slaves of the property, and as such meetings are injurious to the health of the slaves, and of dangerous tendency; be it therefore enacted by the authority aforesaid, that in future all such meetings shall be deemed unlawful, and the persons who shall or may attend them shall be liable to be apprehended and taken before any magistrate of the parish wherein the offence shall be committed; and if any white person or person of free condition attend such meeting, and it appears to the said magistrate on the oath of the person accusing the party, or on the oath of any other person, that he or she is guilty, he or she shall be committed to the gaol, to be tried at the next quarter sessions of the parish for the said offence, and if convicted thereof he or she shall be sentenced to imprisonment in the county gaol for such period of time as the justices before whom he or she shall be convicted think proper to direct, not exceeding three months; and if the offender be a slave, he or she shall be tried at the quarter sessions or special slave court, and if convicted thereof he or she shall be sentenced by the said court to hard labour for such time as the court shall think proper to direct, or to receive such other punishment by whipping, not exceeding thirty-nine lashes at one time, as the court shall order and direct.

And be it further enacted by the authority aforesaid, that if any negro or other slave or slaves shall mix or prepare, with an intent to give or cause to be given, any poison, or poisonous or noxious drug, pounded glass or other deleterious matter, in the practice of obeah or otherwise, although death may not ensue on the taking thereof, the said slave or slaves, together with their accessaries as well before as after the fact (being slaves), being duly convicted thereof, shall suffer death or such other punishment as the court shall award, anything in this or any other Act to the contrary in anywise notwithstanding.

And whereas it is necessary to prevent secret and other unlawful meetings of slaves; be it therefore enacted by the authority aforesaid, that all and every slave or slaves who shall be found at any meeting formed either for the purpose of administering unlawful oaths by drinking human blood mixed with rum, grave-dirt, or otherwise, or of learning the use of arms, or for any other unlawful or dangerous purpose, such slave or slaves shall on conviction thereof suffer death or transportation for life, or such other punishment as the court shall direct.

And be it further enacted by the authority aforesaid, that if any white person or person of free condition shall be present at any such meeting, and aiding and assisting in any of the unlawful purposes before mentioned, such person or persons shall, upon conviction thereof in the supreme court or either of the courts of assize in this island, be punished by death, transportation off this island for life, or fine or imprisonment, or both, at the discretion of the court before whom such person or persons shall be tried.

And be it further enacted by the authority aforesaid, that if any person or persons having knowledge of such unlawful meetings as aforesaid, shall not forthwith give information thereof to a justice of the peace, such person or persons shall, on conviction before the supreme or either of the courts of assize or courts of quarter sessions of this island, suffer such punishment by fine or imprisonment, or both, or by public whipping, as the court before which such person or persons shall have been so convicted shall direct.

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And be it further enacted by the authority aforesaid, that if any negro or other slave shall after the commencement of this Act, steal any horned cattle, sheep, goat, hog, horse, mare, mule or ass, or shall kill any such horned cattle, sheep, goat, hog, horse, mare, mule or ass, with intent to steal the whole carcass of any such horned cattle, sheep, goat, hog, horse, mare, mule or ass, or any part of the flesh thereof, such negro or other slave shall on conviction thereof suffer death, transportation, or such other punishment as the court shall in its discretion inflict.

And whereas great numbers of horned cattle, sheep, goats, hogs, horses, mares, mules and asses, are frequently stolen and killed by negroes and other slaves, in so secret and private a manner that it is with the greatest difficulty they can be found out and discovered, in such manner as to convict them of such offence, although large quantities of beef, mutton, and the flesh of other valuable animals are found upon him, her or them ; in order therefore to prevent such evils in future, and to punish the perpetrators of such acts according to their crimes, be it enacted by the authority aforesaid, that if any negro or other slave shall fraudulently have in his, her or their custody or possession, unknown to his or her master, owner, overseer, or other persons who shall have the overlooking or employing of such slave, any fresh beef, veal, mutton, pork, or goat or any other flesh, in any quantity not exceeding twenty pounds weight, without giving a satisfactory account in what manner he or she became possessed thereof, such negro or other slave, upon conviction thereof before any magistrate, shall be whipped in such manner as such magistrate shall direct, not exceeding thirty-nine lashes ; and if there shall be found in his, her or their custody or possession a larger quantity than twenty pounds weight of fresh beef, veal, mutton, pork, or goat or other flesh, and such slave shall not give a satisfactory account how he or she became possessed of such meat, then such negro or other slave shall, upon conviction thereof at a slave court, suffer such punishment as the court shall think proper to inflict or direct, not extending to life, transportation or imprisonment for life.

And to prevent and punish depredations upon produce, be it enacted by the authority aforesaid, that if any slave or slaves shall have in his, her or their possession any quantity of sugar, coffee or pimento, in quantity not exceeding ten pounds, or of rum, not exceeding one gallon, unknown to his, her or their owner, overseer or manager, without giving a satisfactory account of how he, she or they became possessed thereof, such slave or slaves, upon conviction thereof before any magistrate, shall suffer such punishment, not exceeding thirty-nine lashes ; and if there shall be found in his, her or their possession a larger quantity than twenty pounds of sugar, coffee or pimento, or five gallons of rum, then such slave or slaves, upon conviction thereof at a slave court, shall suffer such punishment as the court shall think proper to inflict or direct, not extending to life, transportation or imprisonment for life.

And be it enacted by the authority aforesaid, that if any negro or other slave shall wantonly and cruelly cut, chop, shoot at, or otherwise maim and injure any horned cattle, horse, gelding, mare, mule or ass, such negro or other slave shall for every such offence be tried in a summary manner before three or more justices of the peace of the parish or precinct where the offence shall be committed ; and the said justices of the peace shall, on conviction of such slave or slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding fifty lashes, to be inflicted at one or more different times, or two months hard labour in the workhouse. And in all cases where, from such treatment as above set forth, any horned cattle, horse, gelding, mare, mule or ass, shall be killed or shall die within ten days after the offence committed, although the carcass or any part of the flesh thereof may not be stolen, such negro or other slaves shall be tried at the court of quarter sessions or special slave court, and on conviction thereof suffer death, transportation or confinement to hard labour for life, or such other punishment as the court shall think proper.

Be it further enacted by the authority aforesaid, that if any slave or slaves, shall, by wantonly and cruelly cutting, chopping, striking, or by any other manner or way whatsoever, mutilate, disfigure, dismember or injure any slave or slaves, so as to endanger life, although death shall not ensue, or that such slave or slaves shall become a cripple or lose any of his or her limbs, or be deprived of the use thereof, all and every or any such slave or slaves so offending shall for every or any such offence be tried at the court of quarter sessions or special slave court, and upon conviction shall suffer death, transportation for life, or such other punishment as the court shall direct.

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And whereas the practice of negroes to clear their grounds by fire is highly dangerous to the neighbouring properties, and frequent instances of alarm and injury occur for want of some restraint in that respect ; for prevention of so great an evil, be it further enacted, that if any injury shall arise to the owner, proprietor or possessor of one property, by a slave or slaves on the adjoining property clearing ground by fire, the slave or slaves who shall so clear ground by fire, by which injury shall result to the adjoining property, shall be proceeded against, tried and punished, if found guilty, as and for a misdemeanor ; and if the overseer or other person then actually having charge of the property on which such fire shall originate, shall have knowledge that any negro under his charge has made any such fire for clearing his or her ground, and shall not forthwith use his best endeavours to cause the same to be extinguished, and such fire shall cause injury to the neighbouring property, such overseer or other person shall suffer such fine as any two justices of the peace of the parish wherein such injury shall happen shall award, not exceeding ten pounds for one and the same offence, the complaint whereon shall be heard, determined, and the penalty when imposed shall be enforced, in a summary manner, before any two justices of the peace.

And whereas it is necessary to declare how and in what manner slaves should be tried for crimes and offences ; be it enacted by the authority aforesaid, that from and after this Act shall commence and be in force, all and every charge or complaint against any slave or slaves of murder, rape, felony, burglary, robbery, burning or destroying houses, out-houses, stores, negro-houses, or cane-grass, or corn-pieces, or breaking into such houses, out-houses, stores, or negro-houses, in the day time, no person being therein, and stealing thereout, rebellion, rebellious conspiracies, or any other offence whatsoever, committed by any slave or slaves, that shall subject such slave or slaves to suffer death, transportation, or confinement to hard labour for life, or for a term exceeding one year, shall be heard, tried and determined at the court of quarter sessions or special slave court for the parish or precinct where the offence shall be committed, as part of the business of such court, and by indictment before the grand and petit juries of such court, as indictable offences are now conducted at such courts against white persons and persons of free condition, but first disposing of such business of the court as shall concern white persons and persons of free condition, and then proceeding with the trial of slaves against whom bills may be found by the grand jury ; and the justice before whom such charge or complaint is made, shall issue out his warrant for apprehending the offender or offenders, and all persons that can give evidence, who being brought before him or any other justice of the peace, if upon examination it appears probable that the slave or slaves apprehended is or are guilty, he shall commit the offender or offenders to gaol for trial at the next court of quarter sessions or special slave court, and secure the attendance there of the witnesses by recognizance or committal to gaol, as public justice may require, and in all cases the evidence of slaves shall be admitted against slaves, before the justice, the court, and the grand or petit jury ; and in case of the grand jury finding a true bill, then, in any parish where a court of quarter sessions is now annually holden, such slave or slaves shall have the indictment or charge distinctly read to him, her or them in open court, which indictment or charge shall be deemed valid if sufficient in substance, and shall not be quashed for defect in form ; and thereupon the plea shall be taken down and entered, and such slave or slaves shall be put upon his, her or their trial before a petit jury, in like manner as is the practice usual and accustomed at the quarter sessions, on the trial of indictments against white persons and persons of free condition ; and if a petit jury be already formed for any preceding business of the court, it shall be lawful to proceed to try the indictment against such slave or slaves, upon calling over the names of the jurors, and causing them to be sworn to try all and every such slave and slaves as shall be brought before them, and a true verdict give according to evidence, as in other cases, reserving to the Crown and to the prisoner the power of challenging any of the said jurors, upon assigning cause to be approved of by the court ; and provided that no owner or proprietor of any prisoner, or the attorney, guardian, trustee, overseer, book-keeper, or any other person in the employment of such owner or proprietor, or the person prosecuting, his or her attorney, guardian, trustee, overseer or book-keeper, shall be allowed to sit as a juror upon the trial of such prisoner ; and the place of such jurors as shall be set aside upon challenge, or for the causes aforesaid, shall be supplied by others returned upon the panel to serve as jurors ; or if a sufficient number should not be in attendance, then such sufficiency shall

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be supplied by a writ of tales, to be issued by the court in which such trial shall take place; and the same jury shall serve for every case, under the preceding regulations, at the same court, unless the court shall see, or the jury of themselves declare, that the circumstances of one trial too intimately affect another trial to proceed without bias, in which case a new jury shall be called; and if the said jurors shall upon hearing the evidence unanimously find the slave or slaves guilty of the offence with which he, she or they stand charged, the court shall pass sentence of death, without benefit of clergy, or transportation, or confinement to hard labour for life or a limited time, or whipping, or such other punishment as the court shall think proper, according to the nature of the offence: provided always, that no sentence of death or transportation pronounced on any slave or slaves shall be carried into effect unless by warrant under the hand and seal of the governor or the person exercising the functions of governor, who is hereby authorized to issue such warrant, and before him shall be previously laid the charge or indictment, the evidence taken down at the trial, and the sentence of the court, or a true copy thereof attested by the justice presiding at the trial, or in case of his death or absence, of one of the other justices constituting the court, except when sentence of death shall be passed upon any slave or slaves convicted of rebellion or rebellious conspiracy, in which case the court shall and may proceed to pass sentence and carry the same into execution, as heretofore, at such time and place as public expedience may require, or if no pressing occasion arise, the court may, if it sees fit, refer the proceedings to the governor, in the manner and to be disposed of by him as in other cases of public convictions: provided always, that if it shall be necessary or expedient for the furtherance of justice and the safety of the public to hold any court before the stated court of quarter sessions, it shall be lawful to convene a special slave court, and the custos or senior magistrate of the parish or precinct shall issue a special writ of *venire*, directed to the provost-marshal general or his lawful deputy, to summon and warn forty-eight persons, such as are usually warned and empanelled to serve on juries for the parish or precinct, personally to be and appear at such court at the usual place for holding the quarter sessions, at such day and time as may be expressed in such *venire*, then and there to inquire for our sovereign lord the King of and concerning all such matters and things as shall be given them in charge and enjoined; when and where the said persons so warned by the provost-marshal, or his lawful deputy as aforesaid, are hereby severally required to attend under, the penalty of five pounds on each defaulter; and when and where the said special slave court shall proceed in like manner and in all respects as is the usual custom and practice at a general court of quarter sessions of the peace for indictable offences against persons of free condition.

And whereas this mode of trying slaves will materially interfere with the facilities granted to those parishes which are component parts of a precinct wherein special slave courts are now allowed; be it enacted, that in the parishes of St. Thomas in the Vale, and St. John, part of the precinct of St. Catherine, indictments against slaves shall be preferred before the grand jury convened and sworn at the court of quarter sessions of the precinct, and the attendance of all witnesses to support the charge before the grand jury shall be secured as aforesaid, and when a true bill shall be returned against any slave or slaves, such trial shall be proceeded in at a special slave court, to be convened by the custos or senior magistrate of the parish at the place such court is at present held by law; and thereupon the custos, or in his absence the senior magistrate of the parish where such trial is to take place, shall and may hold such special slave court, and shall sign and issue a writ of *venire* to the provost-marshal, or his lawful deputy, for convening twenty-four persons of the parish qualified to serve on juries, at the time and place appointed by the writ of *venire*, to form a petit jury for the trial of slaves against whom bills of indictment have been found at the quarter sessions, such trial to take place under the same regulations as are hereinbefore contained as to trials of slaves in the courts of quarter sessions; and the provost-marshal, his deputy, and all persons under recognizance, and the persons so warned as jurors, and every other person whomsoever, for any breach of the duty hereby imposed in regard to such special slave court, shall suffer the like penalties under the like remedies as if such offence had been committed in any such courts of quarter session; and all proceedings of such special slave court shall be returned in the office of the clerk of the peace of the precinct, there to be recorded.



And be it further enacted, that if any slave or slaves shall have been detained in custody under commitment for six calendar months, and no indictment shall have been preferred against him, her or them during that time, or if, after indictment found, the prosecutor shall not proceed to trial for two courts, it shall be the duty of such court of quarter sessions or special slave court, as the case may be, to discharge such slave or slaves by proclamation, except the court shall think proper to order otherwise under special circumstances, to be disclosed by affidavit.

And be it further enacted, that in any case upon an indictment against any slave or slaves for murder, where malice prepense shall not be proved to the satisfaction of the jurors, such jurors shall be and they are hereby empowered to return a verdict of manslaughter, and the person or persons so found guilty of manslaughter shall suffer such punishment as the court shall think fit to inflict, not extending to life.

And whereas the ends of justice are sometimes defeated by the incapacity of, or gross neglect of their duties by the clerks of the peace; be it enacted by the authority aforesaid, that if a charge in writing of any misdemeanor, or gross neglect, or frequent neglect, committed by a clerk of the peace, or of his ignorance or incapacity to fill such an office, be exhibited against him to the quarter sessions, a majority of the justices, on open examination and proof thereof, then may discharge him from the office, or suspend him for such space of time as the justices shall think proper; and in default of appointment of another sufficient person resident in the parish, by the custos rotulorum, to the office of such clerk of the peace, before the next quarter sessions, the justices at the said or any subsequent court may appoint to the office.

And be it further enacted by the authority aforesaid, that the custos, magistrates and vestry, in every parish of this island, are hereby empowered to employ a person who has been regularly admitted a barrister or attorney at law in the courts of this island, to attend the trials of all slaves for capital offences in the quarter sessions or special slave courts, and to take the defence of such slaves, at such rate of salary, or remuneration by fees, as they may see fit, to be paid out of the parochial funds.

And be it further enacted by the authority aforesaid, that all witnesses, whether white or of free condition, legally warned, and who do not attend to give evidence at any trial under this Act, or show by affidavit a sufficient cause for his or her absence, shall be liable to a fine not exceeding twenty pounds, to be enforced by warrant of the court of quarter sessions or special slave court, as the case may be, directed to the provost-marshal or his lawful deputies; provided also, that such court may issue its warrant to enforce the attendance of any witnesses, and to compel such witness to appear or to enter into recognizance, as the case may be.

And be it further enacted by the authority aforesaid, that all jurors serving at any of the courts herein mentioned, and every person or persons whose presence may be requisite at the examination of any slave or slaves, and who shall be required by warrant or summons under the hand and seal of any justice of the peace, and all and every slave who shall be brought or required to attend as a witness, shall be protected in their persons from all mesne or judicial process whatsoever in their going to, attending at, and returning from such examinations or trial.

And be it further enacted by the authority aforesaid, that a record shall be entered up of all proceedings on the trials of slaves for any crime that shall subject any slave or slaves to suffer death, transportation, or confinement to hard labour, in a book to be kept for that purpose by the clerk of the peace, or his lawful deputy, of the parish or precinct, who is hereby obliged to attend all such trials, and to record the proceedings within thirty days after such trial, under the penalty of twenty pounds for each neglect, and he shall be entitled to receive from the churchwardens of such parish the sum of five pounds, and no more, for attending each trial, entering up the record, and all other business incidental thereto; and further, that the deputy marshal for the said parish, or some proper person acting under him, shall under the penalty of fifty pounds warn the jurors and attend the trials of all slaves, and also attend at the execution of such offenders as shall be condemned to die, and that he shall be entitled to receive from the churchwardens of the said parish, for warning jurors and attending the trials of slaves at all courts, the sum of five pounds for each court to be held under this Act, and the further sum of five pounds for attending the execution of each offender as shall be condemned to die.

And be it further enacted by the authority aforesaid, that in future, whenever a warrant shall be granted by one or more of his Majesty's justices of the peace  
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against any slave, if the said slave cannot be immediately taken on the said warrant, the owner, possessor, or attorney, guardian or overseer of such slave, shall be served with a copy of the said warrant, and if he, she or they do not carry the said slave before a magistrate to be dealt with according to law on the said warrant, and if it should be afterwards proved that the owner, possessor, attorney, guardian or overseer of such slave wilfully detained or concealed the said slave, he, she or they shall forfeit the sum of one hundred pounds.

And be it further enacted by the authority aforesaid, that in all trials of any slave or slaves under this Act, six days notice of such trial shall be first given to the owner, proprietor or possessor of such slave or slaves, his, her or their lawful attorney or attorneys, or other representative or representatives, any law, custom or usage to the contrary notwithstanding.

And whereas it may sometimes happen that the owner, proprietor or possessor of a slave may reside in a different parish or precinct from that wherein such slave may have committed the offence for which he or she is to be tried ; be it therefore enacted, that in such cases the clerk of the peace of the parish or precinct wherein the offence is to be tried, shall transmit the notice of such trial to the clerk of the peace of the parish or precinct wherein the owner, proprietor or possessor as aforesaid may reside, who shall forthwith thereupon, under the penalty of twenty pounds, deliver such notice and a copy thereof to one of the lawful constables of the said parish, to be by him, under the penalty of ten pounds, served on such owner, proprietor or possessor ; and the said constable is hereby required to make an affidavit of the manner in which he may have served the said notice, to be sworn to before any justice of the peace, and shall return such notice, so sworn to, to the clerk of the peace from whom he received the same, to be by him transmitted to the clerk of the peace for the parish or precinct where the offence is to be tried in due time, for which duty the clerk of the peace of the parish where the warrant shall be served shall be paid the sum of one pound six shillings and eight-pence, and the constable the sum of one pound six shillings and eight-pence, by the acting churchwardens of the said parish.

And whereas it sometimes happens that runaway slaves are apprehended in consequence of the commission of crimes, and in such cases it is frequently impossible to ascertain the owners or other persons on whom notices of trial ought to be served ; be it therefore enacted, that whenever it shall so happen that the name of the owner cannot be discovered, a public notice shall be given for three weeks in the three county papers of the name and description of the slave, of the nature of the offence, and of the day of trial, which shall be deemed to be sufficient notice of such trial.

And be it further enacted by the authority aforesaid, that in all cases where the punishment of death is inflicted, the execution shall be performed in a public part of the parish and with due solemnity, or at such place in the parish as the governor or person executing the functions of governor shall direct or appoint ; and it shall be the duty of the rector or curate to prepare the criminal while under sentence, and to attend at the place of execution ; and care shall be taken by the gaoler or deputy marshal that the criminal is free from intoxication at the time of his trial, and from thence to and at the time of his execution, under the penalty of twenty pounds ; and the mode of such execution shall be hanging by the neck and no other, and the body shall be afterwards disposed of as the court shall direct.

And be it further enacted by the authority aforesaid, that in all cases wherein a slave or slaves shall be put upon his, her or their trial, and receive sentence of death or transportation, or commitment to hard labour for life, the court, at the time of trying such slave or slaves, shall also inquire of the jury upon their oaths what sum or sums of money the owner, proprietor or possessor of the said slave or slaves ought to receive for such slave or slaves, and certify the same, so that such sum or sums of money do not exceed the sum of one hundred pounds for each slave so sentenced as aforesaid ; and if the conviction be for running away, the value to be set by the jury shall not exceed fifty pounds.

And be it further enacted by the authority aforesaid, that in all cases where any slave or slaves shall be brought to trial and sentenced to death, and valued according to the directions of this Act, the provost-marshal, or his lawful deputy, shall, under the penalty of two hundred pounds, carry such sentence into execution in obedience to the warrant from the governor or person executing the functions of governor for the time being, or the warrant of the justices in cases of conviction for rebellion or rebellious conspiracy ; and in all cases of sentences of transportation  
under

under this Act, such sentences shall be carried into effect by a warrant from the governor or person exercising the functions of governor for the time being, directed to the provost-marshal or his lawful deputy, who shall forthwith cause the said slave or slaves to be put on board such vessel of war, for transportation beyond the seas, as the governor or person exercising the functions of governor shall appoint; and the provost-marshal or his lawful deputy shall be entitled to receive from the receiver-general the charges for the confinement, subsistence and conveyance to the vessel of the said slave or slaves, on a statement verified on oath, and the receipt of the captain or master of the vessel, that such slave or slaves are actually on board for the purpose of transportation, being attached thereto.

And be it further enacted by the authority aforesaid, that in all cases where any slave or slaves shall be sentenced to death, transportation or confinement to hard labour for life, and be valued according to this Act, such slave or slaves shall be paid for by the receiver-general of this island out of any monies in his hands, upon production of a legal certificate of such sentence and valuation, but not otherwise.

And be it further enacted by the authority aforesaid, that every slave sentenced to transportation under and by virtue of this Act, who shall be found at large within this island at any time after such sentence, may and shall be lawfully apprehended by any person whomsoever, and immediately taken before any of His Majesty's justices of the peace, and if it shall appear to the satisfaction of such justice that such slave has been sentenced to transportation by virtue of this or any former Act, such justice shall, by warrant under his hand and seal, direct such slave to be delivered to the provost-marshal or his lawful deputy, to undergo such sentence in the manner herein prescribed; and any person or persons apprehending any such slave shall, upon production of a certificate under the hand and seal of the justice who shall have directed such slave to be delivered to the provost-marshal or his lawful deputy, to undergo his sentence, receive from the receiver-general the sum of twenty-five pounds.

And be it further enacted by the authority aforesaid, that if any negro or other slave who shall have been transported from this island under the directions of this Act, or of any other Act heretofore in force respecting slaves, for murder, rebellion, or any other crime which would have subjected him to the punishment of death, shall wilfully return from transportation, such negro or other slave shall, upon conviction, suffer death without benefit of clergy.

And be it further enacted, that any slave or slaves who shall have been transported from this island under the directions of this Act, or any Act heretofore in force, for any crime which would not have subjected him, her or them to the punishment of death, shall wilfully return from transportation, such slave or slaves shall upon conviction be again transported, or sentenced to hard labour in the workhouse for life, as the court may think proper to direct.

And be it further enacted by the authority aforesaid, that if the captain or master of any ship or vessel, or any other person or persons, shall knowingly and wilfully bring back to this island, or shall be aiding and assisting in the bringing back, or cause or procure to be brought back to this island, any negro or other slave who shall have been transported from this island under and by virtue of this Act, or any other Act heretofore in force respecting slaves, such captain or master, or person or persons, being convicted thereof by bill, plaint or information in the supreme court of judicature, or either of the courts of assize of this island, shall forfeit the sum of three hundred pounds for each slave so brought back, one moiety whereof shall be to our sovereign lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted; and shall also suffer imprisonment, at the discretion of the court, for any space of time not less than three, nor exceeding twelve months, without bail or mainprize.

And be it further enacted, that in future all slaves sentenced to transportation shall be committed forthwith to hard labour in the workhouse, there to remain until such sentence of transportation shall be carried into effect.

And be it further enacted by the authority aforesaid, that when any slave, who after the commencement of this Act shall be convicted of felony or other crime, and sentenced to death, transportation or hard labour for life, shall receive a free pardon from the governor or person executing the functions of governor, the provost-marshal or his lawful deputy, or the keeper of the gaol or workhouse in which such slave or slaves shall be confined, shall, upon the requisition in writing

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of the person or persons who owned or possessed the said slave or slaves previous to such conviction, and upon the production of a certificate from the receiver-general that the value of the said slave has not been paid to the said owner or owners, possessor or possessors, or if such value had been paid, that the same had been repaid back to him the said receiver-general, deliver back to such owner or possessor, owners or possessors, the said slave so convicted and pardoned as aforesaid, upon payment of all charges for the maintenance and support of such slave, and the said slave shall thereupon again become vested in such owner or possessor, or owners and possessors, for the same estate, and subject to the same provisos, conditions and limitations, as the said slave was liable to previous to such conviction and pardon as aforesaid, such conviction and pardon, or any law, usage or custom to the contrary in anywise notwithstanding.

And be it further enacted by the authority aforesaid, that in case of the death of the owner or possessor, owners or possessors, of any such slave so convicted and pardoned as aforesaid, after such conviction, the person or persons who shall become entitled to such slave shall be authorized to receive back the said slave upon the said terms and conditions as the said owner or owners, possessor or possessors, might have done had he, she or they been living; and the said slave shall be vested in such person or persons so becoming entitled as aforesaid, for such estate as such person or persons would have had and enjoyed in the said slave or slaves had such slave or slaves not been convicted as aforesaid.

And be it further enacted by the authority aforesaid, that when such owner or owners, possessor or possessors, or other persons becoming entitled to such slave so convicted and pardoned as aforesaid, shall refuse or neglect to take back such slave within the space of one month after such his or her pardon, that the provost-marshal or his lawful deputy, or the keeper of the gaol or workhouse in which such slave shall be confined, shall and he or they are hereby authorized and required to cause the said slave to be put up to public sale, after giving one month's notice of such intended sale in all the newspapers in the county in which such sale shall take place, and to sell the said slave to the highest and best bidder; and the said provost-marshal or his deputy, or the keeper of the gaol or workhouse as aforesaid, shall, after deducting the maintenance of such slave and the expenses of such sale, that is to say, the sum allowed by law for the daily maintenance of negroes in a workhouse, and five per cent commission on such sale, and the charge of advertising the said slave, pay into the hands of the receiver-general, for the use of the island, the net proceeds of the sale of such slave, and shall also deliver to the said receiver-general an account of such sale, on oath, specifying the various sums claimed as deductions for maintenance and other expenses incidental to such sale.

And be it enacted by the authority aforesaid, that the said provost-marshal or his lawful deputy, or the keeper of such gaol or workhouse, as last mentioned, shall execute and deliver to the purchaser of such slave a bill of parcels, specifying the name, colour, country or supposed country, age or supposed age, of such slave, and the name and place of residence of his former master, and the crime for which he or she was convicted; which bill of parcels shall be acknowledged or proved by a subscribing witness, before a judge of the grand court, or court of common pleas, and such bill of parcels shall vest the said slave in such purchaser, for such and the same estate as the former owner had and enjoyed in the said slave; provided, and it is hereby declared, that all instruments in writing required by this clause shall be exempt from stamp duty.

And be it further enacted by the authority aforesaid, that in case the provost-marshal or any of his deputies, or the keeper of any gaol or workhouse in which such slave so convicted and pardoned as aforesaid shall be confined, shall omit or fail to perform the duties hereby imposed on him or them, in respect of such slave so convicted and pardoned as aforesaid, or shall negligently or improperly perform the same, the provost-marshal or his deputy, or the keeper of such gaol or workhouse, shall for every such offence forfeit the sum of fifty pounds, to be recovered in a summary manner before any three justices of the peace of the parish or precinct in which the offence shall be committed, for the use of the government of this island; which said three justices are hereby authorized and empowered to cause such sum of fifty pounds to be levied upon the goods and chattels of the offender, by warrant under their hands and seals, and in default of such goods and chattels, to commit the offender to gaol, there to remain without bail or mainprize until he shall have paid the same.

And

And be it further enacted by the authority aforesaid, that it shall and may be lawful for the governor or person executing the functions of governor, to commute any sentence of transportation hereafter to be passed on any slave, to imprisonment and hard labour for life or a term of years, or to commute any sentence upon a slave of imprisonment and hard labour for life to a less or limited period, and that the governor or person executing the functions of governor shall be authorized and empowered to make all orders necessary for carrying such commuted punishment into effect; and in case the sentence of any slave shall under and by virtue of this Act be commuted from transportation or imprisonment and hard labour for life, to imprisonment and hard labour for any period not extending to life, such slave shall, upon the expiration of such term, be returned to his owner, or sold and disposed of in like manner and under the same conditions and provisions as are hereinbefore enacted and directed concerning slaves who have received a free pardon.

And be it further enacted by the authority aforesaid, that if any negro or other slave who may be sentenced to be confined in the workhouse for any time, shall escape from such confinement before the expiration of his or her sentence, such negro or other slave, being retaken, shall on proof of his or her identity, before three justices of the peace, be adjudged by them to be sent back to confinement to complete the term for which he or she was sentenced to confinement, and to receive a whipping not exceeding fifty lashes.

And be it further enacted by the authority aforesaid, that if any negro or other slave who may be sentenced to be confined to hard labour for life in any workhouse, shall escape therefrom, every such negro or other slave, being retaken, shall, on being duly convicted thereof at a court of quarter sessions or slave court, be adjudged either to be recommitted to his or her former punishment, or to be transported off this island for life.

And be it further enacted by the authority aforesaid, that if the provost-marshal or any of his lawful deputies, or any lawful constable or workhouse-keeper, shall wilfully or negligently suffer any slave or slaves to escape who shall be committed to his or their custody for any offence under this Act, such marshal, constable or workhouse-keeper who shall suffer such escape shall, on conviction thereof before three magistrates, forfeit a sum not exceeding fifty pounds, to be recovered in a summary manner, by warrant under the hands and seals of the said three magistrates, for the use of the parish, and without injury to the rights of the owner to sue for the value of the same.

And be it further enacted by the authority aforesaid, that when any slave or slaves shall be discharged by proclamation, the deputy marshal or workhouse-keeper shall be entitled to receive all such fees as shall be due for such slave or slaves at the time of such discharge, from the public, upon application and due proof to the Assembly, or any committee thereof, that such slave or slaves, during the time they were in the custody of such deputy marshal or workhouse-keeper, was or were found and provided with proper and sufficient provisions and necessary clothing agreeably to this law.

And be it further enacted by the authority aforesaid, that no gaol-keeper in this island, or any person acting under him as clerk or deputy, shall on any pretence whatsoever work or employ any slave or slaves sent to his custody, nor hire nor lend such slave or slaves to work for any other person or persons during the time such slave or slaves shall be in his custody, but that all such slaves shall be and remain in the common gaol of the county, parish or precinct, in order to be inspected by any person or persons desiring the same; and in case any gaol-keeper shall offend herein, he shall for every offence forfeit a sum not exceeding fifty pounds.

And whereas there are many inferior crimes and misdemeanors committed by slaves, which ought to be punished in a summary manner before two magistrates; be it therefore enacted by the authority aforesaid, that all misdemeanors and inferior crimes committed by any slave or slaves, including swearing, obscene language, drunkenness, and indecent and noisy behaviour, shall be tried in a summary manner before two or more justices of the peace of the parish or precinct where the offence shall be committed, reasonable notice of the time and place of such trial being given to the owner or possessor of such slave or slaves, or his, her or their attorney or attornies, or the person or persons having the care of such slave or slaves; and the said justices of the peace shall, on conviction of such slave or slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding thirty-nine lashes, or three months imprisonment to hard labour.

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And be it further enacted, that the clerk of the peace, for attending such summary trial, and making out the order of the magistrates thereat, which he is hereby bound to do under the penalty of fifty pounds, shall be entitled to receive from the churchwardens of the parish the sum of one pound six shillings and eightpence; and the constable, for attending at the trial, and at the execution of the order of the magistrates thereon, shall receive the sum of ten shillings; except in the city of Kingston, where the fees of the clerk of the peace shall be thirteen shillings and fourpence, and to the constable five shillings, in consequence of the great number of such trials in that city.

And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, upon any complaint made before a justice of the peace of any murder, felony, burglary, robbery, rebellion or rebellious conspiracy, treason or traitorous conspiracy, rape, mutilation, branding, dismembering, or cruelly beating, or confining without sufficient support, a slave or slaves, or in any cases of seditious meetings, or of harbouring or concealing runaway slaves, or giving false tickets or letters to such runaway slaves to enable them to elude detection, or in any inquisition before a coroner, the evidence of any slave or slaves respecting such complaint or inquisition shall be received and taken by such justice of the peace or coroner; and on any prosecution in any of the courts of this island for any of the crimes before mentioned, the evidence of a slave or slaves shall also be admitted and received: provided always, that before such evidence shall be received, the justice of the peace, coroner or court, shall be satisfied, on due examination had, that such slave comprehends the nature and obligation of an oath; and provided also, that nothing herein contained shall prevent the court from receiving objections as to the competency of such witness, or from receiving evidence as to the credibility of such witness, in like manner as they would receive the same as to white persons and persons of free condition; and provided also, that no white person or person of free condition shall be convicted of any of the crimes aforesaid, whenever the evidence of any slave shall be admitted, unless two slaves at least clearly and consistently depose to the same fact or circumstance, such slaves being examined apart and out of the hearing of each other, or unless the evidence of one slave shall be corroborated by some white or free person, deposing clearly and distinctly to the same fact or circumstance, such white or free person and slave to be examined separately and apart from each other; and provided also, that no white person or person of free condition shall be convicted on the testimony of any slave or slaves of any crime or offence as aforesaid, unless the complaint shall have been made within twelve months after the commission thereof, and unless the crime or offence shall have been committed subsequent to the commencement of this Act; and provided also, that no white person or person of free condition, accused of any of the crimes hereinbefore mentioned, shall be committed for trial, or required to enter into any recognizance to appear and take his or her trial, upon the evidence of any slave, unless such evidence shall be corroborated by some other slave, or white or free person, clearly and consistently deposing to the same fact, being examined apart as aforesaid.

And be it further enacted by the authority aforesaid, that every justice of the peace or coroner, who shall take the deposition of any slave, shall certify, as part of the jurat, that the deponent had been duly examined, and found to possess a competent knowledge of the nature and obligations of an oath; and such justice of the peace and coroner shall take from the person in possession of such slave, or from some fit and proper person, a recognizance, in a sum not exceeding one hundred pounds nor less than twenty pounds, conditioned for the production of such slave as a witness in the court at which the indictment is to be preferred or tried, and such justice or coroner shall forthwith transmit to the clerk of the Crown such deposition and recognizance; and in case the person in possession of such slave as aforesaid shall refuse to give or shall not produce such bail for the appearance of the slave as a witness, or the person in possession of such slave shall be the party accused, or if under the circumstances of the case the justice of the peace or coroner shall see cause to apprehend that the witness may be withheld from giving his or her testimony, then such justice of the peace or coroner shall have the power of securing the attendance of such slave as a witness by a committal to gaol, in the same manner as the attendance of a witness for the Crown, who is unable to find bail for his appearance, is now ensured; and the marshal or keeper of such gaol shall allow to the said slave the sum of tenpence per diem for his or her support during confinement, and such allowance shall be repaid to the marshal or keeper of the gaol

gaol in the same manner as the allowance to witnesses for the Crown is now paid to him ; and in case the party in possession of a slave shall produce him or her as a witness at the court where any indictment is preferred or had, according to the condition of a recognizance entered into by or on the part of such person in possession as aforesaid, such person in possession shall be entitled to receive mile-money at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards, and a sum not exceeding three shillings and four pence per diem for each and every day such slave shall have been absent from home for the purpose of attending at the court, as a compensation for the loss of the labour of such slave ; and the judges presiding at the trial, upon application made to them in court after the trial, are hereby authorized, if they shall deem it equitable and right under the circumstances of the case, to assess the amount of such mile-money and compensation, and to grant a certificate thereof under their signature ; and such certificate, after being approved of by the commissioners of public accounts, shall be paid by the receiver-general to the person or persons to whom such certificate shall be granted.

And in order to remove as much as possible any temptation to commit perjury by those slaves who shall be required to give evidence ; be it enacted by the authority aforesaid, that the court shall not be at liberty to exercise the power given by this Act for declaring any slave free and discharged from all manner of servitude, where the owner of such slave has been convicted of particular offences, if any slave shall have been sworn upon the trial as a witness on the part of the prosecution.

And be it further enacted by the authority aforesaid, that if any slave shall commit wilful and corrupt perjury, such slave shall be liable to be tried therefor, and upon conviction thereof at a slave court or court of quarter sessions, shall be subject to such punishment as would have been inflicted on the party accused if convicted on his or her evidence, or shall be sentenced to hard labour in the work-house, or to stand in the pillory for such time as the court shall direct, or to whipping at the discretion of the court, and be rendered incapable of giving evidence thereafter.

And be it further enacted by the authority aforesaid, that the slaves whose attendance is required as witnesses shall be protected in their persons from all civil process whatsoever, in going to, attending at, and returning from such examinations or trials as herein mentioned, and that such slaves shall, during such time, not be liable to be levied on for debt or otherwise.

And be it further enacted, that if any white or free person or persons shall aid or assist any slave or slaves in the commission of any crime or illegal offence, or shall employ them in such offences, the testimony of such slaves shall be received against such white or free person or persons, except where the life of such white or free person or persons shall be affected, and admitted in such manner as the testimony of accomplices in crime is received in courts of law.

And be it further enacted by the authority aforesaid, that the operation of this Act, or any part thereof, shall not be suspended by martial law, any law, usage or custom, to the contrary thereof in anywise notwithstanding.

And be it further enacted by the authority aforesaid, that all penalties in this Act mentioned, and not already declared how they shall be recovered and applied, shall, if not exceeding fifty pounds, be recovered in a summary manner before any two of His Majesty's justices of the peace, by distress and sale of the offender's goods and chattels ; and if exceeding fifty pounds, to be recovered in the supreme court of judicature, or in either of the courts of assize, by action of debt, bill, plaint or information, wherein no *essoign*, protection, or *wager of law*, or *non vult ulterius prosecute*, shall be entered, one moiety of which penalties shall be paid to the churchwardens for the use of the parish where the offence shall be committed, and the other moiety to the informer, or him, her or them who shall sue for the same : provided always, that all proceedings for the recovery of penalties under this Act shall be instituted within twelve months after the offence shall be committed.

And be it further enacted by the authority aforesaid, that all offences committed during the time the Act intituled " An Act for the subsistence, clothing, and better regulation and government of Slaves, for enlarging the powers of the Council of Protection,

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Protection, for preventing the improper transfer of Slaves, and for other purposes," passed in the year one thousand eight hundred and sixteen, and all other Acts by this Act repealed, were in force, shall be punished in the manner directed by the said Acts, but shall be heard, tried and determined in the form prescribed by this Act; and it shall be lawful to recover and apply all penalties incurred thereunder as fully and effectually as if the said Acts were still in force and unrepealed.

And be it further enacted by the authority aforesaid, that this Act shall commence, continue and be in force, from the first day of August next until the thirty-first day of December one thousand eight hundred and thirty-three.

Passed the Assembly, this 16th of December 1829.

(signed) *J. S. Minot,*  
Speaker, *pro tempore.*

Passed the Council, this 19th day of December 1829.

(signed) *W. Bullock,*  
Clk. Crown,

I consent, this 19th day of December 1829.

(signed) BELMORE.

Mr. Speaker,

I AM commanded by the Council to acquaint the House that they agree to the Bill, intituled "An Act for the government of Slaves," with the following amendments :

In the sixth line from the top of the eighth sheet, after the word "pay," insert the words "to such slaves."

In the last line from the bottom of the same sheet, after the word "owner," insert the words "on behalf and for the use of such slave."

In the third line from the top of the sixteenth sheet, after the word "Christmas," insert the words "the Fast of Good Friday."

In the eighth line from the bottom of the seventeenth sheet, after the word "slaves," insert the following words : "And be it further enacted, by the authority aforesaid, that if any person or persons, from and after the commencement of this Act, shall in any part of this island wilfully, maliciously and unlawfully shoot at any slave or slaves, or shall wilfully, maliciously and unlawfully point or level any kind of loaded fire-arms at any slave or slaves, and attempt by drawing a trigger, or in any other manner, to discharge the same at or against his or their person or persons, or shall wilfully, maliciously and unlawfully stab or cut any slave or slaves with intent in so doing, or by means thereof, to murder, maim, disfigure or disable such slave or slaves, or with intent to do some other grievous bodily harm to such slave or slaves, that then and in every such case the person or persons so offending, their counsellors, aiders and abettors, knowing of and privy to such offence, shall be, and are hereby declared to be guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy : provided always, that in case it shall appear on the trial of any person or persons indicted for the wilfully, maliciously and unlawfully shooting at any slave or slaves, or for wilfully, maliciously and unlawfully presenting, pointing or levelling any kind of loaded fire-arms at any slave or slaves, and attempting by drawing a trigger, or in any other manner, to discharge the same at or against his or their person or persons, or the wilfully, maliciously and unlawfully stabbing or cutting any slave or slaves with such intent as aforesaid, that such acts



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acts respectively were committed under such circumstances that if death had ensued therefrom, the same would not in law have amounted to the crime of murder; that then and in every such case the person or persons so indicted shall be deemed and taken to be not guilty of the felonies whereof they shall be so indicted, but be thereof acquitted."

In the first line from the top of the thirteenth sheet, after the word "is," *dele* all the remaining words in the said line, and insert the following words: "proved to the satisfaction of the court."

In the eighth line from the top of the fifty-seventh sheet, *dele* the last word in the said line, and all the words in the succeeding lines as far as the word "shall," inclusive, in the third line from the bottom of the same sheet, and in place thereof insert the following words: "the assembling of slaves after dark is extremely dangerous, and great facilities are thereby given to the formation of plots and conspiracies, and the health of the slave has been injured by travelling at late hours in the night; be it further enacted by the authority aforesaid, that from and after the commencement of this Act, all meetings or assembly of slaves between sun-set and sun-rise shall be held and deemed unlawful; and any person who shall permit or suffer any such nightly meeting or assembly of slaves, or be present thereat, shall."

In the sixth line from the bottom of the sixty-second sheet, *dele* the word "five," and insert the word "ten."

In the ninth line from the bottom of the sixty-sixth sheet, after the word "book-keeper," insert the following words, "or any person in the employment."

In the tenth line from the bottom of the seventy-first sheet, after the word "slaves," *dele* all the words in the said line, and all the words in the succeeding line.

In the seventh line from the bottom of the seventy-second sheet, *dele* the words "in all trials of any slave or slaves under this Act," and in place thereof insert the following words, "no trial of any slave or slaves under this Act shall be had unless."

In the fourth line from the bottom of the same sheet, after the word "representation," insert "and due proof thereof on oath being produced to the court before whom such trial shall take place."

In the fourth line from the top of the seventy-fourth sheet, after the word "solemnity," insert the following words, "or at such place in the parish as the governor, or person executing the functions of governor, shall direct or appoint."

In the tenth line from the top of the seventy-fifth sheet, *dele* the words "put on," and all the words in the succeeding line as far as the word "transportation" inclusive, and in place thereof insert the word "transported."

In the eleventh line from the top of the same sheet, after the word "seas," insert the words "in such manner."

In the tenth line from the bottom of the said sheet, *dele* the word "to," and also the words "the vessel," in the succeeding line.

In the seventh line from the top of the eighty-seventh sheet, after the word "any," insert the word "such."

May it please your Honors,

WE are ordered by the House to acquaint you that they agree to the first, second, seventh, eighth and twelfth amendments proposed by your Honors, in your message of yesterday, to the bill intituled "An Act for the government of Slaves," and have amended their bill accordingly; but that they disagree to the third, fourth, fifth, sixth, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth and sixteenth amendments, and do adhere to their said bill in these respects.



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— No. 1 (a) —

Sir,

King's House, Jamaica, 20th Dec. 1829.

REFERRING to my public letter of this day for an account of the proceedings of the Assembly in regard to the Slave Law, I think it proper to inform you, that when Mr. Barrett was employing himself with great zeal to make the Bill as unobjectionable as possible, and that in fact I had every reason to hope the 87th clause, as now amended, would altogether be expunged from the Bill, his exertions were paralyzed when this clause in committee became the subject of debate, by the production of a letter from the Island Agent to the Committee of Correspondence, of which the enclosed is an extract, and an immediate impression was thereby created in the house, that His Majesty's Government attached no great importance to the regulations contained in the Bill, so long as the substantial object of improving the condition of the slave was attended to.

I have the honour to be, &amp;c. &amp;c. &amp;c.

(signed) BELMORE.

Right Honourable Sir George Murray, G.C.B.  
&c. &c. &c.

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Extract of a Letter from Mr. Hibbert to the Committee of Correspondence,  
dated 4th February 1829.

“ Sir George Murray declared to me his great concern and disappointment that after exerting his earnest endeavours to open the door to a settlement (without any painful sacrifice to either party) of existing differences between the Government at home and our Jamaica Legislature, he should have been met by our Assembly with such an unbending spirit as to be satisfied with nothing less than a submission on the part of Government, too degrading to be borne. A very slight amendment of the Slave Bill would, (he said) have been quite sufficient, and have served rather as a pretext for passing it than as a removal of all that has been objected to against the Act of 1826.”

— No. 1 (b) —

My Lord,

Downing-street, 8th April 1830.

I HAVE had the honour to receive your Lordship's despatch dated the 20th December 1829, marked “separate,” in which you inform me that the exertions made by Mr. Barrett, a Member of the House of Assembly of Jamaica, to procure the exclusion from the recent Act for the government of slaves of the enactments respecting religious worship were paralyzed by the production of a letter from the Island Agent to the Committee of Correspondence, and that an immediate impression was thereby created in the house that His Majesty's Government attached no great importance to the regulations contained in the Bill, so long as the substantial object of improving the condition of the slaves was attended to. On referring to the extract from Mr. Hibbert's letter which your Lordship has enclosed in this despatch, I perceive that that gentleman represents me as having stated to him “that a very slight amendment of the Slave Bill would have been quite sufficient, and have served rather as a pretext for passing it than as a removal of all that has been objected against the Act of 1826.”

It can scarcely be necessary that I should disavow the use of any such expressions as those which Mr. Hibbert has thus attributed to me. My respect for that gentleman's

gentleman's character compels me to believe that he made the statement in question under the influence of no improper motive, although under a total and extraordinary misconception of what I really said. I cannot forbear to express my regret and surprize that any gentleman in the House of Assembly at Jamaica should have attached the slightest credit to such a report, or should have thought me capable of contradicting in a private conversation with the Island Agent, the tenor of my public despatches to your Lordship. It cannot be too distinctly explained, that the views of His Majesty's Government on questions connected with the interests of Jamaica, are to be learnt through no other channel than that of the Governor of the Colony, and that to your Lordship alone are addressed all communications from this department, whether public or confidential, upon such subjects. Although I am at all times happy to receive from the Colonial Agent any communication which the wishes of his constituents or his own sense of duty may induce him to make, I have never recognized, and have no disposition to acknowledge him as the proper organ for expressing the intentions of the Ministers of the Crown upon any public question whatever. The importance of firmly maintaining this distinction could not be more strongly illustrated by any case than the present, in which (through some strange misunderstanding of my expressions) I have been represented by Mr. Hibbert as desiring to compromise the great and immediate principles of religious toleration, by having recourse to some subtle and insignificant verbal distinction. Such a subterfuge would ill become any one whom His Majesty has been pleased to call to a share in his councils.

Your Lordship will have the goodness to communicate the contents of this despatch to Mr. Barrett, and to any other gentlemen whom you may have reason to suppose may have been led into a mistake on the subject to which it refers.

I have, &c.

(signed) G. MURRAY.

The Earl of Belmore,  
&c. &c. &c.

— No. 2. —

My Lord,

Downing-street, 8th April 1830.

I HAVE had the honour to receive your Lordship's despatch, dated the 20th of December last, enclosing the copy of an Act passed by yourself and the Council and Assembly of Jamaica, on the 16th of December 1829, "for the Government of Slaves" in that island.

As this transcript is not authenticated by the colonial seal and the usual signatures, it could not be made the foundation of an Order in Council, without deviating from the established practice. As however the Act will take effect from the 1st of August next, great public inconvenience might ensue if His Majesty's Government should postpone the declaration of their opinion respecting it, until that period of the year at which, in the ordinary course of business, the authenticated copies of the Acts of the last session of the Jamaica Assembly may be expected to reach this office. I proceed, therefore, to communicate to your Lordship the nature and the grounds of the advice which the Ministers of the Crown have thought it their duty to offer to his Majesty with reference to this statute.

In referring to your Lordship's general instructions under the signet and sign-manual, accompanying your commission under the great seal, you will perceive that in the article numbered 12 you are required not to re-enact any law to which his Majesty's assent has once been refused, without express leave for that purpose first obtained. In the instructions addressed by the Earl of Liverpool to the Duke of Manchester, of the 19th March 1810, and in Mr. Huskisson's instructions to Sir John Keane, of the 22d September 1827 and the 22d of March 1828, it was required that all laws restraining the liberty of religious worship should be passed with a suspending clause. In the present case, the second of these rules has not been strictly observed, and the first has been disregarded altogether. Although the

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Ministers of the Crown have not thought it right to advise His Majesty to decide upon an Act of so much importance as the present, with reference to any consideration foreign to the real merits of the law itself : yet I cannot omit to observe that the standing instructions under which you act will, in general, be your best and most secure guide in the administration of the government of Jamaica.

In his despatch of the 22d of September 1827, Mr. Huskisson stated at length the objections to which the law of December 1826 appeared to be open, and he dwelt with peculiar care on such of its enactments as were thought to be at variance with the great principles of religious toleration. The House of Assembly having, in the report unanimously adopted by them on the 14th of December 1827, controverted the objections raised to their Act, Mr. Huskisson, in his despatch of the 22d March 1828, entered into a further discussion of the subject, and explained the principles upon which His Majesty's Government were anxious to concur with the Assembly of Jamaica, in legislating respecting the conduct of religious teachers and the public celebration of divine worship in the island. Regarding this as the most serious, if not as the only real difficulty which had prevented the acceptance of the Act of 1826, I deemed it right, on my assuming the seals of this office, to recal the attention of the colonial legislature to the subject, and, in my despatch of the 3d September 1828, I endeavoured to place them as fully as possible in possession of the principles by which the conduct of His Majesty's Government on these questions would be governed.

I need scarcely say that, under such circumstances, I received your Lordship's despatch, enclosing the Act of December 1829, with the anxious hope that it would be found to announce such a concurrence on the part of the Council and Assembly in the views of His Majesty's Government respecting religious toleration, as would relieve them from the necessity of advising the renewed disallowance of the law : no duty could be more irksome or painful, whether the respect due to the local legislature, the peace of the colony at large, or the secular and immediate welfare of the slave population, were considered. Your Lordship will judge therefore of the extent of the disappointment and regret with which I read your statement, that your endeavours to prevent the renewal of the obnoxious clauses of the Act of 1826 had failed of success.

On a careful comparison of the law of December 1829, with that which preceded it three years before, I have found one amendment, the value of which I am happy to acknowledge. It consists in the rejection of the preamble to the clause respecting the contribution of slaves for religious objects. The legislature have obviously felt, and have wisely though tacitly acknowledged the inexpediency of giving the weight of their authority to imputations affecting indiscriminately the character of the whole body of dissenting teachers in the island. The disuse of this language will, I trust, be received by the persons more immediately concerned, as a proof of a liberal and conciliatory disposition towards them.

The same comparison has however disclosed the fact that the restrictions of the present law are in no respect less rigorous, and that in one important particular they are decidedly more severe than those of the Act which has already been disallowed. Under the statute of 1826, ministers of the Presbyterian kirk or licensed ministers were permitted to perform divine worship at any time before the hour of eight o'clock in the evening, at any licensed place of worship, and the religious worship of Roman Catholics and Jews was not restrained by any limitation as to the time of the day at which it might take place. The Act which your Lordship has transmitted would entirely abolish these privileges.

This increased rigour has unavoidably excited the more particular attention, because the House of Assembly, in their resolutions of the 14th December 1827, expressly refer to the relaxation of the general rule in favour of Jews and Catholics, and of licensed ministers preaching in licensed places of worship, as furnishing an answer to the objections raised to the rule itself. It is also stated in that report, that "the legislature believed that there are certain rites and festivals celebrated at night in the Roman and Jewish churches," and they add, that the proviso respecting Jews and Roman Catholics was introduced "in their anxiety to avoid even the appearance of molesting the worship of two orderly and loyal descriptions of persons." The motives which, in the year 1826, induced the legislature to

sanction

sanction these regulations in favour of Jews, Roman Catholics, and licensed ministers preaching in licensed places, can hardly have lost their force at the present time. No objection appears to have been ever made by His Majesty's Government to the regulations which have been now omitted, except on the ground that they established an invidious distinction to the prejudice of Protestant dissenters, and on the further ground that the word "*licensed*," as applying both to the minister and to the place of worship, was indefinite: under what statute or by what particular persons the licenses were to be granted, was not explained.

The question upon which the Ministers of the Crown have been called to advise His Majesty is, whether enactments shall now be assented to, which little more than two years ago His Majesty was pleased, by the advice of his Privy Council, to disallow; those enactments having now acquired additional rigour, and being therefore more distinctly within the reach of the same objections. In considering this question, it has not been thought an immaterial circumstance that a bill, exactly corresponding with the first Act, was passed by the Council and Assembly in December 1827, and was rejected by the officer administering the government of the colony, whose conduct in that respect was entirely approved. The present is, therefore, the third attempt which has been made in the course of three years to introduce the law respecting religious worship, in opposition to the most distinct and repeated expression of His Majesty's disapprobation of the principles on which it proceeds. It would be impossible, without a total sacrifice of consistency, to sanction the measure under such circumstances. It therefore becomes my very painful duty to announce to you, that the Ministers of the Crown have humbly advised his Majesty that this Act ought to be disallowed, so soon as it shall be possible to lay before His Majesty in Council a transcript authenticated in the usual manner.

I have purposely forbore to comment upon the other provisions of this Act, since such a discussion would be superfluous on the present occasion. I can only in general express the deep regret which is felt by His Majesty's Government, that the unfortunate introduction of the clauses to which I have referred should continue to deprive the slave population of the many advantages which the wisdom and humanity of the colonial legislature have proposed to confer upon them; benefits, the value of which I do not the less readily acknowledge, though the Act, in many important respects, falls short of the measures which His Majesty has introduced into the colonies which are subject to His legislative authority in His Privy Council.

Your Lordship will communicate this despatch to the Council and Assembly of Jamaica, and you will convey to them the reiterated assurance of the most anxious desire on the part of His Majesty to co-operate with them in effecting those improvements in the slave code which they have so repeatedly sanctioned by their recent enactments. And you will not fail to employ the legitimate influence connected with your office, and that belonging to your personal character, to allay the dissatisfaction which I fear may be created by the anticipated decision which it has notwithstanding been my duty thus to announce. You will recal the attention of the Council and Assembly to those explanations of the principles of His Majesty's Government respecting religious toleration, which are to be found in the despatches from myself and my predecessor in this office, to which I have already referred. I am not aware that it would be in my power to explain those principles in more explicit or definite terms; and I earnestly hope that upon a dispassionate reconsideration of the whole question, the Colonial Assembly will perceive that the repetition of enactments similar to those which have been thus repeatedly but unavailingly brought under His Majesty's consideration, can answer no useful purpose, although it must inevitably prolong discussions injurious to the welfare of the colony, and postpone the adoption of other measures of general improvement in favour of which the colonial legislature have manifested so much laudable zeal.

I have, &c.

(signed) G. MURRAY.

The Earl of Belmore.

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—No. 3.—

My Lord,

Downing-street, 21st June 1830.

WITH reference to my despatch of the 8th of April last, on the subject of the recent Act of the Assembly of Jamaica, for improving the condition of the slaves in that island, I have now the honour to acknowledge the arrival of a transcript of the statute, authenticated in the usual manner. It has been transmitted to the Lord President of the Council, to be laid before His Majesty in Council for His decision.

The state of His Majesty's health unhappily renders it impossible that a meeting of the Privy Council should be held at present, or within any definite period : it will therefore be impossible to transmit to Jamaica His Majesty's order on this Act before it will have come into operation in the island. This is much to be regretted, since under the circumstances to which I have adverted in my former despatch, I can hold out no prospect of the Act being (permanently) left to its operation, and I am well aware that great inconvenience and much popular excitement may be produced by the cessation of the new law within a short interval from its introduction in practice. Your Lordship will consult with the members of the Council, and with the attorney-general of Jamaica, as to the methods which, consistently with the law of the island, can be most effectually taken to mitigate this evil. You will especially inform yourself to what extent the Royal prerogative may be interposed, either to prevent prosecutions under the clauses to which I particularly adverted in my despatch of the 8th of April, or to relieve persons convicted on any such prosecutions from the penalties of the law. By a firm though temperate use of such powers as may be legally vested in you for these purposes, your Lordship will to the utmost of your ability obviate the mischiefs to which I fear this unfortunate and very peculiar state of things might otherwise give rise.

I have, &amp;c.

(signed) G. MURRAY.

The Earl of Belmore.

—No. 4.—

My Lord,

Downing-street, July 8th, 1830.

WITH reference to my despatch of the 8th day of April last, I have the honour to enclose an order of His Majesty in Council, dated the 3d instant, disallowing an Act passed by the Governor, Council and Assembly of the island of Jamaica, in the month of December last, intituled "An Act for the Government of Slaves."

I also enclose for your Lordship's information the copy of an extract of the report made on this Act to His Majesty in Council, to whom His Majesty was pleased to refer the same.

I have, &amp;c.

(signed) G. MURRAY.

The Earl of Belmore.

At the Court at St. James's;—present, the King's Most Excellent Majesty  
in Council.

JAMAICA.

3d July 1830.

WHEREAS the Governor of His Majesty's island of Jamaica, with the Council and Assembly of the said island, did pass an Act in the month of December last, intituled as follows, "An Act for the Government of Slaves," which Act having been referred to the Committee of the Lords of His Majesty's most honourable Privy Council, appointed for the consideration of all matters relating to trade and foreign plantations, the said Lords of the Committee have reported as their opinion to His Majesty that the said Act should not receive His Majesty's Royal approbation: His Majesty was thereupon this day pleased, by and with the advice of his Privy Council, to declare His disallowance of the said Act; whereof the Lieutenant-governor or Commander-in-chief of His Majesty's island of Jamaica, for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(signed) *J. S. Buller.*

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Extract of a Report to His Majesty in Council.

"THAT the said Act should be disallowed because it contains certain provisions respecting religious worship, and respecting contributions and offerings made by slaves within the said island, which provisions were in substance contained in an Act passed by the Governor, Council and Assembly of Jamaica, on the 22d day of December 1826, intituled 'An Act to alter and amend the Slave Laws of this Island,' which Act was, in consequence of the provisions aforesaid, disallowed by order of his late Majesty; and because the Governor of Jamaica, by the general instructions accompanying his commission under the great seal, bearing date the 20th day of November 1828, is required not to re-enact any law to which the assent of his said late Majesty, or his Royal Predecessors, had once been refused, without express leave for that purpose first obtained from his said late Majesty, upon a full representation by such Governor, to be made to his said late Majesty, through one of his principal Secretaries of State, of the reasons and necessity of re-enacting such law."

BAHAMAS.

## B A H A M A S.

— No. 5. —

Sir,

New Providence, Bahamas, 19th January 1829.

I HAVE the honour to state for your information that the session of the General Assembly of these islands terminated on the 16th instant, and I presume to enclose a copy of my speech on that occasion.

Thinking it may be desirable to you to be informed that the amendment and consolidation of the slave code has been deferred until the next session, I have the honour to enclose also a copy of the resolutions of the House on that subject, and of the message to me which accompanied those resolutions,

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

(signed) *William Vesey Munnings.*

The Right honourable Sir George Murray, G.C.B.  
&c. &c. &c.

Extract of Mr. President Munnings' Speech to the General Assembly of the Bahamas, 16th January 1829.

“UPON another subject of the highest interest, the amendment and consolidation of the slave code of the colony, no legislative enactment has followed during the present session ; and whilst I am ready to admit the weight of the reason assigned for the postponement of the measure, the advanced period of the session, I am confident I am only doing justice to the good intentions of the House, when I perceive in the appointment of a committee to prepare a bill, during the recess, evidence of the good faith with which the pledge to consult the just wishes of His Majesty's Government is intended to be redeemed in the fullest extent, consistent with a due regard to the rights of individuals, upon which it is impossible to suppose it to be the wish of His Majesty or of Parliament in the smallest degree to infringe.”

House of Assembly, December 31st, 1828.

Resolved,—THAT it be recommended to the House to defer, at this late period of the session, the further consideration of the messages of his Excellency the late Governor, of the 26th November and 9th instant, together with the documents accompanying the same, until the next session of the General Assembly, when the amended slave law of 1826 being about to expire, it will become necessary to continue or renew the same, with such alterations or amendments as may then be deemed expedient.

Resolved,—That it be recommended to the House that a select committee be appointed to prepare, during the recess, and to report next session, a bill to continue the provisions of the above-mentioned Act, by consolidating and bringing into one Act the same and all other the existing slave laws of the colony.

Resolved,—That it be recommended to the House to transmit to his honor the President, a copy of the aforesaid resolutions, accompanied by the following message :

May it please your Honor,

THE House of Assembly, in reference to the several messages of his Excellency Major-general Grant, of the 26th November and 9th instant, beg leave to transmit to your Honor herewith copies of two resolutions passed by the House this day, and to assure your Honor that the House continues to be influenced by the same sincere disposition that has ever marked its proceedings, to consult upon this and every other occasion the just wishes of His Majesty's Government, as far as may be compatible

compatible with the general interest and public welfare of the colony, and the fair inviolable rights of private property. The House, therefore, when the further consideration of the subject is again resumed by it, will bestow upon the several matters to which the messages relate all that earnest and anxious deliberation which their importance calls for.

BAHAMAS.

By order of the House,

(signed) *J. B. Wyllly*,  
Speaker.

House of Assembly, December 31st, 1828.

— No. 6. —

Extract of a Despatch from Sir J. C. Smyth, addressed to the Right honourable Sir George Murray, dated Bahamas, April 29th, 1830.

“ I HAVE the honour to forward to you herewith an Act of the legislature of these islands, which was passed during the late session, and which I beg leave respectfully to submit for His Majesty’s approbation.

“ No. 12 is the new consolidated slave law. In the 43d clause, the justices and vestries are created a council of protection to inquire into any cases of cruelty; as there are however only vestries in the islands of New Providence and Turk’s Island, by the 108th clause, provision is made that in islands where there are not vestrymen and justices, the powers vested in them may be executed by justices alone, or by vestrymen alone.

“ In the present consolidated slave law, all the objectionable provisions respecting punishment of free people of colour for insolence to white people have been omitted. The former regulations, by which free people of colour, who had been born in a state of slavery, were liable to be tried by a slave court, are done away with; manumitted persons have the same benefit of trial for alleged offences as persons born free. Many of the former restrictions upon slave evidence are omitted in the present law: slaves, natives of Africa, are not excluded from giving evidence, as formerly, nor is any specific length of residence now necessary to qualify slaves as witnesses. Magistrates, as well as clergymen, may give certificates to slaves to enable them to give evidence in both civil and criminal cases.

“ In compliance with your suggestions, the charge of one per cent for the management of money belonging to slaves, lodged in the saving banks, has been done away with, in the present consolidated slave law, and an interest of six per cent is to be allowed. On this head it is proper that I should explain that both the former charge and the present interest are equally imaginary: a saving bank is established by law, but not one farthing has ever been paid into it; what little money is possessed by slaves is invariably laid out in fowls and vegetables, which they sell again to the shipping. The saving bank may hereafter be useful; but as more money is to be made by the little traffic I have explained, the saving bank, whether charging or granting an interest, has hitherto been equally neglected.

“ By another Act of the present session, free blacks and free people of colour are privileged (with certain qualifications as to property) to vote at elections of members to sit in the legislature of the colony.

“ From a careful consideration of the foregoing observations, and the ready acquiescence shown by the Assembly of these islands to enter into the views of His Majesty’s Government to a certain extent, I venture to solicit that the consolidated slave law may be confirmed. I am fully aware that much remains to be done: the points I am most anxious to carry are, the further extension of the capabilities of a slave giving evidence, and the doing away corporal punishment in all cases as far as females are concerned. As however so much has been done, and willingly and with a good grace, I have every reason to look forward to being able to lay before you in another session, or in two at the farthest, a bill which will be, in all its provisions, equal to the expectations and wishes of His Majesty’s Government.”



## BAHAMAS.

BAHAMA ISLANDS:—An Act to amend, consolidate and bring into one Act, the several Laws relating to Slaves, and for giving them further protection and security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other purposes.

Preamble.

Suspension of certain laws, as far as the same relate to slaves and free blacks and free people of colour.

WHEREAS it is expedient that the laws which from time to time have been enacted for the government of slaves should be amended, consolidated and brought into one Act, and other provisions made for their protection, and the promoting of their moral and religious instruction, and by means thereof their general comfort and happiness, so far as is consistent with due order and subordination, and the well-being of this colony; may it therefore please Your Majesty, that it may be enacted, and be it enacted by his Excellency Sir James Carmichael Smyth, baronet, Major-general of Your Majesty's forces, Governor and Commander-in-Chief, the Council and Assembly of Your Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, all and every the hereinafter mentioned laws, and clauses and parts of laws, so far forth as the same do relate to negroes or other slaves, or to free blacks and free people of colour, be and the same are hereby suspended for and during the continuance of this Act, anything in the said laws, or clauses of laws, or in any other law to the contrary notwithstanding; that is to say, an Act passed in the seventh year of the reign of his late Majesty King George the Third, intituled "An Act for governing Negroes, Mulattos and Indians;" also one other Act, passed in the eighth year of his said late Majesty's reign, intituled "An Act for suspending a Clause in an Act intituled 'An Act for governing Negroes, Mulattos and Indians, and for amending the said Act;'" also one other Act, passed in the twentieth year of his said late Majesty's reign, intituled "An Act for suspending parts of certain Clauses, and amending other Clauses, in an Act, intituled 'An Act for governing Negroes, Mulattos and Indians;'" also one other Act, passed in the year last aforesaid, intituled, "An Act for governing Negroes, Mulattos, Mustees and Indians, and for suspending several Acts therein mentioned;" also one other Act, passed in the same year last aforesaid, intituled "An Act to amend a Clause in an Act passed in the seventh year of his late Majesty's reign, intituled 'An Act for governing Negroes, Mulattos and Indians;'" also one other Act, passed in the twenty-fourth year of his said late Majesty's reign, intituled "An Act for governing Negroes, Mulattos, Mustees and Indians, and for suspending several Acts therein mentioned;" also all and every Act and Acts, clause and clauses of Acts, respecting the governing of negroes, mulattos, mustees and Indians, which in and by the said last recited Act were or are thereby suspended during the continuance of the said Act.

Allowance of provisions, clothing and land to slaves.

II. And whereas it is due to good policy, as well as to humanity and justice, that the condition of slaves should be rendered as comfortable as possible, by supplying them with good, wholesome and sufficient provisions, with proper clothing and other necessaries, and it is expedient that the same should be regulated by law; be it therefore enacted by the authority aforesaid, that the master, owner or possessor of every plantation, pen or other lands whatsoever, within these islands, shall provide and give to every slave above the age of ten years at and after the rate of one peck of unground Indian or Guinea corn, or twenty-one pints of wheat flour, or seven quarts of rice, or fifty-six pounds of potatoes, cocoas or yams, per week, over and above a sufficient quantity of land, as and for the proper ground of every such slave, and one half of the aforesaid allowance to each child below the aforesaid age of ten years; and that every master or owner shall provide and give to every slave in his or her possession, two suits of proper and sufficient clothing in the course of every year, under the penalty of fifty pounds for every offence.

No future manumission, gift, bequest or conveyance of slaves, to be valid unless by will (nuncupative or written) or by deed.

III. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, no manumission, gift, sale, assignment, devise, bequest or other conveyance of slaves, shall be valid or effectual in law or equity, unless by nuncupative or other last will and testament, duly executed and published according to law, or by deed of gift, deed of bargain and sale, or other instrument in writing, duly executed under seal, or otherwise attested by at least one literate, free, competent and disinterested witness; all which wills, deeds and other instruments of writing, shall and may be proved, recorded and dealt with, in the proper court

or

or office of this Government, in manner and form, and to the same effect, and under the same regulations as wills and deeds are proved, recorded and dealt with according to law in other cases: provided however, that nothing herein contained shall invalidate or in any manner affect any manumissions, gifts, sales, devises, bequests or other conveyances of slaves, granted or made at any time before the passing of this Act: and provided also, that in the wills and deeds and other instruments of writing as aforesaid, hereinbefore required, no particular form of words shall be considered necessary, but the same shall be taken and understood according to the true intent and meaning of the same, as therein written and expressed: and provided also, that all manumissions and conveyances of slaves, in fraud of creditors, or others having a legal or equitable interest in the same, shall as heretofore be void (so far as the interests of such creditors, or others having such legal or equitable interest therein, are concerned), anything herein contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, that if any master, owner or possessor of any slave, whether in his or her own right, or as attorney, guardian, trustee, executor or otherwise, shall manumit, discard or turn away any slave, by reason of such slave being rendered incapable of labour, by sickness, age or infirmity, all such manumissions shall be valid; but nevertheless every such master, owner or possessor shall be and he is hereby obliged (notwithstanding such manumission, and without prejudice thereto) to keep every such sick, infirm, disabled or superannuated slave, or manumitted person, on his estate and premises or elsewhere, so long as such sickness, infirmity or inability shall continue, and to find and provide him or her with wholesome necessaries of life, and not to suffer any such slave or manumitted person to be in want thereof, or to wander about and become burthensome to others, under a penalty not exceeding ten pounds for every offence, to be recovered in a summary way before any two justices of the peace, who are hereby authorized and required to cause any master, owner or possessor, offending in the premises, or his or her or their agent or attorney, and such other persons as they shall judge necessary, to be summoned before them, to enable them to judge of the justice of such charge, and to determine whether any such master, owner or possessor ought to incur the aforesaid penalty; and in the meantime, and until such trial can be had, the said justices of the peace, on their view, or on the information of any white person on oath, are hereby required to lodge any such wandering, sick, aged or infirm slave, or manumitted person, in the nearest workhouse or other place of security, there to be clothed and fed, but not compelled to work, at the expense of such master, owner or possessor, until such trial as aforesaid can be had; and if it shall appear to the said justices, upon such trial, that the party or parties complained of is or are guilty of the offence alleged, and he, she or they shall refuse to pay the said penalty, together with the workhouse-fees and charges of conviction, the said justices are hereby authorized and required to commit such offender or offenders to the next common gaol for a term not exceeding three months, there to remain without bail or mainprize, or until he, she or they shall pay the same.

V. And whereas by reason of deaths or removals of proprietors of slaves, or of slaves having heretofore been manumitted without any suitable provision being made for their maintenance, and from other causes, some such slaves or manumitted persons, rendered unable to labour by disease, old age, or other means, have become burthensome to the inhabitants; for remedy whereof, be it further enacted by the authority aforesaid, that it shall and may be lawful for the vestries of the several parishes and islands, once in every year, to lay a tax upon the inhabitants, in the same manner as the parochial taxes are usually laid, for the purpose of raising such sum as they shall judge necessary for the maintenance, clothing, medical care and attendance of all such negro, mulatto or other slaves, or other such manumitted persons; and any two justices of the peace are hereby authorized and required, upon application being made to them, to order all such slaves or other persons as aforesaid to be removed and conveyed to the workhouse of the parish where (if a slave) the former owner or owners, proprietor or proprietors, lived or resided, or (if a person of colour made free) where the person or persons who manumitted or set free such person of colour resided before his or her manumission, there to be lodged and taken care of; and the justices of the peace and vestries of the several islands or parishes are hereby authorized and required from time to time to make such regulations for the purposes aforesaid as to them shall seem necessary and expedient.

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Former manumissions not to be affected.

In wills, deeds, &c. by this section required, no particular form of words necessary.

Manumissions, &c. in fraud of creditors void.

Manumission of old and infirm people valid:

the manumittor, however, continuing liable for the maintenance of such person.

£. 10 penalty on neglect, to be recovered before any two justices, and on refusal, to be committed for three months imprisonment.

Vestries empowered to levy a tax on the inhabitants for the support, &c. of infirm negroes, and to make rules and regulations regarding them.

Manumissions.

No tax on the manumission of slaves, or the enrolment of the deed of manumission, except 8s. currency to the public secretary.

VI. And be it further enacted by the authority aforesaid, that all and every Act and Acts, clause and clauses thereof, whereby any tax or duty whatever is or hath been imposed on the manumission of any slave or slaves within these islands, shall be and the same are (so far as relates to the imposition of any such tax or duty) suspended for and during the continuance of this Act, and that no duty, or tax or fee of office whatsoever, shall be paid or payable within the said islands, upon, for or in respect of the manumission of any slave, or the enrolment of any deed of manumission, save and except a fee not exceeding the sum of eight shillings of lawful money of the said islands, which shall be paid to the public secretary and registrar of records thereof, for the enrolment of any such deed of manumission ; and if any person within the said islands shall hereafter take, demand or receive any such duty, tax or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine not exceeding forty pounds of lawful money of the said islands, to be recovered and applied in manner hereinafter directed.

Separation of families prohibited.

No executor or administrator to assent to any legacy made separating husband, wife or child, but the interest of any such legatee to exist in the proportionate amount of the neat proceeds of the lot to which such husband and wife or child may belong.

VII. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, at no sale or transfer of slaves hereafter to be made, whether by private contract or public sale, or under or by virtue of any mortgage, execution for debt, or other legal process whatever, or otherwise howsoever, shall the husband and wife (or reputed husband and wife), and child (or reputed child) of such husband and wife (or reputed husband and wife),—the said husband and wife (or reputed husband and wife), and the said child (or reputed child) of such husband and wife (or of such reputed husband and wife), or of either of them, being the property of the same owner or owners, and the said child being below the age of fourteen years,—be sold or transferred, the one without the other, or otherwise than in one entire lot, and in one and the same lot, and to one and the same person or persons ; nor shall any executor or other person taking upon himself the burthen of execution of any last will, assent to any specific legacy of a slave, or deliver to any legatee or legatees any slave or slaves, to him, her or them, by the testator or testatrix of such executor or administrator specifically bequeathed, in any case wherein the effect of any such assent or delivery would be to separate or cause to be separated from each other the husband and wife (or reputed husband and wife), or separate or cause to be separated any child under the age of fourteen years from his or her parents (or reputed parents), or either of them, contrary to the true intent and meaning of this Act ; but such executor or administrator in every such case, after such inventory and appraisal of the goods and chattels of his or her testator or testatrix made, had and returned, as by law is required, shall sell or dispose of every such husband and wife (or reputed husband and wife), and every such child (or reputed child), and his or her parents (or reputed parents), or either of them, in one separate and entire lot, and in one and the same lot, and to the same person or persons ; and all claim, right, title, interest or demand whatever (either in law or equity) which any such legatee or legatees, without the provisions of this Act, might or could have had or claimed, in, to or against any such slave so bequeathed as aforesaid by any such testator or testatrix, and afterwards so sold and disposed of by any such executor or administrator, shall thenceforward and for ever thereafter be transferred to and exist in the net proceeds of the lot in which the slave to such legatee as aforesaid bequeathed shall have been included and sold, and shall be rated and proportioned in amount according to the rate or proportion which the sum at which such slave shall have been appraised, shall bear comparatively in relation to the several sum and sums at which other the slave or slaves in the same lot included shall have been also appraised.

Penalty on persons making such sales, and on executors assenting to such legacies.

VIII. And be it further enacted by the authority aforesaid, that if any person or persons, contrary to the true intent and meaning of this Act, shall wilfully and knowingly make or cause to be made any transfer or sale of any such slave or slaves, or if any executor or other such administrator of any last will shall assent to the specific legacy of any such slave, or shall deliver or cause to be delivered to any such legatee or legatees the slave or slaves to him, her or them, so as aforesaid bequeathed, every person so offending shall for every such offence forfeit and pay the sum of one hundred pounds, to be recovered and applied in manner hereinafter provided : provided always, that nothing herein contained shall extend or be construed to extend to affect any mortgage or mortgages of slaves duly made and executed previous to the passing of this Act, and which shall have been recorded or registered in the public office in Nassau, on or before the first day of July one thousand eight hundred and twenty-four.

IX. And

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IX. And be it further enacted by the authority aforesaid, that all sales, bargains, gifts, grants, bequests, and other conveyances of slaves, whether under seal or otherwise, or by indenture or otherwise, the purport and effect of which shall be to separate families contrary to the provisions and true intent and meaning of this Act, shall, so far as relates to any such separations, be null and void, in law and equity, to all intents and purposes whatsoever.

Sales, &c. having the effect to separate families, void.

X. And be it further enacted by the authority aforesaid, that all masters and owners, or in their absence, their overseers, shall as much as in them lies endeavour to instruct their slaves in the Christian religion, and shall do their endeavour to fit them for baptism, and as soon as conveniently may be shall cause to be baptized all such slaves as they can make sensible of a Deity and of the Christian faith.

Masters of slaves to instruct them in the Christian religion, and fit them for baptism.

XI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for slaves, by and with the consent of their owner or owners, and not otherwise, to intermarry with slaves and with persons of free condition, in manner and form, and to the same effect, and according to the same laws, restrictions and provisions, canonical and civil, as marriages are now or may be solemnized between free white persons in these islands, with the exception that a permission or consent in writing of the owner or owners of such slave or slaves, so to intermarry, shall supersede the necessity of any publication of banns, or other license whatsoever; provided that such permission shall be delivered under the hand or hands of such owner or owners to the officiating minister or magistrate, or other person authorized to solemnize such marriage, at least fourteen days before the solemnization of any such slave marriage; and that the same shall be solemnized on a Sunday in the usual public manner, and in some church or public place of religious worship (when there shall be such within a reasonable distance of the residence of the parties to be so married), between the hours of eight in the morning and twelve at noon.

Marriages of slaves. Slaves may intermarry with slaves or free persons, with the consent of their owners.

The consent of the owner shall supersede the necessity of banns or licence; and the marriage to be celebrated on a Sunday, between eight and twelve o'clock in the forenoon.

XII. And be it further enacted by the authority aforesaid, that in and by virtue of every permission or consent of the owner or owners of such slave or slaves as aforesaid, any clergyman of the established church of England and Ireland, or any minister of the kirk of Scotland, or any public teacher of religion within the said islands, being a free white person, and carrying on there no other business, profession or occupation, with a view to profit, except that of a schoolmaster (or in case there shall be no such clergyman, minister, or public teacher of religion, on the island or key whereat such marriage is to be celebrated, then any justice of the peace there), shall be authorized to solemnize the marriage of such slaves, or of such slave and free person: provided always, that no such public teacher of religion (not being a clergyman of the church of England, or a minister of the kirk of Scotland) shall be so authorized to solemnize any such marriage, unless the Governor or Commander in chief for the time being shall have first granted to such public teacher a written license to celebrate marriages, nor unless such license shall have been duly registered in the proper office of this Government, and shall continue to be in force at the time of his being so authorized to solemnize any such marriage.

After permission of the owner is obtained, who authorized to solemnize the marriage.

By justices of the peace, if no clergyman.

In what case the person solemnizing the marriage must first obtain the Governor's license.

XIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any such clergyman, minister, public teacher, or justice aforesaid, upon and after the receipt of any such permission aforesaid, forthwith to solemnize any such marriage as aforesaid, and the same, when so solemnized, shall be to all intents, constructions and purposes whatsoever, binding, valid and effectual in the law: provided nevertheless, that no such marriage shall confer or be construed to confer on any such slave or slaves, or on his, her or their issue, any right or interest inconsistent with the duties which shall or may be owing by the said slave or slaves to his, her or their owner or owners, or to the Government, or be at variance with those rights which the owner or owners, and the Government respectively, are by law entitled to assert and exercise over such slave or slaves and their progeny.

Such marriages valid.

Proviso, that marriage shall not confer on a slave any right inconsistent with the duties due to his owner or to the Government.

XIV. And be it further enacted by the authority aforesaid, that the person by whom any such marriage may be so solemnized by virtue of any such permission as aforesaid, shall within six months after any such solemnization, transmit (under a penalty of not more than twenty pounds of lawful money of the said islands of like money for every refusal and neglect) a certificate of such solemnization to the secretary of these islands, at his office in Nassau; and the said secretary shall register, in a book to be kept by him for that purpose, every marriage which may

Duty of persons solemnizing such marriages.

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have been so solemnized, with the date thereof, and the names, descriptions and place of abode of the parties contracting, and of the persons solemnizing every such marriage, without any charge or fee whatever.

No slave marriage shall be valid which would be void between persons of free condition.

XV. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend to render any marriage between a slave and person of free condition valid and effectual in the law, which would be illegal and void if both such persons were of free condition.

Penalty for mutilating slaves.

XVI. And be it further enacted by the authority aforesaid, that any master, owner or other person whatsoever, who shall wilfully mutilate any slave, or cause, permit or suffer any slave to be mutilated, with his or her privity or consent, shall be liable to be indicted and prosecuted in the general court for the same, and upon conviction shall be punished by fine not exceeding one hundred pounds, and imprisonment not exceeding twelve months, for every offence; and such punishment is declared to be without prejudice to any action that could or might be brought by the owner or proprietor for recovery of damages for or on account of the same; and in cases where the owner of any such slave shall be guilty of any such offence, it shall and may be lawful for the court, if it shall deem necessary for the future protection of such slave, to declare him or her to be free and discharged from all manner of servitude to all intents and purposes whatever; and in all such cases it shall and may be lawful for the court to order the fine to be paid to the vestry of the parish to which such slave belonged, to the use of the said parish, the vestry, in consideration thereof, paying to such slave so made free an annuity of ten pounds per annum during life; and in case any slave or slaves shall suffer any such mutilation as aforesaid, any justice of the peace is hereby authorized and required, on view of the fact, to send such slave to the nearest workhouse, there to be kept and carefully attended to, at the expense of the parish, until such time as there can be a meeting of the justices and vestry of such parish, which justices and vestry are hereby created a council of protection for such slave, and are authorized and required to make a full inquiry respecting the mutilation of such slave, and if to them it shall appear proper, shall cause the owner or owners of such mutilated slave to be indicted and prosecuted, the expense of which prosecution shall be paid by the parish where such offence shall be committed; and in case the owner or owners of such slave or slaves shall be able to pay the costs and charges of such prosecution, the churchwardens and vestry are hereby required to commence a suit or suits against such owner or owners, in which they shall recover all costs and charges by them laid out and expended in such criminal prosecution and civil action; and the keeper of the workhouse to which any such slave shall have been committed is hereby required, upon due notice of the meeting of such justices and vestry, to produce such mutilated slave or slaves for their inspection, under a penalty not exceeding twenty pounds for every neglect.

Justices and vestry created a council of protection, to inquire into cases of cruelty by mutilation of any slave in the respective parishes, and at their discretion to cause the owner of such slaves to be indicted and prosecuted.

Slave not to be mutilated by sentence of any court.

XVII. And be it further enacted by the authority aforesaid, that it shall not be lawful for any court of justice to pass any sentence whereby any slave shall be directed to be mutilated or maimed, for any offence whatever.

Persons wilfully killing a slave guilty of felony.

XVIII. And be it further enacted by the authority aforesaid, that if any person shall wilfully and with malice aforethought kill, or cause to be killed, any negro or other slave, every such person shall be adjudged guilty of felony and murder, and shall suffer death without benefit of clergy; provided always, that no such conviction shall extend to the corruption of blood, or to the forfeiture of lands and tenements, goods and chattels, any law to the contrary notwithstanding.

Penalty on persons guilty of cruelty towards slaves at the discretion of the court, by fine or imprisonment, or both.

XIX. And be it further enacted by the authority aforesaid, that if any person shall wantonly or cruelly whip, maltreat, beat, bruise, wound, imprison or keep in confinement, without sufficient support, any slave or slaves, he, she or they shall be subject to be indicted for the same in the general court, and shall suffer such punishment, by fine or imprisonment, or both, as the court shall think proper to inflict; and such punishment is declared to be without prejudice to any action that may be brought for recovery of damages, in case such slave shall not be the property of the offender.

Enactment to restrain the arbitrary punishment of slaves.

XX. And in order to restrain arbitrary punishment, be it further enacted by the authority aforesaid, that no slave shall on any account receive more than twenty lashes at any one time, or for any one offence, unless the owner or employer of such slave, or supervisor of the workhouse, or keeper of the gaol, shall be present; and

and that no such owner, employer, supervisor or gaol keeper shall on any account punish a slave with more than thirty-nine lashes at one time and for one offence, nor inflict or suffer to be inflicted any second punishment on the same day, nor until the delinquent shall have recovered from the effects of any former punishment; nor shall any female slave above the age of twelve years be punished otherwise than in private, under the penalty of ten pounds for every offence: provided always nevertheless, that nothing herein contained shall extend or be construed to extend to authorize or empower the keeper of any gaol, or the supervisor of any workhouse, to inflict any manner of corporal punishment on slaves committed to their custody, without authority from the owners or employers of such slaves, or other lawful representatives of such owners or employers, or of some court or magistrate having competent jurisdiction in the premises: provided also, that the keepers of goals or workhouses shall not be hereby precluded from placing refractory prisoners in close confinement, or otherwise under lawful restraint, so far as the same may be temporarily necessary for the maintenance of discipline in such gaols or workhouses.

XXI. And whereas it is customary for owners to commit their slaves to the common gaol for slight offences which are not punishable under this Act; be it therefore enacted by the authority aforesaid, that in all cases where any owner or possessor of a slave shall send him or her to gaol for any such trivial offence, the provost-marshal or his deputy or gaoler shall forthwith take and receive such slave into custody, and him or her safely keep until released by the owner, and shall receive for his trouble three shillings, together with one shilling for every day such slave shall have remained in gaol, provided such slave shall have been maintained by the provost-marshal.

XXII. And be it further enacted by the authority aforesaid, that it is and shall henceforth be unlawful for any person or persons within the said Bahama Islands to use any whip, cat, or other instrument of the like nature, while superintending the labour of any slave or slaves in or upon the fields of any plantation, or at or about any salt-pond within the said islands, for the purpose of impelling or coercing any slave or slaves to perform labour of any kind or nature whatsoever; and in case any person or persons, contrary to the provisions of this Act, shall use any whip, cat, or other instrument as aforesaid, while superintending the labour of any slave or slaves in or upon the fields of any such plantation, or at or about any such salt-ponds, for the purpose of impelling or coercing any slave or slaves to perform labour of any kind or nature whatsoever, then and in every such case the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring or aiding, assisting or abetting, shall be deemed guilty of a misdemeanor.

XXIII. And be it further enacted by the authority aforesaid, that it is and henceforth shall be unlawful for any person or persons within these said islands to inflict in any one day upon any slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or to inflict upon any such slave any punishment or correction by the whipping, scourging or beating of his person, unless the person of such slave shall at the time of such punishment or correction be free from any laceration occasioned by any previous whipping, scourging or beating, or to inflict upon any such slave any punishment or correction as aforesaid, unless the owner or other person by whose authority the punishment is inflicted shall be present at and witness the infliction of the whole of such punishment; and in case any person or persons, contrary to the provisions of this Act, shall inflict in any one day upon any one slave, for any one offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or shall whip, scourge or beat any such slave at any time when there may be upon his person any laceration occasioned by any former whipping, scourging or beating, or shall inflict upon any such slave any such punishment or correction as aforesaid, without the presence and attendance, during the whole of such punishment, of the owner or other person by whose authority such punishment is inflicted, then and in every such case the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring or aiding, assisting or abetting, shall be deemed guilty of a misdemeanor: provided nevertheless, that nothing herein contained shall extend or be construed to extend to any punishment or punishments which may be inflicted upon any such slave under or by

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Female slaves to be punished only in private.

Restriction on keepers of gaols and supervisor of workhouse, as to inflicting any punishment

May place refractory persons in close confinement.

Fees of provost-marshal for receiving slaves in custody.

Punishment of slaves.

The use of a whip, cat, &c. as a stimulus to labour prohibited.

Not more than 39 lashes for any one offence to be inflicted in any one day.

Nor any punishment to be inflicted unless the slave be free from any laceration occasioned by a former whipping.

Proviso, that nothing herein contained shall affect the sentence of any magistrates or court of competent jurisdiction.



Persons ordering such punishment not required to attend when inflicted by the keeper of the gaol or workhouse.

virtue of any sentence or judgment of any magistrate or magistrates, or other court of competent jurisdiction : provided also, that nothing herein contained shall extend or be construed to extend to require the presence of the owner or other person by whose authority the punishment is inflicted, when the same shall be inflicted by the keeper of a goal or supervisor of a workhouse.

No female slaves to be hereafter whipped in the presence of male persons.

XXIV. And be it further enacted by the authority aforesaid, that it is and henceforth shall be unlawful to correct or punish by whipping or flogging any female slave within the said islands, for any offence committed by any such slave, in the presence of any male person, excepting only the owner or owners of such slaves, or others by whose authority such punishment is inflicted, and the persons actually inflicting the same ; and if any person or persons within the said islands shall whip, flog or correct any such female slave otherwise than as aforesaid, then and in every such case the person or persons so offending, and each and every person or persons thereunto directing, authorizing, instigating, or procuring or aiding, or assisting or abetting, shall be deemed guilty of a misdemeanor.

Commutation of the punishment of slaves.

XXV. And be it further enacted by the authority aforesaid, that if any slave shall hereafter commit any offence within the said islands, which by the law or laws now in force there are punishable by whipping or flogging, it shall and may be lawful for the owner, manager or other person or persons in charge of any such offending slave, at the discretion of any such owner, manager or other persons in charge as aforesaid, to commute the punishment of flogging for one or other of the punishments or modes of punishment hereinafter mentioned ; that is to say, first, by solitary confinement, with or without work, in any fit and proper place, on any plantation or estate, or elsewhere within the said islands, provided that no such solitary confinement shall continue for any greater period of duration than fourteen days at a time for any one offence, and that no such slave shall be subjected to any such punishment by solitary confinement more than twenty-one days in any one calendar month ; secondly, by field-stocks, for confinement of the hands, provided that the period of any such confinement shall not at any one time exceed six hours, and shall not be repeated a second time until twenty-four hours between the time of any by such repetition and the termination of any such previous punishment ; thirdly, by house-stocks, for the hands and feet, or either of them, with or without hats, during any period of the day, provided that the period of any such confinement shall not exceed four hours for any one offence, and that no such punishment shall be repeated twice within the period of twelve hours ; fourthly, by bed-stocks, for the confinement of the feet during the night, provided that no such punishment shall be repeated within the period of twelve hours ; fifthly, by distinguishing dresses, to be used either with or without the stocks, provided that such punishment be not continued for any longer period than ten days for any one offence, and that the same be not repeated within one week between the time of any such repetition and the termination of any such previous punishment.

First, solitary confinement.

Secondly, by field-stocks.

Thirdly, by house-stocks.

Fourthly, by bed-stocks.

Fifthly, by distinguishing dresses.

Limitation of periods of punishment.

Penalty on persons violating the provisions of the last section, as herein more fully explained

XXVI. And be it further enacted by the authority aforesaid, that if any person or persons shall repeat any such punishment as aforesaid at an earlier period than is hereby allowed, or shall continue any such punishment beyond the period of duration for that purpose herein prescribed and limited, or shall use any stocks for the purpose of punishment in any such manner as to affect the health of the slave confined therein, or to inflict any permanent injury on his or her person, or shall fail to supply the slave undergoing any such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water, or who shall punish any woman known or supposed by him to be pregnant, by solitary confinement, or by stocks applied in such a manner as to produce the risk of a miscarriage, then and in every such case the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring or aiding, assisting or abetting, shall be deemed guilty of a misdemeanor.

Fixing iron collars on slaves declared unlawful.  
Penalty £. 50.

XXVII. And whereas a mischievous practice is said to have at one time prevailed in certain colonies of punishing ill-disposed slaves, and such as are apt to abscond from their owners, by fixing iron collars with projecting bars or hooks ; be it enacted and declared, that such practice is utterly unlawful within the said islands, and that no person shall on any account whatever punish any negro or other slave, whether his own property or otherwise, by fixing or causing to be fixed, any iron or other collar round the neck of such slave, or by loading the body or limbs of such slave with

with chains, irons or weights of any kind, other than such as are absolutely necessary for securing the person of such slave while in confinement, under the penalty of fifty pounds; and any justice of the peace is hereby authorized and required, on information or view of such offence, to order such collars, chains, irons or weights to be immediately taken off, under the penalty of one hundred pounds for every neglect or refusal.

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Magistrate's duty on viewing the same.

XXVIII. And be it further enacted by the authority aforesaid, that every slave within these islands shall be allowed the usual number of Christmas holidays, to wit, Christmas-day, and the two following working-days.

Allowance of holidays.

XXIX. And be it further enacted by the authority aforesaid, that every overseer who shall absent himself from the estate under his care or management on any of the aforesaid holidays, without leave of his employer, shall for every such offence forfeit the sum of five pounds for each day.

Penalty on overseers absenting themselves during Christmas holidays.

XXX. And be it further enacted by the authority aforesaid, that no negro or other slave shall be allowed to hunt any horned cattle, horses, mares, mules, asses or other animals, with lavers, guns, cutlasses, or other arms, unless in the company of his master, overseer, or some other white person, or by his permission in writing; and any negro or other slave who shall offend contrary to the true intent and meaning of this Act, shall suffer such punishment by whipping as any two justices of the peace shall think proper to inflict, not exceeding fifty lashes.

Penalty on slave hunting cattle without the written permission of his owner.

XXXI. And be it further enacted by the authority aforesaid, that every person from whose service any slave shall abscond, shall within fourteen days thereafter, give notice thereof by public advertisement, wherein shall be inserted the name and description of such runaway, by means whereof he or she may be more easily known and apprehended; and in case the owner shall neglect to do so, he or she shall not be entitled to any satisfaction from the treasury for any such slave executed or transported by virtue of this Act for any crime whatever.

Public notice of slaves absconding to be given within fourteen days afterwards.

XXXII. And be it further enacted by the authority aforesaid, that it shall not be lawful either to sell or buy any runaway slave, and that any person selling or buying any such slave, while absent, shall forfeit the sum of thirty pounds.

£. 30 penalty on buying or selling any runaway slave.

XXXIII. And be it further enacted by the authority aforesaid, that all slaves who shall run away and continue absent for a time not exceeding six months, shall, upon conviction before any two justices of the peace, suffer such punishment as the said justices shall think proper to inflict, not extending to life or limb.

Penalty on slaves running away.

XXXIV. And be it further enacted by the authority aforesaid, that any slave who shall run away from his owner or lawful possessor, and be absent for more than six months, being duly convicted, shall be sentenced to be transported for life, or shall suffer such punishment, not extending to life or limb, as the court shall think proper to inflict.

Runaway slaves continuing absent upwards of six months to be transported.

XXXV. And be it further enacted by the authority aforesaid, that any person of free condition who shall knowingly aid, abet, or in any manner assist in harbouring or concealing any runaway slave or slaves, or in their deserting and going off these islands to another, shall be guilty of a misdemeanor, and on conviction thereof shall suffer fine or imprisonment, or both, at the discretion of the court in which the offender shall be tried, and also further imprisonment until such fine shall be paid; provided however, that the Governor or Commander-in-chief for the time being may, with the advice and consent of His Majesty's Council in and for these islands, with the assent of the convicted offender, commute the imprisonment in either case to banishment for life from these islands, but at the sole proper charge and expense of such offender, and in such manner and on such conditions, as to the time within which such offender shall depart, as the Governor or Commander-in-chief shall designate or appoint; and should such offender not so depart within the time so limited or appointed, or after having departed shall be again found at large within the limits of this Government, such offender shall on conviction thereof be sentenced to imprisonment for life; provided however, that in case of unavoidable accident or necessity, the Governor or Commander-in-chief may enlarge at discretion the time for the departure of any such offender as aforesaid; and all slaves guilty of like offences as aforesaid, shall on conviction thereof be punished by flogging, and receive not more than two hundred nor less than fifty stripes on the bare back, at the discretion of the court before whom they shall be tried; provided however, that

Penalty on persons assisting slaves to run away.

Governor and Commander-in-chief and Council may commute punishment.

nothing



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nothing in this Act contained shall in any manner preclude any person or persons injured by desertion of slaves, from any action of damages which he, she or they might otherwise lawfully have against him, her or them, who shall have so harboured such runaways, or assisted them in their desertion as aforesaid.

Persons assisting slaves in running away may be proceeded against whether the principal be convicted or not.

XXXVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful to proceed against the person or persons so aiding, assisting and abetting such slave or slaves in going off these islands, whether the principal or principals be convicted or not, anything in this or any other Act, or any law, usage or custom to the contrary notwithstanding.

Reward to slaves apprehending runaways.

XXXVII. And be it further enacted by the authority aforesaid, that every slave who shall take up any such runaway slave, so that such runaway may be taken and restored to his or her owner or owners, shall be entitled to such reward as any two justices of the peace shall think reasonable and just, not exceeding three pounds, to be paid by such person or persons as the said justices shall determine ought to pay the same.

What slaves deemed runaways.

XXXVIII. And whereas it is dangerous to the peace and safety of these islands to suffer slaves to continue out as runaways, and it is absolutely necessary to declare what slaves shall be deemed runaways; be it therefore enacted and declared, that every slave who shall be absent from his or her owner or employer, without leave, for ten days together, and shall be found at the distance of eight miles from the house, plantation or settlement to which he or she belongs, without a ticket or permit to pass (such only excepted as are going with firewood, grass, fruit, provisions, or small stock, and other goods which they may lawfully sell, to market, and returning therefrom), shall be deemed a runaway.

Reward to free persons apprehending runaways.

XXXIX. And be it further enacted by the authority aforesaid, that any free person who shall apprehend any runaway slave shall be entitled to receive from the owner, employer, overseer or manager of such slave, the sum of twenty shillings and no more, besides mile-money, at the rate of two shillings per mile for the first five miles, and one shilling per mile afterwards, provided such slave has absented himself or herself ten days without the privity, knowledge or consent of the proprietor, owner, or other white person residing on the plantation or place to which such slave shall belong; which term of absence shall be declared on the oath of such proprietor, overseer, or other white person as aforesaid, if required by the party taking up the slave; but it is the true intent and meaning of this Act, that every person who shall apprehend any slave that is actually runaway, shall be entitled to the aforesaid reward although such slave shall not be eight miles from home, and although the aforesaid term of ten days shall not have elapsed.

£. 5 reward to any slave taking a rebel negro.

XL. And be it further enacted by the authority aforesaid, that any slave who shall take or kill another slave in actual rebellion, shall receive from the churchwardens of the parish in which any such slave shall have been so killed, the sum of five pounds, and ten pounds if taken alive, also a blue cloth coat with a red cross on the right shoulder, the whole expenses of which shall be reimbursed by the receiver-general for the time being, out of any money in his hands unappropriated.

Persons killed in the execution to be immediately reported to some justice of the peace.

XLI. And be it further enacted by the authority aforesaid, that if any slave shall be killed by any person or persons in the execution of this Act, or under the authority of the same, the person or persons by whom such slave may be killed shall (as speedily as possibly may be) give information thereof to some justice of the peace, who is hereby required to take his examination, and also the evidence or information of any person or persons respecting the same; and any white person or free person of colour, killing any such slave, who shall neglect forthwith to give the information hereby required, shall forfeit and pay the sum of one hundred pounds.

His duty thereupon.

Runaways apprehended, how dealt with.

XLII. And be it further enacted by the authority aforesaid, that any person or persons apprehending any runaway slave, shall convey him or her to his or her owner, employer or manager, if resident on the island in which such slave shall have been apprehended; but if not therein resident, or if payment of the reward and other charges hereinbefore mentioned shall not be made, then to the nearest gaol or workhouse, the keeper whereof is hereby authorized and required to receive such slave into his custody, and to pay the party delivering such slave the sum of twenty shillings and mile-money as aforesaid, and no more, under the penalty of five

five pounds; provided nevertheless, that no gaoler or workhouse-keeper shall pay any such sum or sums before such person shall have taken an oath (which oath such gaoler and workhouse-keeper shall file in his office, and produce when thereunto required by the owner or possessor of such slave, under the penalty of five pounds) that the slave so apprehended was at the reputed distance of eight miles from the house, plantation or settlement to which such slave belongs (except as is before excepted), and that such slave had no ticket or permit in writing from his or her owner or possessor, employer or overseer, at the time of being apprehended, and that such slave had been first carried to his or her owner, employer or manager, provided such owner, employer or manager shall be in the island where such slave shall have been apprehended, and the payment of the reward and charges aforesaid was neglected or refused to be made.

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XLIII. And be it further enacted by the authority aforesaid, that whensoever any slave or alleged slave shall be arrested, or lodged in any gaol or workhouse (except by or under the authority, directly or indirectly, of the owner of such alleged slave), on a charge or under a suspicion of being a runaway slave, such alleged runaway shall, as soon as it may conveniently be done, be taken by the person arresting such alleged runaway, or the keeper of such gaol or workhouse, before a magistrate for examination, which magistrate shall thereupon, after due inquiry into the circumstances of the case, either commit the prisoner to gaol, as a slave to be claimed, or otherwise dispose of him or her according to law; provided however, that no such commitment on that account shall be for a longer space than one year; and if on the expiration of that year, the prisoner, after having been duly advertised as hereinafter directed, shall not be claimed as a slave, he or she shall then again be taken as before to a magistrate, and by him discharged from custody, or otherwise dealt with according to law; provided also that no runaway slave shall on any account be committed to gaol by any magistrate of a parish where there shall be a workhouse established, but to such workhouse only.

Alleged runaway slaves apprehended to be taken before a magistrate for examination.

XLIV. And to the end that the owners and proprietors of slaves so apprehended as aforesaid may obtain information of the gaol or workhouse in which they are confined; be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol shall and they are hereby required, once in every month, to advertise in the Royal Gazette, or other public newspaper, and at the most public place in the island on which such negro shall be apprehended, the height, names, marks and sex, and also the country (when the same can be ascertained) of every runaway slave then in his custody, and also the name or names of the owner or owners thereof, if known, under the penalty of ten pounds for every neglect or omission; and for the expense of such advertisement it shall and may be lawful for the keeper of every gaol or workhouse to charge the owner or owners of each runaway slave at and after the rate of twelve shillings per month, and no more, and to detain any such slave in custody until the same, together with the charges of apprehending and other fees, and poundage after the rate of two shillings in the pound, shall be paid; and also one shilling for every twenty-four hours such slave shall have been in custody, for subsistence, and sixpence per day for medical care and extraordinary nourishment when necessary; and the gaoler, workhouse-keeper or supervisor shall attest every such account upon oath.

Runaways apprehended to be advertised in Gazette.

XLV. And be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol within these islands shall provide and furnish every such slave confined in such workhouse or gaol, a sufficient quantity of good and wholesome provisions, according to the allowance hereinbefore required to be given upon every plantation, under the penalty of ten pounds for every neglect.

Keeper of every workhouse or gaol to provide slaves confined therein with wholesome provisions, under a penalty of £. 10.

XLVI. And be it further enacted by the authority aforesaid, that no gaoler or workhouse-keeper shall on any pretence whatever employ any slave sent to his custody, on any plantation belonging to him or in his possession, nor hire nor lend any such slave to work for any person or persons, under the penalty of fifty pounds for every offence.

Gaolers and workhouse keepers not to employ slaves in their custody on their own plantations.

XLVII. And be it further enacted by the authority aforesaid, that any negro or other slave who shall be confined in any workhouse or other place of confinement, and shall escape therefrom before trial or the expiration of his or her sentence, upon being retaken, and proof being made of his or her identity before any two justices of the peace, shall be adjudged to be sent back to confinement, and shall receive punishment by whipping not exceeding fifty lashes.

Punishment of slaves escaping from confinement without trial.

£. 20 penalty on provost-marshal, &c. permitting slaves to escape from their custody.

XLVIII. And be it further enacted by the authority aforesaid, that if the provost-marshal or his deputy, or any constable, gaoler or workhouse-keeper, shall willingly or negligently suffer any slave to escape, so that such slave shall not be retaken, such marshal, constable, gaoler or workhouse-keeper shall forfeit a sum not exceeding twenty pounds, without prejudice to the owner's action of damages.

Slaves killed in the public service to be paid for out of the treasury.

XLIX. And be it further enacted by the authority aforesaid, that if any negro or other slave, at any time of invasion or appearance of an enemy, shall be killed in service of the country, the owner shall be paid out of the public treasury the full value of such slave, to be ascertained by any two justices of the peace.

Persons having charge of any plantation, not to permit more than 12 strange slaves there to assemble.

L. And be it further enacted by the authority aforesaid, that if any master, owner, guardian or attorney, of any plantation or settlement shall suffer any strange slaves, exceeding twelve in number, to assemble together and beat their drums, or blow their horns or shells, in any place under his or her or their care or management, or shall not endeavour to disperse or prevent such meeting by giving notice thereof to the next magistrate or commissioned officer, that a proper force may be sent for the purpose, every such master, owner, guardian or attorney shall forfeit for every such offence the sum of fifty pounds, provided information of such offence be given upon oath, within five days after the commission of such offence.

All officers authorized to disperse unlawful assemblies of slaves.

LI. And be it further enacted by the authority aforesaid, that all officers, civil and military, shall be and they are hereby empowered and required to enter into any place whatever in order to disperse any unlawful assembly of slaves, and to suppress and prevent all riotous unlawful drumming or other noise, any law, custom or usage to the contrary notwithstanding.

Penalty on slaves having arms, &c. concealed in their possession.

LII. And be it further enacted by the authority aforesaid, that any slave who shall hereafter be found to have concealed in his or her house, or otherwise in his or her possession, any fire-arms, gunpowder, slugs or balls, shall on conviction before any two justices, suffer such punishment as the said justices shall think proper to inflict by whipping.

Punishment of slaves for using threats of unlawful violence to any white person.

LIII. And be it further enacted by the authority aforesaid, that any slave who shall use any threats of unlawful violence or injury, or any scandalous or other abusive language to any white person, shall be punished with such punishment, not extending to life or limb, as the court shall think proper to inflict, provided such conflict or striking be not by command of the owner of such slave, or his or her attorney, overseer or other person having authority over such slave, or in the lawful defence of his owner's person or property.

Proviso, when any conflict is by command of the owner of such slave.

Penalty on slaves assaulting a white person.

LIV. And be it further enacted by the authority aforesaid, that if any slave shall assault a white person with a dangerous weapon, whereby the life of the person so assaulted may be greatly endangered, or make any assault of a violent nature (except in defence of his or her owner's or employer's person or property), he or she shall suffer death.

Penalty on slaves preparing or mixing poison.

LV. And be it further enacted by the authority aforesaid, that if any negro or other slave shall mix or prepare, with intent to give, any poison or poisonous drug, or shall actually give or cause to be given any such poison or poisonous drug, although death may not ensue from the taking thereof, such slave, together with all and every accessory and accessaries, as well before as after the fact (being slaves), being thereof duly convicted, shall suffer death, transportation for life, or such other punishment as the court shall think proper.

Penalty on slaves fraudulently having fresh meat concealed in their possession.

LVI. And whereas horned cattle, sheep, horses, mares, mules and asses, are frequently stolen and killed by negro and other slaves in so secret and private a manner as to render conviction very difficult; for prevention thereof, be it further enacted, that if any negro, or other slave or slaves, shall fraudulently have in his, her or their possession any fresh beef, mutton or veal, or the flesh of any horse, mare, mule or ass, in any quantity exceeding five pounds, and not exceeding twenty-eight pounds, every such negro or other slave shall, upon conviction before any two justices of the peace, be whipped in such manner as such justices shall direct, not exceeding thirty-nine lashes; and if there shall be found fraudulently as aforesaid in his, her or their custody or possession a larger quantity than twenty-eight pounds weight of such beef or other flesh, that then every such negro or other slave shall suffer such punishment as the justices shall think proper to direct, not extending to life or limb.

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**LVII.** And be it further enacted by the authority aforesaid, that if any negro or other slave shall feloniously steal any horned cattle, sheep, horse, mare, gelding, mule or ass, or shall kill any such horned cattle, sheep, horse, mare, gelding, mule or ass, with intent to steal the same, or any part of the flesh thereof, such negro or other slave shall suffer death or such other punishment as the court shall think proper to inflict.

Punishment on slaves stealing cattle, sheep, &c.

**LVIII.** And be it further enacted by the authority aforesaid, that no negro or other slave shall on any pretence whatever barter or carry about for sale any dry goods of any kind whatever, unless by a ticket or consent in writing of his or her owner or owners to that effect, specifying the articles they may have for sale; and in default of such ticket or consent, it shall and may be lawful for any white person to take and seize all such goods, and to deliver them to the provost-marshal or his deputy, who shall forthwith sell the same at public auction, and pay the net proceeds thereof into the public treasury.

Slaves not to carry about for sale any dry goods, &c. without a written consent from their owners.

**LIX.** And be it further enacted by the authority aforesaid, that no negro or other slave shall vend or retail any spiritous liquors whatever; and if any slave without the knowledge of his or her owner or employer shall send or vend any spiritous liquors whatsoever, such slave for every such offence shall be publicly whipped, by order of any two justices of the peace, but if it shall appear to have been done with the knowledge of his or her owner or employer, then and in that case such owner or employer shall forfeit the sum of forty pounds, to be recovered in manner hereinafter directed.

Slaves not to vend spirituous liquors.

**LX.** And be it further enacted by the authority aforesaid, that every slave who shall play at dice or cards, or be guilty of any other kind of gaming, shall be publicly whipped, by order of any two justices of the peace; and any keeper of a tavern, or punch-house, who shall suffer any slave or slaves to game, get drunk or tittle in or about his or her house, shop or premises, or to remain in or about the same after the hour of nine o'clock at night, or shall at any other time sell rum or other spiritous liquors to any slave to whom he or she shall have been forbidden by the owner or employer of such slave to sell liquor, or shall suffer any such slave, after having been so forbidden, to loiter or remain in or about his or her house, shop or premises, shall forfeit the sum of twenty pounds.

Punishment of slaves for gambling. £. 20 penalty on keepers of grog-shops suffering slaves to game, get drunk or tittle in their shops.

**LXI.** And whereas the improvement which for several years past has been in progress in the moral condition of the slave population of these islands, renders it at this time safe and expedient to admit slaves, with certain exceptions and under certain restrictions, to give evidence in cases civil and criminal; be it further enacted by the authority aforesaid, that from and after the passing of this Act, all slaves who shall have been sufficiently instructed in the Christian religion to understand the nature and obligation of an oath, to be certified as is hereinafter set forth, shall during the continuance of this Act, and no longer, be admitted as witnesses in all civil cases (except as is hereinafter excepted) in the several courts of these islands, and before all magistrates and other authorities legally competent to administer oaths; and also in like manner in all criminal cases (except as hereinafter excepted) prosecuted or to be prosecuted by way of indictment, according to the course of the common law; it being hereby provided and it is further enacted, that no slave shall, under any pretence, be admitted to give evidence in the prosecution of free persons by way of libel, plaint, or other proceedings at law, in cases of penalty or forfeiture or otherwise, on any account whatever, when the facts of the same are tried otherwise than by trial by jury, according to the usual course of the common law, or some Act or Acts of the General Assembly of these islands; neither shall any slave be admitted to give evidence in the prosecution of free persons by way of information, *ex officio* or otherwise, in any court of law or equity, even in cases in which the facts of the case may be tried by a jury.

Evidence of slaves.

Slaves admitted to give evidence in civil and criminal cases, under certain restrictions.

Proviso, not to give evidence on prosecutions by way of libel, or penalties or forfeitures, otherwise than by trial by jury;

nor on *ex officio* informations.

**LXII.** And be it further enacted by the authority aforesaid, that from and after the passing of this Act, every clergyman of the established church of England, and every minister of the kirk of Scotland, and every justice of the peace on any island where there is no such resident clergyman or minister, shall be and he is hereby authorized to transmit or deliver under his hand, to the clerk of the Crown, certificates setting forth the name or names and place or places of abode of any slave or slaves, together with the name or names of the owner or owners, and the colour and probable age of each, who in the judgment and belief of the party so certifying

Clergymen of the established churches of England and Scotland (and justices of the peace, when there are no such clergymen) authorized to grant certificates of competency to

slaves, by name and description ;

to be registered by the clerk of the Crown.

Slaves, notwithstanding, may be examined on their *voire dire* as to their capacity.

No slave to be rejected as a witness who may produce a certificate from the clerk of the Crown, stating that he is registered as a competent witness.

Certificate to be granted gratis.

Slave evidence inadmissible against a white person prosecuted for an offence punishable with death, and against his owner.

Slaves not to give evidence of any fact committed previous to their registration of competency with the clerk of the Crown.

Slave evidence insufficient to prove the execution of any document freeing, selling, or bequeathing slaves.

Slaves may, if sufficiently literate to read and write, prove other documents.

may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath ; and the said clerk of the Crown to whom any such certificates shall have been so transmitted or delivered, shall forthwith register the same in a book, to be kept by him for that purpose, stating therein the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, together with the name or names of the owner or owners, and the colour, sex and probable age of each and every slave mentioned and included therein ; and for every such certificate so registered by the clerk of the Crown, he shall be entitled to the sum of two shillings, to be paid to him quarterly, by warrant of the Governor or Commander-in-chief, in council, or the treasurer of the colony, in the same manner as other quarterly accounts against the public are usually rendered and paid : provided always, that nothing herein contained shall be held or in any manner construed to prevent any competent magistrate or jury from examining any witness, on his or her *voire dire* or otherwise, as to his or her religious instruction and capacity to understand the nature and obligation of an oath, and decide accordingly as to the competency or credibility, as the case may be, of all such witnesses, any such certificates as aforesaid to the contrary notwithstanding.

LXIII. And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice within the said Bahama Islands, in any case or cases in which slaves shall be competent to give evidence in pursuance of the provisions of this or any other Act of the General Assembly of these islands, and not otherwise, by reason of his or her being in a state of slavery, if the person or persons by whom such slave may be produced and tendered as a witness, shall also produce and exhibit to the court, a certificate, under the hand of the said clerk of the Crown, that such proposed witness is registered in the before-mentioned book ; and the said clerk of the Crown shall and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact whether any such proposed witness is or is not registered in the said book : provided always, that no person being in a state of slavery shall be admitted to give evidence in any case wherein a white person may be charged with or prosecuted for any offence punishable with death, or against the owner or owners of such slave or slaves in any criminal prosecution whatsoever ; provided also, that nothing herein contained shall extend or be construed to extend to render any slave a competent witness in the law, in any case in which such slave would be incompetent to give evidence if he or she were a white person, or to detract, take away from or diminish any power or authority which any court of criminal justice within the said islands now already hath, to admit in any case the evidence of persons being in a state of slavery.

LXIV. Provided nevertheless, and be it further enacted by the authority aforesaid, that no slave to be admitted as a witness under and by virtue of this Act, shall be allowed to give evidence of any fact whatsoever which may have been committed, or alleged to be committed, or to have taken place in any manner whatsoever, at any time previous to the date of the registration of his or her competency with the clerk of the Crown as aforesaid, anything herein contained to the contrary notwithstanding.

LXV. And be it further enacted by the authority aforesaid, that slaves shall not, under any circumstances, be competent witnesses to attest or prove the execution of any deed or other instrument of writing, or the making or publishing of any last will and testament, or document at any time intended for such manumitting, or relating to the manumission of any slave or slaves, whether with or without conditions, limitations or restrictions, or in any manner whatsoever, or conveying, bequeathing, assigning, transferring or disposing of any slave or slaves, or in any manner affecting the right, title, interest or property of any person or persons whatsoever in or to the same : provided, however, that slaves duly qualified to give evidence as aforesaid, if sufficiently literate to read and write, shall be competent to attest and prove the execution of all other deeds, wills and instruments of writing ; and provided also, that the attestation of any such last-mentioned instruments by a slave duly qualified to give evidence as aforesaid, shall be and be held good and valid in law, as to such part or parts of the said last-mentioned instruments as shall not in any manner relate to the manumission of or other disposition of property in slaves : and

and provided also, that nothing hereinbefore contained shall be held, construed or understood in any manner to prevent slaves, duly qualified as aforesaid, from being competent to give evidence in any matters concerning the right, title and interest of other slaves in and to any goods or effects, real or personal, debts, covenants or promises, or offences or injuries committed by or against the person or property of a slave, wherein no question of freedom, or one touching the property of any free person in slaves, shall be directly or indirectly involved.

May give evidence concerning the right of slaves to property, when no question of freedom is involved, &c.

LXVI. And be it further enacted by the authority aforesaid, that the evidence of slaves, duly qualified as aforesaid, shall (except in the several cases hereinafter excepted, or concerning which provision is otherwise made in and by this Act) be admitted under oath, received, taken and acted on in the same manner and to the same effect in all respects as the evidence of others is now or may be admitted in similar cases, and subject to the same rules of law and practice, except that no slave shall in any case be examined *de bene esse* in any cause by commission or rule of court, or otherwise than *vivâ voce* in open court: provided however, that when any slave admitted to give evidence (whether in fact qualified according to the provisions of this Act or not), shall on any occasion commit wilful and corrupt perjury, or if any slave shall be guilty of subornation of perjury, in or touching any causes, trials, or other proceedings in the general court or court of admiralty sessions, or in any affidavit, examination or other proceedings before magistrates, coroners or other authorities, on which suits or prosecutions in the general court or court of admiralty sessions are usually grounded, the parties charged with such perjury or subornation of perjury shall be tried for the same in the same general court, but in all other cases of perjury or subornation of perjury, by slaves or others liable to be tried in slave courts, according to the form and effect of this or any other Act or Acts of Assembly in such case made and provided; and on the conviction of every slave as aforesaid, either in the general court, or other court of competent jurisdiction in the premises, of wilful and corrupt perjury, or subornation of perjury, the party convicted shall be forthwith punished with not more than one hundred nor less than fifty lashes, publicly inflicted on the bare back, and shall further be and utterly remain disqualified for giving evidence or deposing under oath in any case or legal proceedings whatsoever for ever afterwards.

The evidence of slaves duly qualified shall (except as herein excepted) be received under oath, as the evidence of others is, and subject to the same rules, except that no slaves shall be examined *de bene esse*, or otherwise than *vivâ voce* in open court.

Perjury and subornation of perjury, how punished.

LXVII. And whereas, in and by an Act passed in the fourth year of Your Majesty's reign, intituled "An Act for granting a further extension of privileges to certain free Persons of Colour in certain cases," it is enacted that all creole negroes, mulattos, and other persons of colour born within these islands or elsewhere, "although not free at the time of their birth, but who shall have been lawfully manumitted by bequest, deed of gift, or otherwise, and shall have actually and *bonâ fide* enjoyed a state of freedom for the space of five years at least within these islands, and professing the Christian religion, shall be admitted to all the rights, privileges and immunities of persons of colour born free within these islands, within the intent and meaning of this (the last above recited Act): provided however, that no such manumitted person or persons shall be allowed to give evidence of any treason, felony, misdemeanor or other offence against the peace, or trespasses with force, which shall or may have been committed or alleged to have been committed previous to their emancipation:" and whereas it is expedient that the said proviso should be amended, be it further enacted by the authority aforesaid, that all manumitted slaves who while in a state of slavery shall have been duly registered under the provisions of this Act, in the office of the clerk of the Crown, as competent witnesses, shall be allowed to give evidence as to any fact or facts committed or alleged to have been committed, or to have in any manner taken place subsequent to the date of their said registration, anything in the said last above recited Act to the contrary notwithstanding: provided however, that such manumitted slave shall not be competent to prove any fact or facts which shall have been or alleged to have been committed, or to have taken place in any manner whatsoever, at any time between his or her registration of competency as aforesaid, and his or her emancipation, which shall or may bear in any manner directly or indirectly on any question as to the freedom or right to freedom of any slave or asserted slave, or affect the right of any white person, or the person, liberty or property of his or her late owner or owners in any criminal prosecution whatsoever.

Reciting the Act for granting privileges to certain free persons of colour, and its proviso in this section set forth, and that it is expedient to amend such proviso.

All manumitted persons who while slaves have been registered in the office of the clerk of the Crown, allowed to give evidence of any fact after such registration.

LXVIII. Provided however, and be it further enacted by the authority aforesaid, that no writ of *subpœna ad testificandum*, or other process of like nature, shall be issued

No subpœna ad testificandum to be served on any slave,



but a *habeas corpus ad testificandum* to be addressed to the owner.

issued out of any court, or by any magistrate or other authority, to be addressed to or served upon any slave or slaves whatsoever, in any case civil or criminal, or in any manner whatsoever, and the issuing or service of any such writ or process shall be void and of none effect to all intents and purposes whatsoever, anything in this Act before contained to the contrary notwithstanding; but when the evidence of any slave or slaves shall or may on any occasion be lawfully required, the court in, or magistrate or other authority before which such evidence shall or may be so required, shall have authority to issue a writ or process in the nature of a *habeas corpus ad testificandum*, to be addressed to the owner, employers, or others having actual possession or charge of such slave or slaves, commanding the said owners or others as aforesaid to produce the body or bodies of such slave or slaves, naming them particularly, and designating their place of abode, and the name or names of the owner or owners, and the colour, sex and probable age of such slave or slaves, according to their registration respectively in the office of the clerk of the Crown as aforesaid, in pursuance of this or any other Act or Acts of Assembly in such case made and provided, at a certain time and place to be therein appointed, before such court, magistrate or other authority as aforesaid, to give evidence as aforesaid; and the names and descriptions as aforesaid of any number of slaves being actually the property of, or under the charge of the same person or persons, shall and may be included in the same writ or process of *habeas corpus* as aforesaid; and in case of refusal or neglect to obey any such last-mentioned writ or process aforesaid, those who shall so refuse or neglect to obey the same shall be liable to all and singular the same pains and penalties, suits and actions, as parties in contempt, being free persons, for disobedience to a *subpœna ad testificandum*, addressed to themselves by the said court, magistrates or other authorities as aforesaid respectively, are or would be liable to, and in the same manner and form, and to the same effect in every respect whatsoever; and for each and every slave so to be produced in obedience to any writ or process of *habeas corpus* as aforesaid herein provided for, the owners or others having charge of such slave or slaves shall be entitled to receive from the party requiring the evidence of such slave or slaves, or from the public, when such evidence shall or may be required on the part of the Crown in any criminal prosecution, the same allowances in all respects for travelling expenses and subsistence as are or may be lawfully demanded by free persons subpoenaed to give evidence in like cases: provided however, that in all civil cases no writ or process of *habeas corpus* as aforesaid shall be so issued as aforesaid, commanding the production of any slave or slaves as witnesses as aforesaid, until after the party applying for such last-mentioned writ or process shall have made affidavit, or cause the same to be made by some one or more competent and credible person or persons, before the court, or some judge thereof, or the magistrate or other authority aforesaid before which such slave or slaves is or are about to be required to be produced for the purposes aforesaid, stating under oath that the evidence of such slave or slaves is absolutely material in the cause or matter in which such slave or slaves is or are to be examined, and that the party applicant does not require production as aforesaid of more than two of the said slaves to any one point at issue in the said cause or matter in which they are to be examined as aforesaid, or any one or more slaves to any points, matter or thing concerning which such slave or slaves shall be legally incompetent to testify or give evidence according to the provisions of this Act, or of any other Act of the General Assembly of these islands; all which affidavits shall in the general court be made according to the form and effect of the blank form unto this Act annexed, and in all other courts, and before all magistrates or other authorities aforesaid, the same in substance and as nearly as may be in form also, changing only what it may be necessary to change, so as to suit the style and practice of such other courts and authorities aforesaid respectively; and when any person or persons shall in any such affidavit as aforesaid, wilfully depose to any statements therein, knowing the same to be false, or not knowing the same to be true, he, she or they shall be guilty of wilful and corrupt perjury; and he, she or they, and any person or persons who shall suborn another so to commit wilful perjury as aforesaid, in any such affidavit as aforesaid, shall be liable to prosecution and punishment for wilful and corrupt perjury, or subornation of perjury (as the case may be), as is hereinbefore provided in such cases: and provided also, that in cases of criminal prosecution at the suit of the Crown, such writ or process of *habeas corpus* as aforesaid shall be issued only by the especial fiat of some judge, magistrate or authority as aforesaid, and shall require the production only of such slave or slaves, the materiality or probable materiality

materiality of whose evidence shall distinctly appear in and by one or more of the affidavits or examinations already taken in or concerning the same matter: provided however, that nothing herein contained shall be taken or in any manner understood to prevent criminal prosecutions from originating in or being grounded on the voluntary affidavits or examinations of slaves under oath, in all cases in which they may be competent witnesses according to the provisions of this Act.

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LXIX. And be it further enacted by the authority aforesaid, that whensoever any owners or others in actual charge of any slave or slaves shall be served with any writ or process of *habeas corpus* aforesaid, requiring the production of any such slave or slaves for the purposes aforesaid, or any of them, and the said owners or others in charge as aforesaid shall attend in person with the said slave or slaves, in order to produce the same as aforesaid, or shall employ others to produce the same as aforesaid, there shall be allowed to such owners or others as aforesaid, so employed in producing the said slave or slaves, such reasonable compensation as the court, magistrate or other authority as aforesaid may award, for their expenses and trouble in conducting such slave or slaves to such court, magistrate or other authority aforesaid, there producing the said slave or slaves for the purposes aforesaid, and reconducting such slave or slaves to his, her or their place or places of employment, to be paid by the parties respectively requiring the testimony of such slaves, or the public, as is hereinbefore provided, in prosecutions on the part of the Crown; all which compensations and expenses last aforesaid shall in all civil cases be taxed with costs against the parties eventually liable to pay the same, unless when it shall appear to the court that a needless expense has been incurred through malice, wantonness or folly, in requiring the production of unnecessary slave witnesses, in which cases all such needless expenses shall be taxed only against the party which shall have so incurred the same.

In cases wherein slaves are competent witnesses, criminal prosecutions may be grounded on their voluntary affidavits.

LXX. And be it further enacted by the authority aforesaid, that from and after the issuing of any such writ or process of *habeas corpus* as aforesaid, the slaves therein named shall nevertheless be and continue, and be considered as being wholly and exclusively in the charge, custody and keeping of their owners, or others acting directly or indirectly under the authority of such owners, or their lawful personal representatives, excepting only while such slaves shall be actually under examination before any such court, magistrate or other authority as aforesaid, during which time, and no longer, the said slaves shall be held and considered subject exclusively to the authority and under the immediate protection of such court, magistrate or authority aforesaid, anything in this Act contained to the contrary notwithstanding; provided however, that in all cases for prosecution for treason, felony or breach of the peace, it shall and may be lawful for all judges, magistrates and coroners to commit to safe custody, for the purpose of being produced and examined as witnesses in such prosecutions, any slave or slaves who on their confession, or the evidence of others under oath, shall or may be considered material and legal witnesses on the part of such prosecutions, unless the owners of such slaves, or others duly qualified on their behalf, shall enter into recognizance, conditioned for the production of such witnesses at the trial of such prosecutions, in like manner as recognizances are or may be by law required, conditioned for the appearance of witnesses in like cases.

Slaves required to give evidence shall, after the issuing of any such *habeas corpus*, remain in the exclusive charge of their owners, except when actually under examination.

Proviso, slaves to be examined as witnesses in treason, felony, &c. may be committed to custody, unless their owners enter into recognizance for their appearance.

LXXI. And be it further enacted by the authority aforesaid, that the costs and charges to be allowed upon any such writ of *habeas corpus ad testificandum* as aforesaid, and the service thereof, shall be the same in all respects as those chargeable by law on a writ of *subpœna ad testificandum*, and no more.

Cost and charges on the *habeas corpus* regulated.

LXXII. And be it further enacted by the authority aforesaid, that no market whatever shall be held within these islands on any Sunday throughout the year, for the sale of any goods, wares or merchandize whatsoever, either by slaves or persons of free condition, under the penalty of the forfeiture of all such goods, wares and merchandize which may be offered or exposed for sale at any such markets; and it shall be lawful for any magistrate or constable to levy upon, seize and sell, or cause to be sold, all such goods, wares and merchandize so found for sale at such markets, and apply the proceeds of the sales thereof in the manner following, that is to say, one half to be paid into the treasury of these islands, in aid of defraying the expenses of the government thereof, and the other half to such use and uses as the seizer may think proper; provided, nothing herein contained shall be construed to prevent the sale, at public market or markets, of butcher's

No Sunday market to be held, under penalty of forfeiting all the property exposed for sale.

Proviso, that butcher's meat, milk, &c. may be meat



sold between sun-rise and 9 o'clock in the morning, when the market is to be closed, under the penalty of £. 20.

meat, fish, poultry, eggs, milk or vegetables, or other like articles for immediate consumption, at any time between sun-rise and nine o'clock in the morning of all Sundays as aforesaid, at which hour of nine in the morning of Sundays as aforesaid all such markets shall be closed, under the penalty of twenty pounds of lawful money of these islands, to be paid by the clerk or other superintendent of such market for every such neglect; and all persons presuming to frequent any such markets for the purchase, sale or barter of any articles whatsoever, on any Sunday after the hour of nine o'clock in the morning of that day, shall be liable to a penalty of five pounds each for every offence, to be recovered by and to the use of any person or persons of free condition who may sue for the same.

All warehouses, shops, &c. to be kept shut on a Sunday, under a penalty of £. 20.

LXXIII. And be it further enacted by the authority aforesaid, that all warehouses, stores, shops and other like establishments for the sale or barter of any good, wares or merchandize within these islands, as well as all shops and booths, and other places in which liquor shall or may be sold by retail or otherwise, with or without license for that purpose, shall be and continue shut from and after nine o'clock on every Saturday night until day-light on the ensuing Monday morning; and all persons presuming to open or keep open any such warehouse, store, shop or booth during the hours last limited, or shall traffic or barter therein, whether shut or open, in or for any manner of goods, wares, merchandize or liquors as aforesaid, within the same hours so limited as aforesaid, shall be liable to a penalty of twenty pounds each for every such offence, to be recovered as hereinafter provided, and to be applied one half to the use of Your Majesty's Government within these islands, and the other half to any person or persons of free condition who shall or may sue for the same.

The sale of medicines not penal.

LXXIV. Provided however, and be it further enacted by the authority aforesaid, that nothing hereinbefore contained shall be construed or understood to prevent or in any manner render penal the sale of medicines for the use of the sick, or other articles usually employed in the practice of medicine, surgery or pharmacy, or the keeping open of any shops or stores for the sale of the same at any time whatsoever.

Slave labour prohibited on the Sabbath-day.

LXXV. And whereas it hath never been usual within these islands to compel slaves to labour on a Sunday, and it may be deemed necessary to prohibit by law any such labour; be it therefore enacted by the authority aforesaid, that if any person or persons shall compel or oblige a slave to perform or engage in any labour or employment on the Sabbath-day for the profit or advantage of his or her owner, manager or employer, whether in the field or about the salt-pond, or elsewhere, (or otherwise than in and about the necessary attendance of such slave in the family of his or her owner or employer, or upon the person of such owner or employer, or upon the person or persons of any of the family of any such owner or employer, or in and about the performance of such services and employments as the domestic concerns or affairs of such or of any other owner or employer usually and necessarily require, or otherwise than in and about the necessary and unavoidable preservation of any cattle, live stock, or other property whatsoever and wheresoever, or in and about such work, labour and attendance as may be required of any such slave at any public market within the said islands), during the hours to which the same is limited and restricted according to the provisions of this Act, every person so offending shall incur and be liable to the payment of a fine not exceeding fifty pounds, to be recovered and applied in manner hereinafter provided.

The property of slaves.

LXXVI. And whereas by the usages of the Bahama Islands, persons in a state of slavery have hitherto been permitted to acquire and enjoy property free from the control or interference of their owners, and it is deemed expedient that such custom should be recognized and established by law, and that provision should be made for enabling such slaves to invest their said property in good security; be it further enacted by the authority aforesaid, that no person in the said islands being in a state of slavery, shall, on account of such his or her condition, be or be deemed or taken to be incompetent in the law to purchase, inherit, acquire, possess, hold, occupy, enjoy, alienate, or dispose of property, but every such slave shall be and is hereby declared to be competent in the law to inherit, purchase acquire, possess, hold, occupy, enjoy, alienate, or dispose of lands situate within the said islands, or money, cattle, implements or utensils of husbandry, or household furniture, and other effects of such or of the like nature, of what value or amount soever, and to bring, maintain, prosecute, appear to, or defend any suit or action in any court of justice

Slaves rendered competent to inherit, purchase and sell lands, cattle, &c. &c.

justice within the colony, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition; provided nevertheless, that any such suit or action shall be prosecuted or defended by *prochein amis* or guardian, to be for that purpose by the said court to him or her assigned in that behalf, in such and in the same manner as if he or she were an infant under the age of twenty-one years; and that it shall be lawful for the said court, on application for that purpose duly made to it, and on affidavit of the party, plaintiff or defendant, stating therein that he or she is not worth the sum of ten pounds in the world (the wearing apparel of him or her, and the matter in controversy excepted), to suffer the party so applying, being a slave, to prosecute and defend any such suit or action in *forma pauperis*: provided always, that every such *prochein amis* or guardian, shall be a person of free condition, and that nothing herein contained shall extend, or be construed to extend to authorize any slave to acquire or become the owner of a slave or slaves, or of any fire-arms, gunpowder or ammunition, without the especial permission of their owners, or others having charge of them respectively.

LXXVII. And for the better preserving of the property of any such slaves, be it further enacted by the authority aforesaid, that from and after the passing of this Act the receiver-general and treasurer of the colony shall open a chest of deposit, in which all slaves shall be allowed to deposit any monies which they may think proper to place therein for the safe keeping thereof; and all deputy receivers-general throughout these islands shall in like manner keep like chests of deposit for the benefit of the slaves within their respective districts, and that on every sum so to be deposited, and so long as such deposit shall continue, there shall be paid thereon, or on such part thereof as shall remain undrawn, to the party by whom any such deposit shall be made, or to any other slave who shall afterwards become entitled thereto in manner hereinafter provided, interest at and after the rate of six pounds per centum per annum, quarterly, out of the public monies of the country, free of all charges whatsoever to the slave.

LXXVIII. And be it further enacted by the authority aforesaid, that any slave making a deposit in any such chest shall be at liberty to make a declaration of the manner in which, and of the person or persons to whom, in the event of his or her death, the amount of such his or her deposit or deposits there shall be then paid, applied or disposed of; and such declaration shall be recorded in a book to be kept for that purpose, by the said receiver-general and his deputies, where any such deposit may be made; and upon the death of the slave making such declaration, the same shall be deemed and taken to be the last will and testament of such slave, in the absence of any other last will and testament, and in case any slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of any such declaration; and if any slave shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his or her death, then and in every such case the property of such slave shall go and be disposed of, to and in favour of such person or persons as by virtue of any Act or Acts of Parliament for the distribution of the effects of intestates, in force within the colony, would be entitled to any such property: provided however, that in the absence of all legitimate issue and connections of any such deceased intestates, the goods and chattels and other property of the estate of all such deceased intestates shall be distributed among their putative children and connections in the same manner as if they were legitimate; and provided also, that all lands and lots of land, with the buildings and other improvements thereon, as well as all other hereditaments of slaves, shall be considered as personal property only, and chattels to all intents and purposes, as well for the satisfaction of debts of any slave during his or her lifetime, as to be assets in the hands of his or her executors or administrators, liable to his or her debts after his or her death, and to distribution among his or her kindred as aforesaid, as personal chattels in manner hereinbefore provided for.

LXXIX. And be it further enacted by the authority aforesaid, that no deposit of money exceeding the sum of two pounds of lawful money of the said islands in the whole shall at any one time, or in any one week, be so received in deposit as aforesaid, unless the said slave at the time of tendering such other or greater deposit shall make it appear to the satisfaction of the treasurer or deputy receiver-general that the owner or owners of such slave, or other person or persons having charge of such

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Slaves not to become the owners of slaves, or of fire-arms, gunpowder or ammunition, without permission of their owners.

Chests of deposit to be opened for the money of slaves.

Six per cent interest allowed on all money deposited by slaves.

A slave making a deposit may declare to whom it shall be paid at his death, and such declaration, in the absence of any other, shall be deemed to be his will.

The property of a slave dying intestate, and without the above declaration, to be disposed of according to the statute of distribution of intestates' effects. In default of legitimate issue and connections, the putative children shall take lands, to be considered as personal estate.

No deposit exceeding £. 2 to be received, except, &c.

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such slave, have or has had at least ten days full and sufficient notice of the intention of such slave to make such last-mentioned deposit, which notice may be proved either by an acknowledgment in writing of the said owner or owners, or others in charge as aforesaid, or by the affidavit of the slave so wishing to make the deposit last aforesaid, together with one or more persons of character and credit; and all persons swearing to any such affidavit, not knowing the same to be true, shall be held guilty of wilful and corrupt perjury, and on conviction thereof shall be liable to all and singular the pains and penalties of wilful and corrupt perjury, and to all the disabilities consequent upon such conviction according to law.

The property of slaves may be attached for their own private debts.

LXXX. And be it further enacted by the authority aforesaid, that when any slave or slaves shall contract any debt or debts upon his or their own credit and responsibility, and not for the use and by the express authority of his, her or their owner or owners, or others having charge of such slave or slaves, or shall make themselves individually and personally liable for damages on any account whatsoever, the property of all such slave or slaves, whether the said property shall consist of money, goods, rights, credits, or other things of whatsoever description the same may be, shall be liable for the payment of such debts and the satisfaction of all such damages, and may be proceeded against by writ of attachment in the first instance, to be issued upon affidavit of debt or damages as aforesaid, to be made by or on behalf of any party plaintiff in any such proceedings, in or before any court of competent jurisdiction, as to the amount and nature of the debts or damages sued for, as in cases in which the parties litigant are free persons; provided however, that no such property shall be so attached unless the said affidavit shall be as full and positive as the nature of the case may admit of; and one of the judges of the court, or the judge or magistrate from whom such process may be required, shall indorse an especial order on the writ, specifying the amount for which such attachment shall be laid; and the said property, whether in the possession of the said slave or others, shall be taken into the safe keeping of the officer to whom such process shall be addressed, unless sufficient security be given to him that the person or persons in possession of the same shall hold the same, or the full value thereof, ready to satisfy or answer, so far as the same may go, such judgment as the party plaintiff may eventually obtain in the premises; and if the party defendant shall not appear, as by this or some other Act of Assembly is or may be provided for, within such time as free persons would be bound to appear upon the service of mesne process on their persons, and defend such suit, the party plaintiff may proceed to judgment by default and execution thereon, in the same manner and form, as nearly as may be, and to the same effect, as if the suit had been instituted against free persons by personal attachment or summons; and all property so attached as aforesaid, or the value thereof, in whosoever hands the same may be, shall be applied to the satisfaction of such judgment as the party plaintiff may obtain, whether the suit be defended or not: provided however, that whensoever the court shall have reason to suspect that the party to whom the attached property shall or may belong, had not good, reasonable and sufficient notice of the attachment of his, her or their property as aforesaid, the court shall have full authority and power to stay all proceedings in any such case until satisfied that such notice has been given; and should any person or persons, other than the party defendant, be in actual possession of any property so attached as aforesaid, and the person or persons so in possession of the same shall not, within a reasonable time after the service of such attachment, give notice thereof to the owner or owners of such property, all such holders of such property shall be liable in damages to such party sued, for all injury sustained by the same by reason of such neglect as aforesaid of such holder or holders of the said property as aforesaid: and provided also, that whensoever any monies are attached in virtue of this Act, in the hands of the receiver-general and treasurer, or any deputy receiver-general of these islands, the said officers shall hold the said monies liable to all such judgments as may be obtained in pursuance of any such attachment or attachments, but shall not be compellable to give any security for the safe keeping of the same, anything hereinbefore contained to the contrary notwithstanding.

Necessary proceedings before any after attachment.

Wednesday the appointed day of deposit.

LXXXI. And be it further enacted by the authority aforesaid, that no such deposits as aforesaid shall be received or paid out except on Wednesdays, between the hours of twelve at noon and two in the afternoon, and that the books and accounts of the said receiver-general and treasurer, and of the said deputy receivers-general, shall be and be held and considered to be public records, to which all persons shall have a right of access, with the privilege of inspecting the same at any

any time within the usual office-hours of business, on the payment to the person keeping such books or accounts, as his fee, the sum of one shilling currency for each inspection.

BAHAMAS.

LXXXII. And be it further enacted by the authority aforesaid, that whenever any court, judge or magistrate shall have reasonable grounds to suspect that any person or persons having any property attached in their keeping, possession or power, shall, when required to produce the same according to law, have concealed the same or any part thereof, such party may be ruled to show cause, under oath, why he, she or they should not be held in contempt by reason of such concealment, and shall also answer, under oath, such interrogations touching the same premises as the said court, judge or magistrate may think proper to administer to such suspected party; and if shall appear by the answer of that party that he, she or they have been guilty of any concealment, embezzlement or deterioration of any such attached property as aforesaid, while in his, her or their keeping, possession or power, the said court, judge or magistrate shall have authority to commit the said offender or offenders to prison until he, she or they shall satisfy and make good to the party defendant all losses in the premises: provided however, that no such proceedings as last aforesaid shall bar any party defrauded as aforesaid of any action which they may have against the party so examined, should he, she or they become purged of his, her or their contempt in the premises by false answers to any such interrogatories as aforesaid.

Persons suspected of having attached property in their power or keeping, and refusing to deliver it up, how proceeded against.

LXXXIII. And whereas it would be attended with great inconvenience to planters, and those having establishments for raking salt, or farms for raising corn, cattle, or live stock of any kind for market, if the slaves employed on or about such plantations, farms or other establishments as aforesaid, were allowed to deal or traffic in the same articles as those in which their owners deal or traffic; it is hereby further provided, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood as preventing or intending to prevent the owners of slaves, or others in charge of the same, from prohibiting the said slaves from cultivating any cotton wool, or Indian or Guinea corn, or from raking salt, or from raising or keeping for breed any cattle or other live stock as aforesaid, provided such prohibition shall not extend to the cultivation of sugar canes, peas, beans, pumpkins, fruit of any kind, potatoes, yams, garden stuffs, or ground provisions of any kind, corn as aforesaid excepted, or to the cutting of timber, dye woods, or woods of any kind, on the lands of them the said slaves, or of others, with the proprietors' permission, and selling the same, or to their dealing and trafficking in any articles in which their owners shall not at the time deal or traffic, or even to their raising cotton wool, corn or live stock, or raking salt, when their owners are not themselves actually engaged in raising cotton or corn, or live stock, or in raking salt for sale.

Recital.

The owners of slaves may prohibit them from cultivating cotton, corn, or raking salt, or breeding cattle or live stock; but slaves not to be prohibited from cultivating sugar-canes, peas, yams, pumpkins, potatoes &c.

LXXXIV. And be it further enacted by the authority aforesaid, that if any person being in a state of slavery within the said islands shall be desirous to purchase his or her freedom, or the freedom of the wife or husband, or child, or brother or sister, or reputed wife or husband, or child, or brother or sister, of any such slave, it shall and may be lawful to and for any such slave so to purchase the freedom of himself or herself, or of any such person as aforesaid, at such price, and upon such terms, conditions and stipulations as shall or may be agreed on by and between the parties interested in such sale and purchase; and all such agreements *bonâ fide* entered into for that purpose shall be good, binding and valid in law, whether verbal or in writing, the condition of the one or more of the contracting parties being that of slavery, at the time of his, her or their entering into such agreement or agreements, to the contrary notwithstanding.

Any slave may purchase his or her freedom, or the freedom of his wife, or her husband, child, brother or sister.

Agreement entered into by slaves for obtaining freedom shall be valid, notwithstanding the condition of one or more of the contracting parties shall be that of slavery.

LXXXV. And be it further enacted by the authority aforesaid, that should any difference exist between the parties aforesaid as to the price or value at which the slave or slaves in question shall or may be entitled to freedom, it shall be the duty of, and it shall and may be lawful for any magistrate, on the application of either party aforesaid to him made, either directly or indirectly to call to his aid any one or more other magistrate or magistrates, and it shall be the duty of the said magistrates when convened, and they or any two of them when so convened shall have full power and authority, to summon and cause the parties aforesaid to appear before them, and endeavour to accommodate all differences between them to the satisfaction of both; but failing therein, to cause two referees to be named, one by or on the part of the owner or owners of the slave or slaves in question, and the other

If any difference shall exist as to the price or value of the slave, the same shall be fixed by referees, as in this section is particularly specified.

## BAHAMAS.

After the referees have determined the amount, and the same being concurred in by the attorney-general, the award shall be recorded in the proper office, and the slaves shall thereupon become free.

In case referees disagree, an umpire to be named by them, whose decision shall be valid.

Oath of referees and umpire.

When the owners of slaves are not resident in these islands, or are minors, the attornies of such absent owners, and the parents or guardians of minors shall be considered the owners for the purpose of conferring freedom on slaves, in virtue of the present section hereof.

Duty of magistrates touching the purchase of the freedom of slaves.  
£. 50 penalty on neglect.

other by or on the part of the said slaves, with their consent and approbation, and the advice and assistance of the said magistrates; and it shall be the duty of the said referees, after diligent investigation of all matters submitted or offered to their consideration by the said parties, to award and determine the amount of such compensation as in their opinion the owner or owners of such slave or slaves shall or may be fairly and justly entitled to for such manumission; and such compensation being actually paid or tendered to the said owner or owners of such slave or slaves, or duly and fully acknowledged to have been so tendered or paid in the presence of the said magistrates, or any one or more of them, it shall be the duty of the said magistrates, or any two of them, to transmit to the attorney-general of these islands a minute in writing, signed by them, of all and singular the several proceedings had before them in the premises, and it shall thereupon be the duty of the said attorney-general, should he be of opinion that the same are correct and regular according to law, and if necessary, after correcting, with the assent of the said magistrates, any errors in matter of form in the minutes of the same, to cause the same to be recorded in the proper office of this government, and thereupon the said slave or slaves shall become and be from thenceforth to all intents and purposes free persons.

LXXXVI. Provided however, and it is hereby enacted by the authority aforesaid, that should the said referees be unable to agree as to the amount of the compensation as aforesaid, the said referees shall name an umpire between them, and the decision of the said umpire shall be as good, valid and binding in the premises as if the same had been agreed to by the two referees first named; and provided also that the said two referees, and also the said umpire, when an umpire shall become necessary, before they enter upon the duties of any such reference or umpirage as aforesaid, shall take and subscribe, as nearly as may be, an oath or affidavit in writing, to the effect following; that is to say:

“ *A. B.* and *B. C.* of the island of *D.* [here their additions are to be inserted at length], referees indifferently chosen to award and determine between *E. F.* of the island of *G.* [here the additions of the owner or owners aforesaid are to be inserted at length], and *H. I.* [the slave or slaves being here named], the slave [or slaves] of the said *E. F.*, touching the compensation which the said owner [or owners] ought to receive for the emancipation of his [her or their] said slave [or slaves], being duly sworn on their oaths, severally swear that they will fairly, justly and equitably, to the best of their skill and judgment, estimate the said compensation, not merely according to their view of the probable market prices of such slave [or slaves], if exposed to sale as such, but with due regard also to such further remuneration as the said owner [or owners] may show himself [herself or themselves] entitled to, to the satisfaction of them the said referees, under the special circumstances of the case, in consequence of any loss or damage which the said owner [or owners] may sustain by reason of his [her or their] being deprived of the services of such slave [or slaves].”

And the affidavit of the umpire shall be, as nearly as may be, in the same form and to the same effect.

LXXXVII. And be it further enacted by the authority aforesaid, that when any owner or owners of slaves desirous of purchasing freedom as aforesaid, shall not be resident within these islands, or shall be under age, lunatic, or be married women living with their husbands, then and in all such cases the attornies or agents of such absent owners, resident within these islands, and the parents or guardians of such minors, and the guardians of such lunatics, or their lawful representatives resident within these said islands, and the trustees of such married women, or their lawful representatives resident within these said islands, shall be and be held and considered as the owners of all such slaves for all and singular the purposes last aforesaid, touching the purchase of the freedom of the said slaves of such owners who by reason of their absence, non-age, lunacy or coverture, as aforesaid, shall not be in a situation to attend in person to the matter aforesaid.

LXXXVIII. And be it further enacted by the authority aforesaid, that any magistrate who, when duly required to perform any of the duties of a magistrate as last aforesaid, in, touching or concerning the purchase of freedom by slaves as aforesaid, shall refuse or neglect to perform the same, shall be liable to a penalty of fifty pounds of lawful money of these islands for every such offence; and should any

owners

owners of slaves desirous of purchasing freedom as aforesaid, or the lawful representatives of such owners as aforesaid, contumaciously refuse to submit to the authority of the magistrates aforesaid in the execution of their said duties as aforesaid, or intentionally or unnecessarily delay, or wantonly embarrass or impede their proceedings in the premises, all such offenders shall be liable to a fine of not less than ten nor more than fifty pounds of lawful money of these said islands for every offence; and on their conviction for any such offence, it shall and may be lawful for the court before which such conviction shall take place, so soon thereafter as justice may admit of under the circumstances of the case, to impanel a sworn inquest or jury of twelve disinterested persons, to inquire into and determine by verdict as to the value of the slave or slaves in question, and upon payment of the amount of such verdict, by or on account of the said slave or slaves, into court, the said slave or slaves shall, by sentence of the said court (to be duly recorded), be adjudged to be free; and the money so paid into court shall, after deducting the amount of the fine aforesaid, and all reasonable costs and charges of all and singular the several proceedings last aforesaid in the said court, be paid over to the said owners or their lawful representatives as aforesaid in this behalf.

Penalty of not less than £.10, nor more than £.50, on owners contumaciously refusing to submit to the authority of magistrates.

On conviction of any owners as above, the value of the freedom of the negro to be ascertained by a jury in the court where such conviction was had.

LXXXIX. And it is also hereby provided, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be in any manner taken, held or construed to destroy, diminish or impair, or otherwise injuriously affect the just rights of judgment creditors, mortgagees, joint proprietors, or reversioners of any description; but whensoever the property of owners in any slaves desirous of purchasing freedom as aforesaid, shall be bound by any judgment or mortgage, or any other person or persons shall have a joint or reversionary interest of any kind in the same, and the same be not made known in the course of any proceedings under or in virtue of this Act, to the referees as aforesaid, or to the court and jury as aforesaid, and any such information shall be knowingly and wilfully withheld in the premises, any slave conceiving himself or herself manumitted in virtue of such proceedings, or any of them, and who shall afterwards be proved to be still more or less a slave or liable to any manner of bondage afterwards, then and in that case, such slave or slaves shall be entitled to recover of and from any and all persons and person so having wilfully and knowingly concealed as aforesaid the fact of his, her or their being bound by any such judgment or mortgage, or of the existence of any such joint or reversionary interest as aforesaid, or who shall in any manner be aiding, abetting or conniving at any such concealment, double the amount of such compensation paid for the emancipation of such slave or slaves; and if the referees or court and jury as aforesaid, in the course of any of the proceedings aforesaid provided by this Act as aforesaid in the premises, shall have notice of any such judgment, mortgage, or joint or reversionary right as aforesaid, then and in that case it shall and may be lawful for such referees or jurors, by their award or verdict, to determine whether the whole, or any and what part of the compensation aforesaid ought in equity and good conscience to be paid to the judgment creditors, mortgagees, joint owner or reversioners as aforesaid, as the case may be, and the same shall be so paid accordingly; and should any such judgment creditor, mortgagee, joint owner or reversioner, not be present to receive any monies so to him, her or them payable by reason of the premises, the same shall be deposited in the public treasury of the colony for him, her or them, and on his, her and their sole account; and for receiving and paying out the same, the treasurer shall receive, to be deducted from the same, a commission of one per cent, and no more.

This Act not to affect the just rights of judgment creditors.

Mode of proceeding to obtain the freedom of negroes bound by judgment, mortgage, &c.

XC. And it is hereby provided also, and be it further enacted, that children under fourteen years of age shall not be manumitted under this Act, except with the consent of the owners thereof, under any circumstances whatsoever, anything hereinbefore contained to the contrary notwithstanding; and provided also, that no slaves shall obtain their freedom under this Act, against the will of their owners (or others having them in charge), unless it shall be shown to the satisfaction of the referees or jury as before provided, that the funds from which the compensation is to be paid for their freedom shall have been honestly acquired, anything hereinbefore contained to the contrary notwithstanding.

No compulsory manumission of children under 14 years of age; and slave must satisfy the referees and jury that the funds out of which he wishes to purchase his freedom have been honestly acquired.

XCi. And whereas it is deemed expedient and proper that the trial of slaves charged with treason, murder, or other felonious offence, not having the benefit of clergy, should hereafter be had and proceeded on in the general court of these islands

The same practice to be observed on the trial of slaves charged with capital



offences, as on the trial of other persons charged with similar offences.

islands according to the form and practice of the said court, used and followed therein on the trial of white persons or free persons of colour, charged with the like offences ; be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, when any slave or slaves shall be charged with treason, murder, burglary, robbery, burning of houses, or other felony or offence whatsoever, from which the benefit of clergy is taken away by any statute or Act of Parliament of Great Britain, now or hereafter to be in force within the Bahama Islands, or by this or any other Act of the General Assembly of the same islands, the trial of such slave or slaves (a bill or bills of indictment being first found by the grand inquest for the body of the said Bahama Islands, and which bill or bills of indictment the attorney-general or other officer prosecuting in the name of His Majesty shall and lawfully may prefer) shall be had and proceeded upon in the general court of the said Bahama Islands, by and before the chief justice and assistant justices of the said court, or some or one of them, in the same manner and form, and according to the same course, usage and practice established, observed and followed therein for and upon the trial of any white person or free person of colour, charged with the like crimes and offences, save and except only that the evidence of slave against slave shall in all cases be received.

Evidence of slave against slave to be received.

Slaves convicted of offences from which the benefit of clergy is taken away, sentence of death to be passed by the chief or assistant justice, and such to be carried into execution by the provost-marshal.

XCVII. And be it further enacted by the authority aforesaid, that when any slave or slaves shall be convicted in the said general court of any treason, murder or other felony or offence, from which the benefit of clergy is taken away as aforesaid, it shall and may be lawful for the chief justice and assistant justices of the said general court, or some or one of them, to pronounce sentence of death upon such slave or slaves so convicted as aforesaid ; and the provost-marshal of the said islands, or his lawful deputy, is hereby authorized and required to cause such sentence to be carried into execution at such time and place as such chief justice and assistant justices, or some or one of them, shall think proper to direct and appoint.

Parts of Acts of General Assembly, as otherwise, regulate such trials, suspended during the continuance of this Act.

XCVIII. And be it further enacted by the authority aforesaid, that so much and such part and parts of any Act or Acts of the General Assembly of the said Bahama Islands as prescribe or regulate any mode of proceeding on the trial of slaves, if accused of crimes punishable with death, different from that hereinbefore established and appointed, shall be and the same is and are hereby suspended, from and after the passing of this Act, for and during the continuance of this Act, and no longer.

Slave court. Clergyable felonies punishable with transportation, to be tried before two justices and five jurymen ;

XCVIII. And be it further enacted by the authority aforesaid, that upon complaint being made to any justice of the peace of any clergyable felony or other offence committed by any slave or slaves, and which is hereby declared to be punishable with transportation, such justice shall issue his warrant for apprehending such offender or offenders, and for all persons that can give evidence to be brought before him or any other justice of the peace, and evidence of slave against slave shall in all cases be received ; and if upon examination the charge shall appear to be well founded, the justice before whom such examination shall be had and taken shall commit the accused to prison, and bind over the witnesses to appear at a certain day and place, not less than ten or more than thirty days from the day on which the complaint shall have been made, and shall certify to any other justice of the peace the cause of such commitment, and require him to associate himself with him, which the said justice is hereby required to do under the penalty of forty pounds ; and the said justices so associated shall issue their warrant to summon seven persons such as are liable to serve on ordinary juries (the master, owner or proprietor of the slave or slaves so complained of, or the attorney, guardian, overseer or manager of such owner or proprietor, or the person prosecuting, his or her attorney, guardian, overseer or manager always excepted) personally to be and appear before the said justices at the day and place appointed for the trial, between the hours of eight and twelve of the clock in the forenoon, when and where the said justices shall cause the accused to be brought before them, and thereupon five of the persons so summoned shall (the charge or accusation being first reduced to writing and read) be sworn to try the matter before them, and give a true verdict according to evidence, which charge or accusation shall not be questioned for any want of form, but shall be deemed valid if sufficient in substance ; and if the said jurors shall upon hearing the evidence unanimously find the said slave or slaves guilty of the offence of which he, she or they shall stand charged, the said justices shall

not less than 10 days nor more than 30 days after complaint made.

shall forthwith pass sentence upon such offender or offenders according to the nature of the offence, and shall cause such sentence to be carried into execution at such time and place as they shall think proper: provided always nevertheless, that the justices of the peace, or any two or more of them resident upon any of the islands within this government, shall and may hereafter hold slave courts upon the first Tuesday in January, April, July and October in every year, to continue and to be holden five days successively (if necessary) and not longer, and shall have full power and authority to inquire into, hear and determine all and all manner of clergyable offences or other offences committed by any slave or slaves, and which are hereby declared punishable with transportation or other punishment not extending to life or limb; and shall open the said court by proclamation, declaring the same to be a slave court for such purpose, and that any two of the said justices shall thereupon proceed to try and deliver the workhouse or gaol within the islands or parish of all slaves who shall be in custody of the workhouse-keeper or gaoler charged with any such last-mentioned offence, and shall cause a jury, to be called and taken from the panel returned to the said court, forthwith to be sworn as they shall appear, to try all and every such slave and slaves as shall be brought before them charged with any of the offences last aforesaid, and to give a true verdict according to evidence as in other cases.

## BAHAMAS.

Slave courts may be held on out-islands on first Tuesday in January, April, July, and October.

XCIV. And be it further enacted by the authority aforesaid, that not less than two justices and five jurors shall constitute any such slave court, and that upon any such trial no peremptory challenge of any juror, or any exception to the form of the indictment, shall be allowed.

Not less than two justices and five jurymen to constitute a slave court.

XCVI. And be it further enacted by the authority aforesaid, that any slave wilfully giving false evidence on any trial to be had before any slave court under this Act, shall suffer the same punishment as the person or persons on whose trial such false evidence was given would, if convicted, have been liable to suffer, or such other punishment, not extending to life or limb, as the justices shall award.

Penalty on slaves giving false evidence before a slave court.

LCVII. And be it further enacted by the authority aforesaid, that in all cases in which according to the provisions of this Act any affidavits, oaths, examinations or depositions under oath, as in the case of witnesses on trial of fact or otherwise, are required or allowed to be administered, taken or sworn to, the people called Quakers shall be permitted to substitute their solemn affirmation in the place of all such oaths, anything in this Act contained to the contrary notwithstanding; provided however, that any such person so affirming to that which the person so affirming does not know to be true, shall be held guilty of wilful and corrupt perjury, and on conviction thereof shall suffer the pains and penalties of wilful and corrupt perjury, and shall be liable to all the disabilities legally consequent upon such conviction; and provided also, that no such affirmation shall be received in evidence on any trial for any offence for which the person tried would on conviction be liable to suffer death.

Quakers permitted to substitute their solemn affirmation in lieu of an oath.

Liable for false affirmation to same pains and penalties as persons guilty of corrupt perjury.

XCVIII. And be it further enacted by the authority aforesaid, that when any slaves or slaves shall be discharged by proclamation, or shall die in custody, the marshal, gaoler or workhouse-keeper shall be entitled to receive out of the public treasury all such fees as shall be due for such slave or slaves at the time of such discharge or death.

When slaves are discharged by proclamation, &c. the marshal, gaoler, &c. entitled to his fees from treasury.

XCIX. And be it further enacted by the authority aforesaid, that the constables of the respective islands and districts shall be obliged to attend every such trial or court, under the penalty of twenty pounds for such neglect; and the constables executing any sentence shall be entitled to receive out of the public treasury the sum of twenty shillings, upon producing the certificate of the justices aforesaid.

Constables to attend slave courts.

C. And be it further enacted by the authority aforesaid, that any person who shall be drawn and duly summoned to serve as a juror on any trial to be had by virtue of this Act, and who shall neglect to attend, or after appearance shall depart without leave, shall forfeit the sum of six pounds.

£. 6 penalty on jurors neglecting to attend.

CI. And be it further enacted by the authority aforesaid, that no such trial of any slave shall be had until after reasonable and sufficient notice of such trial shall have been given to the owner or proprietor of such slave, or to his, her or their attorney or attornies, or other representative or representatives, when any such can conveniently be found within the colony, any law, usage or custom to the contrary notwithstanding.

Notice of trial to be given to the proprietors of slaves.



Jury to appraise slaves sentenced to death or transportation.

If the owner had treated the slave with inhumanity, not then entitled to compensation.

The amount of slaves sold for transportation to be paid into the treasury.

Penalty on negro transported returning.

£. 100 penalty on persons concealing slaves against whom warrants shall have been granted.

Summary mode of punishment for misdemeanor and inferior offences, by two magistrates.

Where the power of trying offences is not vested in one or more magistrates, the same to be tried in the general court.

Fines, not less than £. 5 nor above £. 50, where not otherwise regulated; and imprisonment not exceeding one month.

Not to interfere with jurisdiction of slave courts.

CII. And be it further enacted by the authority aforesaid, that in all cases where any slave shall receive sentence of death or transportation, the jury shall appraise and value such slave, and the justices shall certify such valuation; provided always, that such valuation shall not in any case exceed sixty pounds for any one slave; and provided also, that if it shall appear that the owner or possessor of such slave had treated him or her with inhumanity, and that necessity or hard usage might have driven such slave to the commission of the offence of which he or she shall have been convicted, that then and in such case no valuation shall be made nor certificate granted, and the owner shall not be entitled to receive any allowance whatever for such slave from the public.

CIII. And be it further enacted by the authority aforesaid, that in all cases where any slave valued as aforesaid shall be executed or transported by virtue of this Act, such slave shall be paid for at the public expense, and the net money arising from the sale of any slave sold for transportation shall be accounted for on oath by the provost-marshal or his deputy, and paid over to the receiver-general for the use of the public.

CIV. And be it further enacted by the authority aforesaid, that any negro or other slave who shall be transported from these islands by virtue of this Act, and shall wilfully return from transportation, shall upon conviction suffer death, without benefit of clergy.

CV. And be it further enacted by the authority aforesaid, that when any warrant shall be granted by any one or more of His Majesty justices of the peace against any slave who cannot be taken, the owner, attorney, possessor, guardian or overseer of every such slave shall be served with a copy of the said warrant, and if she or they do not send or produce such slave to the justice or justices to be dealt with according to law, and it shall afterwards be proved that such owner, attorney, possessor, guardian or overseer wilfully detained or concealed such slave, he, she or they shall forfeit the sum of one hundred pounds.

CVI. And whereas misdemeanors and offences of inferior degree are frequently committed by slaves, which ought to be punished in a summary way; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for any two justices of the peace in a summary manner to hear and determine all crimes and misdemeanors below felony, or other offences whatsoever committed by every slave or slaves, and to which the punishment of transportation hath not been annexed by this Act, giving sufficient notice to the owner or owners of such slave or slaves, or his, her or their attorney or attorneys, or to the person having the care of such slave or slaves, of the time or place of trial, and to order and direct such punishment to be inflicted on any such slave as the said justices in their discretion shall think fit, not exceeding fifty lashes; and the constable attending such trial and executing any such sentence shall be entitled to have and receive ten shillings, to be paid by the master, owner or possessor of such slave or slaves, on non-payment whereof it shall and may be lawful for the justices to issue their warrant for levying the same, together with costs and charges.

CVII. And be it further enacted by the authority aforesaid, that except in cases in which, in and by the provisions of this or some other Act or Acts of the General Assembly of these islands, the power of trying persons for offences is expressly vested in one or more magistrates, persons charged with any of the offences mentioned in this Act shall be tried for the same in the general court of these islands, according to the course of the common-law, or the provisions of this or some other Act of Assembly applicable in such cases, and on conviction shall suffer fine and imprisonment, or either, within the limits prescribed by this Act, or otherwise by the laws of the colony; and in cases where no limits are so prescribed, then the party convicted shall be sentenced to a fine of not less than five nor more than fifty pounds lawful money of these islands, and to imprisonment for any space of time not exceeding one month, or to fine or imprisonment only, within the same limits, at the discretion of the courts: provided however, that whenever any such offences last aforesaid shall be committed by slaves or others liable to be tried by slave courts, according to the form and effect of any Act or Acts of Assembly in such case made and provided, and now in force in these islands, the parties charged with such offences shall and may be tried by such slave courts accordingly, and on conviction be punished as by law is already therein provided, except as hereinbefore excepted, in cases where one or more magistrates shall have summary jurisdiction in the premises according to the provisions of this or some other Act of Assembly as aforesaid.

CVIII. And

CVIII. And be it further enacted by the authority aforesaid, that in all cases in which by this present Act, or any other Act of the General Assembly, any power or authority is vested in the justices and vestries, such power and authority shall be executed by the justices, or any two of them, in islands where there are no vestries, or by the vestrymen, or any six of them, in islands where there are no justices.

Powers vested in justices and vestries may be executed by any two justices, or by six vestrymen, when there are not both on the island.

CIX. And be it further enacted by the authority aforesaid, that all fines, forfeitures and penalties given by this Act, of which the recovery and application have not been otherwise directed, shall, if not exceeding twenty pounds, be recovered in a summary way, before any two of His Majesty's justices of the peace, and shall be levied, together with costs, by distress and sale of the offender's goods and chattels; and if exceeding twenty pounds, shall be recovered, together with costs, in the general court of these islands, by action of debt, bill, plaint or information, wherein no essoign, protection, wager of law, or *non vult ulterius prosecute*, shall be allowed or entered; and that the same shall be paid into the public treasury of the said islands, in aid of the support of His Majesty's Government therein, and the contingent expenses thereof.

Penalties, how recovered;

when recovered, to be paid into the treasury.

CX. And be it further enacted by the authority aforesaid, that when any person or persons whatsoever shall or may be sued at law for anything done by the authority or in pursuance of this Act, or of any of the provisions of the same, the party defendant may plead the general issue, and under that issue give this Act and any special matter in evidence; and when in any such suit judgment shall pass for the party defendant, or the party plaintiff shall be nonsuited, or discontinue his, her or their action in the premises, the party defendant shall be entitled to double costs.

Persons sued for any thing done under this Act, may plead the general issue.

CXI. And be it further enacted by the authority aforesaid, that from and after the passing of this Act all such part and parts, section and sections, clause and clauses, provision and provisions, passages and enactments of every other Act and Acts of the General Assembly of these islands, inconsistent with this Act, or any of the enactments and provisions of the same, or which may in any manner be construed to contravene the same, either wholly or in part, be and the same are hereby declared to be suspended for and during the continuance of this Act.

Parts of other Acts inconsistent with this Act suspended.

CXII. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force for and during the term of ten years, and from thence to the end of the then next session of the General Assembly, and no longer.

In force for ten years.

Bahama Islands:—General Court, Hilary Term, 10th Geo. 4.

*A. B. v. C. D.*—Trespass in the case.

The above-named plaintiff, *A. B.*, being duly sworn, saith that the following slaves, the alleged property of *E. F.* of the island of Eleuthera, planter, are, as this deponent is advised and believes, material witnesses on this deponent's behalf in the above cause: namely, *G. H.*, place of abode Governor's Harbour at Eleuthera aforesaid, colour black, sex male, and about thirty years of age; also *J. K.*, same place of abode, same colour, same sex, and about twenty-eight years of age; and also *L. M.*, same place of abode, a mulatto, sex female, and about twenty-two years of age; as the said three several slaves are registered in the office of the clerk of the Crown of these islands as being competent to give evidence in the several courts of the same, in pursuance of the Act of Assembly in that case made and provided. And the deponent on his said oath further saith that he doth not require the evidence of more than two of the slaves to any one point at issue in the above cause, or the evidence of any one of them to any point, matter or thing concerning which the said slaves, or any of them, as this deponent is advised and verily believes, are legally incompetent to give evidence on any account whatsoever. (signed) *A. B.*

Sworn to, this      day of      A. D. 1830, before me,  
(signed)      *N. P. Prothonotary.*

Passed the House of Assembly, December 10th, 1829.  
(signed)      *J. B. Wyllly*, Speaker.

Passed the Council, 16th December 1829.  
(signed)      *Wm. V. Munnings*, President.

Assented to, the 11th of January 1830.  
(signed)      *J. Carmichael Smyth.*

ST.  
CHRISTOPHER.

## ST. CHRISTOPHER.

— No. 7. —

Sir,

St. Christopher, 5th Nov. 1829.

I HAVE the honour to enclose a transcript of my speech to the Legislature on the 5th ult., and of the addresses from the Council and Assembly.

On this occasion I have earnestly invoked the immediate attention of the Board and House to the settled purpose of His Majesty's Government with respect to the further amelioration of the condition of the slave population, and I have strongly recommended the interests of the free coloured persons to their favourable consideration. Their sentiments upon these important subjects are expressed in their respective addresses.

Mr. Huskisson's letter of the 7th of last March was communicated to the Legislature on the 8th of May, and your despatch of the 3d September on the 4th of December following.

I have, &c.

(signed)

*Ch<sup>s</sup> W. Maxwell.*

The Right Hon. Sir George Murray, G.C.B.  
&c. &c. &c.

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Governor Maxwell to the Council and Assembly of St. Christopher, at the opening of the Session in October 1829.

To his Honour the President and the Honourable the Members of the Council ;

To the Honourable the Speaker and the Members of the Assembly :

Gentlemen,

IN obedience to the reiterated instructions from His Majesty's Government, I solicit your earnest attention to what yet remains to be done with regard to the slave population, in which you have already taken a decided and honourable step, having laid the foundation for gradually elevating its character; and it is gratifying to reflect that the cautious prudence with which you have approached the subject, has rewarded you by the progress made in this great moral work, without impairing the legitimate authority of the master.

As it is only asked of you to sanction such relaxations of the established system as are calculated with the due protection and acknowledged rights of property which the existing laws have vested in the owners of slaves, I am persuaded that motives of sound and enlightened policy, as well as those of a more sacred and elevated character, will incline you to enable His Majesty's Government to give a triumphant refutation to the calumnies which are put forth, by the declaration that the island of St. Christopher has afforded substantial assent to the principles laid down in the unanimous resolutions of the two Houses of Parliament.

Another point of great importance, which demands early legislative interference, is the condition of the free coloured inhabitants. The advancing spirit of the age, manifested by the general progress which free institutions and opinions are making throughout the world, must have the effect of modifying the restrictions and excluding regulations which a less enlightened period justified, but which are ill adapted to the present state of society. This principle has been lately recognized by a colonial legislative Act, extending to your Roman-catholic fellow subjects their civil rights, unfettered by any conditions save those by which yourselves are bound; and I therefore anticipate from the liberal bodies I address, that you will not withhold from the one, that which, under the same principle, you have extended to the other.

I consider that your own interests are deeply involved in these proposed improvements; and it would be a high gratification to me to announce that you had given effect to the settled purpose of His Majesty's Government, and to the desire and expectation of the British public.

Upon

## ST. CHRISTOPHER.

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Upon the present occasion I necessarily confine myself to the expression of the general expectation of His Majesty's Government contained in the despatches of Mr. Huskisson, dated the 7th March 1828, and from Sir George Murray, dated the 3d September 1828, in which your judgment and decision are earnestly pressed.

(signed) *Ch<sup>t</sup> W. Maxwell,*  
Captain General.

St. Christopher, 5th October 1829.

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Address of the Council to Governor Maxwell, in reply.

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

Sir,

WE, the members of His Majesty's Council, beg to make our acknowledgments to your Excellency for the speech which you addressed to us and the other branch of the Legislature, on the opening of the session.

We would assure your Excellency that we shall not be unmindful of the reiterated instructions conveyed to you by His Majesty's Government; that we shall from time to time give our earnest attention to what in propriety may yet remain to be done with regard to the slave population; and that we shall, in all that we may do, endeavour to persevere in that line of cautious prudence for which you have given us credit, and (we have a confidence) will best secure a safe and gradual progress in the important work of moral improvement, while it leaves untouched the sound principles of a just subordination of ranks—the highest security of the happiness and stability of civilized society.

(signed)	<i>Stedman Rawlins, Pres.</i>	<i>J. O. Maly,</i>
	<i>R. W. Pickwood,</i>	<i>W. G. Crooke,</i>
	<i>J. Philips,</i>	<i>H. W. Rawlins,</i>
	<i>D. G. Davis,</i>	<i>J. Swanston.</i>

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Governor Maxwell's Rejoinder.

To his Honour the President and the Honourable the Members of the Board of Council.

Gentlemen,

I RECEIVE your address with sincere pleasure, and under the firm conviction that the Board of Council will still continue to evince the same liberal conduct it has hitherto pursued in furtherance of the welfare of this community and the views of His Majesty's Government. I feel well satisfied that my confidence in its future advice and co-operation will not be misplaced.

(signed) *Ch<sup>t</sup> W. Maxwell,*  
Captain General.

Government House, St. Christopher,  
22d October 1829.

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The Address of the Assembly.

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

Sir,

WE thank you for the address with which you have been pleased to present us at the opening of the present session.

We have at all times entertained a just sense of the importance of the objects which you have recommended to our attention; but the Legislature having taken the subject

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ST.  
CHRISTOPHER.

subject of the amelioration of the slave population into their most serious deliberation during a former session, and having given the authority of law to those various enactments which so materially benefit the slave, they presume to think that no specific matter remains for their consideration.

(signed) *Jos. K. Wattley,*  
Speaker.

Assembly Room, 22d October 1829.

ST. VINCENT.

## ST. VINCENT.

— No. 8. —

Sir,

Downing-street, 2d April 1829.

AS I have been informed that the law recently enacted in Grenada, for putting an early termination to the market on Sundays, is disregarded, I have to request that you will report to me on the actual state of facts in that respect, and on the means used for securing an effectual execution of the law. I am informed that the law is in practice nugatory, because it is only persons assembled in the *market-place* who are dispersed, and the market is therefore merely transferred to the streets, and the disturbance thus spread through the whole of the town, instead of being confined to a part of it, as before the law, and continued for the whole of the day, instead of being limited to certain hours of the morning, as the law appeared to prescribe.

I have, &amp;c.

(signed) G. MURRAY.

Governor Sir C. Brisbane, K. C. B.  
&c. &c. &c.

— No. 9. —

Sir,

Government House, St. Vincent, 22d May 1829.

I HAVE the honour to acknowledge the receipt of your despatch, dated the 2d April 1829, relating to the Sunday market. It is certainly true that the efforts of the Legislature have not been able hitherto to put down this irregular proceeding; and such are the inveterate habits of the negroes, arising from a long customary enjoyment (as it is estimated by them) of marketing on Sunday, that nothing but absolute force will remedy the evil at present complained of. The slaves consider the abolition of this privilege as one of the greatest hardships imposed on them; and I am of opinion, that hitherto no moral improvement, or more strict observance of the Sabbath, has taken place in consequence. The prices of provisions also are increased, to the great injury of domestic and other slaves in Kingstown, who rely upon the market for subsistence. Until the negroes shall have acquired a sufficient degree of religion to induce them to observe the Sabbath from a principle of morality, they will not give up their habits of trafficking on Sundays.

I have, however, endeavoured to remedy the evil as far as I can, by issuing most peremptory orders to the clerk of the market, the chief constable, and all others under him, to carry the law into complete effect.

I have, &amp;c.

(signed) *C. Brisbane.*

Right Honourable Sir George Murray, K.C.B.  
&c. &c. &c.

## TOBAGO.

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— No. 10. —

ST. VINCENT.

Extract of a Despatch from the Right Honourable Sir George Murray, addressed to Governor Sir C. Brisbane, K. C. B., dated Downing-street, 3d September 1829.

“ HIS MAJESTY in Council has been pleased to disallow the Act, numbered 263, in amendment of the Slavery Law Amelioration Act, because it introduces a distinction between the competency of witnesses, with reference to the free or servile condition of the person upon the trial of whom their evidence may be tendered. If the party accused be a freeman, the certificate of a religious teacher that the slave is adequately instructed to understand the nature and obligation of an oath, will still be required; but if the accused party be a slave, that condition is dispensed with.

“ There is, however, no valid ground for this distinction. If the Legislature at St. Vincent's should deem it right to dispense with certificates of this nature in all cases, His Majesty will be advised to sanction a law of that nature; but the rule which creates the necessity of producing such certificates must either be maintained in all cases, or abolished in all.”

## T O B A G O.

TOBAGO.

— No. 11. —

Extract of a Despatch from Governor Blackwell, addressed to the Right Honourable Sir George Murray, dated Tobago, 30th May 1829.

“ I CALLED upon the House of Assembly to redeem the pledge they had given to me, of giving due consideration to the subject of your public despatch of the 3d September 1828, respecting the amelioration of the slave condition. This subject has occupied much of their attention, and the bill for the amelioration has been twice read, passed through a committee, and printed for the purpose of being brought under further consideration immediately upon the next legislative meeting in July next, when I have very little doubt it will pass into a law in the fullest extent.”

— No. 12. —

Sir,

Tobago, 23d August 1829.

I HAVE at length the honour of submitting a new Slave Act, passed at the last session of the Legislature, intituled “ An Act to repeal an Act, commonly called the Slave Act, and to substitute a new Act in lieu thereof;” and which you will be pleased to lay before His Majesty for approval. This Act, I have much satisfaction in thinking, embraces nearly all the principal points recommended by His Majesty's Government for consideration; and in as far as unrestricted slave evidence, trial by jury, under every circumstance of a criminal nature, similar to persons of free condition, with the full means of acquiring every kind of property, or disposing of it, has surpassed them. The only clause of any consequence differing from the draft of the bill which I had the honour to forward to you on 30th May last, which has been thrown out, is that of carrying the whip into the field: and here I have to observe, that I may assure you even this measure will be completely neutralized, since I have the pledge of two gentlemen, who are the attorneys of the greater part of the estates of this island, that it is their intention immediately to order a discontinuance of that practice upon all the estates over which they hold a charge; and from the influence which these gentlemen possess throughout the island, I can have little hesitation in giving it as my opinion that the period is not far distant when the whip in the field will fall into total disuse.

## TOBAGO.

It is scarcely necessary for me to follow the Act through its several provisions, since they are so forcibly and plainly laid down; but I am bound to represent the extremely liberal feeling which very generally exists throughout the island in favour of the slave population, and which has been further brought into action from the uniform peaceable, respectful and orderly conduct of the slaves themselves; indeed, crime of any magnitude is seldom heard of; and that cruelty or unnecessary oppression does not exist, can be better proved from the circumstance of having laid myself out to listen to the complaints of all slaves conceiving themselves to be aggrieved, and that no one instance of complaint has come before me for the last six or eight months.

An Act consolidating the court of King's Bench and Grand Session into a court of King's Bench alone, with extended powers, will accompany this, and indeed forms a material part of the system in affording to the slaves every means of obtaining justice; but in transmitting this Act I shall enter more particularly into the benefits calculated to arise from it.

I shall now only assure you that it has been an object of my most unceasing endeavour to carry into the fullest effect the wishes of His Majesty's Government in regard to the slave amelioration, since I received the official communication upon that subject; and I trust it may be found that this island has not fallen short of any other in its liberal policy toward that class of persons.

I have, &c.

(signed) *Nath. Blackwell*, Governor.

Right Honourable Sir G. Murray, G.C.B.  
&c. &c. &c.

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TOBAGO:—An Act to repeal an Act commonly called the Slave Act, and to substitute a new Act in lieu thereof.

## Preamble.

WHEREAS it has become expedient that the Act, intituled "An Act to repeal an Act, intituled 'An Act for the good order and government of Slaves,' and for repealing an Act of this Island, intituled 'An Act for the good order and government of Slaves, and for keeping them under proper restraint, and for establishing the method of trial in capital cases, and other regulations for the greater security of that part of the inhabitants' property, and to substitute a new Act in lieu thereof,'" and passed on or about the twenty-third day of August, which was in the year of our Lord one thousand eight hundred and twenty-three, should be repealed, and that further provisions should be made for the protection and good government of the slaves of this island :

Clause 1.  
Repeals former  
Slave Act.

We therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Nathaniel Blackwell, Companion of the most honourable military order of the Bath, Captain-general and Governor in chief in and over the island of Tobago and its dependencies; the Council and General Assembly of the same; do humbly pray your most excellent Majesty that it may be enacted, and be it and it is hereby enacted by the said Nathaniel Blackwell, by and with the advice and consent of the said Council and General Assembly in session assembled, and by the authority of the same, that from and after the publication of this Act, the said recited Act shall be and the same is hereby repealed.

Clause 2.  
Rebellion and arson  
of cane-fields, &c.  
made felony.

And be it and it is hereby enacted by the authority aforesaid, that if any slave or slaves shall enter into or be concerned in any rebellion or rebellious conspiracy, or shall maliciously and wilfully set fire to cane-fields, whether the canes shall have been cut or otherwise, or provision grounds, negro-houses, magass-houses, or heaps, or plantation works, or any part thereof, or any pen, cooperage, out-house or building pertaining to such works, or shall wilfully and maliciously kill or destroy, by poison or otherwise, any mule or mules, horses or horned cattle, he, she or they shall be guilty of felony, and being thereof convicted, in the manner and in the court of King's Bench hereinafter mentioned, shall suffer death as a felon or felons.

Slaves guilty of  
higher crimes than  
misdemeanors to be  
tried as free persons.

And if any slave or slaves shall commit any crime which would subject free persons to be indicted for any crime of a higher nature than misdemeanors, such slave or slaves shall for such offence or offences be indicted and tried in the court of King's Bench hereafter to be established, in all respects in the same manner as free persons,



persons, and upon conviction thereof shall suffer death, transportation, or such punishment as a person of free condition would be liable to suffer for the like offence.

TOBAGO.

And be it further enacted by the authority aforesaid, that if any slave or slaves shall commit or attempt to commit any misdemeanor or inferior offence, such slave or slaves shall be apprehended and brought before any one of His Majesty's justices of the peace for this island, who is hereby authorized to commit the said slave or slaves to the common gaol, by warrant, directed to the provost-marshal or his lawful deputy; and the said justice shall within the space of ten days thereafter, or as soon after as conveniently may be, associate to himself one other justice of the peace, and the said two justices shall by their warrant, or precept, summon to join them any nine of the most respectable persons qualified to sit as jurors in the court of King's Bench hereafter to be established (any five of whom shall be a jury for the purposes hereinafter mentioned, and whose verdict shall be unanimous), to meet them at the public court-house in the town of Scarborough for the trial of such offender or offenders, to which freeholders the said justices shall administer the following oath, viz.

Clause 3.  
Slaves guilty of misdemeanors how to be dealt with.

Court for trial of misdemeanors.

“ You shall to the best of your judgment and knowledge try the prisoner before you, and a true verdict give according to the evidence.

“ So help you God.”

And the said two justices shall give notice to the chief, or one other of the justices of the court of Common Pleas or King's Bench hereafter to be established, to sit with them on the said trial, and the said two justices, and one justice of the court of Common Pleas or King's Bench, are hereby declared to be a court with full power to hear and examine all evidences, proofs and testimonies, and on proof of guilt to sentence the offender or offenders to such corporal or other punishment as they shall in their discretion think proper: provided always, that if by reason of the non-venue of any or either of the said justices, or for want of a sufficient number of jurors, or from any other cause, such trial cannot be had at the day originally appointed therefor, such offender or offenders may at any time thereafter be proceeded against in the manner hereby prescribed, before the same or any other justices, within any time not exceeding fifteen days thereafter.

Proviso, for trial in case of no trial on the day first fixed.

And be it further enacted by the authority aforesaid, that if any justice of the peace, upon application to him made, shall neglect or refuse to take and use proper measures for the trial of any slave or slaves, or if any juror after being duly summoned shall without lawful excuse neglect or refuse to appear or be sworn, such justices or jurors shall severally forfeit any sum not less than five pounds nor exceeding ten pounds sterling money, to be recovered by action of debt in any court of record, and the attorney-general is hereby required and directed to prosecute such justice or juror for such neglect or refusal.

Clause 4.  
Neglect of justices, and disobedience to summons by jurors, how punishable.

And whereas the evidence of slaves is at present only admitted against persons of free condition in certain cases, and it is proper and expedient that the distinction which has hitherto prevailed between the admission of the evidence of persons free and bond should be done away with, and that the evidence of slaves should be admitted in all cases without any restriction; be it therefore and it is hereby enacted by the authority aforesaid, that in all trials and examinations whatsoever, whether in civil or criminal cases, it shall and may be lawful to examine as a witness or witnesses upon his, her or their corporal oath or oaths, any slave or slaves within the said island, in any court, and before any judge, justice of the peace, grand or petit jury, or other tribunal or authority having cognizance of such cases, in the same manner in every respect as free persons are by law admitted and received as witnesses by and before any such courts, judges, justices, jurors, or other tribunals aforesaid, subject only to such exceptions as persons of free condition are liable to, without any restriction whatsoever arising from their being slaves, any law, usage or custom to the contrary in anywise notwithstanding: provided always, that no execution shall take place in any capital criminal case, wherein conviction hath taken place upon slave evidence alone, until the case, with the opinion of the judge who tried the same, shall have been laid before the Governor or Commander-in-chief for the time being, and shall have received his approval and confirmation.

Clause 5.  
Evidence of slaves liable only to the same objections as evidence of free persons.

Proviso, no execution till report made and confirmed.

## Clause 6.

List of slave witnesses to be delivered to prisoner ten days before trial.

And be it further enacted by the authority aforesaid, that in all cases where a person shall or may be charged with a capital offence, and a slave or slaves is or are intended to be brought forward and examined as a witness or witnesses on the part of the prosecution, such person or persons so charged with such capital offence shall be furnished with a list of such witnesses as are slaves, and of their description and place of residence, at least ten days, the day of delivery of such list and the day of presentment to the grand jury being both reckoned exclusively, before any bill of indictment shall be presented to the grand jury upon such charge, otherwise the evidence of such slave or slaves before either the grand or petit jury shall be inadmissible: provided always, that in case it shall happen that any person shall be produced as a witness on the part of the prosecutor, whose name, description, and place of abode shall not have been inserted in the list delivered to the defendant pursuantly to this Act, and the defendant shall object that such witness is a slave, such witness shall be examined on his *voire dire*, and it shall be lawful for the court to examine such other evidence as it shall deem fit to ascertain whether such person so produced be free or otherwise.

Slave witness asserted to be free and not in the list, how ascertained.

## Clause 7.

Perjury and subornation of perjury punishable as by the law of England.

And be it further enacted by the authority aforesaid that in case any slave or slaves shall wilfully and corruptly give false evidence, or suborn any other person or persons to give false evidence, such slave or slaves, being thereof convicted, shall receive such punishment as persons of free condition are liable to for the crime of wilful and corrupt perjury or subornation of perjury by the statute or common law of England.

## Clause 8.

Subpœna to be served on slave, and copy thereof on owner.

And be it and it is hereby enacted by the authority aforesaid, that in all cases where the evidence of slaves is required to be given in any court or courts of justice of this island, a writ of *subpœna* shall and may issue under the hand of the secretary of the island or his lawful deputy, and under the seal of the court in the usual manner, upon the application of any person or persons requiring the testimony of such slaves, directed to such slave or slaves, and a copy thereof shall be served on the owner or possessor of such slave or slaves, or the person under whose immediate charge such slave or slaves may be; and if any person shall prevent any slave or slaves from attending any court according to the exigency of such *subpœna*, such person or persons shall be guilty of a contempt of court out of which such *subpœna* shall issue, and be dealt with as in other cases of contempt of court.

## Clause 9.

Allowance of provision grounds; Thursdays allowed for cultivation thereof, from 1st May to 1st December.

And be it and it is hereby further enacted by the authority aforesaid, that every owner, renter or possessor of slaves belonging to or worked upon any plantation or estate, or their attorney, agent or representative, shall permit each and every such slave to use a sufficient portion of land adapted to the growth of provisions for their support and maintenance, and between the first day of May and the first day of December in each and every year shall allow to each and every such slave the Thursday in each and every week over and above the Sundays, for the purpose of cultivating the same and attending market; provided, that in all cases where such owners, renters or possessors of such slaves shall not have sufficient land adapted for the growth of provisions, and by reason thereof shall be unable to allow such portion of land for the purpose aforesaid, he, she or they shall by some other ways and means make ample provision for such slaves in lieu of the allowance of land and time aforesaid; and every owner, renter or possessor of such slaves shall provide for and allow to every family of slaves a good and comfortable house, and shall provide and give to each and every such slave a sufficient allowance, weekly, of salt fish, when the same can be procured at any reasonable price, or of such other food as their ages and state of health may require, and shall provide and give to each and every such slave sufficient clothing and blankets suitable to their respective sex, age and condition; and every owner or possessor of slaves not attached to or worked upon any plantation or estate, shall provide for and furnish such slaves with comfortable lodging, sufficient food and decent clothing: and if any owner, renter or possessor of slaves shall wilfully neglect or refuse to comply with the provisions hereinbefore specified, every person so offending shall forfeit and pay the sum of forty shillings sterling for every slave not by him provided with food or clothing according to the provisions of this Act, and such neglect or refusal to furnish food and clothing shall be deemed a misdemeanor, and in case the guardians hereby appointed, or any three of them, on complaint made to them shall deem

Proviso, where insufficient land for provision grounds.

House to be provided.

Allowance of food and clothing.

Allowance to unattached slaves.

Neglect or refusal how punishable.

deem

deem such complaint well founded, they or such three of them shall direct the law officers of the Crown to prosecute the offender for such neglect or refusal in the court of King's Bench to be established, and the judges of the said court may order such part of the penalty recovered as they may think fit to be expended in the purchase of food and clothing for the use of the slave or slaves so complaining : and provided also, that if any owner, renter, possessor, attorney or manager, shall find that his gang, or any part thereof, shall make it a practice to resort to the market on Thursdays not with the intention of purchasing or selling, but from motives of idleness, or if he shall find it necessary for the welfare of the estate or plantation, it shall and may be lawful for him at any time to deprive the said gang, or any part thereof, of the Thursday hereinbefore directed to be allowed them, and to substitute some other working day in the said week for the said gang, or such part thereof so deprived of the Thursday aforesaid, to cultivate their grounds : and provided also, for that experience hath shown that the privation of a day or the stopping of allowances is more effectual as a punishment than corporal chastisement, and is frequently the means of detecting offenders that would otherwise remain undiscovered, it shall and may be lawful for any owner, renter, possessor, attorney or manager, when his gang, or any part thereof, shall misbehave, or when any larceny or depredation or other offence shall be committed whereof he cannot by other means discover the perpetrator, to deprive such gang, or such part thereof as he shall deem fit, of one or more of the days hereby allowed them, or of one or more allowances of food, or to defer the serving out of the clothing as a punishment for such misbehaviour, or in case of larceny, depredation or other offence, until the perpetrator thereof shall be discovered, so always that such gang or any part thereof shall not, during the period from the first day of May to the first day of December, be deprived, in the whole, of more than four days or of four allowances of salt provisions, nor shall the serving of their clothing for the causes aforesaid be deferred for any longer time than two months.

TOBAGO.

Penalty, how it may be applied.

In what cases other days may be substituted.

In what cases days and allowances may be stopped.

Restrictions thereon.

And be it further enacted by the authority aforesaid, that on complaint of any slave or slaves, or upon the information or complaint of any other person or persons, that the provisions hereinbefore contained for the maintenance and support of such slave or slaves have not been complied with, it shall and may be lawful to and for any two justices of the peace for the said island to cause and command such slave or slaves, or such other person or persons as such justices may deem necessary to be examined in the premises, to be and appear before them, and such justices shall and may inquire into such complaint, and if necessary shall and may inspect the grounds, clothing and lodgings of such slave or slaves ; and if it shall appear on such complaint or inquiry that the provisions hereinbefore contained for the maintenance and support of such slaves have not been complied with, then and in such case the said justices are hereby authorized and strictly required to afford redress to such slave or slaves, without delay, in manner and to the extent herein-after specified, that is to say, to each slave belonging or attached to, or worked upon any plantation or estate, one quarter of an acre of land, or a weekly allowance of seven quarts of corn-meal, or five quarts of rice or flour in lieu thereof ; a weekly allowance of two pounds of salt fish, or such other provisions as may be equivalent thereto, when the same can be procured at any reasonable price ; an annual allowance of clothing as follows, viz. six yards of cloth or pennystone, six yards of osnaburgh or other linen of equal strength or value, one hat, and a triennial allowance of one blanket ; and to each slave not attached to or worked upon any plantation or estate, a weekly allowance in money or provisions equivalent to the value of two shillings sterling, and an annual allowance of one suit of clothing ; and such justices are hereby authorized and empowered to issue an order under their hands requiring such owners or possessors of slaves to provide, furnish and give the allowances hereinbefore immediately specified, or so much and such parts thereof as to such justices in their discretion may seem meet ; and every owner or possessor of slaves refusing to comply with and obey such order shall forfeit and pay a sum equivalent to the purchase of the allowance so by him, her or them neglected or refused to be made to the slave or slaves for or in respect of whom such justices order shall issue ; provided that the allowances herein mentioned shall have relation only to adult slaves, and that others shall be allowed in proportion, regard being had to their age, sex and condition.

Clause 10. Justices, how to proceed on complaint of neglect or refusal to make proper allowances to slaves.

Power of inspection.

To make order on owners.

Penalty for non-compliance with orders.

Clause 11.  
Baptism and religious instruction of slaves.

And be it further enacted by the authority aforesaid, that all owners or possessors of slaves, or their agents, attornies or representatives, shall as much in them lies, endeavour to instruct their slaves in the principles of the Christian religion, and as soon as conveniently can, cause to be baptized all such adult slaves not already baptized as they may make sensible of a duty to God and the Christian faith, and all slaves hereafter to be born, within six months after their respective births, (except as hereinafter excepted), which ceremony the rector of the island shall be and he is hereby required to perform gratis, and also to attend any slave or slaves in sickness when his spiritual aid may be required : provided always, that when any owner or other person having the charge of any plantation shall provide for the spiritual exigencies of the slaves thereto attached, by causing any clergyman of any persuasion other than the church of England to attend such slaves for their religious instruction, then the duties hereby imposed on the rector shall cease and determine, for and in respect of such plantation for the instruction of the slaves whereof such other provision shall have been made.

Proviso, relating to sectarian clergymen.

Clause 12.  
Marriage of slaves.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any slave who may be desirous of intermarrying with any other slave, to apply to any clergyman of the established church of England and Ireland in the said island, who is hereby authorized and required to solemnize the same : provided always, that such slaves shall produce to such clergyman a permission in writing from their owner or owners, or the attorney, agent or representative of their owner or owners, for that purpose; and provided also, that such clergyman shall not solemnize such marriage unless he shall consider such slaves to have an adequate knowledge of the marriage vow.

Permission of owner.

Solemnization by clergymen, when.

Clause 13.  
Families not to be separated by sale.

And be it further enacted by the authority aforesaid, that it shall not be lawful for the provost-marshal, or his lawful deputy, to levy upon and sell in execution of any judgment, sentence or decree of any court of justice or other authority whatsoever, or for any other person or persons to sell or dispose of any slave having a husband or wife, or child or children under the age of twelve years, or any female unmarried slave having a child or children under the age aforesaid, who may be the property of the same person or persons, unless such husband and wife, child or children, or such unmarried female slave and child or children, shall be sold together to the same person or persons; and if in the execution of any such judgment, sentence or decree, any slave or slaves shall be sold separate and apart from their husband or wife, or child or children, or if any such unmarried female slave and child or children shall be sold separate and apart from each other, such sale shall be absolutely null and void to all intents and purposes whatsoever: provided always, that nothing herein contained shall prevent any person desirous of manumitting any slave offered for sale by the provost-marshal or other vendor, from paying to the said provost-marshal or other vendor the value of such slave for and in consideration of the manumission, in lieu of the purchase of such slave, and then and in that case it shall and may be lawful to and for the said provost-marshal or such other vendor of such slave, in lieu of executing a conveyance of such slave to the person so paying such consideration money, to execute a deed of manumission to such slave in the common form, which shall be duly recorded; and when the value of such slave shall be paid with a view to manumission, he or she may be manumitted by the said provost-marshal or other vendor separately and apart from his or her wife, husband, father, mother, child, children, or other relation or relations whatsoever, any thing to the contrary hereof in anywise notwithstanding; and the deed of manumission so executed shall have the like effect to vest freedom and enfranchisement in such slave as the conveyance of the said provost-marshal or other vendor would have had to transfer the right, title and interest, of, in and to such slave to the purchaser, in case of an ordinary sale and purchase, if this Act had never been passed.

Case of sale with a view to manumission.

Clause 14.  
Sale of merchandize on Sundays prohibited.

And whereas by the laws now in force the holding of a market on Sunday is abolished, and it is expedient that the due observance of the Sabbath should be enforced; be it therefore and it is hereby enacted by the authority aforesaid, that all persons who shall sell or expose for sale any goods or merchandize in any market, shop, store or house, or who shall keep open any shop or store in the towns of the said island on Sundays, shall be liable to a penalty of five pounds sterling for each and every offence; and if any slave or slaves shall expose for sale

Shops and stores to be shut.

Penalty.

sale any goods or merchandize on the Sabbath-day, any constable shall be and he is hereby authorized to seize the same, and carry the same before either of the sitting magistrates or a justice of the peace, who upon view thereof may order the same to be applied to such charitable purposes as the said magistrates, or either of them, shall think proper to order and direct : provided always, that nothing herein contained, shall extend to prevent the dressing or selling meats, bread, fish, and other necessaries of life on that day, by any person or persons whatsoever.

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Proviso.

And be it and it is hereby further enacted by the authority aforesaid, that it shall not be lawful for any person whatsoever to employ their slaves in carting produce, or in any kind of work, on Sundays (save work rendered unavoidable by necessity or accident), except domestics, stock-keepers, and persons attendant on live stock, watchmen, and such slaves as are employed in potting sugar, under the penalty in such case of five pounds ; nor shall it be lawful for any person to put about, or cause to be worked, any sugar-mill between the hours of eight o'clock on Saturday night and four o'clock on Monday morning, under the like penalty ; nor shall it be lawful for any person whomsoever to employ any female slave having six children alive, in any manner of field work, under the penalty of five pounds for every such offence.

Clause 15. Non-employment of slaves on Sundays.

Mills, when to be stopped.

Females having six children alive.

And be it further enacted by the authority aforesaid, that it shall not be lawful to or for the proprietor, owner, renter or possessor of any plantation or estate, or any person or persons employed by or under such proprietor, owner, renter or possessor, except in the act of manufacturing such species of produce as necessarily requires night continued or extra labour, to compel or oblige any slave belonging to or worked upon such plantation or estate, to leave his or her house in order to work in the field or at his trade until day-break, or to work during the times of breakfasting or dining, for the first of which such slave shall be allowed forty minutes, and for the latter one hour and forty minutes ; nor to compel any such slave to work after sunset, except in the carrying of a bundle of grass or stock meat from the field to the stable, or other place where the same is to be consumed, under the penalty of five shillings sterling for each and every offence : provided always, that nothing in this Act contained relating to the times allowed to slaves for their meals, shall be construed to extend to prevent any owner, renter or possessor, or other person or persons having charge of such slaves, from employing any part of the slaves on any plantation during the hours and times for meals so allowed them by this Act, in their necessary and ordinary occupation or business of attending the live stock on such plantation, and the mills, fires, coppers, boilers and stills, then necessarily continued in action, use and operation, during the times allowed for meals to the remainder of the slaves attached to such plantation.

Clause 16. Time allowed for meals.

Slaves not to work after sun-set.

Exceptions.

Whereas by the law and usage of this island, slaves have always been permitted to hold and enjoy their personal property free from control, and it is expedient that the same should still be recognized, established, and further extended ; be it and it is hereby further enacted by the authority aforesaid, that it shall and may be competent for any slave in this island to purchase, acquire, possess, enjoy, hold, alienate, dispose of, devise and bequeath any real or personal property, of what value and amount soever, and to bring, maintain, prosecute and defend, in his or her own name, any suit or action in any court or courts of law and equity, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition : provided always that nothing herein contained shall extend to authorize any slave to acquire or become the owner, by any ways or means whatsoever, of any fire-arms, gunpowder or ammunition, or other implements or weapons or war.

Clause 17. Real and personal property secured to slaves. Recovery.

Proviso, exception of fire-arms, &c.

And be it further enacted by the authority aforesaid, that if any owner, renter, possessor, manager or overseer of any slave or slaves, or other person, shall unlawfully and unjustly take away from any slave or slaves, or in any manner deprive or cause him, her or them to be deprived of any species of property by him, her or them lawfully possessed ; such owner, renter, possessor, attorney, manager or overseer, or other person, shall forfeit and pay the full value of any such property so taken away as aforesaid, to be recovered by action brought by the slave aggrieved, with full costs of suit.

Clause 18. Unlawfully depriving slaves of property, how dealt with.

Clause 19.  
Exposure of females  
under punishment  
prevented.

And be it further enacted by the authority aforesaid, that whenever it shall become necessary to punish any female slave by flogging, such punishment shall take place without any improper exposure of the person of such female slave; and any person who shall cause any improper exposure in the infliction of such punishment, shall be held guilty of a misdemeanor.

Clause 20.  
Who may punish  
slaves by flogging.  
Driver not to flog  
without orders.

And be it and it is hereby further enacted by the authority aforesaid, that no driver or other person, whether of free condition or a slave, shall be permitted to punish any slave by flogging, but by the express order of the owner, renter or possessor of such slave, or the attorney, manager or overseer, or other person or persons under whose charge such slave may be; and any offence against this clause shall be cognizable by the court appointed for the punishment of misdemeanors committed by slaves, or the court of King's Bench to be hereafter established, as the case may be, and be punishable by them as the justice of the case may require: provided always, that no overseer shall be permitted to punish any slave by flogging to any extent beyond the number of six lashes.

Restriction on over-  
seers.

Clause 21.  
More than twelve  
stripes not to be in-  
flicted but in the  
presence of one  
other free person.  
Punishment re-  
stricted to twenty  
stripes.

And be it further enacted by the authority aforesaid, that no owner, proprietor, renter, attorney, manager, or person or persons having charge or management of any slave or slaves, having occasion to inflict a punishment on any such slaves beyond twelve stripes, shall inflict the same without the presence of a person of free condition, nor shall he, she or they inflict, or cause or knowingly suffer to be inflicted on any slave, any corporal punishment exceeding twenty stripes for any one offence, nor shall such punishment exceeding twelve stripes be inflicted on the day on which such offence shall be committed; and no owner, proprietor, renter, attorney, manager, or person or persons having the charge or management of any slave or slaves, shall inflict or cause to be inflicted any punishment by flogging for a second offence, on the same day on which punishment for a former offence hath been inflicted, nor until the delinquent has recovered from the effects of the former punishment: provided always, that in all cases where the owner, proprietor, renter, attorney, manager, or other person having charge of any slave or slaves, shall conceive the fault committed (the same not being cognizable by law) to be of such enormity as to deserve more exemplary punishment than is hereinbefore allowed to be inflicted, it shall and may be lawful for such owner, proprietor, renter, attorney, manager, or such other person as aforesaid, to cause such offending slave or slaves to be carried before any two justices of the peace, or either of the sitting magistrates; and such justices or either of the sitting magistrates are and is hereby authorized and required to hear and examine into every such complaint, and to direct such corporal punishment not exceeding thirty-nine lashes, or confinement to hard labour not exceeding thirty days, as the offence shall in his or their discretion merit; after which punishment inflicted by order of the justices aforesaid, no further or other punishment whatever shall be inflicted on such slave for that offence by any person or persons whatsoever.

Various restrictions.

When magistrates  
may punish to the  
extent of thirty-nine  
stripes, or by hard  
labour.

No private punish-  
ment thereafter.

Clause 22.  
Unlawful punish-  
ment of slaves, how  
prosecuted.

And be it further enacted by the authority aforesaid, that if any proprietor, attorney, manager, overseer or other person having the charge or direction of slaves, shall upon any pretence whatsoever take upon himself or herself to inflict, or cause or knowingly suffer to be inflicted on any slave or slaves, any heavier, greater or other kind of corporal punishment than hereinbefore limited and prescribed, or inflict punishment at other and different times than hereinbefore mentioned, or if any person or persons shall wantonly or cruelly cut, wound, maim or mutilate, or keep in confinement without sufficient support any slave or slaves, he, she or they shall be liable to be prosecuted for each and every such offence as aforesaid by indictment at any court of King's Bench to be holden for this island, and upon conviction shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such offender shall be tried and convicted.

Clause 23.  
Magistrates ap-  
pointed guardians.

And be it further enacted by the authority aforesaid, that from and after the publication of this Act all justices assigned to keep the peace in and for the said island, or any three of them, shall be and they are hereby declared to be guardians of slaves, with full power and authority to entertain all complaints made to them by any slave or slaves, for or in respect of any cruelty, ill usage or violation of the provisions of this Act; and when any complaint shall be preferred to the said guardians, they or any three of them shall have full power and authority to summon all and every person or persons whom they shall judge necessary, to give evidence on oath touching such

Guardians, how to  
proceed on com-  
plaints.

such complaint, and if upon examination of such complaint, they shall be of opinion that it is well founded, they shall report the same in writing to the law officer of the Crown, who is hereby required forthwith to prosecute the persons complained against, and if the complaint be found frivolous and vexatious, such slave so complaining shall be punished by order of such guardians, by any number of stripes not exceeding thirty-nine, or commitment to hard labour not exceeding a period of thirty days; provided always that no person hereby appointed as a guardian of slaves, having the charge or being the owner of any slave or slaves, shall be competent to sit as a guardian on the examination of any slave or slaves belonging to or under his charge.

When to direct prosecution.  
Frivolous complaints.

Guardian not to sit on complaint of slave under his own charge.

And be it further enacted by the authority aforesaid, that any slave or slaves harbouring, receiving or concealing any other slave who shall have run away from his or her master, mistress, owner or renter's service, or the service of any person or persons having the charge of such slave or slaves, knowing him or her to be runaway, or shall otherwise assist such slaves to run or stray away, he, she or they shall upon conviction thereof before the said court for the trial of misdemeanors, suffer such imprisonment with hard labour or corporal punishment as the said court in their discretion shall think it right to inflict; provided always, that no slave shall be punished by virtue of this clause for harbouring, concealing or entertaining any runaway slaves, unless prosecution for the same be commenced within one month after discovery of the said offence.

Clause 24.  
Harbouring runaway slaves, how punished in slaves.

Prosecution within one month.

And be it further enacted by the authority aforesaid, that if any white or free person knowing any slave to be runaway from his or her master, owner or renter, shall entertain, harbour, receive or conceal any such slave, such person shall be liable to pay to the owner or renter of such slave at and after the rate of five shillings sterling for each and every day such slave shall have been so harboured, with full costs of suit, to be recovered by action of debt in any court of record in the said island.

Clause 25.  
The like offence by free persons, how dealt with.

And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any person or persons to apprehend any runaway slave or slaves, and deliver him, her or them to the provost-marshal or his lawful deputy, who is hereby required to pay the apprehender of the said slave or slaves eight shillings sterling, which shall be charged against the owner or owners of such slave or slaves; and the provost-marshal or his lawful deputy is to keep the said slave or slaves in safe custody, and shall advertise him, her or them in the public Gazette of this island, and if no Gazette, then by written advertisement at the court-house door in Scarborough for six weeks, describing such slave or slaves as accurately as can be; and in case the provost-marshal or his lawful deputy fail in performing the several matters in this clause required, he shall be subject and liable to an action of damages at the suit of the party aggrieved; and if the said slave or slaves so advertised are not claimed within six weeks from the day on which he, she or they were delivered to the provost-marshal or his lawful deputy, then it shall be lawful for the said provost-marshal or his lawful deputy, and he is hereby empowered and required, to cause such slave or slaves to be sold at public outcry, and the proceeds of such sale shall, after payment of all lawful charges, with five per cent commission on the sale, be returned to the owner of such slave, or if such owner be unknown, to the public treasurer or his lawful deputy, for the use of the public, until the owner shall appear.

Clause 26.  
Regulations respecting slave apprehended as runaway.

And be it further enacted by the authority aforesaid, that in case any negro or other person committed to the common gaol as a runaway slave shall allege himself or herself to be free, it shall and may be lawful for the guardians of slaves, or any three of them, upon complaint thereof to them made, to investigate, inquire and examine the truth of such allegation, and if it shall appear to such guardians of slaves that such person so detained as a runaway slave is free, such person shall forthwith be discharged, and in case it shall appear to such guardians that such person is a slave, he or she shall be remanded to the common gaol; provided always and it is hereby declared, that the decision of such justices shall be without prejudice to the party claiming any right or title to such person as a runaway slave, or to the prosecution by such person detained as a runaway of his or her right or title to his or her freedom, or for damages by reason of his or her illegal detention or imprisonment.

Clause 27.  
Persons apprehended as runaway asserting themselves to be free.

Guardians to inquire without prejudice to other claims.



Clause 28. And be it further enacted by the authority aforesaid, that no negro or person  
 No sale before ex- detained as a runaway slave or slaves, so claiming their freedom as aforesaid, shall  
 amination of guar- be sold by the provost-marshal general or his lawful deputy, until such investigation,  
 dians. inquiry and examination has been had, and without the same has been certified by  
 Examination to be the said guardians under their hands and seals, and filed with the clerk of the Crown ;  
 signed and sealed. and the sale of any runaway slave or slaves so claiming their freedom, made without  
 Otherwise sale such certificate being obtained, shall be and the same is hereby declared to be null  
 avoided. and void to all intents and purposes whatsoever.

Clause 29. And be it further enacted by the authority aforesaid, that the owner or owners of  
 Persons carrying any slave carried off or attempted to be carried off, shall be entitled to a civil action  
 slaves off the island therefor, and when he she or they shall resort to a civil action, it shall and may be  
 liable to the owner. lawful for him, her or them, when the defendant is a non-resident, to make affidavit of  
 the particulars of the case, and that the defendant is about to depart the island, and  
 that thereby he or she may be defeated of redress, and upon such affidavit or affida-  
 vits, he she or they shall be entitled to an order of the chief justice, or in his absence  
 any other justice of the court of Common Pleas, who is hereby authorized to make  
 such order to hold the defendant to bail as in case of debt.

How held to special  
bail.

Clause 30. And be it further enacted by the authority aforesaid, that if any slave or slaves  
 Slaves quarrelling, shall be found swearing or uttering obscene language or committing any indecent  
 fighting, gaming, act in the public streets, highways or any other place, or gaming, getting drunk in  
 &c. in the streets, tippling-houses, quarrelling or fighting, cruelly whipping, beating or ill-using any  
 how dealt with. animal, such slave or slaves shall on conviction before the sitting magistrates, or  
 either of them, or any justice of the peace, be punished by sentence to hard labour  
 not exceeding fifteen days or twenty stripes ; and all constables are strictly enjoined  
 and required to use their best endeavours to prevent slaves from gambling, assem-  
 bling in tippling-houses or grog-shops, or meeting at unlawful hours for the purpose  
 of dancing or otherwise.

Clause 31. And be it further enacted by the authority aforesaid, that if any free person or  
 Suffering slaves to persons, or any slave or slaves, shall knowingly suffer any person to game in any  
 game, how punish- house or out-house in his charge, or shall be found gaming with any slave or slaves,  
 able ; such person or persons shall and may be apprehended and taken before either of  
 the sitting magistrates or a justice of the peace, who is hereby authorized and em-  
 in a slave ; powered to inflict on such person or persons, if a slave or slaves, such corporal  
 punishment by whipping not exceeding thirty-nine stripes, or thirty days imprison-  
 in a free person. ment with hard labour, as such magistrate or justice shall, upon conviction thereof,  
 in his discretion order and direct ; and if a free person, shall and may commit such  
 free person to the common gaol of this island for a period of time not exceeding  
 thirty days, with hard labour on the tread-mill, or convict such person in a penalty  
 not exceeding ten pounds sterling.

Clause 32. And be it further enacted by the authority aforesaid, that no slave shall carry  
 Slaves not to carry any fire-arms, cutlass or offensive weapon, except such slave be so possessed thereof  
 fire-arms. for the purpose of cultivating his master's land or his own garden, or be actually in  
 Exceptions. pursuit of a runaway, or shall be attending upon his owner or master, or some other  
 white or free person, or shall be upon a message or errand, or shall be employed by  
 the way-wardens, without a ticket from his owner or manager, under the penalty of  
 being punished by order of any two justices of the peace, provided such punishment  
 shall not exceed the term of ten days imprisonment with hard labour, or twenty  
 stripes.

Clause 33. And be it further enacted by the authority aforesaid, that if any person whatsoever  
 Sale of fire-arms, shall hereafter sell, barter or give to any slave any fire-arms or offensive weapons,  
 &c. to slaves pro- without a ticket or leave from the master of such slave, he, she or they shall forfeit  
 hibited. twenty pounds for such offence ; provided always, that nothing contained in this  
 Proviso. clause shall prevent any owner or manager giving, or any merchant or shopkeeper  
 selling any slaves any implements for agricultural purposes whatever.

Clause 34. And be it further enacted by the authority aforesaid, that all penalties and for-  
 Recovery and dis- feitures in this Act mentioned, and not declared how they shall be recovered or  
 posal of penalties disposed of, shall, if not exceeding five pounds sterling, be recovered by warrant  
 not otherwise pro- under the hand and seal of any justice of the peace in the said island, directed to  
 vided for. the provost-marshal or his lawful deputy, and all penalties exceeding five pounds  
 sterling shall be recovered by action of debt, bill or plaint, in any court of record,  
 the

the whole amount whereof shall be paid to the public treasurer of this island for the public uses of the colony ; provided always, that all proceedings for the recovery of all penalties under this Act shall be instituted within six months after the offence was committed.

TOBAGO.

Passed the House of General Assembly, this 11th day of August 1829.

*Christopher Irvine,*  
Speaker of the House of General Assembly.

*William Desvoignes,*  
Clerk of the House of General Assembly.

Passed the Board of Legislative Council, this 14th day of August 1829.

*Alex. Gairdner,*  
President of the Legislative Council.

*R. B. Pitman,*  
Acting Deputy Clerk of Council.

Assented to by me, this 15th day of August 1829.

*Nath. Blackwell,*  
Governor.

Duly proclaimed by me, this 17th day of August, 1829.

*Barclay Wilson,*  
Acting Provost-marshal General.

GOD SAVE THE KING.

**TOBAGO :—An Act for the Abolition of the present Court of King's Bench and Grand Sessions ; to substitute a Court of King's Bench in lieu thereof ; and to extend to Slaves the benefit of Trial therein, in cases of a higher nature than Misdemeanors.**

WHEREAS the court, commonly called "the Court of King's Bench and Grand Sessions for Tobago," established by a certain Act bearing date or passed on or about the                    day of                    which was in the year of our Lord one thousand seven hundred and                    intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions ; for the better regulating and settling methods for the administration of Justice ; and for the more effectual support of Credit ;" and which said Act was revived by a certain other Act passed on or about the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-four, intituled "An Act to revive and put in force certain Acts heretofore enacted by former Legislatures of this Island, and now expired ; and for giving further effect to the proceedings of the Court of Chancery and Common Law, and the Courts of Vice-admiralty and Ordinary of the said Island," is found ill adapted to the present state and circumstances of the colony, and it is expedient that the same be abolished, and another court of King's Bench, differently constituted, be substituted in lieu thereof, and that the benefit of a trial in such substituted court be extended to slaves in all cases of a higher nature than misdemeanors : We, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Nathaniel Blackwell, Companion of the most honourable military order of the Bath, Captain-general and Governor-in-chief in and over the island of Tobago and its dependencies ; the Council and General Assembly of the same ; do humbly pray Your Most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the said Nathaniel Blackwell, by and with the advice and consent of the said Council and General Assembly in Session assembled, and by the authority of the same, that so much of the hereinbefore mentioned Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions ; for the better regulating and settling methods for the administration of Justice ; and for the more effectual support of Credit," as relates to the establishment of the said court of King's Bench and Grand Sessions, shall be and

Preamble.

Clause 1.  
Repeal of part of  
the Court Act.

## TOBAGO.

is hereby, from and after the passing of this Act, repealed, annulled and rendered of none effect.

Clause 2.  
Chief justice of  
Common Pleas and  
two puisne justices  
to form a court of  
King's Bench.

And be it, and it is hereby further enacted by the authority aforesaid, that the chief justice of His Majesty's court of Common Pleas of this island for the time being, and two puisne justices to be from time to time appointed in the name and behalf of His Majesty, by his Excellency the Governor or Commander-in-chief for the time being, by letters patent under the great seal of the island, during their good behaviour and residence in the said island, and whose patents shall run in the following form, or as near thereto as may be :

Commission of  
puisne justices.

“ Tobago :—George the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth.

“ To all to whom these presents shall come, greeting :—Know ye, that we have constituted, appointed and assigned, and by these presents do constitute, appoint and assign, \_\_\_\_\_ of our said island, esquire, one of our justices to hold pleas in our court of King's Bench in our said island, during his good behaviour and residence in our said island. In testimony whereof, we have caused these our letters to be made patent under our great seal of our said island. Witness  
at this day of  
in the \_\_\_\_\_ year of our reign, and in the year of our Lord one thousand eight hundred and \_\_\_\_\_”

Presence of one or  
more justices suf-  
ficient.

shall be and are hereby constituted a court of record, whereof the style shall be “ the Court of King's Bench for the Island of Tabago :” provided always, that nothing herein contained shall be construed to require the presence of the said chief justice of the said court of Common Pleas and of the said puisne justices together to form a court of King's Bench, but any one or more of these shall constitute a court; and it shall and may be lawful for any one or more of these to sit as a court at any one time, and the proceedings before any such justice or justices shall be as valid and effectual as if had and done in the presence of the whole.

Clause 3.  
Oath to be taken  
by the justices, and  
how administered.

And be it and it is hereby further enacted by the authority aforesaid, that the said chief justice of the court of Common Pleas for the time being shall be also chief justice of the court of King's Bench hereby established ; and the said chief and other justices, and each of them, shall, before acting in the court hereby established, make and take the following oath, which each of the said justices is hereby authorized to administer to the other of them, to wit :

“ I, *A. B.* do swear, that I will do impartial justice, according to law, between the King and his subjects, as one of His Majesty's justices of the court of King's Bench for this island, without favour, affection or partiality. So help me God.”

Proviso.

Provided always, that if any time there shall only be one judge in the said court, so that one other justice of the said court cannot administer the said oath to him, then it shall be lawful for him to make and take the said oath before any one of the justices of His Majesty's court of Common Pleas.

Clause 4.  
Officers of the  
court appointed.

And be it and it is hereby further enacted by the authority aforesaid, that the colonial secretary or clerk of the Crown, and the provost-marshal for the time being, shall respectively be secretary or clerk of the Crown and provost-marshal to the court of King's Bench hereby established, in such manner as they were respectively secretary or clerk of the Crown and provost-marshal to the court of King's Bench and grand sessions hereby abolished ; and that they respectively, and all peace officers in the said island, shall be attendant upon and ministerial to the court hereby erected, and the said provost-marshal shall at all times cause a sufficient number of cryers and other officers to attend when business is transacted in the said court.

Clause 5.  
Records of the  
court, how kept,  
tested and sealed.

And be it and it is hereby further enacted by the authority aforesaid, that the chief justice, or in his absence the next senior assistant justice of the court of King's Bench, shall be the keeper of the records of the said court, and all process and other documents required to be tested shall bear test in his name, and shall be sealed with such seal, bearing such devise, as it shall from time to time please His most gracious Majesty by an order in council to appoint and direct, and such seal shall be retained in the custody of the said chief or next senior assistant justice for the purposes aforesaid and none other : provided always, that until such time as His Majesty shall be pleased to signify his royal pleasure in that behalf, it shall and may be lawful to and for such chief or next senior assistant justice to use his private seal at arms for the

the

the purposes aforesaid, or such seal as hath been heretofore used by the court hereby abolished.

TOBAGO.

And be it and it is hereby further enacted by the authority aforesaid, that the chief and other the justices of the court hereby erected, shall be removable by the Governor or Commander-in-chief for the time being from the said court, by writ of discharge under the great seal of the said island, and duly recorded in the said court, issued by such Governor or Commander-in-chief for the time being, in pursuance of the address of one or both houses of the legislature presented to him for that purpose, or in consequence of misbehaviour on the part of such chief or other justice duly adjudged on a writ of *scire facias*, and not otherwise: And be it further enacted, that it shall from time to time be lawful to and for the Governor or Commander-in-chief for the time being, by and with the advice of the Privy Council of the said island, as there shall be fitting cause, to grant leave of absence to such chief or other justice for any period not exceeding one twelvemonth at any one time; and to cause the great seal of this island to be affixed to such leave of absence, and the same to be recorded in the said court of King's Bench, that it may thereby appear who is the next senior assistant justice of the said court; and the patent or commission of such chief or other justice so departing with such leave shall not be thereby vacated during the period of such leave, anything in the said patent to the contrary notwithstanding: and provided always, that it shall and may be lawful, on good cause shown, to and for the Governor or Commander-in-chief for the time being, by and with the advice of His Majesty's Privy Council of the said island, or to and for His Majesty's Principal Secretary of State having the department of the Colonies for the time being, on the like cause shown, to extend such leave of absence for a year, to any period not exceeding six months over and above the said year; and in case such extended leave shall be given by the Governor in Privy Council in Tobago, then it shall be duly recorded in the said court hereby established, immediately; and if granted by His Majesty's Principal Secretary of State having the department of the Colonies in England, then the same shall be in like manner duly recorded in the said court when the same shall be transmitted to this island, or within a reasonable time thereafter.

Clause 6.  
Justices, how removable, and when.

Leave of absence, its duration, and how obtained.

When and how extended.

And be it and it is hereby further enacted by the authority aforesaid, that it shall and may be lawful to and for the said court hereby established to hold all pleas criminal or pleas of the Crown, but not pleas real, personal, or mixed; and that no particular commission, other than the commission of the chief justice of the court of Common Pleas, as such chief justice, and the hereinbefore recited patents of the puisne justices of the court hereby constituted, shall be necessary for holding the said court and appointing justices thereof: but the justices thereof shall be and are hereby authorized and enabled to act in all pleas criminal, or of the Crown, by virtue of this Act, without further writ, commission or authority; and that the law whereby the proceedings of the said court shall be regulated shall be the common law of this island, the common law of England, the statute law of this island, now or hereafter to be in force, and the statute law of England and of the United Kingdom of Great Britain, as the same exists, or existed, by statute passed on or before the last day of the session of the Parliament of the United Kingdom of Great Britain and Ireland, held in the ninth year of the reign of His present Majesty, and as each of these several laws are modified by the other of them; and the said court shall have full power to hear, judge, determine and execute in all offences and criminal matters arising within this island and its dependencies, from high treason to the lowest misdemeanor (both inclusive), as the court of King's Bench in that part of the United Kingdom of Great Britain and Ireland called England hath in England, and as justices of oyer and terminer and general gaol delivery in England, in their sessions, have there by law; and shall have full power to inquire of such offences and every of them by the oaths of good and lawful men of the said island, and on indictment found or presentment made, the trial of such offence or offences, if it be denied by the offender or offenders, shall be by twelve good and lawful men of the said island, and the practice of the said court shall be as nearly as may be conformable to the practice established and used in the court of King's Bench in England: provided always, that no conviction for any offence shall induce any forfeiture of goods and chattels, other than such fine as shall be imposed by the said court; nor shall any attainder cause any forfeiture of lands, tenements or hereditaments, nor occasion any corruption of blood, any law, usage or custom to the contrary in anywise notwithstanding.

Clause 7.  
Powers and jurisdiction of the court.

Law of the court.

Offences cognizable by the court.

Mode of trial.

Proviso against forfeitures and corruption of blood.

And whereas it is expedient to continue to slaves the benefit of a trial by a full jury in the cases in which the same has been heretofore usual; be it therefore and it is

Clause 8.  
When slaves shall be tried in the court of King's Bench.

is hereby further enacted by the authority aforesaid, that all slaves accused of felonies or offences of a higher nature than misdemeanors shall be tried therefore in the court hereby established.

Clause 9.  
Receipt of stolen goods by slaves a misdemeanor.

And be it and it is hereby further enacted by the authority aforesaid, that the receiving of stolen goods by slaves shall in all cases be a misdemeanor, and shall be tried by the court by this Act established, and shall be punished as a misdemeanor at common law, to which the court shall have the power to add corporal punishment, at their discretion, according to the nature of the offence, anything in this Act, or any law, usage or custom to the contrary hereof in anywise notwithstanding.

Clause 10.  
Full defence by counsel ;

And be it and it is hereby further enacted by the authority aforesaid, that in all prosecutions in the court hereby established, it shall and may be lawful to and for the prisoner or defendant, of whatever nature such prosecution may be, to make his full defence thereto as well in matter of fact as in matter of law, and examination of witnesses, in his own person, or by one or more counsel, or both by himself and his counsel ; any law, custom or usage to the contrary in anywise notwithstanding.

or in person ;  
or by both.

Clause 11.  
When costs of prosecution shall be paid by the public.

And be it and it is hereby further enacted by the authority aforesaid, that whenever any person prosecuting in the name of His Majesty, in the court hereby established, shall conceive that such his prosecution shall concern the general administration of the justice of the country, and shall be conducive to the interests thereof, it shall be competent to him, either by himself or his counsel, within a reasonable time after the judgment pronounced in such prosecution, to move the court to grant a certificate thereof (which certificate may be signed in or out of court) ; and if the court, on such application, shall certify to the effect aforementioned, then and in that case the prosecutor shall cause the costs of such prosecution to be taxed by the secretary or clerk of the Crown, from whose taxation an appeal shall lie to the court, and on production to the Governor or Commander-in-chief for the time being in Council of such certificate and bill of taxed costs, such prosecutor shall be entitled to receive a warrant, directed to the public treasurer or his lawful deputy, for payment of the amount thereof, out of the fund that shall from time to time be appropriated to such service by any Act of Supply or Appropriation Act hereafter to be passed : provided always, that nothing in this Act shall prevent the law officers of the Crown, or other counsel employed by the Crown, from receiving their fees of and from the public for any prosecution, without any such certificate as is hereinbefore mentioned, when such prosecution shall be instituted by direction in writing from the Governor or Commander-in-chief for the time being.

Certificate.

Clause 12.  
When costs of defence of slaves shall be paid by the public.

And whereas it may happen that slaves may be prosecuted in the court hereby established, whose owners, or the persons having charge of them, may be in such indigent circumstances as not to admit of their employing counsel in behalf of such slaves so prosecuted ; be it therefore and it is hereby further enacted by the authority aforesaid, that ten days before any session of the court hereby established, and in case the slave shall not have been committed or bailed ten days before the session, then as many days as the case will admit of before the session, the counsel prosecuting in the name of the Crown shall give notice to the court of all his intended prosecutions against slaves, and it shall be competent for such slaves or their owners (and herein the provost-marshal is required to be assistant to slaves in gaol) to make it appear to the court in a summary manner, by affidavit or otherwise, that the owner or person having charge of such slave is unable to employ counsel for his defence, and in that case it shall be lawful for the court to assign such counsel as they shall deem fit for the defence of such slave, and such counsel shall receive payment in manner pointed out for payment of the costs of prosecutions in the next preceding clause of this Act ; and the want of sufficient time for the instruction of counsel shall be, at the discretion of the court, a reasonable cause for putting off the trial of such prosecution to the next subsequent session of the court.

When and how counsel assigned them.

Instruction of counsel.

Clause 13.  
Sessions of the court.

And be it and it is hereby further enacted by the authority aforesaid, that the court hereby established shall have two sessions at the court-house in the town of Scarborough, in each and every year, to wit, on the first Tuesday in the month of April, and the first Tuesday in the month of October ; the first sessions to be held on the first Tuesday in the month of October next ensuing ; and the said court shall have full power and authority to adjourn from time to time for such periods as it shall think fit, and also to sit at any period of the year for the dispatch of business falling within their jurisdiction, notwithstanding the same may not fall within the sessions hereby appointed, or any adjourned session : provided always, that when any offence or offences shall be committed or discovered which the Governor or Commander-in-chief for the time being, by and with the advice of the

Dispatch of business not falling within the session.

Privy Council, shall deem to require speedier trial than at the next session hereby appointed, it shall and may be lawful for him, by any instrument under the great seal, to direct the said court to proceed to the trial thereof, and such instrument shall be full authority to the said court to try all offences, to deliver all gaols, and to do all the matters and things within their jurisdiction under this Act, as fully and amply as if all offenders and offences were specially or generally named and enumerated in special or general commissions for those purposes; and it shall and may be lawful for the said court then to try all other offenders and offences, though such offenders or offences were not the immediate cause of holding the said court at that time, and the clerk of the Crown, secretary, provost-marshal, and all other officers required to be attendant on and ministerial to the said court, shall on such occasions do, perform and execute all such matters and things as to their respective office or offices pertain to be done, performed and executed.

And be it and it is hereby further enacted by the authority aforesaid, that the court hereby established shall and may proceed to hear, determine, order, direct and finish any indictment, presentment, process, or other matter or thing already begun by the court by this Act abrogated; and all persons standing bound over to prosecute, give evidence, appear, defend or otherwise in the court hereby abrogated, shall prosecute, give evidence, appear, defend or otherwise, on the first day of the session of the court hereby established, in the court hereby constituted, and their recognizances shall be in no wise vacated, but shall be deemed and taken as recognizances to do and perform the several matters and things therein specified in the first day of the session of the court hereby established, in the said court; and it shall and may be lawful to and for the said court on such first day of their session to make such further order therein, and to continue such recognizances in such manner as the nature of the case may require, and to justice shall seem meet.

And be it and it is hereby further enacted by the authority aforesaid, that the justices of peace, coroners and other persons who shall take any depositions, inquests, recognizances or other instruments relating to pleas of the Crown, or to the peace, or to matters cognizable by the court hereby established, shall in all cases return the same to the clerk of the Crown four days before the holding of their sessions (the days of making the return and of holding the session being both reckoned as exclusive), and if taken within such four days, then as soon after the same was taken as conveniently may be; and that all persons having taken depositions, inquests and recognizances returnable into the secretary's office or clerk of the Crown's office, not already returned, and which were to be proceeded upon in the court hereby abrogated, shall as speedily as may be after the passing hereof, return the same into the office of secretary or clerk of the Crown, and the clerk of the Crown shall produce all such instruments, whether returned to him prior to or after the passing hereof, to the court hereby established, on the first day of their session; and it shall and may be lawful to and for the said court to proceed thereon as if such depositions, inquests, recognizances and other instruments had been originally returnable into the court hereby established, and not into the court hereby abrogated, anything appearing in such depositions, inquests, recognizances and other instruments to the contrary hereof in anywise notwithstanding.

And be it and it is hereby further enacted by the authority aforesaid, that at the conclusion of every sessions held by the court by this Act established, the secretary or clerk of the Crown shall return to the court one complete extract of all recognizances forfeited and fines imposed at the court hereby established, and not paid down, or the party committed for such fines; and after due consideration thereof had, it shall and may be lawful to and for the said court by any instrument sealed with the seal of the said court, or until such seal shall be procured, sealed with the seal of the court hereby abrogated, or the seal of the chief, or in his absence of the next senior puisne justice of the court hereby established, to direct the attorney or solicitor-general for the time being, or any counsel to them seeming fit, to proceed by all lawful ways and means to recover such forfeited recognizances and fines as they shall think fit to be proceeded upon to the use of His Majesty, his heirs and successors, and to cause the same to be paid into the public treasury of this island in aid and support of the government thereof.

And be it and it is hereby further enacted by the authority aforesaid, that the clerk of the Crown or his lawful deputy shall, ten days at least before the sitting of the said court hereby established, issue out a writ or precept in the King's name, which shall be tested to this effect, "Witness the chief or other justice of our court of King's Bench hereto subscribing and sealing;" and the said clerk of the Crown or his

TOBAGO.

Provisions in lieu of a special commission.

Clause 14.  
Present court to conclude business unfinished by the late court.

Clause 15.  
Papers when and how returned into the office of clerk of the Crown.

Clause 16.  
Forfeited recognizances, how to be dealt with.

Clause 17.  
Precept for summoning juries.

TOBAGO.  
Jurors, whoshall be.

his lawful deputy shall address himself to one of the said justices then on the island, beginning according to their seniority, and shall get the said writ or precept signed, the purport whereof shall be to summon twenty-four grand jurors and thirty-six petty jurors, being freeholders, attornies, managers, chief overseers, merchants, merchants' clerks and tradesmen, to serve at the next court of King's Bench to be held on the                    day of                    the next ensuing (or instant), at the court-house in the town of Scarborough, and the provost-marshal or his lawful deputy shall publish the holding of the sessions in manner hereinafter prescribed.

Clause 18.  
Notice of session of court.

And be it and it is hereby further enacted by the authority aforesaid, that the provost-marshal for the time being shall before each of the sessions of the court hereby established, give due notice of and publish the holding thereof at least ten days previous to the commencement of such session, in the public Gazette of this island, and if no Gazette shall then be published, shall affix such notice as aforesaid at the door-way of the public court-house in the town of Scarborough, that all persons may govern themselves accordingly.

Clause 19.

And be it and it is hereby further enacted by the authority aforesaid, that the form of the summons of jurors shall be as follows, or as nearly similar thereto as circumstances will admit, viz. :

Form of subpcena.

“ Tobago :  
“ Mr. *A. B.*, [*or A. B.*, Esquire.]—These are in His Majesty's name to require you to be and appear in your proper person at the court-house in the town of Scarborough, at the hour of                    in the forenoon of                    the day of                    next ensuing [*or instant*], then and there to serve as a grand or petty juror [distinguishing which in the summons] at the court of King's Bench then and there to be holden ; and hereof fail not at your peril.  
“ *A. B.* Provost-marshal.”

How served.

Which summons shall be served personally, or by leaving it at the usual place of residence of the person summoned, at least four days (the day of summons and the of attendance being reckoned exclusively) previous to the day of the attendance therein mentioned.

Clause 20.  
Jurors summoned for court of Common Pleas in April to be likewise summoned for this court.

And whereas, by the Act in such case made and provided, the court of Common Pleas is required to sit on the first Tuesday in the month of April, and the jurors serving in the said court may well serve in the court hereby established ; be it therefore and it is hereby further enacted by the authority aforesaid, that the provost-marshal at the time he shall summon the twenty-four jurors required to be summoned for the court of Common Pleas in the month of April, shall also serve summonses such as in the last clause recited on the same persons ; provided always that the provost-marshal shall only be entitled to charge for one service of both summonses on each of the twenty-four jurors aforesaid.

Clause 21.  
When and how the April session of the court may be deferred.

And whereas the sitting of the court of Common Pleas may occupy a large part of the day on the said first Tuesday in April, or may occupy more days than one ; be it therefore and it is hereby further enacted by the authority aforesaid, that under the circumstances aforesaid the session of the court hereby established shall be deferred until it can conveniently be holden after the close or adjournment of the session of the court of Common Pleas ; and in case the session of the court hereby established shall be deferred beyond the said first Tuesday in April, all writs, returns, subpcenas, recognizances, summonses, and all other matters and things whatsoever, shall be as good and available for such deferred session as if the session had been actually holden on the said first Tuesday in April, anything in this Act, or in the said writs, returns, subpcenas, recognizances, summonses, and other matters and things to the contrary hereof notwithstanding.

Service, &c. good for deferred session.

Clause 22.  
Subpcenas for witnesses.

And be it and it is hereby further enacted by the authority aforesaid, that all persons concerned to prosecute or defend in the court hereby established, shall be entitled to take out such and so many subpcenas from the office of secretary or clerk of the Crown as to them shall seem fit, paying therefor and for the service thereof respectively, to the said clerk of the Crown and the provost-marshal, such fees as are respectively due to them for subpcenas of witnesses and service thereof issuing out of the court of Common Pleas ; and any witness or witnesses neglecting or refusing to appear when duly summoned shall be guilty of a contempt of court, and be dealt with accordingly, and also be liable to the party injured by such non-appearance in damages.

And



And be it and it is hereby further enacted by the authority aforesaid, that all jurors, grand or petty, neglecting or refusing to appear when duly summoned, shall in like manner be guilty of a contempt of court, and be liable as in other cases of a contempt of court. Clause 23.  
Non-attendance of jurors.

And whereas by a certain Act of this island, intituled "An Act to confirm the appointment of Way-wardens, made by the court of King's Bench and grand sessions on the sixth day of October one thousand eight hundred and twenty-four, and to authorize the judges and justices of the court of King's Bench and grand sessions to be holden in future in the month of October to make such appointment, and also to authorize the Way-wardens in the towns to adopt means of preventing the streets and lanes being injured," and passed on or about the twenty-second day of October, which was in the year of our Lord one thousand eight hundred and twenty-four, power is given to the court hereby abrogated to appoint way-wardens for the different parishes in this island in the manner and at the times therein specified: be it therefore and it is hereby further enacted by the authority aforesaid, that the court hereby established shall have the same or the like authority to appoint way-wardens, and regulate their conduct, as the court hereby abrogated had by the said Act, and shall have in all respects the same powers as if the style of the court hereby established were substituted in the said Act for the style of the court hereby abrogated, anything in the said Act to the contrary hereof in anywise notwithstanding; and further, that it shall and may be lawful to and for the court hereby established, from time to time to appoint such and so many constables as to them shall seem fit to serve for the body of this island. Clause 24.  
  
Court to appoint way-wardens,  
  
and constables.

And be it and it is hereby further enacted by the authority aforesaid, that the chief and puisne justices of the court hereby established shall respectively have at all times the same power and authority to take and admit to bail that the chief and puisne justices of the court of King's Bench in England respectively have, either by statute or at common law. Clause 25.  
Power to admit to bail.

And be it and it is hereby further enacted by the authority aforesaid, that the provost-marshal for the time being shall be and is hereby enjoined and required diligently to receive and collect all fines imposed by the court hereby established, and to discharge the party actually and *bonâ fide* paying the same (if not detained on other account than such fine), and from time to time to account with the public treasurer of this island or his lawful deputy for all fines which he shall receive, and immediately to pay the balance, after the deduction hereunder mentioned, into the hands of the said public treasurer or his lawful deputy; and the provost-marshal shall be entitled to deduct and retain to his own use five per centum on all fines he shall collect by virtue of the judgment of the court by this Act established, and pay into the hands of the public treasurer or his lawful deputy, without action, suit or compulsory process of law; and all fines collected under this Act shall be and enure to the use of His Majesty, his heirs and successors, for the public services of the colony. Clause 26.  
Marshal to collect fines and account therefor.  
  
Allowance for his trouble.

Passed the House of General Assembly, this 11th day of August 1829.

*Christr. Irvine,*  
Speaker of the House of General Assembly.  
*William Desvignes,*  
Clerk of the House of General Assembly.

Passed the Board of Legislative Council, this 12th day of August 1829.

*Alex. Gairdner,*  
President of the Legislative Council.  
*R. B. Pitman,*  
Acting Deputy Clerk of Council.

Assented to, this 17th day of August 1829.

*Nath. Blackwell,* Governor.

Duly proclaimed by me, this 17th day of August 1829,

*Barclay Wilson,*  
Acting Provost-marshal General.

GOD SAVE THE KING.

TRINIDAD.

## TRINIDAD.

— No. 13. —

[*N. B.*—A similar Despatch addressed to the Governors of Berbice, Demerara, St. Lucia, Cape of Good Hope, and Mauritius.]

Sir,

Downing-street, 4th February 1830.

IN Lord Bathurst's despatch to Sir Ralph Woodford of the 22d of June 1826, his Lordship expressed his hope that he should be able shortly to transmit to Trinidad an order of the King in Council, embodying all the provisions of the order of the 10th March 1824, for improving the condition of slaves in that island, with the amendments and explanations it had since received.

The completion of this design was suspended by petitions addressed to His Majesty in Council, by various proprietors and mortgagees of slaves in the colonies of Berbice and Demerara, praying in effect that the law of compulsory manumission (as it has been usually termed) might not be introduced into those settlements. It was impossible to issue a new order, consolidating the recent enactments on the subject of slavery, until the questions raised respecting this important part of the new system had been finally set at rest. The Lords of the Committee of Privy Council to whom the Berbice and Demerara petitions were referred by His Majesty made their report on the 18th of March 1829, and that report was confirmed by an order of His Majesty in Council of the same date, and I have the honour to enclose for your information a copy of the order.

The question respecting compulsory manumission being thus finally settled, it became the duty of His Majesty's Government to frame the necessary enactments for carrying the general principle into effect. It appeared to them, however, that the time had arrived for executing the intentions announced by Lord Bathurst in the despatch to which I have referred, and that the rules respecting the manumission of slaves would be more conveniently introduced into the consolidated law, than made the subject of a separate order. His Majesty in Council having been pleased to approve of this course of proceeding, made an order on the 2d instant for amending and bringing into one law the order in council of the 10th March 1824, with all the subsequent enactments by which it had been either amended or explained. The new order extends not only to Trinidad, but to all the slave colonies which are subject to the legislative authority of His Majesty in Council. I have the honour herewith to transmit for your guidance and information a printed copy of that order, authenticated by the signature of the clerk of the Council, with three other printed copies for the use of the public offices in the colony.

It is unnecessary that I should enter upon any explanation of the provisions of this law, which I trust will be found to convey its own meaning with sufficient distinctness.

You will observe, however, that upon many of the topics embraced in this order, His Majesty in Council has delegated to yourself the duty of supplying by proclamations such subordinate rules as it would have been difficult to introduce into the general law, or which, if introduced, must have made a great addition to its length. Those proclamations will relate exclusively or chiefly to subjects upon which the difference between the systems of jurisprudence in force in the various Crown colonies forbade the application of any one enactment to them all. I will advert in their order to the duties which you are thus required to discharge.

The 4th clause authorizes you to regulate the length of time for which the protector of slaves shall be bound to give his daily attendance upon the duties of his office; and the 6th clause enables you to grant to this officer a leave of absence for any period not exceeding six months, if it shall be made to appear to you that such an indulgence is essential to his health. The great importance of the duties entrusted to the protector will exact such constant attention, that I fear it will be very rarely in your power to sanction any relaxation of his labours. At a period not, I trust, very distant, when the business of the office shall be conducted with that punctuality and method which can result only from experience, a greater degree of

of indulgence may perhaps be found consistent with the public service ; but for the present, I must expect from the protector every exertion compatible with a due regard to his health.

You are empowered by the 5th clause, to permit the protector to hire domestic slaves, if he shall satisfy you that it is not in his power to hire free servants. It is of so much importance to rescue this officer from every temptation to offend against the law with the execution of which he is charged, that you will not dispense with the general rule except in case of evident necessity, nor to any greater extent than may be clearly unavoidable.

During any temporary vacancy of the protector's office, you are required by the seventh clause to appoint a deputy, and to select if possible a person who possesses the qualification of not being himself an owner of slaves. You will not use the power with which you are entrusted, of relaxing this rule, until you shall have fully ascertained the absolute impracticability of observing it. In general the deputy-protector should receive one half of the salary of his absent principal ; but the division of those emoluments is reserved to your discretion, that you may be enabled the more easily to make a satisfactory arrangement for filling the office during any temporary vacancy.

As the entire abolition of markets on Sunday will require the substitution of another day in the week, you are authorized by the sixteenth clause to appoint the day of the weekly market, and to determine at what hours it shall be holden. Upon this subject you will consult as far as possible the convenience of the proprietors, and make such arrangements as you shall think best calculated to induce them to sanction the resort of their slaves to market.

The general prohibition of the labour of slaves on Sunday is followed by a clause, numbered 21, which excepts from the rule works of "necessity." It is obvious however that a general principle laid down in terms thus comprehensive, would afford occasion for continual evasions of the law, unless some method were taken to give an authoritative and more definitive interpretation to those expressions. It is therefore referred to you to define with all possible precision every work of necessity in which slaves may be employed on Sunday, and to restrict such employment by such conditions as you may think just. Such a necessity may arise either from unforeseen accidents, such as conflagrations or hurricanes, or from exigencies of habitual recurrence. Of course there can be no good reason why slaves should be exempted from the obligation incumbent upon all other members of society of labouring on Sunday to prevent or to arrest the progress of accidental calamities. But in those cases in which the demand for their labour grows out of a course of husbandry or manufacture which systematically encroaches upon the day of rest, the subject must be regarded in a different light : a necessity which is thus deliberately created by the proprietor gives him no valid claim to the services of the slave. The rural and manufacturing economy of sugar colonies, is not, however, I fear, at present compatible with an entire cessation of all such labour on that day, nor can I hope that the habits of the cultivator will in this respect undergo an immediate change ; for the present therefore you will, in the exercise of the power committed to you, sanction the performance on Sunday of those agricultural or manufacturing processes, the neglect of which might be attended with serious and irreparable injury. But in authorizing any such relaxation of the general rule, you will remember and act upon the principle that these habitual encroachments on the repose of Sunday, are parts of the colonial system which cannot be too soon abandoned altogether ; that services of this nature cannot even now be demanded, except with the free consent of the slave ; and that for every such deduction from the time secured to him for repose by the law of religion, the slave is entitled to some just consideration from the owner to whom his services are rendered.

In all proclamations on this subject you will studiously avoid the use of general and vague expressions, and take care that every mode of authorized labour is described with such particularity as to prevent any fraudulent evasions of the law. If you should have reason to suppose that any such evasions are practised, it will be your duty immediately to meet the case by such additional and more explicit proclamations as shall obviate every plausible pretext for such practices.

The prohibition of the punishment of females by whipping is followed by a clause which enables you to substitute other punishments. Upon this subject I am not able to afford you much assistance, and you will be most safely guided by your own local information, aided by such suggestions as the experience of the present protector will enable him to make. Your great object will be to select those modes

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of correction which may impair as little as possible the sense of self-respect, and may operate rather on the moral feelings than on the mere bodily sensations of the sufferer. Every precaution must be taken to determine the nature and extent of these punishments, so as to prevent their being made the source of abuse. It has, for example, appeared from my correspondence with some of the colonies to which the present order applies, that the offences of women are very frequently punished by imprisonment on Sunday. By this method, without any deduction from the labour on the estate, the offender is made to undergo an aggravated punishment, the pain of imprisonment being heightened by the loss of the positive advantages and gratifications which the return of the day of rest had promised. Confinement on Sunday is therefore a punishment which the owner should not be permitted to inflict by his own domestic authority.

As the order in council applies to six distinct colonies, in no two of which the forms of legal proceeding are the same, it has been thought right to delegate to the Governor of each the duty of prescribing in what courts offences against the law are to be tried and penalties recovered and applied, how the protector is to execute the duty of defending accused slaves, and of conducting civil suits or criminal prosecutions on their behalf, and in what manner actions respecting property are to be brought by slaves or against them. In framing regulations of this nature you will take the existing laws of criminal and civil procedure as your guide, so far as an adherence to them may be compatible with the still more important object of securing a prompt, economical and effective administration of justice.

You are required by the 79th clause to transmit for His Majesty's approbation all proclamations and rules of court which may be issued in pursuance of this order, and I cannot too strongly impress upon you the necessity of a punctual observance of this part of the law.

The half-yearly reports of the protector of slaves are to be compiled in such a form as the Governor of each colony shall prescribe by a proclamation to be issued for that purpose, and in that form alone. I have the honour herewith to you a printed form, in blank, of a half-yearly return to be made by the protector of slaves in Trinidad. No deviation from this form can be permitted; for it is an object of great importance that the periodical returns from each colony should be susceptible of an exact comparison with each other, and for that purpose it is essential that one general method should be observed in all.

The order requires that the delivery of the protector's half-yearly report shall precede the payment of his salary. This is a regulation of so much importance to the effective execution of the whole law, that it cannot be observed with too much exactness. Proof of the previous delivery, on oath, of the report, will probably be required by the auditors of colonial accounts as a necessary voucher upon every payment of this nature.

The terms "Chief Civil Judge" and "District of the Colony" occur frequently in this order without any definition: respecting the officer intended by the first of these expressions, I should presume that no question can possibly be raised; it may however not be wholly superfluous to remark, that in Trinidad the chief judge, Mr. Warner, is intended by this expression. It is left to yourself by the 81st section to divide the colony into districts for the purpose of this law; you will, however, adhere to the established division of the island into quarters, unless there should be any substantial reason for a change in that respect, of which I am not aware.

The greatest length of time for which it will be your power to postpone the operation of this law, after its arrival in the colony, is six weeks: if it were to be promulgated immediately on its arrival in the colony, it would come into operation in two. Upon this question, within these limits, you will exercise your own discretion; but after the long and very deliberate consideration which the whole subject has undergone, His Majesty's Government do not deem it right that you should be invested with any discretion whatever to suspend the execution of the order beyond the six weeks limited in the final clause.

I am well aware that there are some topics connected with the improvement of the condition of slavery, which are omitted in this order, although superior in importance to some of those which it embraces; amongst these I may particularly mention the duration of the daily labour of plantation slaves, their food and clothing, and above all their religious instruction. If it had been the design of His Majesty's Ministers to frame a complete code for the government of slaves, a prominent place must have been assigned to topics of this nature; but for the present,

present, nothing further has been contemplated than to consolidate the order in council of the 10th March 1824, and the most valuable of the provisions which have been engrafted upon it by supplementary enactments, either in Trinidad itself, or in other separate Crown colonies.

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In the general repeal of all enactments supplementary to the order in council of the 10th March 1824, it is possible that some wholesome regulations on matters foreign to the immediate objects of the present order may have been abolished: you will understand that no objection exists to the re-enactment of such provisions, provided they are in no respect at variance or inconsistent with any of the provisions of the order itself.

I have, &amp;c.

Major-general Grant,  
&c. &c. &c.

(signed) G. MURRAY.

At the Court at Windsor, the 2d of February 1830;—present, the King's  
Most Excellent Majesty in Council.

1. WHEREAS, on the 10th of March 1824, an order was made by His Majesty with the advice of his Privy Council, making provision for the religious instruction of the slaves in His Majesty's island of Trinidad, and for the improvement of their condition: and whereas, on the 7th day of September 1825, an ordinance for the religious instruction of slaves in His Majesty's united colonies of Demerara and Essequibo, was enacted by the Lieutenant-governor and Court of Policy of the said colonies: and whereas, on the 25th day of September 1826, an ordinance for promoting the religious instruction, and bettering the state and condition of the slave population in His Majesty's colony of Berbice, was enacted by the Lieutenant-governor and the Council of Government of that colony: and whereas, on the 8th of February 1826, an ordinance was enacted by the Governor of His Majesty's island of St. Lucia, with the advice of the Council of Government of the said island, for the better Government of slaves in St. Lucia, and for improving their condition: and whereas, on the 19th day of June 1826, an ordinance was enacted by the Lieutenant-governor of the colony of the Cape of Good Hope, in Council, for improving the condition of the slaves at the Cape of Good Hope: and whereas, on the 7th day of February 1829, an ordinance was passed and enacted by the Governor of His Majesty's island of Mauritius, in Council, for improving the condition of slaves in that island and its dependencies: and whereas, in the said colonies, or some of them, laws and ordinances, or proclamations, have been enacted for the explanation or amendment of the order of His Majesty in Council, and the several ordinances hereinbefore-mentioned, or some of them: and whereas, on the 5th day of February 1827, there were laid before His Majesty in Council four petitions from various proprietors and mortgagees of estates in the colonies of Demerara and Berbice, praying that no order in council might issue allowing the slaves in Demerara to purchase their freedom without the concurrence of their masters, and that so much of the order so passed as aforesaid by the Lieutenant-governor and Council in Berbice, as allows slaves so to do in that colony, might be rescinded: and whereas, on the said 5th day of February 1827, His Majesty was pleased to refer the consideration of the said petitions to a Committee of his Privy Council, and the said Committee having proceeded to take the said petitions into their consideration, and having heard what was alleged on the behalf of the said petitioners, did, on the 18th day of March 1829, report to His Majesty in Council their opinion that no sufficient cause had been shown why His Majesty should rescind so much of the said ordinance of the said Lieutenant-governor of Berbice, in Council, as enables the slaves within the said colony to effect the purchase of their freedom upon an appraisalment, in cases where the owners of any such slaves might not be consenting, or by reason of some legal disability might be unable to give any valid consent to such purchase, and that it might be expedient for His Majesty, in his Privy Council, to issue an order confirming and giving effect to the said ordinance of the said Lieutenant-governor in Council, with such modifications, with a view to the more effectual execution thereof, as might appear advisable, regard being had to the laws of the said colony, which laws His Majesty had been graciously pleased to preserve and maintain: and whereas, on the 18th day of March 1829, His Majesty, with the advice of his Privy Council, was graciously pleased

Recital and repeal of all the laws for improving the condition of slaves made in the Crown colonies since the Trinidad order in council of the 10th of March 1824, including that order. The repeal not to bar prosecutions for past offences, nor to destroy any vested rights.

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pleased to confirm and approve the said report : and whereas it is expedient that the laws for improving the condition of the slaves within the said several colonies should be uniform, so far as may be practicable, due regard being had to the local circumstances and peculiar laws of the said colonies respectively ; and it is therefore expedient to revoke the said order of His Majesty in Council of the 10th day of March 1824, and the several laws, ordinances and proclamations so passed and enacted as aforesaid in the said several colonies, and to consolidate and bring into one law, applicable to all the said colonies, such provisions as it is necessary to make for improving the condition of the slaves therein :—It is therefore hereby ordered by the King's most Excellent Majesty, by and with the advice of his Privy Council, that the said order of His Majesty in Council, of the 10th day of March 1824 ; and the said ordinance of the Lieutenant-governor and Court of Policy of Demerara, of the 7th day of September 1825 ; and the said ordinance of the Lieutenant-governor and Council of the colony of Berbice, of the 25th day of September 1826 ; and the said ordinance of the Governor in Council of St. Lucia, of the 8th day of February 1826 ; and the said ordinance of the Lieutenant-governor of the colony of the Cape of Good Hope, of the 19th day of June 1826 ; and the said ordinance of the Governor in Council of Mauritius, of the 7th day of February 1829 ; together with all laws, ordinances and proclamations, passed, enacted or promulgated within the said several colonies, or any of them, for the explanation or amendment of the said order in council of the 10th day of March 1824, and of the said several ordinances, or any of them, shall be and the same are hereby respectively revoked, repealed and annulled : provided nevertheless, that the said repeal shall not take effect within any of the said colonies until this present order shall, in manner hereinafter mentioned, have been duly promulgated and made known in such colony : provided also, that notwithstanding the repeal of the said order in council of the 10th of March 1824, and of the several ordinances, laws and proclamations aforesaid, all crimes or offences committed against the same, or any of them, and all fines, penalties and forfeitures incurred under the same, or any of them, shall continue liable to be punished, sued for, recovered and applied, in such and the same manner as if this present order had not been made ; and that all rights of what nature or kind soever, which, under and by virtue of the said order in council of the 10th of March 1824, and of the said several ordinances, laws and proclamations, or any of them, had actually accrued to, and become invested in, any slave or slaves, or other person or persons, before or at the time of such repeal as aforesaid, shall be preserved to and continue vested in such slave or slaves, or other person or persons, as fully and effectually in all respects as though this present order had not been made.

The appointment of a Protector of Slaves in each of the Crown colonies, saving existing offices.

II. And it is further ordered, that within each of the said several colonies of Trinidad, Demerara, Berbice, St. Lucia, the Cape of Good Hope, and Mauritius, there shall be an officer to be called the protector of slaves, who shall hold such his office at His Majesty's pleasure, and shall from time to time be appointed to the same by His Majesty : provided nevertheless, that any person now holding the office of protector of slaves in any of the said colonies, under the said order in council of the 10th March 1824, or under the said ordinances, or any of them, shall without any new or further appointment be and become the protector of slaves in such colony, as fully to all intents and purposes as if he had been appointed to such his office, under and in pursuance of this present order.

The salary of protectors of slaves, and the oaths to be taken by them.

III. And it is further ordered that each of the said protectors of slaves shall receive such a salary as His Majesty shall be pleased to appoint ; and that before any such protector shall enter upon the duties of such his office, he shall appear before the Governor of the colony to which he may be so appointed, in whose presence he shall take and subscribe an oath, which such Governor is hereby required to administer, in the following terms :

“ I, *A. B.* do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of protector of slaves in the colony of \_\_\_\_\_ without fear, favour, or partiality.

“ So help me God.”

The protectors to keep offices, the hours of their attendance, and the custody of their records.

IV. And it is further ordered, that the said protector of slaves shall establish and keep an office in the principal town or seat of government in each of the said colonies respectively, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor of the colony, by any general or special order to be by him for that purpose issued, may appoint ; and shall at such office,

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office, and not elsewhere, keep, deposit and preserve the several records, books, papers and writings hereinafter directed to be kept by him.

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V. And it is further ordered, that no such protector of slaves shall himself be the owner of any slave, nor have any share or interest in, or any mortgage or security upon, any slave, nor be the proprietor of, nor have any share or interest in, or mortgage or security upon, any land cultivated by the labour of slaves, and he is hereby declared to be incompetent to be or to act as the manager, overseer, agent or attorney of, for or upon any plantation or estate within the colony to which he may be so appointed; and in case any such protector of slaves shall acquire, have, hold or possess, either in his own right or in right of his wife, or as guardian of or in trust for any other person or persons, any slave, or any land cultivated by the labour of slaves, or any share or interest in, or any mortgage or security upon any such land or slaves, or shall act as such manager, overseer, agent, attorney, guardian, trustee or executor as aforesaid, he shall thenceforth, *de facto*, cease to be such protector of such slaves, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to his said office; provided nevertheless, that all acts which may be done by or by the order of any such protector of slaves, after any such avoidance as aforesaid of such his office, and before the same shall, by public notice in the Gazette of the colony to which he had been appointed, be declared void, shall be as valid and effectual in the law as if no such avoidance had occurred: provided, that nothing herein contained shall prevent any such protector of slaves from hiring and employing any number of such hired slaves, for and in the domestic service of himself or any members of his family, if it shall be first made to appear by such protector, to the satisfaction of the Governor of the colony to which he may belong, that it is not in his power to hire free persons to perform such domestic services.

The protectors not to be owners or managers of slaves, on pain of a forfeiture of office. Until that forfeiture is publicly declared, all intermediate acts are to be valid. The protector may hire slaves for his domestic service, if unable to hire free servants.

VI. And it is further ordered, that every such protector of slaves shall, at all times, be resident within the colony to which he shall have been appointed, and shall not quit the same without a special license to be granted for that purpose by His Majesty, through one of his principal Secretaries of State: provided nevertheless, that if it shall be made to appear to the Governor of any such colony as aforesaid, that the absence of the protector of slaves of such colony is essential to his health, then, and not otherwise, such Governor may grant to such protector a leave of absence for any time not exceeding twelve months in the Cape of Good Hope and Mauritius, nor exceeding six months in the colonies of Trinidad, Saint Lucia, Demerara and Berbice.

The protectors to be constantly resident except by the license of the Secretary of State. In case of sickness, the Governor may grant a leave of absence for a limited time.

VII. And it is further ordered, that upon the death, suspension, removal or resignation of any such protector of slaves, or in the event of the bodily or mental incapacity of any such protector, or during his absence from the colony to which he may have been appointed, it shall be lawful for the Governor of such colony to appoint some other person to act as protector of slaves until His Majesty's pleasure shall be known, and any such interim protector shall receive such allowance, to be deducted from the salary of the protector, if living, as the Governor for the time being of such colony shall appoint: provided always, that no person shall be so appointed or shall act in any of the colonies aforesaid, by virtue of such appointment, who, according to the provisions of this order, would be incompetent to act as protector of slaves, unless it shall appear to the governor of such colony that a proper person, duly qualified and willing to act as such, cannot be found; and all persons so appointed shall, during their continuance in any such office, have, exercise and enjoy all and every the powers hereby vested in the protectors of slaves, and shall be subject and liable to all such rules, regulations and penalties as are hereby made and provided with respect to such protectors: provided also, that all protectors of slaves in the said colonies shall at all times perform their duty in person, and not by deputy.

On the death of protectors or other avoidance of office, temporary assistants to be appointed with salaries, and to be qualified (if possible) in the same manner as the principals.

VIII. And it is hereby further ordered, that assistant protectors of slaves shall be appointed by the Governors of the said several colonies respectively in each of the districts thereof, and such assistant protectors shall and are hereby required, in their several districts, to be assisting to the respective protectors of slaves of the said colonies in the execution of the powers hereby committed to them, and for that purpose to obey and carry into execution such lawful instructions as they may from time to time receive from such protectors of slaves respectively, in relation to the matters herein contained, or any of them.

Assistant protectors to be appointed to execute all lawful instructions of the protector.



In cases of complaints by or against slaves, the protector or assistant protector cannot act as a magistrate.

The protector or assistant protector is to have notice of all prosecutions against slaves in capital or transportable cases, and of suits affecting their freedom and property, and of prosecutions for offences against their persons, and is to attend on behalf of the slave.

The protector or assistant protector, on receiving notice of an injury done to a slave, is to inquire into the case, and if necessary, is to sue or prosecute the wrong doer.

Sunday markets absolutely prohibited.

Proceedings to be had for the dispersion of markets holden on the Sunday.

The prohibition of the public sale of goods on Sunday in shops or elsewhere.

The sale of certain perishable articles permitted, except during divine service.

IX. And it is hereby further ordered, that no protector or assistant protector of slaves, within the said colonies, shall be competent to act as a magistrate or otherwise for the decision of any complaint preferred by or against a slave, or for the punishment of any offence committed by or against any slave.

X. And it is further ordered, that in all actions, suits and prosecutions, which may at any time hereafter be brought or commenced in any tribunal or court of justice within any of the said colonies, wherein any slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged slave to freedom, or wherein any person may be charged with the murder of any slave, or with any offence against the person of any slave, or wherein any question may arise respecting the right of any slave to any such property as he or she is hereinafter declared competent to acquire; then and in every such case such notice shall be given to the protector or assistant protector of slaves for the district in which such accused slave may be resident, of every such action, suit or prosecution, as according to the law of such colony would be given to the said slave if he or she were of free condition; and such protector or assistant protector shall and is hereby required to be present at the trial and all other the proceedings in every such action, suit or prosecution, as the protector of such slave, and on his or her behalf.

XI. And it is hereby further ordered, that if complaint shall be made to any such protector or assistant protector as aforesaid of any wrong or injury inflicted upon or received by any slave within the respective colonies aforesaid, or if it shall come to his knowledge that any such wrong or injury hath been so inflicted or received, it shall be the duty of such protector or assistant protector to inquire into the circumstances of the case, and if in the result of such inquiry it shall appear expedient to such protector or assistant protector that a civil action be brought, or a criminal proceeding instituted, against any person or persons in respect of any such wrong or injury, it shall be his duty and he is hereby required to institute a civil action or a criminal proceeding, as the case may be, against any such offender or wrong doer, and to conduct such action or proceeding to its close, by himself or any advocate or solicitor to be by him employed for that purpose.

XII. And whereas the custom of holding public markets on Sunday hath prevailed in the said colonies, or some of them, it is hereby declared that such markets are unlawful, and that the same shall henceforth absolutely cease and determine.

XIII. And it is further ordered, that if any free persons or slaves shall on any Sunday hold any market, or assemble for the purpose of holding any market, in any town or other place within any of the said colonies, it shall be the duty of the officers of police acting in and for any such town or place, and they are hereby required, to make proclamation calling upon all persons present at any such market or assemblage forthwith to disperse; and any person who after such proclamation made shall continue present at any such market or assemblage, or shall return thither for the purpose of holding any such market as aforesaid, shall forfeit a sum not less than five, nor exceeding twenty shillings for every such offence.

XIV. And it is hereby further ordered, that if any slave or slaves, or free person or persons, shall, at any place within any of the said colonies, sell or expose for sale, on Sunday, any merchandize, goods or effects whatever, it shall be lawful for any officer of the police of such colonies respectively to seize any such merchandize, goods and effects, and cause them to be taken before any judge or magistrate of police of such colony, who, upon view of the articles so seized, shall either order the same to be sold, or cause the same to be tendered to the person or persons from whom they were so taken, and restored to them, him or her, upon payment, by any such person or persons, of a sum not less ten, nor more than twenty shillings; and the proceeds of every such sale, or the money so to be paid for the redemption of any such goods, shall be applied, one half for the benefit of the poor of the town or place in which such seizure shall be made, and the other half shall be paid to the person or persons making such seizure.

XV. Provided always, and it is further ordered, that nothing herein contained shall extend, or be construed to extend, to prevent the sale of medicines, or of provisions for consumption in any inns or victualling-houses, on Sunday, nor to prevent the sale of milk, fresh meat, fish or turtle, in any shop or store, on Sunday, between the hours set apart for the celebration of divine service on that day.

XVI. And

XVI. And it is hereby ordered, that it shall be lawful for the Governor of each of the said colonies respectively, and he is hereby required, by a public proclamation or proclamations to be by him from time to time for that purpose issued, to appoint one day in each week for holding markets, at all places within the said colony, at which it hath heretofore been customary to hold markets on Sunday, and to determine the hours of the day during which such markets shall be holden; and from time to time, as occasion may require, to alter the day, or the hours of the day, so to be appointed as aforesaid; and on any such weekly market-day it shall not be lawful to seize in execution, under any civil process whatever, any slave resorting to, or being at, or returning from any such market, but every such seizure shall be absolutely null and void to all intents and purposes.

The Governor is to appoint one market day in each week.

XVII. And it is further ordered, that no slave within any of the colonies aforesaid shall be liable, except as hereinafter excepted, to labour for the benefit, profit or advantage of his or her owner or manager, or of any person or persons whatsoever, on any Sunday throughout the year.

Prohibition of labour on Sunday.

XVIII. And it is further ordered, that if any person shall compel, or shall by any means hire or induce any slave to perform or engage in any labour on any Sunday, except in the cases hereinafter excepted, the persons so offending shall, in respect of every such slave, incur a fine of not less than twenty shillings, nor more than three pounds.

Penalty on persons working their slaves on Sunday.

XIX. Provided nevertheless, and it is further ordered, that nothing herein contained shall extend to any domestic work or labour which may be performed on Sunday, by any slave usually employed as a domestic, nor to any labour performed by any slave in the tending or care of cattle.

Exception of the labour of domestic servants.

XX. Provided also, and it is further ordered, that nothing herein contained shall prevent the employment of slaves, in any of the colonies aforesaid, on Sunday, for the performance of any work of necessity. But for the prevention of abuses herein, it is further ordered that the Governors of the said colonies respectively shall from time to time, by proclamations to be by them for that purpose issued, define with all possible precision every work of necessity in which any such slave may be so employed on Sunday, and restrict and limit any such employment by such conditions as to them respectively may be seem just: and every person who, on the ground of any such necessity, shall employ any slave or slaves to labour on Sunday, shall give to the protector or assistant protector of the district in which such slave or slaves shall be resident, a previous notice in writing of his or her intention so to employ such slaves; or if, by reason of any unforeseen emergency, it shall not be possible to give such notice previously to the actual employment of such slave or slaves, then a notice in writing that any such slave or slaves hath or have been so employed, shall, within forty-eight hours next after such employment, be given to such protector or assistant protector; and no person employing any slave to labour within any of the said colonies, on Sunday, on the ground of necessity, shall be exempted from the penalties hereby imposed, unless such written notice as aforesaid be given within the time aforesaid to such protector or assistant protector, nor unless the necessity shall be such as shall have been defined by a proclamation so issued by such Governor as aforesaid, nor unless the conditions and restrictions in any such proclamation contained shall be observed and performed.

Slaves may be employed on Sunday in works of necessity. The Governor by proclamation to define what works are necessary. Notice to be given to the protector of every such employment of slaves.

XXI. And it is hereby further ordered and declared, that it is and shall henceforth be illegal for any person or persons within any of the said colonies, while superintending the labour of any slave or slaves in any agricultural or manufacturing operation, to carry any whip, cat or other instrument usually employed in the punishment of slaves, or to exhibit any such whip, cat or other instrument, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same, over any slaves or slave, or to strike, beat or scourge any slave or slaves with any such whip, cat or other instrument, unless for the punishment of some fault by such slave or slaves previously committed; and any person who in contravention hereof shall so carry, exhibit or use any such whip, cat or other instrument, or direct, authorize, procure, or be assisting in or towards the commission of any such offence, shall be and be deemed guilty of a misdemeanor.

The whip may not be carried in the field as a stimulus to labour, nor as an emblem of authority, nor used except for the punishment of a fault previously committed.

XXII. And it is further declared and ordered, that it is and shall be illegal to correct or punish any female slave within any of the said colonies by the flogging, whipping, scourging or beating of her person; and that it is and shall henceforth be

Females may not be punished by whipping. Males may not receive

more than twenty-five stripes for one offence, nor more than twenty-five lashes in one day, nor any whipping so long as any unhealed scars remain on the body, nor unless one free witness or six slaves be present.

be illegal to correct or punish any male slave within any of the said colonies by the flogging, whipping, scourging or beating of his person, if the whole number of stripes inflicted on such male slave for any one offence shall exceed twenty-five, or if, by any number of successive punishments, more than twenty-five stripes in the whole be inflicted on any such male slave within twenty-four hours; or if at the time of inflicting any such punishment there shall be on the person of such slave any unhealed wound or laceration occasioned by any former punishment; or if some one person of free condition, not being either the person inflicting or the person authorizing the said punishment, be not present at and witnessing the infliction of such punishment, or in cases where the attendance of no such free witness can be procured, then if six adult slaves, at the least, be not present at and witnessing the infliction of such punishment; and any person or persons who, in contravention hereof, shall correct or punish any female slave by the flogging, whipping, scourging or beating of her person, or inflict upon any male slave any punishment to an amount or under circumstances so prohibited and declared illegal as aforesaid, or direct, authorize or procure, or be assisting in or towards the commission of any such offence, shall be and be deemed guilty of a misdemeanor.

Exception of judicial punishment.

XXIII. Provided nevertheless, and it is hereby ordered, that nothing herein contained shall extend to any punishment which may be inflicted upon any male slave by virtue of the sentence of any court of competent jurisdiction within any of the colonies aforesaid.

Punishments of female slave children excepted, if not more severe than punishments legally inflicted in schools on children of free condition.

XXIV. Provided also, that nothing herein contained extends, or shall be construed to extend, to prevent the owner or manager of any female slave, under the age of ten years, from causing her to be punished for any fault by her committed, in the same manner, and to the same extent, as any female child of free condition may lawfully be and usually is punished in any schools for the education of youth in the said colonies respectively.

The Governors authorized to prescribe the modes of punishment which in the case of female slaves are to be substituted for punishment by the whip.

XXV. And whereas it is necessary that effectual means should be adopted for the punishment of such offences as may hereafter be committed by female slaves within the said colonies, but regulations of that nature cannot conveniently be made except by persons resident within the said colonies; it is therefore ordered, that any female slave, who shall commit any offence within any of the said colonies, which by the laws in force there was heretofore punishable by whipping, shall for such her offence be subject and liable to imprisonment, or to confinement in the stocks, or to such other punishment as may be specially authorized by any proclamation or proclamations from time to time to be for that purpose issued by the Governors of the said colonies respectively; and in such proclamations the said Governors shall prescribe with all practicable precision the nature and extent of the punishments so to be substituted for the punishment of whipping in the case of female slaves, and shall make such rules and regulations as may be necessary for preventing and punishing any abuses in the infliction of such substituted punishments.

The protector in each colony is to deliver to every manager of slaves, annually, a book for keeping a record of all punishments inflicted on plantation slaves.

XXVI. And it is further ordered, that the protector of slaves in each of the said colonies, and every assistant protector in his district, shall, in the month of December in each year, on application to him and them for that purpose made, deliver to every manager of slaves employed in any agricultural or manufacturing labour within the said colonies, a printed blank book, to be called the Punishment Record Book, and to be made up for, and to be used during the year commencing on the 1st day of January then next ensuing; and for every such book, every such protector or assistant protector of slaves, as the case may be, shall be entitled to demand and receive the sum of one shilling, and no more; and every such manager of slaves shall and is hereby required to supply himself with a copy of such printed blank book, on payment of the sum aforesaid to such protector or assistant protector; and if any person shall at any time during the year next ensuing upon any such month of December, and after the commencement of such year, enter upon the management of any slaves employed in any such labour as aforesaid, every such person shall and is hereby required to supply himself or herself with a copy of such printed blank book, on payment of the sum aforesaid to such protector or assistant protector.

The manager is to insert in the books an account of every

XXVII. And it is hereby further ordered, that every manager of slaves employed in agricultural or manufacturing labour, within any of the said colonies, shall insert in

in such printed blank book as aforesaid, an exact and true account of every punishment by him or her, or by his or her authority inflicted upon each and every such slave, specifying the age and sex of the slave so punished, and the nature of the offence in respect of which such punishment may have been inflicted, and the time at which and the place where such offence was committed, and the time at which and the place where such punishment was inflicted, and the nature and extent of the punishment; and the name of the person by whom, and by the authority of whom the punishment was inflicted, and the name or names of the witness or witnesses present and attending at the infliction of every such punishment; and in the cases of any male slaves who shall be punished by whipping, the number of stripes actually inflicted upon the offender.

punishment, the age and sex of the slave, the offence, the time and place where committed, the extent of punishment, by whom authorized and inflicted, and the witnesses present.

XXVIII. And it is further ordered, that if the manager of any plantation slaves within any of the said colonies, shall neglect or omit to make in the said punishment record book any entry which, according to the provisions of this order, ought to have been made therein, or shall not make such entry within two days next after the infliction of the punishment to which such entry may refer, the persons so offending shall incur a fine not exceeding twenty pounds, nor less than two pounds; and if any person or persons shall wilfully or fraudulently make, or cause or procure to be made any false or fraudulent entry or erasure in any such punishment record book, or shall wilfully or fraudulently burn, destroy, cancel or obliterate the same, or any part thereof, he, she or they shall be deemed to be guilty of a misdemeanor.

Penalties on omitting to make entries, and on false or fraudulent entries, erasures, &c.

XXIX. And it is further ordered, that every manager of any plantation slaves within the said colonies, shall, on or within five days next after the first Monday which shall happen next after the 5th day of April and the 29th day of September in each year, repair to the protector or the assistant protector of slaves for the district in which such slaves shall then be resident, and shall then and there produce before him an exact transcript of every entry which, during the half year next preceding, may have been made by such manager in his or her punishment record book, and shall then and there take and subscribe before such protector or assistant protector, an affidavit to be annexed to the said transcript, in the following words, that is to say:

Half-yearly returns to be made of the entries in these books, on the oath of the manager.

“ I, *A. B.* do make oath, and say, that the paper writing hereunto annexed contains a true and exact copy of every entry which, since the        day of        last, hath been made in the punishment record book of the plantation slaves under my management. And I do further swear, that the said punishment record book hath been punctually and accurately kept since the said        day of        in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my consent, or to my knowledge and belief. So help me God.”

XXX. And whereas some persons having the management of plantation slaves in the said colonies may be unable to write or keep such records as aforesaid, it is further ordered, that it shall and may be lawful for any such person to employ any other person to keep such record of punishments on his or her behalf; and to every such illiterate person as aforesaid, instead of the oath hereinbefore mentioned, the protector or assistant protector of slaves, as the case may be, shall and is hereby authorized to administer an oath in the following words, viz.:

In cases where the manager cannot write, he may employ another person to keep the record, and is to be sworn in a different form.

“ I, *A. B.* do make oath and say, that I am unable to write. I do further swear, that the punishment record book of the plantation slaves under my management hath, to the best of my belief, been punctually and accurately kept since the        day of        in the manner by law required, by *C. D.*, of        whom I have employed for that purpose: and I do swear that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my consent, or to my knowledge or belief. So help me God.”

XXXI. And in case any such manager as aforesaid shall not, since the time of making his said last preceding return, have inflicted, or authorized to be inflicted, any such punishment as is hereinbefore required to be recorded in the said book, then and in every such case, in lieu of the oath aforesaid, such owner or manager shall, at the time and place aforesaid, take and subscribe an oath in the following words, that is to say:

In cases where no punishments have been inflicted during the half year, a special return on oath to be made of that fact.

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" I, *A. B.*, do swear, that since the day of now past, no punishment hath been inflicted by me, or by my order or authority, or to my knowledge or belief, upon any plantation slave under my management. So help me God."

The protector is to supply all managers with blank forms of returns, and to publish the time and place when he will attend to receive them. In case of sickness the manager to be attended at his own home.

XXXII. Provided always, and it is further ordered, that the protector or assistant protector of slaves, within each of the said colonies, shall, fourteen days at the least before the time appointed for making the said returns, transmit to the managers of all plantation slaves within their respective districts, a printed blank form of each of the before-mentioned affidavits, together with a notice of the time and place at which he will attend for the purpose of receiving the said returns and administering the oaths aforesaid, and the said assistant protectors of slaves shall and they are hereby required to attend accordingly from day to day for six successive days, and no more, for the purposes aforesaid; and in case it shall be made to appear to any such protector or assistant protector, by the oath of any medical practitioner, which oath such protector or assistant protector is hereby authorized to administer, that any person liable to make such return is, by reason of sickness, incapable of attending for that purpose at the time and place so to be appointed as aforesaid, then and in every such case such assistant protector shall and he is hereby required to attend any person so incapacitated, at his or her place of abode, for the purpose of receiving the said returns, and administering such affidavits as aforesaid.

Penalties on persons omitting to make their returns.

XXXIII. And it is hereby ordered, that if any person shall refuse or neglect to make any return hereby required of him or her, or to make or take and subscribe any oath which he or she is hereby required to take and subscribe, the person so offending shall incur a fine not less than ten pounds and not exceeding fifty pounds.

The assistant protectors are to transmit their returns to the protector, with a list of defaulters, and the assistant protectors are to make their own returns to the protector himself.

XXXIV. And it is hereby further ordered, that the assistant protector of slaves of each district within the said respective colonies, shall and he is hereby required to transmit to the protector of slaves of such colony the whole of the returns so to be made to him as aforesaid, together with the original affidavits thereunto annexed, within fourteen days next after the latest day so to be appointed as aforesaid for receiving the same, together with a list of all managers of slaves, within the district to which such assistant protector may belong, who shall not have completed or made the returns required from them by law; and if any such assistant protector shall himself be the manager of any plantation slaves, he shall, within such time as shall by the said protector of slaves be for that purpose appointed, deliver or transmit to the said protector, a transcript of the entries in his own punishment record book, together with an affidavit to be by him sworn before the said protector of slaves, or before any other person to be by such protector for that purpose appointed, in the manner and form herein prescribed, and under such and the like penalty as is hereinbefore mentioned in the case of other persons refusing or neglecting to make their returns or to take the before-mentioned oaths.

The protector may send back for correction returns improperly or irregularly made.

XXXV. And it is hereby further ordered, that if any such return as aforesaid shall be irregularly or improperly made, it shall be lawful for the protector or assistant protector of slaves to refuse to receive, or having received, to send back such return for correction, and to limit the time within which such return shall be so corrected and sent back to him; and no return hereby required shall be deemed to have been made according to law until any such irregularity or impropriety as aforesaid shall first have been corrected by the person making the same; provided, that during the period so to be limited for correcting any such return, no penalty shall be incurred by the person making the same, by reason of any such irregularity or impropriety as aforesaid.

The protector is to enrol in books all the returns which he may receive.

XXXVI. And it is hereby further ordered, that the said protector of slaves shall transcribe and record in books to be by him kept for that purpose, the whole of the returns so to be made to him, and shall keep and preserve in his office the said original returns and affidavits: and for the better and more convenient keeping of the said records, it is further ordered that the said protectors of slaves shall keep distinct books for the different districts of the said colonies respectively, and shall therein transcribe each of the said returns in alphabetical order, according to the names of the persons making the same, and shall also keep full and exact indexes of the said books.

XXXVII. And

XXXVII. And it is hereby further ordered and declared, that no person within the said colonies respectively is or shall be incapable in law of contracting marriage by reason that such person is in a state of slavery.

Slaves are declared competent to marry.

XXXVIII. And it is further ordered, that any person in a state of slavery in any of the said colonies, who may be desirous to contract a marriage, shall, at his or her election, apply either to the protector or to the assistant protector of slaves of the district in which the woman may reside, for a marriage licence; and as an authority to him to grant the same, shall produce the consent, in writing, of the manager of any such slave, or of the managers of both of such slaves, if both parties shall be in a state of slavery, to the celebration thereof; but in case the manager or managers of either or both of such slaves shall refuse to give such written consent for the celebration of any such marriage, then and in every such case the protector or assistant protector of slaves, as the case may be, shall forthwith issue a summons under his hand, requiring the manager or managers of such slave or slaves to appear before him, by themselves or their agents, at some convenient time and place to be in such notice for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid shall be received by such protector or assistant protector of slaves as aforesaid; and if on the appearance of such manager or managers, or in the absence of him or them, after due citation by the delivery to him or them of such notice, no sufficient cause shall appear to satisfy such protector or assistant protector that such proposed marriage would be injurious to the said slaves or either of them, then and in every such case the said protector or assistant protector of slaves shall, without fee or reward, issue a licence under his hand and seal for the solemnization of the marriage of the said slave or slaves; and it shall be lawful for any clergyman of the established church of England and Ireland, or any minister of the kirk of Scotland, or any priest or curate professing the Roman-catholic religion, or any teacher of religion within any such colony, carrying on there no other profession, business or occupation of profit, except that of a schoolmaster, to solemnize the marriage of the said slave or slaves, and the same, when so solemnized, shall to all intents and purposes be binding, valid and effectual in the law.

A slave desiring to marry must apply for a licence to the protector, and produce the owner's consent. If the owner refuses, he is to be summoned before the protector; and if the protector is not satisfied that the marriage would be injurious to the slave, he is to grant a licence: any English, Scotch, or Roman-catholic clergyman, or dissenting minister, to celebrate it.

XXXIX. Provided nevertheless and it is further ordered, that nothing herein contained shall extend to render any marriage between persons in a state of slavery, or between a slave and a free person, valid or effectual, which would be illegal or void if both such persons were of free condition and had been intermarried by a priest in holy orders of the church of England.

Marriages among slaves are not to be valid in cases prohibited by law among free persons.

XL. Provided always, that no marriage which may be solemnized between any slaves in any of the said colonies shall invest the parties contracting such marriage, or their progeny, with any rights at variance with the legal title of the owners or managers of such slaves to the services of such slaves or their progeny, or with the duties which such slaves or their progeny are bound by law to render to such their owners or managers.

Slaves are not by marrying to acquire rights inconsistent with the legal rights of the owner.

XLI. And it is further ordered, that every person by whom any such marriage shall be solemnized by virtue of any such licence as aforesaid, shall within fourteen days next after the solemnization thereof, under a penalty of not less than five pounds nor more than twenty pounds, transmit to the said protector of slaves and to the assistant protector of the district in which the woman may reside respectively, certificates of the solemnization of such marriage; and the said protector of slaves and the said assistant protector respectively shall register in books to be by them kept for that purpose, every marriage which shall be so solemnized, with the date thereof, and the names, descriptions and places of abode of the parties contracting, and of the person solemnizing every such marriage.

Registries to be kept of the marriages of slaves.

XLII. And it is hereby further ordered and declared, that no person within the said colonies, being in a state of slavery, is or shall be deemed to be by reason or on account of such his or her condition, incompetent to purchase, acquire, possess, hold or enjoy, alienate, devise or bequeath property of any amount or of any description whatsoever, not hereinafter excepted; but every such slave shall and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, devise and bequeath property of any amount or of any description, not hereinafter excepted, and to bring, maintain, prosecute and defend any action in any court of justice, for and in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition.

Slaves may acquire property of any amount, and bring and defend actions for it.



**Slaves may not be proprietors of boats, ammunition, &c.** XLIII. Provided always, that no slave in any of the said colonies shall be competent to become the proprietor of, or to hold or retain any boats or other craft or vessels, or any share or interest therein, or any gunpowder or other ammunition, firearms or military weapons, of whatever nature or kind soever.

**Slaves may not be the proprietors of slaves.** XLIV. Provided also and it is hereby further ordered, that no person in a state of slavery shall be competent in the law to acquire or possess any slave or slaves, or any interest in any slave or slaves.

**Slaves may not be taken in execution in satisfaction of debts contracted by themselves.** XLV. Provided also and it is hereby further ordered, that no slave shall be liable to be taken in execution or detained in prison or in any other confinement, upon any process issuing out of any court of justice in any of the said colonies, in any civil action against any such slave, or in any civil proceeding depending in any such court, to which any such slave may be a party.

**Slaves not to be separated under legal process if bearing to each other any of the relations herein mentioned.** XLVI. And it is further ordered, that it shall not be lawful, in the execution of any judgment, sentence, decree or order of any tribunal or of any court of justice within any of the said colonies, to seize or take in execution or sell any slave separate and apart from any other slave to whom he or she may bear the relation of husband or wife, or the relation of parent or child, or to whom he or she shall be reputed to bear any of those relations, and who may also be the property of the person or persons against whom any such judgment, sentence decree or order has been pronounced ; but in the execution of every such judgment, sentence, decree or order, all slaves being the property of the same person or persons, and bearing to each other any such relation or reputed relation as aforesaid, shall be sold together and in one and the same lot, and to the same person or persons ; and if any slave shall be seized or sold in contravention hereof, every such seizure, execution and sale shall be and the same is hereby declared to be absolutely null and void to all intents and purposes whatsoever, so far as respects any such slave or slaves.

**Separation of families are not to take place on the death of their owners intestate.** XLVII. And it is further ordered, that in the succession and inheritance to the estate of any person who may have died intestate, no severance shall be made of slaves bearing to each other either of the relations or reputed relations aforesaid ; but that if such slaves shall descend to different persons, the supreme court of civil justice for such colony shall and is hereby required, on the application of the protector of slaves thereof, to make order for the sale of such slaves together and in one lot, and to the same person or persons, if it shall be made to appear to the said court that the separation of such slaves cannot otherwise be prevented ; and the money arising from any such sale shall belong to and become the property of the persons entitled to the said slaves, and such court shall, on the summary application of any of the parties interested, make such order for the application of any such money as may be just.

**Husbands and wives, parents and children, may not be separated from each other by conveyance, contract or will.** XLVIII. And it is further ordered, that where any two or more slaves in any of the said colonies, belonging to the same owner or owners, shall bear to each other any such relation or reputed relation as aforesaid, such slaves shall not be sold, alienated or disposed of separate and apart from each other ; and that any private contract, sale, conveyance, donation, will or other mode of alienation whatsoever, whereby any such slave shall be sold, alienated or disposed of separate and apart from the slave to whom he or she may bear such relation or reputed relation, shall, as far as respects any such slave or slaves, be absolutely and to all intents and purposes null and void and of no effect.

**In cases where it is unknown or doubtful whether a slave has any such relations, the protector is to inquire into and certify the fact.** XLIX. Provided also, that if upon any intended contract, sale, conveyance or alienation, or upon the intended seizure in execution under process of law of any slave, it shall be unknown or doubtful whether such slave doth or doth not bear any such relation as aforesaid to any other slave, being the property of the same owner or owners, it shall be lawful for any of the parties interested in any such contract, sale or conveyance, alienation or seizure, to require the protector of slaves to inquire into and ascertain the fact, and such protector shall thereupon, by inquiries addressed to the slaves themselves, and by all other lawful ways, ascertain whether any such slave doth or doth not bear any such relation or reputed relation to any other slave or slaves, being the property of the same owner or owners ; and such protector shall deliver to the party or parties interested a certificate under his hand of the result of any such inquiry ; and if in and by any such certificate such protector shall certify that the slave respecting whom any such inquiry is made doth not to the best of his, the said protector's belief, bear any such relation or reputed relation as aforesaid to any



any other slave or slaves, being the property of the same owner or owners, nothing herein contained shall prevent or be construed to prevent any slave respecting whom any such certificate may be so given, from being separated from any other slave, or shall affect the validity of any contract, sale, conveyance, will or other instrument or alienation which may be made, or of any legal process which may be executed for that purpose.

L. Provided also, that if any slaves bearing to each other any such lawful or reputed relation as aforesaid, other than the relation of husband and wife, shall signify to the protector of slaves of the colony to which they belong, both parties being first privately examined by him, their full and free consent to any such separation as aforesaid, and if such protector of slaves shall be of opinion that such separation would not be injurious to the slaves themselves nor involve the violation of the duties owing by such slaves to each other, and if the said protector shall thereupon certify under his hand his consent on the behalf of such slaves to such proposed separation, then and in that case nothing herein contained shall prevent or be construed to prevent the separation of such slaves from each other, or affect the validity of any contract, sale, conveyance or will, or other instrument or alienation which may be made, or of any legal process which may be executed for that purpose.

LI. Provided nevertheless, that nothing herein contained shall prevent or extend to the separation of any child of the full age of sixteen years from his or her father or mother, or reputed father and mother.

LII. And it is hereby further ordered, that no duty, tax or impost, or fee of office, shall hereafter be levied, demanded or payable within any of the said colonies, upon, for, or on account or in respect of the manumission of any slave, or the enrolment or registration of any deed of manumission, save and except a fee not exceeding twenty shillings, which shall by the said protector of slaves be paid for enrolling and registering every such deed of manumission among the records of the supreme court of civil justice of every such colony, and which fee shall be repaid to such protector of slaves out of the public revenue of the colony to which he may belong; and if any person in any of the said colonies shall hereafter demand, accept or receive any such duty, tax, impost or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine amounting to not less than ten pounds nor more than fifty pounds over and above the amount of the tax, duty, impost or fee so by him received.

LIII. And for the prevention of doubts as to the power of the owners of slaves to manumit such slaves at their pleasure, it is hereby further ordered and declared that, subject to the regulations hereinafter made, any person, being the owner of any slave in any of the said colonies, may by his or her last will, or by deed under his or her hand and seal, at his or her pleasure manumit and set free any such slave, so far as relates to the interest of every such testator or grantor, and that every such manumission shall, as far as relates to the interest of the testator or grantor, as the case may be, but no further or otherwise, be valid and effectual in the law for the perpetual enfranchisement of any such slave: provided nevertheless, that no person having a partial or temporary interest in any slave, may to the extent of such interest effect his or her manumission gratuitously, unless all other persons having a partial, future or reversionary interest in such slave shall consent or be parties to such manumission, or unless such partial, future or reversionary interests shall be purchased in the manner hereinafter provided.

LIV. And in order to prevent the fraudulent manumission of slaves incompetent from age or disease to earn their own living; it is further ordered, that in case any such deed of manumission shall be executed gratuitously and without any valuable consideration passing to the owner or other person effecting the same, the slave so to be manumitted shall, previously to the actual execution of any such deed, appear before the protector of slaves or the assistant protector of slaves for the district in which the slave is resident; and if it shall appear to the said protector or assistant protector that such slave is under the age of six years or above the age of fifty years, or is labouring under any habitual disease or infirmity of mind or body, the owner or person effecting such manumission shall, under his or her hand and seal, execute and deliver to the said protector or assistant protector a bond to His Majesty in the penal sum of 200 £., with a condition thereunder written for the defeazance thereof, if such slave shall be properly fed, clothed and maintained until the age of

If slaves standing in the prescribed relations to each other shall signify to the protector their willingness to be separated, and if the protector should consider the separation neither injurious to the slaves nor improper in itself, he may authorize the separation, except in the cases of husbands and wives.

Slave children above the age of 16 may be separated from their parents.

All fees of office and duties on manumissions abolished.

All persons may manumit slaves belonging to them, with the concurrence of all the joint owners.

If the slave is manumitted gratuitously, bond must be given for his maintenance if he be less than six or more than fifty years old, or in a state of disease.

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fourteen years in the case of infants, or during the term of his or her natural life, in the case of adults of the age of fifty years, or labouring under any such sickness, disease or infirmity as aforesaid ; and no such gratuitous manumission shall be valid and effectual in the law, or shall be received for enrolment at such office of registry, until such bond as aforesaid shall be duly executed, registered and deposited in the said office.

The bond not necessary in case of testamentary manumissions, but the estate of the testator to remain liable as though such bond had been given.

LV. Provided nevertheless, and it is further ordered, that no such bond as aforesaid shall be required in the case of any manumission by will ; but if, at the time of the death of the testator, the slave so manumitted shall be under the age of six years, or above the age of fifty years, or labouring under any such disease or infirmity as aforesaid, the estate of every such testator shall be liable to and chargeable with the maintenance of such slave, until the age of fourteen years in the case of infants, or during the term of his or her natural life, in the case of adults, or of slaves labouring any such disease or infirmity, as fully as if the said testator had in his or her life-time executed such bond as aforesaid.

With the concurrence of the protector, slaves may contract with their owners for the purchase of their freedom.

LVI. And to prevent ignorant slaves effecting the purchase of their freedom from persons unable to make any valid title to the same, it is further ordered and declared, that it is and shall be lawful for any person, being the owner of any slave in any of the said colonies, to contract with such slave, through the agency of the protector of slaves of such colony, acting for and on behalf of such slave, but not otherwise, for the manumission of the said slave, at a price to be agreed upon between the said owner and protector of slaves respectively ; and in case of any such contract, it shall be the duty of the said protector of slaves to obtain from the office of registry of slaves a certificate of the name or names of the person or persons by whom such slave was last registered as his, her or their property ; and it shall also be the duty of the said protector of slaves to give notice by advertisement in the public Gazette of such colony of such intended manumission, fourteen days at the least before the same is effected ; and if from such certificate as aforesaid it shall appear that the person or persons proposing to contract for the manumission of any such slave, is or are not the registered owner or owners of such slave, or if any person shall give to the said protector of slaves notice that there exists any charge or mortgage upon or affecting (or alleged to be upon or to affect) such slave, or that any future or reversionary interest in such slave is vested in any person or persons who is or are not a party or parties to, or consenting to such proposed manumission, the said protector shall on behalf of such slave refuse to proceed with such contract ; and it shall also be the duty of the said protector of slaves, on behalf of the said slave, to satisfy himself that the person proposing to effect the said manumission has good right and title in the law, and is competent to effect the same ; and it shall also be the duty of the said protector of slaves, without fee or reward, to prepare in every such case the proper deed of manumission, which shall in all cases be executed in the presence of and attested by the said protector of slaves, or some proper person to be especially appointed by him to be such witness thereto ; and every such deed, being so executed, shall by such protector of slaves be enrolled in the supreme court of civil justice in and for the colony to which he belongs, within one calendar month next after the date and execution thereof, on payment of a fee for such enrolment, to the person enrolling it, not exceeding the sum of twenty shillings ; and in case any such deed shall not be so enrolled by the said protector of slaves within the said period of one calendar month, the said protector of slaves shall incur and be liable to the payment of a fine of not less than ten pounds nor more than fifty pounds.

Slaves may effect the purchase of their freedom by a compulsory process. If the owner be unwilling or unable to effect the manumission, or labour under any incapacity, or if an excessive price be demanded, the chief judge is to cite all persons having an interest in the slave to attend him.

LVII. And to provide for the manumission of slaves in cases where the owners of such slaves may be unwilling or unable to contract for such manumission ; it is hereby further ordered, that if the owner of any slave in any of the said colonies, or any person having any interest in any such slave, shall be unwilling to effect his or her manumission, or shall by reason of any mortgage or settlement, or lease or charge upon, or interest in such slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of such slave ; or if the owner, or any other person having a charge upon or interest in any such slave, shall be a minor or a married woman, or idiot or lunatic ; or if the real owner of any such slave shall be absent from the colony to which the slave belongs, or shall not be known ; or if any suit or action shall be depending in any court of justice in the said colony wherein the title to the said slave, or the right to his or her service, shall or may be in controversy, or if the owner of any such slave shall demand as the price of his or her

her freedom a greater sum of money than may appear to the said protector of slaves to be the fair and just value thereof; then and in each and every of the cases aforesaid, the chief civil judge of such colony, on application to him for that purpose made by the protector of slaves of such colony, shall issue a summons under his hand and seal, requiring the owner or the manager of such slave to appear before him by themselves or their agents, at some convenient time or place to be in such summons for that purpose appointed, and notice shall be published by the said protector of slaves in the public Gazette of such colony of the time and place appointed for the purpose aforesaid; and in such notice, all persons having or claiming to have any title or interest to or in the slave proposed to be manumitted, either in their own right, or as the agents, guardians, attornies, trustees or representatives of any other person, shall be required to attend and prefer such claims.

LVIII. And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, the chief civil judge of such colony, in the presence of the protector of slaves thereof, and also in the presence of the owner or manager of the slave proposed to be manumitted, or upon proof being made to him upon oath of the due service and publication of such notice as aforesaid, then, if necessary, in the absence of such owner or manager, shall proceed to hear in a summary way what may be alleged by the said protector of slaves, and by the owner or manager, or other persons claiming any interest in the said slave proposed to be manumitted, and attending in pursuance of any such notice; and in case the said parties, or any of them, shall refuse to effect such manumission at a price approved by the said protector of slaves, or in case it shall be made to appear to the said chief civil judge that a valid and effectual manumission of such slave cannot legally be effected by private contract, or that the owner of such slave, or any person having any charge upon or interest in such slave, is a minor, or a married woman, or idiot or lunatic, or that the real owner of such slave, or any person having any charge upon or interest in such slave, is absent from the said colony, or is unknown or cannot be found, or that any action is depending in any court of justice in such colony wherein the title to such slave, or the right to his or her services, is in controversy, then and in every such case the said chief civil judge shall require the protector of slaves, and the owner or manager of such slave, if attending in pursuance of this notice, each to nominate an appraiser of his or her value, and the said judge shall himself nominate an umpire between such appraisers; but if such owner or manager, being duly summoned as aforesaid, shall fail to attend, or attending, shall refuse or omit to nominate an appraiser, then the said judge shall not only nominate such umpire as aforesaid, but shall also nominate an appraiser on behalf of such owner or manager.

On proof made to the judge of such incapacity, &c. he is to require the protector and owner each to name an appraiser, and is himself to name an umpire. The judge, when necessary, is to nominate the appraiser also.

LIX. And it is further ordered, that the appraisers so to be nominated as aforesaid shall be duly sworn by and before the said chief civil judge to make a fair and impartial appraisement of the slave so proposed to be manumitted; and within seven days next after such their appointment, such appraisers shall make a joint valuation of the said slave, and shall certify such their valuation to the said chief civil judge under their hands and seals; and in case such joint certificate shall not be so made and delivered to the said judge within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall within the next succeeding seven days certify his valuation to the said judge; and the valuation to be made in manner aforesaid, either by the said joint appraisers, or in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled among the records of the supreme court of civil justice in and for such colony.

The appraisers to make a valuation in seven days, failing which, the umpire is to make the valuation.

LX. Provided nevertheless, that if it shall be made to appear to the said judge, within one calendar month next after such valuation shall have been made, that in the making thereof the said appraisers or umpire, or any of them, acted fraudulently or unjustly, or under the influence of any improper motive, then, but not otherwise, it shall be lawful for the said judge to set aside the said valuation, and to declare the same to be void, and to direct another valuation to be made in manner aforesaid, for which purpose new appraisers and a new umpire shall in manner aforesaid be appointed and sworn, and shall proceed to make a second valuation, which being certified to the said judge in manner aforesaid, shall be to all intents and purposes binding and conclusive: provided, that such second or any subsequent valuation may in like manner be set aside by any such judge on the grounds aforesaid, until a valuation is made not open to any such objection.

On proof to the judge of fraud or injustice in making the valuation, he may set it aside, and so on till an unobjectionable valuation is made.

If the amount is not paid in three months, the proceedings cancelled, and no new valuation can be made for twelve months.

LXI. Provided also, that if the amount of any such valuation shall not be paid in manner hereinafter mentioned, within three calendar months next after the enrolment thereof, such enrolment shall be cancelled, and it shall not be lawful for any such slave, or for the protector of slaves on his or her behalf, again to institute such proceedings as before mentioned for his or her manumission until the expiration of twelve calendar months, to be computed from the date of such former valuation.

In making the valuation the appraisers are to take into account all the qualities of the slave and other facts which they may think material.

LXII. And it is further ordered, that in making any such valuation as aforesaid, the said appraisers or umpires, as the case may be, shall and they are hereby required to take into their consideration the qualities of the slave proposed to be manumitted, as well as his or her skill in any domestic service or employment, or other labour whatsoever, with any other facts or circumstances which, in the opinion of such appraisers or umpire, ought to influence their or his judgment as to the price to be paid by such slave for his or her manumission.

If it is proved to the satisfaction of the judge that the money to be paid by the slave has been acquired by a donation *inter vivos*, made with the intent of enabling the slave to purchase his freedom, the proceedings are to be stayed.

LXIII. Provided also, and it is further ordered, that if after any such valuation shall have been made as aforesaid, and before the same has been enrolled as aforesaid, it shall be alleged by or on behalf of the owner or manager of the slave proposed to be manumitted, that the money to be paid by such slave as the price of his or her freedom, or any part of that money, has been acquired by such slave by a donation *inter vivos*, made by any person or persons with the intent of enabling or assisting such slave to effect the purchase of his or her freedom, it shall be incumbent on such judge to stay the enrolment of such valuation until he shall have inquired into the truth of such allegation; and if by any evidence given on oath before the said judge, it shall be made out to his satisfaction that the money about to be paid by such slave as the price of his or her freedom, or any part of that money, has been acquired by such slave by a donation *inter vivos*, made with the intention of enabling or assisting such slave to effect the purchase of his or her freedom, then and in every such case the said judge shall order all further proceedings to be stayed, but without prejudice to the renewal by the said slave, or by the said protector of slaves on his or her behalf, of such proceedings as aforesaid for the manumission of such slave at any future time; and failing any such proof as aforesaid, the said judge shall overrule such objection to the proposed manumission, and shall order the valuation of such slave to be recorded in manner aforesaid.

If it be proved that within five years the slave has committed any robbery, the proceedings are to be stayed till the end of that term.

LXIV. Provided also, that if at any time before the enrolment of any such valuation, it shall be alleged before the said judge, by the owner or manager of the slave proposed to be manumitted, that such slave hath, within five years next preceding the date of the application made to such judge on his or her behalf for such manumission as aforesaid, committed any robbery or theft, the said judge shall inquire into the truth of such allegation; and if it shall be made to appear to him, by good and sufficient evidence on oath, that such slave hath, within the said term of five years, committed any robbery or theft, the said judge shall and he is hereby required to make an order for staying such enrolment as aforesaid, and thereupon the same and all other proceedings for the manumission of any such slave shall be stayed until the expiration of the full term of five years from the time of the commission of any such theft or robbery.

The protector may pay to the colonial treasurer the price of the slave in three months from the valuation, and enrol the receipt in the supreme court, after which the slave to be free.

LXV. And it is hereby further ordered, that upon or within three calendar months next after the enrolment, in the supreme court of justice of any such colony, of any such valuation as aforesaid, it shall be lawful for the protector of slaves of such colony, out of any monies to be supplied to him for that purpose by the slave proposed to be manumitted, to pay to the treasurer of any such colony the appraised value of such slave, taking a receipt in writing from such treasurer for every such payment; and the chief civil judge of such colony shall, upon application to him for that purpose made by the said protector of slaves, make an order for the enrolment in the said supreme court of justice of such receipt, and the said chief judge shall by such order further proceed to declare and adjudge that the slave, by or on behalf of whom such money hath been paid, is manumitted and free; and such slave shall thereupon be and be deemed, taken and reputed to be free to all intents and purposes.

The Governor is to establish a table of fees to be taken on this process.

LXVI. And be it further ordered, that the Governor of every such colony as aforesaid, by a proclamation to be by him issued for that purpose, shall establish a moderate and reasonable table of fees and expenses to be paid and incurred in making such appraisements as aforesaid; and such fees and expenses shall in all cases

cases be established at the lowest rate which may be consistent with the effective discharge of the duties of such appraisers, and not by way of poundage or percentage on the value of the slave ; and any appraiser or other person who shall demand or receive for any services by him or her rendered in or about any such appraisement, any greater or other fee, sum of money, advantage or emolument whatsoever, than such as shall be authorized by such table, shall incur a penalty of not less than five pounds nor more than fifty pounds, in addition to the amount of any such unlawful fee, sum of money, advantage or emolument so received.

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LXVII. And it is further ordered, that if any such appraisement as aforesaid shall have been rendered necessary by any difference of opinion between the protector of slaves, and the owner or owners, or manager, respecting the price to be paid for the slave proposed to be manumitted, the expense of such appraisement shall be borne by the slave, and be added to the amount of the valuation, if such slave shall be appraised at a sum exceeding or equal to the price demanded by such owner or owners, or exceeding the sum offered by the slave, or by the protector on his or her behalf, as the price of his or her freedom ; but if the appraised value of such slave shall be less than the price previously demanded by his or her owner or owners, then the expense of such appraisement shall be wholly borne and defrayed by such owner or owners ; and in case any such appraisement shall have been rendered necessary by any other cause than a difference of opinion as to the price to be paid for the manumission of the slave, the expense of the appraisement shall be equally divided between such slave and his or her owner or owners.

In what manner the expense of the proceedings is to be borne.

LXVIII. And it is further ordered that the money to arise from the manumission of any slave by virtue of the proceedings before mentioned, shall remain in the hands of the public treasurer of such colony, and shall bear interest at and after the rate of five pounds per cent per annum, and His Majesty's revenue in every such colony shall and is hereby declared to be pledged and responsible for the due payment of such principal money and interest ; or shall, in the discretion of such treasurer, be invested in the purchase in his name of any public funds or securities of Great Britain and Ireland ; and the chief civil judge of any such colony as aforesaid shall and he is hereby authorized, upon application to him for that purpose made, to direct that any such money be laid out and invested in the purchase of any other slave or slaves ; and the slave or slaves so to be purchased as aforesaid, or in case of no such purchase being made, then the money in the hands of the said treasurer, and the interest accruing on such money, or the public funds of Great Britain and Ireland so to be purchased as aforesaid, and the dividends payable thereupon, shall be the property of the person or persons who was or were the owner or owners of such manumitted slave, and shall be subject and liable to all such and the same uses, trusts, limitations, conditions, mortgages, claims and demands, of what nature or kind soever, as such slave was held upon, under or subject unto, at such time of his, her or their manumission : and the said treasurer shall hold the said money and the interest accruing thereupon, or the said public funds and dividends, subject to such order as such chief judge of any such colony may upon a summary application of any person interested therein, and upon notice to all other persons interested therein, or their agents, see fit to make ; and such principal money and interest shall by such treasurer be paid and disposed of in pursuance of and in obedience to any such order.

How the purchase-money is to be invested, when necessary.

LXIX. And it is hereby further ordered, that it shall and may be lawful for the chief civil judge of every such colony as aforesaid, to make and prescribe, and from time to time to revoke and alter as occasion may require, all such rules and orders as may be necessary for the regular and proper exercise of the jurisdiction hereby in him vested, and for regulating the proceedings of all persons who may be parties to or interested in any question so depending before him.

The judge is to make all necessary rules for the conduct of the proceedings on compulsory manumissions.

LXX. And it is hereby further ordered, that no person shall henceforth be rejected as a witness, or be or be deemed to be incompetent to give evidence in any court of civil or criminal justice, or before any judge or magistrate, or in any civil or criminal proceeding whatsoever, in any of the said colonies, by reason that such person is in a state of slavery, but that the evidence of slaves shall in all courts and for all purposes be admissible and be received in the said colonies, in the same manner and subject to the same regulations as the evidence of free persons : provided always, that nothing herein contained shall prevent any court or jury, judge or magistrate, in the said colonies respectively, from adverting to the servile condition of any

The evidence of slaves to be admitted.

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witness, or to the relation in which any such witness may stand to any other person, in estimating the degree of credit which ought to be attached to the testimony of any such witness.

Forfeiture of slaves on conviction of the owner for cruelty.

LXXI. And it is hereby further ordered, that if any person or persons shall hereafter be convicted, in any of the said colonies, of having inflicted or authorized any illegal and cruel punishment of, or of any cruelty towards any slave or slaves to him, her or them belonging, it shall be in the discretion of the court in which any such conviction may be had, to declare the right and interest of the person or persons so convicted, in or to any such slave or slaves, forfeited to His Majesty, in addition to any other punishment which may by law be inflicted upon any such offender or offenders: provided always, that nothing herein contained shall extend to deprive any person or persons, other than the person or persons committing or authorizing such offence, of any such slave or slaves, or of any right, title or interest therein.

The punishment of slaves making calumnious accusations.

LXXII. And it is hereby ordered, that no slave in any of the said colonies shall be liable to be punished for preferring and failing to establish any complaint against his or her owner or manager, unless such complaint shall have originated in some malevolent or culpable motive; and in any such case, such slave shall be liable to be punished under the authority of any court or magistrate in any such colony, upon proof being made in a summary way, before such court or magistrate, that the complaint was without foundation, and originated in a malevolent or culpable motive.

Penalties for falsifying records.

LXXIII. And it is further ordered, that if any such protector or assistant protector of slaves as aforesaid, or other person or persons, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records or returns hereinbefore required to be kept and made, or shall wilfully falsify any such book, record or return, or shall wilfully make, or cause or procure to be made, any false entry in any such book, record or return, or shall wilfully and fraudulently destroy, burn, cancel or obliterate the same or any of them, or any part thereof, the person so offending shall be and be deemed to be guilty of a misdemeanor.

Punishment of misdemeanors.

LXXIV. And it is hereby further ordered, that any person who shall commit any offence hereby declared to be a misdemeanor, shall, on conviction, be subject to the payment of a fine not less than ten pounds nor more than five hundred pounds, or to imprisonment for any time not less than one calendar month nor more than twelve calendar months, or to both fine and imprisonment.

Punishment of perjury.

LXXV. And it is hereby ordered, that any person taking any oath under and in pursuance of this Order, who shall be convicted of swearing falsely, shall incur and suffer such punishment as by the law of the colony in which such conviction shall take place may be inflicted on any person guilty of wilful and corrupt perjury.

The protector authorized to sue for penalties.

LXXVI. And it is hereby further ordered, that the protector of slaves in each of the said colonies shall and he is hereby authorized to prosecute, sue for, and recover all the fines, forfeitures and penalties which may be incurred by any person under and by virtue of this Order, other than such as may be incurred by such protector himself; and that one third part of all fines and pecuniary penalties which may be so recovered, shall accrue to and be for the benefit of the said protector himself, and the remaining two third parts shall go to His Majesty.

Recovery and application of fines.

LXXVII. And it is hereby further ordered, that the Governor for the time being of each of the said colonies shall and he is hereby authorized, by proclamations to be by him for that purpose from time to time issued, to provide and declare in what courts, or before what judges or magistrates, every offence committed or alleged to have been committed against the provisions of this present Order shall be tried and prosecuted; and in what courts, or before what judges or magistrates, such fines, forfeitures and penalties as aforesaid shall be prosecuted, sued for and recovered; and in what manner all penalties incurred by any protector or assistant protector shall be sued for, recovered and applied; and to regulate the manner in which such protector or assistant protectors of slaves of such colony shall proceed in executing the duties hereby imposed on them in the defence of any such accused slaves, or in the instituting and conducting of any such civil action, suit or criminal proceeding as is herein mentioned, or in the prosecuting, suing for and recovering any



any such fines or forfeitures and penalties as aforesaid; and also to regulate the manner in which actions shall be brought by or against any slaves in respect of any property which any such slaves are hereby authorized to acquire and possess; all which provisions and regulations of the said respective Governors shall be as nearly as may be conformable to the laws and usages in force in the said colonies respectively.

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LXXVIII. And it is further ordered, that all fines and pecuniary penalties imposed by this Order, shall be taken to be so imposed in British sterling money; and that the amount of those fines of which only the least and the greatest amount is mentioned in this order, shall be determined by the discretion of the court before which the same shall be recovered.

All fines to be recovered in British sterling money; and, between the limits fixed in the order, the court in its discretion to determine the amount of the fine.

LXXIX. And it is hereby further ordered, that all proclamations, orders, and rules of court, which the Governors and judges of the said colonies are by this present order authorized to issue, promulgate and establish, shall be consistent with this present Order, and not repugnant thereto, and shall be transmitted by every such Governor to one of His Majesty's principal Secretaries of State, for His Majesty's approbation; and until the same shall be disallowed by His Majesty, they shall have the same force and effect within the colony in which they may have been published, as if they had formed part of this present Order.

The Governor's proclamation to be transmitted for confirmation.

LXXX. And it is hereby further ordered, that the protector of slaves in each of the said colonies, shall on the first Monday next after the 25th of December, and on the first Monday next after the 24th of June in each year, deliver to the Governor for the time being of such colony, a written report of the manner in which the duties of such his office have been performed during the half year next preceding the date of every such report, and such reports shall be compiled in such form as His Majesty, through the Governor of each of the said colonies, shall, by any proclamation to be for that purpose issued, prescribe, and in none other; and such protector of slaves shall make oath before such Governor that the said report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as any such protector of slaves shall have made such his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the Governor of any such colony shall issue to the said protector of slaves, a warrant upon the treasurer of the said colony for the amount of his salary for the half year next preceding the date of such report; and such Governor shall and is hereby required, by the first convenient opportunity, to transmit every such report as aforesaid to His Majesty's principal Secretary of State having the department of the Colonies.

The protectors are to make half-yearly reports, as the condition of receiving their salaries.

LXXXI. And it is hereby ordered and declared, that for the purpose of this present order, any person lawfully administering the government of any of the said colonies, shall be deemed and taken to be the Governor thereof; and that any person having the chief superintendence of the labour of any slaves, whether as the owner thereof, or otherwise, shall be deemed and taken to be the manager of such slaves; and that all slaves employed in any agricultural or manufacturing labour at any time between the 1st day of January and the 30th day of June, or between the 1st day of July and the 31st day of December in any year, shall, during the whole of such half year, be deemed and taken to be plantation slaves; and that the Governor of every such colony as aforesaid shall, by proclamation to be by him for that purpose issued, determine the divisions of such colony, which shall be deemed and taken to be districts thereof, for the purposes and within the meaning of this Order.

Explanation of particular terms.

LXXXII. And it is further ordered, that the governor of every such colony as aforesaid shall, within one calendar month next after the present Order shall be received by him, make known the same by proclamation in such colony; and that the said Order shall be in force on the expiration of fourteen days next after the date of such proclamation, and not before.

The publication of this order in the different colonies.

And the Right honourable Sir George Murray, one of His Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

(signed) *Jas. Buller.*



## TRINIDAD.

COPY or Copies of any Order or Orders in Council respecting the Manumission of Slaves in Demerara or Berbice, which have been issued since the Examination of Evidence upon that subject before the Privy Council.

At the Court at Windsor, the 18th of March 1829.—Present, the King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report from the Right honourable the Lords of the Committee of Council, upon Four Petitions from various Proprietors and Mortgagees of Estates in the Colonies of Demerara and Berbice, in the words following; viz.

“YOUR MAJESTY having been pleased, by your Order in Council of the 5th of February 1827, to refer unto this Committee four petitions from various proprietors and mortgagees of estates in the colonies of Demerara and Berbice, setting forth, That on the 15th of May 1823, the following resolutions were passed by the House of Commons; viz. First, ‘That it is expedient to adopt effectual and decisive measures for ameliorating the condition of the slave population in His Majesty’s colonies:’ Second, ‘That through a determined and persevering, but at the same time judicious and temperate enforcement of such measures, this House looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of His Majesty’s subjects:’ Third, ‘That this House is anxious for the accomplishment of this purpose at the earliest period that shall be compatible with the safety of the colonies, and with a fair and equitable consideration of the interests of private property.’ That similar resolutions were afterwards adopted in the House of Lords on the 7th of March 1826. That subsequent to the passing of the resolutions of the House of Commons, certain regulations have been made by order of your Majesty in Council, with reference to the slave population of the colonies of Trinidad, St. Lucie, and the Cape of Good Hope: That these regulations have been recommended to the Court of Policy in Demerara, to which body, according to the practice of the constitution of that colony, the power of enacting laws for its government has hitherto been supposed to belong: That the Court of Policy has evinced the most anxious desire to act up to the principle declared by the two Houses of Parliament, and has adopted to an extent exceeding what the members could entirely reconcile to their principles, or to a rigid sense of their own duty, many of the regulations submitted to them by your Majesty’s Secretary of State: That to one of the said regulations, however, which authorized a slave to obtain his freedom without the concurrence of his master (and which is popularly called ‘compulsory manumission’), the Court of Policy, after mature consideration, was unable to accede: That the said Court stated to your Majesty’s Government the grounds of its objections; but that, notwithstanding, Earl Bathurst, then one of your Majesty’s principal Secretaries of State, in his despatch to the Lieutenant-governor of Demerara, of the 25th of February 1826, declared, that should the Court of Policy continue to decline adopting this regulation of compulsory manumission, his Lordship would submit to your Majesty the expediency of enacting it by direct royal authority: That notwithstanding their desire to act in concurrence with the wishes of your Majesty’s Government, the Court of Policy, bound by the sacred obligation of their oath to forward the interests of the colony according to their conscience, felt themselves compelled still to refuse their consent to the proposed regulation, and declined to adopt the same; and that the memorialists are therefore led to expect, as a consequence, that your Majesty will be advised to issue an Order in Council, in conformity with Earl Bathurst’s despatch, to enact compulsory manumission as the law of the colonies of Demerara and Berbice: That the Memorialists conceive it to be undeniable, that the system of compulsory manumission proposed to be introduced does trench upon the right of property, and may even bring its existence into peril: That it must influence, to the greatest extent, the moral condition of the negroes, and may perhaps endanger the lives and safety of every white inhabitant of Demerara and Berbice: That compulsory manumission at this time, and in the present state of civilization of the negroes, whether in freedom or slavery, is directly at variance with the wise and prudent maxims which form the basis of the above-mentioned resolutions

resolutions of the House of Commons, and with that no less sound opinion, 'that the condition of the slave is only to be improved through the medium of his master.' That so far from advancing the time when the slave may be beneficially admitted to a participation in the rights of freemen, it will retard it more than any measure that can be pointed out: That the free negroes in the West Indies are so averse to labour in the field, that they cannot be induced to work for hire, or to carry on the cultivation of the country, in a regular and effectual manner: That from the fertility of the soil in Demerara and Berbice, subsistence is procured by a very small portion of labour; and having hardly any other wants to supply, no incentive would exist sufficient to overcome their natural aversion to labour; so that they would pass the remainder of their time in indolence, a burden to the public, and depraved and unhappy in themselves: That before the gradual emancipation of the slave population in the West Indies can be brought about without injury to the slaves, with safety to the state, and without injustice to the interests of private property, the memorialists submit that the attention of your Majesty's Government should be turned towards their moral, intellectual and religious improvement: That the memorialists are aware of the great advantages that would be derived to them and their property, if they could obtain its cultivation by the labour of free negroes working for hire; but they state as their unqualified opinion, that such an end is wholly unattainable in the present condition of the black population in the West Indies: That the colonies of Demerara and Berbice do not afford one instance of a slave made free, or a free-born negro, ever having worked as a hired labourer in the cultivation of the soil: That while St. Domingo was cultivated by the labour of slaves, it produced nearly as much sugar as all the British West India islands put together; for the last thirty years it has been cultivated by free negroes, and does not regularly raise sufficient for the supply of its own population; that this defalcation is occasioned by the aversion of the inhabitants to work, and to remedy the grievance, a law has recently been promulgated obliging the free population to compulsory labour, which is enforced by military interposition: That a more conclusive instance of the impossibility of procuring the cultivation of land in the West Indies by the labour of free negroes, in their present condition, can hardly be conceived: That one of the bad consequences of this measure will be the abolition of the present system of task-work, a system greatly facilitating the labour of the slave, and proceeding solely from the good will of the master: That naturally, when the master shall feel that the hours which this system leaves at the disposal of the slave are to be employed to amass sums which will deprive the master of the slave's services by compulsory manumission, he will be compelled in self-defence to put an end to this mild system, and to require the labour of the slave for the whole time which the law allows: That one of the arguments used in defence of compulsory manumission is, that as the slave must obtain his liberty by the produce of his industry, the constant labour necessary to amass an adequate sum will have established habits of industry and perseverance in him: That this mode of reasoning appears to the memorialists fallacious and unsound: That the negro, in labouring for the price of his liberty, must necessarily limit his wants and desires to the utmost, for the purpose of hoarding his savings: That during this period, therefore, no new desires or wants will have arisen in the negro's mind which may act as a stimulus to labour when he shall have obtained his liberty: That when this object is gained he will remain satisfied with the possession of mere subsistence and relaxation from labour: That if all that constitutes happiness in his eyes is his already, and he has a more than ordinary aversion to labour, from constitutional habits and the effects of the climate, it is not to be expected that he will expose himself to fatigue to purchase nothing more than he can enjoy without it, the absence of laborious exertion: That voluntary manumission is a circumstance of common occurrence among the proprietors of Demerara and Berbice: That all the advantages resulting from this circumstance, the more important because they are for the most part bestowed on deserving slaves, must fall to the ground if compulsory manumission is adopted: That this measure will seriously affect the interests of the proprietors and mortgagees of property in the colonies, as well as the slaves themselves: That the measure submitted to the Court of Policy was in substance this; that any slave desirous of purchasing the freedom of himself or of his family should be empowered to do so, and that if the owner should be unwilling, or demand a greater sum than the value of the slave, one appraiser should be appointed by the owner, one by the protector of slaves, and an umpire by the chief judge of the colony; and on payment of the sum appraised by them into the treasury, the slave should be manumitted: That the proposed measure

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will put an end to the good understanding which now generally exists between the master and the slave, in consequence of its creating an entire separation of interests between them : That the motives which induce the master to bestow kindness on his slaves, must cease to operate, when it becomes manifest that these acts of kindness are to be used against the master's own interest ; and from the withholding of these benefits, the slave loses his energy and readiness to labour, which at present render him valuable : That in addition to this, as the value of a slave depends on his capacity and willingness to work, the price that a slave must pay for emancipation will vary with his character and powers : That the active, zealous and efficient labourer must necessarily bear a value far exceeding that of his feebler, less healthy and less energetic companion, and must therefore pay a larger sum to indemnify his master for the loss of his services : That this system, therefore, in fact, offers a premium to carelessness and inattention, and tends to depreciate all the qualities that make a man a useful member of society : That the value of negroes in many cases likewise depends upon casual circumstances, nowise personal to themselves, but connected with the peculiarities belonging to the estates to which they are attached : That an inequality of price, arising from such circumstances, must always, in the mind of the slave, bear the appearance of injustice and partiality : That under this system, besides concealing or repressing dexterity, industry, and other qualities which render a slave valuable, the negro may resort to personal disablement, or reduce his body from a healthy to an apparently unhealthy state, in order to reduce the price of his manumission : That the proposed measure will greatly increase the temptations for slaves to steal the property of their masters : That Earl Bathurst, in his despatch of the 25th February 1826, after adverting to the evils that would arise if the purchase-money of a slave were to be obtained from any other fund than his own industry, proposes, to obviate these evils, that a certificate of good conduct for five years should be required of the protector of slaves before manumission is completed : That the impossibility of the protector being acquainted with the character of every individual in a population of 70,000, so as to make his certificate of any value, is a sufficient objection to this proposition : That such a reference to previous character can by no means meet the artifices to which the slave may have recourse to depreciate his character : That the injury to the proprietor will not be confined to the loss he may suffer from being deprived of the services of the slaves who may emancipate themselves ; an injury more serious will be sustained from the ill effects which the emancipation of a part will produce upon those who shall remain unable to procure their liberty : That as no proprietor of estates in the West Indies ever maintains more slaves than are necessary for the cultivation of his property, when the emancipation shall have proceeded to a certain extent, the slaves remaining will be unable to carry on the cultivation, unless tasked beyond their strength ; so that the plantation must be neglected and the owner ruined, or the labours of the slave increased beyond endurance ; for to supply their place by voluntary labourers has been shown to be impossible : That as manumissions increase, the value of the slaves who continue on the property will become so great as hardly to be made the subject of compensation to the master ; for the compensation to be adequate must be little less than the whole value of the estate itself : That the removal of every slave who obtains his freedom, must increase the value of those who remain behind ; if it increases so much as to put it beyond the reach of those who continue, the object of the measure is defeated, while the slave is disgusted at being deprived of that emancipation which his more fortunate neighbour has procured : That if it proceeds, and many slaves obtain emancipation, the cultivation of the colony cannot be carried on, where labour is not to be procured for any compensation : That on most West India plantations not more than one-third part can be considered as efficient for field cultivation, considering the old and infirm, the infant and helpless, all of whom are unserviceable, but whom the proprietor is compelled by law to support : That the young and able, and those in the prime of life, would lose no time in availing themselves of any opportunity to obtain their freedom : That on the contrary, the old slaves on a plantation, knowing that they would soon be exempt from work and entitled to that maintenance from their masters which in a state of freedom they would have to earn for themselves, would make no attempt to procure their own liberation, but would devote their earnings to the ransom of their children : That this double operation of the young and efficient freeing themselves, or being freed by their aged connections, and the aged and infirm remaining to be supported by the proprietor, would at once increase the burdens of a plantation, and diminish its ability

ability to bear them: That the most injurious consequences would result from any systematic plan for procuring the freedom of female children: That if such a course should be adopted all prospect of continuing the population of the colonies would be at an end, and the means of cultivation would expire with the present generation: That the price of infant females being comparatively small, the memorialists cannot but entertain the most serious apprehensions that under the influence of misguided zeal this plan might be adopted to a most alarming extent, whether the means should be supplied from a fund raised in this country, or by the slaves themselves, at the instigation of certain persons who entertain the strongest desire for the extermination of slavery, without regard to its consequences on the property of their fellow subjects: That such a plan would likewise have the most pernicious effects on the morals of the female part of the slave population: That owing to the proceedings which have already taken place in this country, and the dangers which are felt to impend over the colonies, property in the West Indies has decreased in value to a considerable extent; and that if the proposed measures are carried into execution, the interests of all those who have embarked their capital in these colonies will be effected in a yet more serious degree: That the memorialists conceive that the measures proposed to be carried into effect are an infraction of the sacred right of property, with which it is the principle of the British constitution never to interfere, except for great public purposes, and with adequate compensation to the proprietors: That the memorialists feel that compulsory manumission of the slaves, which is destructive of the rights both of the proprietor and mortgagee, is directly at variance with that fair and equitable consideration of the interests of private property, which by the resolutions of both Houses of Parliament was made a condition precedent to the emancipation of the slaves, and is in direct violation of those statutes upon the faith of which the parties embarked their capital: That this system will also seriously affect the safety of the colonies and the interests of Great Britain: That when by the operation of this system the number of slaves shall have been reduced, the consequences must be that the colonies will to a great degree cease to be cultivated and productive; and instead of being a benefit, they will become a burden and expense to the mother country: That the greatest misfortune that could befall the colonies would be a spirit of discontent and insubordination among the slave population: That since the recent agitation of this subject of manumission great excitement has prevailed in the minds of the slaves; and expectations of obtaining their freedom have been raised, the disappointment of which may lead to the most dangerous and fatal results: That the memorialists therefore cannot but feel that this measure of compulsory manumission, so far from being in accordance with the resolutions expressed by both Houses of Parliament, is at variance with them in every part, and must necessarily defeat the objects they were intended to advance: That the memorialists feel the most sincere and most anxious wish to improve the condition of the slaves at present, by every means in their power, and to concur in their gradual emancipation as soon as it can be effected with justice and with safety: That of all the measures of your Majesty's Government they have opposed the plan of compulsory manumission only; and they are opposed to this because they believe the time not yet arrived when freedom can with benefit or safety be granted to the negroes; but that the progressive amelioration of their condition, the diffusion of education and moral instruction, the better appreciation of the blessings of a pure religion, should be allowed to exercise their saluary influence until slavery was insensibly softened into freedom: That on all these grounds, every consideration which ought to sway the councils of your Majesty, policy, justice, regard to the sacred rights of individuals, rise in appeal against the proposition for issuing an Order giving freedom to the slaves without the concurrence of their masters: And humbly praying that they may be heard by counsel, and may be allowed to produce witnesses in support of the allegations contained in their said memorials; and that your Majesty would be pleased to direct that no Order in Council may issue allowing the slaves in Demerara to purchase their freedom without the concurrence of their masters; and to direct that an Order lately passed by the newly constituted Council in Berbice, for the purpose of allowing slaves so to do in that colony, may be rescinded, or for other relief in the premises.—The Lords of the Committee, in obedience to your Majesty's said order of reference, did, on the 24th of February 1827, take the said memorials into consideration, and were pleased, on the 7th July, to hear counsel on behalf of the memorialists in support of the allegations contained in the said memorials; and on the 7th of November 1827, their Lordships, upon further con-

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sideration of the matter, were of opinion that it would be proper to give the memorialists an opportunity of offering evidence upon the effect of that part of the Ordinance of the Council of Berbice which relates to the compensation to be made to the masters of the slaves to be manumitted by virtue of that Ordinance, with a view to ascertain whether the practical effect of the mode of compensation therein provided would be injurious or inadequate; and made a communication of their intention to hear evidence to the memorialists. And your Majesty having been pleased by your Order in Council of the 16th of November 1827, to refer unto this Committee the humble petition of Thomas Hyde Villiers, esquire, setting forth, that he has been appointed by the Lieutenant-governor and Council of the colony of Berbice, in South America, to be agent for the said colony in this country, and as such agent to solicit your Majesty's attention to all laws or ordinances proposed or made by the said Lieutenant-governor with the advice and consent of the said Council; that on the 25th of September 1826, a certain Ordinance was made by the said Lieutenant-governor and Council, intituled "An Ordinance for promoting the Religious Instruction and bettering the state and condition of the Slave Population in His Majesty's Colony of Berbice;" that certain merchants and others, proprietors and mortgagees of estates in the said colony, have presented a petition to your Majesty, praying that so much of the said Ordinance as enables the slaves within the said colony, upon certain conditions, to purchase their own freedom, may be recinded; and that the said petition having been referred by your Majesty to this Committee, the said petitioners have been heard by counsel before this Committee in support of the allegations of their said petition; and that the Lords of the Committee have been pleased, by their order of the 7th of November 1827, to direct that the said memorialists should have an opportunity of offering evidence upon the effect of that part of the said Ordinance respecting compulsory manumission, which relates to the compensation to be made to the masters of the slaves to be manumitted by virtue of that Ordinance, with a view to ascertain whether the practical effect of the mode of compensation therein provided would be injurious or inadequate; and humbly praying that the said Thomas Hyde Villiers might be permitted, as such agent as aforesaid, to appear by counsel before this Committee, when the said evidence shall be produced, and to put such questions to the witnesses, and offer such evidence and suggestions as he might be advised touching the matters contained in the said order of this Committee of the 7th of November 1827: The Lords of the Committee, in obedience to your Majesty's said order of reference, proceeded to take the said petition of the said Thomas Hyde Villiers into consideration; and their Lordships did, on the 19th, 20th and 21st of November 1827, hear witnesses, on oath, respecting the matters contained in their Lordships' said order of the 7th of November (such witnesses being examined by the counsel for the aforesaid memorialists, and cross-examined by the counsel for Mr. Hyde Villiers); and on the 30th of November, and the 3d, 5th and 6th of December 1827, their Lordships proceeded to hear the observations of the counsel for the aforesaid memorialists, and also for Mr. Hyde Villiers, on the evidence which had been submitted to their Lordships; and the Lords of the Committee having this day resumed the consideration of the whole matter so brought before them, their Lordships do agree humbly to report as their opinion to your Majesty, that no sufficient cause hath been shown why your Majesty should rescind so much of the said Ordinance of the said Lieutenant-governor of Berbice in council, as enables the slaves within the said colony to effect the purchase of their freedom upon an appraisement, in cases where the owner of any such slaves may not be consenting, or by reason of some legal disability may be unable to give any valid consent to such purchase: and the Lords of the said Committee have further agreed humbly to report as their opinion to your Majesty, that it may be expedient that your Majesty, in your Privy Council, should issue an Order confirming and giving effect to the said Ordinance of the said Lieutenant-governor in Council, with such modifications, with a view to the more effectual execution thereof, as may appear advisable; regard being had to the laws of the said colony, which laws your Majesty hath been graciously pleased to preserve and maintain."

His Majesty having taken the said Report into consideration, was pleased, by and with the advice of his Privy Council, to approve thereof.

(signed) *C. C. Greville.*

(A true copy.) *James Buller.*

Council Office, 25th May 1829.

## FORMS FOR PROTECTORS' REPORTS.

REPORT of the Protector of Slaves of the Colony of \_\_\_\_\_ made to  
 Governor of the said Colony; in pursuance of an Order of His Majesty in Council, dated  
 2d day of February 1830.

## TABLE (A.)

Exhibiting the number and effect of the Returns of Punishments received by the Protector from the  
 Managers of Plantation Slaves, from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day  
 of \_\_\_\_\_

## No. 1.—PARTICULAR RETURNS.

NAME of the Manager.	NAME of the Estate, if any, to which the Slaves are attached.	The DATE of the RETURN.	The Name of the PROTECTOR, or Assistant-Pro- tector, to whom the Return was made.	Whether such Return was sent back for correction.	TOTAL Number of Slaves comprised in the Return.	TOTAL Number of Punishments inflicted.	TOTAL Number of MALES Punished.	TOTAL Number of FEMALES Punished.

*N.B.*—In the first column must be stated successively the name of each person from whom a Return has been received during the preceding half year, and in the following columns the various particulars above noticed, opposite the name of each person.

## No. 2.—GENERAL RESULTS.

TOTAL Number of Slaves to whom the Returns of Punishments throughout the Colony relate.	TOTAL Number of PUNISHMENTS inflicted on those Slaves.	TOTAL Number of MALES Punished.	TOTAL Number of FEMALES Punished.	The average Number of Stripes inflicted in cases of Punishment by Whipping.	The Number of RETURNS made by Persons unable to write.

## No. 3.—OFFENCES COMMITTED.


## SLAVE POPULATION IN THE WEST INDIES :

## No. 4.—TOTAL ABSENCE OF PUNISHMENT.

The NAME of each Manager by whom no Punishment has been inflicted or authorized during the Half Year.	NAME of the Estate, if any, to which the Slaves are attached.	DATE of the RETURN.	NAME of the Protector, or Assistant-Protector, to whom such Return was made.	TOTAL Number of Slaves comprised in the Return.

*N.B.*—In the first column must be stated successively the name of each manager who has made oath that no punishment was inflicted on the slaves under his charge during the half year to which the Report refers, and in the successive columns must be stated, opposite to the name of every such manager, the various other particulars above noted. The protector must also state, in words at length, the sum total of the figures contained in the last column.

## No. 5.—DEFAULTERS.

The NAME of each Person who has omitted to make his Return.	The NAME of the Estate, if any, to which the Slaves under the charge of such Person are attached.	The Number of such Slaves.	The District in which the Defaulter resides.	The Date of his last Return.

## TABLE (B.)

Exhibiting the various complaints of injuries inflicted upon or suffered by Slaves, which, during the half year to which the present Report refers, have reached the Protector and the several Deputy-protectors of the Colony of

*N.B.*—Under this head the protector, with reference to each complaint received, either by himself or by any of his assistants, will state the following particulars in the order in which they are subsequently enumerated, in successive and distinct paragraphs, numbered from 1 to 10. In this Table the protector will begin with the complaints addressed to himself, proceeding in order to those addressed to each of his assistants.

No. 1.—The name, age, sex, residence and mode of employment of the slave by whom or on whose behalf the complaint was preferred.

No. 2.—The names of the owner or owners, and manager or managers, of the slave, their places of abode, their callings or professions.

No. 3.—The time when and the person through whom the complaint was first preferred to, or first reached the protector.

No. 4.—The substance of the complaint.

No. 5.—The proceedings taken upon the complaint, with the date of each successive proceeding.

No. 6.—The names of the witnesses, if any, examined in support of the *complaint*, and the substance of the evidence of each witness.

No. 7.—The substance of the defence made by the accused party or parties.

No. 8.—The names of the witnesses, if any, examined in support of the *defence*, and the substance of the evidence of each witness.

No. 9.—The result of the proceeding, if terminated.

No. 10.—Explanatory remarks upon the case, which could not properly be comprised under any of the preceding heads.



TABLE (C.)

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Exhibiting the Number of Cases in which Slaves have been employed to labour on Sunday in works of necessity, and the conditions upon which such labour has been performed.

Number of notices given to the protector during the half year to which this Report refers, of the intention of owners to employ their slaves on Sunday in works of necessity.

Number of notices given to the protector during such half year that the owner had employed slaves to labour on Sunday in works of necessity, in cases where it had been impossible to give a previous notice.

*N.B.*—A similar Return from the assistant protector in each district must be incorporated into this part of the protector's report.

The protector will subjoin to this part of his Report a general statement of the conditions and restrictions upon and subject to which the labour of slaves has been performed on Sunday during the half year to which the Report refers, with such explanations on the subject as he may deem necessary.

TABLE (D.)

## MARRIAGES.

Number of Applications for Marriage Licences, made to the Protector.	Number of Cases in which the consent of the Owners or Managers was given.	Number of Cases in which the consent of the Managers was withholden or refused.	Number of Summonses for the attendance of Managers to show cause against the Marriages of Slaves.	Number of Cases in which the Protector's Licences were refused.	Number of Licences actually granted.	Number of Slaves actually Married under such Licences.

*N.B.*—The protector will incorporate in this part of his Report a similar return from each of his assistants.

*N.B.*—In all cases in which the protector or any assistant protector has refused to grant a marriage licence, the protector will state in this part of his Report the grounds of the refusal in each case, *seriatim*.

TABLE (E.)

## SEPARATIONS OF SLAVES.

The number of certificates given during the half year to which the Report refers, by the protector, of the result of his inquiries into the fact whether slaves about to be seized or sold bore to other slaves any such relation as would prevent their being separated.

The number of certificates given by the protector consenting to the separation of any such slaves.

*N.B.*—Under this head the protector will subjoin a statement explanatory of the grounds of his decision, in every case in which he may have given his consent to the separation of any slaves bearing to each other any of the relations or reputed relations mentioned in the order in council.

TABLE (F.)—MANUMISSION.  
No. 1.—VOLUNTARY MANUMISSION.

TOTAL Number of Slaves Manumitted with the consent of their Owners.	The TOTAL Number Manumitted Gratuitously.	TOTAL Number Manumitted by Purchase.	The average Price paid for Manumissions by Purchase.	The Total Number Manumitted under the Age of Six Years.	The NUMBER Manumitted above the Age of Fifty.	The NUMBER Manumitted in a state of Disease or Infirmary.	The NUMBER of Advertisements of intended Voluntary Manumissions published by the Protector.	The Number of such Manumissions enrolled in the Supreme Court of Civil Justice.	INCREASE of Voluntary Manumissions as compared with the last corresponding Half Year.	DECREASE of Voluntary Manumissions as compared with the last corresponding Half Year.

No. 2.—COMPULSORY MANUMISSIONS. GENERAL RESULTS.

TOTAL Number of Slaves who applied for Manumission by the Compulsory Process.	The Number who have so applied in consequence of the Owner's legal inability to contract.	The Number who have so applied in consequence of their being the subjects of Mortgages, Settlements, or other Charges.	The Number who have so applied in consequence of the Owner being absent or unknown.	The Number who have so applied in consequence of the pendency of a Law Suit affecting the Title to their Services.	The Number who have so applied in consequence of an excessive Price having been demanded by the Owner.	The TOTAL NUMBER Manumitted by the Compulsory Process.

No. 3.—COMPULSORY MANUMISSIONS. PARTICULAR CASES.

The NAME of the Party applying to be Manumitted.	The Ground of the Application.	The DATE of the Application to the Judge.	The Names of the Appraisers and Umpire.	The SUM, if any, previously offered.	The SUM, which the Slave was valued by the Appraisers.	The SUM at which the Slave was valued by the Umpire.	The DATE of the Payment of the Money.	The DATE of the Enrolment of the Valuation.	The DATE of the Treasurer's Receipt.	The whole Amount of Fees paid and Expenses incurred.	By whom such Expenses were borne, and in what Proportion.

N.B.—The protector will state, *seriatim*, in reference to each case of compulsory manumission, all the preceding particulars. He will subjoin a special Report of each case in which a valuation has been set aside, or in which the enrolment of such a valuation has been stayed by order of the judge; with an account of the grounds of every such proceeding.

## TABLE (G.)

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## PROPERTY.

*N.B.*—Under this head the protector will state any facts which have come to his knowledge, tending to show whether any accumulations of property have been made by the slaves during the half year to which the Report refers, and of what such property in general consists, and by what particular classes of slaves any such accumulations have been made.

## TABLE (H.)

## ACTIONS, PROSECUTIONS, AND PENALTIES.

*N.B.*—With reference to each particular case in which, during the half year to which the Report refers, the protector has been engaged in, or served with notice of any civil or criminal suit or proceeding at law, by virtue of his office, he will state the following particulars in the order in which they are subsequently enumerated, in successive and distinct paragraphs, numbered from 1 to 8. He will begin with those suits and proceedings in which he has been himself engaged, proceeding in their order to those in which each of his assistants has been engaged.

- No. 1.—In what court, or before what magistrate, the action or prosecution was commenced.
- No. 2.—When it was commenced.
- No. 3.—By or against whom the action or prosecution was brought.
- No. 4.—The object of the action or prosecution.
- No. 5.—The date and nature of each successive proceeding.
- No. 6.—If brought to a close, the result of the action or prosecution.
- No. 7.—If not brought to a close, the cause of the delay; the present state of the process; and at what time a decision may be expected.
- No. 8.—The total amount of costs and expenses incurred in the action or proceeding.

## TABLE (I.)

## ACTIONS AND PROSECUTIONS DEPENDING.

- No. 1.—The number of actions or prosecutions depending and undecided.
- No. 2.—The names of the parties plaintiffs and defendants, and of the parties prosecuting and accused, in each action or prosecution so in arrear.
- No. 3.—The cause of the delay in each case.

## GENERAL OBSERVATIONS.

*N.B.*—Under this head the protector will state all facts which have come to his knowledge, illustrative of the advantages, deficiencies or inconveniences of the law regarding slaves; such circumstances, if any, as impair the efficiency of his office; such effects as the law may appear to him to have produced on the moral and social condition of the slaves; and such improvements as are yet necessary.

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— No. 14. —

[N.B.—A similar Despatch addressed to the Governors of Demerara, Berbice, St. Lucia, Cape of Good Hope, and the Mauritius.]

Sir,

Downing-street, 18th February 1830.

ON the 4th instant I had the honour to transmit to you the recent Order of His Majesty in Council for improving the condition of the slaves in Trinidad, and the other slave colonies which are subject to the legislative authority of His Majesty in Council. In my despatch accompanying that Order, I stated that there are some topics connected with the improvement of the condition of slavery, which were omitted in the Order in Council, although superior in importance to some of those which it embraced; amongst these, I particularly mentioned the duration of the daily labour of plantation slaves, their food and clothing. I observed, that if it had been the design of His Majesty's Ministers to frame a complete code for the government of slaves, a prominent place must have been assigned to topics of this nature; but that for the present, nothing further had been contemplated than to consolidate the Order in Council of the 10th March 1824, and the most valuable of the provisions which had been engrafted in it by supplementary enactments, either in Trinidad itself, or in the other Crown colonies.

It is the object of my present despatch to direct your attention more distinctly to the topics to which this general reference was made on the 4th instant.

With respect to the degree of labour exacted from slaves employed in agriculture or manufactures, His Majesty's Government are not in possession of such full information as would be requisite to enable them to make the necessary legislative provisions on the subject. It has indeed been very generally and confidently maintained in popular discussions that the slaves employed in the culture of sugar are engaged, either in the field or at the works of the estate, for so large a part of the day and night, as to leave no sufficient period for natural rest. I cannot of course give credit to statements which have frequently appeared in print, and which represent that the slaves on a sugar estate in full cultivation are habitually employed for fourteen hours, and occasionally for sixteen and even eighteen hours out of the twenty-four. But however exaggerated accounts of this nature may be, it is impossible to doubt that some legislative provision is necessary for the prevention of abuses in exacting excessive labour from slaves.

Enactments conducing to this object have recently been passed in the colonies possessing legislative assemblies; and in the absence of positive law, a necessitous owner might often be tempted to make an improper use of his unlimited authority. The nature of the climate in which the labour of the slave is to be performed, the constitutional indisposition to continuous exertion, which so peculiarly characterizes the negro race, and the difficulty which all men experience in the steady performance of any labour without the stimulus of wages, must concur to endanger the health of a plantation slave, when subjected to improper exertions.

You will therefore direct the protector of slaves of Trinidad to institute a careful inquiry into the facts respecting the amount of labour usually performed by plantation slaves in that colony: you will especially direct him to ascertain at what hour of the morning the daily task is usually commenced, and at what hour of the evening it is usually finished; what is the ordinary length of the interval of rest allowed during the day; whether that rest is generally complete, or whether any duties are then to be performed, either for the owner or for the more immediate advantage of the slave himself; to what extent labour is required by night; how many nights, or parts of nights in the week, the same slave is usually employed, and during what period of the year nocturnal labour is in use. You will direct the protector to report to you the result of these inquiries with as much minuteness of detail as may be practicable; and you will ascertain whether, in the opinion of the most skilful medical practitioners in the colony, there is reason to conclude that the labour usually exacted of plantation slaves is unfriendly to their health.

In reporting to me the result of these inquiries, you will communicate to me your opinion by what regulations any abuses in this part of the colonial system would be most effectually checked or prevented.

With respect to the food of slaves, which is a general subject of legislation in  
the

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The colonies possessing legislative assemblies, you will also direct the protector to inquire what is the average nature, amount, weight and quality of the food allowed to plantation slaves, male and female, adults and children respectively; and you will also procure the opinion of the best medical advisers within your reach, how far the food so supplied is sufficient to sustain the health and strength of the labourer. You will report to me the result of these inquiries, with any such suggestions as may occur to you for the improvement of the law on this subject.

You will transmit to me similar information respecting the articles of clothing usually supplied to plantation slaves; their number and quality, and their usual cost price; and upon this subject also you will consider and report to me whether there be any, and if any, what improvements required in the law.

I have, &amp;c.

G. MURRAY.

TRINIDAD.

## D E M E R A R A, &amp;c.

DEMERRARA,  
&c.

— No. 15. —

Circular Despatch addressed to the Governors of Demerara and Berbice.

Sir,

Downing-street, 4th March 1830.

WITH reference to the consolidated slave order which accompanied my despatch of the date mentioned in the margin, I have to request that, with a view to uniformity of regulation between Berbice, and Demerara, when united, you will communicate with Lieutenant-governor Beard on the subject of the ordinances which he proposes to issue in virtue of the discretion which the slave Order has vested in him, and endeavour, in concert with him, to frame such regulations as may be equally applicable to both colonies, with such variations only as local differences may require. I have addressed a similar instruction to Lieutenant-governor Beard.

Demerara, 4 Feb.  
Berbice, 9 Feb.

I have, &amp;c.

(signed) G. MURRAY.

## M A U R I T I U S.

MAURITIUS.

— No. 16. —

Sir,

Mauritius, 21st February 1829.

I HAVE now the honour of transmitting to you an Ordinance for the amelioration of the condition of the slave population of this island and its dependencies, in amendment (agreeably with Mr. Secretary Huskisson's despatch of the 19th of March 1828) of the draft of one sent home by my predecessor, Sir Lowry Cole; and accompanied by two government notices, preceding and following up its publication, which took place upon the 10th instant.

I had felt uneasy that a greater delay should attend this publication than perhaps at a distance might be thought required, but I have now the satisfaction to know that much good has been occasioned by it; for the proprietors of slaves, learning upon my arrival here that I was the bearer of instructions from His Majesty's Government, which must sooner or later be put into execution, prepared themselves for what they had fondly hoped they had by their representations obviated the promulgation of, and in the interim have of their own accord anticipated upon their estates some of the most material of the improvements only now directly ordered: a measure favourable to them in the eyes of their slaves; while, these on their parts, have

676.

No. 1.  
Dated 7 inst.  
No. 43.  
No. 2.  
Dated 9 ult.  
No. 3.  
Dated 13 instant.

MAURITIUS.

have been gradually reduced from very exaggerated expectations to a sober sense of the benefits really accorded to them.

While I most earnestly hope that, reviewing the care and caution with which my Council and myself found it necessary to proceed to make the code brought forward for our model compatible with the opinions, and perhaps even prejudices, which were strong, as well as the real interests of the colony, our work will be honoured by the approval of His Majesty's Government, I am aware that there are a few points on which it is necessary I should submit to you some explanation.

The "Memoire" which accompanies this from the principal proprietors of the island, in reply to inquiry I felt myself under the necessity of making relative to two points of Mr. Huskisson's despatch, could not but be entitled to our best consideration, knowing it to proceed from many possessing the very best disposition to improve in reality the condition of their slaves. Particularly agreeing with them as to the unprotected state of the slave proprietors, from our equally defective Police and erroneous system and delays of our criminal courts, we saw the urgency of not precipitately throwing aside the reins of due discipline; and thus, while my Council and myself feel conscious of having to the utmost studied the real interest of the slaves, there are points on which, on a superficial view of them, we may be thought not to have altogether acted up to our instructions: thus, for instance, we altogether omit that article of His Majesty's Order in Council for Trinidad, which forbids the use of the cart-whip, either as a signal of assembly or badge of authority in the field; an article at first fraught with danger in the eyes of the planters, but the practice in either case had become almost obsolete, from a compact between the Governor and the inhabitants of the island; and we have now gone further, in making altogether illegal the use of the cart-whip as an instrument of punishment, liable to the most serious abuse as it certainly was.

Our code most rigidly requires the keeping of a record of punishments, in such a manner as we are convinced will ensure all requisite information and good purpose: but we have dispensed with the quarterly return, considering that, in the present state of the island at least, it would be a measure productive of not only the greatest discontent but of positive impracticability, liable to vexatious prosecution without end.

Although to our own ideas are to be mainly attributed our determination on the two above-mentioned articles, it is satisfactory to my Council and to myself to see that in the Cape of Good Hope code, the only one before us appearing to have met His Majesty's entire approval, no mention whatever is made of the purport of these two articles; so that we have the less fear of being thought not to have gone far enough in regard of them.

In our substitution of nine for three lashes or strokes of the rattan, as a licensed punishment at the moment of offence, we have acted upon the conviction of the futility of the smaller, either as a reparation of ill-conduct in the individual, or as a check to himself, or example to others; besides that to prevent the infliction of more than three stripes at the moment, would be to increase to a certainty the punishment of the slave, by four-and-twenty hours of expectation of it, and probably of confinement too, in the naturally entertained apprehension of his running away; while it is too much perhaps to expect from our frail nature that the master, irritated by the loss of his slave's labour for so many hours, would not add a few lashes to those he would originally have ordered him.

I have been assured by respectable planters that the allowance of nine stripes will make the infliction of a larger number a matter of rare occurrence.

Again repeating my anxious but respectful hope that we shall be judged to have paid every attention to Mr. Huskisson's suggestions, and that our ordinance will be honoured by His Majesty's most gracious approval;

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

(signed) *Charles Colville.*

The Right hon. Sir George Murray, G.C.B.  
&c. &c. &c.

P. S. I regret to add, that although article six of the enclosed ordinance was especially prepared by the procureur-general, it has now been discovered that a modification and amendment of it will be indispensable: hereafter I shall have the honour of reporting further on this point, and of transmitting to you the English version of Ordinance No. 43.

Reduit, 10th March 1829.

No. 4.  
18 July 1828.  
No. 5.  
7 August 1828.

## Enclosure 1, in No. 16.

MAURITIUS.

## No. 43.—Ordonnance de son Excellence le Gouverneur en Conseil,

Pour l'amélioration de la condition de la population Esclave dans l'île de Maurice et ses dépendances, et pour l'établissement d'un Protecteur et Gardien des Esclaves dans ladite île, et pour la définition des devoirs et fonctions attachés audit office. Titre.

ATTENDU qu'il a plu à Sa Très-Gracieuse Majesté d'ordonner que des réglemens fussent établis pour l'instruction religieuse des esclaves dans l'île Maurice et ses dépendances, comme aussi pour l'amélioration de leur condition ; Préambule.

Et encore que les fonctions de protecteur et gardien des esclaves, lesquelles jusqu'à ce jour ont été attribuées en ladite île au procureur-général du Roi et à ses substitués, fussent à l'avenir remplies par un officier spécialement commis audit office, et que les devoirs attachés à cet office fussent fixés et déterminés d'une manière plus claire et plus expresse :

I. Il a plu en conséquence à Sa Majesté de commettre et nommer au susdit office de protecteur et gardien des esclaves, pour l'île Maurice et ses dépendances, la personne de Richard Morris Thomas, esquire. Nomination du protecteur et gardien des esclaves pour l'île Maurice et ses dépendances.

Et cet officier étant arrivé en cette colonie a, en présence du Gouverneur, prêté et souscrit le serment suivant : " Je jure en tout ce qui pourra être à ma connaissance et en mon pouvoir, d'exécuter et remplir avec fidélité les devoirs de l'office de protecteur et gardien des esclaves en l'île Maurice et ses dépendances, sans crainte, sans partialité et sans faveur. Ainsi Dieu me soit en aide." Formule du serment par lui souscrit.

II. Il est ordonné par la présente ordonnance que ledit protecteur et gardien des esclaves établira et tiendra un office dans la ville du Port-Louis de ladite île, et se rendra et se tiendra régulièrement audit office, à tels jours et à telles heures du jour que le Gouverneur de ladite île ou celui qui en remplira alors les fonctions, par un ordre général ou spécial, qu'il pourra renouveler et modifier selon le tems et les circonstances, aura indiqués ; et qu'il sera tenu de garder, tenir en dépôt et conserver dans ledit office et nulle part ailleurs, les différents livres, registres, papiers et écrits qu'il lui sera ordonné de tenir sous sa garde, ainsi qu'il sera dit ci-après. Le protecteur des esclaves doit tenir son bureau dans la ville du Port-Louis et non ailleurs. Il doit y tenir en dépôt et sous sa garde tous les livres, registres, papiers et écrits concernant son office.

III. Il est ordonné en outre que ledit protecteur et gardien des esclaves ne pourra être propriétaire ni possesseur d'aucune habitation cultivée par des noirs esclaves, située en ladite île, ni d'aucun esclave ou esclaves employés ou travaillant sur une habitation ou à aucune sorte de culture, sauf et à l'exception de celle du jardin attaché à sa demeure actuelle, qu'il ne pourra être en participation, ni intéressé, ni avoir un droit d'hypothèque ou de garantie quelconque, sur aucune habitation et sur aucun esclave ou esclaves, ainsi qu'il a été dit ; il est, et la présente ordonnance le déclare incapable d'être ou d'agir en qualité de régisseur, préposé, agent ou procureur de, pour et sur aucune habitation ou établissement dans ladite île, ou d'agir comme tuteur, curateur, commis ou exécuteur d'aucune personne ou personnes possédant ou ayant des droits sur aucune habitation ou sur un ou des esclaves, ainsi qu'il a été dit ; et s'il arrivait que ledit protecteur et gardien des esclaves en ladite île vint à avoir, acquérir, tenir ou posséder, soit de son propre droit, soit du droit de son épouse, soit du droit ou par commission de quelque autre personne, soit une habitation située en ladite île, soit un ou des esclaves employés ou travaillant sur une habitation ou à un genre de culture quelconque, ou à entrer en participation et devenir intéressé, ou à posséder un droit d'hypothèque ou de garantie sur aucune habitation ou sur un ou des esclaves, ainsi qu'il a été dit, ou s'il agissait en ladite qualité de régisseur, préposé, agent, procureur, tuteur ou curateur, commis ou exécuteur, ainsi qu'il a été dit, il cessera dès ce moment et *de facto*, d'être revêtu de l'office et du titre de protecteur et gardien des esclaves, ainsi qu'il a été dit ci-dessus, et les salaires attachés audit office seront supprimés, et il sera incontinent commis une personne propre et convenable pour succéder audit office. Il est interdit au protecteur des esclaves d'être propriétaire ou possesseur, soit de son chef, soit du chef de son épouse, d'aucune habitation ou des esclaves employés ou travaillant sur une habitation ou attachés à aucun genre de culture ; d'être associé ou intéressé dans la propriété d'aucune habitation ni d'aucun esclave ; prendre un droit d'hypothèque ou de gage et garantie sur aucune habitation ou sur aucun esclave ; d'être régisseur, préposé, agent ou procureur, tuteur, curateur, commis ou exécuteur d'aucune personne propriétaire ou ayant des droits sur une habitation ou sur des esclaves ; et dans le cas de transgression d'aucune desdites clauses qui y sont comprises, le protecteur de fait perd son office, ses salaires sont supprimés, et il doit être nommé à son remplacement.

Il est entendu néanmoins que tous les actes qui auront pu être faits, par ou d'après les ordres dudit protecteur et gardien des esclaves, après que ledit office sera devenu vacant de la manière ci-dessus exprimée, et avant que ledit office ait été déclaré vacant par une notice publiée dans la gazette de ladite île, auront la même Néanmoins tous les actes faits, en ce qui concerne ledit office, par le protecteur ou sous son autorité, depuis l'instant de la vacance de fait jus-



qu'à la publication officielle de ladite vacance, seront valables et auront leur effet aux yeux de la loi, comme il est dit ci-dessus.

Le protecteur tenu à résidence dans la colonie, et il ne peut s'en absenter sans un congé qui ne pourra excéder 12 mois, et qui ne sera accordé que sur un certificat délivré sous serment par une personne admise à pratiquer la médecine, attestant que l'absence du protecteur est nécessaire pour le rétablissement de sa santé.

En cas de décès du protecteur, de résignation de sa part, de maladie ou autre incapacité physique ou morale, le Gouverneur peut nommer un député, et lui allouer un traitement dont le montant sera réduit sur celui qui est attribué au protecteur; ce député est soumis aux mêmes conditions que le protecteur lui-même, pour être capable d'exercer le dit office.

Le protecteur est obligé de remplir en personne les fonctions de son office, et ne peut le faire par député, si ce n'est dans le cas qui a été prévu.

Comment s'exercent les attributions du protecteur et gardien des esclaves, dans les rapports qui peuvent exister entre les fonctions de son office et les autorités et cours de justice établis et maintenus par les lois de la colonie.

Les commissaires civils sont dans leur quartier respectif assistants protecteurs, et doivent se conduire d'après les instructions légales du protecteur, relatives aux matières énoncées dans le présent ordre.

même validité, et tout leur effet devant la loi, comme si ledit office n'eut pas été vacant comme il est dit ci-dessus.

IV. Il est encore ordonné que ledit protecteur et gardien des esclaves sera tenu de résider dans ladite île, et ne pourra s'en absenter sans un congé spécial qui lui sera accordé expressément par Sa Majesté, et que lui transmettra l'un des principaux Secrétaires d'Etat, ou par le Gouverneur de ladite île, ou celui qui en fera actuellement les fonctions; et en aucun cas ce congé ne pourra être obtenu pour un tems qui excéderait douze mois, ni être accordé par le Gouverneur, ou par celui qui en fera alors les fonctions, ainsi qu'il est dit ci-dessus, si ce n'est qu'il lui ait été démontré par le certificat d'un comité de médecins, nommé à cet effet, que le congé demandé est nécessaire pour le rétablissement de la santé dudit protecteur et gardien des esclaves.

V. Il est encore ordonné, qu'en cas de décès dudit protecteur et gardien des esclaves ou de résignation par lui de son office, ou dans le cas de maladie ou autre incapacité, provenant de l'état, soit du corps, soit de l'esprit dudit protecteur, ou durant son absence temporaire de ladite île; le Gouverneur ou celui qui en fera alors les fonctions, pourront légalement nommer et commettre une autre personne propre et convenable pour agir, comme député dudit protecteur et gardien des esclaves, jusqu'à ce que le bon plaisir de Sa Majesté soit connu, et ledit député recevra un traitement dont le montant sera déduit des et sur les salaires attachés à l'office dudit protecteur et gardien des esclaves, tel qu'il plaira au Gouverneur de ladite île, ou celui qui en fera alors les fonctions, de lui attribuer. Il est toujours entendu qu'aucune personne ne pourra être ainsi commise pour ledit office, ni avoir la capacité nécessaire pour agir comme député, ainsi qu'il a été dit ci-dessus, laquelle, en conformité des disposition de la présente ordonnance, serait reconnue incapable d'agir comme protecteur et gardien des esclaves.

Il est entendu que ledit protecteur et gardien des esclaves est tenu, en tout tems, de remplir les devoirs de son office en personne, et qu'il ne pourra le faire par député, si ce n'est dans le cas où le Gouverneur de ladite île, ou celui qui en fera alors les fonctions, est autorisé, ainsi qu'il est dit au présent article, à commettre un député dans le cas prévu.

VI. Etant nécessaire que les attributions du protecteur et gardien des esclaves, dans l'exercice des fonctions qu'il a à remplir, se trouvent dans de justes rapports avec les diverses autorités et la juridiction des cours de justice établis et maintenus dans cette colonie: il est convenable, en conséquence, que le protecteur et gardien des esclaves exerce en tout en ce qui appartiendra à la police, au régime et à la discipline des esclaves, suivant ce que les réglemens concernant cette matière auront établi et ordonné les mêmes fonctions, et suivant les mêmes règles et usages que les commissaires civils; et il pourra également les exercer dans tous et chacun des quartiers de la colonie, et même dans la ville du Port Louis. Il se dirigera et agira, en tout ce qui concerne la police, le régime et la discipline des noirs esclaves, et en tout ce qui est lié sous ce regard, aux attributions de la charge de protecteur et gardien des esclaves, comme était appelé à le faire le commissaire en chef de la police générale. Il procédera, en conséquence, par voie d'enquêtes, d'informations, et de réquisitions et ordonnances dans les mêmes cas, et ainsi qu'auraient pu le faire les commissaires civils et leurs suppléants, dans les divers quartiers et dans la ville du Port Louis, le commissaire en chef de la police générale et son député. Ces derniers seront tenus, en ce qui touche seulement aux attributions spéciales du protecteur et gardien des esclaves, ainsi qu'elles sont énoncées dans la commission qui lui est délivrée, de déférer à ses réquisitions, et de lui faire le renvoi de toutes affaires qui entreront dans ces attributions, sauf toutefois et maintenus les rapports qu'ils doivent faire en toutes matières concernant leurs fonctions, et la police en général aux autorités supérieures.

VII. Il est encore ordonné, par la présente ordonnance, que les commissaires civils, dans les divers quartiers de ladite île, doivent être et sont, par le présent, déclarés être assistants protecteurs et gardiens des esclaves dans leur quartier respectif, à l'effet d'aider et assister le protecteur et gardien des esclaves, dans l'exercice des pouvoirs dont il est chargé par le présent ordre; et, en conséquence, ils doivent obéir et se conformer dans leur exécution aux instructions légales qu'ils pourront recevoir de tems à autre du protecteur, touchant ou ayant rapport aux matières et objets mentionnés dans la présente ordonnance ou aucuns d'iceux.

VIII. Il est encore ordonné, par le présent ordre, que dans toutes les actions, instances et poursuites qui pourraient, dans la suite et en quelques circonstances que ce soit, être portées et introduites dans aucun tribunal ou cour de justice en ladite île, et dans lesquelles un esclave pourrait être chargé d'une offense ou crime punissable de la peine de mort, de celle des fers ou autres peines afflictives, *et qui s'appliquent à la punition des crimes ou de la transportation*, ou dans lesquelles la question élevée serait relative au droit d'un individu prétendu esclave à la liberté, ou dans lesquelles une personne quelconque pourrait être chargé du meurtre d'un esclave, ou d'une offense grave quelconque contre la personne d'un esclave, ou dans lesquelles il s'éleverait quelque question relative au droit qu'un esclave pourrait avoir à certaines propriétés telles qu'un esclave ou une esclave est habile à les acquérir ou posséder, alors et dans chacun des cas ci-dessus, la notification sera faite au protecteur et gardien des esclaves, desdites actions, instances et poursuites, de la même manière que suivant les lois de ladite île, la notification en aurait été faite audit esclave lui-même, si ledit esclave ou ladite esclave eussent été de condition libre; et le protecteur et gardien des esclaves suivra, et est tenu par le présent ordre, de suivre le procès et les audiences, et toutes les autres procédures, dans toutes lesdites actions, instances et poursuites, comme le protecteur de l'esclave, et pour et au nom dudit esclave ou de ladite esclave, et d'agir dans ces affaires de la manière qui tendra le plus utilement au bien et à l'avantage dudit ou de ladite esclave.

Il doit être fait au protecteur les mêmes notifications dans le cas de procès, instances ou poursuites, concernant les crimes imputés aux esclaves, les meurtres et autres offenses commis contre les esclaves, les contestations sur les droits que peuvent prétendre les esclaves à la liberté et à certaines propriétés qu'il serait prescrit par les lois de faire à l'esclave lui-même s'il était de condition libre.

Le protecteur tenu de suivre lesdites instances et procès pour et au nom desdits esclaves.

IX. Et il est de plus ordonné par le présent ordre que le traitement que recevra le protecteur et gardien des esclaves, lui tiendra lieu de salaire et satisfera pleinement à tous les honoraires, droits casuels et de bureau, profits, émolumens de quelque espèce que ce soit; et si ledit protecteur et gardien des esclaves venait à prendre ou recevoir directement ou indirectement aucuns honoraires, droits casuels et de bureau, profits ou émolumens, en outre et au-delà de sesdits salaires, pour et à raison d'aucun acte, matière ou chose provenant de lui dans l'exécution des devoirs de son dit office, il aura encouru et sera passible du paiement d'une amende égale au double du montant de ce qu'il pourra avoir ainsi reçu, et il deviendra en outre incapable d'exercer le même ou un semblable office.

Le protecteur ne peut rien demander ni recevoir au-delà et en outre de ce qu'il lui est alloué pour son traitement, à quelque titre et sous quelque nom que ce soit, à peine d'être déchu de son office, déclaré incapable d'exercer un tel office et d'encourir une amende montant au double de la valeur de ce qu'il aura reçu.

X. Et il est encore ordonné par le présent ordre que ledit protecteur et gardien des esclaves est tenu, le premier Lundi qui suivra le vingt-cinq de Décembre et le premier Lundi qui suivra le vingt-quatre de Juin, chaque année, de remettre au Gouverneur de ladite île, ou à celui qui en fera alors les fonctions, un rapport par écrit, dans lequel il rendra compte de la manière dont les charges de son office auront été remplies pendant la durée des six mois qui auront précédé la date de son dit rapport, et mentionnant spécialement le nombre des actions, instances et poursuites dans lesquelles il aura eu lieu d'agir comme protecteur d'un ou plusieurs esclaves, ainsi que les dates et le résultat de toutes lesdites instances et procédures, et il notera en détail tous les rapports, certificats, extraits des registres qui auront pu lui être faits ou lui auront été fournis, en vertu de la présente ordonnance, par ses assistans dans les divers quartiers de ladite île; comme aussi les noms des personnes, s'il y en a, contre lesquelles il pourrait avoir intenté une poursuite criminelle, en exécution et en vertu du présent ordre; ensemble un état indiquant les noms de tous les esclaves qui lui auront été certifiés être capables d'être produits comme témoins dans une cour de justice; comme aussi le nombre des permissions qui auront pu être par lui accordées pour le mariage d'aucun esclave, et celui des mariages qui lui auront paru avoir été célébrés en conséquence de ces permissions; ainsi que le montant des sommes d'argent qui auront été versées en dépôt, dans aucune banque d'épargne dans ladite île, et un autre état contenant les noms de tous les esclaves qui auront été affranchis; et le Gouverneur de la dite colonie, ou celui qui en fera alors les fonctions, administrera sur tous ces différents objets audit protecteur des esclaves, le serment que ledit rapport contient une exposition véritable et exacte des diverses matières et choses qui y sont énoncées, et lors et aussitôt que ledit protecteur aura fait ledit rapport pour les six mois écoulés et aura attesté par serment la vérité, de la manière ci-dessus indiquée, alors, et non avant, ledit Gouverneur, ou celui qui en fera actuellement les fonctions, délivrera audit protecteur et gardien des esclaves une ordonnance (warrant) sur le trésorier de ladite île, pour le montant des salaires qui lui seront dus pour les six mois qui précéderont la date dudit rapport; et ledit Gouverneur transmettra et par le présent ordre est requis de transmettre, par la première occasion favorable,

Le protecteur doit remettre au Gouverneur, le premier Lundi qui suivra le 25 Décembre, et le premier Lundi qui suivra le 24 Juin, chaque année, un rapport sur les diverses parties de son office. Il doit affirmer sous serment la vérité dudit rapport, avant que le montant de son traitement pour les six mois précédents lui soit délivré. Ledit rapport doit être transmis au principal Secrétaire d'Etat au département des Colonies.

## MAURITIUS.

favorable, le rapport dont il est fait mention ci-dessus au principal Secrétaire d'Etat de Sa Majesté, ayant le département des Colonies.

Toute insertion, rature, interligne, faite frauduleusement dans les registres, brûler, biffer, altérer lesdits registres, est un *mis-demeanor* punissable de telles peines qui seront ordonnées ci-après.

XI. Il est encore ordonné que dans le cas où le protecteur et gardien des esclaves, ou l'un de ses assistans dans l'un des quartiers de ladite île, ou toute autre personne avec méchant dessein et intention de fraude, aurait fait, ou causé ou procuré les moyens de faire aucune rature ou ajouter aucune interligne en aucun des livres, registres ou rapports que ledit protecteur est tenu de faire ou de tenir pour l'acquiescement entier et fidèle des devoirs de son office, ou aurait dans un dessein coupable falsifié aucun desdits livres, registres ou rapports, ou aurait inséré, donné occasion ou procuré le moyen d'insérer, en aucun desdits livres, registres ou rapports, un faux article, ou frauduleusement et à mauvais dessein les aurait brûlés, biffés, ou l'un ou l'autre d'iceux ou partie d'aucuns d'eux, la ou les personnes qui auraient commis une telle offense deviendront, seront réputés, condamnés et traités comme coupables du délit qualifié *mis-demeanor*, et s'ils en sont convaincus, ils subiront telle peine qui sera ordonnée ci-après.

Observances à garder le jour du Dimanche, par toutes personnes libres ou esclaves.

XII. Et attendu qu'il a plu à Sa Majesté de déclarer que son intention était de pourvoir par des dispositions efficaces, à ce qui concerne l'instruction religieuse de tous esclaves en ladite île ; il sera convenable et nécessaire, aussitôt que les intentions de Sa Majesté pourront recevoir leur effet, que le marché public soit tout-à-fait supprimé le jour du Dimanche, en attendant et jusqu'à ce qu'il ait été pourvu par de nouvelles dispositions à l'observance de ce saint jour, obligatoire à l'égard des personnes de tout état et de toute condition ; il est interdit de mettre, apporter et exposer publiquement en vente, le jour du Dimanche, aucune sorte de viandes et volailles, de végétaux et autres provisions de bouche, fruits et herbages, de denrées, marchandises, meubles et autres articles quelconques, si ce n'est depuis le coup de canon du matin jusqu'à neuf heures de la matinée en été, et dix heures en hiver, et toute personne qui aura contrevenu en quoi que ce soit au présent article, à l'égard de des divers objets y sont énoncés, aura encouru une amende qui ne sera pas au-dessous de cinq shillings et qui ne pourra excéder cinq livres sterling, et en outre, les effets, articles et marchandises qui auront été ainsi mis et exposés en vente, avant et après les heures ci-dessus mentionnées, seront confisqués pour être vendus et le produit en être versé dans la caisse de bienfaisance.

Règlement pour le marché public et la vente de denrées et provisions le jour du Dimanche.

Les maîtres doivent faire baptiser et faire instruire leurs esclaves dans la religion Chrétienne.

XIII. Il est outre ordonné par le présent ordre, et toutes personnes propriétaires d'esclaves sont tenues de prendre soin, de faire baptiser leurs esclaves et de les faire instruire sans délai dans la pratique et l'observance de la religion Chrétienne.

Ne doivent leur refuser la liberté d'aller aux églises le Dimanche.

Aucun esclave ne pourra être empêché, ni par son maître, ni par aucun autre individu exerçant sur sa personne une autorité quelconque, pourvu que ce soit dans l'étendue de la paroisse de son quartier, d'user du droit d'aller le jour du Dimanche à l'église, ou en tout autre lieu ou place où le service divin est célébré.

Peines en cas de refus non motivé sur des raisons légitimes.

Tout refus qui serait fait audit cas à l'esclave, et dont la preuve serait dûment établie, sera puni d'une amende qui n'excèdera pas cinq livres sterling et ne sera pas moindre de 20 shillings, à moins que le maître ne soit en état de justifier sur de bonnes et légitimes causes un tel refus.

Défenses de faire travailler les esclaves depuis le coucher du soleil le Samedi, jusqu'au matin du Lundi.

XIV. Il est de plus ordonné à toutes personnes en cette colonie, d'observer régulièrement et religieusement le jour du Dimanche, et défenses leur sont faites de faire travailler leurs esclaves depuis le coucher du soleil le Samedi, jusqu'au lever du soleil le Lundi suivant ; durant cet intervalle de tems nul ne pourra légitimement mettre un esclave à l'ouvrage, l'y engager ou forcer, ni l'employer à aucun travail pour le profit ou l'avantage du maître, propriétaire, régisseur ou autre ayant le droit de disposer dudit esclave, sous peine d'une amende non moindre de 20 shillings et au plus de cinq livres sterling.

Modifications à la prohibition qui précède, à l'égard d'une certaine classe d'esclaves et de certains services et ouvrages.

Il est entendu néanmoins qu'aucune des expressions contenues dans le présent article ne pourra s'étendre ni être pris dans un sens qui puisse s'étendre à aucune œuvre ou à aucun travail qu'un esclave pourrait avoir à remplir le Dimanche, pour les soins nécessaires et le service domestique, à la suite et auprès de la personne ou de la famille de son maître et de celui qui a le droit de l'employer, ou pour l'entretien et la conservation nécessaire et indispensable des bestiaux et des animaux sur une habitation, ou pour la sûreté et conservation des provisions, récoltes et plantes jardinières qui en dépendent, et enfin à tout ce qu'il serait nécessaire de faire

faire et exécuter, pour les préparatifs d'un enterrement, pour arrêter et éteindre un incendie, et autrement pour prévenir tout dommage grave et sérieux et tout accident nuisible à la propriété du maître ou de celui pour qui il est employé ; au reste, les dispositions de l'article ci-dessus ne donnent point aux noirs le droit de s'absenter de l'habitation sans permission du maître ou du régisseur ; et pour le maintien de l'ordre sur l'habitation, tout propriétaire est autorisé à faire faire l'appel des noirs de son établissement dans l'intervalle qui commence au coucher du soleil le Samedi, et finit au lever du soleil le Lundi, autant qu'il le jugera nécessaire, de manière toutefois que ledit appel ne soit pas renouvelé plus souvent qu'il n'est accoutumé de le faire les jours de travail.

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XV. Il est ordonné néanmoins, et il est déclaré par le présent article, qu'il sera permis et légitime à tout esclave de l'un et de l'autre sexe de se louer volontairement à son maître, ou à toute autre personne, avec le consentement de son maître, pour travailler le jour du Dimanche, lorsqu'il s'agira de la conservation des récoltes qui seraient sujettes à dépérissement en demeurant plus long tems sur pied, ou de quelqu'autre œuvre d'urgence non comprise dans les exceptions de l'article XIV. ci-dessus ; auquel cas, et lorsque ledit ou ladite esclave sera employé ou employée par le maître ou la maîtresse à qui il appartient, il sera alloué audit ou à ladite esclave, tels gages ou salaires, ainsi qu'il sera déterminé par le protecteur et gardien des esclaves, en se réglant sur l'âge et le sexe de l'esclave, et en distinguant s'il est noir travaillant aux champs ou ouvrier, lesquels gages ou salaires seront payés audit ou à ladite esclave, lorsqu'il ou elle aura achevé l'ouvrage que ledit ou ladite esclave se sera obligé de faire ; et lorsqu'un esclave ou une esclave aura loué son travail à toute autre personne, le taux du salaire sera convenu entre les parties elles-mêmes, et il est déclaré en outre qu'il ne sera dû aucun gage ou salaire à l'esclave qui sera employé le jour du Dimanche à ses occupations habituelles, ou à tout autre service domestique, auprès du maître ou de la maîtresse à qui il appartient, ou des membres de la famille, ou dans les autres cas mentionnés en l'article XIV. ci-dessus.

Il est permis aux esclaves des deux sexes de louer volontairement leur travail le jour de Dimanche et pour leur profit personnel.

Le protecteur et gardien des esclaves devra, de tems à autre, donner connaissance par la voie des publications ordinaires, et de la manière la plus notoire, du taux le plus inférieur des salaires auquel cette sorte de travail desdits esclaves doit être payée, et ce pendant les six premiers mois qui suivront la date de cette notification, et par suite il est ordonné que dans le cas où il s'éleverait quelque différend entre la personne qui aurait loué le travail de tel ou tels esclaves, et le ou lesdits esclaves, sur le montant des salaires qui leur seraient dûs pour avoir ainsi employé accidentellement le ou lesdits esclaves, comme il est dit ci-dessus, le cas sera arbitré et réglé définitivement et d'une manière sommaire par le protecteur ou par l'assistant protecteur des esclaves.

Le taux du travail volontaire des esclaves est réglé par le protecteur, qui le rend notoire.

En cas de différend pour le paiement du prix du travail volontaire de l'esclave le jour du Dimanche, il est décidé par le protecteur comme arbitre.

XVI. Et attendu que rien ne peut tendre davantage à la civilisation, et à améliorer le moral des esclaves, et augmenter leur bien être et leur bonheur, que l'encouragement au mariage, principalement entre les individus appartenant à la même habitation : il est en conséquence ordonné que tous les esclaves qui ne se trouveraient pas dans les degrés prohibés de consanguinité, seront libres de s'unir en mariage avec le consentement de leurs maîtres ou des maîtres respectifs ou de ceux qui les représentent ou régissent en leur nom, et ceux-ci, à moins de bons et suffisans motifs pour le refuser, donneront à cet effet leur consentement par écrit, qu'ils adresseront au commissaire civil au Port-Louis, ou à celui du quartier dans lequel les parties peuvent résider, où si elles ne résident pas l'une et l'autre dans le même quartier, au commissaire du quartier dans lequel le mariage devra être célébré, au moyen duquel consentement, par écrit, du propriétaire ou des propriétaires respectifs desdits esclaves, ou de ceux qui les représentent et régissent en leur nom. La formalité de la publication des bans, ainsi qu'elle est prescrite par l'article 10 de l'arrêté supplémentaire du code civil, ne sera plus nécessaire, non plus que l'accomplissement des 70 et 71 du code civil, encore que sous tous les autres rapports il y ait lieu d'observer les mêmes formalités et cérémonies concernant les mariages qui doivent l'être à l'égard des mariages entre personnes de conditions libre, et avis en sera adressé au protecteur et gardien des esclaves au Port-Louis, et à l'assistant et gardien dans les quartiers respectifs.

Il est libre aux esclaves de se marier entr'eux, avec le consentement de leurs maîtres par écrit ; le quel ils ne pourront refuser sans de bons motifs.

Les mêmes formalités seront observées quant aux cérémonies du mariage, entre un noir et une negresse, que lorsqu'il s'agit de mariage entre personnes de condition libre, à l'exception de la publication de bans et de certains actes prescrits par la loi civile.

Dans le cas où le maître (ou son représentant), soit de l'un ou de l'autre des deux esclaves, soit des deux dits esclaves, refuseraient de consentir au mariage, ou de donner ladite permission par écrit, pour sa célébration, comme il a été dit

ci-dessus,

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ci-dessus, alors et dans tous les cas semblables, le protecteur et gardien des esclaves, à qui l'information aura été donnée de ce refus, adressera sur cela une sommation, signée de sa main et scellée du sceau de son office, portant requisition au propriétaire desdits esclaves, ou au représentant d'icelui, à l'effet de comparaître devant lui en personne, ou par leur agent, au lieu et dans le tems qu'il aura jugé convenable de fixer à cet effet, pourvu qu'il n'y ait pas plus de 14 jours d'intervalle entre le jour fixé et celui où la demande aura été adressée et reçue par le protecteur et gardien des esclaves.

Et si le propriétaire ou le régisseur qui le représente, ou toute autre personne, ainsi qu'il a été dit ci-dessus, ayant été dûment citée, manque de comparaître devant ledit protecteur et gardien des esclaves, ou si, ayant comparu, il n'est pas en son pouvoir de donner de bonnes et suffisantes raisons pour prouver que le mariage proposé serait contraire au bien être desdits esclaves ; alors et dans ce cas, ledit protecteur et gardien des esclaves délivrerait une permission, signée et scellée, à l'effet d'autoriser ledit mariage, et la célébration dudit mariage aurait lieu, suivant les formes légales qui s'observent à l'égard des mariages entre les personnes libres.

Dans le cas d'un mariage entre des esclaves qui auraient des enfans nés d'eux avant le mariage, lesdits enfans seront légitimés, pourvu toutefois qu'il soit prouvé, d'une manière satisfaisante au protecteur des esclaves, qu'il n'existe point de fraude dans la déclaration faite par le père et la mère desdits enfans. D'un autre côté, il est défendu aux maîtres de contraindre leurs esclaves de se marier contre leur gré, et le protecteur et gardien des esclaves ne donnera pas son autorisation avant d'avoir, sur ce point, des assurances satisfaisantes.

La loi défend d'infliger à un esclave mâle, dans le même jour, une punition qui excéderait 25 coups de fouet, d'infliger punition à un esclave mâle sur lequel il existerait des marques ou traces d'aucune laceration récente, provenant d'une punition précédente :

De punir un esclave mâle avant un intervalle de 24 heures au moins après la faute commise, si le châtiement excède neuf coups :

D'infliger à un esclave mâle une punition, si ce n'est en la présence d'une personne de condition libre, ou à défaut, de 6 esclaves, non compris celui qui aura infligé ou ordonné la punition, et ce pendant tout le tems qui aura été employé à infliger la punition.

XVII. Il est encore ordonné qu'il est désormais contraire à la loi d'infliger, en un seul et même jour, à un esclave du sexe masculin, pour quelque faute ou offense, et pour quelque cause ou motif que ce soit, au-delà de vingt-cinq coups de fouet en tout, avec martinet ou rotin, ou toute autre instrument semblable de punition, excepté toutefois le chabouk ou fouet de charretier, dont l'usage est expressément et entièrement supprimé et prohibé comme instrument de punition ; comme aussi d'infliger sur la personne d'un esclave une punition ou châtiement, en le battant, le fouettant ou étrillant, à moins que sur la personne dudit esclave, au moment où la punition et le châtiement lui seront infligés, il n'apparaisse aucune cicatrice récente, occasionnée pour avoir été précédemment battu, fouetté ou étrillé ; comme aussi d'infliger sur la personne d'un esclave du sexe masculin, aucune punition ou châtiement, en le battant, le fouettant ou l'étrillant, qui excéderait 9 coups, si ce n'est après qu'il se sera écoulé vingt-quatre heures au moins depuis le tems où aura été commise la faute, pour et à raison de laquelle la punition ou le châtiement pourra lui être infligé ; comme aussi d'infliger sur la personne dudit esclave du sexe masculin, aucune punition ou châtiement ainsi qu'il a été dit, à moins qu'une personne de condition libre, ou dans le cas où la preuve nécessaire ne pourrait être acquise par la présence d'une personne libre, six esclaves n'aient été présents et témoins au moment où la punition aura été infligée, autres que et sans compter la personne par qui ou par l'ordre de qui la punition aura pu être infligée : en cas de contravention à ce qui est ordonné ci-dessus, la personne ou la personnes qui auront commis une telle offense, et toutes et chacune des personnes qui auront ordonné, autorisé, excité, facilité la dite punition ainsi illégalement infligée sur la personne d'un esclave du sexe masculin, ou qui dans ce cas auraient donné aide, assistance et appui, deviendront et seront réputées coupables du délit qualifié *misdemeanor*, et en cas de conviction, elles subiront la peine ci-après déterminée.

Il est ordonné en outre, que le protecteur et gardien des esclaves, le commissaire en chef de la police générale, ainsi que les commissaires civils et de police, pourront et auront autorité suffisante pour, en punition des fautes commises par les esclaves du sexe masculin, qui ne seront ni crimes ni délits, et selon les différents cas, ordonner qu'il leur soit infligé telle punition qu'ils croiront convenable, laquelle ne pourra excéder cinquante coups.

Il est ordonné néanmoins qu'aucune expression contenue dans le présent article ne s'étendra et ne sera entendue comme pouvant s'étendre à aucune punition qui pourrait être infligée sur aucun esclave du sexe masculin, par suite et en vertu d'aucune sentence ou jugement d'une cour de justice ayant juridiction compétente en ladite île.

Les punitions en outre de celle du fouet, qui pourront être infligées aux esclaves du sexe masculin, telles que d'être confinés, mis au bloc, de la même manière et dans

Cet article ne s'étend pas aux punitions qui avaient été ordonnées par jugement d'une cour de justice compétente.

dans les mêmes termes qu'il est ordonné à l'égard des esclaves du sexe féminin, seront également inscrites et déclarées dans le livre ou registre des punitions, dans le cas où la durée de ces punitions, soit en confinement, soit au bloc, excéderait en tout vingt-quatre heures.

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XVIII. Les délits, fautes et offenses commis par les esclaves du sexe féminin, dont la punition a été précédemment le fouet, seront à l'avenir punies de la manière qu'il aura été déterminée, soit par une cour de justice, soit par le protecteur et gardien des esclaves, soit par le propriétaire ou par les personnes employées par lui, et le représentant, dans le cas où ils seront autorisés à intervenir et décider sur les punitions à infliger aux esclaves, et toujours ayant égard si le sujet qui a encouru la punition est dans un état de santé. La punition pourra être, en premier lieu, d'être confinées seules et dans un lieu séparé, avec ou sans assujétissement au travail, et toujours dans un lieu convenable et exempt d'humidité, et pendant un espace de tems proportionné à l'offense punissable : en second lieu, et sous les mêmes restrictions, d'être mise et retenue au bloc, et même à différens intervalles et pendant un espace de tems qui sera proportionné à l'offense, durant laquelle détention il sera fourni à l'esclave une quantité raisonnable d'alimens convenables et d'eau : troisièmement, de porter une chaîne en se conformant à la loi actuelle qui sert de règle en cette matière : quatrièmement, d'être corrigée avec les verges d'après l'ordre d'une cour de justice ou du protecteur ou gardien des esclaves, pourvu que ladite esclave ne soit pas dans un état de grossesse, et que sa correction soit modérée et exécutée sur les épaules, en lieu privé, et en particulier, hors de la présence de toutes personnes du sexe masculin, excepté celle qui sera commise pour infliger le châtiement et celles dont la présence sera ordonnée comme témoin.

Mode de punition à l'égard des esclaves du sexe féminin.

La disposition qui précède ne s'étendra pas jusqu'à empêcher que le propriétaire d'une esclave du sexe féminin, au-dessous de l'âge de douze ans, ne fasse punir et corriger ladite esclave, pour toute faute, ou dans le cas de mauvaise conduite qu'il aurait à lui imputer, de la même manière et autant qu'il est d'usage à l'égard des enfans de condition libre.

Tout contrevenant aux dispositions de cet article, sera considéré comme coupable d'un délit, et après conviction, subira la peine ci-après ordonnée.

XIX. Il est ordonné que dans le cas où aucune personne, propriétaire, administrateur, régisseur ou exerçant une autorité quelconque sur une habitation, serait accusée d'avoir infligé, fait infliger ou souffert qu'on infligeât à aucun esclave ou aucuns esclaves, aucun châtiement défendu et déclaré illégal par la présente ordonnance, si l'esclave qui prétendra avoir été illégalement puni, se présente devant le protecteur et gardien des esclaves, où devant le commissaire civil, comme assistant protecteur des esclaves dans son quartier, et que les marques ou traces d'une fustigation, ou laceration récente, paraissent sur la personne dudit esclave, le protecteur et gardien, ou le commissaire civil, comme assistant protecteur des esclaves, dressera alors et immédiatement acte de la déclaration de l'esclave ; il fera immédiatement, sur le fait, les enquêtes et vérifications nécessaires, et suivant ce qu'il résultera desdites enquêtes et vérifications, le protecteur et gardien des esclaves jugera si le cas exige ou non d'être dénoncé au procureur-général pour être poursuivi en justice ; les commissaires civils, dans les divers quartiers, comme assistant du protecteur et gardien des esclaves, dans les mêmes circonstances, adresseront directement leur rapport au protecteur et gardien des esclaves, qui déterminera, s'il y a lieu, de dénoncer le cas au procureur-général ; auxquels cas, tant les déclarations et plaintes des esclaves que les procès-verbaux d'enquêtes dressés, tant par le protecteur et gardien des esclaves, que par le commissaire civil, assistant dudit protecteur, seront immédiatement transmis au procureur-général, et si lors des débats qui auront lieu, l'esclave déclare devant le tribunal que les traces ou marques qu'il porte sont le résultat d'un tel châtiement illégal, et qu'après avoir été dûment et soigneusement examiné par le tribunal, il établit et rend un compte précis, détaillé et probable de toutes les circonstances qui ont accompagné ladite punition illégale, alors et dans chacun de ces cas, encore que l'esclave ne saurait être considéré comme un témoin compétant d'après les dispositions de la présente ordonnance, le propriétaire, administrateur, régisseur ou toute autre personne ayant pouvoir et autorité sur ledit esclave, sera tenu de prouver, sous serment, soit que le châtiement dont les traces et les marques pourront être apparentes, n'a pas été infligé par lui ou par son ordre, ou à sa connaissance ou avec son consentement,

Peines en cas de contrevention au présent article.

Dispositions relatives à toute personne accusée d'avoir infligé ou fait infliger à un esclave un châtiement illégal.

Forme de procéder en pareil cas.

Preuves à administrer, soit par l'esclave plaignant, soit par la personne accusée.



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soit qu'un tel châtement soit une punition légale et permise par la présente ordonnance, et a été infligée en présence de témoins nécessaires ainsi qu'il est ci-dessus requis.

Pouvoir discrétionnel attribué aux juges.

A défaut de preuves sous serment, le propriétaire, administrateur ou régisseur, sera convaincu et jugé coupable du délit qui aura donné lieu à l'accusation, pourra néanmoins le tribunal, quel que soit le résultat des dispositions sous serment, qui seront faites devant lui par tous témoins appelés à déposer, quelle que soit encore la nature des déclarations qui seront affirmées par le propriétaire, administrateur, régisseur ou autre personne, prendre à l'égard de la culpabilité ou de l'innocence du prévenu telle détermination que l'équité pourra lui commander.

Les poursuites, au cas du présent article, ne peuvent être arrêtées ou discontinuées par les juges, si ce n'est en vertu d'un ordre ou autorisation par écrit du Gouverneur.

Il est de plus ordonné que le magistrat chargé du ministère public, ne pourra discontinuer les poursuites qu'il aura dirigées à la demande du protecteur et gardien des esclaves, et sur le renvoi qui lui aura été fait par le procureur-général, qu'en vertu d'un ordre par écrit, revêtu de la signature et du sceau du Gouverneur, ou de celui qui en remplira momentanément les fonctions.

Les esclaves attachés aux habitations, &c. auront, pendant les jours de travail, une heure pour déjeuner et deux heures pour dîner. Ils devront être nourris et vêtus conformément aux lois existantes. Peine contre tout contrevenant.

XX. Les esclaves attachés aux habitations ou à aucun genre d'agriculture jouiront, pendant les jours de travail du tems consacré au repos, c'est-à-dire, d'une heure pour déjeuner et de deux heures pour dîner; ils seront vêtus et nourris conformément aux ordonnances existantes. Le protecteur et gardien veillera à la stricte exécution de cette disposition. Toute contravention dûment constatée et provenant du fait du maître, d'administrateur ou régisseur de l'habitation, sera punie d'une amende qui ne pourra être moindre de vingt shillings ni excéder cinq livres sterling.

Toute personne se trouvant à la tête d'un atelier d'esclaves réunissant un nombre d'esclave de

XXI. Tout propriétaire, possesseur, préposé ou autre personne ayant la direction ou la principale autorité sur une habitation ou un établissement dans la colonie, et chargé de gouverner et régir des esclaves, tiendra un livre intitulé *Livre pour l'enregistrement des punitions*; et ledit maître ou propriétaire ou toute autre personne ci-dessus désignée, sera tenu de porter et inscrire sur ledit livre (au moment même ou immédiatement après, toute punition quelconque qui aura été infligée, soit sur *une esclave*, ainsi qu'elle pourrait être autorisée à son égard par le présent ordre, soit sur un esclave, à l'égard des punitions qui peuvent lui être infligées dans un seul et même jour, excédant le nombre de neuf coups, ou à qui il aurait été infligé toute autre sorte de punition autorisée par le présent ordre,) un rapport indiquant la nature et les circonstances de l'offense pour ou à raison de laquelle la punition aura été infligée, le tems et le lieu où l'offense aura été commise, le tems et le lieu où la punition aura été infligée, le genre, l'étendue et les circonstances de la punition, et s'il s'agit d'un esclave, le nombre des coups qui lui auront été actuellement infligés pour raison de sa faute, en y mentionnant les noms des personnes par qui et par l'ordre de qui la punition aura été infligée, et de la personne de condition libre ou autrement des six esclaves qui auront été présents et auront assisté à chaque punition. Toute personne qui aurait négligé de faire ledit enregistrement sur le registre des punitions, ou qui ne l'aurait pas effectué dans les deux jours qui auront suivi celui où la punition aura été infligée, aura encouru une amende qui ne pourra excéder cinq livres et être moindre de vingt shillings sterling, et toute personne qui, méchamment et frauduleusement, aurait fait un faux enregistrement ou fait quelque rature sur ledit registre, ou qui aurait brûlé, détruit, biffé ou altéré ledit registre, sera coupable de *misdeemeanor*. détruit, biffé ou altéré ledit livre, avec intention de fraude ou à dessein, est un *misdeemeanor*.

Tout propriétaire ou régisseur d'habitation, ou autre établissement, doit tenir un livre intitulé *Livre pour l'enregistrement des punitions*; les circonstances de l'offense commise et de la punition, doivent y être rapportés, au moment même de la punition ou, au plus tard, dans les deux jours qui auront suivi la punition, ainsi que les noms de la personne libre ou des six esclaves qui y auront été présents, ce qui doit être observé, sous peine d'une amende de

Toute falsification ou insertion fautive dans ledit registre, ou le fait d'avoir fait sur ledit registre frauduleusement quelque rature, d'avoir brûlé,

Ledit livre ou registre destiné à l'enregistrement des punitions sera sujet en tout tems à être inspecté par le protecteur et gardien des esclaves et par ses assistans; par le commissaire en chef de la police et ses députés; par le procureur-général et les autres magistrats membres des cours de justice; par son excellence le Gouverneur, ou par les personnes ayant de lui une autorisation par écrit; et dans le cas où, par aucune des personnes ci-dessus autorisées, qualifiées et nommées, le propriétaire, ou celui qui aurait tenu ledit registre pour lui et en son nom, serait requis de produire, soit le registre en entier, soit des extraits d'icelui, il sera tenu d'en affirmer sous serment la vérité; et par cette formalité, ledit registre ou les extraits d'icelui deviendront dès-lors des documens admissibles dans les cours de justice.

Le protecteur et les autorités, et autre personnes dénommées et désignées au présent article, ont le droit d'inspecter en tout tems le livre servant à l'enregistrement des punitions, d'en exiger la production ou des extraits.

Lors de la production desdits livres ou des extraits d'iceux, la vérité en sera affirmée sous serment et ils deviendront alors des documens admissibles dans le cours de justice.

Il est de plus ordonné que dans le cas où le propriétaire ou autre personne ci-dessus désignée ne seraient pas en état de tenir le livre de l'enregistrement des punitions de leur propre main et par eux-mêmes ou par celle des personnes habituellement



habituellement employées, ou même d'un habitant voisin, connu ou déclaré comme s'étant volontairement chargé d'un tel soin auprès d'eux, ils seront tenus de faire leur déclaration concernant la punition infligée à leur esclave devant le commissaire civil du quartier ou son suppléant, ou devant telle autre personne que son excellence le Gouverneur croira devoir commettre à cet effet, mais en ce cas aux frais desdits propriétaires et en suivant la taxe qui en sera réglée.

Ces officiers tiendront un registre pour les cas dont il s'agit, dans le même ordre et dans la même forme que les registres semblables doivent être tenus sur les habitations, et seront obligés de les produire toutes les fois qu'ils en seront requis par les autorités compétentes.

Les déclarations ci-dessus devront être faites dans le délai de trois jours au plus, et sous les mêmes peines qui sont applicables en ce qui concerne les registres qui sont tenus sur les habitations par les propriétaires eux-mêmes.

XXII. Il est défendu de saisir ou vendre, même en exécution d'aucune ordonnance, sentence ou arrêt d'aucune cour de justice en cette île, aucun esclave ayant femme ou ayant des enfans légitimes ou naturels, dûment reconnus (ce qui sera justifié par le registre du greffe de l'enregistrement, sauf la preuve contraire), lorsque lesdits enfans n'auront pas atteint l'âge de 12 ans accomplis à l'égard des garçons, et celui de 15 ans accomplis à l'égard des filles, dans le cas où lesdits enfans appartiendraient à la même personne ou aux mêmes personnes, à moins que lesdits mari, femme ou lesdits enfans légitimes ou naturels, ne soient vendus ensemble à la même personne ou aux mêmes personnes; et si même en exécution d'aucune ordonnance, sentence ou arrêt, aucun esclave était vendu séparément de sa femme ou de ses enfans légitimes ou naturels, alors et dans ce cas il est ordonné que ladite vente soit de plein droit déclarée nulle et de nul effet; le maître qui aura fait ou souffert ladite vente, en outre de la restitution du prix de l'esclave et des dommages-intérêts, s'il y a lieu, sera condamné, ainsi que l'acquéreur qui aurait fait sciemment un tel achat, à une amende de vingt livres sterling.

Il est de plus ordonné que dans le cas où un esclave ayant femme ou des enfans légitimes ou naturels de l'âge déterminé ci-dessus, serait saisi ou vendu sans que lesdits femmes et enfans eussent été compris dans ladite saisie ou dans ladite vente, la saisie et la vente audit cas pourra être considérée comme comprenant ensemble le mari, la femme et les enfans, sans que l'acquéreur, si ce n'est qu'il ait eu connaissance de l'indue saisie avant la vente, puisse être tenu de faire aucun supplément de prix; et dans ce cas l'acquéreur ou l'adjudicataire aura la faculté d'offrir le supplément du prix, suivant l'appréciation qui en sera faite par des experts, selon les formes d'usage.

XXIII. L'esclave est déclaré habile à posséder un pécule qui lui appartiendra en propre, comme aussi à acheter, acquérir et posséder des biens meubles et immeubles (à l'exception toutefois des esclaves, des armes à feu et autres armes offensives, et des munitions de guerre), à les aliéner et à en disposer; le concours du maître et son consentement seront toutefois nécessaires à l'égard de l'achat, de la vente et aliénation des immeubles, pour la validité desdits actes, à l'exception cependant des dispositions par testament et acte de dernière volonté. Toute action qui pourrait avoir lieu en conséquence de la faculté donnée à l'esclave par le présent article, devra être intentée ou soutenue par l'intervention du maître ou sous le nom du maître; et en cas de refus de sa part d'intenter l'action ou d'y défendre, par le protecteur et gardien; et dans le cas où les prétentions de l'esclave ne seraient pas admises par le tribunal, sa propriété répondra, comme dans les affaires ordinaires, des dépens et dommages-intérêts auxquels l'action aura pu donner lieu.

XXIV. Des banques d'épargne seront établies en cette île comme le meilleur moyen d'assurer aux esclaves la conservation de ce qui leur sera propre; il sera alloué un intérêt à raison et au taux de cinq pour cent par an sur le montant de toutes sommes d'argent qui aurait été déposées dans les banques d'épargne. Toutes autres dispositions à l'égard des intérêts de ces sommes, et en ce qui concerne leur jouissance et leur emploi, seront l'objet de réglemens particuliers, qu'il est réservé au Gouverneur ou à celui qui en exercera momentanément les fonctions, de publier dans tous les cas où il le jugera convenable.

L'esclave qui aura fait le dépôt d'une somme quelconque dans une de ces banques d'épargne, aura la faculté d'y faire recevoir sa déclaration, sur la manière dont il veut que le montant des sommes qu'il a fait entrer dans lesdites banques d'épargne, dans le cas où il viendrait à décéder soit payé, appliqué ou employé, et de désigner

Aucune saisie ou vente d'esclave, ayant une femme et des enfans reconnus et au-dessous de l'âge de 12 ans à l'égard des garçons, et de 15 ans à l'égard des filles, s'ils appartiennent au même maître, n'est valide et est déclarée nulle si la saisie et la vente ne comprend le mari, la femme et les enfans.

Si un esclave ayant femme et enfans, est saisi et vendu séparément, la femme et les enfans de l'âge ci-dessus indiqués peuvent être considérés comme compris dans la vente de l'esclave, avec ou sans supplément de prix.

L'esclave peut avoir un pécule, il peut acquérir et posséder des biens, meubles et immeubles.

Il ne peut acquérir ni aliéner des immeubles sans le concours et le consentement du maître, *secus* par testament.

Dispositions relatives à l'action qui peut avoir lieu en conséquence de la faculté donnée à l'esclave par le présent article.

Etablissement de banques d'épargne à l'île Maurice pour les noirs esclaves.

L'intérêt annuel des fonds déposés fixé à 5 p. cent.

Les dispositions qui régissent l'emploi des fonds en dépôt, sont l'objet de réglemens particuliers.

Les dispositions de dernière volonté des esclaves, à l'égard des fonds déposés par eux, sont admises.

## MAURITIUS.

Les déclarations des noirs esclaves, contenant leurs dispositions de dernière volonté, sont inscrites sur un registre tenu dans la banque.

Dans le cas où le noir esclave contracterait un mariage postérieur à cette déclaration, elle est censé révoquée de droit.

Si le noir esclave, décédé sans avoir disposé, par acte de dernière volonté, les lois civiles qui règlent l'ordre des successions, à l'égard des parens ou des enfans naturels, reçoivent leur application quant aux biens dont l'esclave a pu acquérir la propriété.

Si le noir esclave, décédé intestat, ne laisse ni femme, ni enfans légitimes ou naturels, ni aucun parent au degré successible, les biens par lui délaissés sont dévolus à son maître.

L'administration des banques d'épargne est sous le contrôle et l'inspection du protecteur et gardien des esclaves.

Le Gouverneur institue les réglemens et les officiers en commission qu'il croit nécessaires ou utiles pour le gouvernement et le service des banques d'épargne, il les transmet sans délai

Le même noir esclave ne peut faire en une seule fois, ou dans la même semaine, un dépôt excédant deux livres sterling, hors de la connaissance et sans le consentement de son maître.

Dans le cas ci-dessus, si le maître refusait son consentement, il est tenu, sur la requisition qui lui en est faite par le protecteur et gardien des esclaves, de lui donner des motifs satisfaisants de son refus.

Si le maître ne se rend pas à la requisition du protecteur et gardien des esclaves, ou s'il ne donne pas de bons et suffisans motifs pour refuser son consentement, le protecteur peut délivrer un ordre pour faire recevoir le dépôt à la banque.

Le premier de chaque mois il sera publié, par la voie de la gazette du gouvernement, un état des dépôts qui auraient été reçus à la banque d'épargne dans le mois précédent.

Certificats à transmettre aux commissaires civils des quartiers par tout ministre ou tout prêtre dûment

les noms de la personne ou des personnes auxquelles il veut que lesdites sommes soient payées, ou au profit desquelles il veut qu'elles soient destinées et employées.

Cette déclaration sera insérée dans un registre tenu à cet effet dans les banques d'épargne, où les sommes auraient été déposées, et dans le cas de décès de l'esclave qui aurait fait une telle déclaration, elle sera considérée comme si elle contenait le testament et les dernières volontés dudit esclave, et en tiendra lieu, si d'ailleurs il n'existe point de testament postérieur du même esclave.

Comme aussi dans le cas où ledit esclave viendrait à s'unir en mariage postérieurement à cette déclaration, ledit mariage vaudra et sera pris comme une révocation légalement exprimée de la déclaration ci-dessus et en tiendra lieu.

Dans le cas où un esclave ou des esclaves viendraient à décéder *intestat* en ladite île, et sans avoir fait la déclaration dont il est fait mention ci-dessus, et qui doit subsister lorsqu'elle n'a pas été révoquée avant le décès de l'esclave, alors et dans tous les cas semblables, les biens et effets appartenant en propriété audit esclave, passeront et seront dévolus au profit de celui ou de ceux qui, en conformité des lois qui règlent dans la colonie les successions des personnes qui décèdent sans testament, auraient le droit de les recueillir ; et dans le cas où l'esclave décédé ne laisserait ni femme, ni enfans, soit légitimes, soit naturels, ni aucun parent dans le degré indiqué par la loi, pour être appelés à lui succéder, alors la propriété des biens délaissés par ledit esclave appartiendra à son maître.

Les banques d'épargne qui pourront être établies en cette île, seront sous la surveillance et l'inspection du protecteur des esclaves, et le Gouverneur ou celui qui en fera momentanément les fonctions constituera et est autorisé à constituer tels officiers en commission qu'il croira propres et nécessaires, et à établir les réglemens et le régime qui lui paraîtront les plus convenables pour la meilleure administration des dites banques, et pour assurer l'ordre et la ponctualité dans le service et la conduite de leurs affaires, et prévenir le mauvais emploi des sommes mises en dépôt dans les dites banques ; il est entendu que ces institutions et réglemens seront transmises sans délai par la voie de l'un des principaux Secrétaires d'Etat de Sa Majesté, pour être soumises à son approbation.

à l'un des principaux Secrétaires d'Etat de Sa Majesté, pour son approbation.

XXV. Il ne pourra être reçu dans aucune des dites banques d'épargne d'aucun esclave, en une seule fois ou dans une même semaine, un dépôt d'argent dont la somme totale excéderait deux livres sterling, à moins que l'esclave, en même tems qu'il demandera à faire recevoir le dépôt d'une telle somme, ne produise le consentement donné par son maître ou par le régisseur qui le représente à un tel dépôt, et dans le cas où aucun esclave voudrait faire en une seule fois ou dans une même semaine le dépôt d'une telle somme excédant deux livres sterling ; et où le maître ou le régisseur refuserait de donner son consentement à ce qu'un tel dépôt fut effectué, alors et dans tous les cas semblables, le protecteur et gardien des esclaves, sur le recours qui lui aura été adressé à ce sujet, délivrera une citation signée de sa main et scellée de son cachet, portant réquisition au propriétaire ou au régisseur, ou à telle autre personne à qui le gouvernement dudit esclave est confié, à l'effet de comparaître devant lui en personne ou par un agent en son nom, dans un délai et dans un lieu *convenable* qui sera indiqué à cet effet ; et si le propriétaire, régisseur ou autre personne ainsi qu'il a été dit, après avoir été ainsi dûment citée et requise, manque de comparaître devant ledit protecteur et gardien des esclaves, ou si ayant comparu, elle ne lui produit de bons et suffisans motifs pour que ledit dépôt ne soit pas admis, alors et dans tous les cas semblables, ledit protecteur et gardien des esclaves délivrera un ordre signé de lui et scellé de son cachet, portant réquisition au directeur de la banque d'épargne de recevoir le montant du dépôt offert, et ledit dépôt sera en conséquence reçu.

Le premier de chaque mois le directeur de banque dressera l'état des dépôts qui auraient été effectués dans le mois précédent, et cet état sera rendu public par la voie de la gazette du Gouvernement.

XXVI. Tout membre du clergé de l'église Anglicane, tout ministre de l'église d'Ecosse, et tout prêtre professant la religion Catholique en cet île, comme aussi toute personne dûment autorisée par le Gouvernement, enseignant publiquement la religion à l'île

à l'île Maurice et dépendances, devra transmettre au commissaire civil du quartier de sa résidence, des certificats indiquant le nom et la demeure de chaque esclave, que dans son opinion il trouvera suffisamment instruit dans la religion qu'il professe, pour connaître la nature et l'obligation d'un serment; le commissaire civil dans chaque quartier, devra transmettre ces certificats dans la huitaine du jour où il les aura recus, au protecteur et gardien des esclaves, qui les enregistra dans un registre qu'il tiendra à cet effet, avec mention de la date du certificat, du nom et de la demeure de la personne qui l'aura délivré, et du nom de l'esclave qui fera l'objet du certificat; il est bien entendu qu'aucun ecclésiastique ou autre personne enseignant publiquement la religion en cette île, qui ne sera pas en même tems membre du clergé de l'église d'Angleterre ou d'Ecosse ou du clergé Catholique, n'aura pas qualité pour délivrer les certificats ci-dessus mentionnés, à moins que le principal Secrétaire d'Etat de Sa Majesté ayant la département des Colonies, ou le Gouverneur ou celui qui en fera temporairement les fonctions, n'ait accordé audit ministre, membre du clergé, ou autre personne ci-dessus désignée, une permission par écrit à l'effet de délivrer de tels certificats, et ladite permission, avant de recevoir son effet, devra être enregistrée au bureau du protecteur et gardien des esclaves.

XXVII. A l'avenir nulle personne ne pourra être réputée incapable de témoigner devant une cour de justice civile ou criminelle en cette île, comme étant dans l'état d'esclavage, si telle personne appelée comme témoin produit et exhibe à la cour le certificat du protecteur et gardien des esclaves, constatant que le nom du témoin est inscrit ainsi que le veut la loi dans le livre tenu par lui à cet effet. Le protecteur et gardien devra en outre délivrer, sans frais ou honoraires quelconques, à toute personne qui lui en fera la demande, un certificat constatant que l'esclave appelé comme témoin est ou n'est pas enregistré dans ledit livre. Il est bien entendu néanmoins que le témoignage d'aucun esclave ne pourra être reçu dans aucun procès où son maître aurait intérêt direct. Rien de ce qui est contenu au présent article ne peut s'interpréter de manière à détruire ou diminuer le pouvoir et l'autorité qui appartiendrait à toute cour criminelle en cette île, d'admettre dans certains cas le témoignage des esclaves, et de le considérer comme aussi valide que s'il était fourni par des personnes libres.

rect. Les tribunaux sont au surplus maintenus, dans le pouvoir qu'ils ont, d'admettre dans certains cas le témoignage des esclaves.

XXVIII. Dans le cas où une personne de la classe de ceux dénommés Quakers, résidant dans l'île Maurice, serait requise de prêter le serment prescrit dans les différens cas prévus dans la présente ordonnance, elle pourra et elle est autorisée par le présent à faire son affirmation solennelle en remplacement du serment ci-dessus; et quiconque étant requis de faire ledit serment, ou s'il était Quaker, étant admis à faire son affirmation solennelle en obéissance et en conformité à la présente ordonnance, serait convaincu d'avoir fait un faux serment ou une fausse affirmation, aura encouru et devra subir telle peine à laquelle, suivant les lois de ladite île, doit être condamnée toute personne reconnue coupable d'avoir méchamment et par une volonté corrompue, commis un parjure.

XXIX. Toute parsonne convaincue d'aucun des délits qualifiés comme *misde-meanors*, prévus par la présente ordonnance, si elle est de condition libre, sera punissable d'une amende qui ne pourra excéder 200 livres sterling ni être moindre de 20 livres sterling, ou d'un emprisonnement dont la durée ne pourra excéder six mois, ni être au-dessous d'un mois, ou même ensemble de l'amende et de l'emprisonnement, si le tribunal devant qui elle aurait été convaincue croit devoir

ling, ou d'un emprisonnement dont la durée ne peut excéder six mois, ni être au-dessous d'un mois, ou même ensemble de l'amende et de l'emprisonnement.

Dans le cas où quelque personne serait ainsi convaincue de traitement d'une nature cruelle et inhumaine envers aucun esclave, le même tribunal pourra et est autorisé, dans sa sagesse et son jugement, à déclarer que ladite personne a perdu tous les droits et l'intérêt qu'elle pouvait avoir à la propriété ou possession de l'esclave, dont la confiscation sera définitivement prononcée au profit de Sa Majesté, les procès auxquels les délits sus-mentionnés donneront lieu, seront instruits, débattus, les débats et enquêtes auront lieu et seront jugés devant les tribunaux exerçant la justice criminelle dans la colonie; la moitié des amendes qui seront prononcées

autorisé par le Gouvernement, à l'effet d'attester l'instruction religieuse des esclaves.

Les certificats devront être adressés au protecteur et patron des esclaves, qui devra les enregistrer dans un registre tenu par lui à cet effet.

Aucun ministre ou membre du clergé, non avoué du Gouvernement, ne pourra délivrer de pareils certificats, sans avoir obtenu une permission, ainsi qu'il est dit au présent article.

Le témoignage de l'esclave sera à l'avenir admis en justice, s'il est justifié par le certificat du protecteur et gardien que ledit esclave connaît suffisamment la nature et l'obligation d'un serment.

Ce certificat devra être délivré sans frais ou honoraires par le protecteur, à toute personne qui lui en fera la demande. L'esclave ne pourra témoigner dans aucun procès où son maître aurait un intérêt di-

Quakers.

L'affirmation d'un Quaker admise à la place du serment.

La peine du parjure applicable en cas de faux serment ou d'affirmation fausse.

Toute personne libre, coupable de l'un des délits (ou *misde-meanors*) prévus dans la présente ordonnance, sera punie d'une amende qui ne pourra excéder 200 livres sterling, ni être moindre de 20 livres ster-

En cas de traitement inhumain et cruel, les juges peuvent déclarer le maître coupable, déchu de tous ses droits à la propriété de l'esclave, et en ordonner la confiscation au Roi.

Les tribunaux exerçant la juridiction criminelle à l'île Mau-

rice, sont compétents dans les matières dont il est cas au présent article. La moitié des amendes qui doivent être prononcées dans les cas prévus au présent article, appartient au trésor de Sa Majesté en cette île, l'autre moitié attribuée à la caisse de bienfaisance.

Dans le cas où celui qui aurait déjà encouru une condamnation pour traitement illégal et inhumain serait trouvé une seconde fois coupable de la même offense, le ou les esclaves, objets du délit, seront par jugement des tribunaux, confisqués au Roi, et en outre la personne convaincue du délit sera déclarée incapable de posséder à l'avenir, en propriété, aucun esclave à l'île Maurice, et même d'être chargé de la conduite et régie d'aucun esclave ou esclaves.

La confiscation ci-dessus prononcée n'aura lieu au préjudice des droits des tiers établis par titres, et existants avant le jour où le délit aura été commis.

Les plaintes de l'esclave contre son maître, quand elles sont mal fondées sont punissables de telle peine ou correction, soit publique, soit domestique, ainsi qu'il

XXX. Dans le cas où un propriétaire, administrateur au régisseur, après avoir été condamné une première fois par jugement des cours de justice, comme coupable d'avoir exercé sur un ou sur des esclaves une punition ou traitement en même tems illégal, cruel et inhumain, aurait été reconnu une seconde fois coupable du même délit, en outre des peines déterminées par la loi qu'elle aura encourue pour une telle offense, le ou les esclaves qui auront été l'objet du délit seront, par les cours de justice, déclarés confisqués au profit de Sa Majesté, et de plus la personne ou les personnes reconnues coupables seront, par le tribunal, déclarés incapables de posséder en propriété aucun esclave à l'île Maurice et dans ses dépendances, comme aussi d'être chargé de la conduite d'aucun esclave comme régisseur, préposé ou en aucune manière que ce soit, dans tous les cas néanmoins où il y aurait lieu à la confiscation d'aucun ou aucuns esclaves pour raison du délit ci-dessus prévu, elle ne pourra avoir lieu au préjudice des droits des tiers dont l'existence, avant le jour où le délit aurait été commis, serait prouvée et établie par des titres reconnus incontestables.

XXXI. Dans le cas d'aucune plainte mal fondée d'un esclave contre son maître ou ses maîtres, le protecteur et gardien des esclaves, ou le tribunal devant lequel ladite plainte aura été portée, déterminera à l'égard dudit esclave telle punition ou correction publique ou domestique qui devra lui être infligée, suivant la nature et la gravité du cas.

sera déterminé par le protecteur ou par le tribunal, suivant la gravité du cas.

Si la plainte de l'esclave contre son maître a un caractère de malice et de calomnie graves, il est condamné par le tribunal ordinaire à telle peine publique ou châtement corporel que la cour croira de sa justice d'ordonner, en suivant les lois et usages.

Si, dans le cas d'une telle plainte, il en était résulté des suites graves parmi les noirs de l'habitation, il y aura lieu à condamner l'esclave à la peine des fers outre la fustigation, avec dur labeur de six mois à un an.

Mais dans le cas où la plainte de l'esclaves et les inculpations contre son maître ou ses maîtres seraient, sur des preuves suffisantes et légales, reconnues malicieuses et avoir le caractère d'une calomnie grave, l'esclave sera sur l'accusation qui sera portée contre lui, par ou au nom du maître dudit esclave, devant le tribunal ordinaire condamné à telle peine publique ou châtement corporel, qu'il est laissé à la discrétion de la cour de justice, d'ordonner en se conformant aux lois et usages en cette matière. Si cependant il était résulté des accusations et calomnies proferées par l'esclave contre son maître ou ses maîtres, parmi les noirs de l'habitation auquel ledit esclave appartiendrait, des suites graves, la peine des fers pourra être prononcée en outre de la fustigation avec dur labeur dont la durée pourra s'étendre depuis six mois jusqu'à un an.

à la peine des fers outre la fustigation, avec dur labeur de six mois à un an.

Formalités à remplir pour l'affranchissement des esclaves. Déclaration devant le protecteur et gardien des esclaves. Ce que doit contenir cette déclaration.

XXXII. Tout propriétaire ou autre personne autorisée et ayant charge à cet effet, qui voudra mettre en manumission et affranchir un ou plusieurs esclaves, sera préalablement tenue de faire, devant le protecteur et gardien des esclaves, la déclaration par écrit, énonçant le nombre des esclaves à affranchir, leurs noms, leur sexe, leur âge, leur caste, leurs talens et métier, et leur degré de parenté s'il y a lieu; comme aussi si lesdits esclaves destinés à être affranchis, ont femme ou enfans. La qualité du maître ou de celui qui demandera l'affranchissement sera justifiée en même tems.

Enregistrement des déclarations.

L'extrait de l'enregistrement à produire. Le délai de quinze jours fixé pour l'insertion dans la gazette du Gouvernement, de l'annonce d'affranchissement après la déclaration ci-dessus. Le délai expiré sans justifier des causes du retard, le protecteur et gardien des esclaves peut faire publier les annonces d'affranchissement.

Le protecteur et gardien des esclaves sera tenu d'insérer de suite, et sans délai, dans un registre particulier à ce destiné, lesdites déclarations; à ladite déclaration il sera nécessaire de joindre et de produire au protecteur et gardien des esclaves, l'extrait de l'enregistrement des esclaves, et si aucuns n'avaient pas été enregistrés, d'en exposer les motifs au protecteur et gardien des esclaves, dans le délai de quinze jours au plus après ladite déclaration, l'annonce desdits affranchissemens sera insérée dans la Gazette du Gouvernement, à moins de quelques motifs ou circonstances particulières qui auraient empêché l'insertion immédiate des dits affranchissemens, et dont il sera nécessairement rendu compte au protecteur et gardien des esclaves; mais dans le cas où la non insertion proviendrait de la négligence du maître qui n'aurait rendu aucun compte des motifs et des causes du retard apporté à ladite insertion dans la gazette, les annonces d'affranchissement auraient lieu à la diligence du protecteur et gardien des esclaves.

Les annonces d'affranchissement devront être insérées dans trois gazettes successives, et dans le cas où on laisserait passer plus d'une semaine entre une annonce et la suivante, il serait nécessaire de renouveler les annonces antérieures.

La publication des annonces doit se faire dans trois gazettes successives. Si on laissait un intervalle de plus d'une gazette entre une annonce et la suivante, il faudrait renouveler les annonces déjà faites.

Les annonces d'affranchissement contiendront les noms et qualités de la personne qui affranchit; et les noms, surnom, caste, sexe et âge de l'affranchi; en tout conforme au recensement.

Ce quoi doit contenir chaque annonce.

Les oppositions à former à l'affranchissement d'aucun ou aucuns esclaves par suite des annonces ci-dessus, seront reçues au greffe du tribunal de première instance, par l'un des commis du greffe à ce préposé, et mentionnées de suite sur un registre à ce destiné, et avis en sera donné au protecteur et gardien des esclaves dans les trois jours de leur date, sans aucun frais.

Les oppositions aux affranchissemens reçues au greffe du tribunal de première instance.

Elles doivent être notifiées au protecteur et gardien des esclaves par le greffier.

Lorsqu'il y aura lieu de contester sur lesdites oppositions, il sera procédé ainsi qu'il est réglé par le code de procédure pour les affaires sommaires.

Les contestations sur les oppositions s'instruisent devant les tribunaux comme matière sommaire.

Après les trois annonces successives d'affranchissement, et lorsque le délai de huit jours, après la troisième annonce, sera expiré; il sera, par le greffier, adressé au procureur-général, pour ce qui regarde l'observation exacte des formalités, et pour l'intérêt public, un extrait mentionnant, ou qu'il n'a été dénoncé aucune opposition, ou les oppositions qui auraient été déclarées.

Après les huit jours qui suivront la troisième et dernière annonce, le greffier adressera au procureur-général un extrait mentionnant les oppositions, ou qu'il n'existe aucune opposition.

Les oppositions ci-dessus pourront être reçues et inscrites par le commis du greffe à ce préposé, sur la déclaration de l'opposant signée de lui, ou sur celle d'un porteur d'une procuration spéciale, laquelle restera en dépôt au greffe, elles pourront aussi être notifiées par huissier; en ce cas l'original sera visé et signé par le commis du greffe à peine de nullité.

Les oppositions peuvent être reçues au greffe, sur la déclaration de l'opposant ou d'un fondé de pouvoirs spécial, ou notifiées par un huissier.

Lesdites oppositions seront reçues, et l'extrait ou expédition en sera délivrée, sans frais, à la charge des parties.

Les oppositions seront inscrites, et l'extrait en sera délivré sans frais.

Dans les huit jours qui suivront la dernière annonce dans la gazette, le maître ou celui qui est chargé d'obtenir l'affranchissement, pourra présenter à son Excellence le Gouverneur sa demande pour que l'acte d'affranchissement en due forme lui soit délivré, à cette demande il sera toujours nécessaire de joindre l'extrait de l'enregistrement délivré par le greffier de l'enregistrement des esclaves, ou si l'esclave n'a pas été recensé, un certificat du greffier à cet effet. Néanmoins ledit acte d'affranchissement ne pourra être délivré avant l'expiration des huit jours qui suivront celui de la troisième annonce dans la Gazette du Gouvernement. Les oppositions pourront encore être reçues pendant ce délai.

La demande de l'acte d'affranchissement peut être adressée à S. Exc. le Gouverneur, dans la huitaine qui suivra la troisième et dernière annonce; mais l'acte d'affranchissement ne sera délivré qu'après la huitaine expirée.

Dans le cas où le maître aurait négligé ou différé de présenter sa demande pour obtenir l'acte d'affranchissement, après l'expiration des huit jours ci-dessus, et aurait laissé passer un mois entier sans faire cette demande, après la troisième et dernière annonce, il sera tenu de renouveler les trois annonces d'affranchissement.

S'il s'écoule plus d'un mois entre la troisième et dernière annonce, et la demande de l'acte d'affranchissement, les trois annonces doivent être renouvelées.

Le maître devra joindre à sa requête le certificat du greffier ou du commis à ce préposé, qu'il n'existe aucune opposition; ce certificat sera délivré sans frais; il sera visé par le procureur-général; il y joindra également le certificat du protecteur que la déclaration prescrite ci-dessus a été faite.

Pièces qu'il est nécessaire de joindre à la demande de l'affranchissement.

Le greffier du tribunal de première instance demeurera seul chargé à l'avenir de délivrer le certificat qui constate que les annonces ont été régulièrement faites dans trois gazettes consécutives, dont il mentionnera les numéros, lequel certificat sera délivré sans aucun droit ni frais.

C'est le greffier qui, à l'avenir, délivrera le certificat concernant les trois annonces dans la gazette.

L'acte confirmatif d'affranchissement sera délivré aussitôt que les formalités et délais ci-dessus auront été observés et sans frais; il sera, après avoir été enregistré d'abord sur le registre du protecteur et gardien des esclaves, enregistré au greffe du tribunal de première instance, au commissariat civil du lieu où résidera l'affranchi, au bureau de la police générale au Port-Louis, au bureau de l'enregistrement des esclaves, et partout où besoin sera, et ce dans le délai d'un mois de la date dudit acte d'affranchissement, et sans aucun frais.

L'acte confirmatif d'affranchissement doit être enregistré dans le délai d'un mois, de la manière indiquée au présent article.

Les pièces produites et nécessaires pour parvenir à l'acte d'affranchissement seront reçues et resteront déposées aux archives coloniales. Quand il s'agira d'affranchissement par testament ou autre acte de dernière volonté, l'extrait desdits testament

Les pièces nécessaires pour obtenir l'acte d'affranchissement, doivent être déposées aux archives coloniales.

Dans le cas d'affranchissement par testament, l'extrait doit en être remis au protecteur et gardien des esclaves par les exécuteurs testamentaires,

testament ou acte sera remis à la diligence des exécuteurs testamentaires, héritiers ou légataires ou de leur représentant, au protecteur et gardien des esclaves, et ce dans le mois qui suivra le jour de l'ouverture de la succession ou du testament, ou acte de dernière volonté.

La seule manière d'affranchir est celle qui est indiquée au présent article.

Tout écrit émané du maître et tendant à reconnaître un esclave comme libre de sa personne, sera réputé comme le consentement du maître à l'affranchissement de son esclave ; les formalités

Aucun affranchissement des esclaves ne pourra au reste être admis ni autorisé à l'avenir, si ce n'est en se conformant aux règles et aux formalités ci-dessus.

Ainsi tout écrit par lequel un maître laisserait un ou des esclaves indéfiniment libres de leur personne et de leur travail et volonté, serait réputé comme un consentement à leur affranchissement, et il appartiendrait alors au protecteur et gardien des esclaves de pourvoir aux mesures et diligences nécessaires pour leur affranchissement, et à ce qui concerne l'accomplissement des formalités et obligations prescrites par la présente ordonnance.

Clause à l'effet d'assurer la subsistance et l'entretien de l'affranchi, âgé de 50 ans ou infirme.

Lorsqu'il s'agira de l'affranchissement d'un esclave âgé de cinquante ans et au-dessus, ou qui serait attaqué de quelque infirmité et rendu incapable de se procurer les moyens d'exister, et qui n'aurait d'ailleurs aucun moyen en propre pour assurer sa subsistance, le maître sera tenu, en l'affranchissant, de souscrire l'obligation de le nourrir et entretenir pendant le reste de sa vie ; cette soumission sera reçue par le protecteur et gardien des esclaves et portée sur un registre tenu à cet effet, et elle énoncera les moyens que le maître indiquera pour satisfaire à cette obligation.

Certificat nécessaire pour constater que l'esclave âgé de moins de 50 ans, qu'il s'agit d'affranchir, n'a aucune infirmité qui lui ôte le moyen de pourvoir à sa subsistance.

Pour assurer l'accomplissement de la clause ci-dessus, il sera constaté par la déclaration donnée à cet effet par le commissaire en chef de la police générale, ou dans chaque quartier par le commissaire civil, d'après l'attestation d'un officier de santé, que l'esclave à affranchir, âgé de moins de cinquante ans, n'est attaqué d'aucune infirmité qui le rende incapable de travailler pour sa subsistance.

Obligation à contracter par le maître qui veut affranchir un esclave qui n'a pas atteint l'âge de 14 ans.

Pour tout esclave au-dessous de 14 ans, le maître sera tenu de souscrire en l'affranchissant l'obligation de le nourrir, entretenir et surveiller jusqu'à ce qu'il ait atteint l'âge ci-dessus, et il s'acquittera dûment de ladite obligation en mettant ledit esclave, âgé de moins de 14 ans, en apprentissage ou en le placant de manière à ce que sa subsistance soit assurée, ce dont il sera tenu de justifier.

Des poursuites à exercer dans le cas d'inexécution des obligations ci-dessus.

Dans le cas d'inexécution de la part du maître ou de ceux qui en seraient chargés de l'obligation ainsi imposée en faveur de l'affranchi, dans les cas mentionnés au présent article, et dans le sens et l'intention de ses dispositions, sur l'information qui en sera donnée, et particulièrement par les soins du protecteur et gardien des esclaves, il sera, à la diligence et sur la poursuite d'office du ministère public, ou sur la demande de l'affranchi et l'intervention de la partie publique, intenté contre lui une action devant la juridiction civile et ordinaire, et s'il ne peut valablement se justifier ni se défendre contre l'action et poursuite intentée contre lui, il sera condamné à une amende, laquelle ne pourra, suivant les circonstances, être moindre de cinquante livres sterling ni excéder deux cent livres sterling ; le produit de ladite amende applicable de la manière qu'il est ordonné au cas de l'article XXX de la présente ordonnance.

à la diligence de qui.

Peines encourues quand l'inexécution est constante.

En cas de difficulté sur la manière de pourvoir aux besoins de l'affranchi, suivant ce qui est ordonné au présent article, la question est portée devant le protecteur,

Dans le cas où il s'élèverait quelques difficultés sur la manière dont il doit être pourvu à l'entretien et à la nourriture de l'affranchi, aux termes et dans le sens du présent article, la question sera déferée au protecteur et gardien des esclaves, qui décidera en conformité des usages suivis dans la colonie en cette matière, sauf la décision ultérieure et définitive des tribunaux ordinaires.

Les enfans au-dessous de sept ans suivent le sort de leur mère ; lors de son affranchissement ils sont censés y être compris.

Dans le cas où une esclave au jour où elle aurait obtenu son affranchissement serait mère d'un ou plusieurs enfans âgés de moins de sept ans accomplis, ils suivront le sort de leur mère, et l'acte d'affranchissement vaudra, à leur égard, comme s'ils y étaient compris. Il sera au reste du devoir du protecteur et gardien des esclaves de s'informer de cette circonstance, soit par la déclaration de l'esclave mise en affranchissement, soit par la déclaration officielle du greffier de l'enregistrement des esclaves.

Il doit être assigné à l'esclave affranchi un nom propre, qui doit être porté dans l'acte d'affranchissement.

Le maître, en affranchissant un esclave, sera tenu de lui assigner, par l'acte même d'affranchissement, un nom propre, qui deviendra le nom de sa famille, transmissible à ses enfans.



Tous exécuteurs testamentaires et administrateurs d'une succession, tous notaires et greffiers qui, par suite de l'ouverture ou du dépôt d'un testament et acte de dernière volonté, aurait connaissance d'une clause y contenue et relative à l'affranchissement d'aucun esclave ou aucuns esclaves, seront tenus et ce sous la surveillance et à la diligence et réquisition du ministère public, s'il en est besoin, d'en faire la notification officielle au protecteur et gardien des esclaves, et ce dans un délai qui ne pourra excéder quinze jours; et les exécuteurs testamentaires, administrateurs, notaires et greffiers, qui ne se seraient pas conformés au présent article, en outre des dommages intérêts dont ils seraient responsables, et autres recours à leur charge, seront encore sujets à telle autre peine de discipline, qui sera prononcée par le tribunal ordinaire.

Aucun droit, aucune taxe et impôt de quelque genre et nature que ce soit, aucun émoluments d'office, ne sera établi ni exigible en ladite île, pour raison et au sujet de l'affranchissement d'aucun esclave, non plus que pour l'enrôlement ou enrégistrement d'aucun acte d'affranchissement; et si aucune personne dans ladite île se permettait dans la suite de prendre, demander ou recevoir, aucune taxe, aucun droit, impôt ou émoluments de bureau, elle aurait encouru pour raison de cette offense, et serait sujette au paiement d'une amende qui ne pourrait excéder cinquante livres sterling, ni être moindre de dix livres sterling, monnaie d'Angleterre.

XXXIII. Les dispositions de l'article précédent sont les seules à observer à l'avenir, à l'égard des actes d'affranchissement; en conséquence, toutes celles des lois et réglemens antérieurs sur la même matière sont censées abrogées.

précédent, et, en conséquence, celles des lois antérieures considérées comme étant abrogées.

XXXIV. Toutes les fois que des difficultés pourront s'élever, en conséquence de la présente ordonnance, sur les différens degrés de parenté entre esclaves, le protecteur et patron aura recours aux registres tenus par le greffier de l'enrégistrement des esclaves dont le certificat fera foi, soit devant les tribunaux, soit devant toute autre autorité compétente.

Tout exécuteur testamentaire, tout notaire, greffier, qui, par suite de l'ouverture ou du dépôt d'un testament, aurait connaissance d'une clause relative à l'affranchissement d'un esclave, sont tenus d'en donner connaissance au protecteur et gardien des esclaves, dans un délai qui ne pourra excéder quinze jours. Peines en cas d'inexécution.

Les affranchissemens ne peuvent être à l'avenir sujets à aucuns droits, taxes, émolumens, ni perceptions de quelque nature que ce soit.

Peines contre ceux qui seraient convaincus d'infraction aux prohibitions portées au présent article.

Toutes les dispositions concernant les affranchissemens sont censées être contenues dans l'article

En cas de difficulté sur les différens degrés de parenté entre esclaves, recours aux registres tenus par le greffier de l'enrégistrement des esclaves.

XXXV. Et afin que personne n'en prétende cause d'ignorance, la présente ordonnance sera lue, publiée et enregistrée dans les tribunaux, et elle commencera à avoir son exécution à l'île Maurice et dans ses dépendances, après un mois à compter du jour de la publication d'icelle: copie en sera à cet effet présentée par le procureur-général à son honneur le grand juge et commissaire de justice.

Publication et enrégistrement de l'ordonnance dans les tribunaux.

VIVE LE ROI!

Donné au Port-Louis, île Maurice, le 7 Février 1829.

*Chas Colville.*

Par ordre de son Excellence le Gouverneur.

*G. A. Barry,*

Secrétaire en chef du Gouvernement.

Par ordre du Conseil :

*W. N. Leitch,*

Secrétaire du Conseil.

A true copy. *Chas Colville.*

Enclosure 2, in No. 16.

### GOVERNMENT ORDER.

WHEREAS in the long course of years, during which, the laws and regulations for the government of the slave population of this colony have existed, some of them appear never to have received confirmation by the King or previously by the Government of France, while others have fallen into desuetude, or are no longer fitted to the present improved condition of that people:

It has therefore pleased His most gracious Majesty to issue His royal command to the Governor in Council of this island, to make revision of these said laws



MAURITIUS.

laws and regulations, and to make publication thereof, in their corrected state, in His Majesty's name :

And whereas there has from an early period existed under the benevolent provisions of the Royal Government, an officer under a denomination correspondent to that of guardian and protector of slaves, the duties of which office have been discharged by the procureur-général du Roi, but which from the great increase of the population of the island, and consequently of the duties and attributions of this public functionary, it has become inconvenient for him to attend to ; it has pleased His Majesty specially to appoint an officer to the situation of protector and guardian of slaves in this island, and to the duties of which his time and labours will be exclusively devoted :

In consequence, of the above, his Excellency the Governor hereby gives notice that there has been prepared, and will in a few days be published, an ordinance intituled " An Ordinance for the amelioration of the condition of the Slave Population of the Island of Mauritius and its Dependencies, and for the appointment of a Guardian and Protector of Slaves within the same, and for the definition of the duties of the said office."

In order, at one and the same time, to show to the slaves the consideration had to their well-being, and prevent the misconceptions that may be entertained on the introduction of any change of the laws in relation to them, it is desirable that their proprietors should themselves prepare them for the purport of this ordinance, and they are hereby authorized to instruct the slaves that the nature of the benefits intended for them is alone calculated on a proportionate good conduct on their part, which is to be enforced when required by due severity ; and that the leading principle of the ordinance is that the best interests of the slave and of his master are the same, and that these can alone be secured by perseverance in a mild but consistent and regular system of discipline.

Port-Louis, Mauritius, 9th January 1829.

*Cha. Colville.*

By order : *G. A. Barry,*  
Chief Secretary to Government.

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### ORDRE DU GOUVERNEMENT.

ATTENDU que parmi les lois et réglemens établis pour le régime de la population des esclaves en cette colonie, depuis un grand nombre d'années, il s'en trouve quelques-uns qui paraissent n'avoir jamais été confirmés par le Roi, ni antérieurement par le gouvernement Français, tandis que d'autres sont tombés en désuétude, et ne peuvent plus convenir à l'état plus avancé auquel cette classe de la population est parvenue. Il aurait, en conséquence, plu à Sa très gracieuse Majesté de faire connaître au Gouverneur en Conseil de cette colonie, sa volonté royale à l'effet que lesdites lois et réglemens fussent soumis à une révision, et qu'après avoir reçu les changemens et corrections dont ils sont susceptibles, ils fussent, dans cet état de réformation, publiés au nom de Sa Majesté.

Et attendu que dès les premiers tems il a existé dans cette colonie, d'après les dispositions bienfaisantes ordonnées sous le Gouvernement Royal, un officier sous une dénomination correspondante à celle de protecteur et gardien des esclaves, dont les fonctions remplies alors par le procureur-général du Roi, ne pourraient plus l'être convenablement aujourd'hui par ce magistrat, qui ne pourrait suffire à leur accomplissement, vu le grand accroissement de la population de l'île, et à raison des devoirs et des attributions attachés à son office ; et qu'il a plu, en conséquence, à Sa Majesté de confier, d'une manière spéciale, l'emploi de protecteur et gardien des esclaves à un officier, lequel est tenu d'employer exclusivement son tems et son travail à l'acquittement des devoirs de sa place.

En conséquence de ce que dessus, son Excellence le Gouverneur fait savoir par le présent, qu'il a été préparé en cette île, et que dans peu de jours il sera publié, une ordonnance ayant pour titre, " Ordonnance pour l'amélioration de la condition de la Population Esclave dans l'île Maurice et ses Dépendances, et pour l'établissement d'un Protecteur et Gardien des Esclaves dans la même île, et pour la définition des devoirs et fonctions attachés audit office."

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Le dessein de son Excellence est en même temps de faire voir à la population des esclaves que l'on s'occupe de leur bien-être, et de prévenir les fausses idées qu'ils pourraient concevoir de l'admission de certains changemens dans les lois qui les concernent, comme aussi d'indiquer que les propriétaires doivent eux-mêmes préparer leurs esclaves à se conformer à cette ordonnance ; ils sont en conséquence autorisés à faire comprendre à leurs esclaves que la nature des dispositions bienfaisantes qui seront déterminées en leur faveur, suppose de leur part une bonne conduite telle qu'elle réponde aux bienfaits qu'on leur prépare et à laquelle ils seront ramenés avec la severité convenable lorsque les circonstances l'exigeront ; et que le principe fondamental sur lequel repose cette ordonnance est qu'elle doit concilier en même tems les intérêts des maîtres et des esclaves ; lesquels ne peuvent être maintenus assurés que par la persévérance dans l'exécution d'un système de discipline fondé sur la modération et sur une régularité constante.

MAURITIUS.

Port-Louis, île Maurice, le 9 Janvier 1829.

*Cha. Colville.*

Par ordre : *G. A. Barry,*  
Secrétaire en chef du Gouvernement.

A true Copy.

*Jas. Viret, Private Secretary.*

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Enclosure 3, in No. 16.

#### GOVERNMENT NOTICE.

1.—IN conformity with the Ordinance No 43, dated the 7th instant, the protector and guardian of slaves will open an office for the discharge of the duties of his department, on the 10th day of March next, in Church-street, Port-Louis, opposite the presbytère, and at which he will, until further notice, give his attendance on every day of the week, Sunday and holidays excepted, from the hours of ten to three.

2.—To this office, or to the offices of the assistant protectors in the districts, slaves are fearlessly to present themselves, having what they are convinced in their own minds is just cause of complaint against their master, or other person having immediate authority over them, in regard of their food, clothing or treatment ; for even should their statement on investigation be found not altogether correct, they will meet in the protector (in the interests of both parties) an unbiassed arbitrator between the complainants and those complained of ; but the former are cautioned against giving way to the influence of discontent or other evil passion of their own, or to the mischievous designs of others, in the bringing forward of groundless or even frivolous matters of accusation, much less so of malicious and calumnious charges—which will subject them to the severest penalties.

3.—In all cases, slaves desiring to prefer complaints must, in the first instance, if in the districts, address themselves to the assistant protector, whose duty it will be to receive the statement of the slave, and, calling for the reply of the master or manager, endeavour to settle the business in such manner as in his judgment may seem fit and just : should, however, the slave remain unsatisfied or desire to address himself to the protector himself, it will be the duty of the assistant to furnish him with a passport to enable him to do so, and taking care to forward to the protector all the papers, including the list of evidence, explanatory of the case.

4.—In cases where numbers of slaves upon the same estate may consider themselves aggrieved, it will be desirable that they do select two or three of their body to make representation in their names to the assistant protectors, or to the protector himself, as the case may be, and that they do not leave the estate in any greater number.

5.—William Danford, esq. is appointed secretary and assistant, in Port-Louis, to the protector of slaves, until the pleasure of the Right honourable the Secretary of State for the Colonial Department shall be known.

*Chas Colville,*  
Governor and Commander-in-chief.

Reduit, 13th February 1827.

## MAURITIUS.

## AVIS DU GOUVERNEMENT.

1.—EN conformité à l'Ordonnance No. 43, en daté du 7 courant, le protecteur et patron des esclaves ouvrira un bureau pour l'accomplissement des devoirs de sa charge, le 10 Mars prochain, au Port-Louis, rue de l'Eglise vis-à-vis le presbytère, au Port-Louis, jusqu'à nouvel ordre, il y recevra tous les jours, les Dimanches et fêtes exceptés, de dix à trois heures.

2.—A ce bureau ou à ceux des protecteurs adjoints dans les quartiers, les esclaves se présenteront sans crainte, lorsqu'ils auront, selon leur propre conviction, un juste sujet de plainte contre leur maître, gérant ou commandeur, par rapport à leur nourriture, leur habillement ou leur traitement : car, lors même qu'une enquête prouverait l'inexactitude de leur dénonciation, ils trouveront chez le protecteur (dans l'intérêt des deux parties) un arbitre impartial entre les plaignans et les prévenus ; mais les esclaves sont avertis de ne pas se livrer à l'influence du mécontentement, ou de toute autre passion désordonnée, ou aux intentions perfides d'autres personnes, de ne pas porter des accusations frivoles et dénuées de fondement, et encore bien moins des accusations méchantes et calomnieuses, qui les exposeront aux plus sévères punitions.

3.—Dans tous les cas, les esclaves qui voudront se plaindre devront d'abord, dans les quartiers, s'adresser au protecteur adjoint, dont le devoir sera de recevoir la déclaration de l'esclave, de demander la réponse du maître ou gérant, et de chercher à terminer l'affaire selon ce qui lui paraîtra juste et convenable. Si cependant l'esclave n'est point encore satisfait, ou désire s'adresser au protecteur même, l'adjoint sera tenu de lui remettre un billet de passe à cet effet, et de faire passer au protecteur tous les papiers relatifs à l'affaire, en y comprenant la liste des témoins qui expliquent les faits.

4.—Dans le cas où plusieurs esclaves de la même propriété auraient des sujets de plainte, il serait à désirer qu'ils fissent choix de deux ou trois individus parmi eux, pour parler en leur nom aux protecteurs adjoints ou au protecteur lui-même, et qu'ils ne quittassent pas l'habitation de leur maître en plus grand nombre.

5.—William Danford, esq. est nommé, pour le Port-Louis, secrétaire et adjoint du protecteur des esclaves, jusqu'à ce que le bon plaisir du Très honorable Secrétaire d'Etat pour le bureau Colonial soit connu.

*Chas Colville,*

Au Réduit, le 13 Février 1829.

Gouverneur et Commandant-en-chef

A true copy.

*Jas. Viret,* Private Secretary.

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Enclosure 4, in No. 16.

Mem<sup>o</sup>.

HIS Excellency the Governor having been instructed by the Right honourable the Secretary of State for the Colonial Department to carry into effect certain measures for the improvement of the condition of the slave population at the Mauritius, his Excellency is pleased to submit, for the consideration of the committee of planters and proprietors, the points contained in the accompanying papers, marked Nos. 1 and 2 ; and his Excellency will be glad to receive, with as little delay as possible, the views and opinions of the committee relative to the best mode of executing the orders of His Majesty's Government.

His Excellency is himself inclined to think that the duty of keeping the plantation record book might very properly be confided to the assistant registrars of slaves or to the civil commissaries of the several districts, allowing them to employ a clerk for that purpose.

(signed) *Chas Colville.*

Government-house, 18th July 1828.

A true copy.

*Jas. Viret,*  
Private Secretary.

## No. 1.

MAURITIUS.

Notwithstanding the remarks of the Council, it is not thought fit to sanction the proposed enactment, that the driver, when superintending the labour of slaves, may carry a cane in his hand. I am aware that it might seem beneath the proper office of the Legislature to descend to enactments upon a subject so apparently trivial as this; but as the cane would succeed in appearance at least to the whip, and as the driver who has been accustomed to use the whip as a stimulus to labour, might very probably employ the cane for the same purpose, it is best to render the prohibition absolute and universal. It will not be difficult to devise some other emblem of authority equally grateful to the feelings of the bearer and equally impressive to the imagination of those under his charge.

## No. 2.

The want of education amongst the smaller proprietors may be an insuperable objection to imposing upon them the obligation of keeping records of punishments, but the remedy suggested by the Council would seem to meet the difficulty. The very small remuneration, for which it is stated that some of the principal inhabitants would undertake the duty of keeping the records of neighbouring estates, might very properly be afforded for that purpose. In proportion as the gang of slaves is less numerous, the necessity of such a registry of punishments would be the greater.

## Enclosure 5, in No. 16.

A son Excellence le Lieutenant-général l'Honorable Sir Charles Colville,  
Gouverneur et Commandant-en-Chef de l'île Maurice et Dépendances,  
&c. &c. &c.

Général,

LES habitans de l'île Maurice, réunis en assemblée générale pour recevoir de la part de votre Excellence des communications sur certaines mesures qui touchent à leurs premiers intérêts, ont résolu de confier à un comité le soin de rediger, et de présenter à votre Excellence leurs humbles observations sur les dangers aux quels la publication seule de ces mesures exposoit la colonie.

Votre Excellence verra, dans le travail qui lui est soumis par le comité, au nom des habitans, leur profession de foi sur les devoirs que la loi et l'honneur leur imposent comme sujets, l'humanité comme propriétaires d'esclaves.

Si les habitans de Maurice n'ont manqué à aucun de ces devoirs, s'ils se sont soumis franchement aux lois sur l'abolition de la traite, s'ils ont exécuté sans murmures celles sur l'enregistrement des esclaves, si à l'envi les uns des autres, ils ont tellement amélioré le sort des noirs qui la colonie seroit à peine reconnoissable pour ceux qui l'ont quittée depuis dix années, si jamais, enfin, ils n'ont montré la plus légère opposition aux vues de leur gouvernement, votre Excellence concevra facilement qu'il leur a fallu les motifs les plus puissans, la conviction de l'imminence du danger, pour les décider à déclarer qu'avec les meilleures dispositions, il leur servit absolument impossible de mettre à exécution les mesures proposées.

Il ne s'agit plus ici, que votre Excellence en soit pénétrée, d'une question de discipline, mais d'une question de propriété et de conservation.

Les mesures proposées rompent à jamais le lien moral qui contient les noirs dans l'obéissance, en multipliant d'un côté les motifs de correction, de l'autre elles la rendent impossible; ce seroit peu, si elles ne contrarioient que les habitudes et les préjugés des colons, ils feroient mille fois ce léger sacrifice pour obéir aux lois de leur gouvernement.

Mais celui qu'ils ne peuvent faire, c'est le sacrifice de leur propriété, c'est celui de leur existence, publier la loi proposée, c'est le leur imposer, ils le voudront, mais ils ne pourront obéir.

L'ordre et la sécurité publiques sont dans tous les pays du monde, le resultat de la discipline, qui elle même n'est maintenu que par la force ou la superstition. Ces deux moyens manquent tout à fait à Maurice.

Les quartiers à peu près dépourvus de force armée, seroient hors d'état de reduire, sans le secours des troupes, la plus petite bande mutinée, et d'un autre côté les esclaves absolument sans religion dans un pays qui n'a même pas le nombre de ministres nécessaires à la population libre, ne sont pas retenus par ce frein, qui est en même temps le plus doux et le plus fort qui puisse être imposé aux hommes.

MAURITIUS.

Votre Excellence se sera bientôt convaincu, par elle même, de cette vérité. Elle reconnoitra avec les colons, la nécessité que les esclaves soient préparés par l'instruction religieuse à des améliorations qui le tems amenera, et que les colons bien loin de redouter appellent eux-mêmes de tous leurs vœux, pourvu que leur existence n'en doive pas dépendre. Jusque là c'est faire, un present funeste à des hommes incapables de l'apprécier. La civilisation a ses conditions, qu'il n'est pas permis de méconnoître et vouloir là, ou elles ne sont pas réunies, apporter ses conséquences. C'est commettre le contre sens politique qui a causé les plus grandes révolutions. Un état puissant peut y résister, mais une colonie succombe et ne se relève plus.

Tel seroit le sort de notre colonie, Dieu veuille que ses habitans ne soient point placés entre la ruine et le desespoir, d'un côté, de l'autre le malheur de déplaire à leur gouvernement.

En conséquence, et par les motifs énoncés au mémoire ci-joint, la colonie supplié votre Excellence de vouloir bien prendre en considération ses respectueuses observations, et suspendre la publication des deux mesures proposées jusqu'à ce que le bon plaisir de Sa Majesté, mieux informée, soit connu.

Permettre à la colonie de faire présenter humblement au Conseil Privé de Sa Majesté, par l'organe d'un défenseur, les motifs puissans qui lui font considérer la loi comme destructive de la propriété et de la sécurité des habitans.

Nous sommes avec un profond respect, Général, de votre Excellence

Les très humbles et très obéissans serviteurs,

(signé) Charles Pitot.	Rt Pitot.	Richard.
J. J. Wiehe.	A. Cormane.	Langlois.
Suasse.	Emile Pitot.	R. Suffield.
Series.	Legars.	Latapie.
Pilliet.	Grosse.	Beaugard.
Barbé.	Quantin	Albert.
Ed <sup>d</sup> Pitot.	Poussin.	B <sup>n</sup> Caron.
Lucas.	Kvern.	H <sup>v</sup> Gachet.
Bestel jeune.	Poupinel.	E. Daruty.
Herchenroder.	Heynemans.	J. Bourgault du
B <sup>n</sup> Labutte.	Couder.	Coudray.
Coriolis.	Du Couedic.	L <sup>t</sup> Bequet.
Brodelet.	Liounet.	A. Lesur.
Millien.	Allendy.	C. Tarin.
Dubor.	Le C <sup>te</sup> de St. Aulaire.	Baudia.
D <sup>me</sup> V <sup>e</sup> Damain.	Bolle.	Riviere.
A. Huguin.	Albert.	H. Duperrel cadet.
S. N. May.	Curé fils.	C. Frichot.
J. Chauvet.	E <sup>le</sup> Gautier.	H. Calvairac.
W. Thompson.	J. Chauvet.	A. Labutte.
J. Perrot.	Desmarais.	Péan.
Cherval.	Pellier.	Rousset.
Bouchet.	Collin.	C. Dumée.
J. Mallac.	Eugene Leclézio.	F. Frichot.
Cayeux aîné.	Lelievre.	Phock.
Castellan.	Feydherbe Maudave.	Duchenes.
Langlois.	Bolgerd.	A. Huguin.
Lafargue.	Lalouette.	Ph. de Roquefeuil.
Treize.	Legry.	Boulle fils, aîné.
Ch <sup>s</sup> Mounier.	E. D. Lacoudry.	Blondeau aîné.
Mamet.	Camoin.	Gr <sup>e</sup> Kœnig.
Chrestien.	Vrignault.	A. Bourgault Du-
H. Passmore.	Fénuillot.	coudray.
Bizouard.	Mangeot aîné.	Duquilio.
Mongoust.	E. Bardet.	H. Bertrand.
Leguen.	Lemarié aîné.	B. Mouvoisin.
Desnoyers.	Tancrel freres.	Ed <sup>d</sup> Locemeau.
Rey.	A <sup>r</sup> Rondeaux.	F. Kœnig.
Bouchet aîné.	Edward Chasteau.	B. Lesage.
E <sup>d</sup> Rouillard.	L. M. Moncamp.	Montocchio.
H. Bertrand.	A <sup>n</sup> Sicard Duval.	C. Lenferna.

## MAURITIUS.

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(signé) Labauve.  
 Theo. Sauzier.  
 Berger Dujonet.  
 Langlois.  
 Collard.  
 Gr<sup>e</sup> Chenard.  
 W<sup>m</sup> S. Saunders.  
 Poupinel.  
 B. Jullian.  
 Th. Labutte.  
 A. D'Unienville.  
 M. Baudot.  
 Dagot fils.  
 F. Toussaint.  
 Le Cudenec.  
 Gimel.  
 Damain.  
 Aurié.  
 A. Enouf.  
 Loumeau.  
 Rubod.  
 F. Jacquelin.  
 P. Raynal.  
 Fleuriau.  
 E<sup>d</sup> Hugon.  
 P. Hugon.  
 Chermont.  
 G<sup>m</sup> Faduithe.  
 B. Didier.  
 G<sup>t</sup> Bolgerd.  
 Baudon.  
 Hoarau aîné.  
 H<sup>y</sup> Gachet.  
 Dolvire.  
 Ch. Leroy.  
 A<sup>de</sup> Mouneron.  
 Mesnard.  
 Frice.  
 Marcard.  
 Caillaud.  
 Ravet.  
 Lolliott.  
 Chasteau.  
 Lafauche.  
 H<sup>y</sup> Kœnig.  
 Moulinié.  
 Dagoust.  
 Ribet.  
 N<sup>las</sup> Gachet.  
 B. Auger.  
 A. Mouneron.  
 E<sup>d</sup> Geffroy.  
 Marc Labauve.  
 H<sup>y</sup> Damain.  
 Beaufiles.  
 Goudreville.  
 Chaix.  
 M. Fontenay.  
 J. Meé.  
 Borel jeune.  
 F. Fadhuile.  
 J. M. Couve.

Rougier Lagane.  
 Lomet fils.  
 Pouget de St. André.  
 Maignard.  
 Chureau, père et fils.  
 M. Bruniquel.  
 Ant. Bertrand.  
 P. Sicard.  
 C. Speville.  
 J. Charles.  
 E. Gaud.  
 F<sup>ois</sup> Berger.  
 Legoff.  
 De Romieu.  
 Renaud.  
 Lachaise et Desvaux.  
 Laglaine d'Auzon.  
 Desjardins.  
 Noel jeune.  
 A. Sornay.  
 Boulanger.  
 Dureau.  
 Boulay.  
 Dumat.  
 Gaillardon.  
 Laglaine d'Auzon.  
 Duboze.  
 Duverger.  
 Lenoir.  
 Dodon.  
 Bargain.  
 Herchenroder.  
 Carié.  
 S<sup>a</sup> Charreton.  
 Espitalier.  
 Herchenroder.  
 J<sup>a</sup> Guerandel.  
 Charbonnier.  
 L. Gouges.  
 Aubé.  
 Charles.  
 Gounet.  
 F. Mailhol.  
 B. Michel.  
 Theroul.  
 Duperrel.  
 Maillit.  
 Paul Froberville.  
 Moat.  
 De Froberville père.  
 Frogeray.  
 Guyot.  
 Dupouy.  
 Chasteau.  
 Herame.  
 Allard et fils.  
 L<sup>s</sup> Barre.  
 Micouin.  
 Lagoardette.  
 Pigneguy.  
 Douchin.  
 T. Delort.

B<sup>t</sup> Canonville.  
 Nolin.  
 Havard.  
 Bezard et Matineu.  
 Jersey.  
 F<sup>s</sup> Barbé.  
 Vasseur.  
 Mille.  
 J. Dioré.  
 Delisse.  
 G<sup>te</sup> Leclezio.  
 Desjardins.  
 Henry Chauvin.  
 Lemême.  
 T. Chalony.  
 Moignac.  
 Gosset.  
 Benoit.  
 Gouges frères.  
 Cauvelet.  
 Ducomet.  
 Dupeloux St. Ro-  
 main.  
 Nivet.  
 Curé.  
 Dallons.  
 Beaugard.  
 Leroy.  
 Couturout.  
 Ger. le Gros.  
 Gouard.  
 Rouessart.  
 Plassan.  
 J<sup>a</sup> B<sup>le</sup> Malherbe.  
 Robert.  
 Menagé.  
 Trébuchet.  
 Leclezio.  
 E. Hebert.  
 J. B. Serendat.  
 Dauguet aîné.  
 Hyp Perrot.  
 Lemaitre.  
 Pilliet.  
 E. Molet.  
 A. Finon.  
 J. Finon.  
 Tarby.  
 Roucamp.  
 Saulnier.  
 Pilot fils.  
 Gust<sup>e</sup> Lagesse.  
 H<sup>y</sup> Préaudet.  
 H<sup>e</sup> Latour.  
 P. Tenaud.  
 Casaubon.  
 Lienard.  
 J. Feuillherade.  
 Lartigue.  
 A. Depinay, secre-  
 taire.

MAURITIUS.

## MAURITIUS.

Observations sur les Clauses 12 et 15 de l'Ordre en Conseil de 10 Mars 1824, dont la publication est proposée à l'Isle Maurice.

Quels sont les appuis du régime colonial? Aucun discordes entre les intérêts qui le commandent, nulle superstition qui le serve; accroissement successif des intérêts et des moyens de leur anéantissement. Insuffisance des forces qui le protègent.

V. P. Malouet,

De la législation et de l'administration des Colonies.

SON Excellence le Gouverneur de l'Isle Maurice, Sir Charles Colville, a soumis aux habitans deux dispositions de l'ordre en conseil du 10 Mars 1824, qu'il est chargé par son Gouvernement de mettre en vigueur dans la colonie.

Ces deux mesures sont établies par les clauses douzième et quinzième de l'ordre en conseil; l'une défend à toute personne de porter, même de *montrer*, sur aucune propriété un fouet ou tout autre instrument de même nature, soit comme emblème de commandement, soit pour exciter les esclaves au travail, et déclare coupable d'un délit, et comme tel soumis aux peines sévères établies par le dit ordre, quiconque contreviendrait à cette prohibition.

La seconde ordonne à chaque habitant de tenir un registre sur lequel seront inscrites les punitions qu'il infligera à ses esclaves, la nature et les circonstances du délit et du châtement, en réglé le mode et prononce des peines contre le contrevenant.

Pleins de confiance dans les vues et les lumières de leur Gouvernement, de respect pour les lois et les ordres de leur Souverain, les colons ont dû s'occuper de rechercher les moyens les plus convenables de mettre en exécution la loi proposée.

Leur premier mouvement a été d'obéir; mais quand ils ont considéré l'état actuel de leur législation sur la matière, le peu de garantie qu'elle offre à la propriété et à la sécurité des habitans, le relâchement actuel de toute discipline, les mauvaises dispositions de leurs esclaves, ils ont reconnu que non seulement ces mesures étaient impraticables, mais qu'on n'en pourrait même en faire l'essai, sans exposer la colonie aux plus grands malheurs.

Ce que disent ici les habitans de Maurice ne leur est pas dicté par un sentiment d'égoïsme; leur intérêt pécuniaire, celui même de leur conservation, si puissant chez tous les êtres, qu'il est, pour ainsi dire, leur loi suprême, n'a pas étouffé en eux la voix de l'humanité. Parcequ'ils sont placés sous le ciel des tropiques, parcequ'ils sont nés sur le sol de l'esclavage, la nature ne les a pas privés pour cela de ses plus nobles émotions. Chez eux, comme ailleurs, elle n'a pas en vain revendiqué ses droits.

Les habitans de Maurice ont les premiers purgé leurs lois de ces dispositions barbares qui aujourd'hui encore sont en vigueur dans d'autres colonies, et en dépit de leurs détracteurs, ils se glorifieront d'avoir, plutôt et plus franchement que les autres, renoncé à la traite des noirs.

Depuis dix-huit années chaque jour a vu paraître chez eux des lois qui ont diminué les droits du maître sur ses esclaves, et le maître, loin de s'en plaindre, a été le premier à se prêter à tous les changemens, à toutes les innovations que lui ont été imposées au nom de l'humanité.

Mais si aujourd'hui il reste peut-être encore quelque chose à faire pour l'amélioration du sort des esclaves, il n'en est pas moins vrai que pour les propriétaires la mesure des concessions est comblée. Ce qu'ils ont perdu d'autorité est immense, et en proportion ils ont plus perdu encore en sécurité.

Il est juste de donner à l'esclave des garanties contre les caprices, la cupidité, l'injustice, les passions du maître, et c'est ce qu'on n'a cessé de faire jusqu'aujourd'hui.

Mais ce qu'on a totalement négligé, c'est de donner au maître des garanties contre les vices, l'esprit de révolte et d'insubordination de l'esclave; l'examen de la loi proposée va le prouver jusqu'à l'évidence.

Jetons un coup d'oeil sur la législation coloniale: les mutilations, les châtimens excessifs sont prohibés; le maître qui s'en rendrait coupable serait puni avec la dernière sévérité; les heures du travail, les corvées, la nourriture, le vêtement, tout est prévu et sagement réglé. L'esclave à le droit de se plaindre, si la loi n'est pas observée à son égard; et toutes les fois qu'il l'a fait, justice lui a été rendue.

Mais ce qui n'a pas été prévu, ce qui est la source de mille plaintes, c'est qu'il n'existe encore aucune loi qui prononce une peine contre les esclaves qui portent contre



contre leur maître une plainte calomnieuse. Voilà donc un crime pour lequel l'impunité leur est assurée et qui satisfait bien leur paresse, puisque pendant l'instruction, placés sous la surveillance de la police, ils ne font aucun travail.

Il ne faut pas objecter à cela que la police, que les tribunaux, que les maîtres eux-mêmes, peuvent suppléer au silence de la loi, on aurait tort.

Les uns et les autres n'oseront jamais rien prendre sur eux dans de semblables circonstances.

Il en est des plaintes d'un esclave, comme de ces matières privilégiées devant lesquelles, dans des tems de ténèbres, la loi était sans application, le droit sans force. Et c'est précisément parcequ'en Europe toutes les matières relatives à l'esclavage sont envisagées avec une prévention qui tient du fanatisme, que dans les colonies elles inspirent une profonde terreur à ceux qui par leur fonctions sont appelés à les examiner.

Ainsi l'on voit tous les jours des esclaves venir effrontément accuser leurs maîtres de délits imaginaires ; on en a vu qui avaient poussé l'infamie jusqu'à accuser leurs maîtres d'avoir fait perir dans les tourmens un ou plusieurs esclaves, et bien que l'accusation fut reconnue calomnieuse, n'être seulement punis que de vingt-cinq coups de rotin.

La calomnie, qui est un crime chez tous les hommes libres, l'ingratitude, qui est si odieuse partout, seront donc encouragées chez les esclaves : aussi, chose effrayante à considérer, depuis 1810 jusqu'à 1828, le nombre des crimes et des délits graves dans cette population s'est accrue dans la proportion de 5 à 50.

Il faut donc lorsque d'un côté on offre aux noirs toutes les facilités possibles de se plaindre s'ils sont maltraités, que de l'autre côté on assure le maître que lui aussi trouvera protection s'il est calomnié. Il faudrait que la peine infligée à l'esclave calomniateur de son maître fut d'autant plus sévère qu'il y a en même tems, de sa part, ingratitude et insubordination. Tant que les colons n'auront pas une telle garantie, et c'est la plus juste qu'ils puissent réclamer, il est impossible qu'ils ne voient pas avec effroi la moindre innovation au système actuel.

Il est deux écueils à éviter : l'un que le maître soit obligé de traduire devant les tribunaux tous les esclaves coupables d'un délit, l'autre qu'il soit obligé de les punir tous sur sa propriété.

L'un expose le propriétaire à une perte considérable dans un pays, où la justice criminelle est si complètement désorganisée, qu'il faut six mois et souvent un an pour vider un procès criminel. On est privé pendant tout ce tems du travail de son noir, et comme la loi est si mauvaise qu'elle ne laisse aucune latitude au juge, le vol le plus menue est puni de la même manière que le plus considérable.

L'autre ne peut qu'engendrer de grands abus, car il importe à la société en général que les peines soient publiques ; or le but sera manqué si chaque propriétaire s'attribuait les pouvoirs de la justice, et bornait aux limites de son habitation cette publicité nécessaire. Il serait donc convenable que la discipline des esclaves, que l'étendue de l'autorité du maître fussent en rapport avec la loi pénale, et les mesures proposées en sont bien éloignées.

En effet, elles restreignent tellement aujourd'hui le pouvoir ou la juridiction du maître, que ne pouvant plus punir lui-même le vol, par exemple, qui est si commun sur les habitations, il sera obligé d'envoyer le voleur devant les tribunaux, qui peuvent les condamner jusqu'à vingt ans de fers ; et si tous les habitans prenaient ce parti, la colonie ne serait bientôt qu'un vaste bagne. Il faut donc que certains délits justiciables des tribunaux criminels, puissent être punis sur les propriétés ; autrement ils resteront impunis, puisque le maître préférera qu'il en soit ainsi, plutôt que de livrer son noir aux tribunaux, c'est à dire, de s'exposer à en être privé pendant plusieurs années ou à le perdre indéfiniment.

Pour s'en convaincre, il suffit de considérer les conséquences de ces deux mesures, d'après nos institutions et notre législation.

Il faut examiner d'abord l'effet de la suppression du fouet porté par les commandeurs comme emblème de leur autorité, sans même y rattacher les autres dispositions prohibitives de la clause 12 de l'ordre en conseil.

Il faut bien se convaincre avant tout que le fouet n'est pas confié aux commandeurs pour exciter les noirs au travail ; ils ne peuvent s'en servir sans l'ordre du maître, si ce n'est dans le cas extrêmement rare où un noir causerait du désordre dans la bande. C'est avoir une fausse idée des colonies, et les juger avec une bien aveugle prévention, que de s'imaginer que les noirs y sont conduits comme des bêtes de somme, que l'on fait avancer à force de coups. S'il en était ainsi, la

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plupart des noirs ne préféreraient pas le travail de l'habitation au service domestique, qui leur impose bien plus de sujétions.

Le fouet étant l'instrument de la punition et la marque de l'autorité du commandeur, produit sur les esclaves une impression qui prévient beaucoup de fautes. L'abolir, ce serait détruire cette impression salutaire. Les esclaves ne manqueraient pas de croire que les commandeurs sont sans autorité sur eux, et ne craindraient pas de leur désobéir.

Ceux-ci, de leur côté, ne se voyant pas respectés, et n'ayant pas les moyens de contraindre leurs subordonnés à l'obéissance et au respect, seront découragés. Ainsi les uns seront plus disposés à ne pas travailler ou à travailler de mauvaise grace, et les autres, sans moyens de se faire craindre ou obéir, humiliés de leur impuissance et de leur nullité, sans responsabilité, puisqu'ils sont sans moyens de contrainte, laisseront faire.

Il en résultera que le maître, au lieu de s'en prendre au commandeur, s'en prendra à tous ceux qu'il dénoncera, ou plutôt à toute la bande ; que tous les jours il sera obligé de faire punir un grand nombre de noirs, que les corrections seront plus multipliées, et que les noirs eux-mêmes seront victimes d'une innovation qui tournera contre eux.

La crainte d'un châtement actuel contient plus que celle d'un châtement éloigné, et par celui même incertain.

C'est vainement que l'on objecterait que si les esclaves qui désobéissaient aux commandeurs, étaient sévèrement punis, l'obéissance dans les champs ou au travail serait bientôt rétablie. Ce serait bien peu connaître l'esprit des esclaves, et même l'esprit humain en général.

D'abord, il faudrait punir dans les commencemens beaucoup de noirs, et voilà déjà un grave désagrément imposé aux colons. En second lieu, il faut savoir que le commandeur est tenu sous sa responsabilité de faire faire la tâche que la maître a prescrite.

S'il arrive que le travail fixé pour la journée (et on le fait toujours modérément), ne soit pas achevé, c'est à lui que le maître s'en prend, parcequ'il a les moyens de se faire obéir ; or n'ayant plus ces moyens, il ne sera plus humainement responsable. Il ne faut pas oublier que les commandeurs sont les amis, les parens, de ceux placés sous leurs ordres, et que dès l'instant où ils auront un prétexte plausible pour justifier leur négligence, ils deviendront négligens.

Supposons que le travail fixé pour la journée ne soit pas fait, et que le commandeur vienne dire au maître que malgré tout ce qu'il a pu faire, les noirs n'ont pas travaillé : qui punira-t-on ? le commandeur ; ce serait injuste : toute la bande ? ce serait une cruelle nécessité : on y renoncera à supposer d'ailleurs que le commandeur en dénonce quelques uns, n'est il pas à craindre qu'il taise les noms de ses protégés, et qu'il ne sacrifie d'autres noirs contre lesquels il aurait quelques ressentimens personnels : quelle source d'injustice !

Si encore, en abolissant le fouet, auquel au surplus personne ne tient, on permettrait aux commandeurs de porter tout autre instrument, tel qu'un rotin, un jonc, une canne, ce serait toujours un emblème de commandement, un signe de coercition qui imposerait aux noirs. Mais la prohibition est générale et les prive absolument de leur autorité, conséquemment de leur responsabilité ; et quel autre signe peut-on imaginer qui puisse contraindre les noirs au respect et à l'obéissance ?

Que fera le maître ? il faudra donc qu'il se rende lui-même au lieu du travail ; mais il ne peut être partout ; il a souvent besoin de s'absenter. Supposons cependant qu'il parvienne à se multiplier, et à être tous les jours présent en tous lieux, aux ateliers, à la sucrerie, dans les champs : il faudra qu'il soit sans cesse derrière les noirs, les excitant du geste et de la voix, les menaçant, se mettant en fureur, notant ceux qui ne travailleront pas. Comment fera-t-il s'il s'agit d'un de ces travaux qui exigent une grande activité, dans un incendie, par exemple, où il faut stimuler, exciter, pousser, contraindre les paresseux ? est il permis là de rester impassible ?

Que l'on remarque bien qu'il ne s'agit pas ici, comme en Europe, d'ouvriers qu'on peut renvoyer s'ils ne conviennent pas, en qui sentent aux-mêmes le besoin de travailler, mais de gens qui savent que, travaillant bien ou mal, ils n'en seront pas moins nourris, logés, habillés, traités, &c. Combien donc les moyens de contrainte deviennent nécessaires à leur égard, puisqu'aucun intérêt personnel ne les porte au travail.

Ainsi le maître, forcé d'aller lui-même au travail, d'y être à toute heure, en reviendra mécontent, plein de ressentiment, et contraint à ordonner un grand nombre de punitions. Telle faute sur laquelle un commandeur aurait fermé les yeux, ou

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dont un noir aurait été quitte pour un coup porté à l'instant même, ne sera pas pardonné, car pour être obéi dorénavant, il faudra être impitoyable. Voilà tout ce que l'humanité y gagnera.

Mais la prohibition ne s'étend pas au commandeur seulement, elle s'étend à toute personne, or le maître lui-même ne pourra jamais être muni d'aucun emblème de commandement, et si pour marcher, il a besoin d'une canne, il faudra qu'il y renonce, car la prohibition est absolue; la loi ne fait pas d'exception, et les tribunaux ne s'aviseront pas de créer des distinctions qui n'existent pas. A cet égard les juriconsultes sont unanimes; la prohibition est conçue en termes si absolus et si généraux, qu'elle s'étend non seulement aux commandeurs mais aux régisseurs et aux maîtres, non seulement au fouet mais à tout instrument de correction, non seulement aux travaux des champs mais à toutes sortes de travaux, ceux même de l'intérieur de la maison.

D'après le droit qui nous régit et dans l'état de terreur où l'on est généralement, il n'est pas douteux que si la clause 12, dont il s'agit était publiée sans modification, le propriétaire le plus respectable qui s'aviserait de donner un coup de badine à son domestique indolent ou paresseux, pour l'exciter à n'importe quel travail, serait exposé à six mois de prison et à 500 l. d'amende. Mais ce n'est pas tout encore que la prohibition faite à toute personne de porter un fouet ou tout autre instrument de même nature, soit comme emblème de commandement, soit pour exciter au travail, il est même défendu de le *montrer* sur l'habitation.

Ainsi donc un fouet, un rotin, une canne, un caton, ou toute autre chose pareille, deviennent sur les habitations des objets de contravention. Il faudra les cacher avec soin, à peine d'être puni comme la loi le porte.

Cependant il est des sucreries où l'on compte plus de 30 conducteurs de charrettes, obligés de porter un fouet pour exciter les bœufs au travail. En voilà qui sont bien forcés de *montrer* leur fouet, comment feront ils? la loi en s'en replique pas, au contraire, elle est si absolue qu'elle ne peut souffrir d'exception. Tous ces inconvénients ne sont rien encore, en comparaison des dangers plus réels auxquels cette innovation expose les colons.

Supposons qu'un noir aille se plaindre que le commandeur a porté à l'ouvrage un fouet ou tout autre instrument de même nature: Comment le fait sera-t-il prouvé? prendra-t-on le témoignage d'un autre noir? pourront ils déposer contra le maître? à qui imposera-t-on l'*onus probandi*?

Si c'est au maître, il est clair que sa fortune et sa personne sont à la merci de ses noirs; si c'est aux esclaves, quels témoins pourront-ils produire?

Dans le premier cas la loi est perverse, dans le second cas elle est désoire. Est ce là une loi?

Supposons maintenant que sur une habitation considérable, le maître remarque des ferments de révolte, une insubordination qu'il faille comprimer de suite, ne sera-t-il pas forcé malgré lui à des actes de sévérité? Devra-t-il attendre lorsqu'il faut agir sur le champ? Ne pourra-t-il pas aussi suspendre quelque fois la loi? Non, elle ne le permet pas; elle est donc dangereuse.

Les habitans ne tiennent pas à ce qu'un commandeur porte un fouet plutôt que tout autre instrument pouvant produire la même impression, et dont il pourrait au besoin se servir sous sa responsabilité.

Ce qu'ils redoutent par dessus tout, c'est l'effet de la publicité de la loi; il existerait d'un côté tant d'irritation, de l'autre tant d'espérance exagérée, qu'il n'est pas douteux que la colonie ne fut à l'instant même livrée aux plus grands désordres. L'exemple de Demerara doit éclairer les habitans de Maurice, et leur apprendre ce qu'ils doivent attendre de la publication de dispositions que les noirs n'envisageront que comme le signal d'un affranchissement général; et cependant à Demerara il existe de meilleurs réglemens généraux, une police plus forte, et les lois sont en rapport avec les institutions du pays.

Voici maintenant la conséquence la plus immédiate de la suppression du fouet ou de tout autre instrument pareil porté par les commandeurs. Ils devront comme par le passé surveiller les travaux. Comme par le passé, ils devront souvent faire entendre leurs voix, soit pour stimuler les paresseux, soit pour diriger le travail, soit pour empêcher les désordres. Les noirs en les voyant absolument désarmés, les croiront sans autorité, et ils ne se tromperont pas; ils ne les écouteront plus, et leur manqueront de respect. Le commandeur habitué à se faire obéir, se servira de son poing à défaut de fouet ou de rotin. S'il est le plus faible, il succombera bientôt et désormais plus de moyen d'obéissance; s'il est le plus fort, il abusera de sa force, et le maître n'aura pas les mêmes raisons de le punir qu'il a eues jusqu'ici. Il  
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faudra donc que les habitans ne prennent plus pour commandeurs les plus intelligens, mais les plus robustes de leurs esclaves ; car ce n'est plus que dans leurs muscles que l'on trouvera un remède à la loi, si toutefois il est possible d'en trouver un.

Cette première mesure n'aura donc d'autre effet que d'augmenter les fautes, en paralysant la surveillance, conséquemment de multiplier les châtimens, d'exciter des rixes, des combats, enfin toutes les conséquences de l'irritation d'un commandeur placé entre le maître qui se prend à lui du peu de travail, et les esclaves qui se moquent de lui.

Que l'on considère en outre l'effet moral de la mesure. Les noirs ne sont ni des légistes, ni des publicistes ; ce sont (surtout ceux affectés aux travail des champs) des êtres grossiers, qui ne sont guidés que par les sens. Dans un commandeur sans moyen de coercition, ils ne verront plus de commandeur ; ce ne sera qu'un noir comme eux dégradé de son autorité. Dans un maître dont le commandeur n'a plus d'autorité, ils ne verront qu'un blanc sans pouvoir. Ils se conduiront avec toute la jactance qui donne le succès à des vainqueurs, car pour eux c'est une victoire sur les hommes libres. Ils ne pourront pas comprendre comment on aura un autre moyen de les contraindre au travail ; comment enfin l'avantage qu'ils ont obtenu n'a rien diminué des droits de leurs maîtres ; quelle est donc cette force inaperçue qui contient dans l'obéissance 500 hommes robustes devant un seul homme, qui contient 75,000 noirs devant une poignée de blancs, 80,000,000 d'Indiens devant 30,000 Anglais ? Sans ce prestige, le droit serait-il quelque chose devant la force ? n'y a-t-il pas autant de raison de le conserver sur le sol de Maurice, qu'en Asie, en Afrique, en Amérique, sur les vaisseaux, dans les régimens, partout enfin où, sans discipline, l'état serait sans droit, sans force, sans puissance et sans gloire.

Si le principe est bon, il faut le conserver partout ; s'il est mauvais, il faut le détruire partout. Si une secte se qualifiant comme elle le voudra, allait réclamer contre les châtimens corporels que la discipline militaire commande, ne la considérerait on pas comme ennemie de l'état ? Eh bien ! que fait on ici ? Revenons à l'examen de la loi, et résumons les conséquences de la première mesure.

Le maître n'est plus aux yeux des noirs cet homme supérieur, environné d'une sorte de prestige qui fait sa force : le charme est détruit, le premier lien de la discipline est rompu. Pour se renouer, à supposer qu'on y parvienne, il faudra sévir, et sévir d'autant plus sévèrement que les fautes vont être plus nombreuses et de conséquence plus grave.

Pendant la seconde mesure rend les châtimens impossibles, comme on va s'en convaincre. Et voilà le complément du système, plus de lien, plus de discipline, plus de repression, plus d'esclavage : ruine et mort aux colons.

Pour rendre la chose plus sensible, prenons un exemple. Un noir refuse d'obéir au commandeur. La crainte d'un coup de fouet lui eut épargné cette faute, ou elle eut été sur le champ réprimée d'un seul coup, et l'on n'y eut plus pensé. Mais maintenant il faut un exemple, conséquemment une punition sévère pour faire impression sur les autres noirs. Voilà donc une faute qui n'était presque rien jusqu'à présent, devenue un délit grave. Le commandeur en revenant de l'ouvrage annonce à son maître que tel noir a refusé d'obéir ; le maître décide que le coupable sera puni.

Arrêtons nous ici : le témoignage du commandeur suffira-t-il ? ne peut il pas être mû par un sentiment de vengeance ? Le maître devra-t-il consulter les autres noirs ? les établira-t-il arbitres de sa décision ? Et si les noirs en veulent au commandeur ? s'ils veulent sauver leur camarade ? Ces gens là ne connaissent pas le serment, ils répondent oui ou non, selon qu'ils ont besoin de l'un ou de l'autre. Il faudra donc que le maître s'en rapporte au commandeur, ne fut-ce que pas politique ; le voilà conséquemment exposé à une injustice.

Mais nous supposons que le fait est vrai, le coupable sera puni ; il faut attendre 24 heures ; la loi le veut ; que fera-t-on du coupable pendant ces 24 heures ? Le laisser en liberté ? Mais la peur ne raisonne pas ; cet homme va s'évader ; nouveau délit ; le voilà donc deux fois coupable, grace à la loi ; et le maître perd le travail du noir fugitif. Le coupable attendra-t-il ? Mais l'attente du châtimement est déjà un supplice ! quelle position que la sienne ! Cependant il n'eut pas commis de faute, si rien n'eut été changé. Enfin le maître s'assurera-t-il du delinquant, en le faisant détener ? La détention, qui est déjà une punition, ne sera donc plus qu'une préparation à la peine ; en attendant, le maître perd encore une journée de travail. On pourrait ajouter à cela qu'il à le cœur brisé de douleur d'être obligé de sévir aussi sévèrement,

sévèrement, mais il est reçu que sous les tropiques l'homme n'a plus d'humain que la forme.

Enfin les 24 heures sont écoulées, le châtiment va commencer. Mais il faut qu'une personne libre y soit présente. On va donc envoyer chez les voisins : sont ils chez eux, voudront ils venir assister à un spectacle répugnant ?

Il faudra donc attendre jusque là, et l'esclave ne sera puni qu'autant que cela conviendra à un voisin. Si l'on ne peut en obtenir un, que fera-t-on ? Il est impossible de détenir le noir indéfiniment ; il faudra donc le renvoyer au travail, et voilà, au lieu d'un exemple salutaire, un exemple d'impunité, un encouragement à l'insubordination.

Mais supposons qu'il vienne un voisin ce que l'on n'obtiendra jamais. Il faudra que le maître inscrire sur son registre, quoi ? la nature et les détails de l'offense, l'époque et le lieu où elle a été commise, l'époque et le lieu où la correction a été infligée : que de choses ! La nature, le genre, les détails de la punition ! qui inscrira cela ? le maître. Il faudra donc que lui-même soit présent à la punition : plus de punition donc en son absence ; et si le propriétaire est une femme ?

Qui voudra donc être maître à ce prix, car il ne faut pas oublier qu'à Maurice tous les propriétaires habitent avec leurs familles sur leurs habitations. Pourquoi veut on contraindre les colons à tant de barbarie ? Oh qu'ils ont bien raison ceux qui ont suggéré ces mesures ; ils les connaissant bien, tout en déclamant contre eux. Ils savent assez que la nature a conservé dans leurs ames tous ses droits ; ils savent que tous préféreront encore la ruine ou la mort à l'humiliation et au déshonneur attachés à d'aussi barbares devoirs.

Voilà donc le maître condamné à rédiger à chaque correction un hideux procès-verbal ; qu'on se rappelle tout ce qu'il doit contenir. Un légiste craindrait d'oublier quelque chose, il faudra cependant qu'un homme étranger aux formes n'oublie rien ; et si son procès-verbal est mal fait, s'il a omis quelque formalité, si dans son émotion il a commis des erreurs, le voilà coupable ; et son témoin sera tout aussi coupable que lui.

Si le maître ne sait pas écrire, il fera écrire par un autre ; mais quel est celui qui voudra s'exposer à une responsabilité qu'il pourrait éviter ? Il faut donc une loi qui enjoigne à tout habitant de se rendre chez son voisin, toutes les fois qu'il en sera requis, soit pour assister à un châtiment, soit pour l'inscrire sur un registre, et dans tous les cas pour partager sa responsabilité.

Mais si le maître qui ordonne la correction, et le voisin qui en est témoin, ne savent pas écrire, qui l'inscrira sur le registre ? Il faudra donc appeler une personne qui n'a rien vu. Elle devra donc écrire aveuglément tout ce qu'on lui dictera, même des faussetés, si on lui dicte des faussetés ; c'est-à-dire, qu'elle s'expose à des soupçons de complicité, à des poursuites : non personne n'y consentira.

Son excellence le Gouverneur a pensé que les assistans des commissaires civils, ou le greffier de l'enregistrement des esclaves, pourraient remplir l'office de tenir les registres des habitans. Voici ce que l'on peut objecter à cela. Dans tel quartier qui a huit lieues d'étendue, il y a plus de 200 petits propriétaires incapable de tenir un registre ; supposons que dans un même jour il ait été fait dix corrections. Deux hommes pourront ils se transporter en dix endroits différens sur une aussi grande étendue de terrain ? La chose est impraticable. Mais admettons qu'ils puissent le faire : écriront ils tout ce qu'on leur déclarera, ou devront ils s'assurer de la vérité du fait ? C'est une chose que l'on sera obligé d'exiger d'eux, et que pour leur propre responsabilité ils devront exiger des habitans. Voilà de l'inquisition, ce sera une conséquence de la loi.

Ce n'est pas tout que d'exiger des maîtres un registre ; il importe de les rassurer contre l'usage que l'on peut en faire ; car il peut devenir contre eux une arme perfide. En effet toutes les fois qu'un procès-verbal péchera par l'omission d'une formalité, on pourra en tirer toutes les conséquences quel'on voudra contre eux. Ce registre fera-t-il foi contre un noir qui viendra se plaindre ? Voilà ce que la loi ne dit pas, et par cela même elle excite les plus vives inquiétudes.

Que deviendront les registres ? où seront ils déposés ? Pourra-t-on empêcher que les abolitionistes, qui ne négligent aucun moyen pour égarer les esprits, n'en obtiennent des copies pour les faire publier, et en présentant tous les faits passés dans une année comme l'œuvre d'un seul jour, n'exaltent par ce moyen des imaginations inattentives ? Ce n'est pas tout que d'exiger une chose ; il faut encore dire pourquoi on l'exige ; taire les motifs d'une loi, c'est presque convenir qu'on ne saurait les avouer, et dès lors permettre toutes les suppositions autoriser l'inquiétude et l'effroi justifier la désobéissance.

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L'obligation imposée aux colons de tenir un registre des punitions, fait nécessairement présumer que quelqu'un aura le droit de les inspecter et de s'assurer s'ils contiennent la vérité. Or cet examen conduira à une enquête qui ne peut faire qu'un très mauvais effet, et qui entraînera la nécessité de faire entendre les noirs contre leurs maîtres.

Il en résultera encore que le maître ne sera plus le juge du délit ; car il est fort possible que là où il aura vu une faute grave, un étranger ne vove rien de répréhensif. Il peut se faire même que le fait ne paraisse pas grave d'après la manière dont il sera rapporté ; et l'on peut en offrir mille exemples que nous donnerions ici, si nous ne craignons de tomber dans des trivialités.

La même faute devient grave ou légère selon qu'il s'y rattache le plus petit incident, et il n'est pas donné à tout le monde de le faire ressortir.

Il arrivera donc que le maître lui-même sera jugé par une personne supérieure, et que s'il n'est pas doué d'assez d'intelligence pour rapporter les circonstances aggravantes d'un délit, il passera pour cruel, tandis qu'un homme cruel, s'il est rusé, ne sera jamais recherché.

Que l'on considère toutes les formalités que le maître aura à remplir avant, pendant et après la punition, les dégouts qu'il doit éprouver, les incidens qui peuvent suspendre, ajourner, empêcher même le châtement, et l'on conviendra que pour rester toujours fidèle à la loi il faudra être doué d'une sagesse, d'une prudence, d'un Chaleur surnaturel : que de sentimens il faudra comprimer ! l'irritation, la pitié, l'indignation, l'humiliation, et cette stoïque abnégation, on espère l'obtenir d'une population de plus de 20,000 ames ! L'univers entier ne contient pas le nombre de sages suffisant pour réaliser une semblable Utopie. Il faut donc se hâter de créer assez de juges pour prononcer des condamnations contre les contrevenans, assez de prisons pour les contenir, ou ce qui serait plutôt fait, de s'écarter plus de colonie.

Tandisque la police intérieure est ainsi relâchée, tandisque le maître perd chaque jour son autorité, voyons quelles garanties lui offre la police générale. Prenons un quartier voisin de la ville, où conséquemment les esclaves plus rapprochés de ce centre de corruption sont plus disposés à l'indiscipline, les Pamplemousses. On y compte 10,000 esclaves répandus sur un territoire de neuf lieues carrées. La police y est confiée à un commissaire civil, un suppléant, un commandant de quartier, un adjoint, un brigadier et six gend'armes. Cependant on y compte plus de 50 lieues de rassemblement et plusieurs grandes routes. Les six gend'armes, en les supposant toujours sur pied, peuvent ils entretenir l'ordre partout, arrêter les vagabonds et les voleurs, surveiller les recéleurs, qui fourmillent aujourd'hui, car le recel est devenu presque une profession avouée. La chose est impossible. Voilà, cependant, toute la garantie de la sécurité des biens et de l'existence des colons.

N'aguère des lois sages restraignaient les affranchissemens, en exigeant des garanties de la moralité et de la capacité des esclaves que l'on rendait à la liberté. Aujourd'hui ces garanties sont détruites. Plus de formalités pour les affranchissemens. Est libre qui veut : où vont ces cinquante affranchis par semaine, dont on voit les noms sur la gazette. Quels sont-ils ? quelle est leur moralité ? quels sont leurs moyens d'existence ? Esclaves hier, empreints encore des stigmates de l'esclavage, libérés aujourd'hui, mais vicieux et corrompus (car la liberté est pour la plupart des esclaves la récompense de leur vols ou du libertinage des femmes), qu'apportent-ils à la société ? L'oisiveté et les vices qui l'accompagnent ; car tous ne voient dans la liberté que la cessation du travail. Compagnons et parents des esclaves, ils les débauchent, les engagent à voler, vivent de leurs vols, les recèlent chez eux ; et ce désordre, il faut le tolérer.

Dans la ville la police est aussi impuissante que dans les campagnes. La surveillance n'existe nulle part ; partout règne l'imprévoyance ; et ce qu'il y a de plus douloureux, c'est de la rencontrer dans la loi elle-même.

Et comment peut-il en être autrement ? Sans doute que dans le Chef du Gouvernement et Messieurs les membres du Conseil, qui font avec lui les lois locales, on rencontre avec de grandes capacités administratives, les meilleures dispositions ; mais connaissent-ils bien les lois de la colonie, les mœurs de la population, l'esprit, les habitudes des noirs ; savent-ils bien toujours où est le mal et quel remède on peut y apporter ; peuvent-ils apprécier, comme les colons, les conséquences d'une mesure belle en théorie, mais qui dans la pratique bouleverse tout. La chose n'est pas probable ; disons franchement la vérité, elle est impossible.

Les colons n'entendent pas s'opposer aux vues du Gouvernement ; au contraire, ils se feront un point d'honneur de mériter sa confiance, en lui témoignant la leur ; ils sont prêts à tous les sacrifices que l'humanité commande. Si ce n'étaient leurs sentimens

sentimens naturels, leur intérêt leur dirait assez qu'ils ne sauraient trop faire pour le bien-être des esclaves. Ils invoquent pour eux l'éducation religieuse, dont les malheureux sont privés, ils font tous les jours de nouveaux efforts pour leur assurer de bons alimens, de bons vêtemens. Le régime des hospitaux est amélioré, les châtimens corporel deviennent plus rares, les heures du travail mieux entendues ; on ne néglige rien de ce qui peut leur épargner de porter de fardeaux, et l'amélioration obtenue est un garant de celle à laquelle on parviendra.

Ce que veulent les colons, ce sont des gages de sécurité, et ils n'en trouvent aucun dans les institutions coloniales ; leurs lois ne sont plus en rapport avec leurs mœurs et leurs institutions ; ils avaient autrefois une constitution coloniale qui leur paraissait encore très imparfaite ; aujourd'hui ils n'en ont pas ; les pouvoirs sont confondus ; il est des cas pour lesquels on ne rencontre partout qu'incompétence dans les autorités. Chacun évite de trancher certaines questions qui s'élevèrent tous les jours.

Aucune des mesures nouvelles n'est en harmonie avec la législation, et c'est le plus grand vice d'une loi. Ce que l'on détruit, n'est pas remplacé ; ce que l'on élève, n'est pas étayé.

La circonstance actuelle fournira une preuve éclatante de la nécessité de la coopération des colons aux lois du pays. Leurs respectueuses objections donneront au Gouvernement éclaircissemens dont sans doute il eut été privé. Les colons devront au premier acte de l'administration de Sir Charles Colville, le bonheur de pouvoir appeler à Sa Majesté, mieux informée, d'une mesure qui, si elle avait été publiée, eut déjà jeté la colonie dans une épouvantable confusion.

Les colons le disent avec conviction, ils auraient voulu par le respect qu'ils portent à leur Gouvernement, par la confiance qu'il leur inspire, faire l'essai des mesures proposées ; mais plus ils y réfléchissent, plus ils y voient de dangers dans l'état actuel des choses ; le mal serait sans remède. Elles ne peuvent être adoptées qu'autant que tous les cas seront prévu ; que les autorités compétentes seront mieux déterminées, et que la loi dans son ensemble présentera des garanties qu'on ne rencontre nulle part.

Port Louis, île Maurice, le 7 Août 1828.

(signé) J. J. Wiehé.	Labauve.	H. Perrot.
Sériès.	Henry Adam.	Gourdel.
Lucas.	B. Labutte.	Hugnin.
Bestel jeune.	G. Rougier Lagane.	R. Pitot.
Maure.	M. Fontenay.	L. Barbé.
Gaillardon.	A. Pouget de St.	A. D'Epinay.
Gaud.	André.	

Extrait du Registre des Délibérations et Arrêtés du Comité Colonial.

Séance du 6 Août 1828.

SUR la motion de Mons. A. D'Epinay, et après mûre délibération :

Le Comité arrête que malgré son intime conviction que la loi proposée est dangereuse, que publiée dans l'état actuel des choses, elle serait le signal de la ruine et de la destruction de la colonie ; néanmoins, il conviendrait peut-être de tâcher d'en faire quelques essais partiels avec toute la prudence qu'exige une chose aussi délicate.

Qu'en conséquence, des habitans reconnus pour la sagesse de leurs principes et leurs sentimens d'humanité, seront priés de faire graduellement, sur leur propriété, certains essais sur la suppression du fouet, soit comme emblème de commandement, soit comme instrument de correction ; d'examiner l'impression que ces innovations feront sur l'esprit des noirs ; de faire au Comité des rapports détaillés sur les résultats qu'ils auront obtenus ; afin que, de cette manière, on puisse, en connoissance de cause, établir comment, avec quelles modifications, et par quelles préparations, il serait possible d'entrer dans les vues du Gouvernement.

Le Comité arrête de plus, qu'il sera donné communication, et au besoin, copie, du présent arrêté, à son Excellence le Gouverneur.

Pour Copie conforme.

(signé) A. D'Epinay.



MAURITIUS.

— No. 17. —

Sir,

Mauritius, 11th April 1829.

WITH reference to my despatch of the 21st February last, I have now the honour of transmitting to you the English version of the ordinance of the Governor in Council of this island, for the improvement of the condition of the slave population.

It is with much concern I find myself under the necessity of adding to that document the copy of a circular memorandum to the commandant and civil commissaries of the districts, for the information of the subscribers to the remonstrances, copies of which I have also the honour to enclose.

I never had deceived myself or risked the deceiving of others by the supposition that the ordinance would be well received here; but I could not have supposed that after the time the planters have had to prepare themselves for it, and the modification it has undergone, it could have been met in the spirit of forced misrepresentation and ill-will the remonstrances of all the quarters of the island exhibit; several of them appear to be indecorous enough, but one in particular calls upon me to rescind the ordinance and suspend the protector.

I sincerely hope I may be so fortunate as to meet your approval of what I have said in the circular memorandum, and that I shall be deemed to have made due observation on the points most demanding immediate notice, though in an address of a general nature I have not alluded to the extravagance of some of the remonstrances.

It may be desirable to anticipate that the representations against myself, which will be found expressed in these remonstrances, are on account of the mode in which, in the government order of 13th February, I pointed out the manner for slaves to apply for redress, and without which I should have left this Government liable to the accusation of having neglected the last paragraph but three of Mr. Huskisson's despatch of the 19th of March 1828; the ordinance itself only pointing out the punishment for erroneous and other complaints.

In their vituperation against Mr. Thomas, the protector of slaves, whose explanation on the occasion I do myself the honour to forward, the planters and proprietors take too great advantage of his proposition to act previously to the legal commencement of his functions; they could not be doubtful of the excellence of his intentions, but they were jealous that he should undertake a duty they were conscious of having themselves neglected, viz. the instruction of their slaves in the new laws regarding them.

In a postscript to my despatch transmitting the French version of Ordinance No. 43, I observed that it had been discovered that some modification or amendment of article 6 would be required. An explanatory ordinance was judged the most desirable expedient; and I have herewith the honour to enclose a copy of the one framed and passed accordingly, as also a copy of a communication from the protector of slaves on the same subject.

I fully participate in all that is to be felt of regret that any obscurity should be allowed to occur in a work of this kind, but the corresponding *article* of the order of the King in Council, for Trinidad (No. 6), requiring to be accommodated to the legal system of the colony, the doing of such was of course left to my law officers. The technicalities and phraseologies of French law were more peculiarly the procureur-general's office, but from his having framed it when overpowered with business, or from other causes, that officer was the first to object to the article after its publication.

The period which has intervened between the date of my circular memorandum and that of the present despatch, enables me to say that public feeling seems to have in some degree subsided, and the prospect of an abundant sugar crop will, I hope, have a still more tranquillizing effect on the planters.

In the remonstrance, or rather representation, from the chamber of commerce (Enclosure No. 3), it is stated that the promulgation of the new slave laws has had a material influence on the money market; and this has been followed up by an application to me, praying that the local Government would afford some assistance from its treasury; but as the latter proposition is now under consideration only, I shall abstain from saying further at this moment.

I have the honour to be, Sir, your most obedient, &c. &c. &c.

(signed) Charles Colville.

The Right hon. Sir George Murray, G.C.B.  
&c. &c. &c.

No. 1.  
numbered 43.

No. 2.  
10th ult.

No. 3 to 13.

vid. Encl. No. 10.

No. 14.  
14th ult.

No. 15.  
7th ult.

## Enclosure 1, in No. 17.

MAURITIUS.

## No. 43.—Ordinance of his Excellency the Governor in Council.

For the melioration of the condition of the Slave Population in the Island of Mauritius and its Dependencies, and for the Establishment of a Protector and Guardian of Slaves within the said Island, and for defining and explaining the Duties attached to such Office. Title.

WHEREAS it has pleased His most gracious Majesty to order that certain regulations should be established for the religious instruction of the slaves in the island of Mauritius and its dependencies, as also for the melioration of their condition; and further, that the duties of protector and guardian of slaves, hitherto assigned to the procureur-général du Roi, or his substitute, within the said island, should for the future be exercised and fulfilled by an officer specially appointed to the said office, and that the duties of such office should be more clearly and explicitly fixed and determined: Preamble.

And whereas His Majesty has been pleased, in consequence, to nominate and appoint to the said office of protector and guardian of slaves, in the island of Mauritius and its dependencies, Richard Morris Thomas, esq., who has arrived in the said colony, and has taken and subscribed before his Excellency the Governor the following oath:—"I swear to perform faithfully, and to the best of my knowledge and ability, the duties of the office of protector and guardian of slaves in the island of Mauritius and dependencies, and to discharge the same without fear, favour or partiality. So help me God."

I. Pursuant to His Majesty's appointment, R. M. Thomas, esq. will take upon himself the office, and will discharge the duties of protector and guardian of slaves, in the island of Mauritius and its dependencies. Instalment of R. M. Thomas, esq. in the office of guardian and protector of slaves.

II. It is hereby further ordered, that the protector and guardian of slaves shall establish and keep an office in the town of Port-Louis within the said island, and that he shall regularly attend the said office on such days and at such hours of the day as the Governor or acting Governor of the said island for the time being, by any general or special order, shall please to appoint, which order may from time to time be renewed or modified as circumstances may require; and the said protector and guardian is hereby required to deposit and keep in the said office, and no where else, the different registers, books, papers and writings whatsoever, which by virtue of his office he is required to preserve and keep as hereinafter mentioned. Protector and guardian of slaves to keep an office in the town of Port-Louis and not elsewhere.

III. And it is hereby further ordered, that the protector and guardian of slaves shall not be the owner or possessor of any plantation cultivated by slaves within the said island, nor of any slave or slaves employed or working on any plantation or at any sort of culture, save and except that of the garden attached to his dwelling-house; neither shall he be in partnership, or in anywise interested in, or have a right of mortgage or other security on any plantation, or any slave or slaves as aforesaid: and he is hereby declared incompetent to act as manager, overseer, agent or attorney of, for or on any plantation or establishment within the said island, or to act as tutor, guardian, trustee or executor of any person or persons having or possessing any right or title to or on any plantation, slave or slaves, as aforesaid; and in the case of the said protector or guardian of slaves becoming possessed, by purchase or otherwise, either in his own person, or in virtue of his wife, or by right, proxy or commission of any other person, of any plantation situated in the said island or its dependencies, or of any slave or slaves employed or working upon any plantation, or in any kind of agricultural labour; or in case he shall enter into partnership, or be interested in, or possess a right of mortgage or other security on any plantation, or any slave or slaves as aforesaid; or upon his acting in the capacity of manager, overseer, agent, attorney, guardian, trustee, proxy or executor in the manner above described, then and in either of the said cases he shall immediately forfeit his said office of protector and guardian of slaves, and the salary attached to the same shall be stopped, and some other proper and fit person shall be forthwith nominated to succeed to the said office. It is, nevertheless, to be understood, and it is hereby ordained, that all acts which shall have emanated All books, registers and papers to be deposited and kept in protector's office.

The protector and guardian of slaves is not allowed to hold as proprietor or possessor, either by himself or by his wife, any plantation or plantations, or slaves attached on any plantation, to any kind of cultivation whatsoever. He is neither allowed to have any interest in a plantation or in a property; to take any sight of hypothec or pledge, or warranty in any plantation or slave; to be manager, overseer, agent, attorney, guardian, trustee, proxy or executor of any person who is a proprietor of, or has any sight in, any plantation or slaves; and in case of contravention of the clauses herein contained, the protector will lose his office *de facto*, his salary will be suppressed, and he is to have another officer put in his stead.

On protector forfeiting his place *de facto*, acts emanated and emanating from his office, until public notice of said forfeiture, to be valid in law.

emanated from the said protector and guardian of slaves, or by his orders, shall, after the said office shall have become vacated in the manner above mentioned, and before the same shall be declared vacated by a public notice to be published in the gazette of the island, have the same validity and force in law as if the said office had never become vacant as aforesaid.

Protector of slaves not to absent himself from the Mauritius, where he is to reside, without the leave described in this article.

IV. And it is hereby further ordered, that the said protector and guardian of slaves shall reside within the said island, and not absent himself from it without the special leave of His Majesty, to be transmitted through one of the principal Secretaries of State, or by leave of the Governor or acting Governor of the said island; and in no case can this leave be granted for a longer period than twelve months, nor be accorded by the Governor or acting Governor as aforesaid, unless it shall be proved by the certificate of a medical board, assembled for such purpose, that the leave required is necessary for the recovery of the health of the said protector and guardian of slaves.

The protector and guardian of slaves to be replaced in case of death, resignation, absence from the colony, or mental or bodily incapacity.

V. And it is hereby further ordered, that in the event of the death or resignation of the said protector and guardian of slaves, or in case of sickness, or any other physical or moral indisposition of the said protector, or during his absence from the colony, the Governor or acting Governor shall have the power to name and appoint any other person he may think proper, to fulfil, as the deputy of the said guardian and protector of slaves, the functions of the said office, until the pleasure of His Majesty shall be known; the person so named as deputy shall receive such salary as may be determined upon by his Excellency the Governor, the same to be deducted from that of the protector and guardian of slaves: provided always that no person is to be allowed to act as deputy, in the manner above mentioned, who, pursuant to the dispositions of the present ordinance, is or would be incapacitated from acting as protector and guardian of slaves.

Protector and guardian of slaves to discharge the duties of his office in person.

And it is by this article further ordered, that the said protector and guardian of slaves shall at all times discharge in person the duties of his office, and not by deputy, unless in cases where the Governor or acting Governor is authorized by the present article to depute a deputy to act in the place and stead of the said protector and guardian.

In what way the attributions of the protector and guardian of slaves are to be exercised with reference to the authorities and courts of justice established and maintained in this colony.

VI. And whereas it is necessary that the attributions of the protector and guardian of slaves, in the exercise of the duties he has to discharge, should accord with the different authorities and jurisdiction of the courts of justice established and maintained in the colony, and should be blended therewith, it is, in consequence, deemed advantageous, and it is hereby further ordered, that the protector and guardian of slaves shall have and exercise, in all that appertains to the police, to the government and discipline of slaves, the same powers and functions as the law has accorded to the civil commissaries in such matters, and shall exercise the same conformably to the rules, regulations and customs which have been established in like matters. And he shall have and exercise such powers and functions in all and every the several quarters of the island, as also in the town of Port-Louis, in which latter he is required, in his capacity of protector and guardian of slaves, to order and direct, in all that regards the police, government and discipline of slaves, and everything appertaining thereto, in the same manner and form as the like attributions have hitherto been exercised by the commissary-general of police. The protector and guardian of slaves will, in consequence, proceed by means of petition, information, requisition or order, in the above cases, in like manner as the civil commissaries in the several quarters of the island, and the chief commissary of police and his deputy in the town of Port-Louis, have hitherto proceeded. These latter are directed, in as far as concerns the special attributions of the guardian and protector of slaves only (as the same are set forth in his commission), to comply with his requisitions, and to send to him all matters within the pale of his attributions, subject, nevertheless, to the reports which should be made in all matters relating to their functions, by the civil commissaries and the chief commissary of police, to the superior authorities, which reports are to be forwarded as heretofore.

The civil commissaries in the island named assistant protectors and guardians of slaves in their several quarters.

VII. And it is hereby further ordered, that the civil commissaries in the several quarters of the island, shall be named and appointed, and they are hereby named and appointed, assistant protectors and guardians of slaves, within their respective quarters, for the purpose of aiding and assisting the protector and guardian of slaves in the performance of the duties conferred upon him by the present order :  
and

and they are further required, in the exercise of such functions, to obey the orders, and comply with such legal instructions, as they may from time to time receive from the protector, in the furtherance of the object and interest of the present ordinance.

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VIII. And it is hereby further ordered, that in all actions, prosecutions and suits generally, which shall for the future, and under any circumstances whatever, be instituted or brought in any tribunal or court of justice in the said island, and wherein any slave shall be accused of any offence or crime punishable by death, or transportation, or the punishments designated under the penal code as *peines afflictives*, or wherein any question shall arise as to the right any slave may have to certain property, such as a slave is competent to purchase or possess, and in either of the above cases, notice shall be given to the protector and guardian of slaves of the said actions, prosecutions and suits, in like manner as by the laws of the colony such notice should be given to the said slave, was he of free condition; and the protector and guardian of slaves is required by the present order to follow up process and all other proceedings in the said actions, prosecutions and suits, as the protector of the slave, for and in the name of the slave, and to act therein, to the best of his ability, for the interest and advantage of the slave.

Notice of all prosecutions, actions and suits generally, in which a slave may be interested or concerned, to be made to the protector and guardian of slaves, who is to act in the part and behalf of the slave in such prosecutions, actions and suits.

IX. And it is hereby further ordered, that the salary which the protector and guardian of slaves is appointed to receive, shall be to him in lieu of all fees, office fees and emoluments whatever; and in case the said protector and guardian of slaves shall take or receive, directly or indirectly, any fees or emoluments, other than his said salary, for any act, matter or thing belonging to the duties of his office, he shall incur and be liable to a penalty of double the amount of the sum or sums he shall have received, and be ever after incapable of holding or exercising the same or a like office.

Protector's salary to be in lieu of all fees and emoluments.

X. And it is hereby further ordered, that the protector and guardian of slaves shall make a report in writing to the Governor or acting Governor, on the first Monday which shall follow the 24th of June, and 25th of December, in every year; which report shall particularize and set forth the manner in which the duties of his office shall have been discharged the six months preceding the date of such report; and further, the number of actions, prosecutions and suits, generally, in which the protector shall have acted by virtue of his office, on behalf of any slave or slaves; together with the dates and terminations of such law proceedings. He is also to detail in the said reports the reports, certificates and extracts from registers, which shall have been made or sent to him, pursuant to the present ordinance, by his assistants in the several districts of the island; as also the names of the persons, if any, against whom he shall have instituted any criminal prosecution, in execution of, and pursuant to the present order; and also a statement setting forth the names of the slaves who shall have been pointed out to him as proper to give evidence and be produced as witnesses in courts of justice; and also the number of permissions granted by him for the marriage of any slave, and the number of marriages celebrated under the authority of such permissions; and also the amount of the sums of money deposited in any saving bank within the said island; and, lastly, a list containing the names of all slaves emancipated within the six months. And the Governor or acting Governor shall cause the said protector of slaves to make oath to the truth of the several matters and things set forth in the said report; and as soon as the said protector shall have made the aforesaid report, and have attested the same upon oath, then, and not before, the Governor or acting Governor shall deliver to the said protector and guardian of slaves a warrant upon the treasury of the said island, for the amount of the salary which may be due to him for the six months preceding the date of his report; and the said Governor is required by the present order to transmit such report by the first favourable opportunity to His Majesty's Secretary of State for the Colonies.

Report to be made twice a year by the protector and guardian of slaves.

Protector to make oath to the truth of his report before the Governor or acting Governor.

After report made and attested, a warrant to issue for the pay of the protector, for the six months preceding the date of the report.

XI. And it is hereby further ordered, that in case the said protector and guardian of slaves, or any one of his assistants in the several districts of the island, shall intentionally or fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, registers or reports, which the said protector is required to keep, for the due and faithful discharge of the duties of his office, or shall, knowingly and wilfully, falsify any of the said books, registers or reports,

Punishment decreed against any person making fraudulent entries, or falsifying the reports, books or registers required to be made and kept by the protector.

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or shall insert, or give or procure the means of inserting, in any of the said books, registers or reports, any false entry, or shall fraudulently and maliciously burn, cancel or obliterate any or all of the said books, registers or reports, then and in either of such cases the party offending shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall suffer the punishment hereinafter mentioned.

Regulations to be observed for the markets on Sundays.

XII. And whereas His Majesty has been graciously pleased to intimate his intention to make effectual provisions for the religious instruction of the slaves in this said island, it will be proper and necessary, as soon as His Majesty's instructions can be carried into effect, that Sunday markets should be utterly abolished; in the meantime, and until provision can be so made for the due observance, by all ranks, of that sacred day, it is forbidden to expose for sale in any market, on Sunday, any kind of provisions, meats, commodities or goods of any kind, except from gun-fire until the hour of nine in the morning, during summer, and until six in the morning in the winter; any person transgressing the present article shall be punished by a fine which shall not exceed five pounds sterling, nor be less than five shillings. The articles exposed for sale, after the above-stated hour, shall be confiscated and sold for the benefit of the *caisse de bienfaisance*.

Penalties for offences against this article.

Slaves to be baptized and instructed in the Christian religion.

Slaves to be at liberty to attend divine service in any place of public worship situated within the quarter in which they reside.

Penalty in case of refusal, unless duly motivated.

XIII. And it is hereby further ordered, and all persons, proprietors of slaves, are enjoined to cause their slaves to be baptized and instructed without delay in the principles and observance of the Christian religion. No slave shall be prevented either by his or her master, or any person having or exercising any authority or control over such slave, from attending divine service on a Sunday, whether at church or at any other place of public worship within the precincts of the district where such slave resides. Any refusal or prohibition in such case to a slave shall, on due proof thereof, be punishable by a fine of not less than twenty shillings, nor more than five pounds sterling, unless the master shall justify such refusal by good and sufficient motives.

Inhabitants to keep holy the Sabbath-day.

XIV. And it is hereby further ordered, that all inhabitants of the colony do observe and keep holy the Sabbath-day; they are forbidden to make, or cause to be made, their slaves to labour or work from sun-set on Saturdays until sun-rise on Mondays; during this interval no slave can lawfully be put to labour, or induced or compelled to labour for the profit or advantage of his or her master, owner, overseer or other person having authority over such slave.

Penalty in case of infraction.

Any person or persons offending against this article shall incur and forfeit a penalty not exceeding five pounds sterling nor less than twenty shillings.

Exception in regard to slaves whose services are necessary near their master or his family, or for the indispensable protection of cattle and other animals, as also of gardens and plantations.

It is however to be expressly understood, that nothing in this article contained is to extend, or to be construed as extending to any work which a slave is required to perform on Sundays, in the ordinary course of his duties or domestic services, near the person of his master or his family, or the person that has hired him, or to such service as is requisite for the necessary preservation of the cattle and other animals upon a plantation, as well as for the preservation and protection of the provisions and other crops and gardens existing thereon; nor to the preparations of a burial or assistance in case of fire, nor to such service generally as may be necessary to prevent any ruinous loss, damages or injury to the property of the slave's master or employer. And further, the dispositions contained in the above article do not give to slaves the privilege of absenting themselves from a plantation without the permission of the master or overseer; to prevent which, and for the maintenance of proper order and discipline upon plantations, any proprietor may and he is hereby authorized to call a muster of the slaves of his establishment, between the aforesaid interval of sun-set on Saturday and sun-rise on Monday, as often as he shall see fit, provided however such muster be not vexatious, nor more frequently repeated than is usual and customary on working days.

Slaves not allowed to absent themselves without the permission of their master or overseer.

Slaves of both sexes permitted to hire themselves voluntarily to work on Sundays, in certain labour, for their own account.

XV. Provided nevertheless and it is hereby further ordered, that it shall be lawful for slaves of both sexes to hire themselves voluntarily to their master, or any other person, with the consent of their master, to work on Sundays, but merely when it is intended by such work to preserve crops liable to perish by remaining a longer time in the field, or other employment of urgent necessity, not coming within the exceptions of Article XIV.; in which case, and when any slave shall be employed by his or her owner, he or she shall receive such wages or hire as shall be determined upon by the protector and guardian of slaves, with reference to age and sex, and distinguishing

guishing the field labourer from the handicraftsman and artificer ; which wages or hire shall be paid to the said slave or slaves as soon as he or she shall have completed the work undertaken ; and when any slave shall have hired himself or herself to any other person than his or her owner, the rate of the hire may be settled by the parties themselves. It is however to be well understood that no wages or hire is or shall be due to any slave for employment on a Sunday in his or her usual service near the person of his master or mistress, or the members of his or her family, nor in the cases of exception mentioned in Article XIV.

The protector and guardian of slaves is hereby required from time to time to give notice, through the public journal, and by all other possible means, of the lowest rate at which this description of work of slaves should be paid, for the six months following such notice ; and it is hereby further ordered, that in case any dispute should arise between any person hiring to work any slave or slaves, and such slave or slaves, as to the amount of the wages due to the latter for such casual service as aforesaid, the same shall be definitively arbitrated and settled in a summary way by the protector or assistant protector and guardian of slaves.

XVI. And whereas nothing can have a greater tendency to civilize and improve the morals of the slaves, and to increase their happiness and comfort, than the encouragement of marriages, particularly between individuals belonging to the same plantation, it is therefore hereby further ordered, that all slaves who are not within the prohibited degrees of consanguinity, shall be at liberty to contract marriage with the consent of their respective masters or mistresses, or their representatives or assigns, who are hereby enjoined, unless they can show good and lawful cause to the contrary, to grant such consent in writing, and to address the same to the civil commissary of Port Louis, or to the civil commissary of the quarter in which the parties shall reside, or if such parties shall reside in different quarters, to the civil commissary of the quarter wherein the marriage is to take place ; which written consent of the respective owner or owners, or of the representatives or assigns of such owner or owners, shall supersede and render unnecessary the formality of the publication of banns as prescribed by Article 10 of the Arrêté supplémentaire to the Code Civil, as also a compliance with the Art. 70 and 71 of the same code : provided always that in all other respects the same formalities be observed as are required on marriages between persons of free condition ; and information of the due fulfilment of such formalities shall be forwarded to the protector and guardian of slaves in Port Louis, and to the assistant protector and guardian in the respective quarters.

In the event of the owner (or his representative), whether of the one or of the other of the two slaves, or of both, refusing to consent to the marriage, or to give his written permission for the celebration of the same as aforesaid, then and in either of these cases, the protector and guardian of slaves, on notice being given to him of such refusal, shall issue a summons under his hand and seal of office, calling upon the proprietor of the said slave, or his representative, to appear before him in person, or by his attorney, at such time and place as the said protector shall think proper to appoint, within fourteen days, however, at the farthest, from such notice as aforesaid.

And if the owner, manager or any other person as aforesaid, after having been duly summoned, shall neglect to appear, or appearing, shall not by good and sufficient motives prove the intended marriage to be contrary to the welfare of the slaves desirous of contracting it, then and in that case the said protector and guardian of slaves shall and he is hereby required to grant a licence under his hand and seal, authorizing the said marriage ; and the same shall be celebrated, on a compliance with the legal formalities requisite on marriages between persons of free condition.

In case of marriage between slaves who shall have had children born to them previously to such marriage, such children shall become legitimate, it being previously proved in a satisfactory manner to the protector and guardian of slaves that there exists no fraud in the declaration which the parents of the said children shall have made. On the other hand it is expressly forbidden to masters to compel their slaves to marry against their wish or inclination ; and the protector and guardian of slaves will be careful to withhold his licence until he shall have satisfactory assurances on this head.

XVII. And it is hereby further ordered, that for the future it shall be unlawful to inflict in one and the same day, on any male slave, for any offence, crime or other cause whatever, more than twenty-five lashes with a whip or rattan, or any other instrument

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Rate of wages to slaves hiring themselves, to be made public by the protector.

Slaves to be allowed to contract marriage, with the written consent of their masters.

Such marriages to be celebrated with the same formalities as those between persons of a free condition, except as to the publication of banns and certain acts required by the civil code.

Punishment to be inflicted on male slaves.

Clauses for limiting the correction and preventing it exceeding the limits of humanity.

Obligation to be fulfilled in such cases.

Article not to be made applicable to punishments ordered by a court of justice.

Certain punishments to be entered in register of punishments.

Punishment with regard to female slaves.

Penalty.

Mode of proceeding against persons accused of having unlawfully punished a male slave.

instrument of the kind (excepting always the chabouk or carter's whip, the use of which, as an instrument of punishment, is expressly and altogether prohibited); or to inflict or cause to be inflicted on the person of any such slave any punishment or correction by beating, whipping or scourging, when there shall remain on the person of such slave any unhealed sore or laceration occasioned by a previous chastisement; as also to inflict on the person of any male slave any punishment or chastisement with the whip, rattan or other like weapon, exceeding nine blows, until twenty-four hours at least shall have elapsed since he shall have committed the offence for which he is to be punished; nor yet to inflict on the person of any male slave any punishment or correction as aforesaid, unless there be present during such correction, as witness or witnesses to the same, one free person at the least, or in default of a free person being found, six slaves, over and above the person by whom or by whose order the punishment takes place; and in case of contravention of the present article, the person or persons committing such offence and all and every person or persons who shall have ordered, authorized, encouraged or in anywise aided or abetted in the unlawful punishment of a male slave as aforesaid, shall be deemed and adjudged guilty of a misdemeanor, and on conviction shall undergo the punishment hereinafter determined. And it is hereby further ordered, that the protector and guardian of slaves, the chief commissary of police, as also the civil commissaries of police, shall be and they are hereby authorized and empowered, as a punishment to slaves of the male sex committing offences not coming under the denomination of crimes and misdemeanors cognizable in a court of justice, to order the infliction of such corporal punishments as they may think proper and the nature of the offence may require, but in no case exceeding fifty lashes: provided always, and it is hereby further ordered, that nothing in this article contained shall be interpreted as extending or applicable to any punishment that may be inflicted on a male slave in virtue of a judgment or decree of any competent tribunal within the said island.

All punishments, independent of flagellation, which shall be inflicted on male slaves, such as imprisonment, the stocks, in like manner as is ordered with respect to female slaves, shall also be inserted and entered in the record book or register of punishments, in cases where the duration of such punishments, whether of imprisonment or stocks, shall in the whole exceed 24 hours.

XVIII. All crimes, faults and offences committed by female slaves, and which were heretofore punishable with the whip, shall for the future be punished in such manner as shall be determined upon either by a court of justice, or the protector and guardian of slaves; the proprietor, or the person or persons acting under and representing him, in cases where he or they shall have authority to interfere and determine the punishment of slaves, taking heed at all times that the person to undergo the punishment is in a state of health to support the same. Such punishment may consist as follows: first, of solitary confinement, with or without labour, but always in a proper place and free from damp, the duration of such confinement to be proportionate to the offence; secondly, under the like restrictions, confinement in the stocks at different intervals, and for such periods as the nature of the offence may dictate, during which detention the slave is to be supplied with a reasonable quantity of food and water; thirdly, to carry a chain conformably to the existing law in such matters; fourthly, correction with the rod, by order of a court of justice, or of the protector and guardian of slaves; provided always that the said slave be not in a state of pregnancy, and that the correction be moderate, and inflicted on the shoulders in private, out of the view of any person of the male sex, save the individual appointed to administer the chastisement, and those persons who shall be ordered to be present as witnesses.

The foregoing disposition is not to be construed as preventing the owner of a female slave, under 12 years of age, from correcting or punishing such slave for misbehaviour or misconduct, in like manner as free persons are accustomed to chastise their children.

Any person offending against this article shall be considered guilty of a misdemeanor, and upon conviction thereof, shall suffer the punishment hereinafter mentioned.

XIX. And it is hereby further ordered, that in the event of any person, proprietor, manager or overseer of, or exercising any authority whatever on any plantation, shall be accused of having inflicted, or of causing or permitting to be inflicted, on any slave or slaves, any chastisement forbidden or declared to be unlawful by the present



present ordinance, if the slave who shall pretend to be so unlawfully punished shall present himself before the protector and guardian of slaves, or before the civil commissary as assistant protector and guardian of slaves, in his quarter, and the marks or traces of a recent flogging or laceration shall appear upon the person of the said slave, the protector and guardian, or the civil commissary as assistant protector of slaves, shall thereupon forthwith take the declaration of the said slave, and shall immediately proceed, by inquiry and investigation, to examine into the truth of the fact; and agreeably to what shall result from such inquiry and investigation, the protector and guardian of slaves shall determine whether there be cause, or otherwise, to denounce the same to the procureur-general for judicial process; the civil commissaries in the respective quarters, as assistant protectors and guardians of slaves, in the like circumstances, will address their report to the protector and guardian of slaves direct, who will determine whether it be necessary to denounce the same to the procureur-general; and when the said protector and guardian of slaves shall have decided upon bringing the matter before a court of justice, the declarations and complaints of the slaves, as also the proceedings and report of the investigation and inquiry with regard thereto, made before and drawn up by the protector and guardian of slaves, or by the civil commissaries, assistants of the said protector, are to be immediately forwarded to the procureur-general; and if in the discussions which shall take place thereon, the slave shall declare before the court that the traces or marks which he bears are the effects of and were occasioned by such unlawful chastisement, and upon being duly and carefully examined by the court, shall prove by a precise, detailed and probable account, all the circumstances which attended such unlawful correction, then and in either of these cases, although the slave cannot be deemed a competent witness under the terms of the present ordinance, the proprietor, manager, overseer, or any other person having power or authority over the said slave, shall be bound to prove upon oath, either that the punishment, the marks and traces of which shall be apparent, was not inflicted by him or his order, or with his knowledge and consent, or else that such correction was a lawful punishment, permissible by the present ordinance, and had been inflicted in the presence of witnesses as herein-before required; in default of such proof upon oath, the proprietor, manager or overseer, shall be convicted of the offence which gave rise to the accusation: the court may notwithstanding, whatever may be the result of the declarations on oath made before it, by the witnesses deposing, or the nature of the declarations attested by the proprietor, manager, overseer or other person, adopt, with regard to the culpability or innocence of the party accused, such determination as equity may seem to it to require.

It is hereby further ordered that the magistrate charged with the duties of the *ministère public* shall not discontinue any process which he shall have commenced at the instance of the protector and guardian of slaves, and which shall have been forwarded to him by the procureur-general, but by virtue of a written order under the hand and seal of the Governor or acting Governor for the time being. Punishment.

XX. And it is hereby further ordered, that all slaves attached to plantations or to any kind of agricultural labour, shall, during working days, enjoy due time for rest, that is to say, one hour for breakfast and two hours for dinner, and they are to be clothed and fed in conformity to the existing laws. Slaves attached to plantations to be allowed hours of rest on working day: viz. one hour for breakfast, and two hours for dinner.

The protector and guardian of slaves will watch with the strictest vigilance over the due execution of this article, and any contravention thereof on the part of the master, manager or overseer of a plantation, shall be punished with a fine of not less than twenty shillings nor more than five pounds sterling. Protector to see to the due execution of this article.

XXI. And it is hereby further ordered, that every proprietor, manager, overseer, or other person having the direction or chief authority on any plantation or establishment in the colony, and charged with the government and discipline of slaves, shall be bound to keep a register to be called "Punishment Record Book;" and every proprietor, manager or overseer, or others as aforesaid, are enjoined to register, in the said book, at the very moment of a punishment, or immediately after the infliction of any punishment whatever, upon a female slave under authority of the present ordinance, or upon any male slave exceeding nine lashes, or other punishment authorized by the present order, the nature and particulars of the offence or fault occasioning such punishment, the period and place where it may have been committed, the period and place where the punishment has been inflicted, the Record book of punishment to be kept in every plantation.

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Clauses relative to the mode of keeping the record book.

Punishment against any person who shall neglect or omit to register in the plantation record book the articles that should be therein inserted.

Punishment against any person who shall register or cause to be registered fraudulently in the said book any false article, or make any fraudulent alteration therein.

The punishment record book, or extracts therefrom, to be presented on any requisition from a competent authority.

Oath to be made to the truth of the contents of such books and extracts by the parties keeping or furnishing the same.

Prohibition to sell children of a certain age without their parents, unless to the same person.

Explanatory clauses relative thereto.

nature, description and particulars of the punishment, and when it may relate to a male slave, the number of lashes applied to the slave, and the names of the person who shall have inflicted or ordered the said punishment, as also the name of the free person, or of the six slaves, who shall have been present and assisting at the punishment; any person who shall neglect or omit to register, in the said punishment record book, any punishment as aforesaid, or who shall have not made such entry within the two days following that on which the punishment shall have been inflicted, shall suffer a fine of not less than five pounds nor more than twenty pounds sterling; and if any person shall fraudulently or wilfully register, or cause to be registered in the said book, any false article, or make therein any erasure or fraudulent alteration, or who shall burn, destroy, obliterate or disfigure the said book, such person shall be declared guilty of a misdemeanor.

The said register or punishment record book is to be at all times forthcoming for inspection by the protector and guardian of slaves and his assistants, by the chief commissary of police and his deputies, by the chief judge, the procureur-general and the judges of the courts, by his Excellency the Governor, or by any person or persons having his authority in writing for the same; and when and as often as any of the aforesaid persons shall require the owner or other person keeping the aforesaid book to produce the same, or to grant extracts therefrom, the said owner and others are hereby enjoined to affirm the truth of the contents of the said books or extracts upon oath, if called upon; and upon being so sworn to, the said books or extracts shall be received as evidence in a court of justice. And it is hereby further ordered, that in case any owner or other person, as above described, shall be unable to keep a punishment record book in his own handwriting, or in that of the persons he usually employs, nor yet by a neighbouring inhabitant known and declared as willing to undertake such charge for such owner or others, then the said owner or other is enjoined to make his declaration of any punishment inflicted on a slave before the civil commissary of the quarter or his assistant, or before such other person as his Excellency the Governor may think proper to appoint for such purpose; but in this case the declaration will be received at the expense of the said owners and others, at a rate to be regulated by a tariff for such purpose.

The above officers will keep a register in the cases last above mentioned, in the same manner and form as such registers should be kept on plantations; and they are enjoined to produce them whenever required by a competent authority.

The above declarations are to be made within three days at the farthest, under the same penalties as are applicable to the keeping of the punishment record book on the plantations, by the proprietors themselves.

XXII. And it is hereby further declared illegal to seize or sell, even in the execution of any ordinance, sentence or decree of any court of justice in this island, any slave having a wife or legitimate children, or natural ones duly acknowledged (which shall be justified by the registers of the slave registry office, subject nevertheless to proof to the contrary), when such children shall not, if boys, have attained the age of twelve years, and if girls, the age of fifteen years complete, when the said children shall belong to the same person or persons, unless the said husband, wife or children, legitimate or natural, shall be sold together to the same person; and if in execution of any ordinance, sentence or decree, any slave shall be sold separately from his wife and children, whether legitimate or natural, then and in that case, it is hereby ordered that the said sale shall *de jure* be declared null and void, and the master who shall have made or suffered such sale, independent of the restitution of the price of the slave, and the payment of costs and damages if adjudged, shall be condemned, as well as the purchaser who shall knowingly have made such purchase, in a penalty of twenty pounds sterling.

And it is further ordered by the present article, that when any slave having a wife or children, legitimate or natural, of the age above mentioned, shall be seized and sold without the said wives and children being included in the said seizure or sale, such seizure and sale shall in such case be considered as comprising the husband, wife and children, nor shall the purchaser, unless he shall have had knowledge of the irregular seizure before the sale, be compelled to pay any additional price; and if the purchaser shall have had such knowledge, he shall be at liberty to offer such additional price as shall be determined upon by arbitrators, in the usual way.

XXIII. And

XXIII. And it is hereby further ordered, that any slave shall be competent to have a stock of his own, and to buy, acquire and possess moveable and immoveable property (with the exception, however, of slaves, fire-arms and other offensive weapons, and gunpowder and ammunition of war), as also to alienate and dispose of them. The concurrence and consent of the master are necessary for the purchase, sale, or alienation of immoveable property, to render the same valid, save and except such as shall be made by virtue of the disposition of any last will or testament. Any action that may take place in consequence of the faculty given to a slave by the present article, must be brought and carried on through the medium of the master or in his name; or in case of the master's refusal to commence or defend such action, by the protector and guardian of slaves; and in case the pretensions of the slave shall not be admitted in a court of justice, his property shall be answerable, as in ordinary affairs, for the costs and damages to which the action may have given rise.

The slave may have a stock; he may acquire moveable and immoveable property.

Clauses relative to the action that may take place in consequence of the faculty given to a slave by the present article.

XXIV. And it is hereby further ordered, that saving banks shall be established in this island, as the best means of preserving to slaves the property which may belong to them. There shall be allowed an interest of five per cent per annum on all sums of money that shall be deposited in the said banks. Any other dispositions with respect to the interest of these sums, and all that relates to the employment thereof, are to become the objects of special regulations, which it is left to the Governor or acting Governor to publish as often as he shall think proper.

Establishment of saving banks.

Clauses relative to that establishment and to the deposit of sums therein lodged by the slaves.

Any slave making a deposit of any sum of money in a saving bank, shall be allowed to declare in what manner he wishes that, in the event of his death, the amount of such sums as he shall have paid into such bank shall be paid, applied or employed, and the name of the person or persons to whom its delivery or distribution is to be made.

This declaration of a slave shall be registered in a book kept for that purpose at the saving bank where the sums may have been deposited; and in the event of the death of a slave who shall have made such declaration, it shall be considered as the last will and testament of the said slave, and shall supply the place thereof, provided always that there does not exist any subsequent will of such slave.

In case also the said slave shall marry after having made such declaration, the said marriage shall be taken and deemed as a legal revocation of such declaration. When any slave or slaves shall die intestate within the said island, and without having made the foregoing declaration, or having made such, shall have revoked it before death, then and in either of the above cases the property and effects belonging to the said slave shall devolve to the person or persons who, according to the laws which regulate the succession of persons dying intestate in the colonies, shall be entitled to the said property; and lastly, if the slave shall leave neither wife nor children legitimate or natural, nor any relation within the degree required by law to substantiate a claim to such property, the same shall devolve to the slave's master.

The saving banks to be established in the island by virtue of this ordinance shall be under the superintendence and inspection of the protector and guardian of slaves; and the Governor and acting Governor will and he is hereby authorized to constitute a committee of direction of such persons as he shall think proper, and to establish such regulations for the government and proper management of the said banks as he shall deem advisable to ensure order and punctuality in the conduct of its concerns, and to prevent the improper employ or misapplication of the sums deposited therein; provided always that the said regulations be forwarded without delay, for the approbation of His Majesty, through the channel of one of his principal Secretaries of State.

Saving banks to be under the authority and protection of guardian and protector.

Governor to form a commission to carry on saving banks, and to establish the necessary regulations with regard thereto.

XXV. And it is hereby further ordered, that no deposit of money shall be received into any of the said saving banks from any slave, at one time or within the same week, when such deposit shall exceed the sum of two pounds sterling, unless the slave, at the time he shall require to make such deposit, shall produce the consent of his master, manager or overseer to such deposit; and in case any slave shall be desirous of making, at one time or within the same week, a deposit of any sum exceeding two pounds sterling, and the master, overseer or manager, shall refuse to give his consent to such deposit, then and in all like cases the protector and guardian of slaves, on an application to be made to him for such purpose, shall issue a summons under his hand and seal, requiring the owner or manager, or any other

Regulations to be adopted in respect to deposits exceeding £.2 sterling.

Clauses relative to the means to be adopted for receiving into the saving banks any deposit exceeding £.2 sterling.

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Publication to be made every month of the deposits made the preceding month.

Certificate to be transmitted to the civil commissaries of quarters by every minister or priest, duly authorized by Government, for the purpose of attesting the religious instruction of slaves and their capacity to give evidence in a court of justice. These certificates to be addressed to the civil commissary of each quarter, and by him forwarded to the protector and guardian of slaves, who is to

The minister or clergyman not acknowledged by Government cannot deliver such certificates without having obtained the special leave stated in this article.

The evidence of a slave shall be henceforth admitted in a court of justice, if it be shown by the certificate of the protector and guardian that the said slave has been registered in his office as sufficiently understanding the nature and obligation of an oath.

This certificate should be delivered by the protector without any charge or fee to any person demanding it. The slave cannot give evidence in any lawsuit wherein his master may be directly interested.

The tribunals are nevertheless maintained in the power of admitting the evidence of slaves in certain cases.

Clauses relating to the oath to be taken by persons called Quakers.

Persons swearing or affirming falsely declared guilty of wilful and corrupt perjury.

Punishment against any person convicted of the offence of mis-

other person to whom the government of the said slave is entrusted, to appear before him in person, or by attorney, at a convenient time and place to be appointed by the said guardian and protector; and if the said manager, owner or other person as aforesaid, after having been thus duly monished and cited to appear, shall neglect to appear before the said protector and guardian of slaves, or appearing, shall not show good and sufficient cause why the said deposit should not be received, then and in either of the above cases, the said protector and guardian of slaves shall issue an order under his hand and seal, requiring the director of the saving banks to receive the offered deposit, and the sum is to be received in consequence. On the first of each month, the director of the banks is to make up a statement of the deposits which shall have been received the preceding month, and to render the same public through the government gazette.

XXVI. And it is hereby further ordered that every clergyman of the established church of England, every minister of that of Scotland, and every priest professing the Roman-catholic religion in this island, and every person duly authorized by the Government as a public teacher of religion in the island of Mauritius and its dependencies, shall transmit to the civil commissary of the quarter in which he is resident, certificates setting forth the name and place of dwelling of any slave who in his opinion shall be sufficiently instructed in the religion he professes to know the nature and obligation of an oath. The civil commissary in each quarter is required to forward such certificates, within eight days from the day of his receiving them, to the protector and guardian of slaves, who is to register them in a book to be kept by him for such purpose, with insertion therein of the date of the certificate, the name and place of residence of the person who shall have delivered it, and the name of the slave to whom the certificate shall apply. register them in a book kept by him for that purpose.

Provided always, that no minister, clergyman or other person, being a public teacher of religion in the said island, who shall not be also a minister or clergyman of the churches of England or Scotland, or of the Roman-catholic faith, shall be entitled to give the aforesaid certificates, unless His Majesty's principal Secretary of State for the Colonial Department, or the Governor or acting Governor of the island, shall have granted to such minister, clergyman or other aforesaid person, a permission in writing, authorizing him to deliver such certificates; and the said authority, before it can have effect, must be enrolled in the office of the protector and guardian of slaves.

XXVII. And it is hereby further ordered, that from henceforth no person shall be considered as incompetent to give evidence before a court of justice, whether civil or criminal, in the said island of Mauritius, by reason of his or her being in a state of slavery, if such person so called upon to give evidence shall produce and exhibit to the court the certificate of the protector and guardian of slaves, declaring that the name of the witness is inscribed, as required by law, in the book kept by him for the purpose. The protector and guardian of slaves is hereby required, without any charge or fee whatever, to deliver to any person applying for it, a certificate that the slave called upon as witness has or has not been registered in the said book. It is however to be well understood that the evidence of a slave is inadmissible in any law suit wherein his master may have a direct interest. Nothing in this article contained is to be interpreted or understood as destroying or diminishing the power and authority appertaining to any criminal court in the colony, to admit in certain cases the testimony of slaves, and of rendering such testimony as valid as if it were given by persons of free condition.

XXVIII. And it is hereby further ordered, that in the case of any of the class of people called Quakers, residing in this island, being required to take the oaths enjoined by the present ordinance, it shall be lawful to take the solemn affirmation of such persons in lieu of such oaths; and if any person required to take such oaths, or if a Quaker, making such solemn affirmation, in obedience and in conformity to the present ordinance, shall be convicted of swearing or affirming falsely, he or she shall incur such punishment as the laws of the colony pronounce against persons guilty of wilful and corrupt perjury.

XXIX. And it is hereby further ordered, that all persons convicted of the offences called misdemeanors, by the present ordinance, shall, if a free person, incur

incur a penalty not exceeding two hundred pounds sterling, nor less than twenty pounds, or suffer an imprisonment not exceeding six months, nor less than one month; or even suffer both penalty and imprisonment, if the court before which the conviction shall take place shall think fit so to order it. In case any person shall be convicted of the cruel or inhuman treatment of a slave, the court may and it is hereby authorized (if in its wisdom and judgment it shall see fit) to declare that such person has forfeited all his or her right and interest in and to the possession and property of such slave, and the court shall further definitively decree the confiscation of such slave to His Majesty. The trials to which the above offences shall give rise shall be heard, inquired into and determined by the courts of criminal justice in the colony. One half of the penalties pronounced shall be lodged in His Majesty's treasury, and the other half shall devolve to the *caisse de bienfaisance*.

demeanor under the present ordinance.

Punishment against persons convicted of inhuman treatment towards a slave.

XXX. And it is hereby further ordered, that in case any proprietor, manager or overseer shall be convicted for the second time, before any court of justice, of having inflicted or caused to be inflicted, upon any one or more slaves, any punishment or treatment of an unlawful, cruel and inhuman nature; independently of the punishment such person shall have incurred by law for such offence, the slave or slaves, the object of such offence, shall be declared by the court to be confiscated to the use of His Majesty, and such person or persons so convicted as aforesaid shall be further declared incapable of owning or possessing any slave within the island of Mauritius or its dependencies, or of acting as overseer or manager over any slave or slaves in any manner whatsoever; provided always, that in all cases of the confiscation of any slave or slaves as aforesaid, no prejudice shall arise to the rights of third persons, the existence of which rights must be clearly and incontestably proved, by good and lawful title, to have been in force before the day on which the offence shall have been committed.

Punishment on a second offence.

XXXI. And it is hereby further ordered, that in case of any unfounded complaint of a slave against his master or masters, the protector and guardian of slaves, or the court before which the said complaint shall be carried, shall determine, in respect to the said slave, such public or private punishment as the nature of the case may seem to require.

Punishment against the slave who shall make an unfounded complaint against his master.

But in cases where the complaint of a slave and the accusation against his master or masters shall be legally and satisfactorily proved to be malicious, and wilfully and intentionally calumnious, the slave, upon an action being brought against him by or in the name of his master, before the ordinary tribunal, shall be condemned to such public pain or corporal punishment as the court in its discretion shall direct, in conforming itself to the laws and customs in such matters. If, however, there should result from the accusations and calumnies preferred by a slave against his master or masters, any serious consequences among the blacks of the plantations to which the slave belongs, the pain of irons may be added to that of corporal punishment, and the slave be further condemned to hard labour for a period of not less than six months, nor more than twelve.

Other clauses relative thereto.

XXXII. And it is hereby further ordered, that any owner or other person authorized or empowered to that effect, who shall be desirous of manumitting or emancipating one or more slaves, shall make known such intentions to the protector and guardian of slaves by a declaration in writing, setting forth the number of slaves to be emancipated, their name, sex, age, caste, talents and employments, and their degree of consanguinity when any exists, as also whether the slaves intended to be manumitted have a wife or children. The name and quality of the master, or person requiring to emancipate, is to be set forth at the same time.

Laws and regulations relating to emancipation.

The protector and guardian of slaves is required forthwith to enter the said declaration in a book to be kept by him for that purpose; it will be necessary to annex to the said declaration, and to produce to the protector and guardian of slaves, an extract from the slave registry office of the due registry of the slave to be emancipated, and if any slave shall not have been registered the motives thereof must be submitted to the protector and guardian of slaves. Within fifteen days at the farthest after the said declaration shall be made, notice of the said manumissions shall be inserted in the Government Gazette, unless some particular circumstances shall occur to prevent the immediate insertion of such notices, the particulars of which are to be forwarded to the protector and guardian of slaves; but in case such non-insertion shall arise from the negligence of the master, and he shall

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shall omit to justify by any cause or motive whence the delay in notifying arises, the notices of emancipation are to be made by the protector and guardian of slaves. Notices of emancipation are to be inserted in three successive gazettes, and in case of a lapse of more than a week shall take place between either such notices, it will be necessary to renew the former ones.

The notices of emancipation are to contain the names and description of the person emancipating, and the names, surnames, caste, sex and age of the emancipated slave, the whole in conformity to the slave return. Any opposition to be made to the manumission of any slave or slaves in consequence of the foregoing notices will be received at the registry of the court of First Instance, by one of the clerks delegated *ad hoc*, and immediately noted in a register to be kept for such purpose, and notice of the same shall be given gratis to the protector and guardian of slaves within three days from the date of such oppositions.

When any contestation shall arise with respect to the said oppositions, process shall be had thereon in like manner as is regulated by the *Code de Procedure* for summary causes. After three successive notices of emancipation, and when eight days after the said notice shall have expired, there shall be forwarded by the registrar to the procureur-general, for ensuring the due observance of every formality, and in the interest of the public, an extract mentioning whether no opposition has been lodged, or what oppositions have been declared.

The above oppositions may be received and entered by the clerk at the registry, deputed for such purpose, on the declaration of the party opposing, subscribed by himself, or on that of the holder of a special power *ad hoc*, which latter must remain deposited in the registry, or they may also be notified by a huissier; but in this latter case the original must be countersigned by the registrar's clerk, under pain of nullity.

The said oppositions are to be received at the instance of the parties, and an extract or copy thereof is to be delivered gratis.

Within eight days following the last notice in the gazette, the owner or person charged to obtain the emancipation, shall present a petition to his Excellency for the delivery to him, in due form, of the deed of manumission; to this petition must be annexed the extract of registry delivered by the registrar of slaves, or if the slave has not been registered, a certificate from the registrar to that effect. No deed of manumission is to be delivered until the expiration of the eight days following the last notice in the government gazette, and all opposition may be received during this period of delay.

When a master or attorney shall have neglected or delayed to present a petition for the obtainment of the deed of manumission, after the expiration of the eight days as aforesaid, and shall suffer a whole month to elapse from the date of the last notice, without preferring such petition, he will be required to renew the three notices of emancipation.

The master or other must also annex to his petition the certificate of the registrar or of his clerk, deputed for that purpose, that no opposition exists to the emancipation, which certificate is to be delivered gratis. He will further annex the certificate of the protector that the declaration prescribed as above has been made at his office.

The registrar of the court of First Instance will for the future remain alone authorized to deliver the certificate, certifying that the three notices have been regularly made in three successive gazettes, which certificate is to set forth the number of the gazettes in which the notices were made, and is to be delivered without any charge or fee whatever.

On the foregoing formalities being observed, and the above delays expired, the deed of manumission is to be delivered gratis, and after being previously enrolled in the register of the protector and guardian of slaves, it is to be registered at the registry of the court of First Instance, at the office of the civil commissary of the quarter where the person emancipated resides, at the police office at Port Louis, at the office of the registrar of slaves, and wherever else it may be necessary; and this free of any charge or fee whatever, and within one month from the date thereof.

The papers and acts necessary to obtain a deed of manumission are to be received and deposited in the office of the colonial archivist. In all cases relating to emancipation by last will or testament, the heirs, executors, administrators or legatees, or their

their assigns, are to transmit to the protector and guardian of slaves an extract from the said wills or testaments within a month following the date of the opening of such wills or testaments.

No emancipation can be admitted or authorized for the future, but on a compliance with and in conformity to the foregoing rules and regulations.

Moreover, any writing by which a master shall leave any one or more slaves indefinitely at liberty to dispose of their person, labour and time, shall be considered as a consent to his or their emancipation, and the protector and guardian of slaves is to proceed with all diligence to obtain their deed of manumission, by complying with the regulations and formalities prescribed by the present ordinance.

Whenever a deed of manumission is required for a slave of the age of fifty years or upwards, or when a slave, by reason of any infirmity, is unable to procure the means of subsistence, the master of such slave shall be required, in manumitting him or her, to subscribe an obligation to maintain and provide for such slave during the period of his or her life: this obligation shall be received by the protector and guardian of slaves and inserted in a book to be kept by him for such purpose, and such obligation shall set forth the means by which the master purposes complying with the conditions of his bond.

To assure the fulfilment of the foregoing paragraph, it shall be certified by the chief commissary of police, or by the civil commissary in each district, upon the attestation of a medical officer, that any slave to be emancipated, under the age of fifty years, is not labouring under any infirmity rendering him incapable to work for his subsistence.

For every slave under the age of fourteen years the master shall be required, in emancipating him or her, to subscribe an obligation to maintain and provide for such slave, until he or she shall have attained the said age; and the said master must duly comply with such obligation by putting the said slave, under the age of fourteen years, to apprenticeship, or by placing such slave in a way to assure his or her subsistence.

In the event of non-compliance on the part of the master, or of those who have subscribed an obligation in favour of a person emancipated, in the cases mentioned in the present article, with the condition of such obligation, according to the true intent and meaning thereof, upon information of the same being given, an action shall be commenced against such owner or other person, at the suit of the ministère public *ex officio*, or at the suit of the emancipated person conjointly with the partie publique, before the ordinary civil courts; and unless such owner or other person shall be enabled to justify and successfully defend himself against such action so to be brought against him, he shall be condemned in a penalty of not less than fifty pounds nor more than two hundred pounds, according to the nature of the offence. The produce of such penalty shall be applied in the manner pointed out in Article 30 of the present ordinance.

In cases where any difficulties shall arise as to the manner in which an emancipated person should be maintained and provided for in conformity to the sense and meaning of the present ordinance, the matter shall be referred to the protector and guardian of slaves, who will decide thereon agreeably to the established usages of the colony, subject however to the ulterior and definitive sentence of the courts. In the event of any female slave having, on the day on which she shall obtain a deed of manumission, any children under the age of seven years complete, such children shall follow the lot of the mother, and the deed of manumission shall be as valid with respect to them as if they were included therein. The protector and guardian of slaves will moreover inform himself of this circumstance, either by the declaration of the slave emancipated or by the official certificate of the registrar of slaves. An owner emancipating a slave shall be required by the deed of manumission to give to him a surname, to serve as a family name to such slave and his descendants.

All executors under wills and administrators of estates, all notaries and registrars, who, by virtue of the opening or deposit of any will or testament, shall have cognizance of any clause contained therein relative to the emancipation of any slave or slaves, are required (and may be constrained thereto if requisite at the suit of the ministère public) officially to notify the same to the protector and guardian of slaves, within fifteen days at the farthest; and any executor, administrator, notary or registrar, who shall not comply with the conditions of the present article, independent of the damages and costs for which they may become responsible, and other remedies



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No duty, tax or fee of what nature or kind soever, no emolument of office, shall be allowed or be demandable for, or by reason or on account of the emancipation of any slave, nor for the enrolment or registry of the deed of manumission. And any person within the said island who shall for the future take, demand or receive any tax, duty, fee or emolument of office, for and on account of the above, such person shall, upon conviction of such offence, be condemned in a penalty not exceeding fifty pounds sterling nor less than ten pounds.

Repeal of all former laws regarding the manumission of slaves.

XXXIII. And it is hereby further ordered, that as the dispositions of the foregoing article embody the whole of the law to be observed for the future respecting manumission, all former laws and regulations in this island on that head are a.rogated and repealed.

How the degree of consanguinity between slaves is to be found by the protector and guardian.

XXXIV. And it is hereby further ordered, that whenever any difficulty shall arise in consequence of the present ordinance upon the several degrees of consanguinity between slaves, the protector and guardian is to have recourse to the registers kept by the registrar of slaves, whose certificate shall be received as evidence before the courts and by every other competent authority.

Ordinance to be read and registered in the courts.

XXXV. And to the end that no person may pretend ignorance of the same, the present ordinance is to be read and registered in the courts, for which purpose a copy thereof is to be presented by the procureur-general to his honour the chief judge and commissary of justice.

GOD SAVE THE KING.

Given at Port Louis, island of Mauritius, this 7th day of February 1829.

*Charles Colville.*

By order of his Excellency the Governor,

*G. A. Barry,*

Chief Secretary to Government.

By order of the Council,

*W. N. Leitch,*

Secretary to the Council.

L. S.

(A true copy.)

*Charles Colville.*

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Enclosure 2, in No. 17.

MEMORANDUM.

IT has been with infinite concern that the Governor has learnt, by representations in the name of the several quarters of the island, that the Ordinance No. 43, of the Governor in Council, and the government notices of the 9th January and 13th February last, have been met by misunderstanding and dissatisfaction, not to have been contemplated by those to whom had been confided, by the King's immediate Ministers, the adjustment to this island of a system, liable to a few modifications such as local circumstances might require, but to be generally introduced into all the sugar colonies in His Majesty's dominions; and in the execution of which task, they are conscious of having, after a long and anxious consideration of the subject, done their utmost to accommodate the code to the real interests, and even, in many instances, to the prejudices of the slave proprietors.

His Excellency will consider it a duty to transmit those remonstrances to His Majesty's Secretary of State for the Colonies, but it is equally such to give his opinion that the inhabitants should not be sanguine of the admission of any material deviation from a system which, by the voice of Parliament, has been pronounced general, for the government of all the colonies where there is a slave population; and which, there is every reason to believe, is at this moment or shortly will be in successful operation in them all, from the little specks on the ocean of Montserrat and Nevis, to the vast and important possessions of Demerara and Jamaica, equally under governments

governments enjoying legislative assemblies, as in those where the laws existing at the period of capitulation are still chiefly in force, and including Grenada and St. Lucia, like this, not long since French possessions.

The more informed of the proprietors of this colony have had the advantage to know the discussions which have taken place between other possessions and His Majesty's Government, on the subject of these laws; and St. Lucia being just mentioned, the Governor thinks it applicable to insert an extract of a letter of 26th October 1827, from the Secretary of State to the Governor of that island; viz.:

“The returns of punishments with which the planters are to furnish the protector, are little more than the journals which have been usually kept upon well regulated plantations, from the exposition of which journals, the owners of *such* plantations will only derive the more credit.

“The law does not authorize the protector to exercise the species of minute and vexatious interference in the details of the planter's management of his slaves which is described by the petitioners.”

At this point it may be desirable to observe, that whatever may have been the dissatisfaction or agitation produced by the visit of the protector (to the district of Rivière Noire), it was a measure undertaken with the best and most conciliatory dispositions on his part: his Excellency, at the same time, can have no hesitation to declare that no disposition exists or hitherto has existed on the part of the local government to act in itself or to enforce any proceedings which are not duly authorized by the late ordinance in council.

In the last paragraph of the government notice of the 9th January, his Excellency invites the masters themselves to read and explain the law to their slaves, supposing that such mode of proceeding would be the most acceptable to the former, and at the same time the most natural and beneficial to the latter. A compliance with this instruction would of course make the interference of the protector unnecessary; but, as has been already said in reply to some of the earliest representations from the districts, the proceeding in question is attributable to accident occurring in the correspondence on the subject.

It would have been satisfactory to his Excellency, if, before bringing forward remonstrances so strong, the planters had allowed the new laws to have had a fair trial. Having passed in the King's name, and by His express command, they must be executed; but after certain experience, then will be the time for soliciting the repeal or modification of such clauses as may have been found injurious in a real not supposititious sense.

In the mean time his Excellency would recommend the rejection of all unnecessary alarm, and the avoiding of a betrayal to their slaves of their feeling that too much has been done for them; continuing the maintenance of a firm though not severe course of discipline, in which they may depend upon the support of his government; and augmenting instead of diminishing the white population upon their estates, by bringing to them, at least for a temporary residence, all the youth of their families who have not immediate business elsewhere, to assist in the surveillance and management of their slaves; and if necessary, to add, under the authority of government, to the armed force of the district.

Let them have but a little patience, and the planters will see the Slave Amelioration Ordinance followed up by others for that of the Marronage and Cantine laws, for the repression of *vagabondage*, and for the establishment of a more efficient police. It must be well known to many of them that these are subjects which have long anxiously attracted the attention of the local government, and that the attempt at their correction has been chiefly retarded to admit of the representations of His Majesty's Commissioners of Inquiry, to the Government at home, coming in aid of its own views and means of execution.

His Excellency's endeavour to give temporary aid to the police of the interior have in no small degree been paralyzed by the difficulty of obtaining individuals of proper character and conduct to increase the number of police guards; that difficulty having been distinctly represented to his Excellency by the authorities of the districts, several of whom indeed declared that no augmentation in the means of repression actually existing appeared necessary at the moment.

His Excellency however will be most ready to receive and to attend to any recommendations for the organization of a more perfect system of police in the interior, embracing the Marronage laws, the state of detachments, &c. &c. which may be submitted to him by the commandants as the constituted local authorities, assisted by the notables of their quartiers respectively.

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Some of the memorialists express their satisfactory reliance on the reply of the Duke of Wellington to a deputation of West India proprietors, on the subject of colonial affairs. His Grace expresses himself in the terms to be expected from the prime minister of a nation so extensively commercial and colonial, to whom the protection of the properties and interests of her immense population of colonists (none more deserving or more contributing to the riches and splendour of the parent state than the sugar islands) must be an object most near his heart. There is nothing however in his speech to cause it to be apprehended that he does not approve of what has been done for the slaves; but, on the contrary, he expressly states his hope that the highly respectable individuals to whom he addresses himself, will exert their influence with the representative assemblies in their colonies to introduce into them the laws which he considers His Majesty's Government pledged to Parliament to put into execution.

His Grace expresses no sort of apprehension for the safety or continued prosperity of the sugar colonies; and as no further concessions to the slaves are contemplated by this local government, or other measures likely to affect the interests or feelings of their proprietors, the Governor feels that he has a right to look forward, under God's Providence, and their own persevering confidence and cordial acquiescence in the acts of his government, to the gratification of quitting those, over whom he has now the honour to preside, when that period may arrive, in as great a state of prosperity and tranquillity as he found them.

Redit, 10th March 1829.

*Charles Colville.*

(A true copy.)

*James Viret, Private Secretary.*

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Enclosure 3, in No. 17.

A son Excellence le Lieutenant-général l'Honorable Sir Charles Colville,  
Gouverneur de l'Île Maurice and Dependances, &c. &c.

Excellence,

DANS un moment où toute la colonie se trouve dans un état violent d'agitation par les nouvelles mesures qui viennent d'être promulguées pour le régime des esclaves, la chambre de commerce se croit naturellement appelée par ses devoirs, par l'essence de son institution, et par la protection qu'elle doit au corps qu'elle représente, à éclairer le Gouvernement sur les funestes effets qui peuvent résulter d'un tel état de choses.

Le commerce ne peut se soutenir que par la confiance, et, dans aucun pays du monde, la propriété ne se rattache d'une manière plus intime que dans celle-ci aux transactions commerciales; or, comment cette confiance peut elle exister lorsque le droit de la propriété est méconnu et menacé dans ses principes les plus incontestables; lorsque les propriétaires, par le fait des nouvelles mesures, sont dans la malheureuse situation d'avoir tout à redouter pour leur fortune, leur tranquillité, leur existence?

Le commerce sortait à peine d'une crise qui se fait sentir ordinairement chaque année à la même époque, mais qui a été encore plus forte celle-ci que les précédentes; les négociations commençaient à devenir plus faciles, l'argent par conséquent moins rare, malgré les exportations assez considérables qui s'en sont faites pour le dehors, et principalement pour l'île de Bourbon; enfin les affaires commençaient à marcher avec plus d'aisance, lorsque les craintes fondées qui sont venues frapper les esprits à la suite de la promulgation des Actes émanés du Gouvernement, sous les dates des 7 et 13 Février dernier, ont de nouveau paralysé la confiance et entravé les transactions. Les capitalistes, sans garantie pour l'avenir, paraissent décidés à resserrer leur argent; plusieurs même annoncent l'intention de quitter le plutôt possible un pays où ils croient avoir tout à redouter; et nous ne craignons pas de dire que cette idée d'émigration s'étendrait à toutes les personnes qui pourraient nourrir l'espoir de réaliser leurs capitaux d'ici à une époque plus ou moins rapprochée. Déjà cette année aura vu s'éloigner de nous un bon nombre des familles, parmi lesquelles figurent des négocians respectables qui emportent une certaine masse de capitaux, dont la soustraction, jointe au resserrement dont

nous signalons la cause, ne peut qu'amener une influence nuisible aux transactions, dans un pays qui n'a ni établissement de banque, ni caisse d'escompte, qui puissent assurer une circulation régulière. Et n'est-il pas à craindre que les motifs d'une telle émigration, une fois connus au dehors, ne nuisent essentiellement à nos affaires extérieures ?

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Cependant la colonie s'était élevée, sous vos prédécesseurs, à un degré de prospérité qui lui promettait le plus heureux avenir ; la culture avait pris un tel essor d'accroissement, qu'il avait même fourni à nos adversaires un prétexte de verser sur nous le poison de la calomnie, en attribuant ses progrès à la continuation d'un trafic, auquel, depuis long tems, nous avons renoncé de bonne foi, tandis qu'il est bien notoire que les causes de cette prospérité sont dues principalement à la confection des routes, à l'introduction des machines à vapeur, à celle des animaux de trait, et, nous le dirons aussi, à l'amélioration du sort des esclaves ; amélioration dont les colons s'étaient sérieusement occupés, tant par humanité que par intérêt, avant même que la Métropole aît voulu leur en faire un devoir ; amélioration amenée graduellement, sans secousses et sans convulsion, comme elle doit se faire dans un pays où le prestige de la supériorité des blancs peut seul garantir une sécurité que l'état numérique de la population esclave ne permettrait plus d'espérer, si ce prestige était une fois détruit.

Voilà, pourtant, ce dont nous sommes menacées aujourd'hui par des mesures qui appellent des hommes sans civilisation, sans frein religieux, sans morale, à jouir, tout à coup, de prétendus droits dont ils ne sauront pas apprécier les avantages, et qui se livreront à une licence et à des excès dont les suites peuvent être les plus funestes : voilà où nous aura conduits une philanthropie mal-digérée, qui, sacrifiant tout à un principe, ou plutôt à un système, vont brusquer inconsidérément des innovations qui ne peuvent être que le fruit du tems et de l'expérience.

Que résultera-t-il d'un tel état de choses ? l'inconfiance au dedans, le discrédit au dehors, le découragement parmi les planteurs, une diminution sensible dans toutes les branches du revenu public, une grande dépréciation dans la valeur des propriétés, une émigration toujours croissante, la tranquillité intérieure menacée et compromis, enfin une suite de malheurs dont les conséquences nous font frémir.

Tels sont les maux que la chambre de commerce croit devoir signaler à votre Excellence ; il est tems encore de les prévenir, mais le moindre délai, la moindre hésitation dans la modification des mesures auxquels ils se rattachent, peut les laisser sans remède. Votre Excellence sentira sans doute qu'elle ne saurait mettre trop d'empressement à calmer les inquiétudes des colons, et à rendre aux propriétaires et au commerce cette sécurité et cette confiance qu'ils ont tout droit d'attendre de votre caractère, et des espérances que vous leur aviez données lorsque vous avez pris les rênes du Gouvernement.

Nous sommes avec un profond respect, de votre Excellence les très humbles et très obéissans serviteurs,

Les Membres composant la Chambre de Commerce de Maurice :

(signé) J <sup>me</sup> Cayron ainé.	B. Lesage.	H. Passmore.
J. J. Wiehe.	Gaillardon.	J. Davy.
L. Barbé.	V. J. Chauvet.	Auteline.
Seriés.	R. Pitot.	A. Maure.
F. Mullet.	F <sup>r</sup> Barbé.	G. Rougier Laganc.

Port-Louis, 9 Mars 1829.

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Enclosure 4, in No. 17.

A son Excellence le Lieutenant-general l'Honorable Sir Charles Colville,  
Commandant en Chef de Maurice et Dependances, &c. &c. &c.

Excellence,

Port-Louis, 6 Mars 1829.

NOUS venons avec confiance vous témoigner nos inquiétudes et nos craintes sur les derniers actes du Gouvernement promulgués dans la gazette officielle.

Cette colonie qui s'est toujours distinguée par des principes de modération, dont le régime intérieur était en harmonie avec les lois protectrices faites par les Rois de France pour les esclaves, n'en subit pas moins des changemens qui peuvent lui être funestes dans les conséquences.

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La capitulation, qui lui assurait la jouissance de ses lois, usages et coutumes, se trouve anéantie ; des réglemens nouveaux, peu en harmonie avec le régime intérieur, ont été substitués à un code où chacun trouvait une garantie contre toute espèce d'excès.

Malgré les améliorations sans nombre qui se sont opérées en faveur des esclaves, par la volonté seule des habitans, qui y étaient portés par humanité, et en même temps par l'effet de la suppression de la traite ; nous n'avons pas été pour cela exempts de voir promulguer une loi nouvelle, qui dans plusieurs articles attente à la propriété, diminue les moyens répressifs pour conserver une exacte discipline, et paraît en quelque sorte autoriser la désobéissance.

L'homme civilisé et instruit ne conçoit pas toujours le vrai sens des lois ; comment des hommes bruts pourraient-ils comprendre les intentions du Gouvernement ? et si, ce qui est probable, ils s'en écartent, ne doit-on pas craindre les plus grands malheurs, un désordre continuel et une désobéissance formelle.

Que devient le propriétaire paisible, si, malgré sa conduite juste, il se trouve des mauvais sujets sur son bien, qui désorganisent ses ateliers, en les portant à des plaintes mal-fondées ? Il faudra qu'il fasse des démarches pour prouver son innocence, ses travaux seront interrompus, la culture suspendue, et alors une diminution considérable dans les produits le mettra dans l'impossibilité de remplir ses engagements, sa ruine entière sera inévitable ; que de conséquences plus malheureuses les unes que les autres, peuvent résulter de cet état de choses.

Ne peut-on pas craindre de voir se renouveler ici les malheurs des Antilles, qui ont pesé si fortement sur la Jamaïque, Démérari, &c. &c. &c. ? Et quand bien-même dans ce cas le Gouvernement parviendrait à ramener l'ordre, avant d'y réussir, combien de victimes auront succombé au malheur ! combien d'esclaves de moins, sans pouvoir être remplacés ! ce ne serait pas les indemnités en argent que donnerait le Gouvernement, qui répareraient de pareilles pertes.

La loi promulguée, malgré ses dangers, pouvait avoir des effets moins à craindre, par suite d'une sage application ; mais ce qui nous alarme davantage encore, c'est l'ordre du Gouvernement publié dans la gazette officielle de Samedi, 21 Février dernier, qui, par le fait tend à une désorganisation générale, appelle les noirs à porter des plaintes contre leurs maîtres, en les assurant qu'ils n'ont rien à craindre ; disposant de notre propriété, en obligeant les commissaires civils à donner des billets de passe aux noirs, sans le consentement ni la volonté des maîtres, sans même qu'ils en soient prévenus.

Ces mesures, loin de contribuer au maintien de la tranquillité, nous faisons présager de grands malheurs ; nous ne pouvons donc garder plus long-temps le silence ; et avec tout le respect que nous devons au chef de la colonie, et la confiance que nous inspire son noble caractère, nous venons vous supplier de prendre des mesures promptes et décisives qui fassent rentrer la population esclave dans ses devoirs ; autrement nous devons vous déclarer avec franchise, que notre position désespérée nous mettrait dans la pénible nécessité de protester contre les mesures que vous venez de prendre, et d'en mettre les conséquences à charge du Gouvernement local.

Nous avons l'honneur, &c. &c. &c.

(signé) Bréard.  
Cayeux aîné.  
Bomanière.  
Lelièvre.  
Ducoüedic.  
J. Bechet.  
L. Bary.  
Péan.  
J. Hein.  
An<sup>te</sup> Boulle.  
Auguste Albert.  
Durocher Yvon.  
Heynemans.  
J. F. Bretonache.  
Faduilhe.  
Fenouillot de Fal-  
baire.  
P. Hugon.

B. Canonville.  
Fric.  
L. Trebuchet.  
Rolin.  
Betrichon aîné.  
Petizeau.  
Rousseau.  
E. Boudet.  
N. Savy.  
E. Pascau.  
J. Mée.  
F. Mailhol.  
Debay.  
Ducouret.  
J. B. Malherbe.  
J. Héront.  
V. Delafaye.  
F. Poussin.

Rey.  
W. Suffield.  
P. Frederic.  
Lolliot.  
O. Petit.  
B. Caron.  
Chatteau.  
M<sup>r</sup> Marchais.  
B. Michel, pour l'Et<sup>e</sup>  
Combonard.  
F. Herchenroder j<sup>ne</sup>.  
Capmartin.  
Jouanis aîné.  
E. Bouffé.  
Delange.  
Mars.  
John Godshall.  
Duchene.

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signé) Dhotman.  
 J. Christol.  
 Pichon de Bury.  
 Aug. Laporte.  
 J. Charreton.  
 Lalouette.  
 A. Vallet.  
 B. Hoareau.  
 P. Hoareau.  
 A. Marnarot.  
 Marnarot père.  
 Leprédour.  
 D. Desperles père.  
 Asselin l'aîné.  
 Asselin fils.  
 Robert.  
 Ant. Desperles.  
 Plassan père.  
 Pigneguy.  
 Castellan.  
 A. Garreau.  
 Mailloux.  
 A<sup>se</sup> Carosin.  
 Boule fils aîné.  
 C. Tarin.  
 Hein, aîné et C.<sup>ie</sup>  
 C. A. Grupen.  
 Lortan.  
 Richand.  
 Rougevin.  
 A. Joly.  
 C. F. Christin.  
 Guimbeau.  
 Richard.  
 E. Clément.  
 Douchin.  
 Gonnet.  
 J. B. Serendat.  
 Chenard.  
 Bonnemaiton.  
 J. Basset.  
 Lafauche.  
 Ernest Bolgerd.  
 Flurot.  
 Latapie frères.  
 A. Cormane.  
 Chretien.  
 Benoit.  
 Sindanvayat.  
 Dupeloux Romain.  
 Savria Savrimouton.  
 Lesieriz.  
 Paris.  
 G. Gros-Jean neveu  
 Lionnet.  
 Duvary Laudily.  
 Ayaoon Saverimouton.  
 Lagardère.

Albert.  
 Blancard.  
 M. Albert.  
 M<sup>es</sup> Maret.  
 A<sup>y</sup> Abraham Arlandar.  
 Garrau.  
 Arnaud.  
 Abraham Laminader.  
 Ebrard.  
 Eng. Berichon.  
 Aubet.  
 Blondeau aîné.  
 A<sup>dee</sup> Herchenroder.  
 D. Espitalier.  
 H<sup>ie</sup> Germain.  
 D. Chasteau.  
 C. Aveline.  
 H. Chauvin.  
 Micomin.  
 W. Mamin  
 Delourme fils.  
 Finon.  
 H<sup>y</sup> Gachet.  
 Gand.  
 P. Raynal.  
 Gebert.  
 Dru.  
 A. Fleury.  
 P. Lemelle.  
 Arekion.  
 Roget.  
 V. Gouges.  
 O. Lughrue.  
 Dorelle.  
 Chapelon.  
 Lemême.  
 Blanchette.  
 Trouche.  
 Chauvin.  
 N. Serret.  
 F. Leclézio.  
 J. Ducasse.  
 Neyepa.  
 C. Duterte.  
 J. Lagoardette.  
 P. Grousche.  
 Finon aîné.  
 Pasquereau.  
 Pr P<sup>on</sup> de Jon B<sup>ie</sup> Bascle.  
 P<sup>9</sup> Fourestier aîné.  
 E. Magna.  
 L. Henriet.  
 B. Leroy.  
 Salomon.  
 Bretard.  
 N. Lutage.  
 Captieux.  
 J. Serret.

Maignard.  
 G. André.  
 J<sup>h</sup> Lieutier.  
 Cantilhac.  
 Manqueret.  
 Herbereau.  
 P. Baralon.  
 B. Albert.  
 P. Rousselot.  
 Letosse.  
 Mazere.  
 Leo. Dubois.  
 B. Dubois.  
 C. Camille.  
 M. Masavoard.  
 Legrand.  
 Touce.  
 P. B. Gouly.  
 J<sup>h</sup> André.  
 Constant.  
 Nuric.  
 Correat.  
 Pombart fils.  
 Boment.  
 Ch. Viger.  
 J. Meerbeke.  
 Leguen.  
 Genoy frères.  
 F. Maulgué.  
 L. B. Cayrcin.  
 Chaline.  
 Merle.  
 Doyen.  
 Mounier.  
 Fablet.  
 Prezelin.  
 Duvivier.  
 C. Marquet.  
 Gonard fils aîné.  
 J. N. Roger.  
 A<sup>t</sup> Collard.  
 Ollivier.  
 P. Ploims.  
 Dupousel.  
 L. Lechelle.  
 A. Gouges.  
 C. Larcher.  
 Laconfourgue.  
 Adam.  
 P. Lamarre.  
 A<sup>ne</sup> Sicard Duval.  
 P. Aubin.  
 A. L. Plassan fils.  
 Chrétien fils.  
 V. C. Fontenay.  
 Jahomet  
 J. Cantin.  
 D. Lesur.

MAURITIUS.

Enclosure 5, in No. 17.

A son Excellence le Lieut.-général l'Honorable Sir Charles Colville, Gouverneur et Commandant en Chef des Iles Maurice et Dépendances, &c. &c. &c.

Excellence,

AVANT que nous devinssions sujets de Sa Majesté Britannique nous vivions sous des lois dont les effets s'appliquoient à maintenir chez les colons l'autorité nécessaire vis-à-vis des êtres que le sort avoit réduits à la condition de l'esclavage, et donnoient en même temps à ceux ci la portion de droits que la justice et l'humanité ne peuvent leur refuser. Si quelquefois, méconnoissant leurs devoirs et abusant de leur force, des maîtres se rendirent coupables de délits envers leurs noirs, ces rares exceptions ne reçurent jamais l'approbation générale, et des peines proportionnées à la nature de ces délits vinrent immédiatement frapper ceux qui s'en étoient rendus les auteurs : la constatation de ces faits est trop facile à démontrer, pour qu'il soit nécessaire de leur donner à vos yeux plus de développement.

Depuis la capitulation nous avons accueilli avec une extrême soumission toutes les lois émanées de notre gouvernement, et appelés jusqu'à certaine époque dans les conseils, pour donner à ces lois des modifications que les localités ou les circonstances rendoient indispensables, les colons eux-mêmes ont contribué à y apporter des changemens relatifs à l'amélioration du sort des esclaves, voulant en cela imiter la marche tracée par un gouvernement sage et protecteur : telles ont toujours été nos dispositions.

Lorsque l'ordre en conseil de Sa Majesté pour la loi relative à l'île de la Trinité et autres colonies arriva jusqu'à nous, voulant encore nous efforcer d'entrer dans les vues du Gouvernement, nous la soumîmes aux plus sérieuses méditations, et après en avoir aperçu les dangers, nous conçûmes l'espérance qu'on ne nous en commanderait l'application, qu'après avoir écouté nos respectueuses représentations et nos demandes réitérées à l'égard des lois qui pourroient compenser la perte des droits les plus sacrés et les plus inviolables.

En Decembre dernier nous exprimâmes à votre Excellence nos craintes sur l'application de la loi dans son entier, et nos alarmes durent être inouïes : car ce'st en vain qu'on les qualifieroit de craintes paniques : elles ne furent point en rapport avec la mauvaise disposition d'esprit de nos esclaves, et la fermentation qui les plus légères notions de la loi firent naître parmi eux : chargé du mandat de son exécution, vous jugeâtes convenable de convoquer une assemblée, à la suite de laquelle nous vous demandâmes des dispositions qui rendroient au maître l'utile autorité que la loi venoit lui ravir ; nous vous priâmes de nous accorder le sursis nécessaire pour faire plaider dans le Conseil de Sa Majesté une cause aussi juste que sacré, et dans cette circonstance nous n'obtinmes qu'un silence affligeant.

Vous voulûtes bien, cependant, par suite d'une députation, que, dans nos justes craintes, nous détachâmes vers vous, différer pour un tems la publication de la loi, et nous sûmes que dans sa sollicitude, votre Excellence s'occupoit de nous la présenter avec des modifications ; cette nouvelle apporta dans nos cœurs l'espérance de voir sortir du sein de votre Conseil les réglemens nécessaires à notre sécurité, tels que ceux concernant la police, le marronage, et principalement le vagabondage, auquel se livrent les classes les moins éclairées et conséquemment les plus dangereuses de la population. Nous espérions en même tems que les peines sévères que nécessitent les inculpations calomnieuses et l'insubordination ne seroient pas négligées, et nos espérances furent encore déçues : dirons nous, même, que nous remarquâmes certaines modifications pires que la loi ; par exemple, elle veut que les protecteurs adjoints soient choisis parmi les commandants des quartiers, et la loi modifiée confie cette charge aux commissaires civils, cependant ces fonctionnaires salariés ne nous offrent pas la même garantie que les commandants des quartiers, qui, tous propriétaires, sont naturellement plus attachés aux intérêts coloniaux.

Quoique la publication de cette loi modifiée vint nous combler d'étonnement et d'anxiétés, nous réfléchissons cependant encore au moyen de nous y soumettre, quand nous fûmes informés par les interprétations fausses et dangereuses de nos esclaves, leur excessive fermentation, et les désordres qui y sont attachés, que ce ne seroit qu'au moyen des compensations déjà exprimées, que nous pourrions sans danger la subir.

Votre ordre du jour du 13 nous surprit au milieu des allarmes, et loin de les appaiser, ne put que les aggraver beaucoup. Ce n'est pas parceque nos esclaves y sont autorisés à venir se plaindre de nous : cette juste réserve devoit être et fut toujours



toujours accordée à leur état de foiblesse : mais il est douloureux de voir d'après les expressions de votre ordonnance, *que lors même qu'une enquête prouveroit l'inexactitude de leur dénonciation, ils trouveront chez le protecteur un arbitre impartial entre les plaignants et les prévenus* : il est également douloureux de penser que, pour nous réunir l'autorisation du Gouvernement nous est indispensable, tandis que l'ordre du jour de votre Excellence ne comporte aucune forme susceptible d'empêcher pour les esclaves les effets des rassemblemens les plus considérables : il n'y a pas de raison pour que dix mille, pour que vingt-mille individus ne se réunissent pas ; votre ordre ne'n fait pas la défense, et si cet événement arrive un jour, ils sentiront la force du nombre, nous serons sacrifiés, et vous même entraîné probablement dans nos malheurs. Une colonie dont vous ne pouvez ignorer ni le nom, ni les calamités récentes, nous éclaire trop bien sur la nature de nos dangers.

Pour ajouter à tant de sujets d'affliction, le protecteur vint en-suite, avant son entrée en fonctions, et probablement à cause de son inexpérience relativement aux localités, tenter une démarche subversive de tout principe colonial, et nous faire apprehender de voir peut-être, par l'effet de ses insinuations envers nos esclaves, compromettre encore davantage nos fortunes et notre sureté : d'après l'honorable réputation qui l'a précédé parmi nous, nous nous plaçons à croire qu'il est mu par de bonnes intentions : mais quelle garantie nous offre-t-il dans ses démarches et leurs conséquences ? et s'il est déplacé, quel successeur lui substituera-t-on ? Un habitant respectable lui faisant ces remarques, et lui supposant le cas d'un successeur qui ne seroit pas bien intentionné, voici quelle fut sa réponse : *“ Je n'aurois alors qu'à gémir sur le sort des colons. ”* Je n'aurois qu'à gémir ! dans la bouche du protecteur, quelle abondante matière aux plus sinistres réflexions ! Et quelle extrême différence avec ces paroles d'un sage ministre (Juillet 1828) : *“ les droits acquis seront ménagés, respectés ; la sureté des colons ne sera jamais compromise, mais la foiblesse et le malheur seront protégés, secourus. ”* Le même ministre ordonne qu'il soit frappé des médailles, pour être décernées aux colons qui s'occuperont avec le plus de succès de répandre l'instruction religieuse parmi les esclaves ; qui encourageront entre eux les unions légitimes ; qui pourvoiront avec le plus de soin à leur nourriture et leur habillement ; et promet de mettre le nom de ces hommes recommandables sous les yeux du Souverain. Cette émulation seroit plus que suffisante pour amener la véritable amélioration dans le sort des esclaves ; mais on veut nous faire atteindre ce but honorable par des menaces, des châtimens, et des humiliations !

Le protecteur et la loi tendent à nous déconsidérer aux yeux de nos esclaves, dont l'indiscipline va au-delà de ce que nous pouvons exprimer, et avec les quels ont veu nous faire subir les plus humiliantes confrontations ; nous sommes accablés de taxes et d'impôts, repoussés des assemblées d'où emanent les réglemens qu'on nous dicte ; nous possédons une police, mais elle est remarquable ou par son insuffisance, ou par son inertie, ou par une négligence aussi coupable, qu'une malveillance décidée ; tous les quartiers de l'île sont dépourvus de la force armée qui leur est nécessaire pour le maintien du bon ordre, ou la répression des délits et du vagabondage ; enfin nous sommes réduits à laisser exhaler de nos cœurs le cri du plus profond desespoir.

Il ne s'agit plus aujourd'hui de la perte seule de nos fortunes particulières ; nous voyons en même tems nos existences menacées ; et dans cette situation cruelle, il est de notre devoir de protester, comme nous protestons solennellement, contre la loi ; en tant que nous n'aurons pas obtenu les garanties et les compensations qu'elle exige que nous réclamions : il y a plus, nous déclarons à votre Excellence, qu'aux moindres troubles, et nous les envisageons comme inevitables, nous abandonnerons nos propriétés, pour nous diriger là où les forces du Gouvernement seront concentrées, à l'effet d'obtenir de vous l'asile et la protection qui ne peuvent être refusés à aucun sujet de Sa Majesté Britannique, dont le vœu n'a sûrement pas été de faire de notre population le plus affligeant holocauste.

Nous avons l'honneur d'être avec un profond respect, de votre Excellence les très humbles et très obéissans serviteurs,

(signé) Victor Lahausse.  
R. Desvaux.  
Aug<sup>te</sup> Lachaise.  
J. Ardé.  
Bolle.  
A. Bigaignon

A. Huguin.  
B. Fleuriot aîné.  
V<sup>e</sup> Rolando.  
R<sup>do</sup> Marquay.  
Besse aîné.  
D<sup>e</sup> Tenermond.

E. Besse.  
D<sup>e</sup> Tenermond.  
J. N. Louis Cornet.  
Rousson.  
Rouenart.  
Pugin fils.

## MAURITIUS.

(signé) Furey Herbereau.	V <sup>e</sup> Enouf.	P. Roger.
Eleonore.	Chery.	A. Pourgault Du
Mangeot ainé.	M. Desfontaines.	Coudray.
Tregrosse.	M. Joly.	Junot.
L. A. Brousse.	V <sup>e</sup> Didier.	De Curac.
A <sup>de</sup> Legentil.	R. Didier.	V <sup>e</sup> Curac.
V <sup>e</sup> Ardé.	Corpet.	R <sup>t</sup> Pitot.
P <sup>re</sup> Fleuriot.	G <sup>re</sup> Estebe.	Emile Pitot.
G. Guillard.	Z <sup>ve</sup> V <sup>e</sup> Geneve.	Charles Pitot fils.
V <sup>e</sup> Bolle.	Grancourt ainé.	Desnoyers.
V <sup>e</sup> Herbereau La-	V <sup>e</sup> Battour.	A. Mouneron.
chaise.	L <sup>s</sup> Malherbe.	Em. Clement.
Henri Herbereau.	Recullé ainé.	V <sup>e</sup> Corpet
De R. V <sup>e</sup> Hugnin.	Canet.	Fablet.
De Roche.	F. Bruneau.	J <sup>s</sup> A <sup>de</sup> Mouneron.
F <sup>t</sup> Legentil.	Watier.	Herbereau.
Boulangier.	F. Sourdel.	Pour M <sup>o</sup> F <sup>y</sup> Gallet,
A. Jamin.	Rolando.	E. Gallet.

Moka, le 28 Fevrier 1829.

Enclosure 6, in No. 17.

A son Excellence l'Honorable Sir C. Colville, Lieut.-Général et Gouverneur de l'île Maurice et Dependances, &c. &c. &c.

Excellence,

LES habitans de l'île de France n'ont jamais pensé qu'en devenant propriétaires d'esclaves, ils acquerraient un droit illimité d'oppression sur les individus condamnés à la condition de l'esclavage; ils ont toujours, au contraire, pensé que des lois sages devaient régler le pouvoir du maître, et donner à l'esclave des garanties contre sa force, ses préjugés et ses caprices. Aussi ont-ils toujours reçu et exécuté sans opposition toutes les lois qui avaient pour but de régler le plus exhorbitant peut-être de tous les droits, et quand elles leur ont paru trop sévères ou trop dures pour l'esclave, ils les ont abolies ou modifiées, ou laissées tomber en desuétude. Si l'humanité a eu quelquefois à gémir des excès auxquels certains maîtres se sont portés envers leurs esclaves, il est vrai de dire aussi que ces cas, toujours fort rares, n'ont jamais été que des exceptions que l'on rencontrait de loin en loin dans l'usage général. Ils ont toujours excité l'indignation; et les habitans eux-mêmes, assez éclairés pour repousser cet odieux préjugé qui a pu faire dire, dans d'autres colonies, que l'esclave ne devait jamais avoir raison contre son maître, ont toujours plutôt provoqué que voulu paralyser l'action de la loi contre ces maîtres inhumains.

Lorsque les colons de St. Domingue entendaient parler de la libéralité avec laquelle les esclaves de l'île de France étaient traités, ils disaient que cette colonie était d'un mauvais exemple pour les autres, et qu'elle courait à sa perte. St. Domingue a succombé victime de ses préjugés, et l'île de France a survécu aux décrets homicides de la convention. Aussi dans cette même colonie, on peut entendre sans effroi défendre les droits de l'humanité, et proposer toutes les mesures qui tendront à améliorer le sort des esclaves, sans néanmoins porter atteinte au droit de propriété du maître.

Lorsque les colons ont connu l'ordre en conseil, qui, fait pour l'île de la Trinité, devait ensuite être appliqué aux autres colonies, leur premier mouvement a été de le méditer, de voir qu'elles étaient les dispositions qui pouvaient être d'une exécution immédiate, celles que l'on pouvait adopter sans danger, celles qui avaient besoin de préparations, celles enfin qui seraient impraticables; ils ont consigné leur respectueuses observations, sans amertume, sans affecter plus d'alarmes qu'ils n'en devaient concevoir, dans un mémoire présenté au Gouvernement; ils exprimaient surtout cette idée si simple, si naturelle, qu'ils n'ont cessé de reproduire depuis, et qu'ils répètent encore à votre Excellence: "*Que la loi, enlevant au maître une partie de ses pouvoirs, lui doit rendre en sécurité ce qu'il perd en autorité.*" Ils ont exprimé le vœu si juste et si sage, que le Gouvernement donnât plus de force, d'étendue et d'activité à la police générale, alors que celle particulière des ateliers allait, pour ainsi dire, se trouver détruite. Ces vœux n'ont pas été écoutés, et plus que jamais la police a montré de l'inertie ou de la malveillance.

Lorsque,

Lorsque, dans le mois de Décembre dernier, le bruit se répandit que l'ordre en conseil allait être publié et mis en vigueur, sans modifications et sans les préparations indispensables que commandait l'état du pays, les habitans furent justement alarmés ; ils ne pouvaient pas penser qu'après avoir été réunis par votre Excellence elle-même pour lui soumettre leurs vues sur l'application de la loi projetée, après lui avoir remis de nouvelles observations, fruit de leur expérience, après l'avoir suppliée d'ajourner la publication de la loi jusqu'à ce qu'ils aient pu faire entendre leurs voix au Conseil Privé de Sa Majesté, votre Excellence se fut décidée à publier la loi pour toute réponse à leurs demandes.

Cependant, votre Excellence a bien voulu dans cette dernière circonstance donner l'assurance, à une députation d'habitans notables, que la publication de la loi serait retardée ; et que d'ailleurs, quand elle paraîtrait, ce serait avec des modifications telles qu'on n'aurait aucune inquiétude à en concevoir. Le bruit se répandit aussi que le Conseil s'occupait en même tems de réorganiser un autre régime municipal, d'une loi pénale repressive des délits d'insubordination des esclaves, et de l'abus si dangereux et si fréquent de leurs plaintes calomnieuses, jusqu'à présent encouragées par l'impunité. Rien de cela n'a paru ; la loi a été publiée, on pourrait le dire, sans modifications, et l'on y remarque certains changemens qui la rendent plus dangereuse pour la colonie. Quand on la vit paraître, chacun chercha les moyens de l'exécuter, malgré les difficultés insurmontables qu'elle présente : on était encore dans cet état d'étonnement et d'anxiété que l'on éprouve d'un acte dont on ne peut prévoir encore les graves conséquences, mais qui pourraient en avoir de fatales en définitive.

On attendait que quelque chose serait publiée pour apprendre aux noirs, dans l'état de fermentation où sont leurs esprits, qu'ils ne doivent pas moins de soumission, de respect et d'obéissance à leurs maîtres, que par le passé ; on attendait cette loi sur le régime municipal ; des réglemens sévères sur le vagabondage ; enfin des mesures qui feraient voir aux colons que le Gouvernement s'occupait aussi de leur sécurité : mais au lieu de cette compensation si juste et si désirée, on apprit tout à coup que les noirs devaient être réunis chez commissaires civils, y entendre certains discours, et y recevoir on ne sait quelles instructions sur la manière de se conduire vis-à-vis de leurs maîtres, et notamment sur ce qu'ils avaient à faire pour les dénoncer ou les accuser. Cette nouvelle était de nature à causer les plus vives inquiétudes ; mais lorsque parut l'ordre du jour de votre Excellence, daté du 13 Février, l'alarme devint générale, et jamais elle ne fut mieux fondée.

Dans cet état, les colons privés des justes compensations qu'ils devaient attendre, portant leurs regards sur le passé, n'y voyant pas ce que leur soumission leur a valu jusqu'à présent, voyant au contraire leurs observations rejetées entièrement, humiliés de n'être jamais appelés dans les conseils du Gouvernement, de n'être jamais consultés sur des lois d'où dépendent leur fortune et leur existence, de voir les charges, les taxes s'accroître de jour en jour et passer toute mesure, de voir le peu de lois municipales qu'ils avaient autrefois entièrement méconnus, toutes leurs garanties détruites, les campagnes sans magistrats, sans force armée, les habitans de Maurice ne peuvent étouffer le cri de désespoir dont leur cœur est oppressé ; et ils ont encore la douleur de protester devant votre Excellence de l'impuissance dans laquelle ils sont d'exécuter toutes les dispositions de la Proclamation, No. 43. Ce serait peu que leur fortune fut compromise ; il y va aujourd'hui de leur existence et de celle de leur famille.

Les habitans soussignés ont l'honneur d'être avec respect,  
De votre Excellence, &c. &c. &c.

(signé) Guyot.	A. Pouget St. André	Pascau.
Ravet.	Allard.	A. Rivalland.
Saulnier.	Ollivrv.	Celeste Fournier.
V <sup>ie</sup> Bigaignon.	Camou aîné.	Glond.
J. B. Bigaignon.	J. Allard fils.	V <sup>e</sup> Deglos.
Laval.	A. Hugnin.	Marquaye aîné.
Poupinel père.	G. De Cacqueray.	A. Marquay cadet.
A. Dupré.	A. Sauzier.	E <sup>re</sup> Rivière fils.
Lucas fils.	Laverdant.	Grassy aîné.
Coriolis père.	F. Martin.	L. M. Moncamp.
Laglaine D'Auzon.	Didier.	T <sup>re</sup> Camoin.
Sicard Duval.	C. Ducasse.	V <sup>e</sup> Marrou.
E. Louret.	Brouard aîné.	T. Renaud.

Gonard.

## MAURITIUS.

Gonard.	Ch <sup>s</sup> Périchon.	T. G <sup>ot</sup> Ducray.
Dauguet aîné.	J. P. Martin.	Levlot.
R. Martin.	Valère Martin.	A. Dupré père.
C. Lenferna.	Lapeyre.	Boullineau
A. Vial.	T. Duclos.	M. Cibon.
A. Marchand.	F. Caillaud.	A. Touche.
De Romieu.	D. Lacoudray.	P. Pellicot.
Bourelly.	Baudia.	Desiré Hardouin.
F. Manique.	H. Ardé.	Armel.
E <sup>ie</sup> Bazillic.	F. Pellegrin.	J. Dumolard.
J. B. Dauguet.	N. Cicard.	Augustin Sauba.
C. Fouquereaux.	V <sup>e</sup> Fournier.	Grellet de Poilly.
Bigara.	J. Bargain.	Maudave Pouget.
S. Focard.	A. Martin.	La Cave D'Arifat.
E. Giblot Ducray.	F. de Chazal.	C. Frechot.
B. Boullineau.	Gresec.	Rudelle.
C. Frappier.	Catherine Fournier.	L. Jaulin.
V <sup>e</sup> Senneville.	Pellicot.	E. Gautier.
Dureau de Vaulecomte.	D <sup>lle</sup> Giblot.	Josset Rudelle.
Bestel J <sup>e</sup> .	Ringuet V <sup>or</sup> & F. Bi-	Jacques Bertrand.
Gary.	gaignon.	Mee frères.
Bruneau.	Ad <sup>de</sup> Trouche.	D. Courbon.
J. B. Baissac.	S. Aubert.	

Quartier des Plains Wilhems,  
2 Mars 1829.

## Enclosure 7, in No. 17.

A son Excellence le Lieutenant-général l'Honorable Sir Charles Colville, Chevalier Grand Croix du très honorable Ordre Militaire du Bain et de l'Ordre Royal Guelphic de Hanovre, Chevalier de l'Ordre Royal Portugais de la Tour et de l'Épée, Colonel du 74<sup>eme</sup> Reg<sup>t</sup> d'Infanterie de Sa Majesté, Gouverneur et Commandant en Chef de l'Île Maurice et Dependances, Capitaine-Général, Vice-Amiral, &c. &c.

Excellence,

NOUS, soussignés habitans et propriétaires au quartier des Pamplemousses, déclarons ici protester formellement contre l'exécution des nouvelles mesures proposées pour la discipline des esclaves ; mesures dont la publicité parmi cette classe ignorante a déjà produit les plus funestes effets, et nous menace chaque jour, à chaque instant, des plus grands dangers, dans nos propriétés, dans notre fortune, dans notre vie même, que nous ne regardons plus comme en sureté, si l'on persévère dans la même conduite envers des individus dont l'esprit borné n'aperçoit point le véritable but de ce qu'on veut faire pour eux, et n'y voit au contraire qu'un encouragement à l'oisiveté et à l'insubordination envers des maîtres, que jusqu'ici l'autorité leur avait toujours sévèrement enjoint de respecter.

Déjà sur diverses propriétés considérables de notre quartier, un grand nombre d'esclaves ont quitté le travail et disparu de l'habitation. On ne sauroit attribuer cette conduite étrange et nouvelle chez la plupart d'entre eux, qu'à la publicité donnée déjà par la voie de la gazette aux mesures proposées en leur faveur ; que ne devons nous donc pas redouter lorsque les nouveaux moyens que l'on medite, les visites sur les habitations, les rassemblemens d'esclaves chez les commissaires civils, les lectures des réglemens nouveaux, les commentaires qu'on ne manquera pas d'y ajouter de vive voix, viendront troubler encore davantage l'esprit déjà échauffé des esclaves, et les précipiter dans un désordre effrené qui rien ne pourra plus arrêter ?

Que l'on considère d'ailleurs que les maîtres n'ont plus entre les mains aucun de ces moyens de repression qu'ils possédoient encore il y a peu de jours, et qui même alors suffisoient à peine ; toutes les digues sont rompues, toutes les barrières enlevées, les moyens de correction sont presque nuls. Emprisonneront-ils leurs esclaves ? mais à l'instant même d'être enfermés, ceux-ci exigeront un billet de passe pour aller se plaindre, et il est enjoint du maître de ne jamais le refuser.

Nous

Nous conjurons l'autorité d'envisager le précipice affreux au bord duquel elle vient de nous placer, et de nous en retirer pendant qu'il en est tems encore.

Notre situation actuelle est vraiment désespérée: une ruine complète nous menace; nous renouvellons ici, comme seul moyen de nous en préserver, notre protestation déjà faite ci-dessus, contre l'exécution des nouvelles mesures proposées pour la discipline des esclaves, assurant toujours néanmoins le Gouvernement de notre bonne disposition à faire tout ce qui pourra contribuer à l'amélioration du sort de nos esclaves, mais jamais autrement que par les moyens les plus prudens; d'ailleurs les progrès déjà obtenus pour cette amélioration et le propre intérêt des habitans doivent lui servir de garantie de leur sincérité.

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(signé) M. Gautier.	F. Marchand.	A. le Court de Billot.
J. M. Couve.	J. Paillotte.	Ferdinand Enouf.
J. Bourgault du Coudray.	Chasteignet Dumée.	J. F. Dioré.
Langlois.	M <sup>in</sup> Gabriel.	A <sup>se</sup> Enouf.
B <sup>in</sup> Enouf.	Allendy.	J. Enouf.
A. Gautier.	Noel jeune.	Ferd <sup>a</sup> Enouf.
M. Roblet.	Noel aîné.	Loumeau.
Ch <sup>s</sup> Brun.	G. Chenard.	P. Loumeau.
P. Chermont.	Chanfran.	Ed <sup>d</sup> Loumeau.
Ad. Enouf.	Hoarau.	Freize.
Pre Pons.	P. A. Rivière.	F <sup>ois</sup> Loumeau.
L. Mamarot.	Th. Paillotte, frères.	Ch <sup>ie</sup> Codeune.
Gottelier.	Vincent.	E. Dupuy.
Boismartin.	Chauveau.	V <sup>e</sup> N <sup>as</sup> Bruy.
Couvelet.	Mouseler.	Monvoisin.
De St. Gilles.	Dagorne.	Arlanda.
Anglade.	Talbot.	B <sup>in</sup> Merle.
Aubry.	Doloire.	J <sup>b</sup> Merle.
V. Cayeux.	Tallot.	St. Felix.
Théodore Sauzier.	L <sup>s</sup> Gueit.	Lioteau.
B. J. Mamarot.	Tallot.	Kysauzon.
E. Nicolas Villecollet.	C. Hubert.	J <sup>a</sup> Poisson.
Vacher.	F <sup>ois</sup> Gabriel.	Chaix.
Afleurot aîné.	Virginie Gabriel.	De Blain des Cormiers.
Louis Robert.	G <sup>n</sup> Guiet.	E. Bouchet et Albert.
G. C. Dumée.	Vigoureux.	C. Bouchet.
Eug <sup>e</sup> Guibert.	Barbier.	A. Bouchet.
D'Aubigny.	Bourgault aîné.	Millien.
Labistour.	Germain aîné.	A. Duhamel.
M. Pilot.	Clément.	V <sup>or</sup> Kyvern.

Pamplemousses, le 2 Mars 1829.

Enclosure 8, in No. 17.

A son Excellence l'Honorable Sir C. Colville, Lieut.-Général et Gouverneur de l'Ile Maurice et Dependances, &c. &c. &c.

Général,

C'EST avec un égal sentiment de peine et de surprise que nous avons lu l'ordre du Gouvernement du 13 courant, inséré dans la gazette de Samedi dernier. Nous avons dû supposer, Excellence, qu'une fois l'ordre en conseil promulgué, nous ne verrions pas se reproduire chaque semaine des ordonnances, dont les suites seraient pour nous plus dangereuses que celles de la loi même.

Confiant dans votre noble caractère, dans vos bienveillantes intentions, sachant par les communications que vous avez bien voulu faire à quelques uns de nous, combien étaient positifs les ordres de la Métropole, nous avons cessé toutes représentations sur la mise en vigueur d'une loi qui froisse si ouvertement, et au mépris des promesses les plus solennelles, nos intérêts les plus chers; nous primes l'engagement tacite de nous y conformer, et d'en exécuter tous les articles dont l'exécution ne nous serait pas démontrée impraticable. Nous étions dans ces dispositions lorsque parut l'ordre de votre Excellence. Il n'en était pas besoin, permettez nous de le dire, Général, pour exalter ceux en faveur desquels il a été fait. Aucun de

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nous ne peut plus maintenir sur son établissement la discipline si nécessaire, pour que l'ordre général ne soit pas incessamment troublé. Tous nos esclaves s'exagèrent leurs droits, tous oublient leurs devoirs ; parceque jusqu'à présent on ne leur a parlé que de leurs droits, et qu'ils ne savent pas encore quelles peines ils encourent en manquant à leurs devoirs ; ou plutôt, s'il faut dire notre pensée toute entière, parcequ'ils croient n'en encourir aucune.

Permettez nous donc, Général, d'appeler toute votre sollicitude sur le sort à venir des colons, qui, par leur constante soumission aux lois, par leur dévouement à la Métropole, n'ont pas mérité qu'on compromette ainsi, et à chaque instant, leur vie et leur fortune. Nous ne vous peindrons pas la situation où se trouvent dans ce moment tous les planteurs ; mais veuillez, seul, l'envisager un instant ? Vous en frémierez ! vous verrez nos esclaves quittant par bandes nos établissemens pour, sur les prétextes les plus frivoles, porter plainte contre leurs maîtres, rapportant dans nos camps avec l'impunité toute l'impudence qu'ils auront puisée dans l'enceinte de ce bagne du Port Louis, sentine de tous les vices : vous verrez la première autorité judiciaire, protectrice obligée de tous les citoyens, en convenant que les enquêtes sont toutes en faveur du propriétaire, défendre cependant d'infliger *aucun châtement à l'esclave calomniateur* : partout, enfin, vous appercevrez la partialité la plus révoltante !

Isolés, assidument occupés de nos travaux agricoles, qui veille sur nous ? quels moyens opposera-t-on au soulèvement que toutes ces mesures semblent fomenter ? L'autorité civile de chaque quartier n'en a aucun à sa disposition ; et ceux du commandant sont, pour ainsi dire, nuls. Il ne nous appartient pas, Excellence, et loin de nous l'idée de vous rien prescrire ; mais nous devons vous démontrer combien notre position est affreuse ; nous espérons que vous voudrez bien la prendre en considération ; et que désormais tous les efforts de votre administration tendront, tout en protégeant l'une des populations, à donner aux deux autres les garanties qu'elles ont droit de réclamer : mais toutefois nous croyons devoir, malgré tout le respect que nous vous portons, et que nous inspirent vos éminentes qualités, protester non seulement contre votre ordre du 13 courant, mais encore contre ceux des articles de la loi que nous jugeons attentatoires au droit sacré de la propriété.

Nous sommes avec le plus profond respect, &c. &c. &c.

(signé) Berger Dujonet.

Raffray.  
Lachiche.  
Jacquelin.  
Ed<sup>d</sup> Rouillard.  
Chauveau.  
Cougnaud.  
E. Thevenet.  
Raffray fils.  
E. Pitot.  
Maurel fils.  
J. N. Paillotte.  
F. Dubois.  
M. A. Hugues.  
Drieu.  
Lambert.  
Vincent.  
V. Langevin.  
A. Salesse.  
J. Chauvet.  
F<sup>e</sup> Pagand.  
J. Desbleds.  
A. Congne.  
M. Congne.  
E. Collard.  
Pelegrin.  
Pilliet.  
M. Baudot.  
Dagot fils.

E. Carcenac.  
Vieilk.  
T. Rouillard.  
John Rouillard.  
André.  
A. Jersigny.  
Fenouillot de Falbaire.  
V<sup>e</sup> Pilot.  
Amelin.  
E. Daruly.  
Chenuau.  
Tenclouen.  
Lasergent.  
Bachahissy.  
V<sup>e</sup> Rouillard, Pitot.  
C<sup>h</sup> Galdemar.  
Lafresière.  
Humbert.  
Pagand.  
Duverger.  
C. Charpentier.  
D'Herville.  
J. L. Collard.  
M<sup>ie</sup> Dolvire.  
H. Bissière.  
L. Damain.  
J. Querel.  
H<sup>v</sup> Damain.  
F. Bouron.

Duperrel, cadet  
R. Teroumoudy.  
F. Mongelart.  
Lorquet père-  
Martin.  
Detchézeaux.  
B. Meslier.  
Aubé.  
J. Chauvet.  
Chermont.  
A. Esnouf.  
Létimié.  
P. Harel.  
V. Harel.  
C. Perrin.  
Perrin.  
J. Dumont.  
Moulinié père.  
Moulinié fils.  
Pr M<sup>de</sup> Husson,—  
E<sup>d</sup> Rouillard.  
Gimel.  
E. Desfontaines.  
J. C. Demarne.  
B<sup>te</sup> Germain.  
Comti.  
Basset.  
J. T. Dioré.

Rivière du Rempart, 28 Fevrier 1820.

Enclosure 9, in No. 17.

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A son Excellence le Lieut.-Général l'Honorable Sir C. Colville, Gouverneur de Maurice, &c. &c. &c.

Excellence,

Flacq, 27 Fevrier 1829.

LES habitans du quartier de Flacq avaient attendu avec anxiété votre ordre en conseil (N° 43), et étaient comme tous les colons de Maurice résignés à s'y conformer en tout ce qui y est exécutable, quand *un nouvel ordre du 13 de ce mois*, où nous avons remarqué ces mots : " Car lors même qu'une enquête prouverait *l'inexactitude de leur dénonciation*, ils trouveront chez le protecteur (dans l'intérêt des deux parties) un arbitre impartial entre les plaignons et les prévenus ;" quand, disons nous, cet ordre et la démarche que se proposait monsieur le protecteur, sont venus nous jeter dans de nouvelles alarmes.

Jusqu'à ce jour nous avons accepté, nous nous sommes soumis aux lois nouvelles qui nous ont été données, et toujours notre Souverain trouvera en nous l'exemple de l'amour et de la fidélité. Mais nous nous devons à l'existence de nos familles, à la conservation de nos propriétés ; nous sommes responsables envers les autres colonies de Sa Majesté des fausses démarches que nous ferions en cette circonstance ; et nous croyons qu'il est de notre devoir de vous prier de recevoir notre respectueuse protestation contre tous actes qui seraient attentatoires à nos droits.

Vos prédécesseurs, Excellence, ont tous avoué notre humanité, notre soumission ; et vous même, nous aimons à le penser, êtes déjà convaincu que telle est l'essence de notre caractère : car notre humanité ressort de la cessation entière (depuis bien des années) de ce trafic honteux que l'on nous a si méchamment reproché, et du peu de délits qu'ont eu à réprimer nos tribunaux ; et notre soumission est assez prouvée par l'acceptation de toutes les charges qui nous ont été imposées.

Si notre conduite passée n'était pas suffisante, pourquoi ne pas attendre encore ? L'avenir prouvera certainement que si nous devenons prospères, nous l'aurons dû aux bienveillantes dispositions d'une administration que nous aurons en tout secondée. Le caractère brut, immoral, de la plupart de ces hommes qui nous occupent, leur fait concevoir tout autrement les bienfaits qu'on se propose : c'est avec sagesse, avec modération, qu'on peut atteindre le but ; mais trop de précipitation aujourd'hui servirait la malveillance, aiderait la fermentation, et nous conduirait à des convulsions qu'il faut prévenir.

Oui, nous les préviendrons ces convulsions qu'une étincelle pourrait faire naître : le caractère de votre Excellence en est le sur garant.

Nous avons l'honneur d'être, &c. &c. &c.

(signé) Menagé.  
— Langlois.  
H<sup>ri</sup> Calvairac.  
A<sup>lle</sup> Olivari.  
Ch<sup>s</sup> Lebreton.  
Carles.  
Tarby.  
Piat.  
V<sup>e</sup> Thevenet.  
B. Gondreville.  
Tabillon.  
Hardy.  
Ch. Montocchio.  
J. Feuilhaide.  
Maréchal.  
Fournier.  
Leguen.  
Ulcoq.

Alexis.  
Boullé.  
H. Parisot.  
F. Montenot.  
J<sup>b</sup> Barry.  
M<sup>in</sup> Barry.  
Aurier.  
Castel aîné.  
Oudin.  
Lagesse aîné.  
Noët.  
Gellé père.  
Gellé fils.  
P<sup>re</sup> Lagesse.  
V<sup>e</sup> Arnoulh.  
P<sup>re</sup> Letellier.  
P<sup>r</sup> N. Binenouf.  
A<sup>te</sup> Morcy.

P<sup>re</sup> Renaud.  
Lucas.  
P. Sicard.  
Lenferna de la Mothe.  
Nayl aîné.  
Font aîné.  
Lemerle.  
E. Boullé.  
H<sup>y</sup> Lagesse.  
C. Mamin.  
Lemarié aîné.  
Mamet cadet.  
H<sup>te</sup> Lagesse.  
C. Roger.  
J. M. Lagesse.  
H. Fabre.  
T. Castagnet.  
Mozaïc.



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Enclosure 10, in No. 17.

A son Excellence le Lieutenant-Général l'Honorable Sir Charles Colville, Chevalier Grand Croix du très honorable Ordre Militaire du Bain et de l'Ordre Royal Guelphique de Hanovre, Chevalier de l'Ordre Portugais et de la Tour et de l'Épée, Colonel du 74<sup>ème</sup> Régiment d'Infanterie de Sa Majesté, Gouverneur en Chef de l'Île Maurice et Dependances, Capitaine-Général, Vice-Amiral et Commandant des Forces de Sa Majesté dans les dites Îles, &c. &c. &c.

Excellence,

LES habitans du quartier de la rivière Noire, soussignés, alarmés de conséquences qui doivent résulter de la publication de l'ordre du Gouvernement en date du 13 du courant, inséré dans la gazette du 21, et de plusieurs articles de l'ordonnance en conseil, N° 43, ont l'honneur d'adresser à votre Excellence leurs respectueuses doléances et les motifs de leurs inquiétudes.

Ce n'est point par aucune idée tendant à méconnoître l'autorité du Gouvernement, qu'ils viennent vous présenter leurs réclamations, vous exposer tous les dangers qu'ils entrevoient dans l'exécution des lois qui accordent de si grands privilèges à leurs esclaves.

Ils ne sont guidés que par le sentiment naturel qui porte les hommes à maintenir et à conserver leurs droits de propriété, reconnus inviolables par toutes les nations civilisées.

Par l'ordre du 13 du courant, les esclaves sont appelés à porter leurs plaintes *sans crainte* et dans leur propre conviction; sur ces plaintes, il faudra une investigation chez l'habitant, il sera soumis à un interrogatoire, comme s'il était coupable d'un crime, à toutes les épreuves d'une enquête, à tout l'odieux qui résultera d'une sorte de confrontation avec son esclave.

Non, Excellence, vous ne mettez point dans une colonie florissante et tranquille, où les esclaves sont aussi heureux que leur condition le comporte, et surtout beaucoup plus que le menu peuple parmi les nations Européennes, contre une masse d'habitans de négocians, d'artisans, de chefs d'ateliers, une loi dont beaucoup d'articles doivent en opérer la désorganisation, en détruisant l'opinion qui, jusqu'à ce jour, a présenté à l'esclave, dans la personne de son maître, un protecteur naturel, son meilleur appui, son consolateur dans ses maladies, dans sa vieillesse, le père nourricier de ses enfans, celui enfin dont dépendait son existence.

Vous reconnoîtrez que la colonie ne pourra se maintenir dans l'état prospère où vous l'avez trouvée, si vous rejetez encore nos respectueuses représentations devenues plus insistantes par la première démarche du protecteur et gardien des esclaves.

Son acte prématuré, illégal, a détruit tout le prestige de sécurité qui reposait sur l'idée que les habitans de Maurice s'étaient faite du caractère du protecteur et gardien des esclaves, qui, sans votre approbation, quoiqu'il nous ait affirmé n'agir qu'en vertu d'ordres émanés de votre Excellence, sans y être autorisé par aucun article de la loi N° 43, allait, *si nous ne nous y fussions opposés*, par l'effet seul de ses communications avec nos esclaves, augmenter la fermentation de leurs esprits, faire naître en eux de nouvelles idées de liberté, et compromettre nos fortunes et notre existence.

L'Article 17, relatif aux punitions, présente de grands inconvéniens : la précaution de ne punir un esclave que vingt-quatre heures après sa faute, et en présence de six de ses camarades, ou d'un homme libre, doit avoir de fâcheux résultats. Que faire de cet esclave coupable pendant ces vingt-quatre heures ? Il ne manquera pas de s'évader, d'aller marron, ou de porter sa plainte ; et que produira ce registre pour la vérification des faits qui y seront consignés ? Il faudra donc que les six noirs désignés comme témoins soient confrontés avec leur maître, ou que celui-ci se trouve, par suite, dans la dépendance d'un homme libre qu'il avait à son service, appelé comme témoin, suivant le vœu de la loi, et que le maître aura renvoyé depuis, pour cause de mauvaise conduite et souvent d'infidélité.

L'Article 21, qui impose l'obligation de tenir un registre de punition, ne sera jamais exécuté par les habitans de Maurice, parcequ'ils sentiront que la plus petite inexactitude, ou la moindre omission, va les rendre coupables d'un délit grave, et dont les conséquences ne peuvent être présumées.

Déjà la licence se montre parmi les esclaves ; le vols, le brigandage, l'ivrognerie, le gout du jeu, l'insolence, se manifestent en eux. Ce n'est donc pas le cas de les appeler

appeler à se plaindre *sans crainte*, de leur promettre *protection*; ce sont les propriétaires qui la réclament cette *protection*, et, si elle n'est pas immédiatement efficace, la colonie est menacée de plus grands malheurs.

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En ville, ce sont journallement des magasins enfoncés, des murs de maisons percés, de vols avec assassinat, avec effraction; dans les rues, des peignes arrachés sur la tête des femmes, chose qui ne s'était jamais vue dans la colonie.

Dans les campagnes, ce sont des tentatives d'incendie, des enfans égorgés et dévorés; les troupeaux sont attaqués dans les parcs et dans les Savannes en plein jour; les poulaillers enfoncés, les fruits de la terre dévastés: où chercher la cause de tous ces désordres, si ce n'est dans l'impunité avec laquelle on admet à la police générale les plaintes le moins fondées des esclaves, et l'accueil qu'ils y reçoivent au détriment de leurs maîtres.

Voilà les maux qui existent, Excellence; ils ne s'arrêteront pas, si les esclaves, au lieu de *protection*, ne sont pas retenus dans une juste subordination, par les repressions le plus sévères.

L'Article 4 de l'ordre précité, doit avoir encore le plus funestes conséquences; les esclaves semblent appelés à délibérer sur leur situation, à se former en *assemblées générales à élire des députés*, et il ne leur est même pas interdit d'abandonner l'habitation en masse; il leur est dit seulement *qu'il serait à désirer qu'ils ne le fissent pas*. Tous les jours ils acquièrent de nouveaux droits, de nouvelles prérogatives, et tous les jours les maîtres se voient dépouillés de leur droit de propriété, et leur autorité devient un mot illusoire.

Par ces motifs, les habitans soussignés, après avoir reconnu l'impossibilité absolue et démontrée d'exécuter aucun des articles de l'ordonnance en conseil N° 43, et de l'ordre du 13 du courant, le danger d'avoir un intermédiaire entr'eux et leurs esclaves, se voient forcés de déclarer à votre Excellence, avec tout le respect et la soumission qu'ils lui doivent, que, s'il étoit possible qu'ils n'obtussent pas d'elle la suppression provisoire de la dite loi, et la suspension des fonctions du protecteur et gardien des esclaves, jusqu'à ce qu'ils aient porté aux pieds de leur auguste Souverain leurs respectueuses doléances, et que Sa Majesté leur ait fait connoître son bon plaisir, il ne leur resteroit plus qu'à protester contre les dits ordonnances et ordres, et à abandonner leurs propriétés, mettant sous la responsabilité du Gouvernement tous les désordres qui pourroient en résulter, attendu que leur existence et celle de leurs familles n'y seroient plus en sûreté. Ils se réuniroient tous alors à la ville du Port Louis, où ils arriveroient sans moyens d'existence, pour se mettre sous la protection de la force armée.

Mais non, Excellence, ils aiment à le penser, les habitans de Maurice ne se verront jamais, sous votre gouvernement paternel, réduits à cet acte de desespoir; ils trouveront en vous le protecteur des droits qui leur ont été garantis pour toujours par les articles de la capitulation.

Ce n'est plus à présent que la calomnie qui les poursuivoit a été forcée de se taire, qu'ils ont trouvé, dans le parlement de nobles, défenseurs de leurs sentimens de fidélité et d'obéissance, qu'ils doivent craindre de voir leurs justes réclamations rejetées par celui dont ils attendent avec confiance leur bonheur et leur prospérité.

C'est avec ces sentimens qu'ils ont l'honneur d'être, de votre Excellence, les très humbles et très obéissans serviteurs,

(signé) Herchenroder aîné.  
Th. Labutte.  
B<sup>m</sup>i Labutte.  
H. Frichot.  
J. L. Brue.  
Sauzier père.  
Nolin.  
Ant. Bertrand.  
G. F. Bretonache.  
De Monterville.  
Vrignault.  
J. Charle.  
P. Nivet.  
T. Cordé.  
A. P. Labutte.  
Deschiens frères.

Pr<sup>e</sup> Moignac.  
De Monterville.  
Duplessy.  
P. Perrier.  
Vally fils.  
Favre.  
Lemeur.  
Raymond.  
Gillo père.  
Lejuge fils.  
P. Renet.  
Philibert Toussaint.  
Erny.  
A. Erny.  
V<sup>e</sup> Trugue.  
V<sup>e</sup> Couvois.

Couvois.  
Avril.  
Planeau.  
Allard.  
Osughrue.  
P. Finon.  
Victoire Ducasse.  
Poulet.  
D. Viader.  
J. G<sup>e</sup> Ducasse.  
Delaroches frères.  
Ch<sup>s</sup> Phelimet.  
V<sup>e</sup> L. Pigeot.  
A<sup>d</sup>e Labutte.  
F. Fortier.  
Geneve.

Lenormand.

MAURITIUS.	(signé) Lenormand.	V <sup>e</sup> Masteau.	Marc Hortance.
	A <sup>te</sup> Geneve.	J. Desperoux.	J <sup>b</sup> Dumolard.
	J <sup>n</sup> Marie Glaude.	Raynal aîné.	Pr <sup>e</sup> Beguinot.
	Adolp <sup>e</sup> Colomb D'Eistay.	Marcel Jaques.	Bulle.
	Neptune aîné.	Pierre Jacques.	H <sup>y</sup> Isidore Boache.
	J <sup>b</sup> Virieux.	Thibault.	Mazere Oncle.
	Eug <sup>e</sup> Arnoux.	Carlier.	Pour Victoire Laval,
	M. Pigeot.	L <sup>s</sup> Féillafé.	Bouisson.
	E <sup>te</sup> Mariette.	B <sup>re</sup> Delaire.	L. Renaud.
	Duquilio père.	Cl <sup>ere</sup> Duplaisir.	

Au Quartier de la Rivière Noire, le 27 Fevrier 1829.

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Enclosure 11, in No. 17.

A son Excellence le Lieutenant-général l'Honorable Sir Charles Colville,  
Gouverneur de l'Île Maurice et Dépendances, &c. &c. &c.

Général,

A L'EPOQUE où il fut question de l'ordre en conseil, vous eûtes la bonté d'admettre à votre audience quelques habitans, et de les rassurer sur les craintes que leur inspiroit la loi elle-même, et peut-être, plus encore la manière de la mettre à exécution.

Aujourd'hui qu'il nous est démontré que ces craintes n'étoient rien moins qu'illusoires, plongés dans les inquiétudes les plus vives et les plus fondées, ce n'est qu'auprès de vous que nous devons chercher secours et protection.

Les renseignemens qui vous ont été transmis par vos prédécesseurs, et ceux qui vous ont procurés vos propres observations, vous ont donné les preuves les plus irréfragables, que parmi les nombreuses possessions de la Grande Bretagne, aucune, plus que Maurice, n'avait montré de patience dans le malheur, de courage pour les réparer, de respect, non seulement pour les lois de la Métropole, mais même pour toutes les volontés du gouvernement local, quels qu'en fussent les inconvéniens, pour la prospérité du pays.

Mais il peut-être question de mesures, qui, projetées sans la connoissance des localités, pourraient devenir le signal de notre ruine, et même de notre extermination : telles sont celles par lesquelles le protecteur des esclaves a commencé l'exercice de ses fonctions. Sa circulaire du dix-sept du mois passé aux commissaires civils renferme des dispositions subversives.

La police des colonies, conforme à la saine raison, a toujours évité de mettre en contact immédiate un nombre trop considérable d'esclaves ; il paroissoit imprudent de leur montrer leur supériorité numérique, et de leur donner la conscience de leur force ; comment se fait-il que le protecteur ait pu concevoir l'idée de reunir dans un même lieu plusieurs centaines de noirs, les députés pour ainsi dire, les chefs de tous les établissemens, de leur faire connoître, en quelque sorte sous sa protection, à qui ils doivent s'adresser s'ils ont quelques complots à former. A-t-il déjà perdu le souvenir encore récent de tout le sang versé aux Barbades, à Déméraray, à la Jamaïque ? Sera-ce sur nos ruines fumantes qu'il reconnoître sa funeste erreur ?

Sa circulaire renferme un autre article également dangereux dans ses expressions, et qui prouve combien il connoit peu les localités. Il dit, *que dans le cas où un certain nombre d'esclaves auroient à se plaindre, ils choisiroient un ou deux d'entr'eux pour les représenter, &c.*

Le protecteur admet-il déjà à délibérer des hommes sans moralité, sans religion, sans autre frein que la crainte ? Si parmi les peuples civilisés, religieux, les délibérations de la basse classe ne peuvent produire que des troubles, (et l'Europe nous en offre le triste spectacle,) quels seront les fruits d'une délibération de négres irrités à tort ou avec raison ? y peut-on penser sans frémir !

Dans le même article il dit, *" qu'après le choix des représentans, le maître est obligé de leur donner un billet de passe, &c."* indépendamment de l'affreuse position du maître envers l'esclave, en pareille occasion.

Si le protecteur avoit connu le pays il sauroit que malheureusement l'esclave n'a pas besoin du billet de son maître pour sortir de son habitation. Tous les liens de la discipline intérieure ont été relâchés, et sans la prompte protection du Gouverne-  
ment,

ment, ils seront bientôt totalement rompus. La police générale, celles des quartiers, devraient suppléer à l'impuissance où l'on a réduit le propriétaire, mais il n'en est malheureusement rien; de jour, de nuit, nos noirs peuvent sans repression errer sur les routes, dans les balisages, porter leurs vols dans les asiles impurs, ouverts à chaque pas au recel, à l'intempérance et à tous les excès. Cette calamité publique réclame, Général, votre plus puissante intervention, et nous vous supplions d'y porter vos regards au nom de la sureté, du salut même du pays que vous êtes appelé à gouverner.

Si dès les premiers jours de votre administration vous avez eu le malheur d'être contraint, par un devoir rigoureux, à imposer à vos subordonnés un code impraticable, nous avons du moins l'entière conviction, que vous mettrez en usage les pouvoirs que Sa Majesté vous a confiés, pour mettre un terme à des abus qui acheveraient l'anéantissement de nos propriétés, et de notre existence coloniale, pour rassurer par des faits, par des lois fortes et repressives, les malheureux habitans de cette île, et pour arrêter une emigration qui menace d'entraîner dans son cours tous le capitaux, si nécessaires à la prospérité générale.

Dans des circonstances aussi graves, nous ne croyons manquer à aucuns de nos devoirs, comme sujets fidèles et soumis, en nous refusant à sanctionner par une lâche condescendance des mesures hors de la loi, attentatoires à nos droits de propriété, et qui menacent aussi prochainement jusqu'à notre vie et celle de nos familles. Nous employerons donc, unanimement, tous les moyens légaux qui peuvent exister, pour empêcher des rassemblemens dangereux, et des dispositions funestes, qui n'ont sans doute pas reçu la sanction de la volonté Royale.

Nous ne nous étendrons pas sur une foule de considérations qui peuvent rendre notre situation recommandable aux yeux de la métropole; nous ne vous rappellerons pas que des produits de plus de trois à quatre millions de piastres jettés dans la balance du commerce général, une somme au moins aussi considérable versée dans les Caisses de la Douane, plus de 40,000 tonneaux employés à la Grande Navigation, nous placent au troisième rang, dans le colonies de Sa Majesté; tous ces motifs d'une protection speciale n'ont pas besoin d'être remis sous les yeux d'un ministère éclairé, ni sous ceux de votre Excellence, pour obtenir justice; notre droit de propriété est incontesté et incontestable. Nous jouissons sous la sauvegarde de notre souverain, et sous sa garantie. Si nous avons pris toutes les charges de citoyens Anglais, nous en avons également acquis tous les privilèges. Et nous y joignons ceux si sacrés, d'une capitulation qui nous a assuré nos lois et coutumes. Pourrions-nous être blâmés de repousser tout ce qui peut porter atteinte à ces droits, a bien plus forte raison, lorsque, dans nos habitations isolées, notre existence est évidemment compromise.

Quant à notre justification nous nous en rapportons, Général, à votre loyauté; elle reconnoitra et saura persuader au Gouvernement de Sa Majesté que nous nous occupons de l'amélioration du sort de nos esclaves, plus utilement et plus efficacement que cette secte, plus dangereuse encore que celle qui a joui en France d'une horrible célébrité, de cette secte qui armée d'un double fanatisme, veut tout sacrifier à un principe, à des mots: et qui après avoir offert les colonies en Holocauste à l'humanité, finiroit par asseoir sa sanglante chimère sur les ruines du commerce et de la prospérité de sa propre patrie.

Nous avons l'honneur d'être, de votre Excellence, les très humbles et très obéissans serviteurs,

(signé) A. Brodelet.

Cherval.

J<sup>n</sup> Pr<sup>e</sup> Lousteau.

Morin Lasablonière.

Pastourel.

Valentin Keating.

André.

Roussel.

E. Bardet.

M. Cottry.

Cantin aîné.

Dalais.

D. Dujardin.

Victor Bardet.

Etienne.

Munier.

Rochery.

G. Grave.

Bernardin.

Le Bedel.

Delalande.

C. Buttié.

Toussaint fils.

Vaudran.

Bardet aîné.

Guillot.

V<sup>e</sup> Dardaun.

F<sup>ois</sup> Magnier.

Louis Coulon.

Faurcette.

Paul Nottier.

B<sup>te</sup> Lassare.

Lagravelle.

Grivot.

J. Décule.

J<sup>n</sup> Lefière.

Guillemin.

Lechartier.

Rey.

D<sup>lie</sup> Dalais.

Rochery.

E. Gibert.

Barbier.

Barbier.

Hy Chapuiset.

Villemont fils.

MAURITIUS.	(signé) Villemont fils.	Lafourcade.	V <sup>e</sup> Avrie.
	E <sup>d</sup> Bertrand.	L <sup>s</sup> Barbeau.	J. Avrie.
	A. Leglos.	Quantin Duval.	E <sup>d</sup> Buttié.
	Margeat.	Roucamp.	V <sup>e</sup> Franquelin.
	Redmond Keating.	Seguier.	B <sup>in</sup> Buttié.
	V <sup>e</sup> de Robillard.	P. Roussel.	Hélène Lise.
	Sejourné.	A <sup>ph</sup> e Dalais.	Gallanty.

Grand Port, 1 Mars 1829.

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Enclosure 12, in No. 17.

A son Excellence le Lieutenant-général l'Honorable Sir Charles Colville,  
Gouverneur et Commandant des Forces de Sa Majesté à l'Île Maurice  
et Dépendances, &c., &c., &c.

Excellence,

C'EST avec une juste reconnaissance que les habitans du quartier du Grand Port ont reçu communication du memorandum, sous la date du dix courant; les démarches de votre Excellence dans des circonstances aussi facheuses, sont de surs gages de ses bienveillantes intentions. Ils sont également sensibles à l'assurance que vous voulez bien leur donner que vous transmettez aux ministres de Sa très gracieuse Majesté les remontrances que leur à arrachés leur position. Il n'a fallu rien moins que le desespoir pour les faire dévier de cette obéissance implicite, passive, aveugle, qu'ils ont montrée jusqu'à, même alors que les ordres qui leur étoient imposés, par le gouvernement local, blessaient leurs privileges comme citoyens des Royaumes Unis, du moins cette fois (et ce sera la première), leur légitime douleur parviendra aux pieds de leur Souverain. Ils ont une trop haute opinion de la loyauté de votre Excellence pour n'être pas intimement convaincus qu'elle appuiera de tout le poids de son approbation les respectueuses doléances qu'ils ont l'intention de faire parvenir à Sa Majesté en son Conseil Privé, et ou ils espèrent développer mieux que dans le premier moment de l'effroi, les moyens qui semblent leur faire esperer telles modifications qui rendront moins désastreux les effets de l'ordre en conseil No. 43.

Malgré la contexture du memorandum, votre Excellence, elle même, dans son opinion privée, ne peut trouver nos craintes sans fondement, puisque, dans sa sollicitude, elle nous indique des mesures de précaution. On ne vous a cependant pas dit, que nos esclaves se flattoient que le quatre courant, jour de la réunion indiquée par le protecteur, on devoit proclamer leur emancipation; on ne vous a pas dit, que publiquement, dans les Rues de Mahébourg, devant une cantine, un protetaire, fils d'un gendarme, proclamait que dorénavant *tout le monde étoit égal*; ou n'a pas été fouiller dans les archives du Greffe, pour vous démontrer que, dans des circonstances a peu près semblables, il a fallu le hazard le plus extraordinaire, et un noir fidèle pour sauver la colonie de sa destruction.

Vous nous engagez à repousser nos allarmes que vous qualifiez d'inutiles. Quand vous savez, cependant, que toutes les colonies ont été gravement troublées pour ce même objet; quand nos esclaves étoient appelés a se réunir devant le protecteur; quand, par votre ordre du 13 Fevrier, vous promettiez, en quelque sorte, l'impunité, *même lors qu'une enquête viendroit à prouver l'inexactitude de leurs dénonciations*. Et cependant, par les lois de la nature elle même, et par sa condition, l'esclave est l'ennemi né de son maître.

Vous nous exhortez à la patience: votre Excellence auroit été satisfaite, si avant de faire des remontrances, les colons avoient laissé la loi passer par de justes épreuves, &c. &c.

Comment! sans police, sans moyens de repression suffisants, vous pensez qu'il est prudent d'exécuter une loi, qui peut soulever 70 mille individus, contre 9 à 10 mille propriétaires! Vous pensez qu'il est prudent d'en faire le preuve, comme si, en pareilles matieres, les épreuves qui echouent n'étoient pas irréparables, et s'il étoit possible, par des regrets, de faire rétrograder des événemens.

Si la précipitation peut être pour nous suivie des suites les plus funestes, elle n'étoit nullement commandée par les interêts de l'esclave. Nul doute que les nôtres ne soient plus heureux que la classe inférieure de la population Européenne. Les réglemens

réglemens existans les protegeoient assez *fortement* pour permettre sans aucun inconvénient pour eux, que les lois de police, celles municipales qui doivent réprimer les abus, et dont le besoin est si bien senti par vous même, fussent établis, et en vigueur.

Un contre-poids, une compensation juste et nécessaire, institués d'après les ordres de la métropole (si le gouvernement local ne se croyoit pas en droit de le faire) auroit fixé les bases de la sureté publique, et celles de la propriété particulière, entièrement abandonnées pour le moment aux seuls soins et à la seule autorité de votre Excellence; cette salutaire mesure auroit précédé et non suivi l'ordre en conseil.

D'ailleurs, nous sommes placés dans une cathégorie toute particulière, par notre position géographique, par notre éloignement de la métropole, et par les droits sacrés de la foi publique, qui nous a implicitement promis d'être traités comme la colonie de Sa Majesté la plus favorisée. En conséquence, si la haine d'une faction, trop connue, ne nous poursuivoit sans relache, on auroit éprouvé quel étoit le joug le plus léger et le moins dangereux, avant de nous l'imposer; on auroit eu l'expérience de colonies rapprochées en faveur des quelles la métropole peut agir efficacement, avant de nous exposer à des malheurs qui pourroient être sans remède.

Nous nous flattions enfin, que comme il n'y avoit aucun danger à retarder l'exécution de cette loi, et qu'il y en a beaucoup à l'exécuter précipitamment, votre Excellence se seroit arrêtée au parti le plus prudent, celui d'en suspendre les effets, jusqu'à de nouveaux ordres du gouvernement: à notre grand regret notre attente a été trompée; votre memorandum tend à nous oter jusqu'à l'espoir que nos doléances soient écoutées, et même sans en attendre l'issue, nous annonce que vous persistez dans vos dispositions, encore que les personnes et les choses qu'elles concernent ne soient ni mures ni préparées pour les recevoir.

Nous supplions votre Excellence de s'appesantir de nouveau sur toutes les conséquences d'une affaire, d'où dépend l'existence d'une nombreuse population. Le desir de remplir ce que vous considerez comme votre devoir, peut vous obliger à prendre une attitude sévère à notre égard, et quelle quelle soit, nous saurons la respecter; mais, après avoir rendu à l'autorité tout ce que nous lui devons comme fideles sujets, nous ne craignons pas de dire, ou de répéter, que nous ne concourrons jamais de cœur, ni de volonté, à des lois d'exception, qui n'atteignent que nous, et que nous regardons comme devant, tôt ou tard, compromettre la sureté de nos familles et de nos fortunes.

Nous avons l'honneur d'être, de votre Excellence,  
Les très humbles et très respectueux Serviteurs,

(signé) J. P. Lousteau.  
P. Jalabert.  
Bertrand.  
Valentin Keating.  
Cherval.  
Bestel.  
A. Brodelet.  
Fauvielle.  
Lemuet père.  
A. Regnaud.  
E. Bertrand.  
André.  
Emaud Lepagnez.  
Etienne.  
Gras.  
A. Boisgard.  
Liege.  
Frocquet.  
J<sup>n</sup> B<sup>te</sup> G<sup>me</sup> Annette.  
Amedé.  
Olivier Lemasson.  
P. Escoffié.  
Louis Etienne.  
Margeot.  
Paul Daniau.  
V<sup>tor</sup> Millien.

Davoine.  
E<sup>ne</sup> Caëtaune.  
J<sup>dor</sup> Lemasson.  
N<sup>as</sup> Lemasson.  
F. Josset.  
Leclos.  
N<sup>te</sup> Maissin.  
Lemasson.  
L<sup>s</sup> Barbeau.  
Grivot.  
Rochecouste.  
Bruny.  
Paul Molliere.  
Lagravelle.  
Sandez.  
E. Cloupet.  
Dardaine.  
V<sup>e</sup>. Sebert.  
D. Guidart.  
A<sup>de</sup> Robillard.  
E<sup>ne</sup> Bardet.  
J. Baissac.  
Roussel.  
A<sup>de</sup> Dalais.  
Toussaint.  
E<sup>d</sup> Buttie.

Lafourcade.  
Redmond Keating.  
Lejournalé.  
Nadal.  
Lefevre,  
N. Emile.  
Morin Lasabloniere.  
B<sup>le</sup> Lasserre.  
Le Chartier.  
Delalande.  
Lamare.  
Barbier fils.  
Penal.  
Rochery.  
C. Rochery.  
Hy Chapuiset.  
Barbier.  
Felle Rochery.  
Villemont fils.  
A. Leclos.  
C. L. Letord.  
D<sup>lie</sup> Dalais.  
Anseline.  
Dalais.  
Decapierre.  
Senat.

MAURITIUS.

(signé)

Rault.  
Dalais.  
Gros Jean.  
Letord.  
J. Tasse.  
Ralisson.  
Parisot aîné.  
P<sup>re</sup> René.  
E. Cunat.  
Francois.  
Girgnon.  
Laignelot.  
V<sup>e</sup> Laingnelot.  
P. Laingnelot.  
V. Caliste.  
Anseline aîné.  
Renaud.  
A. Barbeau.  
Barbeau.  
G<sup>el</sup> Duval.  
A. Duval aîné.  
Charoux aîné.  
Louis Rosal.  
Lemasson.  
G<sup>re</sup> Castel.  
R. le Buttée.  
J. Rosse.  
Victor Bardet.

Idor Mamet.  
Riviere fils.  
Mamet.  
Bardet aîné.  
Besnon.  
Mamet aîné.  
G. Casse.  
V<sup>e</sup> Marquet.  
Cottry.  
E. Gebert.  
J. Veder.  
Casse.  
A. Gebert.  
V. Dardaune.  
E<sup>le</sup> Bonnemaïson.  
B. Buttée.  
Durup.  
Fenouillot Falbaire.  
Charlot Buttée.  
Rochery.  
J. Decube.  
L. Geoffroy.  
Guillemin.  
Quesnel.  
Lefevre.  
Maguien.  
Françoise Callon.  
Bernardin.

Joseph Clarisse.  
Pierre Deveau.  
P<sup>re</sup> Provancalle.  
M. Foutenay.  
Jean Michel.  
R. C. Butté.  
Morel.  
Mirbel.  
B. Marquet.  
Constant aîné.  
Théodore St. Mart.  
V<sup>e</sup> A. Mart.  
Françoise Roche-  
couste.  
L<sup>s</sup> Monvoisin.  
Théophile St. Flour.  
Pierre Jacques Na-  
dal.  
Charles.  
F<sup>ris</sup> Maguien.  
Françoise Nadal.  
Tabardin.  
Le Barill.  
Poulet.  
Dujardin.  
A. de Robillard fils.  
V<sup>e</sup> de Robillard.  
A. Rochecouste.

Grand Port, le 17 Mars 1829.

Enclosure 13, in No. 17.

A son Excellence le Lieutenant-général l'Honorable Sir Charles Colville,  
Gouverneur de Maurice, &c. &c. &c.

Excellence,

LORSQUE par un avis du Gouvernement il nous fut annoncé qu'une loi sur le régime des esclaves allait être incessamment promulguée, pleins de confiance dans les promesses faites par votre Excellence de modifier convenablement aux mœurs et aux lieux ce que l'ordre en conseil qu'elle eut la bonté de soumettre, avait d'inexécutable et d'imminemment dangereux pour notre sécurité ; convaincus que votre Excellence prendrait en considération les respectueuses observations qui lui furent soumises par notre mémoire, nous étions sans inquiétude, et le mot amélioration ne pouvait nous déplaire, à nous qui depuis vingt ans avons toujours marché vers ce but, sans avoir en besoin d'être stimulés par les lois. C'est donc avec une vive douleur que nous vu que la loi, No. 43, en détruisant toute espèce de discipline dans nos ateliers, ne nous accordait aucune garantie contre les désordres qui en seront la suite inévitable, que désormais privés du prestige qui soumettait plusieurs centaines d'individus à un seul, et sans moyens de repression personnels, nous n'aurons encore dans nos quartiers aucune autorité pour refuge, et que nous n'y trouverons au contraire que des hommes payés pour protéger la paresse, l'indiscipline, et la révolte.

C'est lorsque nous cherchions tous les moyens de mettre à exécution ce qu'il y a de praticable dans la loi, et que nous esperions que le Gouvernement prendrait toutes les mesures que pourrait indiquer la sagesse, pour appaiser la fermentation des esprits dans nos ateliers, qu'un ordre leur indique que, justes ou calomnieuses, leurs plaintes seront écoutées avec faveur, et qu'ils peuvent le présenter sans crainte !

Presque en même temps nous apprenons que l'on exige qu'ils soient envoyés à un rendez-vous général dans chaque quartier pour y entendre les mêmes doctrines : que la loi les protège ; c'est juste ; mais qui nous protégera contre eux qui ont entre leurs mains nos biens et notre existence ?

Soumis



Soumis jusqu'alors avec respect à toutes les dispositions du Gouvernement, nous espérons que notre résignation a été assez appréciée pour que votre Excellence soit convaincue que la nécessité seule nous force à protester contre la loi, No. 43, dont les résultats ne peuvent qu'être des desastres et du sang, dans l'état actuel des choses.

MAURITIUS.

Les soussignés ont l'honneur, &c. &c. &c.

(signé) Henry Adam.	Louise Teychyney.	P. D'Emmerez.
Gounet.	Gustave D.	Ledeau.
Ch. Pipon.	J. Duchenne.	J. Desfosse.
E. Conte.	La Roc. Feyd'herbe.	J. Desfosses père.
C. Faduilhe.	Lonstau Lulanne,	De Boucherville.
F. Jeffroy.	A Dubois fils.	Vucoëffic.
F. Dantier.	Sturbet.	Loriolirrior.
P. P. Duhazier.	F. Ducray.	P. Moreau.
Louis Bignons.	J. Dubois.	Auguste Dubois.
Foussaintprison	G. Ducray.	Prud'homme.
L. Beaulieu.	H. Descroizilles.	T. Dubois.
F. Luz.	B. Maitrot	Truturd.
A. D'Unienville.	L. Toussaint.	A. Demmerez.
V. Trublet.	S. Turbel.	Louis Poisson.

Savanne, 28 Fevrier 1829.

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Enclosure 14, in No. 17.

Sir

Port Louis, 14th March 1829.

ON perusing the memorandum circulated by your Excellency under date the 10th instant, touching the misunderstanding and discontent manifested by the representations made in the name of the inhabitants of the different quarters of the island, relative to the Ordinance in Council No. 43, and the Governor's orders of the 9th and 13th February, I feel myself called upon, as head of the department to which such ordinance and orders relate, to offer a few observations upon that part of the memorandum wherein my visit to the quarter of Black River is stated to have caused dissatisfaction and agitation. Not that I think any observations of mine can place that occurrence in a more satisfactory light; but with a view of explaining the motive that gave rise to the intended measure of visiting the respective quarters.

To your Excellency, a reference to the circular I addressed to the assistant-protectors of districts might suffice, inasmuch as the object of such intended visit is therein declared; but to the Government authorities at home, further explanation may be necessary.

When I was on the eve of leaving England for the colony in June last, I applied for instructions with regard to my official duties, feeling as I did the necessity of being furnished with some rule for the guidance of my conduct in a situation, the duties of which I was aware would be of a most delicate nature. To this application I received for answer that I should be furnished with them on my arrival at the Mauritius; but your Excellency having deemed it unnecessary to give me any specific instructions, I found myself thrown upon my own judgment for carrying into effect a measure, the bare contemplation of which had previously excited alarm, and which might now expose me to every invidious feeling on the part of the colonists.

Thus situated, I was induced to seek for precedents in the reports made to Parliament of the proceedings of the protectors in the West India colonies, and among them I found a letter addressed by Earl Bathurst to Lieutenant-colonel Young, protector of slaves at Demerara, dated 12th April 1826; containing his Lordship's special instructions for the regulation of his (the protector's) conduct in the exercise of his various duties.

In that letter I found, among other instructions applicable to the measure I contemplated, the following paragraph:

"You will not fail to make it your early and peculiar study to fix on the minds of the slave, by such arguments and explanations as are suitable to their state of information and comprehension, the principles which are contained in this letter,

676. and

MAURITIUS.

and which pervade all that course of legislation which His Majesty's Government have established and recommended in pursuance of the resolution of both Houses of Parliament."

In taking this letter for my guide, I did not think I could err, nor did there appear to me any other mode of fulfilling instructions so clearly and strictly enjoined, than that which I adopted. I was not, however, unconscious of the feeling that might probably arise in the minds of the planters from such a measure; but I considered my duty as paramount to their fears, and I felt a guarantee within myself, that the manner in which I intended to have executed it, would, instead of the mischief which they have anticipated, have produced a disposition on the part of the slave to comply with the conditions upon which the measure of protection he is to receive will depend, and would certainly have prevented his entertaining wrong and extravagant notions of the intentions of Government, as has been the case in other colonies, and in short would have made him acquainted with the whole of the provisions of a law intended for his benefit, but which, if unexplained, may prove the reverse, inasmuch as he will be exposed to punishment for an infraction of an ordinance, of the true meaning of which he may be either ignorant, or have formed an erroneous idea.

In this opinion, I was still further confirmed by the sanction which your Excellency was pleased to give to my circular, previously to its being despatched to the assistant-protectors of districts; and, although the measure has been arrested in its progress, I would with all deference submit, that with my Lord Bathurst's letter above referred to before me, and in the absence of other instructions, I could not conscientiously have acted otherwise than in adopting the line of conduct laid down by his lordship for the guidance of the protector at Demerara.

There is another subject connected with the representations of the planters, which, under other circumstances, would perhaps have been better disposed of by treating it with silent indifference. I allude to the words put into my mouth in the memorial of the inhabitants of Moha, wherein they state, that in reply to a proposition by one of the planters of Black River District, as to what would be their situation were I from any casualty to be re-placed by a religious bigot, or a saint, I am made to say, "Je frémirai pour votre sort," or words to that effect. To say nothing of the fulsome egotism which such observation would charge upon me had I made it, I beg leave to say, that it is totally incorrect, no such words having ever escaped me. I remember, amongst other absurd questions put to me, that such a proposition was made, and that my answer was, as I presume would be that of any other person, that His Majesty's Government knew how to select its servants, and they must take the consequences of any such casualty.

I beg to enclose a copy of my circular herein referred to, together with that of a translation thereof, and which accompanied the English version to the respective assistants.

I have the honor to be, Sir,  
Your Excellency's most obedient humble servant,

*R. M. Thomas,*

Protector and Guardian of Slaves.

To his Excellency, the honourable Sir Chas. Colville, G. C. B.  
Governor and Commander-in-Chief, &c. &c. &c.

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(Circular.)

Sir,

Port Louis, 17th February 1829.

By the Ordinance No. 43, published in the Extraordinary Gazette of the 10th instant, my appointment as protector and guardian of slaves for the island of Mauritius and its Dependencies, will have been made known to you; and by the same ordinance, it will be seen that his Excellency the governor in council, has been pleased to appoint the civil commissaries of the different districts of the island, to be assistant-protectors and guardians in their respective quarters.

The duties I am thus called upon to fulfil are very arduous and important; and as a portion of them will devolve upon you, as assistant-protector for the district

of Pamplémousses, I cannot too strongly impress upon your mind, that in the exercise thereof strict impartiality and patient investigation will be indispensably necessary. MAURITIUS.

With a view to a more efficient discharge of those duties, it will be necessary to suggest for your guidance such rules and regulations as circumstances may for the present appear to require; but previous to entering upon those, I would direct your attention to what I consider above all other considerations essential, namely, that the slave population should be made to comprehend and appreciate the nature and extent of the benevolent measures contemplated by His Majesty's Government for the improvement of their condition, so as to avoid the misconstruction into which ignorance or other causes may otherwise lead them.

This is a duty I intend in the first place to take upon myself, by personal visit to the different quarters; for which purpose I request you will cause to be assembled at your habitation, on the instant, at eight o'clock, such a number of the best informed slaves from each plantation within your district, as may comport with the convenience of the respective planters. I would suggest that the attendance of two male slaves and one female should be required from each plantation having upon it fifty slaves and upwards, and from all below that number, one male and one female.

When that duty shall have been accomplished by me, it will be expected that you exercise a constant discretion in continuing to perform the same; and that you make the slaves clearly understand, that although they will always find in me and in yourself, as my assistant, a zealous friend and protector in all cases where our interference may be properly required, yet the measure of protection to be afforded them will always be apportioned to their own good conduct, industry and obedience, to which, under prescribed regulations, their owners are entitled.

In all cases where a slave has a complaint to make, he must in the first place apply to you, for which purpose the owners or manager of the plantation is strictly enjoined to furnish him immediately with a pass, and it will be your duty to investigate the complaint, and if well founded, to obtain redress, making to me a full and exact report thereof; but should the slave be dissatisfied, and therefore desirous of laying his case before the protector, you will then furnish him with a pass for that purpose, and transmit to me at the same time the particulars of your investigation, together with the evidence and other documents relating thereto.

The great inconvenience, loss of labour, and expense, which must necessarily attend the absence from a plantation of any considerable number of slaves at one and the same time, who may have a complaint to make to the protector, or to his district-assistant, make it necessary they should be told that they must on no account whatever quit the plantation in a body; but select two or three of their number to represent the whole, for the purpose of making known their grievance; and that if hereafter they disobey this injunction, they will be sent back, and their complaint not attended to.

If information shall at any time reach you of any unwarrantable treatment to which any slave or slaves are exposed within your district, you are not to wait to receive any complaint from the slaves themselves, but to institute immediate inquiry into the same, and report to me the result thereof without delay.

In conclusion, I would call your particular attention to the necessity of punctuality in making the periodical returns and reports which I may hereafter call for, and more especially with respect to the plantation record book of punishments, the enactments with regard to which require the strictest observance.

I am, Sir, your most obedient humble servant,

(signed) *R. M. Thomas,*

Protector and Guardian of Slaves.

To the Assistant Protector and Guardian of Slaves  
for the District of Pamplémousses.

MAURITIUS.

(Traduction de la Circulaire.)

Monsieur,

Port Louis, 17th Fevrier 1829.

L'ORDONNANCE en Conseil No. 43, publiée dans la Gazette Extraordinaire du 10 courant, vous aura donné connoissance de ma nomination comme protecteur et patron des esclaves dans l'île Maurice et dépendances ; la même ordonnance porte qu'il a plu à son Excellence le gouverneur en conseil de nommer les commissaires civils des différens quartiers de l'île protecteurs et patrons adjoints dans leurs quartiers respectifs.

Les devoirs auxquels je suis ainsi appelé à remplir sont importants et d'une grande responsabilité ; et comme une partie de ces mêmes devoirs vous seront délégués en votre qualité de protecteur adjoint pour le quartier de Pamplémousses, je ne saurois trop vous rappeler que dans leur exercice la plus stricte impartialité, comme la plus minutieuse patience, seront de première nécessité.

Pour mieux assurer l'exécution de ces fonctions, il n'est pas inutile de vous suggerer, pour vous servir de guide, les réglemens que les circonstances actuelles peuvent exiger ; mais avant de les exposer, je desire porter votre attention sur le point le plus essentiel, qui est de faire comprendre et apprécier par les esclaves la nature et l'étendue des mesures bienveillantes que le gouvernement de Sa Majesté entreprend pour améliorer leur condition, de manière à éviter les erreurs dans les quelles l'ignorance ou d'autres causes pourroient les jeter.

C'est ce que je chercherai d'abord à exécuter moi même, en me transportant dans les différens quartiers ; et à cet effet je vous prie de vouloir bien faire réunir à votre commissariat, le courant, à huit heures du matin, un certain nombre d'esclaves, les plus instruits des différentes propriétés de votre quartier, selon la convenance de chaque habitant, deux noirs et une négresse d'un habitant possédant plus de 50 esclaves, et un noir et une négresse pour ceux possédant au-dessous, suffiront pour remplir le but que je me propose.

Lorsque j'aurai rempli ce devoir, vous devrez continuellement suivre la même marche, et faire clairement entendre aux esclaves, qu'ils trouveront toujours en moi et en vous, comme mon adjoint, un ami et un protecteur zélé dans tous les cas où notre intervention sera nécessaire, mais que la protection que nous leur accorderons sera toujours proportionnée à la bonne conduite, à l'activité, à l'obéissance, qu'ils doivent à leurs maîtres selon les réglemens.

Dans tous les cas où un esclave auroit une plainte à porter, il doit d'abord directement s'adresser à vous ; et le propriétaire, ou gereur de l'habitation, devra toujours et sur le champ lui remettre un billet de passe pour se rendre chez vous. Votre devoir sera de faire des recherches sur la plainte ; et si elle est bien fondée, d'en obtenir justice pour l'esclave, en m'adressant du tout un ample et fidele rapport ; si cependant l'esclave n'est pas encore satisfait, et desire porter sa plainte au protecteur lui-même, vous lui donnerez une permission écrite à cet effet, en m'envoyant en même temps le resultat de vos enquêtes, les preuves recueillies, et les autres documens y relatifs.

Le grand inconvenient, la perte du travail, et la dépense qui resulteroient nécessairement pour l'habitant de l'absence simultanée d'un grand nombre d'esclaves, qui auroient une plainte à porter au protecteur ou à son adjoint dans l'un des quartiers, exigent qu'on leur apprenne qu'ils doivent ne point quitter leurs travaux en bande sous aucun pretexte, mais au contraire choisir parmi eux deux ou trois individus pour les représenter tous et porter leur plainte ; et que si, à l'avenir, ils désobéissent à cet ordre, ils seront renvoyés sur le champ, et leur plainte rejeté.

En toute occasion où vous viendriez à être instruit de mauvais traitemens quelconques auxquels un ou plusieurs esclaves auroient subi dans votre quartier, vous n'attendrez pas la plainte des esclaves, mais vous commencerez vous même une enquête, dont vous me ferez sur le champ rapport.

Enfin, je desire surtout appeler votre attention sur la nécessité d'être extrêmement ponctuel à me faire parvenir les états et rapports periodiques que je pourrai demander par la suite, et surtout le *registre des corrections* de chaque propriétaire, pour lequel les termes de la loi devront être strictement observés.

Je suis, &amp;c. &amp;c. &amp;c.

(signé) R. M. Thomas,

Protecteur et Patron des Esclaves.

A Monsieur Prieur, Assistant Protecteur et Gardien  
des Esclaves, Pamplémousses.

Enclosure 15, in No. 17.

MAURITIUS.

No. 46.—Ordinance of His Excellency the Governor in Council.

To explain and determine the true sense and meaning of the 6th Article of the Ordinance in Council of the 7th of February, No. 43, for the Amelioration of the Condition of the Slave Population in the Isle of Mauritius and its Dependencies.

Title.

WHEREAS doubts have arisen as to the true intent and meaning of the 6th clause of the Ordinance No. 43, and particularly as to whether by the said clause it is purposed to take away from the chief commissary of police the functions which he has hitherto exercised in matters of complaints by masters against their slaves: And whereas it is expedient that such doubts should be removed, and that the above mentioned clause should receive such an interpretation as should make it accord with the due authority of the several courts and jurisdictions in this colony;

Preamble.

Has ordered and orders:—

I. Nothing in the sixth article of the Ordinance, No. 43, contained, shall be taken or construed in any manner to extend to the taking away or derogating from the powers and authorities delegated by the law to the chief commissary of police, save and except as the same may be repugnant to the special attributions of the protector and guardian of slaves, acting within the scope of the authority conferred upon him by the said Ordinance.

The functions specially attributed to the protector, do not derogate in any manner from the powers and authority delegated by the law to the Chief Commissary of Police

II. And further, that he the said protector and guardian shall and may exercise in the town of Port Louis, and in all and every the quarters, districts of this island, the same attributions in respect to this special functions as protector and guardian of slaves (and not otherwise) as the several "commissaires civils" of the districts now exercise in respect of the functions committed to them.

The protector and guardian of slaves shall exercise in the town of Port Louis and in every district of the colony, the same attribution, in committed to them.

respect to the special functions of his office, as the "Commissaires Civils" now exercise in respect to the functions

III. And to the end that no person may pretend ignorance of the same, the present Ordinance shall be read, published and registered in the courts; for which purpose a copy thereof shall be presented by the procureur-general to his honor the chief judge and commissary of justice.

Ordinance to be read and registered in the courts.

GOD SAVE THE KING.

Given at Port Louis, in the island of Mauritius, this 18th day of March 1829.

(signed) CHA<sup>s</sup> COLVILLE.

By order of his Excellency the Governor.

(signed) *G. A. Barry,*  
Chief Secretary to Government.By order of the Council. (signed) *W. N. Leitch,*  
Secretary to the Council.(A true copy.) *W. N. Leitch,*  
Clerk to the Council.

Enclosure 16, in No. 17.

Protector of Slaves Office, Port Louis, 7th March 1829.

Sir,

I HAVE the honour to transmit to your Excellency herewith a copy of a letter which, to my surprise, I received so late as yesterday from the chief commissary of police, together with that of a correspondence that has taken place between the procureur-general and himself, touching the question whether, after the 10th instant, (the day upon which the Ordinance No. 43, for ameliorating the condition of the slaves comes into operation), the complaints of masters against their slaves are to be heard by him as heretofore, or to be referred to me as protector and guardian of the latter.

Your Excellency will perceive that the procureur-general has given it as his opinion that according to his interpretation of the sixth clause of the Ordinance above

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above referred to, it is the duty of the protector to hear as well the complaints of the masters against their slaves as those of the latter against their masters; and as such opinion involves a question of grave importance, when received with reference to the intentions of His Majesty's Government in assigning to the slaves a special protector and guardian, I would submit the same to your Excellency's early consideration.

In doing this, I beg leave to draw your Excellency's attention to the wording of that part of the clause as quoted in the procureur-general's letter; it is as follows:— " Il se dirigera et agira en tout ce qui concerne la police, le régime, et la discipline des noirs esclaves, et en tout ce qui est lié sous ce regard aux attributions de la charge de protecteur et gardien des esclaves, comme était appelé, etc.;" which quotation I translate thus, viz. " He will direct and act in all that concerns the police, the government, and the discipline of the slaves, and in all that is connected in that respect with the attributions of his office as protector and guardian of slaves, as formerly exercised, &c."

If this translation of the clause be correct, I submit that it will not bear the interpretation put upon it by the procureur-general, inasmuch as the latter part of the sentence limits the interference of the protector in the police, government and discipline of slaves to *all that is connected in that respect with the attributions of his office as protector and guardian.*

Therefore unless it can be shown that the office of magistrate, to administer the law and award punishment, be connected with and form part of the attributions of the protector, who, be it recollected, is to act at the same time as the advocate of one of the parties whose cause he is to judge, I would respectfully argue that the protector cannot in his official capacity be called upon to entertain the complaints of masters against their slaves.

Besides, I think your Excellency will agree with me in opinion that it never could have been intended to amalgamate the duties of the protector with those of the commissary of police, duties totally incompatible one with the other, and which if exercised cannot fail to excite a total mistrust on the part of the slaves towards their protector, and thereby discourage them from making known their grievances to him, whom they have been taught to look up to as a friend, or to apply for his interference in cases of even an aggravated nature; in fact it will be seen, on reference to the papers presented to Parliament, that so clearly have the functions of the protectors been defined and understood, that in the West India colonies they have in very many cases acted as advocates *ex officio* of the slaves, whether with reference to matters of police or to charges of a higher nature.

Under these circumstances, I have therefore to solicit such instructions as your Excellency may deem fit to give for the guidance of my conduct on the point in question.

I have the honour to be, Sir,  
Your Excellency's most obedient humble servant,  
(signed) *R. M. Thomas,*  
Protector and Guardian of Slaves.

To his Excellency  
Lieutenant-General the Hon. Sir Charles Colville,  
Governor and Commander-in-Chief,  
&c. &c. &c.

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Police-Office, Port Louis, 6th March 1829.

Sir,

I HAVE the honour to transmit you copy of a correspondence with the procureur-general on the subject of slaves who may be brought to the police *by their masters to be punished for petty domestic offences*, and in consequence of the opinion expressed by the procureur-general, I shall refer to you all complaints made here of masters against their slaves, as well as slaves against their masters.

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

To R. M. Thomas, Esq.  
&c. &c. &c.

(signed) *John Finnis,*  
Chief Commissary of Police.

To N. J. Foisy, Esq. Procureur-General.

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Sir,

Police Department, 2d March, 1829.

THE period approaching when the Ordinance of his Excellency the Governor in Council, No. 43, dated 7th ultimo, for the improving the condition of slaves, will commence its effect, I am induced to solicit your opinion for my guidance in regard to slaves who may be brought to the police by their masters to be punished for petty domestic offences, which has been hitherto done upon the simple request of the master.

The Ordinance appears to me silent upon that subject, and I therefore presume that art. 16, section 3, chap. 3, of the 4th Brumaire, an 12, still remains in force. I am however desirous to have your opinion thereon; and whether it is to be considered as one of those cases where the protector is to be warned, as pointed out in art. 8 of the Ordinance, No. 43.

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

(signed) *J. Finniss,*

Chief Commissary of Police.

(A true copy.)

(signed) *John Finniss,*

Chief Commissary of Police.

Extrait de l'arrêté du Capitaine-Général Decaën, en date du 4 Brumaire,  
an 12, No. 23.

IL ordonnera la detention, à la prison, ou à la chaîne et la correction du bazar, de tous esclaves, soit sur demande, soit pour fait de marronage ou autres fautes et délits qui ne seroient pas de nature à meriter de plus grandes peines.

(Pour extrait conforme.)

(signé) *John Finniss,*

Commissaire en Chef de la Police.

Monsieur Finniss, Commissaire en Chef de la Police.

Monsieur,

Le 5 Mars 1829.

JE reponds à votre lettre du 2 de ce mois ayant regard aux attributions du protecteur et gardien des esclaves.

Ce n'est pas sur l'article 8 de l'ordonnance No. 43, mais sur l'article 6 de cette ordonnance, que j'ai arrêté mon attention; les termes de cet article me paraissent précis, et sans obscurité.

" Il se dirigera (le protecteur) et agira en tout ce qui concerne la police, le régime, et la discipline des noirs esclaves, et en tout ce qui est lié sous ce regard aux attributions de la charge du protecteur, comme était appelé à la faire le commissaire en chef de la police générale."

Je conçois donc qu'il entre dans le système de cette loi, que la connaissance sur toutes les plaintes des maîtres contre les esclaves, et celles des esclaves contre les maîtres, lui soit attribuée.

J'en excepte seulement les cas qui consistent dans une contravention aux réglemens de la police, ou y sont relatifs: ici la police exerce plutôt une sorte de juridiction, ce qu'on appelle police judiciaire qu'une simple surveillance sur la discipline et le régime des esclaves.

J'ai l'honneur d'être, &c. &c. &c.

(signé) *Foisy,*

Procureur-général.

(Pour copie conforme.)

(signé) *John Finniss,*

Commissaire en Chef de la Police.



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— No. 18. —

EXTRACT of a Despatch from Sir C. Colville, addressed to the Right Honourable Sir George Murray ; dated Mauritius, 12th October 1829.

“ I HAVE the honour herewith to forward to you the following Ordinance, which, having passed the council, has been promulgated in this colony, viz.

“ Ordinance No. 53, for better fulfilling the end and object of, and for more effectually carrying into execution, the Provisions of the Ordinance in Council No. 43, for the improvement of the Condition of the Slave Population, by means of divers additions and amendments to several of the Articles of the said Ordinance, and especially in regard of Emancipations.

“ On the subject of this Ordinance, I venture to express my hope that the various alterations pointed out in your despatch to me of the 3d of January last, relative to the manumission of slaves will all have been carefully provided for.”

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Enclosure in No. 18.

No. 53.—Ordinance of His Excellency the Governor in Council.

Title.

FOR the better fulfilling the end and object, and the more effectually carrying into execution, of the Provisions of the Ordinance in Council of the 7th February of the present year (No. 43), concerning the Melioration of the Condition of the Slaves, by means of divers alterations, additions and amendments to several of the Articles of the said Ordinance.

Preamble.

WHEREAS the discussions which have arisen on the several cases, which have been brought forward relative to the execution of divers clauses and dispositions of the ordinance in council for the melioration of the condition of slaves, and the experience derived therefrom, have clearly shown that, for the better carrying into effect the objects of the said law, extending the benefit intended thereby, removing all doubts, and preventing such interpretations as would render the application of the same uncertain, it is necessary to explain, modify, extend or limit certain clauses thereof, more especially the 19th, 21st, 29th and 32d articles of the said ordinance ;

His Excellency the Governor in Council has been pleased to order,

Explanation relative to the 19th article of the ordinance in council No. 43.

1. The 19th article of the ordinance in council of the 7th February 1829, No. 43, will continue to remain in full force and effect ; and in explanation of the same, after the words—“ that the traces or marks which he bears are the effects of and were occasioned by such unlawful chastisement,” the said article immediately following such words, shall be construed as follows :

After the slave complainant, or the slave with regard to whom a denunciation shall be made, shall have been duly and carefully examined by the court, the judge shall proceed to the hearing of the depositions upon oath of such witnesses as shall appear in support of the complaint. He may then permit the master against whom the complaint is made to set forth his defence ; in which case the said master is to be allowed to cross-examine the witnesses who have deposed on behalf of the slave, and to produce witnesses of his own for examination upon oath ; and if, upon such hearing and examination, the guilt or innocence of the accused shall not be fully established to the satisfaction of the court, it may, in such case, put the defendant on his oath as to whether the punishment, the marks and traces of which may be apparent, was not inflicted by him or his order, or with his knowledge or consent, or whether such punishment was a lawful correction, permitted by the same ordinance, and inflicted in the manner therein prescribed.

In default of proof of his innocence, the proprietor, manager or overseer shall be convicted and adjudged guilty of the offence which shall have given rise to the accusation. The court may, notwithstanding, whatever may be the result of the declarations on oath which shall be made before it by any witness called upon to depose, or of what nature soever the attested declaration of the proprietor, manager, overseer or other person may be, adopt with regard to the guilt or innocence of the accused such determination as equity may seem to it to require.

It

It is hereby further ordered, that the magistrate charged with the duties of the *ministère public* shall not discontinue any process which he shall have commenced at the instance of the protector and guardian of slaves, and which shall have been forwarded to him by the *procureur-general*, but by virtue of a written order under the hand and seal of the governor or acting-governor for the time being.

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II. Referring to and amending as far as it may be requisite the 21st article of the aforesaid ordinance of the 7th February 1829, it is ordered, that all proprietors of slaves are to keep a book, to be called "Punishment Record Book," as is set forth in the said 21st article, and are to make use of the said book as is required by the said ordinance. Every proprietor who shall not keep upon his establishment the said book or register for the use prescribed in the said 21st article, or who shall refuse to produce and show the said book whenever required so to do by any person having authority to call for the same, shall incur and forfeit a penalty not exceeding twenty pounds, nor less than five pounds, unless such person shall prove to the satisfaction of the judge that he comes under the provisions of the third paragraph of the said 21st article. The said 21st article is in all other respects to be executed in its full purport and effect; and in consequence of the dispositions of this present article 2, the ordinance in council, under date of 29th July 1829, No. 49, shall from henceforward be taken and deemed to be null and void, and of no effect in law whatever.

Interpretation and modification of the 21st article of ordinance No. 43.

Repeal of ordinance No. 49.

III. The 29th article of the aforesaid ordinance No. 43, is to be construed as extending to all *délits* or misdemeanors, these two words being synonymous and bearing the same meaning. The said article 29 is otherwise maintained, and shall continue to be executed.

Explanation of the 29th article of ordinance No. 43.

IV. Whereas it is necessary to prevent those delays which are occasioned by a compliance with the formalities required by the 32d article of the ordinance of 7th February 1829, with regard to emancipations; the said 32d article, commencing from and after the 7th section, is altered and amended as follows:

Modification of the 32d article of ordinance No. 43.

After the three successive notices of emancipation, and within the eight days following the third and last notice, the registrar of the court of First Instance shall forward to the *procureur-general* in the interests of the public, an extract setting forth either that no opposition has been lodged to the intended emancipation, or the nature of such as shall have been made and declared at the registry.

During the eight days following the last notice in the *Gazette*, any person having lawful right so to do, may oppose the emancipation advertized. All oppositions to the emancipation of a slave are to be registered and received in the manner pointed out and required by the said article.

After the eight days which shall follow the last notice as aforesaid, if it shall result (from the certificate which is required to be forwarded by the registrar of the court of First Instance to the protector and guardian of slaves for such purpose,) that no opposition has been put in to the intended emancipation, or that any opposition which may have been put in has been withdrawn or made null or overruled by the judgment of a competent court, the slave whose emancipation shall have been notified, as hereinbefore mentioned, shall be immediately considered as having acquired a right to his or her freedom, of which he or she cannot be deprived or dispossessed under pretext of a non-compliance with any other formality required by the said 32d article.

The protector and guardian of slaves, on receipt of the aforesaid certificate, shall forthwith advertize in the *Gazette* the emancipation of the slave, and give notice thereof to the registrar of slaves, and use all due diligence to obtain from his Excellency the Governor the deed of manumission, which is to be delivered gratis to the person emancipated, and is to be registered at the diligence of the protector and guardian of slaves, wherever it may be usual and necessary to register the same.

The paragraph of article 32d setting forth that when a deed of manumission is required for a slave of the age of fifty years and upwards, as also for a slave labouring under any infirmity, the master, on emancipating such slave, shall be required to subscribe an obligation to maintain and provide for such slave during his or her natural life, is modified as follows:

With respect to the slave who shall be afflicted with any bodily infirmity or habitual disease, of a nature to incapacitate such slave from procuring the means of obtaining a livelihood by any description of labour, the master shall continue to be charged with the supply of the means of subsistence for such slave, and shall enter into an obligation so to do as long as such slave shall be afflicted with such infirmity

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or disease ; and in cases where the slave to be manumitted shall have attained the age of fifty years, that period, for the future, is extended to and fixed at sixty years, and the masters, on manumitting, shall only be required to covenant and engage that the manumitted slave shall not become a burthen to the colony.

That section of the said 32d article concerning the obligation of the master with respect to slaves emancipated under the age of fourteen years, shall be separate and distinct, and is not to be confounded or incorporated with the following section but one, which relates to children under the age of seven years, of negresses emancipated, and who are to follow the lot of their mother ; thus the obligation which the master emancipating a slave under the age of fourteen years has to subscribe, that he will provide for, maintain and superintend such slave, until he has completed that age, does not impose upon the said master the obligation, nor shall it be construed so to do, of providing for such children as are under the age of seven years, who follow the lot of their emancipated mother, and who are to remain under her care, and to be at her charge.

Under the above modifications, and in all that is not contrary thereto, the 32d article of the ordinance of the 7th February 1829, is confirmed and maintained.

Ordinance to be registered in the courts.

And to the end that no person may pretend ignorance of the same, the present ordinance is to be read, published and registered in the courts ; for which purpose a copy thereof is to be presented by the procureur-general to his honour the chief judge and commissary of justice.

GOD SAVE THE KING.

Given at Port Louis, Island of Mauritius, this 7th October 1829.

(signed) CHA<sup>s</sup> COLVILLE.

By order of his Excellency the Governor,

(signed) G. A. Barry,  
Chief Secretary to Government.

By order of the Council,

(signed) W. N. Leitch,  
Secretary to the Council.

(A true copy.)

W. N. Leitch,  
Clerk to the Council.

No. 53.—Ordonnance de Son Excellence le Gouverneur en Conseil.

Titre.

POUR mieux remplir le but et assurer de plus en plus l'exécution de l'Ordonnance du 7 Février, No. 43, concernant l'amélioration de la condition des esclaves, au moyen de quelques changemens, additions et modifications à aucuns des articles de ladite Ordonnance.

Préambule.

ATTENDU que les discussions qui se sont élevées sur les différents cas qui se sont présentés relativement à l'exécution de certaines dispositions de l'ordonnance sur l'amélioration de l'état des esclaves, et l'expérience qui en a résulté, ont conduit à reconnaître que pour mieux assurer les effets de cette loi, en étendre les bienfaits, écarter les doutes, et prévenir les interprétations qui tendraient à en rendre l'application incertaine, il était nécessaire d'expliquer, modifier, augmenter ou restreindre certaines clauses notamment à l'égard des articles 19, 21, 29, et 32 de ladite ordonnance.

A ordonné et ordonne :

Explication relative à l'article 19 de l'ordonnance en Conseil No. 43.

I. L'article 19 de l'ordonnance en conseil du 7 Fevrier 1829, No. 43, continuera d'avoir sa pleine et entière exécution ; et expliquant en tant que de besoin ledit article, après ces mots—"que les traces ou marques qu'il porte sont le résultat d'un tel châtiment illégal," l'article pour ce qui suit devra être entendu de la manière suivante : Après que l'esclave plaignant, ou qui aura été dûment et soigneusement

eusement examiné par le tribunal, le juge procédera à l'audition des dépositions sous serment des témoins qui auront comparu pour supporter la plainte. Il pourra aussi admettre le prévenu sur lequel portera la plainte à proposer sa défense; dans ce dernier cas il sera permis au maître d'examiner les témoins qui auront déposé pour l'esclave, et d'en produire de sa part à l'effet de déposer sous serment; et si la culpabilité ou l'innocence du prévenu ne paraît pas pleinement établie, et d'une manière satisfaisante pour le tribunal, le juge aura en ce cas la faculté de déférer au défendeur le serment, soit que le châtement dont les traces et les marques pourront être apparentes n'a pas été infligé par lui ou par son ordre, ou à sa connaissance ou avec son consentement, soit qu'un tel châtement était une punition légale, et permise par ladite ordonnance en conseil, et a été infligée de la manière qui y est prescrite.

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A défaut des preuves de son innocence, le propriétaire, administrateur ou régisseur, sera convaincu et jugé coupable du délit qui aura donné lieu à l'accusation; pourra néanmoins le tribunal, quel que soit le résultat des dépositions sous serment qui seront faites devant lui par tous témoins appelés à déposer, quelle que soit encore la nature des déclarations qui seront affirmées par le propriétaire, administrateur, régisseur ou autre personne, prendre, à l'égard de la culpabilité ou de l'innocence du prévenu, telle détermination que l'équité pourra lui commander.

Il est de plus ordonné, que le magistrat chargé du ministère public ne pourra discontinuer les poursuites, qu'il aura dirigées à la demande du protecteur et gardien des esclaves, et sur le renvoi qui lui aura été fait par le procureur-général, qu'en vertu d'un ordre par écrit, revêtu de la signature et du sceau du gouverneur, ou de celui qui en remplira momentanément les fonctions.

II. Interpelant et modifiant en tant que de besoin, l'article 21 de l'ordonnance du 7 Février 1829; il est ordonné à tout propriétaire d'esclaves de tenir le livre intitulé, "livre pour l'enregistrement des punitions," dont il est fait mention à l'article 21, et de faire dudit livre l'usage que l'ordonnance exige. Tout propriétaire qui ne tiendrait pas sur son établissement le dit livre ou registre, pour l'usage prescrit audit article 21, ou qui refuserait de produire et représenter ledit livre toutes les fois qu'il en serait requis par celui qui aurait une autorité compétente à cet effet, sera puni d'une amende qui ne pourra excéder vingt livres sterling, ni être moindre de cinq livres sterling, à moins cependant qu'il ne justifie, à la satisfaction du juge, qu'il se trouve dans le cas prévu au troisième paragraphe du dit article 21; au surplus, l'article 21 de ladite ordonnance sera exécuté dans tout son contenu; et au moyen des dispositions du présent article 2, l'ordonnance en conseil, en date du 29 Juillet 1829, No. 49, sera, pour l'avenir, considérée comme non existante, et réputée annulée.

Interprétation et modification de l'article 21 de la même ordonnance et rapport de l'ordonnance No. 49.

III. L'article 29 doit s'entendre de tous délits ou misdemeanours, ces deux mots étant censés avoir la même signification. Ledit article 29 est au reste maintenu et continuera d'avoir son exécution.

Explication de l'article 29 de la même ordonnance.

IV. Attendu qu'il est nécessaire d'obvier aux délais qui sont occasionnés par l'observation des formes requises par l'article 32 de l'ordonnance du 7 Février 1829, relatif aux affranchissements, ledit article 32 à commencer à la septième section, est modifié ainsi qu'il suit :

Modification à l'article 32 de ladite ordonnance.

Après les trois annonces successives d'affranchissement, et dans la huitaine qui suivra la troisième et dernière annonce, le greffier du tribunal de Première Instance enverra au procureur-général dans l'intérêt de l'ordre public, un extrait constatant soit qu'il n'a été mis aucune opposition à l'affranchissement annoncé, soit la nature de celles qui auraient été déclarées au greffe.

Pendant la huitaine qui suivra la dernière annonce dans la gazette, toute personne qui aurait de justes droits pour le faire, aura encore la faculté de mettre opposition à l'affranchissement annoncé. Toute opposition à l'affranchissement d'un esclave sera reçue et enregistrée en la manière qui a été établie et ordonnée par ledit article 32.

Après la huitaine qui suivra la dernière annonce, s'il résulte d'un certificat qui sera à cet effet adressé par le greffier du tribunal de Première Instance au protecteur et gardien des esclaves, qu'il n'a été mis aucune opposition à l'affranchissement annoncé, ou que telle opposition qui aurait été mise aurait été ou retirée ou déclarée nulle et levée par jugement du tribunal compétent, l'esclave dont l'affranchissement aura été annoncé sera immédiatement considéré comme ayant acquis un droit pour demeurer libre, et il ne pourra ensuite en être déchu sous le prétexte que quelqu'autre formalité exigée par ledit article 32 aurait été négligée.

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Le protecteur et gardien des esclaves annoncera immédiatement dans la Gazette l'affranchissement de l'esclave, en fera la notification au greffier de l'enregistrement des esclaves, et fera ses diligences à l'effet d'obtenir de Son Excellence le Gouverneur l'acte confirmatif de l'affranchissement, lequel sera délivré gratis à l'affranchi, et enregistré à la diligence du protecteur et gardien des esclaves dans les lieux où il est d'usage d'en faire l'enregistrement.

La clause de l'article 32, portant que lorsqu'il s'agira de l'affranchissement d'un esclave âgé de 50 ans et au-dessus, comme aussi d'un esclave qui serait attaqué de quelque infirmité, le maître en les affranchissant sera tenu de souscrire l'obligation de les nourrir et entretenir pendant le reste de la vie dudit esclave, est modifié ainsi qu'il suit :

A l'égard de l'esclave qui serait affecté de quelque infirmité de corps ou maladie habituelle qui le rendrait incapable de se procurer la subsistance par aucun genre de travail, le maître continuera d'être chargé de subvenir aux moyens d'existence dudit esclave, et d'en contracter l'obligation pour tout le temps où l'infirmité ou maladie durera et jusqu'à ce qu'elle ait cessé; et au cas de l'esclave en manumission qui aurait atteint cinquante ans, ce terme demeurera à l'avenir fixé à 60 ans, et le maître sera seulement tenu à son égard de pourvoir et prendre sur lui pour qu'il ne devienne pas à charge à la colonie.

La section dudit article 32, concernant l'obligation du maître, à l'égard de son esclave âgé de moins de quatorze ans, mis en manumission, sera distincte, et ne droit point se confondre dans l'application avec la section suivante qui concerne les enfans âgés de moins de sept ans, d'une négresse esclave qui est affranchie, et qui doivent suivre alors le sort de leur mère; ainsi, l'obligation que doit souscrire le maître qui affranchit un esclave au-dessous de 14 ans, de le nourrir, entretenir et surveiller jusqu'à ce qu'il ait atteint cet âge, n'impose pas la même obligation au maître et ne s'étend pas, à l'égard des enfans au-dessous de sept ans, qui suivent le sort de leur mère émancipée, et qui demeurent à se ses soins et à sa charge.

Sous les modifications ci-dessus, l'article 32 de l'ordonnance du 7 Février 1829, est confirmé et maintenu en tout ce qui n'est pas contraire aux dispositions qu'elles continennent.

La présente ordonnance sera lue et enregistrée dans les tribunaux.

Et afin que personne n'en prétende cause d'ignorance, la présente ordonnance sera lue, publiée et enregistrée dans les tribunaux: copie en sera, à cet effet, présentée par le procureur-général à son honneur le grand juge et commissaire de justice.

VIVE LE ROI!

Donné au Port Louis, Ile Maurice, le 7 Octobre 1829.

CHAS. COLVILLE,

Par ordre de Son Excellence le Gouverneur,

*G. A. Barry,*

Secrétaire du chef du Gouvernement.

Par ordre du Conseil.

*W. N. Leitch,*

Secrétaire du Conseil.

— No. 19. —

Sir,

Downing-street, 4th Sept. 1829.

I HAVE received your despatches, dated the 21st of February and the 11th of April last, enclosing the ordinance passed by yourself, with the advice of the council of government of Mauritius, for improving the condition of the slave population of that island, and detailing the various proceedings which preceded and have followed the promulgation of that ordinance.

Postponing the observations which I shall hereafter have occasion to make upon this ordinance, I shall for the present confine myself to a review of the course pursued by yourself, and by the protector of slaves, in carrying the new slave code into execution, and to the remonstrances which you have received from the merchants and proprietors of the different quarters of the island.

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It cannot but be a subject of regret to His Majesty's government that the measures which have been adopted, in conformity to the resolutions of both Houses of Parliament, for improving the condition of the slaves in Mauritius, should have excited so much dissatisfaction amongst many of His Majesty's subjects in that colony. I persuade myself, however, that when the apprehensions excited by the first promulgation of this law shall have passed away, the better judgment of the free inhabitants at large will convince them that their own permanent interests, and the general welfare of the colony, are deeply involved in the success of this measure.

The progressive amendment of the religious and civil condition of the labouring class in those of His Majesty's colonies in which slavery prevails is, demanded by considerations which it would be impossible to overlook, and entirely vain to resist. On the Ministers of the Crown, and the officers intrusted by His Majesty with the government of these possessions, it is incumbent, therefore, to conduct this change with such perseverance as shall insure the ultimate attainment of the object itself, but at the same time with such caution as may avert the dangers inseparable from precipitate innovations. But while His Majesty's Government avow their determination to act steadily upon these principles, it is no less their purpose to give the most respectful attention to every representation against their measures proceeding from the persons more immediately affected by them. And fully sensible to the difficulties in which the enactment of the proposed laws may at first involve the proprietors and planters of Mauritius, the Ministers of the Crown are disposed to overlook any undue vehemence or asperity in the language employed by the persons who have signed the numerous remonstrances which you have transmitted from that colony. It is on every account desirable to allay, rather than to irritate, the feelings which seem to have been excited; and for that purpose His Majesty's Government will cheerfully make any concession which does not compromise the principles, nor diminish the efficiency of the law itself.

It is gratifying to me to find in your despatches, and their enclosures, adequate proof that you, and the officer immediately charged with the execution of this ordinance, have been animated by a laudable desire at once to give effect to the new slave code, and to conciliate the minds of the inhabitants to this measure; and if, in some instances, I have found cause to question the prudence of the course pursued by yourself and the protector of slaves, I am happily relieved from the necessity of disapproving the spirit by which either you or that officer have been actuated.

I must express my regret, however, that you should have referred any part of Mr. Huskisson's instructions to the self-constituted society, assuming the title of the "Committee of Planters and Proprietors." It was scarcely to be expected that they would enter with calmness or moderation upon such an inquiry, nor could any advantage be reasonably anticipated from the advice of this body, sufficient to compensate for the embarrassment to which such a communication inevitably exposed the local government. This reference seems to have been the less judicious, since your instructions from Mr. Huskisson had left you no discretion as to the adoption or rejection of the measures in question, but had announced the settled purpose of His Majesty's Government on the subject, a purpose formed after the most copious explanations had been received from your predecessor, and the council of government, upon the very questions referred to this voluntary society. The extensive and concerted resistance to the law, which so shortly afterwards manifested itself throughout the colony, was a result which should with reason have been expected from those previous discussions upon which this committee had been invited to enter. In future you will do well to avoid all references of this nature to this or to any other body of persons not recognized by law, and more especially in cases where you may have received explicit instructions for your guidance from His Majesty's Government.

The publication of the two Government orders, dated the 19th of January, and the 13th of February last, obviously originated in an earnest desire of promoting, as far as possible, the favourable reception of the slave ordinance amongst the inhabitants at large. Yet I cannot regard these orders as having been very judiciously adapted to answer this important purpose.

There was an obvious inconvenience in publishing, in the name of the Executive Government, an authoritative interpretation of the law, which if it was not sufficiently clear for common apprehension, would have been more advantageously expounded by an explanatory enactment; but the inconvenience was the greater, because the

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order of the 13th of February gave a construction to the ordinance of the Governor in Council which that instrument will scarcely bear. The law of the 7th February appears to have established the rule that in the case of any unfounded complaint the slave is to be punished; but the order of the 13th declares, that even should the statement of slaves against their owner be found, on investigation, "not altogether correct," they will find "in the protector in the interest of both parties" an unbiassed arbitrator between the complainants and those complained of. For the present, I purposely decline to express any opinion on the enactment itself, but I fear that if the slave should prefer a complaint "which should be found not altogether correct," the law, as it now stands, would require the protector to act, not as an unbiassed arbitrator, but as a magistrate bound to punish the complaining slave; indeed, the subsequent passage in the order admonishing the slaves of the consequences of bringing forward groundless or frivolous accusations, cannot, without some difficulty, be reconciled with the previous expressions to which I have referred.

It would I think be sufficiently obvious to any dispassionate and impartial reader of the order of the 13th of February, that in framing that instrument your real object was to prevent the practice of a whole gang of slaves quitting a plantation at once to seek redress; it has, however, received a very different construction. The remonstrances which you have transmitted represent that order as indirectly sanctioning this very proceeding; they state that the resort of the slaves in a body to the protector is rather dissuaded as inexpedient, than denounced as unlawful. I fear that the language which you have employed affords too much countenance to this representation.

It is further objected to this order, that it authorizes the slaves to elect delegates from among their own body to prefer their common complaints; it is, I fear, impossible either to controvert this remark, or to deny the justice of the observation, that any proceedings resembling the election of delegates by the slaves upon an estate must be attended with great danger to good discipline and the peace of society.

It was I think unnecessary, and therefore inexpedient, to lay down before hand any positive rule as to the manner in which the slaves on an estate should bring before the protector complaints of any grievance affecting in common every member of the gang; no regulation of that kind could be suggested to which some plausible objection might not be made; and if an entire silence had been observed on the subject, experience would have guided the protector himself to the most unexceptionable means of dealing with such cases.

It is stated by Mr. Thomas, the protector of slaves, in his letter to yourself of the 14th of March, that the circular letter, which on the 17th of February he addressed to the assistant protectors of slaves throughout the island had received your previous sanction: as you do not contradict this statement, I must assume that it is accurately made, and, on that supposition, Mr. Thomas must of course be relieved from much of the responsibility on this subject.

I am to perceive and acknowledge in his letter the same zealous desire to promote the effectual execution of the law, and to remove any prejudices against it, which I have remarked in the orders issued by yourself; but I am unable entirely to approve the terms of the letter itself; it does not indeed give the slaves on an estate any discretionary authority to quit the plantation in a body, in order to prefer their complaints, but it directs in terms still more decisive than those which you had employed, that two or three of the number *must* be selected by the rest for the purpose of making known their common grievances.

It is, I think, to be regretted that the assistant protectors were directed to supply to slaves dissatisfied at their decisions passes to enable them to resort to the protector himself; if it was necessary to anticipate and provide for an emergency of this nature, the pass of the assistant protector should have been required only in the event of the owner himself refusing to grant a pass; this direction has given the proprietors an opportunity of complaining (and not without some plausibility) that the authority of the owner over the slave had been invaded, and without any real necessity.

The directions given in the circular letter for convening some of the best informed slaves from each plantation in every district, to receive from the protector himself an explanation of the law, was also, I think, injudicious. From an oral commentary of



of this nature, addressed to such an audience, it is difficult to suppose that any real advantage could arise, although it might not improbably induce some serious inconvenience. The real nature of the law would have been best explained to the slaves by its application to real cases as they occurred, and by explanations given whenever a fit opportunity might naturally have presented itself.

I perceive that Mr. Thomas represents himself to have been unable to procure any instructions for his guidance from this office, and that in his uncertainty respecting the precise nature of his duties he referred to the instructions given to the protector of slaves of Demerara, and considered himself justified by those instructions in adopting the measure to which I have adverted. I have no reason to doubt the accuracy of Mr. Thomas's statement of his having applied in vain at this office for instructions, although I have not been able to ascertain the exact state of the case. Under such circumstances, I entirely acquit him of any blame for having taken the Demerara instructions for his guide. I do not, however, think that the inferences he deduced from that instrument were accurately drawn; I apprehend that in the instructions to Colonel Young, Lord Bathurst merely intended to direct that officer to hold communication with the slaves, as opportunities might offer, and not to create opportunities for making public addresses to them.

I do not distinctly collect from the papers before me, to what extent Mr. Thomas carried into execution his purpose of giving oral explanations of the law to the slaves, although I infer that, on one occasion at least, he made an address of this nature, or visited one district of the colony with that avowed intention. It is however necessary that this proceeding should not be repeated.

Regretting upon the whole the publication of the Government orders and the protector's circular letter, and considering that they have rather embarrassed than promoted the execution of the law, I am to instruct you to take such measures for revoking those instruments as can be adopted with the least inconvenience. While on the one hand I am desirous to withdraw these documents, as affording an unnecessary ground of offence, I am not less anxious on the other hand to proceed in such a manner as shall best maintain the dignity of the local government, and as may be the least unpleasant to your own feelings.

I am further to desire that you continue to avail yourself of every opportunity of exerting the influence so justly due to your personal character and official station, in soothing the irritated feelings expressed in the remonstrances before me, by such private communications with the proprietors and gentlemen of the colony, as it may be in your power to hold. By candid explanations of the real views of His Majesty's Government, in the familiar and unstudied intercourse of private life, you will I trust be able to impress upon the principal inhabitants a conviction that the apprehensions they have so forcibly expressed are destitute of any real foundation. The gentlemen of the colony have every claim upon the forbearance of the Ministers of the Crown which can be derived from their prevailing ignorance of our language and civil institutions, and from the magnitude of the interest which they have at stake in the colony. I calculate with confidence in the best effects from the frankness and amenity with which you will endeavour to remove the prejudices, and to disarm the fears which have unfortunately been excited.

The complaints which have been preferred of the inefficiency of the colonial police for the prevention and punishment of the crimes committed by slaves have engaged my serious attention, and I hope to explain the views of His Majesty's Government fully upon that subject in the communication which I shall have to address to you with reference to the Reports of the Commissioners of Inquiry at Mauritius.

The complaints of the excessive amount of the public burthens have been anticipated by His Majesty's Government to the utmost of their power, in the careful investigation which under their direction the Commissioners have made into that subject; and I trust that the colony will derive material advantage from that inquiry so soon as the Ministers of the Crown shall have been able to give to the subject the attentive consideration which its difficulty requires, and its importance demands.

I have, &c.

(signed) G. MURRAY.

Lieut. General Sir C. Colville,  
&c. &c. &c.

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— No. 20. —

Sir,

Downing-street, 5th April 1830.

IN my despatch of the 4th of September last, with reference to the discussions occasioned in the island of Mauritius by the proceedings of Mr. Thomas, as the protector of slaves, I stated that I postponed the observations which I should afterwards have occasion to make on the ordinance of the 7th of February 1829, for meliorating the condition of the slave population, and that I proposed to confine myself to a review of the measures pursued by yourself, and by the protector of slaves, in carrying the new slave code into execution.

Reverting to the general subject to which I thus alluded in my despatch of the 4th of September last, I have now to remark, that the order made by yourself, with the advice of the Government of Mauritius, dated the 7th of February 1829, has failed in many respects to give effect to the instructions conveyed to Sir Lowry Cole, in Mr. Huskisson's despatch of the 19th of March 1828. But it is unnecessary for me to enter upon any discussion of those topics, because the order of His Majesty in Council, dated the 2d of February last, which I have now the honour to enclose, will supersede the ordinance in question, and will place the whole subject upon a new and different ground.

The completion of this design was suspended by petitions, addressed to His Majesty in Council, by various proprietors and mortgagees of slaves in the colonies of Berbice and Demerara, praying, in effect, that the law of compulsory manumission (as it has been usually termed) might not be introduced into those settlements. It was impossible to issue a new order consolidating the recent enactments on the subject of slavery, until the question raised respecting this important part of the new system had been finally set at rest. The Lords of the Committee of Privy Council, to whom the Berbice and Demerara petitions were referred by His Majesty, made their report on the 18th of March 1829, and that report was confirmed by an order of His Majesty in Council of the same date, and I have the honour to enclose for your information a copy of that order.

The question respecting compulsory manumission being thus finally settled, it became the duty of His Majesty's Government to frame the necessary enactments for carrying the general principle into effect. It appeared to them, however, that the rules respecting the manumission of slaves could be more conveniently introduced into the consolidated law, than made the subject of a separate order. His Majesty in Council having been pleased to approve this course of proceeding, made an order on the 2d of February for amending and bringing into one law the order in council of the 10th of March 1824, with all the subsequent enactments by which it had been either amended or explained. The new order extends not only to Mauritius, but to all the slave colonies which are subject to the legislative authority of His Majesty in Council. I have the honour herewith to transmit for your guidance and information a printed copy of that order, authenticated by the signature of the Clerk of the Council, with three other printed copies, for the public officers in the colony.

It is unnecessary that I should enter upon any explanation of the provisions of this law, which I trust will be found to convey its own meaning with sufficient distinctness.

You will observe, however, that upon many of the topics embraced in this order, His Majesty in Council has delegated to yourself the duty of supplying by proclamation such subordinate rules as it would have been difficult to introduce into the general law, or which, if introduced, must have made a great addition to its length. Those proclamations will relate exclusively or chiefly to subjects upon which the difference between the systems of jurisprudence in force in the various Crown colonies forbade the application of any one enactment to them all. I will advert in their order to the duties which you are thus required to discharge.

The 4th clause authorizes you to regulate the length of time for which the protector of slaves shall be bound to give his daily attendance upon the duties of his office, and the 6th clause enables you to grant to this officer a leave of absence for any period not exceeding six months, if it shall be made to appear to you that such an indulgence is essential to his health. The great importance of the duties intrusted to the protector will exact such constant attention, that I fear it will be very rarely in your power to sanction any relaxation of his labours. At a period  
not,

not, I trust, very distant, when the business of the office shall be conducted with that punctuality and method which can result only from experience, a greater degree of indulgence may perhaps be found consistent with the public service. But for the present I must expect from the protector every exertion compatible with a due regard to his health.

You are empowered by the 5th clause to permit the protector to hire domestic slaves, if he shall satisfy you that it is not in his power to hire free servants. It is of so much importance to rescue this officer from every temptation to offend against the law with the execution of which he is charged, that you will not dispense with the general rule, except in case of evident necessity, nor to any greater extent than may be clearly unavoidable.

During any temporary vacancy of the protector's office, you are required by the 7th clause to appoint a deputy, and to select, if possible, a person who possesses the qualification of not being himself an owner of slaves. You will not use the power with which you are intrusted of relaxing this rule until you shall have fully ascertained the absolute impracticability of observing it. In general, the deputy protector should receive one half of the salary of his absent principal, but the division of these emoluments is reserved to your discretion, that you may be enabled the more easily to make a satisfactory arrangement for filling the office during any temporary vacancy.

As the entire abolition of markets on Sunday will require the substitution of another day in the week, you are authorized by the 16th clause to appoint the day of the weekly market, and to determine at what hours it shall be holden. Upon this subject you will consult, as far as possible, the convenience of the proprietors, and make such arrangements as you shall think best calculated to induce them to sanction the resort of their slaves to market.

The general prohibition of the labour of slaves on Sunday is followed by a clause, numbered 21, which excepts from the rule works of "*necessity*." It is obvious, however, that a general principle laid down in terms thus comprehensive would afford occasion for continual evasions of the law, unless some method were taken to give an authoritative and more definite interpretation of those expressions. It is therefore referred to you to define, with all possible precision, every work of necessity in which slaves may be employed on Sunday, and to restrict such employment by such conditions as you may think just. Such a necessity may arise either from unforeseen accidents, such as conflagrations or hurricanes, or from exigencies of habitual recurrence. Of course there can be no good reason why slaves should be exempted from the obligation incumbent upon all other members of society of labouring on Sunday, to prevent or to arrest the progress of accidental calamities. But in those cases in which the demand for their labour grows out of a course of husbandry or manufacture which systematically encroaches upon the day of rest, the subject must be regarded in a different light—a necessity which is thus deliberately created by the proprietor gives him no valid claim to the services of the slave. The rural and manufacturing economy of sugar colonies is not however, I fear at present, compatible with an entire cessation of all such labour on that day, nor can I hope that the habits of the cultivator will, in this respect, undergo an immediate change. For the present therefore you will, in the exercise of the power committed to you, sanction the performance on Sunday of those agricultural or manufacturing processes the neglect of which might be attended with serious and irreparable injury. But in authorizing any such relaxation of the general rule, you will remember and act upon the principle, that these habitual encroachments on the repose of Sunday are parts of the colonial system which cannot be too soon abandoned altogether; that services of this nature cannot even now be demanded, except with the free consent of the slave; and that for every such deduction from the time secured to him for repose by the law of religion, the slave is entitled to some just consideration from the owner to whom his services are rendered.

In all proclamations on this subject you will studiously avoid the use of general and vague expressions, and take care that every mode of authorized labour is described with such particularity as to prevent any fraudulent evasions of the law. If you should have reason to suppose that any such evasions are practised, it will be your duty immediately to meet the case by such additional and more explicit proclamations as shall obviate every plausible pretext for such practices.

The prohibition of the punishment of females by whipping is followed by a clause which enables you to substitute other punishments. Upon this subject I am

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not able to afford you much assistance, and you will be most safely guided by your own local information, aided by such suggestions as the experience of the present protector will enable him to make. Your great object will be to select those modes of correction which may impair as little as possible the sense of self-respect, and may operate rather on the moral feelings than on the mere bodily sensations of the sufferer. Every precaution must be taken to determine the nature and extent of these punishments, so as to prevent their being made the source of abuse. It has, for example, appeared from my correspondence with some of the colonies to which the present order applies, that the offences of women are very frequently punished by imprisonment on Sunday : by this method, without any deduction from the labour on the estate, the offender is made to undergo an aggravated punishment ; the pain of imprisonment being heightened by the loss of the positive advantages and gratifications which the return of the day of rest had promised. Confinement on Sunday is therefore a punishment which the owner should not be permitted to inflict by his own domestic authority.

As the order in council applies to six distinct colonies, in no two of which the forms of legal proceedings are the same, it has been thought right to delegate to the Governor of each the duty of prescribing in what courts offences against the law are to be tried, and penalties recovered and applied : how the protector is to execute the duty of defending accused slaves, and of conducting civil suits or criminal prosecutions on their behalf, and in what manner actions respecting property are to be brought by slaves or against them. In framing regulations of this nature you will take the existing laws of criminal and civil procedure as your guide, so far as an adherence to them may be compatible with the still more important object of securing a prompt, economical, and effective administration of justice.

You are required by the 79th clause to transmit for His Majesty's approbation all proclamations and rules of court which may be issued in pursuance of this order ; and I cannot too strongly impress upon you the necessity of a punctual observance of this part of the law.

The half-yearly reports of the protector of slaves are to be compiled in such a form as the governor of each colony shall prescribe by a proclamation to be issued for that purpose, and in that form alone. I have the honour herewith to transmit to you a printed form, in blank, of a half yearly return to be made by the protector of slaves in Mauritius ; no deviation from this form can be permitted, for it is an object of great importance that the periodical returns from each colony should be susceptible of an exact comparison with each other, and for that purpose it is essential that one general method should be observed in all.

The order requires that the delivery of the protector's half-yearly report shall precede the payment of his salary. This is a regulation of so much importance to the effective execution of the whole law, that it cannot be observed with too much exactness. Proof of the previous delivery, on oath, of the report, will probably be required by the Auditors of Colonial Accounts, as a necessary voucher, upon every payment of this nature.

The terms " chief civil judge " and " district " of the colony occur frequently in this order, without any definition respecting the officer intended by the first of these expressions. I should presume that no question can possibly be raised. It may however not be wholly superfluous to remark, that in Mauritius the chief judge and commissary of justice, Mr. Blackburne, is intended by this expression. It is left to yourself, by the 81st section, to divide the colony into districts for the purpose of this law. You will however adhere to the established division of the island into quarters, unless there should be any substantial reason for a change in that respect of which I am not aware.

The greatest length of time for which it will be in your power to postpone the operation of this law, after its arrival in the colony, is six weeks. If it were to be promulgated immediately on its arrival in the colony it would come into operation in two. Upon this question, within these limits, you will exercise your own discretion ; but after the long and very deliberate consideration which the whole subject has undergone, His Majesty's Government do not deem it right that you should be invested with any discretion whatever to suspend the execution of the order beyond the six weeks limited in the final clause.

I am well aware that there are some topics connected with the improvement of the condition of slavery which are omitted in this order, although superior in importance to some of those which it embraces. Amongst these I may particularly mention

mention the duration of the daily labour of plantation slaves, their food and clothing, and above all their religious instruction. If it had been the design of His Majesty's Ministers to frame a complete code for the government of slaves, a prominent place must have been assigned to topics of this nature. But for the present nothing further has been contemplated than to consolidate the order in council of the 10th March 1824, and the most valuable of the provisions which have been ingrafted upon it by colonial enactments either in Mauritius or the other Crown colonies.

In the general repeal of all recent colonial enactments on the subject of slavery, it is possible that some wholesome regulations on matters foreign to the immediate objects of the present order may have been abolished. You will understand that no objection exists to the re-enactment of such provisions, provided they are in no respect at variance or inconsistent with any of the provisions of the order itself.

I have, &c.

(signed) G. MURRAY.

The Hon. Sir Charles Colville,  
&c. &c. &c.

