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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,

THE CAPE OF GOOD HOPE,

AND AT THE MAURITIUS.

*[In continuation of the Papers presented in the Year 1830, No. 676.]*

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**1831.**

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*Ordered, by The House of Commons, to be Printed,*  
*10 March 1831.*

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## SCHEDULE

Of CORRESPONDENCE between the Secretary of State for the Colonies and the Officers administering the Governments in His Majesty's Possessions in the West Indies, on the Continent of South America, at the Cape of Good Hope, and the Mauritius.

## JAMAICA :

- No. 1.—Copy of a Despatch from the Earl of Belmore to Secretary Sir George Murray, dated 10 December 1830, (1 Enclosure) - - - - - p. 3  
 No. 2.—Copy of a Despatch from Viscount Goderich to the Earl of Belmore, dated 23d February 1831, (1 Enclosure) - - - - - ibid.

## ST. CHRISTOPHER :

- No. 3.—Copy of a Despatch from Governor Maxwell to Secretary Sir George Murray, dated 7 July 1830, (20 Enclosures) - - - - - p. 14  
 No. 4.—Copy of a Despatch from Governor Maxwell to Secretary Sir George Murray, dated 7 July 1830, (17 Enclosures) - - - - - p. 40  
 No. 5.—Copy of a Despatch from Viscount Goderich to Governor Maxwell, dated 4 December 1830 - - - - - p. 60  
 No. 6.—Copy of a Despatch from Viscount Goderich to Lord Combermere, dated 19 December 1830 - - - - - p. 63  
 No. 7.—Copy of a Letter from Lord Combermere to Viscount Goderich, dated Combermere Abbey, 22 December 1830 - - - - - p. 64

## BARBADOS :

- No. 8.—Copy of a Despatch from Governor Sir J. Lyon to Viscount Goderich, dated 12 January 1831, (1 Enclosure) - - - - - p. 65

## ANTIGUA :

- No. 9.—Copy of a Despatch from Governor Sir P. Ross to Viscount Goderich, dated 22 January 1831 - - - - - p. 66

## ST. VINCENT :

- No. 10.—Copy of a Despatch from the Officer administering the Government to Secretary Sir George Murray, dated 23 September 1830, (1 Enclosure) - - - p. 67  
 No. 11.—Copy of a Despatch from the Officer administering the Government to Secretary Sir George Murray, dated 24 October 1830 - - - - - p. 69

## TRINIDAD :

- No. 12.—Copy of a Despatch from Major-General Grant to Secretary Sir George Murray dated 16 April 1830 - - - - - p. 69

## DEMERARA :

- No. 13.—Copy of a Despatch from Sir B. D'Urban to Secretary Sir George Murray, dated 1 May 1830, (2 Enclosures) - - - - - p. 70  
 No. 14.—Copy of a Despatch from Sir George Murray to Sir B. D'Urban, dated 13 November 1830 - - - - - p. 79

## BERBICE :

- No. 15.—Copy of a Despatch from Lieutenant-Governor Beard to Secretary Sir George Murray, dated 15 April 1830, (2 Enclosures) - - - - - p. 82  
 No. 16.—Copy of a Despatch from Lieutenant-Governor Beard to Secretary Sir George Murray, dated 15 May 1830, (3 Enclosures) - - - - - p. 84

## ST. LUCIA :

- No. 17.—Copy of a Despatch from the Officer administering the Government to Secretary Sir George Murray, dated 7 April 1830 - - - - - p. 93  
 No. 18.—Copy of a Despatch from the Officer administering the Government to Secretary Sir George Murray, dated 1 May 1830, (1 Enclosure) - - - - - ibid.  
 No. 19.—Copy of a Despatch from the Officer administering the Government to Secretary Sir George Murray, dated 4 June 1830, (1 Enclosure) - - - - - p. 96

## BERMUDA :

- No. 20.—Copy of an Act to prolong an Act, intituled, " An Act to Ameliorate the Condition of Slaves and Free Persons of Colour - - - - - p. 101

## CAPE OF GOOD HOPE :

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 No. 22.—Copy of a Despatch from Viscount Goderich to Sir Lowry Cole, dated 18 December 1830 - - - - - p. 118

## MAURITIUS :

- No. 23.—Copy of a Despatch from Lieutenant-General Sir Charles Colville to Secretary Sir George Murray, dated 7 October 1830, (2 Enclosures) - - - p. 121  
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## SLAVE POPULATION

IN THE

WEST INDIES, SOUTH AMERICA, CAPE OF GOOD HOPE,

AND

THE MAURITIUS.

## JAMAICA.

— No. 1. —

COPY of a DESPATCH from the Earl of *Belmore* to Secretary Sir *George Murray*; with One Enclosure.

JAMAICA.

Sir, King's House, Jamaica, 10th December 1830.

REFERRING you to my Speech at the opening of the present session, I have now the honour to enclose a copy of my Message to the House of 12th ultimo, which accompanied your despatch of 8th April last.

It is with the deepest regret I am to acquaint you, that the Slave Bill which had been introduced into the House was thrown out on the second reading, by a majority of 24 to 16.

An attempt was made yesterday to bring this subject again under the consideration of the House, in the form of a Bill for the admission of Slave Evidence; but it was decided to be contrary to the rule of the House to revive a question, once disposed of, during the same session, and the Bill was lost.

I have, &amp;c.

Right Hon. Sir George Murray.

(signed) BELMORE.

Mr. Speaker,

I am commanded by his Excellency the Governor to bring down to the House the copy of a Despatch from the Colonial Office, stating the objections of His Majesty's Government to certain clauses in the Act of last session, intituled, "An Act for the Government of Slaves," which has since been disallowed by His Majesty's Order in Council, bearing date the 3d July last; and an extract of a Report made to His Majesty in Council by the Committee of Council, to whom His Majesty was pleased to refer the said Act.

— No. 2. —

COPY of a DESPATCH from Viscount *Goderich* to the Earl of *Belmore*; with One Enclosure.

My Lord,

Downing-street, 23d February 1831.

I ENCLOSE to your Lordship herewith copies of a Communication which I have received from Mr. James B. Wildman, the owner of an estate called Low Ground, in the parish of Clarendon, in Jamaica, complaining of cruelties committed by a person named M'Donald, the proprietor of an estate called North Hall, upon an elderly female slave named Eleanor James, belonging to Mr. Wildman's estate.

## JAMAICA.

Your Lordship will perceive by the documents annexed to Mr. Wildman's letter, that the circumstances of the case are stated as follows : Eleanor James states that " Butler, a negro man belonging to Mr. M'Donald, bought a hog from her for his master : the payment having been delayed, she dunned the man, and he told her that his master would not pay unless she applied to himself. She accordingly went to North Hall in the evening of the 28th of November, accompanied by another negro woman named Joanna Williams, also belonging to Low Ground, and applied to Mr. M'Donald for payment of the hog : he instantly ordered her to be taken a short distance from his dwelling-house, and there, he himself superintending, to be laid down and flogged. She was flogged by two drivers in succession ; the first used a whip, the second used switches : she was afterwards raised and washed with salt pickle. Mrs. M'Donald, the wife of M'Donald, and her sister, were in the dwelling-house, and heard the order given to flog her ; the sister interceded : there was also a white young man present, who was walking in or near the piazza when the order was given. The morning after, M'Donald sent her two dollars, and ordered her to leave the property ; she did so ; and went immediately to Low Ground, and showed herself to Francis Smith, a free black man, who is permitted to reside on the estate."

Joanna Williams, a slave on the same plantation with Eleanor James, states, that " she went with Eleanor James to North Hall and heard M'Donald order Eleanor James to be flogged ; she (Joanna Williams) instantly concealed herself among the bushes, and thus escaped notice. Saw Mrs. M'Donald, her sister, and a young man, whose name she thinks is M'Leay ; heard Mrs. M'Donald's sister intercede. The flogging took place so near the house that those in it must have heard the screams. She kept a tally of the stripes, and counted 200, that is, she counted ten for each finger on both hands, and went over both hands twice. She saw the salt pickle applied to the wounds. The lash of the whip was dipped in water."

The same person, Joanna Williams, states, in a deposition made on the 3d April 1830, that " he, Mr. M'Donald, observing that Butler did not flog her to his satisfaction, he called a brown man, named Edward, who then flogged her. As Eleanor James was getting the flogging, she asked for water, when he, Mr. M'Donald, told her, the devil a bit of water he would give her, he did not care if she died on the spot, he did not care about her master, for if he was put in the jail-house he would have to maintain him, as he, her master, (meaning Mr. Wildman) had plenty of money. After the flogging had ceased, he ordered her to be washed with a salt mixture, which being done, ordered them to take her and throw her away at the negro houses."

The circumstances thus deposed to are stated to have taken place on the 28th November 1829. It is stated by Mr. Taylor, Mr. Wildman's attorney, that at this time a severe sickness was prevalent amongst the white persons on Low Ground estate ; that the overseer was alarmingly ill, and he himself incapacitated by fever from pressing for an investigation into the case. The book-keeper, however, Mr. John Bellew, was ordered to take Eleanor James, together with Joanna Williams, as a witness, to Mr. John M'Leod, a magistrate in the neighbourhood, for the purpose of asking his advice, and of obtaining a warrant against the negroes of North Hall Plantation, who had been the instruments of the cruel treatment inflicted upon Eleanor James. Mr. M'Leod declined issuing the warrant, and recommended Mr. Bellew to take Eleanor James to Mr. Townsend's, the clerk of the peace for the parish of Clarendon, who resided at a distance of 30 miles from Low Ground estate. Mr. Bellew followed this advice, but on arriving at Mr. Townsend's, found that he was confined to bed in consequence of a serious accident.

No further steps seem to have been taken until the 12th of January 1830, when Mr. Taylor, having so far recovered from the effects of his fever as to enable him to travel, went to Low Ground estate, examined Eleanor James and the other persons who were cognizant of the circumstances, and took notes of the facts which they were prepared to substantiate, in order that the case might be submitted for the opinion of the proprietor's legal adviser. By his advice, Mr. Taylor applied to Mr. French the Custos of the parish, to summon a Council of Protection, which assembled accordingly on the 3d or 4th of February ; but it appeared that there had been some informality in the formation of this Council of Protection, and though witnesses were examined by it, it did nothing. Another Council of Protection therefore was summoned for the 18th of February, but as a sufficient number of members did

did not obey the summons, no Council of Protection could be formed on that day. A third summons was issued for a Council of Protection to be held on the 10th of March, but this was ineffectual, for the same reason. At length a Council of Protection was formed on the 19th of April, and the resolution which it came to was as follows: "That the subject matter of this complaint is not properly cognizable by the Council of Protection, but that the owner of the slave, Eleanor James, has his remedy against the person or persons inflicting such punishment: if a slave or slaves, by indictment in the Slave Court; and if by a free person or persons, by indictment in the Quarter Sessions or Grand Court. And that a copy of this resolution be sent to William Taylor, Esq., the attorney of James Beckford Wildman, Esq., the owner of the said slave."

After this resolution had been taken by the Council of Protection, the measures which were resorted to are stated by Mr. Taylor in the following terms: "As soon as I was aware of this determination, I resolved to try the effect of an indictment in the Grand Court, by means of the evidence of the only accessible legal witness, Miss M'Donald; but on inquiry I was told that she was about to leave the island, and before I could possibly adopt measures to detain her, or to take her deposition, she had sailed for Great Britain. I then determined to prosecute the slaves, the actual perpetrators, with the view of eliciting matter during their trial to ground a prosecution in the higher court against their master. I wrote to the Clerk of the Peace, and got his reply that the needful steps should be taken. On the day fixed for their trial, M'Donald stated, that of the two slaves named in the indictment, one did not belong to him, and the other had run away. Nothing was of course done. As a last means of procuring redress, I addressed a letter to the Governor, and transmitted to him the affidavits and other documents in proof of my statement. In reply to this, I received from His Excellency's Secretary, the report and opinion of the Attorney-General on the case, in which the conduct of the magistracy generally, and that of Mr. M'Leod particularly, was strongly condemned. I know not what private notice His Excellency may have taken of their conduct, but as yet I have seen no expression of his disapprobation in the Gazette; they are still in the magistracy. The Attorney-General then endeavoured to indict M'Donald by means of the evidence of the person named M'Kae, alluded to by the witnesses; but he failed: for when that person was brought to the Crown-office and sworn, he professed utter ignorance of the material points, although he acknowledged having been in M'Donald's house on the night referred to. Thus every effort was abortive, and thus has it been proved that an attorney for an absentee proprietor may for months persevere in his attempt to obtain redress for an act of oppression committed on a slave under his charge, but unavailingly. The strong impression made upon my mind by the conduct of the Clarendon magistracy, coupled with similar proceedings in other parochial authorities, is, that Councils of Protection are a mockery, and that so long as slave evidence is rejected by law, the slave has scarcely the shadow of protection from ill-treatment."

The opinion of the Attorney-General, which is referred to by Mr. Taylor, so far as it relates to the conduct of the magistrates and vestrymen who formed the Council of Protection, and to the conduct of Mr. M'Leod the magistrate, to whom application had been made in the first instance, is thus stated: "I have perused the affidavits relative to the complaint of Eleanor James, belonging to Low Ground estate, as well as the resolution of the Council of Protection which met on the 19th April, and I must express my inability to comprehend the principle upon which such a resolution was framed. Although the owner has a right of appeal to either of the tribunals pointed out in that resolution for redress, in respect of the injury inflicted on his slave, yet that right ought not to have suspended the functions of the Council of Protection, whose bounden duty it was to have investigated the matter of complaint, and if there were reasonable grounds for the prosecution, to have submitted the same for final adjudication to the session court of colonial jurisprudence in the colony. If the right of appeal on the part of the owner to other tribunals for compensation withdrew the subject-matter of complaint from the cognizance of a Council of Protection, no case can possibly exist in which its power of investigation might not be arrested, and be rendered a mere nominal institution, without the slightest benefit resulting to that class of our society to whom it is specially intended by the Legislature of the Island that it should be, as its name purports, a Council of Protection. . . . Under the circumstances attending the case, I am not aware that it is in the power of his  
Excellency

## JAMAICA.

Excellency the Governor to promote the object of Mr. Taylor's address to his Lordship, further than by conveying his Excellency's disapprobation to the magistrates of their culpable neglect in adopting the necessary measures for bringing to trial a party implicated in conduct so inhuman and barbarous. Mr. M'Leod appears more amenable to this censure for referring the slave, who must have appeared to him unfit for such exertion, to the Clerk of the Peace, a distance of 30 miles, instead of acting promptly on the complaint, and summoning before him, as a magistrate, the witnesses who were on the spot, and binding them over on recognizance for the ensuing court."

Having thus called your Lordship's attention to the various circumstances of this case, I am now to desire that your Lordship will inform me whether, in conformity with the advice of the Attorney-General, you conveyed the expression of your displeasure at their conduct to Mr. M'Leod, or to Messrs. French, Dunn, M'William, Mac Naught, Turner, M'Cartney, Fearon, and Coleman, the magistrates who were present at the Council of Protection on the 19th of April 1830, and to the six vestrymen who were also present, or to such of those magistrates and vestrymen as concurred in the resolution which was passed by that Council of Protection. If your Lordship adopted the advice of the Attorney-General, I am to request that you will transmit to me, for His Majesty's information, a copy of the communication which you made to the magistrates. If, on the other hand, you did not adopt his advice, you will be pleased to report to me your reasons for rejecting it.

Until I shall have received your Lordship's report, and any explanations which the magistrates may have afforded, or which they may wish to afford of their proceedings, it would be premature to form a conclusive judgment upon the question, so far as they are concerned. I will abstain, therefore, from offering any further observations upon this case in particular; but I cannot close my present despatch without impressing upon your Lordship, that when circumstances occur in your government which at all events seriously bring into dispute the conduct of magistrates and the efficiency of the institutions by which justice is administered, it is absolutely necessary that your Lordship should forthwith communicate such occurrences to the Secretary of State, giving him at the same time the advantage of knowing the opinion which your local knowledge and experience may have led you to form upon them; and in the case of any evils having been shown to exist, reporting any practical measures which you may have adopted, or may have to recommend, for curing them. The conduct of the local magistracy is under your Lordship's peculiar superintendence, and there is nothing which can do more honour to your administration than the introduction into that body of efficient, humane, and well-disposed persons; and the expulsion from it, subject to His Majesty's approbation, of any of its members who shall be found to have committed gross neglect in a case in which a sense of justice and the ordinary feelings of humanity would have suggested a prompt and active exercise of their duties.

It only remains for me to observe, with reference to the present case, that a stronger illustration can scarcely be supposed of the inefficacy of the law in force in Jamaica for the protection of slaves by the instrumentality of a numerous and irresponsible council. In that view it will be convenient to bring the subject under the notice of the Colonial Legislature; and to impress upon them the urgent necessity of adopting those measures which have so often, and hitherto with so little effect, been recommended to their notice, for enabling the Crown to appoint a single officer in whose hands this authority might be deposited, and who would be answerable for the faithful and prompt discharge of its duties.

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

(signed)

GODERICH.

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

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Enclosure 1, in No. 2.

My Lord,

Chilham Castle, Canterbury, 27th Dec. 1830.

I BEG leave to call your Lordship's attention to the papers I have the honour of transmitting to you with this letter; they contain the statement of an act of most atrocious barbarity committed on one of my slaves by a neighbouring planter. Every attempt has been made in Jamaica to obtain redress through the courts for the protection of slaves, the criminal courts, His Majesty's Attorney-General, and His

## JAMAICA.

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His Excellency the Governor, but in vain ; I am therefore compelled to submit the case to your Lordship, requesting that justice from the Secretary of State for the Colonies in England which has been refused me by the authorities of the island of Jamaica, where the offence was committed.

JAMAICA.

I have the honour to be,

Your Lordship's obedient humble servant,

The Right Hon. Viscount Goderich,  
&c. &c. &c.

(signed) *James B. Wildman.*

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IT was I think about the 1st of December 1829 that I received an intimation from Mr. David M'Pherson, schoolmaster, on Low Ground, that an elderly female slave attached to that estate had received most barbarous treatment from Mr. M'Donald, the proprietor of a neighbouring estate called North Hall. He stated that she had been severely flogged, and afterwards washed with brine. I was then suffering from fever, and was consequently unable personally to take proper steps in the matter. The overseer resident on the estate was at the same time alarmingly ill, and immediately afterwards severe and protracted sickness prevailed amongst the other white servants on the estate, so that those employed by the proprietor were incapacitated to press an investigation. When I was sufficiently recovered to travel, I went to the estate : it was about the 12th January following : and having sent for the woman and the witnesses, I took a minute of what they would depose to. This I brought to Kingston, and submitted to the proprietor's legal adviser ; he carried it to the Clerk of the Crown, who advised that a Council of Protection should be applied for ; I accordingly wrote to Mr. French, the Custos of the parish, and transmitted to him a copy of the minute I made on the estate. He ordered a Council of Protection, which assembled on the 3d or 4th of February, but, in consequence of some informality, nothing material was done. Another council was ordered to meet on the 18th of February, which I attended, but no council was formed, as there was not a sufficiency of members. The same circumstances prevented the formation of another council which was directed to assemble to investigate the matter on the 10th of March. A council at last met on the 19th of April, and the matter for investigation was proposed, but the council resolved that it was not a matter for their cognizance, but that the owner of Eleanor James, or his representative, had his redress in the Supreme Court or Slave Court. As soon as I was aware of this determination, I resolved to try the effect of an indictment in the Grand Court by means of the evidence of the only accessible legal witness, Miss M'Donald ; but on inquiry I was told that she was about to leave the Island, and before I could possibly adopt measures to detain her, or to take her deposition, she had sailed for Great Britain ; I then determined to prosecute the slaves, the actual perpetrators, with the view of eliciting matter during their trial to ground a prosecution in the higher court against their master. I wrote to the Clerk of the Peace, and got his reply that the needful steps should be taken. On the day fixed for their trial M'Donald stated, that of the two slaves mentioned in the indictment, one did not belong to him, and the other was run away. Nothing was of course done. As a last means of procuring redress I addressed a letter to the Governor, and transmitted to him the affidavits and other documents in proof of my statement. In reply to this I received from His Excellency's Secretary the report and opinion of the Attorney-General on the case, in which the conduct of the magistracy generally, and that of Mr. M'Leod particularly, was strongly condemned. I know not what private notice His Excellency may have taken of their conduct, but as yet I have seen no expression of his disapprobation in the Gazette. They are all still in the magistracy.

The Attorney-General then endeavoured to indict M'Donald by means of the evidence of the person named M'Kae, alluded to by the witnesses, but he failed ; for when that person was brought to the Crown-office and sworn, he professed utter ignorance of the material points, although he acknowledged having been in M'Donald's house on the night referred to. Thus every effort was abortive ; and thus has it been proved that an attorney for an absentee proprietor may for months persevere in his attempts to obtain redress for an act of oppression committed on a slave under his charge, but unavailingly. The strong impression made upon my mind



## 8 SLAVE POPULATION IN THE WEST INDIES :

## JAMAICA.

mind by the conduct of the Clarendon magistracy, coupled with similar proceedings in other parochial authorities, is, that Councils of Protection are a mockery, and that so long as slave evidence is rejected by law, the slave has scarcely the shadow of a protection from ill-treatment.

Copies of the documents to support this statement are annexed.

(signed) *Wm. Taylor.*

Eleanor James, a negro woman belonging to James B. Wildman, and attached to Low Ground estate, in Clarendon, complains, that she was severely flogged on the night of the 28th of November last, by order of Mr. M'Donald, of North Hall. Her story is as follows :

Butler, a negro man belonging to M'Donald, bought a hog from her, for his master ; the payment having been delayed, she dunned the man, and he told her that his master would not pay unless she applied to himself. She accordingly went to North Hall in the evening of the 28th November, accompanied by another negro woman named Joanna Williams, also belonging to Low Ground, and applied to Mr. M'Donald for payment of the hog. He instantly ordered her to be taken a short distance from his dwelling-house, and there, he himself superintending, to be laid down and flogged ; she was flogged by two drivers in succession. The first used a whip, the second used switches. She was afterwards raised and washed with salt pickle. Mrs. M'Donald, the wife of M'Donald, and her sister, were in the dwelling-house, and heard the order given to flog her. The sister interceded. There was also a white young man present, who was walking in or near the piazza, when the order was given. The morning after M'Donald sent her two dollars, and ordered her to leave the property ; she did so, and went immediately to Low Ground, and showed herself to Francis Smith (a free black man who is permitted to reside on the estate).

Joanna Williams, who accompanied Eleanor James, has made the following statement : She went with Eleanor James to North Hall, and heard M'Donald order Eleanor James to be flogged ; she (Joanna Williams) instantly concealed herself among the bushes, and thus escaped notice. Saw Mrs. M'Donald, her sister, and a young man whose name she thinks is M'Leay ; heard Mrs. M'Donald's sister intercede. The flogging took place so near the house that those in it must have heard the screams ; she kept a tally of the stripes, and counted 200 ; that is, she counted ten for each finger on both hands, and went over both hands twice ; she saw the " salt pickle " applied to the wounds. The lash of the whip was dipped in water.

Francis Smith went with Eleanor James to North Hall, several days before that on which she was flogged, to ask for payment of the hog. On the 28th of November, (Saturday), she told him that she was again going to North Hall to demand payment. On the following day, about 10, A. M. he again saw her, when she was suffering severely from a flogging that apparently had been very recently inflicted. She was perfectly well when he saw her the day before.

John Bellew, book-keeper on Low Ground, saw Eleanor James on Saturday the 29th, about 1, P. M. He examined her person, and observed traces of a severe flogging. Directed by the overseer, he took her the following day to Oakes' Estate, and presented her to Mr. M'Leod, a magistrate ; Mr. M'Leod heard her story, but did not examine the marks occasioned by the flogging ; he directed that she should be taken to the Clerk of the Peace. She was taken there, and Joanna Williams also.

David M'Pherson, schoolmaster on Low Ground, saw Eleanor James when she returned from North Hall, she appeared to have been severely flogged.

Copy of a Letter addressed by Mr. M'Donald to the late Mr. Roberts, Overseer on Low Ground.

Sir,

North Hall, 4th Dec. 1829.

Mr. Cameron, a neighbour of yours, called on me last night, and intimated to me your having expressed your intention of entering a prosecution against some of my negroes for some harsh treatment towards a woman belonging to Low Ground. If you was aware of the circumstance, and with the feeling of any other person, you would have pursued a different course. I mentioned part of the circumstance to

Mr.

Mr. Cameron, as I suspected it was by your desire he came this length, and I also expressed my regret that any such should go so far without acquainting me before. I have only, in this event, to pursue such steps as will put a stop to a recurrence of the same kind again; as from the way in which I am situated, cannot with any kind of propriety put up with. I am far from wishing for any litigation, or to be a bad neighbour; and when you say that it being from a quarrel for pounding my stock has been the cause of such, you were never more deceived; from my experience in the country, I know that no negro could take upon themselves to pound stock.

Your answer will oblige, Sir, your obedient servant,

(signed) *K. M'Donald.*

The above was sent to Mr. Custos French, with my letter applying for a Council of Protection. The evidence of the most essential witness, Miss M'Donald, never was applied for, although she remained for months after my application within a few miles of Chapelton.

*Wm. Taylor.*

On Saturday afternoon, the 28th of November 1829, I went over to North Hall plantation, accompanied by Joanna Williams, a fellow-servant of mine, to a negro man named Butler, belonging to the said North Hall plantation, who had previously purchased a hog from me for seven macaronies (11 s. 8d.); on my arriving there I did not see him, but waited until I did, when he said to me, that he was glad to see me, and that I must go with him to his master; I accordingly went with him to his master. His master, Mr. M'Donald, asked who stood there, (it being then dark), the man Butler answered, that it was him, Butler, and that the old woman had come for the money for the hog; on which Mr. M'Donald went into his hall, but came back soon after, and asked me, old woman, what is your name? I told him my name was Eleanor James. He then asked me my Busha's (overseer's) name, I told him Mr. Roberts; he then turned away again, but came back soon after, and told his man Butler to collar me, and put me into the bilboes. I then told him I would not go into the bilboes. He called two other negro men, and ordered them to cut two bundles of switches and bring them to him with the whip. On their bringing the two bundles of switches and the whip, he told them to whet the whip in a tub of water, which was done. I was then stretched out by three negro men and one negro woman, when he, Mr. M'Donald, told his man Butler to flog me, and if he, Butler, did not flog me well, he, his master, (Mr. M'Donald) would flog him, Butler. When I was receiving the flogging, I bawled much; he, Mr. M'Donald, told me he did not care if I died upon the spot, for my master was a great man, if he put him, (Mr. M'Donald) in gaol, he must maintain him. Butler not flogging me to his, Mr. Donald's (his master's) wishes, he then called a brown man, (but whose name I did not know) to flog me. After he had done flogging me, he ordered them to wash me with a salt mixture, which was done. I could not then speak, in consequence of my having bawled so much, and in consequence of a great hoarseness in my throat. He, Mr. M'Donald, then ordered me to be thrown away at the negro houses.

On the Sunday morning previous to my leaving North Hall, he, Mr. M'Donald, sent the man Butler to pay me, who gave me two dollars. After getting home to Low Ground, I sent him the macaronie change; when I got to my house on Low Ground, I found Frank Smith waiting at my house, having been to look for me. I showed him the flogging that I had got at North Hall by order of Mr. M'Donald; I then went to Mr. M'Pherson's apartments, and told him what had been done to me at North Hall; Mr. Bellew, the book-keeper, was with him, to whom I showed the flogging. Mr. Roberts, the overseer, soon after sent Mr. Bellew to call me into his room, when I also showed him, Mr. Roberts, the flogging.

On Monday morning following, the 30th of November 1829, I went over with my fellow-servant, Joanna Williams, and Mr. Bellew, the book-keeper, to Oakes' Plantation, to Mr. M'Leod; on my going to take up my clothes to show him, Mr. M'Leod, the flogging, he told me I must not take up my clothes. That same afternoon I left Low Ground, with Joanna Williams, to go to Mr. Townshend's, where I got the next day (Tuesday) at shell blow.\* I went up three times to the Court House

## JAMAICA.

House at Chapelton, the first time I was examined, but neither of the other two times.

The above is a just and true statement to the best of my recollection and belief.  
So help me God.

Sworn before me, in the parish of Clarendon,  
this 3d day of April 1830,

(signed)

*John Mac Naught.*

Witness,

(signed)

*D. M'Pherson.*

her  
*Eleanor + James.*  
mark.

On Saturday afternoon, the 28th day of November 1829, Eleanor James, a fellow-servant of mine, asked me to go with her to North Hall, to get paid for a hog which she had sold to a negro man, named Butler, which I did. On our getting to North Hall, we did not see Butler, but waited until we did. When he, Butler, saw Eleanor James, he said he was glad to see her, and she must go with him to his master. I did not go with them, but stopt at the carpenter's shop, which is not far from the master's house. I heard when Mr. M'Donald asked his man Butler, who stood there? who answered it was him, Butler, and that the old woman had come for the money for the hog. He, Mr. M'Donald, then ordered Eleanor James to be collared and put into the bilboes. Eleanor James then said she would not go into the bilboes, for what had she done to go into the bilboes. He, Mr. M'Donald, then said if she would not go, he would flog her. He then sent for two bundles of switches, and a whip, which whip he ordered to be put into water; when that was done, he ordered three negro men and one negro woman, whose names are as follows: viz. John Morton, Liverpool, George and Catherine, to hold her down, and Butler to flog her. At this time I got out of the carpenter's shop, and hid myself behind a pear tree not far from the place where the woman Eleanor James was laid down. He, Mr. M'Donald, observing that Butler did not flog her to his satisfaction, he called a brown man, named Edward, who then flogged her. As Eleanor James was getting the flogging, she asked for water, when he, Mr. M'Donald, told her the devil a bit of water he would give her; he did not care if she died on the spot; he did not care about her master, for if he was put in the gaol-house he would have to maintain him, as he, her master, (meaning Mr. Wildman) had plenty of money. After the flogging had ceased, he ordered her to be washed with a salt mixture, which being done, ordered them to take her and throw her away at the negro houses.

On Sunday morning, early, (the following day) Butler came before we left North Hall, and gave Eleanor James a two-dollar piece, and told her she was to send him a macaronie change. On Monday morning I went over with Eleanor James and Mr. Bellew, the book-keeper, to Oakes' Plantation, to Mr. M'Leod, who did not examine her, but recommended her to be taken to Mr. Townshend's. On that same afternoon, Eleanor James and myself left Low Ground to go to Mr. Townshend's; but in consequence of Eleanor James being unable to walk fast, from the pain she seemed to be in, we did not get at Mr. Townshend's until the next day, (Tuesday) about shell blow. I attended three times at the Court-house, Chapelton; the first time I take swear, but neither of the other two times.

The above is a just and true statement to the best of my recollection and belief.  
So help me God.

Sworn before me, in the parish of Clarendon,  
this 3d day of April 1830.

(signed)

*John Mac Naught.*

Witness,

(signed)

*D. M'Pherson.*

her  
*Joanna + Williams.*  
mark.

On Sunday, the 29th day of November 1829, a negro woman belonging to Low Ground estate, in the parish of Clarendon, named Eleanor James, came into the apartments of Mr. David M'Pherson, on the said estate, whereof I am book-keeper, whilst with him, complaining of having been flogged the preceding night, (Saturday) at

at North Hall plantation, in said parish of Clarendon, by a negro or negroes belonging to the said North Hall plantation, by order of the owner thereof, Mr. Kenneth M'Donald. On my receiving this information, I requested of the said Eleanor James to show me where she had been flogged, and on her doing so, observed marks of a severe flogging. I then made my overseer, Mr. Roberts (who is since dead) then lying ill in bed, acquainted with what I had seen, who then ordered me to send the said negro woman, Eleanor James, into his room, which was accordingly done. On the following morning, Monday, the 30th November 1829, I was directed by my said overseer to go over to Oakes' Plantation, an adjoining estate, where John M Leod, Esq. a magistrate, then was, with the said negro woman, Eleanor James, an' another negro woman belonging to the said Low Ground estate, named Joanna Williams, who it appears was present when the outrage was committed, for the purpose of asking his advice what should be done, and his granting a warrant against the said negro or negroes belonging to the said North Hall plantation, who had inflicted the said punishment on the said Eleanor James; who declined doing so, but recommended me to take the said Eleanor James, with her witness, the said Joanna Williams, to Mr. Townshend's, the Clerk of the Peace for the said parish of Clarendon. I accordingly started in the afternoon of the said day, (Monday), having sent the two negro women beforementioned on before me. During the journey to Mr. Townshend's residence, which is at Main Savanna, a distance of about 30 miles from the said Low Ground estate, she, the said Eleanor James, appeared to walk with much pain. On my arriving the following day (Tuesday) at Mr. Townshend's, I learnt that he had met with a serious accident, having dislocated his collar bone, and was then confined to bed in consequence of the same. I however obtained an interview with him, who, on learning the particulars from me, said he was not able to do any thing then, but would as soon as he could, and recommended my leaving the said negro women, Eleanor James and Joanna Williams, at his residence, for the purpose of taking their depositions. Some few days afterwards I received a note from Mr. A. Haddon, apparently written by Mr. Townshend's directions, the copy of which is as follows :

Sir,

Main Savanna, 3d December 1829.

I beg leave to inform you, that Mr. Townshend is so very poorly that he will be unable to attend to the business before the end of the next week.

I am, Sir, your obedient servant (for G. H. Townshend),

To Mr. Bellew.

(signed) *A. Haddon.*

I heard nothing more of this business until a notice was served by order of his honour the Custos, ordering a court of Council of Protection to be held at the Court-house, Chapelton, in the said parish of Clarendon, on the 3d or 4th February 1830: I attended, accompanied by Mr. M'Pherson, and was examined at the said meeting, the members of which court are as follow: A. Dunn, J. Poole, Mr. Rose, R. Innes, and E. M'Pherson, esquires, who also examined the before-mentioned Eleanor James and Joanna Williams; but there being some error or other as to the forming of the said court, nothing was further done on that day. A second notice was served by order of his honour the Custos, ordering another court or Council of Protection, which was to have been held on the 18th day of February 1830, at the said Court-house, in the said parish of Clarendon, at Chapelton; but nothing was done, in consequence of the non-attendance of a sufficient number of members to form the court; at which I also attended, accompanied by William Taylor, esq. the attorney of the said Low Ground estate. A third notice was served by order of his honour the Custos, ordering another court or Council of Protection, which was to have been held on the 10th day of March 1830, at the said Court-house, Chapelton, in the parish of Clarendon; at which I also attended, accompanied by Mr. M'Pherson; but nothing was done, in consequence of the non-attendance of a sufficiency of members, as before mentioned.

The above statement is just and true, to the best of my recollection, knowledge, and belief.

So help me God.

(signed) *Jno. Bellew.*

Sworn before me, in the parish of Clarendon,  
this 3d day of April 1830.

(signed) *John Mac Naught.*

## JAMAICA.

On Sunday, the 29th day of November 1829, a negro woman, belonging to Low Ground estate, in the parish of Clarendon, named Eleanor James, came into my apartments on the said estate, complaining of having been flogged the preceding night (Saturday) at North Hall plantation, also in the said parish of Clarendon, by order of the proprietor, Mr. M'Donald; there being at the same time in my said apartments Mr. John Bellew, book-keeper on the before-mentioned Low Ground estate. Not wishing to view the body of the said Eleanor James, I turned away with the intention of avoiding seeing the same; but on my turning about (thinking that the examination on the part of the said John Bellew had ended) I observed marks of flagellation on the body of the before-mentioned negro woman Eleanor James, but to what extent unknown to me, my not having made a minute inspection, my view of the same being only cursory. On the 3d or 4th day of February 1830 I attended at the Court-house, Chapelton, in the said parish of Clarendon, agreeably to a notice which had been served by order of his honour the Custos; but was not called upon by the members comprising the court. I again attended, on the 10th day of March 1830, at the said Court-house, Chapelton, in the said parish; but nothing was done, in consequence of the non-attendance of the members of the court.

The above is a just and true statement, to the best of my knowledge and belief.  
So help me God.

(signed) *David M'Pherson.*

Sworn before me, in the parish of Clarendon,  
this 3d day of April 1830.

(signed) *John Mac Naught.*

On Sunday morning, the 29th day of November 1829, I went to the house of a negro woman belonging to Low Ground estate, in the parish of Clarendon, named Eleanor James (on which estate I also reside), who informed me that she had been flogged the preceding night (Saturday) at North Hall plantation, in the said parish of Clarendon, by a negro man slave named Butler, and others, by order of their master, Mr. M'Donald. On my being told this by the before-mentioned negro woman Eleanor James, I did not believe her; on which she lifted up her clothes for my inspection, and showed me the marks of the flogging that she had received; from the then appearance of which I do not hesitate to say, that it was a very severe flogging that had been inflicted on the body of said negro woman Eleanor James, my having been in former days in the habit of seeing punishment inflicted on negroes: she had also marks of blood on her clothes.

The above is a just and true statement, to the best of my recollection and belief.  
So help me God.

Witness,  
(signed) *D. M'Pherson.*

*Francis* <sup>his</sup> *Smith.*  
mark.

Sworn before me, in the parish of Clarendon,  
this 3d day of April 1830.

(signed) *John Mac Naught.*

Jamaica ss. Middlesex.

Colin M'Leay, of the parish of Clarendon, planter, being duly sworn, maketh oath and saith, that he, this deponent, was at North Hall, in the said parish of Clarendon, adjoining Low Ground estate, for change of air, in the latter end of last year; saw a woman coming there to ask Kenneth M'Donald for payment of a pig. Kenneth M'Donald told the negress to go for his headman, as it was he who bought the pig, and she went away; but deponent does not remember her coming back: was standing in the porch when the woman came up, and M'Donald was close to him. Saw M'Donald last week after being subpoenaed, and told him, he, the witness, was coming to town to give evidence against him. Mrs. M'Donald (now dead) and Miss M'Donald were at North Hall when the woman came for her money. Did not hear M'Donald give any order that the negress should

## JAMAICA.

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be flogged; did not hear him send for his driver, nor did he hear him call for his people to bring him some switches: does not recollect any cries of punishment that day.

JAMAICA.

(signed)

*Colin M'Leay.*

Sworn before me, this 12th day of October 1830.

(signed) *Hugo James.*

IN a matter before a Council of Protection, convened the 19th day of April in the year of our Lord 1830, at the Court-house at Chapelton, in Clarendon, for inquiring into certain wanton and cruel punishments and injury said to be inflicted on a female negro slave named Eleanor James, the property of James Beckford Wildman, esquire; present,

The Hon. William Power French, Andrew Dunn, Alexander M'William, John Mac Naught, James W. Turner, William M'Cartney, The Rev. Mr. Fearon, and William Coleman, Esqrs. Magistrates:

William Rose, Evan M'Pherson, Andrew Drummond, Peter Hodge, Adam W. Thorburn, and William Mitchell, Esqrs. Vestrymen.

Resolved, That the subject-matter of this complaint is not properly cognizable by the Council of Protection, but that the owner of the slave Eleanor James has his remedy against the person or persons inflicting such punishment: if a slave or slaves, by indictment in the Slave Court, and if by a free person or persons, by indictment in the Quarter Sessions or Grand Court; and that a copy of this Resolution be sent to William Taylor, esq. the attorney of James Beckford Wildman, esq. the owner of the said slave.

(True copy.)

(signed) *G. H. Townshend*, Clerk of the Peace.

Sir,

St. Andrew's, 6th September 1830.

I transmit herewith Affidavits, copy of a Communication to the Custos of Clarendon, and a copy of a Resolution of the Clarendon Vestry, explanatory of an outrage committed on a female slave belonging to Mr. J. B. Wildman, and attached to Low Ground estate, in Clarendon.

As the attorney of the absent owner, I beg to submit these documents for the information of his Excellency the Governor, as I conceive that I have not received from the local authorities of Clarendon that assistance in endeavouring to obtain proof against the alleged author of the cruelty that I was led to expect. I applied to the Custos for a Council of Protection, in compliance with the advice of the Clerk of the Crown, whom I had requested to proceed by indictment, but who desired that a preliminary investigation might be made by the parochial magistracy. Had the magistrates of Clarendon therefore told me in February last, when I first applied to them, that they would not take cognizance of the matter, I should have returned to the Clerk of the Crown, and by means of the only legal witness to whom I could get access, and who was then in the island, have indicted the suspected person. Miss M'Donald is that material witness; but she sailed from the island, as I am informed, immediately after the 19th April, the day on which the Council at last assembled, and before I could adopt the necessary steps to obtain her evidence. I am consequently debarred from the means of redress. Subsequently, in order if possible to elicit matter to ground a prosecution in the higher Court, the slaves who were concerned in the outrage were indicted in the parochial Court; but on the day fixed for trial they were not forthcoming. Having thus applied to every customary source for redress, but unavailingly, I respectfully request the attention of his Excellency to the case.

I have the honour to be, Sir, your most obedient servant,

(signed)

*Wm. Taylor.*

William Bullock, Esq.

JAMAICA.

My dear Sir,

I have perused the affidavits relative to the complaint of Eleanor James, belonging to Low Ground estate, as well as the resolution of the Council of Protection which met on the 19th April, and I must express my inability to comprehend the principle upon which such a resolution was framed. Although the owner has a right of appeal to either of the tribunals pointed out in that resolution for redress, in respect of the injury inflicted on his slave, yet that right ought not to have suspended the functions of the Council of Protection, whose bounden duty it was to have investigated the matter of complaint, and if there were reasonable grounds for the prosecution, to have submitted the same for final adjudication to the session court of colonial jurisprudence in the colony. If the right of appeal on the part of the owner to other tribunals for compensation withdrew the subject-matter of complaint from the cognizance of a Council of Protection, no case can possibly exist in which its power of investigation might not be arrested, and be rendered a mere nominal institution, without the slightest benefit resulting to that class of our society to whom it is specially intended by the Legislature of the island that it should be, as its name purports, a Council of Protection.

I regret that the attorney of Mr. Wildman was induced to resort to the parochial authorities, instead of pursuing his remedy in the Grand Court, as in that case, the only evidence which is admissible in our courts, that of Miss M'Donald, would not in all probability have been lost; at present, I apprehend there will be no testimony to warrant me in sending in a bill to the grand jury at the ensuing Grand Court; for although the proofs be abundant that a severe flogging has been inflicted, yet Mr. M'Donald is implicated by the declaration of the two slaves only, as there were no other free persons present, with the exception of Mrs. and Miss M'Donald, and the person whose name is supposed to be M'Leay. Mrs. M'Donald is not a competent witness against her husband, the sister is off the island, and we may not be able to trace out the other persons. If proceedings were instituted in the Slave Court against the slaves whose names are mentioned by Joanna Williams, evidence might be elicited to fix the offence on Mr. M'Donald, though at the same time it is not probable, that he who would order so barbarous a punishment to be inflicted on an unoffending slave as a measure of retaliation on the overseer for pounding his stock, as may be inferred from his letter, would have the candour to assume the responsibility, in order to avert punishment from his own slaves, who acted under his directions, at this period of time; and under the circumstances attending this case, I am not aware that it is in the power of His Excellency the Governor, to promote the object of Mr. Taylor's address to his Lordship, further than by conveying His Excellency's disapprobation to the magistrates of their culpable neglect in adopting the necessary measures for bringing to trial a party implicated in conduct so inhuman and barbarous.

Mr. M'Leod appears more amenable to this censure for referring the slave, who must have appeared to him unfit for such exertion, to the Clerk of the Peace, a distance of 30 miles, instead of acting promptly on the complaint, and summoning before him, as a magistrate, the witnesses who were on the spot, and binding them over in recognizances for the ensuing court. At the same time I must beg of you to apprise His Excellency, that I will endeavour to ascertain, through Mr. Taylor, if there be such a person as M'Leay in the island, through whose testimony I may be enabled to proceed against M'Donald.

Your's very truly,

18th September 1830.

(signed)

*Hugo James.*

W. G. Nunes, Esq.

## ST. CHRISTOPHER.

— No. 3. —

COPY of a DESPATCH from Governor *Maxwell* to Secretary Sir *George Murray*, dated 7th July 1830 ; with 20 Enclosures.

ST.  
CHRISTOPHER.

Sir,

St. Christopher, 7th July 1830.

I HAVE the honour to submit for your consideration a series of correspondence between myself, the President of Nevis, and the Law Officers of the Crown, relative to the mal-treatment of the slaves belonging to Stapleton's Estate, the property of Lord Combermere, situated in that island.

The details of the obdurate conduct of Mr. Walley, the inhuman perpetrator of the several atrocious acts of cruelty that have been particularized, are quite revolting, and it is much to be deplored that he has hitherto escaped the punishment his vile conduct so justly deserves.

The failure of the prosecution in the several indictments preferred against Mr. Walley has arisen from the bills having been ignored by the grand jury in the charges for the murder of Davis and Bolam, and the mal-treatment of Frances, the defect of evidence in the trial for the manslaughter of Innes, and his acquittal for the manslaughter of Bolam.

I take leave to refer you to the accompanying letters and documents, detailing the full particulars of these cases. I would beg to call your attention to the letter of Mr. Chief Justice Webbe, and to the very laudable anxiety expressed by Mr. President Maynard's assurance, that the Legislature of Nevis is willing to incur any expense in the due and full prosecution of these instances of mal-treatment of slaves ; and I cannot omit to mention the indefatigable exertion of Mr. King's Counsel Peterson in the discharge of the arduous duties which he has fulfilled throughout the prosecutions, in which he has been so ably supported by the Attorney and Solicitor General.

I greatly regret the juries of the island have not taken a more just view of the matter submitted for their decision on this occasion.

I have, &amp;c.

(signed)

*Chas. Wm. Maxwell.*

To the Right Hon. Sir G. Murray, G. C. B.  
&c. &c. &c.

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Enclosure 1, in N° 3.

Sir,

Privy Council Chamber, 9th Jan. 1830.

IN consequence of a most serious occurrence having taken place in this island on Lord Combermere's estate, called Stapleton's, the President has thought it advisable to call together the Privy Council, that an ample and strict investigation may immediately take place on the conduct of Mr. Walley, the manager, and Mr. Swindell, the attorney, (both Englishmen), that they may be prosecuted to the utmost rigour of the law.

The President and Council beg leave further to state to your Excellency, that from Mr. Swindell, the attorney, residing in another island, these events, so much to be deplored, have perhaps lain dormant a longer time than might have been the case, as no complaint had ever been made by the negroes to the magistracy. In the mean time the President has directed that Mr. Walley be held to bail to appear at the first



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ST.  
CHRISTOPHER.

first court of criminal jurisdiction, there to take his trial, should the Crown officers find ground for prosecution.

Any further information that may be obtained on this subject shall be forwarded to your Excellency.

We have the honour, &c.

(signed)	<i>Walter Maynard</i> , President.	<i>James Maynard</i> .
	<i>James Daniel</i> .	<i>William Laurence</i> .
	<i>Josiah Webbe Maynard</i> .	<i>J. W. Daniell</i> .
	<i>F. Nicholson</i> .	<i>J. H. Pemberton</i> .

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

Enclosure 2, in No. 3.

Sir, St. Christopher, 12 January 1830.

I HAVE had the honour to receive the letter from the Honourable Board of Council, communicating that a most serious occurrence has taken place on Lord Combermere's estate called Stapleton's, and I beg to assure the members of the Board that I feel confident they will cause an immediate and strict investigation on the conduct of Mr. Walley on this occasion.

I have, &c.

To His Honour the President, &c. &c. &c. Nevis.	(signed)	<i>Chas. Wm. Maxwell</i> .
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Enclosure 3, in No. 3.

Sir, Nevis, March 9th, 1830.

I HAVE the honour to enclose the evidence I received from the magistrates concerning the investigation of Mr. Walley's conduct on Stapleton's estate, and await your Excellency's further directions how to proceed.

I have, &c.

To His Excellency Governor Maxwell, &c. &c.	(signed)	<i>Walter Maynard</i> .
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Enclosure 4, in No. 3.

Sir, March 4th, 1830.

IN conformity with the instructions received from your Honour, my brother magistrates and myself repaired to Stapleton's estate, on the 11th January, to inquire into the treatment of the negroes by Mr. Walley, and having examined several persons on oath, deemed it necessary to direct a meeting of the said magistrates at the Court-house in Charlestown on the 13th of the aforesaid month, to investigate the matter in question, and have met by adjournment several times.

We are sorry for the delay that has occurred, but it was unavoidable, from various untoward circumstances that had taken place; viz. the voluminous evidence, the disagreement of the magistrates, and sickness of Mr. Justice Libard, the absence of Mr. Justice Gordon from the island, the paucity of our number owing to sickness, absence from the island, the withdrawing of three of the Bench from attendance,\* and lastly the illness of Mr. Walley. I am happy in having it in my power at last to be able to forward a certified copy of the evidence received from Mr. Galpine, the clerk of the Justices. I also enclose a letter from Mr. Justice Bucke.

I have, &c.

To Mr. President Maynard, &c. &c.	(signed)	<i>W. Pemberton, J. P.</i>
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\* Mr. Justice Runcy, Mr Justice Huggins, and Mr. Justice Ede.

## ST. CHRISTOPHER.

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Enclosure 5, in No. 3.

ST.  
CHRISTOPHER.

Dear Sir,

Hard Times, Monday, 24th Jan. 1830.

THE meeting of the magistrates on Tuesday was attended by me at the hour appointed, ten o'clock, but it was two before the Lowland Justices joined me, when we proceeded in examinations till five, and then adjourned to ten o'clock yesterday, of which I gave you notice.

I regret much that any thing should have prevented you from attending yesterday, as the business commenced with Mr. Ede making his complaint of Dr. Mills having on Thursday endeavoured to quarrel with him personally on the matter you witnessed, and finished with declaring that he would not sit again on the investigation, and should inform the Governor of the circumstance. He then withdrew.

Towards the close of the proceedings a question to a witness by Mr. Pinney caused such observations from Mr. J. W. Maynard, towards Mr. Pinney and Mr. P. T. Huggins, (some of them in no way relating to the business before us), that on breaking up, at four o'clock, they both declared they would not sit again.

The only remaining Justices present were Mr. Stowe and myself, and we agreed to adjourn *sine die*, and for me to give you, as chairman, this communication, in order that you may takē such steps as will ensure a full attendance of magistrates. If any *can* withdraw from public duty capriciously, all have just as much right to do the same. Mr. Gordon has, I understand, been at St. Kitts for some days. Mr. Libard was in town yesterday, and, towards the end of the meeting, was present, but did not consider himself to be acting as a magistrate.

The clerk to the magistrates will await your communication, and appointment of a day of meeting, so as to send his summons to all parties.

I have, &amp;c.

To the Hon. Wm. Pemberton, Esq.  
Chairman of the Magistrates.

(signed) Geo. Bucke.

Enclosure 6, in No. 3.

AT a meeting of the Magistrates held at Stapleton's estate, pursuant to an order of the Privy Council, this 11th day of January 1830: present,

The Worshipful William Pemberton, esq. Chairman; George Bucke, Lockhart Gordon, Edward L. Howe, Charles Pinney, Peter T. Huggins, Job Ede.

John Hitch O'Bryan, manager upon the estate of Lady Frances Stapleton, sworn; says, he took possession on or about the 6th instant, and found 190 slaves on the estate, agreeably to the list given him: to the best of his knowledge there were about 32 negroes in the sick-house the day after he took possession, and thinks three of that number were admitted subsequent to his taking possession, and his examining the state of the sick-house.

Dr. Mills sworn; says, he undertook the attendance of the estate on the 25th March 1828. Mr. Walley informed him there were 221 negroes; but, upon his sending his account to the 31st December following, was paid for 220. There were several deaths during that year, but does not remember the number; many died from dirt-eating, which may be produced by many causes. Has occasionally seen the allowance served out, which appeared to be a large quantity, and good: some of the deaths that year were dirt-eaters, and a few of them children: the allowance of the gang he thinks was 10 pints weekly. Says, the sick were not attended to in the manner they ought to have been, nor as he directed; often complained of it: the sick were not allowed to remain until perfectly cured, and, contrary to his orders, repeatedly turned out before they were so. In a conversation which took place between deponent and Mr. Walley, he observed that deponent was not responsible for any of the negroes, and that he, Mr. Walley, was the only responsible person on the estate. In a particular instance in the sickness of a woman named Nelly, and a boy named Tynel, he ordered particularly for them animal food; and finding that his desire was not attended to, told the sick-nurse that they must be allowed what he ordered, and that she must herself procure it, and he would pay for it if Mr. Walley refused: after which deponent's wishes were carried into effect; but not having been called upon for payment, thinks Mr. Walley paid for it. Mr. Walley told deponent that he had given the sick nurse directions to provide such food for the sick as deponent may think necessary, and that he,

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Mr. Walley, would pay for it monthly, as he was in the habit of doing during the attendance of Dr. Handley: deponent spoke to sick-nurse on above subject, but from her manner was led to believe that this had not been done; and the sick-nurse said, "Massa may tell you so," but indicated it was not the case: but believes when wine or spirits were ordered they were given. Deponent says, that Dr. Swanston had mentioned that the plan adopted at St. Kitt's to prevent dirt-eating was, by applying a collar sufficiently broad to prevent the hand being conveyed to the mouth; that deponent recommended Mr. Walley to try the experiment upon a boy named William Noble, who he considered a lost case from dirt-eating, and who did die, but which he was not aware of for a fortnight after: it was about a fortnight previous to William Noble's death that he had directed this collar, and that he did not see him after, nor had he been applied to to see him. The collar directed by deponent was a light one, and upon Mr. Walley inquiring how it was to be fixed, deponent replied that he did not know, and that he must leave it to him and the carpenter. Deponent says, that in consequence of the negroes having been turned out of the sick-house improperly, they returned in a worse state. Remembers a man named Bolam with a bad ulcerated leg: Mr. Walley remarked that deponent would have to cut off the leg; but deponent said he thought he could cure it, and the ulcer was getting well fast, but Mr. Walley turned him out before it was well, and the consequence was he returned with his leg much worse; it was healing again a second time very fast, but was again turned out before he was well: returned a third time to the sick-house, with his constitution so shattered and dropsical that nothing could be done for him, and he died shortly after. Never recollects having a negro under his care in consequence of punishment, except in the case of a woman named Elsey, who complained of her shoulder, which had a tumour, and which she said arose from a blow given her by Mr. Walley by a stick, which deponent removed, but which may have arisen spontaneously, or in the manner represented. Deponent made the following entry in sick-book: "December 29th, 1829. Elsey; removed fatty tumour from the shoulder, the effect of a severe blow received about five weeks since." Mr. Walley, in consequence of said entry, on the same evening wrote to deponent, and requested him to come out to the estate on following day to see two negroes, and to investigate into the lies which had been promulgated to his detriment, as it was very hurtful to his feelings to have such things circulated, and that he should be unable to live on the estate. Deponent believes Mr. Walley denied having struck the woman in the note. Deponent wrote to Mr. Walley declining any investigation, as he did not conceive he had any power or authority to that effect; and recommended, if Mr. Walley wished the matter investigated, that he would call in two magistrates for that purpose. Deponent never saw any negroes punished by locking up in stocks; none were in sick-house, nor was he aware of any being on the estate.

(signed) *W. M. Mills.*

Dr. Mills again examined: says that he believes there were but two births only last year, but several miscarriages. Was called to a woman named Lujah, who from severe flogging was threatened with a miscarriage, which deponent used means to obviate, and desired she should be kept quiet; but in consequence of her not doing this she lost her child: in instances of this kind miscarriages most frequently follow, but deponent has succeeded in obviating it in England. Deponent thinks that there has been as many deaths of children as of adults, and the deaths generally proceeding from dirt-eating: there are six dirt-eaters now among the children, and four among the adults. [Adjourned.]

At a meeting of the Magistrates, held at the Court-house in Charlestown, this 13th day of January 1830; present,

The Worshipful William Pemberton, Esq. Chairman; George Bucke, Lockhart Gordon, Edward L. Howe, Charles Pinney, Peter T. Hugins, Job Ede.

Dr. Hanley sworn. On the 24th March 1828, I received a note from Mr. Walley, which stated that my attendance on the estate was no longer necessary; there were a larger proportion of negroes in the sick-house than on any other estate I attended. I commenced attending the estate during Mr. Mulhall's lifetime, in 1821, with Dr. Cairnes, Dr. Clifton, and Dr. Herdickson; in 1822 I went

to England; in 1823 I attended with Dr. Cairnes, and in 1825 I attended alone; during part of that period, Mr. Mulhall, Mr. Fazakerley, and Mr. Fitzpatrick, managed the estate, and subsequently Mr Walley. Generally speaking, it was a gang of which there were always a large number of negroes in the sick-house. In November or December 1826, there were an unusual number of sick in the sick-house; I found Mr. Swindall, the attorney, on the estate, and took him into the sick-house with me, and asked him to point out any negro that required medicine, and with a few exceptions there were none; I then told him I directed Mr. Walley to purchase sheep and wine, and give them animal food and wine; I believe my directions were attended to; when I have been there occasionally, I saw animal food dressing for the negroes at that period; I know that Mr. Walley had killed cattle and sheep. After I had given up the attendance of the estate, Mr. Walley sent to me for a certificate for having bought sheep; I believe Mr. Walley told me that Mr. Swindall had objected to settle with him. The decrease on Stapleton's estate has been very considerable the last year. The only complaint, with a few exceptions, has invariably been the Cacheara Africana, or Mal-de-Stomach; the cause I have endeavoured to ascertain, but without effect, unless it may be from the ground provisions not being properly dressed, and with a sufficiency of salt, which in my opinion will induce debility of the stomach, and consequently all the symptoms of dyspepsia, the most prevalent system of which is heartburn or cardialgia, which obliges their eating dirt as an absorbent. A short period before I had the attendance of the estate taken from me, I called on Mr. S. Maynard to try and ascertain the cause of the deaths on the estate; I spoke to Prentis on the subject; he informed me that Scipio had the evening before detected a girl eating burnt or soft stone, some of which was pounded, and given to me by him and the nurse; I carried it to Mr. Walley, and showed it to him; I expressed a wish to bring one or two medical men on the estate, free of expense, to try and find out the cause of the prevailing disease; his answer was, there was no occasion, as he was satisfied. The reason why the people who were in the sick-house (who did not require medicine) were there from general debility, and required nourishment. From the time I commenced attending on the estate there were generally a good many negroes in the sick-house from debility; at first I thought the debility might have been occasioned by Mr. Walley's great anxiety to put in a large crop, as this affection of the stomach is generally occasioned by hard labour, exposure to cold, or food badly dressed, or indigestible food. I have observed, before Mr. Walley came to the estate, many cases of debility, and generally, at the fall of the year, debility connected with the disease; there were not so many cases of mal-de-stomach during Mr. Fazakerley's time as since. As far as deponent's recollection goes, a great number of deaths during Mr. Fazakerley's time. During my attendance on the estate, if any particular food was required for the sick-house, I always inserted it in the sick-house book, or mentioned it to Mr. Walley, or the overseer, or the sick nurse. The negroes have sometimes complained that the corn, meal and potatoes they received they could not eat, but it was not a general complaint; I mentioned to the sick nurse that they must always have the food I ordered; that after I had spoken to Mr. Walley of the necessity of providing animal food, the patients did not improve, but they did not complain to me that they had not the animal food; but I saw wine in the doctor's shop attached to the sick-house, for the use of the sick-house; the nurse several times mentioned that they wanted animal food, and I said I would mention the subject to Mr. Walley; but in general if I go into any sick-house, were I to attend to the complaints, I should have nothing else to do; from my long experience with negroes in sick-houses I know they are in the habit of making groundless complaints; they have complained to me that they could not eat what I had recommended for them, but wanted animal food, which would have been injurious to them. I have often asked the nurse if the sick-house had the food recommended; sometimes she said yes, at other times it was getting ready. During Mr. Mulhall's and Mr. Fazakerley's time, I always considered them a very fine gang of negroes, though a great many deaths. When Mr. Walley came to the estate, I believe there were 247 or 249 negroes on it; when I left the attendance I believe there were 220, odd; the young gang, who more particularly came under my view, were a very fine set of young negroes. I can with confidence say, during my attendance on the estate, I do not recollect that any negro ever complained to me of having been severely punished, nor any complaint of want of food, or any complaint of harsh or harassing treatment by Mr. Walley. Whenever a negro has complained to me of being sick, and could not work, I ordered him to the sick-house, and told Mr. Walley of the circumstance,

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cumstance, and he went accordingly. Generally speaking, during Mr. Mulhall's and Mr. Fazakerley's time, the negroes appeared more healthy generally than of late years. In Mr. Fazakerley's time there were a great many deaths, but the number kept up either by birth or purchase, which has not been the case latterly. Generally I have observed, in the fall of the year, when there has been much rain, and a quantity of ground provisions, bowel complaints are more prevalent. I believe in Mr. Mulhall's time negroes were purchased. I cannot account for the numbers being kept up during Mr. Fazakerley's time, and not now. I am inclined to think that Mr. Walley turned out some negroes before they were perfectly cured, but do not remember it having caused their return.

(signed) *Alex. Hanley.*

Dr. Cairnes sworn. I attended Stapleton's estate in 1822 and 1823; Mr. Mulhall was the manager, and was succeeded by Mr. Fazakerley; the gang during these years was very sickly; there were three prevalent complaints during this time, fever, dysentery, and influenza; there were a great many chronic complaints and broken constitutions; a great many infected with mal-de-stomach, which we call dirt-eaters; there were many women obstructed, for among chronic complaints that is frequently the case; a great many miscarriages; the miscarriages on the estate were frequently occasioned by the misconduct of the slaves themselves; there were more deaths during the two years I attended the estate than any other estate I attended; they were a very sickly gang; I think we lost four from influenza, to the best of my recollection, and several from dysentery; during this period provisions were very scarce, and I have known the negroes six weeks without provisions, except what they themselves got from the ground; the attendance of the sick-house was not good, but Mr. Mulhall sent his servants to assist the person in charge of it, and animal food and wine were always provided whenever I directed it. I think ground provisions cause dysentery, and more frequently relapses. I think constant feeding on ground provisions disorders the stomach, and induces dirt-eating and its consequent debility, for this reason there is more dirt-eating in the new colonies.

(signed) *R. Cairnes, M. D.*

[Adjourned to the 16th January.]

At a meeting of the Magistrates, held in Charlestown, this 16th day of January 1830; present,

The Worshipful William Pemberton, Esq. Chairman; George Bucke, Edward L. Howe, Charles Pinney, Peter T. Huggins, Job Ede.

Lujer, a slave belonging to Lady Stapleton's estate, sworn. I have been sick nurse more than two Christmas; the negroes have not had for the last 14 months the nourishment and wine regularly, as ordered by the doctor, but has not missed often. I know about William Noble's collar; William Noble was always a dirt-eater, and in the sick-house; I was sick when the board collar was put on; I heard Noble one evening cry; I called him to me, I asked him what was the matter, he said his neck hurt him, and I took off the collar; the collar did not fit very tight, my finger could go between; I took off the collar at five o'clock, and he died about eight. The board was put round his neck by order of the doctor, to prevent his eating dirt; never heard he had a blow or fell down; the board was always taken off at night; I do not know whether it was ever taken off during the day; he always came up without the board. Mr. Swindall, the attorney, was eating dinner with Mr. Walley the day of Noble's death; he came up sooner that day than he was in the habit of doing with the board; being sick, I was not in the habit of seeing him with the board on; the boy was very bad as a dirt-eater before the board was put on; never heard the boy complain of the board till the night he died. Dr. Mills told me to procure fowls for the sick, and he would pay for them, if Mr. Walley refused; Mr. Walley paid for them. Dr. Mills attended the sick-house regularly once a week, and always came when sent for; he attended the negroes very kindly; I know that negroes have been kept to their work when they wanted to come to the sick-house; I do not know that any negroes were sent out of the sick-house within the last 14 months without the doctor's orders; part of the time I was at Maddens with part of the sick, and therefore I do not know any thing respecting the sick in the upper sick-house; none at Maddens were sent out but when the doctor ordered it; the sick people

people generally had yams and mackerel for their breakfast, pigeon-peas for dinner, and gruel occasionally, and this in addition to their weekly allowance; Mr. Walley only missed giving this sometimes, but not very often; the weekly allowance is good. I do not know any thing of the treatment of Elsey; Elsey is now in the sick-house; I know that Dr. Mills removed a tumour from the shoulder; the shoulder is very much swollen. Daphney is a runaway, and when she comes home she is locked up in the stocks till she consents to go to work; I recollect the longest time she was kept in the stocks was two weeks, day and night constantly; her legs were never cut by the stocks; she had only one leg in at a time; she refused to work all the fortnight, and consented to work when she was let out; I never recollect any persons leg being cut in the stocks, except Frances. Last Monday a woman named Frances complained of being locked up in the stocks; she was in three days and nights; the first day both legs were in the stocks; she cried all day; Mr. Walley at night ordered me to release one leg; I took out the crooked one; the mark the magistrates saw was in consequence of her being put in the stocks; she was never out of the stocks during the three days and nights; there was a tub by her when nature required it; I do not know what the woman was put in the stocks for; she came in and said she was sick that morning, and said she could not work; said she had fever; did not feel her pulse; went to massa, and he gave orders to put her into the stocks; when I put her into the stocks felt her foot, and it did not feel hot; thought she looked sick; she is generally impudent and tonguey, but was not so that morning; during the whole time of her confinement she continued to refuse to work, saying she was sick; she consented at the end of three days to go to work; she went to work, and said she was better; she did not come in a week afterwards, but I cannot say about a fortnight; Mr. Walley, during her confinement, gave her a dose of sea-water; when I put the woman's leg in the stocks, I did not observe that the hole was too small; she did not complain at first, about an hour after I heard her cry her leg was cut; I could not go and see whether it was cut, unless I had orders; my master was all the time in a situation to hear her crying; he told me to take out one leg out of the stocks that night; I did not say any thing about it; massa heard her; I saw that her leg was cut when I took it out; I did not tell Mr. Walley of it, nor did he know it until the woman went into the sick-house afterwards; Frances often came into the sick-house; she is a sickly negro, and voids blood with her urine, and has been considered a sickly negro a long time; this woman is working in the small gang in consequence of her disease; every now and then subject to it; during her confinement in the stocks she never showed me any blood in her urine; always comes in when this is the case; is still working in the small gang; Mr. Walley never refused to let the woman come into the sick-house when she told her she had this complaint on her; she never worked in the Holing gang during last 14 months. I miscarried the other day; the doctor desired me to keep myself quiet; I saw the work neglected, and I came out of my own accord; no one compelled me; I remember Time and Bolam being sent out of the sick-house to their work, contrary to the doctor's orders; Time had a bowel complaint and Bolam a sore leg; Time was obliged to return a week after to the sick-house with the same complaint; she remained till the doctor gave orders for her to go out; Bolam's leg was nearly well when he went out; I do not know how long it was before he returned; it was more than four or five weeks; it was much worse when he returned than when he came in the first time; the flesh was all off the bone; he had the sore leg for years. I have not concealed any thing of Mr. Walley's conduct in consequence of any threat; I have told all I recollect; nobody has induced me to say any thing that is not true; I have stated all that my conscience dictates. Elizabeth England attends the sick-house when I have been ill, and assists occasionally.

Elizabeth England sworn. I am in the habit of going into the sick-house at Stapleton's estate very often by Mr. Walley's request; I have been in the habit of doing this almost ever since Mr. Walley has been living there: I visit the sick-house every day since I have been at Stapleton's; I have been at Stapleton's since May 1828. The sick nurse Lujer neglected her business, and Mr. Walley asked me to see to it for him; she used to fret Mr. Walley very much; she did not pay due attention to the sick; she has left people sick in the sick-house, and gone off the estate: I do not know how often, but she has been absent when Mr. Walley has been from home. I had the giving out of nourishment to the sick; Mr. Walley always desired that nourishment should be given out; it was always given out before the doctor ordered it, and when the doctor ordered it. I recollect William Noble

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in the sick-house; he was in constantly from the time I went to the estate, and did no work, without it was going with messages about the estate. I recollect Lynch and Nelly in the sick-house; never heard that the doctor ever complained that Lynch and Nelly wanted nourishment; Nelly was at first up in the yard, and was afterwards moved down to Maddens by the doctor's orders. Lynch was also down at Maddens. Lujer, as sick-nurse, attended the sick at Maddens; if the doctor ever complained to Lujer, the sick-nurse, that Lynch or Nelly, or any person wanted nourishment, it was her business to come to me, as I gave it out. I have seen Mr. Walley give Lujer money to buy chickens; I have often seen Lujer come to him for money; Lujer never came to me for nourishment for Lynch or Nelly without having it. Lujer never came to me for nourishment for any sick person without having it. I was in the habit of seeing the nourishment dressed, and was sure the sick always had it. Whenever any thing was sent from Mr. Walley's table no person was allowed to take it to the sick-house but myself, and he sent it most days. If by chance Lujer neglected to call upon me later than nine o'clock for nourishment for the sick, and Mr. Walley found it out, he scolded very much about it. Mr. Walley threatened to put her into the field for not paying more attention to the sick. I regularly called Lujer every morning to give her the nourishment for the sick. I did not always go into the sick-house to see the sick people take the nourishment, but did so sometimes: those that were able came down before me: when I have been in the sick-house the sick have complained to me that Lujer divided the nourishment, and did not give them the whole, but kept part for herself. On rainy days Mr. Walley sent duke or hot toddy to the sick-house; commonly he allowed the sick-house wine and porter. Mr. Walley ordered me to have chocolate, sago, pap and barley for the sick. I have often had disputes with Lujer about her business, and have told her about this very thing, if ever there should be a charge about the sick being neglected. Lujer was the sick nurse, and Mr. Walley gave her money to pay for fowls, and whatever was wanted from the store I gave out; but I do not mean that I bought fowls always, but sometimes, if a person was very weak, Mr. Walley gave me money to buy them, and I had them dressed; but every day I gave out the things from the store. I recollect Elsey run away from the field; Mr. Walley was absent the day she was brought home; I do not exactly know the time; I do not think it was three months since; I did not tell Mr. Walley that evening, but told him the next morning that Elsey was brought in. Mr. Walley desired she should be taken from where she was locked up: I asked Elsey why she ran away; she said she was sick, she had a fever and pain in her shoulder, and could not work; she did not tell me that Mr. Walley had struck her; Elsey told me her shoulder hurt her. I replied, why you always run away without your clothes, and that is the reason why your shoulder hurts you. She is a bad negro, for her mother is obliged to sow for her and her child. Elsey's mother and Lujer told me she would not plant a pea, she was so lazy. At the time that Elsey was complaining of her shoulder it was bare, and I said, your shoulder bare and you complaining of it; I looked upon the shoulder and never saw any mark or scratch upon it. Dr. Mills was not there; it was sometime after the doctor saw it. After that she went out of the sick-house to her work and came in again; when she came in the second time she was still complaining of her shoulder; she never said that any person ever beat her; when she was out she was in the habit of carrying pap and other things to the gang. I was not present when the doctor took the tumour out of Elsey's shoulder. Knows that Daphney is a most notorious character, a runaway thief and liar; has seen her twice in the stocks, not more, for running away; never knew her as much as two weeks on the stocks.

[Adjourned.]

At a meeting of the Magistrates, held in Charlestown, this 19th day of January 1830: present,

The Worshipful William Pemberton, Esq. Chairman; George Bucke, Charles Pinney, Peter T. Huggins, Job Ede.

Elizabeth England sworn: I asked her (Elsey) one day, how she came to say Mr. Walley struck her on her shoulder; she made no answer. I have known Bolam a long time; he was in the sick-house with a sore leg: Bolam told me he wanted to get out of the sick-house, for it was no use for him to stay in the sick-house, as his leg would never get better. I have often heard Mr. Walley ask the sick

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sick nurse if there were any persons in the sick-house fit to go out to their work, and the sick nurse was always directed to send out such as were able to go to work. She has sent out people without Mr. Walley's orders that were fit to go out. Never heard Mr. Walley give any directions about Bolam's going out. I never heard that Bolam was turned out contrary to the doctor's orders. I never heard until this business that the doctor had the ordering out who were to go out and who were to remain in. I never heard that Dr. Mills had given any orders about Bolam's going out or not. Lujer was the responsible person about the sick-house when the doctor was absent: Lujer was the person who weighed out the medicine for the sick, and sometimes I did it; it was not my business to weigh out the medicines, but to see it done. When Mr. Walley was going off the estate, he told Lujer what was to be done, and told me to see that it was done. Calomel, jalap and rhubarb were such medicines as Lujer used to make up, such as the doctor ordered. I generally asked Lujer in the morning what sick people were sent out, or were to be sent out: the negroes were never sent out in the middle of the day. The day when Bolam went out of the sick-house I asked where he was; Lujer said he had gone to his watch; she said it was no use to keep him in the sick-house any longer. I have never known Bolam put on the stocks. The last time Bolam came in he was in the sick-house about two months, to the best of my recollection. I recollect Time coming home from the Camp estate; I believe it was cramp in her bowels; she was very ill, and Mr. Walley sent Lujer in the carriage to bring her home; she was in the sick-house two months; she was walking about the yard, and Mr. Walley met her going to the oven, and said, Time, you must go down to the mill and tie up ground canes. The mill was close to the yard. Lujer was in the pantry, and I suppose she must have heard the orders; I was at the chamber window and heard Mr. Walley give the same orders. I never heard Lujer tell Mr. Walley that Dr. Mills had ordered Time not to go out. I think Time was quite fit to go out; she did not return to the sick-house for some time after. Mr. Walley was fond of her, and said she was a good working negro, and he wished to indulge her: when she came in afterwards, she said she came in to get a purge, as she was afraid her bowels were going to attack her again; she went out again the same night. Lujer never told me that Time was sent out contrary to the doctor's orders. During the two months that she was in the sick-house, and walking about the yard, she had a relapse for two or three days; she had not been out previously to cause the relapse. I know Haga, she works in the old gang; she was removed from there, and put to mind thirteen calves. One evening she left out one calf till after eight o'clock; the usual time for putting them up was about five o'clock. The overseer was sick, and I went to reckon the calves, and they all looked very sick. I asked what was the matter with them, and she said they would not eat. I told Mr. Walley he had better change her and give them to a boy: she complained of being with the calves; she said she did not like the work; one died immediately after they were taken from her. Mr. Walley that night ordered her to be locked up in the sick-house, and the next morning sent out to the big gang to dig potatoe holes: she was not fit to go into the great gang. Mr. Walley picked up at that time all he could, and sent them to the great gang to get the work done. They went out on the Monday and were done on the Thursday. After that piece of land was finished, she was returned to the old gang; she was locked up only two nights, and she was never near the room where the stocks are; I know this, as I was the person who carried her to be locked up in the sick-house.

(signed) *Elizabeth England.*

C. C. Souch, sworn:—I went to Stapleton's estate as overseer in May 1826, and left it in March 1829: while on the estate, I lived about two years on the upper estate, and the remainder of the time at Maddens. The usual time for turning out the gang at morning was at half-past five o'clock; the negroes went off every evening at sun-set; the negroes were in the habit of bringing each day two bundles of grass or bush: half-hour was allowed for breakfast, two hours for dinner; they always had this time; they never worked all breakfast or dinner time, except once, and then Mr. Walley sent them breakfast in addition to their usual allowance. The usual mode of punishment was locking up for two weeks when they ran away; he has flogged them as other people usually flog them. I do not think while I was on the estate that the negroes were over worked; they did not work harder than other negroes. When Mr. Walley went to the estate there were six pints of allowance, and four herrings, given out weekly; afterwards he gave them a quart of allowance



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and two herrings in addition, and ginger tea of a morning before they went to work. There were a great many deaths on the estate while I lived there; most of them died from old age, and some from dirt-eating, and other complaints. I went to live on the estate two weeks after Mr. Walley. There were two coroner's inquests while I lived there; one on a man named Davis, and one on a man named Suis Barcus, both notorious runaways. I remember a man belonging to the estate named Enis, he always had a complaint in his chest, and great shortness of breath; he was a distiller; he was in the sick-house two or three weeks before he died, and he died in the sick-house; he was attended by the doctor; I was living at Maddens when he died.

(signed) C. C. Souch.

William Huggins, overseer, sworn:—Went to live at Stapleton's estate on the 1st of March last as overseer, and remained there until 16th October; was not particular as to the number of negroes at first; was particular in adding up the number of negroes some time in June or July, in consequence of Mr. Wood (who had been in employment on the estate) saying that Mr. Walley had returned more negroes on the parish list than were on the estate. Does not know of his own knowledge how many Mr. Walley returned, but found there were 199 negroes on the list. Heard there were two negroes belonging to the estate who were not on the list; was told a man named Scipio, and a woman named Sally Brown, were the two: Scipio was not on the list because he had run away for years; does not know why Sally Brown was not, but have heard she is free. The gang turned out as soon in the morning as they could see to work; knocked off their work in the evening at sun-set, to go for bush or grass for the cattle stakes; each negro threw a turn of grass at noon, and another at night. A quarter of an hour or twenty minutes was the time allowed at breakfast time, but think they had the same time as is allowed on other estates; I never timed them, but think they had sufficient time; two hours were allowed at noon: sometimes when the work was pushing, they never had breakfast or noon time on the same day; this was not frequent; when this was the case, the gang had sent to them for breakfast a ball of mussau and a herring, or a piece of pork, and at noon time, potatoes boiled for them, or tannias, all of which were in addition to their allowance; stopped working while they eat what was sent to them. In crop time they had frequently hot liquor sent to them; the gang worked at breakfast and noon time both in and out of crop occasionally, but not very often; on these occasions (in crop time) they always had hot liquor; have heard the negroes complain at working at their breakfast and noon time; out of crop time always had beverage, sometimes four times a day. Negroes worked very hard while I was on the estate; thinks some of them were worked beyond their strength, as those who were most able kept down their rows, and the others were pushed to keep up with them. I succeeded Mr. Souch. Has seen some of the gang exhausted from fatigue; sometimes in the morning almost half the gang have gone up to Mr. Walley complaining of being sick, when he selected and sent back to the field those he thought able to work, and when they came there, they worked as usual; saw no difference in their work; these were the weak ones who generally complained: some have gone to the field, and were returned to the sick-house upon their saying they were not able to work. Mr. Walley did not flog much himself; the driver flogged nine in the field; this was not done by Mr. Walley's orders; Mr. Walley has often ordered me to flog a negro, when (from my not considering the offence great) I did not do so. Never saw the driver strike a negro with a stick, or the handle of the cat; never saw Mr. Walley strike a negro with a stick; never saw him strike a negro but with a small switch which he rode with. Have seen Mr. Walley cat the negroes in the field over their clothes; never saw him flog one with his own hands otherwise. Driver would sometimes give three up to a dozen; never saw thirty-nine stripes given; never a severe flogging. Mr. Walley has directed to give thirty-nine, but I never did so. Thinks the driver was in the field unnecessarily severe; never mentioned this to Mr. Walley; Mr. Walley never gave this order, but would sometimes find fault with the driver for not having had a sufficient quantity of work done, when he would push the negroes. There were nine deaths on the estate during the time I lived there; considered that a great number; people were generally swelled. Some of them eat dirt; did not know the cause; were a great many little ones, and good-sized ones too, who eat dirt; there were a great many dirt-eaters on the estate; the negroes generally were addicted to it. Two of the nine deaths did not take place in sick-house;

house; one died in negro-house, named John Tomiah, from old age; the other, Anney, a leper, on the Wednesday evening; seven died in sick-house, and were attended by the doctor; there was one sudden death, an infant boy, named William Dougans, who was carried up to the yard, but died before the doctor, who was sent for, came to him. Nothing extraordinary attended the death of the seven, except in Nelly, upon whom an inquest was held in consequence of it having been suspected that she was poisoned. I suppose about four or five died (but cannot positively say the number) before I added up the list. Quitted the estate in consequence of Mr. Walley's insisting on my paying for a cattle which died from being overworked, and attributing it to my neglect, to which I have now sworn the contrary.

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(signed) *Wm. Huggins.*

[Adjourned.]

At a meeting of the Magistrates, held in Charlestown, this 23d day of January 1830; present,

The Worshipful George Bucke, Esq. Chairman *pro temp.*; E. L. Howe, Charles Pinney, Peter T. Huggins, Job Ede.

Dr. Hanley sworn:—Having been examined this day, states as follows: Mr. Walley told me he had written to Lord Combermere to say, if he was dissatisfied with the decrease of negroes, he, Mr. Walley, would purchase a dozen at his own expense, and put them on the estate. When first I attended the estate during Mr. Mulhall's time, I found Lujer a confidential servant about the house; conceiving her character to be a good one, I was induced to put her into the sick-house as sick nurse; in that capacity I never had occasion to complain of her; never recollect Elizabeth England in the capacity of superintendent in the sick-house: I do not recollect that Elizabeth England ever came to me in the capacity of sick nurse. I saw her there occasionally during Mr. Walley's illness, and occasionally afterwards. I do not know whether she remained there or not.

Mr. William Huggins sworn. I do not know much of the character of Lujer; I was at Madden's, and she above; I went every morning to visit the sick, she appeared to answer the purpose of sick-nurse. Mr. Walley has often told me not to trust her by herself to give the allowance to the 15 or 16 people who were fed out of the pot daily, as she was a damned thief, and must attend to it myself: these people were working in the field and were lowly, and had no family on the estate, being principally Africans. I have seen Lujer weigh out physic, and give it to the sick: after I had visited the sick-house, I went into the field and saw no more of it. I recollect Mr. Walley quarrelling with me for giving Lujer potatoes one night for the next day's use, as he said you cannot trust her, as she would go and sell them. When I returned home, I mentioned to Mr. Walley that Mr. Wood had said that the return to the parish was incorrect; Mr. Walley replied, what should he know about it? he is a damned rascal; what should he know about the increase or decrease since he left the estate? Mr. Walley said, there was a man he had treated with every civility, had given him a house to live in, and negroes to wait upon him. Mr. Walley said, that somebody had written home about him (Mr. Wood), and he thinks he, Mr. Walley, had done so; but he did not know who did it, and he was determined to get rid of the damned rascal. I said, on Mr. Walley asking me to pay for the cattle which died, "If I had to pay for the cattle which died, I think I should have to pay for all the negroes which died on the estate, and at the end of the year I should be greatly indebted to the estate." Mr. Walley replied, that Dr. Mills attended the estate; he knows the complaints of the negroes, and has paid every attention to their comfort. I meant that the cattle died working, and the negroes died, and that I did not kill the cattle more than Mr. Walley killed the negroes: I do not mean to say that Mr. Walley was the cause of the death of any of the negroes; I have never known negroes worked so hard any where else, or get so well fed. I cannot tell from what cause the negroes died; they all died swollen. I do not think the stocks were more severe than other stocks in the way they were put up; I thought the holes were rather smaller than other stocks; have heard the negroes complain of them, by saying they cut their legs. I never saw any one in the field working who ought to be in the sick-house, when they complained I always sent them up: I have known Mr. Walley send them

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them down to the field, and I have sent them back, and he has never refused them. Some of the negroes who were sent out of the sick-house in the morning returned in the afternoon to their work, and worked very well.

(signed) *Wm. Huggins.*

Matthias, a slave belonging to Lady Stapleton's estate, sworn.—I am in the habit of coming up every morning, and making a report to Mr. Walley of any negroes that may be absent from the field. Mr. Walley has always desired me to go to the sick-house and see if any were there. Mr. Walley always sent me to the sick-nurse Luger, to ask her if any of the sick were fit to go out: never knew Mr. Walley to turn out a negro who Luger said was not fit to go out; he never saw a negro who was in the row unable to work there; if there was a weak one, a strong negro was put to help him; sometimes three weak ones were put to work together. I never heard, when I took them to the field, any complaint that they were turned out contrary to the doctor's orders; they worked the same fashion. I am not the driver, but occasionally an assistant driver, being a mason by trade. I have received from Mr. Walley since Christmas a barrel of flour and a barrel of herrings, between me and Foe the ranger; he gave these because we took care by turns of the cattle at the stakes at night; these things were given as a reward for taking care of cattle and calves; there were no other watchmen but the stock-keepers. I did not get the same last year: last year, when the gang got 10 pounds of pork, we got 20 pounds for our allowance. The flour and herrings were given about a week before Mr. O'Brien came up from St. Kitt's; we got the flour and herrings for nothing else but for minding the cattle and calves well.

Matthias re-examined.—The negroes did not work harder than they did before; they do more work.

Foe, a slave belonging to Lady Stapleton's estate, sworn.—I am a ranger on the estate; Mr. Walley has allowed me something for taking care of the stock; Christmas before the last he gave me a doubloon for taking care of the stock; last year he gave me half barrel flour and half barrel shads for the same reason; Matthias had the other half barrel flour and half barrel shads; he helps to mind the stakes; others mind the stakes, but the watchman, Bacchus, was a runaway negro.

Tomma, a slave belonging to Lady Stapleton's estate, sworn.—I have been a driver on the estate a long time; I am not a driver now, I am a watchman. I think the negroes work uncommonly hard; they work harder now than ever I knew them; they work harder than other negroes: they scarcely ever had breakfast or noon time; I see this myself; the flag is put up, but they do not go off from their work. When I was a driver, Mr. Walley and myself never agreed together; I did not answer his purpose, and he dismissed me, because I did not beat the negroes for every fault. I swear positively that the reason why Mr. Walley dismissed me was because I did not beat the negroes enough. I have not quarrelled with Mr. Walley since I have been a watchman. I know William Noble, he is my grandchild.

Thomas Brown, a slave, belonging to Lady Stapleton's estate, sworn.—I am a mason on the estate; I know Eneas; I know Mr. Walley flogged him four times one day with a cat with his own hands; I held him all four times; he was a fireman; he licked him because he said the fire was not good; he flogged him on his bare back; he was held by me and Foe twice, and me and Aleck twice. Miss Polly England was in the boiling-house at the time, and looked out the first time, when the man fouled himself. The first flogging was not very severe. I do not know how many stripes he got this time; does not know how many he got the second and third times, but I reckoned the last flogging he got about 50 stripes the last time, when he again fouled himself; all this in one day. Foe was the boatswain of the mill. I cannot say whether the overseer was Mr. Souch or Mr. Ivancy. The boiler-men did not see the flogging at the copper-holes, but I saw the first in the boiling-house, when he fouled himself. After receiving the last flogging he went back to make his fire, when Mr. Walley ordered him to be locked up. I saw a man carry him to be locked up; he passed my door to be locked up. The second night we boiled late, and he was not locked up. He went to fire-making the next week, and made fire until Saturday night; he complained that week of having fire and pain in the stomach; he told me this. I do not know whether he told this to Mr. Walley. Mr. Walley found fault with him for the fire this week, and told Mr. Ivancy to flog him whenever the fire was bad. Mr. Ivancy flogged him two or three times during the week. He had the fever when Mr. Ivancy flogged him

on the Saturday. I saw chains and clogs on Aleck's legs on Monday. Eneas was lying down under his own house on Monday, and Mr. Walley sent Dorus to bring him down to Maddens. I was in the yard on Tuesday morning when Eneas came to Mr. Walley complaining that he had fever, and saw the driver, in the presence of Mr. Walley, flog him out of the yard. Wednesday morning saw him in the stocks; saw him in the sick-house on Friday evening, when they were rubbing him up with hartshorn. I saw him dead on Sunday morning. I never had any quarrel with Mr. Walley; being on my oath I only speak to what I know.

[Adjourned.]

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CHRISTOPHER.

At a meeting of the Magistrates, held in Charlestown, this 4th day of February 1830; present,

The Worshipful William Pemberton, Esq. Chairman; George Bucke, Thomas Libard.

Thomas Browne, a slave belonging to Lady Stapleton's estate, sworn:—On the day that Eneas got four floggings they were grinding the lay-over canes at the upper mill; we finished grinding at the upper mill the latter end of the week, and went to Maddens the Monday following to grind. We cut the rain-piece; we ground the whole week, and continued from the same piece the week after. Mr. Souch and Mr. Ivancy were the overseers at that time: was certain Mr. Ivancy was there, as he told deponent that Mr. Walley was very angry because he was not there to help pot sugar on Sunday.

Mike, a slave belonging to Lady Stapleton's estate, sworn:—I am a boiler; know Eneas made fire. When we were grinding the lay-over canes of the Guava field at the upper mill Eneas made fire. Eneas did not make fire to please Mr. Walley, and he sent Thomas Browne to bring him into the boiling-house: when he was brought in Mr. Walley catted him very severely with his own hands over his naked shoulders; Thomas Browne was one who held him. He was sent again to make fire, but not doing so to please Mr. Walley, he was brought in the second time by Thomas Browne, and Mr. Walley flogged him again over his naked shoulders with the cat. After he was flogged he fouled himself. Polly England was minding the boiling-house that day. Mr. Ivancy was the only overseer at that time. Cannot say how long they were grinding at the upper mill; after grinding was finished at the upper estate went to Maddens to grind.

Jacob, a slave belonging to Lady Stapleton's estate, sworn:—I am a boiler; I know Eneas was a fire-maker; he made fire at the upper work; Eneas did not make fire to please Mr. Walley, and he was flogged twice on his bare back the same day; the second time he fouled himself; I cannot say who inflicted the flogging. We were grinding at the upper work. We cut from two pieces, one plants and the other rattoons; after they were cut off we went to Maddens to grind, but cannot say if we ground directly. Eneas made fire there. Eneas was taken sick at Maddens.

Dorus, a slave belonging to Lady Stapleton's estate, sworn:—I am a boiler; Eneas was a fire-maker. We were grinding at the upper work, cutting the canes called Guava field; Eneas was making fire there; he did not make fire to please Mr. Walley. Saw him flogged once in the boiling-house; I did not go out of the boiling-house, and cannot say if he was flogged again. Mr. Walley flogged him himself; I held him, so did Thomas Browne. After having finished grinding at the upper work we went to Maddens to grind directly, and cut the spout-piece and the rain-piece; Eneas made fire there, but did not make fire to please Mr. Walley; he flogged him twice one day in the boiling-house; those floggings made him sick, and he did not come to his work on the Monday morning, and Mr. Walley sent deponent to look for him; found him at his door lying down, and complaining very much that the blows had made him very sick. His face was swollen, and cut round his forehead and nose; the blood was not washed off his face. I carried him to Mr. Walley in that state. I met Mr. Walley in the path; he said Eneas was a worthless fellow, and desired deponent to carry him to Martin, in the field at Maddens, to lock him up every night, which deponent did. I never saw Eneas afterwards. When he was flogged in the boiling-house, Mr. Walley flogged him himself with his own cat.

Foe, a slave belonging to Lady Stapleton's estate, sworn:—I remember when the garden bottom piece was cutting, and ground at the upper work; Eneas made

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fire at that time : he did not make fire to please Mr. Walley. Mr. Walley flogged him twice at the copper-holes, and Thomas Browne held him. I was not at the boiling-house, and cannot say if he was flogged there. Mr. Walley flogged him himself with a cat ; his back was bare. The boilers complained they had no fire, and Mr. Walley flogged Eneas twice that day. I was boatswain of the mill that day ; can positively say Polly England was not there ; heard on a Sunday that Eneas was dead.

Martin, a slave belonging to Lady Stapleton's estate, sworn :—I was a driver, and Mr. Walley broke me, and put me to be a watch about five months before Christmas. I knew Eneas ; Mr. Walley put him to make fire ; he was brought to me in the field by Dorus on Monday ; when he was brought to me he was sick, and could not work ; he complained of rheumatic pains, fever and blows ; he laid down in the field. Deponent let him go on one side to ease himself ; he staid rather long, and deponent went to look for him ; he was lying down ; deponent brought him among the gang. When Mr. Walley came, deponent said Eneas could not work. Mr. Walley said if he would not work, to bring him up and lock him up at night till he consented to work ; I locked him up in the upper sick-house. Mr. Walley said he (Eneas) was his (deponent's) family, and that was the reason why deponent would not make him work. I locked him up the first night, which was Monday night, and never saw him afterwards ; he died on Saturday night the same week. No inquest sat upon him. When Eneas was brought to deponent by Dorus, he (deponent) was cutting the rain-piece.

Sargeant, a slave belonging to Lady Stapleton's estate, sworn. I am a carpenter on the estate ; I knew Eneas ; I was working in the yard, the sick nurse came and called me, Hector and Tom Grey to take him out of the stocks and carry him to the sick-house, which we four did ; Mr. Walley came and spoke to him, but he made no reply, and could not walk ; it was either on a Thursday or a Friday, he died on the Saturday night the same week.

Tom Grey, a slave belonging to Lady Stapleton's estate, sworn. I am a watchman ; I came into the yard about three o'clock in the afternoon, on a Friday ; the sick nurse came and called Sargeant, Hector, and myself, to assist her to take Eneas out of the stocks, to carry him up to the sick-house ; we all took him out and carried him up. Mr. Walley said, you only do this to get out of the stocks, but I will have one put up for you in the sick-house ; he could not walk up ; he never spoke. Mr. Walley told us to make him stand up. Deponent said he could not stand up. Mr. Walley said you must make him, that he (Mr. Walley) might feel his pulse, when he (Mr. Walley) said his pulse was better than his own. When deponent had quitted the sick-house, the sick nurse came and called us to return and hold him up to give him his physic, which he could not swallow, and it run out both sides of his mouth ; I shaved him on Sunday when dead, at which time he was bleeding at the head and mouth. Mr. Souch was the only overseer at the time.

Lujer, a slave belonging to Lady Stapleton's estate, sworn. Eneas was in the stocks on Friday afternoon ; Mr. Walley sent up my sister Lubbo for the people who were in the stocks ; I did not know till Friday morning that Eneas was in the stocks ; when I saw him in the afternoon, he was lying on his back ; I spoke to him twice, but he made no answer ; I went to Mr. Walley and told him of it ; Mr. Walley replied you must get somebody to take him out, and I called Sargeant, Tom Grey and Hector, to take him out ; when he was brought out Mr. Walley met him, felt his pulse, and said carry him to the upper sick-house ; his pulse was very good ; but he could not walk up ; I made the three men lay him on the bed ; I spoke to him, he made no reply, and did not open his eyes ; I made Tom Grey hold him up to give him his medicine, he swallowed but little of it ; the physic was calomel and jalap, ordered by Mr. Walley ; the same night, (Friday), at eight o'clock, I asked him if he would have a little tea ; he said yes, and we held him up and he drank it, the next day he was still very poorly, but I got him to take a little chicken soup ; he never took any thing after, and died at midnight ; I think the doctor saw him on Saturday, but I am not positive that he did see him ; he had a bad pulse, I felt him, they were low and bad.

Nannette, a slave belonging to Lady Stapleton's estate, sworn. I am sick-nurse under Lujer ; I know Eneas was in the stocks two days ; I dressed his foot ; he was sick when he was put into the stocks ; I attended him two days in the upper sick-house ; when he was removed from the stocks to the sick-house I was absent ; on Saturday night, seeing he would die, I set up with him, and he died about middle night ; I was present when the physic was given him, but he could not swallow it ;

whenever

whenever I touched any part of his body, he bawled ; after he died he bled from his mouth and nose about a pint of blood, which was caught in a tub, besides what was on the cabin. I know William Noble, he had a board collar round his neck ; it was put on to prevent his eating dirt ; it was taken off every night while I was there ; I never saw any person strike him ; he complained much for his neck after he fell down, and died the night of the day after ; after the board was broken Mr. Walley mended it and put it on again the same evening ; it was always taken off at night.

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At a Meeting of the Magistrates, held in Charlestown, this 27th day of February 1830 ; present,

The Worshipful William Pemberton, Esq., Chairman.

Polly England sworn. I know Eneas, he had a lame leg ; he was always in the sick-house, and was a kind of worthless person ; he was always partly naked ; he was always troublesome in the yard ; he died in the sick-house with a kind of dropsy ; he died one Saturday night, the same week that Mr. Sturge died. Mr. Souch and Mr. Wood were the overseers ; never knew Eneas to be a fire-maker under the coppers ; I never minded the boiling-house when Foe was a boatswain of the mill ; I have minded the boiling-house occasionally ; I am positive Mr. Swaney was not the overseer at the time of Eneas's death ; I never heard that Eneas was upon the stocks ; I knew Mr. Walley broke Martin as a driver, but cannot say what time it was ; I cannot say who was driver when Eneas died ; I do not know whether they were grinding when Eneas died ; I know that Eneas was repeatedly in the sick-house, but cannot say how many months ; I know that Dr. Mills saw Eneas the day he died, and several times before ; I know Eneas was a distiller, and occasionally made fire under the still ; he has made fire when I have been watching the still-house ; when he was not attending the still-house, he was cutting brush for the still, if not in the sick-house ; I do not recollect that Mr. Walley ever gave directions for Eneas to make fire under the coppers. Thomas Brown told deponent that Mr. Walley had spoilt his character with Mr. Swindell and Mr. O'Bryan, and that he would spoil Mr. Walley's also ; I asked him in what way, he said that was best known to himself ; I have never known Mr. Walley give Eneas a slap, much more a flogging ; I made Eneas's shroud, and saw no marks of violence on him ; never knew Eneas was put to watch potatoes out of crop.

(A true copy),

Nevis, 2d July 1830.

(signed) *F. J. Galpine,*  
Justice of the Peace and Clerk to the Magistracy.

Enclosure 6, in No. 3.

Sir,

St. Kitt's, March 22d, 1830.

I HAVE attentively perused the examinations taken before the magistrates at Nevis, in the case of Mr. Walley, the manager of the estate of Lady Frances Stapleton, and have given to them the consideration which the importance of the matter disclosed therein so much required.

The decrease which has been proved to have taken place in the gang of slaves during the time that they were under the superintendence of Mr. Walley, appears clearly to have arisen from their having been overworked, and in other respects maltreated. The evidence of Dr. Mills, of the overseer William Huggins, and also of Dr. Hanley, corroborated by the conversation which took place between him and Mr. Walley, as appears in his second examination, fully justifies that conclusion ; but in order to afford the means of supporting a legal prosecution, it is necessary that some particular case should be brought before the cognizance of the Court, and that there should be sufficient direct legal evidence to convict the party of the offence with which he may be charged. I am clearly of opinion that the evidence of the slaves which has been taken before the magistrates would not be legal evidence against Mr. Walley, on a trial for any capital offence ; inasmuch as the law of the island, which admits the competency of slaves to give evidence, particularly excepts evidence as to matters which took place antecedently to the passing of the Act ; and also declares, that no slave shall be competent to give  
evidence

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evidence as to any matter or thing in any case where the manager or director of any such slave shall be charged with or prosecuted for any capital offence. The first case that appears in the course of the examination is that of the slave Bolam; and I am of opinion that the evidence of Dr. Mills, as to the circumstances that caused his death, is sufficient to justify an indictment against Mr. Walley for murder; and, should the grand jury ignore the bill for that offence, will certainly be sufficient to compel them to find a bill for maltreatment, under the 15th clause of the Leeward Island Amelioration Act; and on a trial for that offence, if it occurred subsequent to October 1828, the evidence of the slaves will be admissible.

The case of the slave Frances appears also to be one of maltreatment, within the meaning of the 15th clause of the Amelioration Act; and as, from the examination, it must have been one of recent occurrence, the evidence of the slaves will be admissible.

The case of Eneas, alias Innes, if the evidence of the slaves can be believed, is one of great enormity; and it appears extraordinary that the magistrates should have neglected to examine the overseer Swaney, and Dr. Mills, with respect to what they knew of the circumstances which caused his death. The slave Thomas Brown swears, that Mr. Swaney was the overseer at the time that Eneas alias Innes was flogged, and although he is contradicted in that respect by other witnesses, yet his examination would be most material. If the deceased was not visited by any medical man within 48 hours of his decease, an inquest should have been held on the body, as directed by the 20th clause of the Amelioration Act; and if Mr. Walley omitted to give notice to the coroner of the death of such slave, he is liable to a penalty of 100*l.*; but if Dr. Mills did see him previous to his death, his evidence would be material. From the situation which Elizabeth England held in Mr. Walley's domestic establishment, nothing can be expected but unwilling testimony from her; but it does appear to me, that under a strict examination more might be obtained from her respecting this particular case than appears in her examination. Under these circumstances I recommend a further examination respecting the cause of the death of Eneas, alias Innes; and I shall be better able, from the result, to advise what proceedings will be justified in this case.

It appears also that no notice has been taken of the circumstances mentioned in the examination of William Huggins, respecting the return of slaves made by Mr. Walley to the parish, as subject to parish levies. If this return were made in writing and on oath, and if the number of slaves returned was much greater than the number then actually alive, there must have been some cause for a proceeding so much in opposition to the interest of the proprietor of the estate; and the inference must be that it was made from a fear that if the decrease were publicly known an investigation might have taken place which Mr. Walley was afraid to meet. I recommend that a further examination on this point should also be made, and that if possible the evidence of Mr. Swindell, the attorney of the proprietor of the estate, should be obtained, as it must be calculated to elucidate some of the points of this melancholy detail.

I have the honour, &c.

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

(signed)

*Robt. Claxton.*

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Enclosure 7, in No. 3.

Sir,

St. Christopher, 23d March 1830.

I HAVE the honour to acquaint you, that it appears to me the examinations before the magistracy of Nevis, in the case of Mr. Walley, the late manager on Stapleton's estate, disclose a series of very unwarrantable and illegal treatment of the slaves of that property; and in three particular instances, of a most aggravated and cruel nature, two of which were only terminated by the death of the individuals.

Mr. Solicitor-General Claxton, to whom this grave matter has been referred, has this day reported to me his opinion, that in a further examination of particular witnesses sufficient evidence will be elicited to authorize indictments being preferred against Mr. Whalley for maltreatment under the Leeward Island Amelioration Act, and possibly under the Act for regulating the admission of the Evidence of Slaves, recently enacted.

I therefore

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I therefore most earnestly call the attention of the Honourable Board of Council and House of Assembly to the propriety of having this deplorable case of maltreatment of the slaves, and unusual mortality which has occurred amongst them, to be further inquired into before the magistrates by the Solicitor-General and Mr. Peterson, who, I have no doubt, on a close examination of some of the witnesses, will procure sufficient testimony to substantiate the criminality of Mr. Whalley in his treatment of these slaves.

I feel confident of the earnest desire of the Legislature of Nevis that a thorough examination of this matter should immediately take place, and that it will readily sanction the employment of the Solicitor-General and Mr. King's Council Peterson to conduct, in a legal and efficient manner, an inquiry into the circumstances of this untoward case, which the important evidence already disclosed in the examinations appear to merit.

I have, &amp;c.

To His Honour the President, (signed) *Chas. Wm. Maxwell.*  
&c. &c. Nevis.

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 Enclosure 8, in No. 3.

Sir,

Nevis, 31st March 1830.

WITH regard to the series of unwarrantable and illegal treatment of the slaves on Stapleton's estate, I beg to repeat to your Excellency, that the members of His Majesty's Council of this Island have done, and will continue to do, every thing in their power to bring to light every circumstance connected with this unhappy business.

I beg to add, that they will cheerfully and readily agree to avail themselves of the able assistance of the Solicitor-General and Mr. Peterson.

I have, &amp;c.

To His Excellency Governor Maxwell, (signed) *Walter Maynard.*  
&c. &c. &c.

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 Enclosure 9, in No. 3.

Sir,

Nevis, April 3d, 1830.

I HAD the honour to receive your Excellency's letter of the 1st April, but on receiving your Excellency's former communication, wherein you make known the opinion of the Solicitor-General, I thought it highly necessary to hold Mr. Whalley to bail; I therefore applied to the Chief Justice, who immediately wrote to desire Mr. Whalley to attend in town for the purpose, but he was then on the point of leaving the island for a few days.

I have made known to Mr. Peterson your Excellency's wishes respecting the communication with the Solicitor-General.

I have, &amp;c.

To His Excellency Governor Maxwell, (signed) *Walter Maynard.*  
&c. &c. &c.

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 Enclosure 10, in No. 3.

Sir,

Nevis, 2d April 1830.

I BEG leave to inform you, that official communications having just been made between Mr. President Maynard and myself, on Mr. Walley's case, I transmit herewith, for your Excellency's information and satisfaction, a duplicate of my letter to his Honour on the subject.

I have, &amp;c.

To His Excellency Governor Maxwell, c. s. (signed) *Jno. Peterson,*  
&c. &c. &c. Junior King's Counsel.



ST.  
CHRISTOPHER.

Enclosure 11, in No. 3.

Sir,

Nevis, 1st April 1830.

IN consequence of the communication to me of His Excellency the Captain General's despatch to you on the subject of Mr. Walley, and his alleged maltreatment of the slaves of the Stapleton's estates, and of your subsequent instructions to me thereon, I consider myself fully authorized to act officially, and to adopt and pursue, in conjunction with Mr. Solicitor-General Claxton, such legal measures as this deplorable occasion demands.

I had abstained for various reasons from any interference with the investigation of the case which had been instituted before the magistracy, but more especially because I was apprehensive that such interference might, under the then existing circumstances, be deemed an officious intermeddling; but I have been by no means unobservant of it, and that apprehension being now put out of all question, I beg to assure you that I shall proceed to the prompt and zealous exercise of the duties of my office, uninfluenced by any consideration whatever but that of their correct and just performance.

It will be necessary that I have, perhaps, repeated consultations with the Solicitor-General at St. Christopher, and these, together with the process of the Court for Witnesses, &c. will be unavoidably attended with expenses which it would be inconvenient for me to draw money for from my private resources.

I therefore beg to call your attention to this circumstance, and to request you to give authority to the Treasurer of the island to furnish me with such reasonable sums as from time to time may be requisite for these purposes, as was done in the case of the late piratical felons, Fletcher and Arindell.

I have, &c.

(signed)

*John Peterson,*  
Junior King's Counsel.

To His Honour Mr. President Maynard,  
&c. &c.

Enclosure 12, in No. 3.

Sir,

Nevis, 7th April 1830.

I BEG leave further to report, for your Excellency's information and satisfaction, that having called on Friday last on Mr. Justice Pemberton, he having been one of the examining magistrates, to hold Mr. Walley to bail, I furnished him with a draught of a recognizance for that purpose, and I now transmit a copy of the recognizance itself as returned and filed in the Crown-office.

At the Court yesterday I moved that Mr. Walley be called. On his appearing, I stated that the case having been very recently put into the hands of the Crown lawyers, it was quite impossible that any indictments should be prepared, but by the showing upon the face of the recognizance, there was sufficient before the Court for not discharging Mr. Walley. He was thereupon ordered to enter into a fresh recognizance, himself in 500*l.* with two sureties in 250 *l.* each, which was immediately done, his former sureties being his present bail, and the Court was adjourned to the 20th instant.

I have, &c.

(signed)

*John Peterson,*  
Junior King's Counsel.

To His Excellency Governor Maxwell, c. b.  
&c. &c. &c.

Enclosure 13, in No. 3.

Nevis } BE it remembered, that on the 3d day of April, in the 11th year of the  
to wit. } reign of our sovereign Lord George the Fourth, by the grace of God of  
the United Kingdom of Great Britain and Ireland King, Defender of the Faith,  
before me, the Hon. William Pemberton, esq. one of the Justices of our said Lord  
the King, assigned to keep the peace in the said island of Nevis, and so forth,  
personally appeared John Walley, of the said island of Nevis, planter; George  
Bucke, of the said island, esq.; and William Weekes, of the said island, merchant;  
who severally and respectively acknowledged themselves to owe to our said Lord  
the

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the King as follows ; that is to say, the said John Walley, the sum of 600*l.* of *current* money of the said island ; and the said George Bucke, and the said William Weekes, the sum of 300*l.* like money a-piece, to be levied of their several and respective lands and tenements, goods and chattels, to the use of our said Lord the King, his heirs and successors, if the said John Walley shall make default in the condition hereunder written : Whereas upon certain examinations lately had upon the oaths of divers witnesses before me the Justice above mentioned, and other His Majesty's Justices then being my associates in that behalf, and upon due consideration of the premises and legal advice thereupon had, it appears that the above-named John Walley hath cruelly maltreated a slave named Innes, a slave named William Noble, a slave named Frances, a slave named Daphné, and other slaves whose names are not as yet ascertained, then being slaves belonging to the plantation in the said island late of Lady Frances Stapleton, deceased, under the management, direction and care of the aforesaid John Walley : Now the condition of this recognizance is such, that if the above-named John Walley shall and do be and appear in his proper person before the Justices of the Court of King's Bench and Common Pleas of the said island of Nevis, at a court to be holden for the said island in the town of Charlestown, in the said island, on the first Tuesday of the month of April instant, then and there to answer to any indictment and indictments which may be then and there preferred against him for the offences aforesaid, and to all such other matters and things which on His Majesty's behalf shall then and there be objected against him, and shall not depart the court without leave, and shall in the mean time keep the peace towards all His Majesty's subjects, then this recognizance to be void and of none effect, or else to be and remain in full force and virtue.

ST.  
CHRISTOPHER.

Acknowledged, the day and year above written, before me,

(signed) *Wm. Pemberton, J. P.*

Enclosure 14, in No. 3.

Sir,

St. Christopher, 26th May 1830.

I HAVE the honour to acquaint you of the arrival of the Honourable Charles Thomson, His Majesty's Attorney and Advocate General for this Government, and beg leave to recommend that he should be retained to conduct the prosecution which the Legislature of the island of Nevis has authorized to be instituted against Mr. Walley, for the several atrocious acts of ill-treatment exercised upon the slaves belonging to Stapleton's estate.

The delay that has taken place in the investigation of the very serious charges against Mr. Walley, and the importance of a thorough examination of his alleged delinquency, I feel persuaded will induce the Legislature of Nevis to require the professional assistance of the Attorney-General in this grave matter, and which I earnestly hope may be obtained.

I have, &c.

To His Honour the President,  
Nevis.

(signed) *Chas. Wm. Maxwell.*

Enclosure 15, in No. 3.

Sir,

Nevis, May 28th, 1830.

I HAVE this moment received your Excellency's communication of the 26th.

There is, I am certain, no expense which will be spared by the colony in bringing to light and punishing the several offences of Mr. John Walley ; I therefore have written to the Attorney-General, by the present opportunity, requesting his services.

I hope the time will be sufficient, as I understand the trial is to come on next Tuesday.

I have, &c.

(signed) *Walter Maynard.*

To His Excellency Governor Maxwell.

ST.  
CHRISTOPHER.

Enclosure 16, in No. 3.

Sir,

Chambers, Charlestown, June 28th, 1830.

I BEG leave to transmit to your Excellency the following documents ; viz.

Copy of my Charge to the Grand Jury, at a Court of King's Bench and Common Pleas, on Tuesday, June 1st ;

Note of Proceedings in *Court* on the Trial of Mr. John Walley, for Manslaughter, on the 16th June ;

Report of the Trial of Mr. John Walley, for Manslaughter, on the 17th June.

The unsatisfactory termination of this latter trial has induced me to feel particularly anxious that your Excellency should be in possession of every means which can afford authentic information, and which may enable you to form a just opinion of the whole of these events.

I have therefore commenced with my address to the Grand Jury, before whom the several indictments against Mr. Walley were preferred, that you may be acquainted with the sentiments and directions expressed by the Court at the commencement of these proceedings.

The first trial for manslaughter broke down in consequence of the legal incompetency of all the witnesses against the prisoner.

On the second trial the case proceeded to its termination. I have appended to the evidence the observations with which I concluded my summing up ; and I have done so that your Excellency may become acquainted with the endeavours of the Court to bring the jury to a proper sense of their duty.

I trust, Sir, I need hardly assure you that the Judges contemplate the verdict which terminated this trial with feelings of the most entire dissatisfaction, and look forward with anxiety to its producing a most pernicious effect on the future administration of criminal justice.

Your Excellency will excuse the delay which has taken place in transmitting to you these documents when you are informed that for the last ten days I have been confined to my bed.

I have, &amp;c.

His Excellency the Captain General,  
&c. &c. &c.(signed) *George Webbe*,  
Chief Justice.

Enclosure 17, in No. 3.

Nevis.—CHARGE delivered by Mr. Chief Justice Webbe to the Grand Jury, at a Court of King's Bench and Common Pleas, on the 1st of June 1830.

“ Mr. Foreman and Gentlemen of the Grand Jury,

“ You are called together for the purpose of receiving certain indictments which it is intended to prefer against several individuals in this community : some of these indictments are of a serious nature ; the occurrences upon which most of them are grounded have unfortunately become the subjects of much notoriety, and, as always in such cases happens, the subjects of much misrepresentation.

“ I shall endeavour briefly to point out to you the law as applicable to the offences laid in the indictments, as the rule whereby you will be governed in considering the evidence which may be laid before you. The first is an indictment against Mr. John Walley, late the manager of Stapleton's estate, for murder. It would appear from the evidence, that a slave of that estate, named Bolam, died under circumstances which would seem to disclose a series of maltreatment, neglect, and ill-usage ; and it will be for you to say whether there are grounds to believe that such ill-usage and neglect were the causes of his death. It is proper that I should read to you some authorities on this subject :”—[The Chief Justice here cited and read extracts from 4 Blackstone, 197 ; 1 Hawk. P. C. 119 ; 1 Russel on Crimes, 426 ; 1 Leach 163, Self's Case ;] and proceeded : “ You will therefore observe, that you must be satisfied that the ill-treatment amounts to evidence of malice, for without malice, express or implied, the charge of murder falls to the ground.

“ Two indictments will also be preferred against Mr. Walley, for maltreatment and cruelty in flogging and otherwise maltreating a slave of Stapleton’s, named Innes. These indictments are grounded on an Act of the Leeward Islands, commonly called ‘ The Amelioration Act ;’ and if it shall appear to you that there are grounds to accuse him of these offences, you will have little difficulty in coming to a suitable conclusion. There is also an indictment against Mr. Walley for maltreatment and cruelty in confining a slave named Frances for an undue length of time, and without intermission, in the stocks ; this indictment, as the two former, is grounded on the Act of the Leeward Islands, which I have already mentioned.

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“ But it is proper to point out to you, that the chief part of the evidence in these cases is slave evidence, and that that evidence is inadmissible against a manager or person having the immediate direction of the slave, as relating to any transaction prior to the 10th of October 1828, that being the period when the Act of the Island which authorizes the admission of slave evidence was passed, and the provisions of that law not being retrospective.

“ It appears also that Innes died soon after the alleged maltreatment which is referred to in the indictments ; now it is possible that some of the slaves who are witnesses may refer, in giving their evidence, to this death as connected with the maltreatment ; it will be proper in that case that you should stop such witnesses from travelling out of the allegations contained in the indictments, because the charge would then become capital, and the evidence of slaves in a *capital* offence is inadmissible by law against the master or the person having their immediate direction.

*Vide Note ad finem.*

“ You will also receive an indictment against Mr. Cousins, the manager of Brazier’s estate, charging him with whipping and beating certain slaves of that estate without reasonable or sufficient grounds.

“ This indictment is grounded on the Amelioration Act.

“ I have already noticed, gentlemen, that much misrepresentation has got abroad respecting the greater part of the transactions which will to-day be laid in evidence before you. I confess I am not sorry that some space of time has elapsed between the commencement of proceedings against the parties and the present period ; the evils of delay are often more than counterbalanced by the opportunity it affords of tranquillizing the public mind, of allaying irritation, correcting errors, removing false impressions, and discovering the truth. In order that the steps of justice may be sure, she must sometimes proceed slowly.

“ It is seldom, gentlemen, that you have had a case before you where the advantages of which I have just spoken as incident to delay were more justly needed than in the case of Mr. Walley. We are all aware that a considerable excitement has existed on the subject of the deeds which have been laid to his charge ; the public also was for a time much abused by innumerable false and distorted reports. Under these circumstances, the most dispassionate and pure of human kind could hardly have come into Court with a mind perfectly free from prejudice and bias ; but I earnestly hope, gentlemen, that such influence has ceased to exist.

“ The respectability of the Grand Jury which I have now the honour to address, is a sufficient guarantee for the rectitude and impartiality of their investigations ; but with an impartial mind, it is equally essential and necessary that you take with you an accurate knowledge of the nature and extent of the functions of a Grand Jury. I have reason to believe that there is much misconception abroad on this subject. A Grand Jury is a jury of accusation, not a jury of trial. A Grand Jury has nothing to do with the innocence or guilt of the party ; its duty is merely to investigate whether there be sufficient and probable grounds to accuse him of guilt. As the evidence which is laid before a Grand Jury is only on the part of the Crown, and is purposely so ordered that all consideration of guilt or innocence of the party may be put out of the question, it is manifestly impossible that a Grand Jury can perform any part correctly but that of declaring whether there be sufficient grounds to call upon the party to answer to an accusation. This is the doctrine laid down in all books of authority upon this subject. Mr. Justice Blackstone, in treating of the duties of a Grand Jury, says :

“ ‘ The Grand Jury are instructed in the articles of their inquiry by a charge from the judge who presides upon the bench ; they then withdraw to sit and receive indictments which are preferred to them in the name of the king, but at the suit of any private prosecutor, and they are only to hear evidence on behalf of the prosecution ; for the finding of an indictment is only in the nature of an inquiry or

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accusation, which is afterwards to be tried and determined, and the Grand Jury are only to inquire upon their oaths whether there be sufficient cause to call upon the party to answer it.' ” 4.—303.

“ Nothing can be clearer than this in describing the functions of a Grand Jury. Sir M. Hale too, one of the best and wisest Judges who ever sat on the bench of justice, is equally precise. (*Vide* 2 Hale, P. C. 157). A just discrimination should nevertheless be observed between requiring evidence on the one hand, not merely sufficient to accuse, but even to convict the party, and on the other hand, sending him to his trial upon little or very trifling testimony. Such a manner of proceeding would be equally erroneous with the former.”

“ Blackstone observes, (4—303), ‘ A Grand Jury ought to be thoroughly persuaded of the truth of an indictment so far as their evidence goes, and not to rest satisfied merely with remote probabilities.’

Mr. Baron Vaughan,  
at the Suffolk Lent  
Assizes, 1830.

“ And upon a late occasion in England a learned Judge, when addressing a Grand Jury, cautioned them not to find any bill upon unsatisfactory evidence, thereby, to use his own somewhat quaint expression, ‘ converting a bill of indictment into a bill of indemnity;’ and sending a party to his trial upon evidence so insufficient as must ensure an acquittal, when, perhaps, a fuller investigation would have abundantly proved his guilt.

“ It is needless to accumulate more authorities on these points ; but it is exceedingly important that they should be rightly understood. Your duties to-day, gentlemen, are more than ordinarily arduous and important, and I will no longer delay you from entering upon them.”

(signed) *George Webbe.*

*Note.*—The bills for murder in the case of Bolam, and misdemeanor in the case of Frances, against Mr. Walley, and for a misdemeanor against Mr. Cousins, having been ignored by the Grand Jury, indictments for manslaughter and misdemeanor in the case of Bolam were sent up to them and found ; and on the following day (June 2d) a bill for manslaughter in the case of Innes (which had recently been prepared) was laid before the Grand Jury, and returned a true bill : these circumstances will account for no notice of this latter bill having been taken in the charge to the Grand Jury on the day preceding, and for the directions given by the Chief Justice, in page 35, relating to the testimony of witnesses, no intention having then been entertained of preferring a charge of manslaughter in the case of Innes.

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Enclosure 18, in No. 3.

NEVIS.—In the King’s Bench and Common Pleas.

The Honourable George Webbe, Chief Justice ; the Honourable Finlay Nicholson, the Honourable and Reverend J. H. Pemberton, the Honourable and Reverend H. J. Leacock, Assistant Justices.

The King *v.* Walley.

June 16, 1830.

John Walley, late the manager of Stapleton’s estate, was indicted for manslaughter, in having caused or accelerated, by several severe floggings on the 13th October 1828, the death of Innes or Eneas, a slave of that estate.

When the first witness (Thomas Browne, a slave,) was called on the part of the Crown, the prisoner’s Counsel objected to him on the ground of incompetency, averring that the death of Innes the deceased took place at a period antecedent to the passing of the Act of the Island which admitted the testimony of slaves ; and that by a provision contained in that Act, no slave could give evidence relating to any transaction which took place prior to the date of its passing, (October 10th, 1828). Some discussion took place as to the best mode of proceeding in the case ; it was ultimately decided by the Court that the trial should proceed in the usual way, and if it should appear at any time in the progress of the trial that the date of Innes’ death should be so ascertained as to render the slaves incompetent witnesses, the Court in summing up would direct the jury to reject their evidence accordingly.

The

The witnesses for the Crown, who were all slaves, left it quite uncertain at what point of time the death of Innes took place, and were very discordant in their testimony in this respect; one stating it to have happened in March, another in November or December.

The case for the Crown having been closed, five of the prisoner's witnesses in succession satisfactorily proved the death of Innes to have happened on the 12th July 1828, thereby rendering the slaves who had given evidence for the Crown incompetent witnesses.

The prisoner's counsel were proceeding in examination when the Court suggested that as Innes's death was now clearly proved to have taken place anterior to the period to which the evidence of slaves was admitted by law to refer, and as all the witnesses against the prisoner were slaves, it was needless to proceed any further in the case. To this suggestion the counsel for the Crown agreeing, Webbe, C. J. stated to the jury, that as all the witnesses against the prisoner were incompetent to give evidence as to the issue before them, the prisoner was of course entitled to an acquittal. The jury immediately returned a verdict of Not Guilty.

*Note.*—Mr. Attorney-General directed a *noli prosequi* to be entered as to the indictments for a misdemeanor in the same case.

(signed) *George Webbe*, Chief Justice.

The Attorney-General, the Solicitor-General, and Peterson, King's Counsel, for the Crown.

Smith, King's Counsel, Piguinet, King's Counsel, and S. Pemberton, for prisoner.

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Enclosure 19, in No. 3.

Nevis.—In the King's Bench and Common Pleas.

The Honourable George Webbe, Esq. Chief Justice; The Honourable Finlay Nicholson, Esq., the Honourable and Rev. J. H. Pemberton, the Honourable and Rev. H. J. Leacock; assistant Justices.

The King *v.* Walley.

Jurors;—Jos. W. Young, Overseer; F. Brown, Overseer; John Huggins, Planter; Robert Shephard, the President's Coachman; John Smith, Blacksmith; Henry Dawson, Manager; Othniel Catlen, Shoemaker; Ch. Canies, Manager; Ben. D. Aumy, Overseer; Geo. Cousins, Manager; Wm. Lyons, Overseer; Michael Maillend, Overseer.

June 17th 1830.

John Walley, the prisoner, indicted on the preceding day for manslaughter, in the case of the slave Innes, was this day indicted for manslaughter, in having caused the death of Bolam, a slave on Stapleton's estate, by forcing him out to labour when suffering under a severe ulcerated sore leg, whereby the ulcer became incurable, his health was destroyed, and he died. And for not having provided him with such sufficient and proper nourishment and support, as a person in his condition ought to have received.

Mr. Peterson, King's counsel, opened the case for the prosecution, and stated the law to the jury. The following witnesses were then called,

Lujer is a slave on Stapleton's estate; knew Bolam, who is dead; believes he died last year, but does not know in what part of the year, late or early; he died of a sore leg; he was off and on in the sick-house; when he went out of the sick-house (the time he was ordered out by Mr. Walley) his leg was not healed, it was getting better; he came back worse than when he went out; the sore was very bad indeed, situated on the inside of the leg; when he went out she heard Mr. Walley order him to cut *cashaws*; after he had returned and was in the sick-house, he was not provided with the nourishment which the doctor directed; the doctor ordered good nourishing diet, which he did not receive at first; the last time he was in the sick-house he was there more than a month, and before that he was out of the sick-house more than a month; he was sent out contrary to the doctor's directions; he died in the sick-house, where witness saw him dead.

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Cross-examined.—Cannot say when he died ; he had been ill a long time before he died ; the last time he was in the sick-house he was there about a month ; he did not have good nourishment directly ; the doctor ordered it a month before he got it ; he did not get it until he was unable to use it ; cannot say exactly when that was ; do not know whether the doctor ordered any *particular* diet ; Mr. Walley did not order the witness to give Bolam any particular nourishment ; she does not recollect that any other person carried any to him ; she never heard any noise about nourishment not being given ; she ought to have known if any body else gave Bolam any nourishment ; nourishment could not have been given without her knowing it ; (when hard pressed on this point, the witness at last said “ she was not quite sure of that ; ”) the charge of the sick-house was not taken from her ; she never was ordered to leave the sick-house ; she was threatened by Mr. Walley, but it was because she was not strict enough in keeping the door locked ; she means that Mr. Walley thought the negroes were coming to the sick-house too often when the doors were left open ; her employment was about the yard and the sick house ; Elizabeth England saw Bolam when sick ; his leg was bad many years ; his leg was not made worse by his getting out of the sick-house when the doors were open ; is sure of that.

Re-examined.—The reason she was scolded by Mr. Walley was for not keeping the sick-house door shut ; she left them open by day.

Dr. Mills.—Attended the sick at Stapleton's estate in 1829 ; remembers Bolam ; he had him under his care from the time he first went there ; his complaint was a very badly ulcerated leg ; Mr. Walley thought it must be cut off, but witness expected to make a cure ; without his knowledge Bolam was ordered to go out to work ; does not remember when he was so sent out ; the first entry of his name in the sick-house book is April 11, 1828 ; there was nothing in the state of his constitution, or the appearance of the leg, which would prevent a cure from being effected ; the ulcer was perhaps as large as the book which he held in his hand (12 or 13 inches long,) but he afterwards reduced it to the size of his three fingers ; the leg was healing very rapidly ; the last time Bolam was in the sick-house his leg was very bad indeed, his constitution shattered, and his condition most miserable ; referring to the entry made in the sick-house book, he finds that he ordered nourishing diet ; the last entry of his name is August 31, 1829. Witness had no *particular* communication with Mr. Walley relating to Bolam. In the beginning of 1829 a difference existed between Mr. Walley and witness ; Mr. Walley said that witness appeared to wish to take the entire direction of the estate into his hands ; witness answered, that he expected to have the control of the sick, for them he was responsible ; to which Mr. Walley replied, that he was the only responsible person on the estate. Witness still continues to attend the estate ; is not aware that he ordered any particular medicine for Bolam while the cure of his leg was in progress ; Bolam was a strong, hale man, and did not require any ; when he returned to the sick-house in August, witness told Mr. Walley that nothing could be done for him ; knows that he died before December 1829 ; witness had ordered good nourishing diet ; does not think it was given to Bolam from his general state and condition ; believes that if Bolam had been kept in the sick-house he would have been cured ; any work or labour would have retarded the cure ; sometimes gentle exercise is good for ulcers ; cannot state the exact date of Bolam's death ; cannot say of his own knowledge that he was *ordered* to work, but if he had been allowed to remain in the sick-house he would have been cured ; at first the ulcer was the only complaint he laboured under, which would have been very well soon.

Cross-examined.—On the estates which witness attends, ulcers are never dressed by the old negroes with his concurrence ; the state of Bolam's health latterly prevented anything being done ; dropsy was not occasioned by the ulcer alone, because the leg would have been well had he remained in the sick-house. Dropsy on Stapleton's estate is a very common disease, many negroes die from it ; witness never remarked any inattention on the part of the nurses of that estate ; nourishing diet could certainly only have prolonged life ; does not *know* that Bolam *did* not receive nourishment ; has seen Mr. Walley take out wine and porter and send it to the sick-house ; when witness visited the sick-house neither Mr. Walley nor any of the overseers went with him ; witness consequently could make no inquiries ; his visits were not on regular days ; Mr. Walley was frequently at home when witness called and saw the sick, but he did not ask Mr. Walley to visit them with him.

Re-examined.

Re-examined.—Sending Bolam out to his work might have been one of the causes of his dropsy. Cutting cashaws is a mode of work rather hard; not unfit, perhaps, for Bolam when his ulcer was small, but afterwards would have been decidedly unfit.

Martin, a slave on Stapleton's estate.—Knew Bolam, who is dead; does not know when he died; before he died worked under witness, preparing ground for digging cane-holes. Upon one occasion Mr. Walley flogged Bolam; witness and Bolam were cutting cashaws for the still; afterwards Bolam cut cashaws alone, about a month and a half before he died; it was last year.

Cross-examined.—Witness and Bolam were together two months cutting cashaws; after that Bolam continued that work alone, about a month before he went into the sick-house; cannot recollect how long he was in the sick-house. When they were working together, witness sometimes sent Bolam to wash the blood from his foot which proceeded from the ulcer.

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*Evidence for the Defence.*

George Walters.—Is a millwright; works on Stapleton's estate sometimes two months, sometimes one month; knew Bolam, saw him in March or April 1829 on the estate, making mats; this is easy work, very light work. In December 1827 he saw Bolam; he was then minding the pine-garden. In 1828 he saw him; he was then unfit to do any work, he had charge of some little negroes, and witness saw him bring them to the boiling-house to have some hot liquor; witness never saw him at that time doing any thing else. Saw him once in 1829, in March or April; does not know what became of him after.

William Huggins.—Lived on Stapleton's estate as overseer, from March 1st to December 6th, 1829: knew Bolam, who is dead; he died the latter part of September or the beginning of October 1829; he seemed sickly; had a large ulcer on his leg: his labour was easy, sometimes making mats, then cutting brushwood for the still, not *standing* wood: witness does not think he ought *not* to have been so employed. Witness visited the sick-house ordinarily in the morning. Bolam went to the sick-house in August, complaining of his leg; witness saw the sick-nurse dressing his leg; never saw her administer nourishment to him. Witness dined sometimes with Mr. Walley; did not hear him order nourishment for the sick *every time* he dined with him. Bolam went into the sick-house in August, and never came out after. Witness saw Bolam often between March and August, but not at the times they were grinding; no ill-treatment ever came to his knowledge.

Elizabeth England.—Knew Bolam four years ago; she went to Stapleton's about that time. Bolam died last year, in the middle of the year; he had an ulcer on his leg: he was a watchman, and continued so till he went to the sick-house. The first time he came to the sick-house he desired witness to ask Mr. Walley to let him out; Mr. Walley said he had better stay there; afterwards Mr. Walley gave him five negroes (little) to take care of, which afterwards were given to his wife. Bolam then went down and cut brush for the still, became sick, and was put in the sick-house: a long while before he died he wanted to come out, and sometimes walked about. Witness visited the sick-house often; Lujer did not attend properly to the sick: witness attended Bolam herself; Lujer also attended him; witness did so because Mr. Walley thought the negroes were not regularly attended to. She is sure that Bolam had nourishment; she saw it given to him.

Georgiana Nicholson.—Knew Bolam, who is dead; knew him a long time, he was in the sick-house two months with a sore leg; witness carried nourishment to him, soup, &c., during the two months he was taken care of; nourishment was given to him.

William Huggins recalled.—Heard Mr. Walley repeatedly find fault with Lujer because she did not attend to the sick; has seen her thump the sick people.

Cross-examined.—Saw Lujer thump the sick people, but never mentioned it to any one.

*Memorandum*:—The Chief Justice in summing up concluded his charge to the jury with the following observations:

\* \* \* \* \*

I have already stated, Gentlemen, that this is a very important case, and the importance chiefly, or in great part, arises from the peculiar relation which exists in this country between master and slave; the eyes of thousands, Gentlemen, are



ST.  
CHRISTOPHER.

at this moment on you, and are watching with indefatigable attention the events of this day: I feel, therefore, that I am authorized, and that it is doubly necessary to impress upon you the momentous importance of your decision upon the case which is now in your hands. In the emphatic words of a venerable Judge (Lord Eldon) I say to you, "Be just and fear not; let not the fear of censure or hope of praise induce you to depart from the straight path of your duty. Be mindful of your oath, regardless of consequences; and setting aside the consideration of all things but your duty, direct your minds to a dispassionate and cool investigation of the evidence, desiring nothing but the approbation of your own consciences, fearing nothing but the deep reproach and disgrace of an unjust or partial verdict."

The jury retired, and in about 25 minutes returned with a verdict of *Not guilty*.

*Note*:—Mr. Attorney-General directed a *noli prosecute* to be entered as to the indictment for a misdemeanor in the same case.

(signed) *George Webbe*, Chief Justice.

The Attorney-General, the Solicitor-General, and Peterson, K. C. for the Crown, Smith, K. C., Piguinet, K. C., and S. Pemberton, for the Prisoner.

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Enclosure 20, in No. 3.

RETURN of the Increase and Decrease of the Slaves belonging to the Stapleton Estate in the Island of Nevis, from the 1st of January 1828 to the 30th of June 1830; two Years and a Half.

Number of slaves on the 1st January 1828	-	-	227
Add births	-	-	7
			<hr/>
			234
Deduct deaths	-	-	44
			<hr/>
Remaining 30th June	-	-	190
			<hr/>

St. Christopher, 6th July 1830.

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— No. 4. —

COPY of a DESPATCH from Governor *Maxwell* to Secretary Sir *George Murray*, dated 7th July 1830, with 17 Enclosures.

Sir,

St. Christopher, 7th July 1830.

THE almost invariable failure of bills of indictment for maltreatment of slaves, preferred to the Grand Jury of the Island of Nevis, has induced me to call for the enclosed copies of all the bills that have been framed from the 1st January 1825 to the present date; and of the examination before the magistrates upon which these bills were drafted: they are twelve in number; eight have been ignored, and four have been found.

The very strong and circumstantial evidence sent before the Grand Jurors has always been sufficiently conclusive to satisfy impartial persons of the presumptive guilt of the accused, but which, in several cases, has been totally disregarded, and the arraigned offenders have escaped with impunity.

I consider the decision of the Grand Juries in these cases to have been founded upon an erroneous conception of their duty; and that by thus quashing the prosecutions, their merits have escaped being examined before a Petty Jury, in the presence of which the truth of the accusation would be thoroughly sifted, and brought before the Public.

I have also enclosed a letter from Mr. King's Counsel Peterson, who framed the several bills of indictment, and which will elucidate them.

This painful experience of the apparent indisposition of the Grand Juries to fulfil their important duty has induced me to direct the Attorney-General, in all future cases

Transmitting documents,  
numbered from 1 to 17.

## ST. CHRISTOPHER.

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cases of maltreatment of slaves in the Island of Nevis, to file ex-officio informations, which measure, for similar reasons, will be adopted in this Island and Tortola, unless I receive your instructions to the contrary.

ST.  
CHRISTOPHER.

I have the honour to be, Sir, your most obedient servant,

(signed) *Cha. W. Maxwell.*

To the Right Hon. Sir Geo. Murray, G. C. B.  
&c. &c. &c.

P. S.—I beg also to refer you to the despatch of the 10th June 1828, from Mr. President Rawlins, transmitting the official proceedings which took place at Nevis in the case of Dr. Caines, for the murder of the slave George Brown.

Enclosure 1, in No. 4.

Sir,

Nevis, 2d July 1830.

IN compliance with your Excellency's directions to supply you with succinct explanatory notices on the several cases of alleged maltreatment of slaves, which have been brought before the Court of King's Bench and Common Pleas of this island by bills of indictment, from the 1st January 1825 to the present period, I have the honour to submit the following remarks, which I may with the greater propriety make as brief as possible, since the Clerk of the Crown has been required to furnish you with office-copies of those bills of indictment, and of the magisterial examinations upon which they were framed.

The King *v.* Hodson, for maltreatment of Bitchey, 1st March 1825, ignored.

——— *v.* Beard, for exceeding the number of 10 stripes, limited by Act, No. 288, cl. 5, 1st March 1825, ignored.

Both the defendants in these two cases are dead; and as I have been able to furnish the Clerk of the Crown with the magisterial examinations and correspondence in the first, and as the charge in the second was extremely simple, and, if I recollect right, founded on oral information of Mr. Justice Gordon, any comment is the less expedient: it may be noted, however, as a fact, that immediately after the last bill of indictment had been thus disposed of, Beard was raised from an *overseer* to the designation of a *manager*, which was calculated to take him out of the operation of the Act on this point.

The King *v.* Wolfe, for the Maltreatment of Harriet Sampson or Harriet Knight, 3d April 1827, ignored.

The report of the examining Magistrates was originally laid before me by the late Mr. President Mills, since deceased; and upon a consideration of the suspicious character of Harriet's statement, compared with the evidence of Mr. Amory, and above all with the extraordinary determination of the magistrates in awarding further punishment to the complainant after the allegation of her maltreatment, I came to the conclusion that a prosecution under such circumstances would be unadvisable, and expressed an opinion to that effect to the President. His Honor, however, referred the matter to the late Mr. Attorney-General Woodley, who, thinking that there were sufficient grounds for sending the case to a Grand Jury, supplied the draught of a bill of indictment, which we afterwards adopted with little alteration. It is to be noted that at this period, 1827, the evidence of slaves, in the case of white or free persons, was wholly inadmissible; and I must acknowledge that the transactions here disclosed impressed me most deeply with a conviction of the *necessity* as well as the *danger* of the unrestricted admission of slave evidence in all cases whatever; while at the same time I could not discard from my mind the recollection of an artful accusation made by an Egyptian woman of rank, recorded in Holy Writ, and not inapplicable to this; some truth in both. Regardless, however,

ST.  
CHRISTOPHER.

ever, of any other consideration than the zealous performance of my duty, I omitted no exertion to put the case fully and fairly before the Grand Jury. The result speaks for itself.

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The King *v.* Walley, for murder, in the case of a slave named Davis, 1st May 1827, ignored.

Ditto - ditto - for manslaughter - ditto - ditto - ditto - ditto.

As copies of the examinations before the Magistrates in this case will have been transmitted by the Clerk of the Crown, it is not requisite, I apprehend, that I should add any observation, except that as the Grand Jury thought fit to ignore the two bills of indictment upon the evidence of such respectable witnesses as most of those men whose names appear on the bills, and yet made no presentment, I deemed it worse than labour in vain to pursue the matter further; and I did not prefer a bill of indictment for maltreatment.

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The King *v.* Walley, for murder, in the case of Bolam, 1st June 1830, ignored.

Ditto - ditto - for manslaughter - - - - ditto - - - - found.

Ditto - ditto - for maltreatment of ditto - - - - - - - - found.

Ditto - ditto - for the maltreatment of Frances, 1st June 1830, found.

Ditto - ditto - for manslaughter, in the case of Innes, 2d June 1830, found.

Ditto - ditto - for maltreatment of ditto - - - - - - - - found.

I approach the notice of these most lamentable cases with sensations quite suitable to the atrocities described in the voluminous and protracted examinations taken by the magistrates of, alas! too many incompetent witnesses; but as your Excellency will have received from other sources full official information of the whole of these proceedings, from the commencement of them to the termination of the trials, I presume that I shall most effectually meet your wishes by referring to those, and to some of my former communications, and by afterwards confining myself to a very few points; and this course will have the advantage, I submit, of not being obnoxious to the imputation of *after-thought*. Allow me then to request your Excellency to revert to my communications on this subject under the following dates: the 8th March, and 2d and 7th April last. It doubtless will not have escaped your Excellency's observation, that the *whole* of the ordinary Justices named in the general *Commission* of the Peace, *except myself*, were directed to associate upon this occasion in the first instance. Mr. President Maynard has since informed me, that this was done in order that it should not be said a partial selection of magistrates had been made for the purpose; but the omission of my name, though the *first* inserted in the commission after that of the Solicitor-General for the time being, and of every official call or notification whatever, until *after* your Excellency had recommended "*the King's Counsel*" to be retained with "*Mr. Solicitor-General*," have not been explained, and I deem it *infra dignitatem* to inquire into it; but I conceive it to be right to state that, in order that my non-interference until a late stage may be accounted for, that it had been intimated to me these omissions were by design, arising from a kind of unworthy suspicion or distrust, and a feeling which it would be unbecoming in me to express, excited by the knowledge that I had been mentioned by the Commissioners of Legal Inquiry in terms of commendation, and that my official conduct had been occasionally noticed with satisfaction by the Secretary of State; I therefore naturally, and I trust not improperly, determined to keep myself in reserve.

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The King *v.* Cousins, for the wanton maltreatment of two slaves, 1st June 1830;  
"no bill; frivolous and vexatious."

Having recently submitted to your Excellency a full statement of this case, and of the unauthorized, unwarrantable, and unmerited treatment of the Crown lawyer, on the occasion in my communication of the 4th ult., I doubt not you will consider the whole to be too clear to require any further illustration; and as in all probability the erring parties will in due time be visited with proper chastening, I conceive it only remains for me to add, that having referred to Mr. Justice Galpine and Mr. Justice Ede, who took no minute of the examination before them, they have confirmed

## ST. CHRISTOPHER.

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firmed to me the representation of their view of the case which I had made to your Excellency; and that if I possessed the power of the Attorney-General, I would without hesitation, notwithstanding the opinion of the gentlemen of the Grand Jury, file an information *ex officio* against the offender.

ST.  
CHRISTOPHER.

With all deference and respect, I have the honour, &c.

(signed) *Jno. Peterson,*

Sen<sup>r</sup> King's Counsel.

To his Excellency Governor Maxwell, c. B.  
&c. &c. &c.

Enclosure 2, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE jurors for our Lord the King, upon their oath, present that Thomas Hodson, late of the parish of Saint Paul, in the said Island of Nevis, planter, on the fourteenth day of August, in the fifth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms, at the parish aforesaid, in the island of Nevis aforesaid, in and upon a certain negro woman slave named Bitchey, belonging to the estate or plantation called Ward's, in the said island of Nevis situate, did make an assault, and her the said negro woman slave named Bitchey, then and there did beat and whip; and the said Thomas Hodson, the director of the said negro woman slave named Bitchey, then and there being, her the said negro woman slave named Bitchey, then and there being under his the said Thomas Hodson's care, with handcuffs in the stand-up stocks, in a room called the sick-house, on the estate or plantation aforesaid, at the parish aforesaid, in the island of Nevis aforesaid situate, did imprison and confine for and during a long space of time, to wit, from the hour of five of the clock in the afternoon of the said fourteenth day of August, in the year aforesaid, until the morning of the sixteenth day of the same month of August, in the year aforesaid; and so the jurors aforesaid, upon their oath aforesaid, do say that the said Thomas Hodson, her the said negro woman slave named Bitchey, at the time and parish aforesaid, in the island of Nevis aforesaid, in manner and by the means aforesaid, did cruelly maltreat, against the Act of the General Council and General Assembly of the Leeward Charibbee Islands in America, in such case made and provided, and against the peace of our said Lord the King, his Crown and Dignity.

(signed) *John Peterson,*  
Senior King's Counsel.

(A true Copy)

*Thos. Slater,*  
Sec<sup>r</sup> and Clerk of the Crown.

Enclosure 3, in No. 4.

Sir,

Nov. 1st, 1824.

I BEG leave to enclose you some papers which have just been sent me relative to the examination of Mr. Hodson, and I must observe I think it strange that they have been sent to me, as I had given you a general order to prosecute whenever you thought there were sufficient grounds for so doing.

I have the honour to remain, Sir,

Your most obedient humble servant,

(signed) *Walter Maynard.*

To John Peterson, Esq.  
King's Counsel, &c. &c. &c.

ST.  
CHRISTOPHER.

Court House, Nevis, 21st August, 1824.

THE following Magistrates having taken their seats, viz.

William Pemberton, Thomas Liburd, George Bucke, Lockhart Gordon, jun.  
and John Burke, Esqrs.

Thomas Hodson, manager on the estate of the late John Warde, sworn ; says, that last Friday fortnight witness was ill in bed, when Bitchey, and another negro, named John Tongue, came to him about eight o'clock in the evening, and asked for cains and withs, and the following day, to thatch their houses ; witness sent word to them that he had no cains cut, and should therefore not give them the Saturday. John Tongue immediately went away, but Bitchey continued, grumbling and talking, and did not go away. Witness again sent, and desired her to go away ; that he should not alter his determination ; she (Bitchey) went to witness's bedroom window, and continued grumbling and talking for a considerable time, to which conduct witness made no reply. In the evening the driver informed witness that Bitchey had been very abusive in the field ; that she would not obey him in the least ; that the gang, but particularly her sister Louise, told her to be quiet ; that she ought to be ashamed of herself ; that she, Bitchey, had used all kinds of curses ; not only on him, the driver, but upon the gang, and then commenced fighting with her sister Louise : the driver finding that he had no authority over her (Bitchey,) sent for the overseer, Mr. Beard ; the overseer came into the field and asked her what she was making a row about ; she replied, " humph, who are you ? you are not my *not my* master ; Mr. John Warde is my master." The overseer having on the Friday threatened to flog her for bad conduct in the field, he could no longer permit her to go on in such conduct, and gave her two dozen with a tamarind switch. Witness here alludes to her conduct on the Saturday week following, to her coming to him to ask for cains, withs, and the Saturday ; and he here observes, that he has omitted to state that Bitchey absconded on the Friday evening, on which she came to witness, and he saw nothing of her until the Monday, when Mr. James Maynard brought her home. When Mr. Maynard brought her home, witness asked her if she had not been to Mr. Peter T. Huggins, the attorney for Warde's estate ; she replied, " No ; I have never spoken to him ; you have never given me any cause to make a complaint : " witness felt confident that she had been to Mr. Peter T. Huggins, and therefore ordered her to be confined until he, witness, ascertained the truth. On the Saturday fortnight (this day week, the 14th instant,) after the overseer had flogged her she was more impudent ; the overseer then sent her from the bath up to the mountain, where witness resides ; witness ordered her to be put in handcuffs, which handcuffs are at the sick-house at Pains, until he could ascertain what her conduct had been ; she told the man, Mickie, (who had charge of her,) that she would not be put into the handcuffs ; he (Mickie) therefore sent to witness, who went over and asked her if she would obey him ; she replied, " she would not have her hands in the handcuffs ; " witness told her " he was very determined, and that if she did not obey him quietly, that he should be obliged to punish her, but that he did not wish it, if she would put her hands in the cuffs." Witness then ordered her to be tied up, and gave her fifteen lashes with a cat. Witness then asked her if she would put her hands into the cuffs ; she said " she would put one." Witness ordered her to be immediately untied ; she threw herself on her back, and said " she was fainting, and could not walk." Witness ordered her to be carried to the sick-house, where he gave her some water, and being confident that she was not any ways fainting, witness again reasoned with her, and endeavoured to persuade her that she was acting wrong. Finding that she still remained obstinate, witness ordered the men to put her hands into the handcuffs ; she then doubled her fists, and struggled very hard to prevent them from putting her hands into the handcuffs ; on being put into the handcuffs she threw herself back, and called upon the by-standers to call Mr. Peter T. Huggins. On the following day (last Sunday) witness went to see her, and found one of her handcuffs a great deal too large ; she could take her hand out at pleasure ; she was sitting on a stool, and appeared much in the same manner as the day preceding ; witness says that he therefore gave the key of the stocks to the person (Frankey Craddock) in charge of the sick-house, with orders to let her out occasionally, if required. On Monday morning she was released, and ordered to go to her work, soon after turn-out hour, which she did, and on Wednesday she came to the Magistrates (Mr. L. Gordon and Mr. John Burke,) and lodged

lodged a complaint; the Magistrates ordered her to her work, and not to come with frivolous complaints, which order she did not comply with, but went to the Rev. Daniel G. Davis, who called upon Mr. Gordon the following morning, and requested that he would inquire further into the matter; in consequence of which Mr. Gordon rode up to the sick-house in the mountain to see the manner in which she had been punished; after seeing the hand handcuffs, he told her that she had behaved very ill, and recommended her to go to her work, and that he would intercede with witness to forgive her; witness replied, that having had a great many run-away negroes lately, it was requisite an example should be made, and that she had, as witness understood, that morning, in passing the gang, waved her hands over her head, and called out "that she had got Mr. Lockhart Gordon to follow her to the mountain to see where master hang a'we;" witness in consequence requested Mr. Gordon to call a meeting of some of the magistrates, who are planters, to investigate the matter; witness on being reminded by Mr. Gordon that it was after they met in town that he stated to him (Mr. Gordon) what her conduct was in the morning on passing the gang, and it was then that he requested a meeting of the magistrates who are planters, he admitted that it was so.

Witness after he went to live on Warde's estates used the mildest means in his power to make the negroes attend to their duty; but finding that both flogging and footstocks proved very ineffectual, and that they were daily insubordinate, witness applied to Mr. Peter T. Huggins, the attorney, for some other mode of punishment, and he recommended witness to try the handcuffs, which were used upon the present occasion, and which is after the method established at Trinidad, as witness understands.

Cross-examination.—Witness says that Bitchey was put into the handcuffs on the Saturday, between the hours of four and five o'clock, P. M.; the key of the handcuffs was in the possession of witness from the time Bitchey was put into them *them* until six o'clock that evening, when the sick-nurse came for it. Witness says that he went to the sick-house on the Sunday morning; the sick-nurse asked permission to let Bitchey out; witness replied, she might do so if she could secure her again, and witness believes that Bitchey was let out, but does not know it of his own knowledge. Witness being asked if she could sleep during the time she was in the handcuffs, replied that she probably might if she was sleepy. The attorney, Mr. Peter T. Huggins, was not acquainted with the confinement of Bitchey until the Tuesday morning after the confinement. Bitchey has given witness a great deal of trouble since he has lived upon the estate, and requests that Mr. A. Wharton and Mr. Jos. Nicholson may be called to speak as to her character. Mr. Lockhart Gordon recommended witness to discontinue the stocks in which Bitchey was confined. The manner in which Bitchey was confined was not mentioned to Justices Burke and Gordon when she complained upon the Wednesday. Witness only confines the most refractory negroes in the kind of stocks in which Bitchey was confined.

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Court House, Nevis, 28th August 1824.

Present,

William Pemberton, George Burke, Lockhart Gordon, jun. and John Burke, Esqrs.

The examination of Thomas Hodson resumed; and having been again sworn, says, that about seven weeks ago he had six negroes run away at one time, and that the only punishment inflicted upon them was flogging and locking up at night, and none of them were put into the handcuffs, neither would witness have used them upon the present occasion had he not considered it absolutely necessary for the well-conducting the estate. The witness states, from what he knows to be the discipline in the army, that a similar crime as that which Bitchey was guilty of would have been punished with death: all that this witness required of Bitchey was to beg pardon, and promise to conduct herself with obedience for the future, which she refused to do. During the present week no less than nine of the negroes have absented themselves from their work; some for one, two and three days; two of them are still absent without any cause whatever, to the best of witness's knowledge. Witness says, that he did not send any food for Bitchey during her confinement; says, that he issued her allowance on Friday, a quart of corn-meal and a herring, which was to last her till the following Tuesday.

ST.  
CHRISTOPHER.

Thomas Hodson,—My brother Justices and I are sorry that you should be brought before us on a complaint like the present; you certainly are culpable in not seeing the woman Bitchey (as you confined her) properly fed; and we think that you have acted in a very unwarrantable, if not an illegal manner, in confining the said woman in the standing-stocks from Saturday afternoon until Monday morning: we therefore leave the matter in the hands of the King's Counsel, to act as the law in such case directs.

*Wm. Pemberton, Sen<sup>r</sup> Justice.*

A true copy.

*Thos. Slater, Secry. and Clerk of the Crown.*

Enclosure 4, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE JURORS for our Lord the King upon their oath present, that John Beard, late of the parish of Saint Paul, in the said island of Nevis, plantation overseer, on the 14th day of August, in the fifth year of the reign of our sovereign Lord George the Fourth, by the grace of God of the united kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the parish aforesaid, in the island of Nevis aforesaid, in and upon a certain negro woman-slave named Bitchey, on the plantation called Ward's, at the parish aforesaid, in the island of Nevis aforesaid situate, did make an assault, and her the said negro woman-slave named Bitchey then and there did beat, flog and whip; and that the said John Beard then and there with and by means of a certain tamarind switch, which a certain negro man slave, being the driver of the said plantation, then and there in his right hand had held and exercised by and under the orders and directions of the said John Beard, did cause the said negro woman slave named Bitchey to receive more than 10 lashes, to wit, 24 lashes at one time and for one offence, the owner, the attorney, the guardian, or the manager of the said estate having such slave as aforesaid in his care not being then and there present, against the Act of the Legislature of the said island of Nevis in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

*Jn. Peterson, Senior King's Counsel.*

A true copy.

*Thos. Slater, Secry. and Clerk of the Crown.*

Enclosure 5, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE JURORS for our Lord the King, upon their oath, present that Edward Thomas Wolfe, late of the parish of Saint John, in the said island, Esquire, on the twenty-fifth day of September, in the seventh year of the reign of our sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, at the parish aforesaid, in the said Island of Nevis, with force and arms did assault Harriet Knight, a slave, otherwise called Harriet Sampson, then and there being a slave, under the direction and care of the said Edward Thomas, and the said Edward Thomas did then and there cruelly whip, maltreat and beat her the said Harriet Knight otherwise called Harriet Sampson, so then and there being a slave, under the direction and care of the said Edward Thomas, against the form of an Act of the Commander-in-Chief and General Council and General Assembly of the Leeward Charibbee Islands, in such case made and provided, and against the peace of our said Lord the King, his crown and dignity; and the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, that is to say, on the said twenty-fifth day of September in the year aforesaid, at the parish aforesaid, in the Island of Nevis aforesaid, the said Edward Thomas with force and arms did make an assault upon the said slave, Harriet Knight otherwise called Harriet Sampson, then and there being a slave under the direction and care of the said Edward Thomas; and her, the

## ST. CHRISTOPHER.

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the said Harriet Knight otherwise called Harriet Sampson, so then and there being a slave under the direction and care of the said Edward Thomas, he, the said Edward Thomas, did then and there cruelly maltreat, by whipping and beating her without any reasonable cause whatsoever, against the form of the aforesaid Act, and against the peace of our said Lord the King, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Edward Thomas, on the day and year aforesaid, at the parish aforesaid, in the said Island of Nevis, with force and arms assaulted the said slave Harriet Knight otherwise called Harriet Sampson, he then and there being the master and possessor of her the said slave; and the said Edward Thomas, so then and there being the master and possessor of her the said slave Harriet Knight otherwise called Harriet Sampson, did then and there wantonly and cruelly whip, maltreat and beat the said slave Harriet Knight otherwise called Harriet Sampson, against the form of an Act of the said Island of Nevis, in such case made and provided, and against the peace of our said Lord the King, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Edward Thomas afterwards, that is to say, on the day and year aforesaid, at the parish aforesaid, in the said Island of Nevis, then and there being the master and possessor of the said slave Harriet Knight otherwise called Harriet Sampson, did then and there with force and arms assault the said slave Harriet Knight otherwise called Harriet Sampson; and her the said Harriet Knight otherwise called Harriet Sampson, he, the said Edward Thomas, so then and there being the master and director of her the said Harriet Knight otherwise called Harriet Sampson, did then and there wantonly and cruelly maltreat, by beating and whipping her without any reasonable cause whatsoever, against the form of the said Act of the said Island of Nevis, and against the peace of our said Lord the King, his crown and dignity.

ST.  
CHRISTOPHER.

*John Woodley,*  
Attorney-General,  
*John Peterson,*  
Senior King's Counsel.

(A true Copy)  
*Thomas Slater,*  
Secr and Clerk of the Crown.

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Enclosure 6, in No. 4.

Sir,

Nevis, October 6, 1826.

We beg to submit to you a statement of the charge brought against Mr. Wolfe, by Harriette Sampson, for maltreatment.

That gentleman is now bound over to take his trial in the Court of King's Bench, but we beg to submit to your consideration whether it will not be expedient to apply for a special commission to hold a Court at some early period, rather than to suffer a charge of this nature to be *banded* about and misrepresented during the long interval which will elapse before the month of March. We have good reason to believe that there is abundance of other and unobjectionable evidence which will be brought forward to prove the charge; but we cannot conclude without earnestly expressing a hope that the time is not far distant when justice will be liberated by law from the worst of her fetters, the inadmissibility of slave evidence in her courts.

We have the honour to be, Sir,

Your most obedient servants,

*Wm. Pemberton,*  
*Thos. Tiburd,*

*J. H. Pemberton,*  
*George Webbe, jun.*

To His Honor Mr. President Mills,  
&c. &c. &c.

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Nevis, Sept. 25, 1826.

Before the Hon. W. Pemberton, Thomas Tiburd, The Hon. and Rev. J. H. Pemberton, and the Hon. George Webbe, jun.

Harriette Sampson, a mulatto slave, the property of E. T. Wolfe, Esq. being duly sworn, saith, that on the night of Tuesday 19th inst. deponent was going down for milk, met Mr. Wolfe on horseback; he told her, "mind Harriet, when



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when I go into the house and come down stairs, come to me for five minutes, for I wish to say something to you;" deponent did not speak to him. After she went back she put the children to bed; afterwards she went to the negro-houses and did not return that night, but in the morning when the negroes were going into the field. After she had come up she met Mr. Wolfe standing in the door, she went round to go in at the other door, not wishing to pass Mr. W. He called her, and asked her where she had slept, she answered she had not slept any where; she meant to return from the negro-houses but it was too late, and she could get no one to come with her. Mr. W. called a man directly to take her down to the field; when the man came, she said she could not go because she could not work with the hoe in the field. Mr. W. then went up stairs to put on his clothes; when he came down he told the man to carry her along; she went to the field, Mr. Wolfe with her. Mr. Wolfe directed her to take up the hoe, she said she could not, for she was not able to work in the field. Mr. W. insisted; she said she could not work in the field; Mr. W. told her if she did not he would cart-whip her. Mr. W. then called the driver to take her to her row; she said to the driver, "don't pull me." He then ordered her out into the path to cart-whip her, and called the driver and two men; she then said, "I'm come to a fine pass to be exposed in this manner to the negro men." Mr. W. then called four women, deponent resisted; Mr. W. then pushed her on the neck, and one of the women caught her by the foot and dragged her down; they then endeavoured to hoist up her clothes, which she prevented; whilst she was in the path, Mr. W. asked her if she would go in the field and take the hoe, she rose up and went in the field, but said she could not take the hoe; Mr. W. said, if she did not take the hoe he would cart-whip her. He then told Mr. Emery to mind her, and went down to call Mr. Liburd. When Mr. Liburd came he told her to take the hoe and try and work; she answered that she was not able; she said she had too much pain to be able, occasioned by Mr. Wolfe's treatment; that he sent her there through spite, because he wanted to have her, and she would not let him. Afterwards Mr. Liburd went away; Mr. W. then returned, and told her to take the hoe, she still refused; Mr. W. said "if she did not he would make her see," and called a man to take her up to the yard. Having reached the still-house, Mr. W. rode up, dismounted, and sent the horse for Mr. Emery. He asked Thomas where the cat was, Thomas said, in Mr. Emery's house. Mr. Emery came up soon and brought the cat and gave it to Thomas, Mr. Wolfe loosed her clothes from her shoulders and dropped them off; she begged him not to expose her. Thomas took the cat, and gave her a dozen on the shoulders, she could scarcely bear it. Mr. W. then ordered her to be locked up in the dungeon, and said before Thomas, "that he had done no more than he was recommended by Mr. Liburd to do." About noon Mr. W. took her out, and carried her up to a room upstairs; next morning Mr. W. came in, and asked her if she would go in the field and take the hoe; she told him she could not; he told her he would give her a dozen every day if she would not take the hoe, and not only a dozen, but he would increase it every day; he said it was her own obstinacy; she asked "how" he said, if she would do what he told her to do, she would not have got what she had got; she asked him "what" he said "if you will consent to let me have you now, you should not go in the field, and I won't punish you now." This took place in the room; she said "she could not," he said "very well, then, if you don't do it it is your obstinacy, not my fault." He asked her "if it was hatred she had for him," she did not answer. He said, "she must consider till he had done his breakfast; if she did not go in the field he would give her a dozen." After breakfast he came in and told her to put on her habit, she did so, and went down the steps into the yard. He called Bright, and asked, where was the cat? Bright said, "in the boiling-house;" Mr. W. went into the boiling-house, brought out the cat and gave it to Bright. He told Bright to take her to the field, he did so, Mr. W. followed; when they came to the field, Mr. W. told her to go and take her hoe. She said she could not. Mr. W. then loosed her frock himself, and ordered Bright to give her a dozen and a half (she was actually unable to take the hoe, from the repeated blows she had received from Mr. Wolfe); after she had been flogged, Mr. W. ordered her up to the sick-house to be locked up. Friday she continued in the sick-house; Saturday morning Mr. W. came and let her out with the sick-nurse for a short time, and she returned to the sick-house, when she was again locked up. Deponent perceived that her lodging, and a bag of hers containing her hair, which had before been cut off by Mr. Wolfe, had been searched and disturbed; the hair was taken out and carried away. Sunday morning Mr. W. came and opened the door after

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after she had been calling a considerable time ; she went out and returned, and said to Mr. Wolfe, who was present “ Yesterday morning, Sir, when I went out you came and opened my bag and my lodging, and searched it and took out my hair, was that like a gentleman?”—He said, “ You damned infernal bitch, I took out no hair, but what I wish to search I’ll search.” She said, “ Sir you took it out ; but you cannot say you did not cut it off.” Mr. W. said nothing, but went out.

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her  
Harriet + Sampson,  
mark.

Sworn before us the 25th September.

*William Pemberton,*  
*Thomas Tibard,*

*J. H. Pemberton,*  
*George Webbe, jun.*

Edward T. Wolfe, Esq. in defence saith, that on Thursday, the 7th instant, having returned home from town he heard Mrs. Wolfe speaking loud, and inquired what was the matter. Mrs. Wolfe replied, “ it is really a shame ; I cannot go out for half a day but they make a negro-house of the place ; see what a mess this place is in.” She asked Harriette, in his presence, “ who made that mess ;” Harriette made no reply. She asked Charlotte, in his presence, the same question, who replied, “ she could not tell.” Mrs. Wolfe then said to Charlotte, “ I’ll make you clean it up, for you shall make those two little girls, Jane Flood and Jane Yard, keep the place clean.” Charlotte replied, “ it was hard for her to clean up what she did not do herself.” Mr. W. then asked Harriette Sampson “ who made the dirt ;” she turned her back and gave no answer. Afterwards he found some work on the steps of one of the bed-rooms ; he asked whose it was, and received no answer. Afterwards he said he would burn it, and thus find its owner. Harriette Sampson then said it was her’s. Mr. W. then told her “ she ought to have answered before,” and gave her a slap with his hand. Mrs. W. requested him not to fret, but make one of the people take her down and give her a half dozen, which he did with a tamarind whip. Mrs. Wolfe ordered her out of the house that evening. On Saturday, the 9th, Harriette Sampson came to Mr. Wolfe and asked what she was to do ; he told her “ she had offended her mistress, and must go into the field, or ask one of her young mistresses to intercede for her ;” she said, “ she could not work in the field, nor could she go back to the house, for the people there did not like her.” She was not, however, put into the field. Until the Friday following she was at large. On that day he desired her to go into the house ; she answered, “ she could not ; she had rather go and work out, or do any thing else.” He told her to go either into the house or the field ; she answered, “ she would not go into the field, and that he should have a great deal of trouble with her.” Afterwards he found her in the house working at her needle. Two or three days after, Mr. W. found fault with her for not doing her usual work ; she made no reply. She usually sleeps in the room with her two young mistresses, where Mr. W.’s youngest child sleeps ; she did not sleep there on Tuesday night, the 19th, and being asked on the morning of the 20th where she had slept, answered, “ no where.” Mr. W. repeated the question ; she then made no answer ; upon being asked again whose leave she had asked, she answered, that “ she did not know whose leave she had to ask.” Mr. W. then sent her into the field.

Sworn before us, this 25th September 1826,

*Wm. Pemberton,*  
*Thos. Tiburd,*

*J. H. Pemberton,*  
*Geo. Webbe, jun.*

Antony W. Emery being duly sworn, saith, that when Mr. W. went into the field with Harriette, a hoe was ordered for her, belonging to a man with yaws ; she said that she should not take the hoe ; Mr. W. had strength enough to snatch the yaws, but she had not. Mr. W. then told her that she should have her aunt’s hoe ; she said she could not take her aunt’s hoe, for then her aunt must sit down. He was then sent by Mr. W. for the smallest hoe he had ; the small hoe being presented to her by Mr. W., she refused to take it, saying she had no strength to work with it ; she refused, in fact, to touch it. Deponent advised her to take it ; she refused. Mr. W. being much provoked, ordered the driver and two other men to take her out and flog her ; she resisted. Deponent was called to come nearer ; he came, and Harriette said to him, “ come nearer, you can’t see good ; come and

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see what you want to see." After much struggling and bawling, she begged for some water, which was brought. Mr. W. then asked her if she would take the hoe ; she answered, " she would not, for she had no strength to work with it." Mr. W. said, Harriette, take the hoe and do what you can do ; she still refused. Mr. W. then called four women to flog her ; she was not, however, flogged, and was ordered upon the row ; she went on the row, but refused to touch the hoe Mr. W. then told deponent to take care of her till he returned. Mr. W. then went away, and shortly returned with Mr. Liburd. Mr. W. and Mr. L. retired a little, and Mr. W. returning to the field, again desired her to take her hoe ; she again refused, saying, " she had no strength to work it." Mr. W. then sent her to the yard, and told her to carry her hoe from the field to the yard, which she refused to do. Mr. W. and deponent went up to the yard, where Mr. W. asked for the cat, which deponent brought from his room and gave to Thomas, who by Mr. W.'s order gave Harriette a dozen lashes on her shoulders ; she then was carried to the lock-up room.

*A. W. Amory.*

Sworn before us, this 25th September 1826.

*Wm. Pemberton,  
Thos. Tiburd,*

*J. H. Pemberton,  
Geo. Webbe, jun.*

The charges of maltreatment brought forward by the within named Harriette Sampson against E. T. Wolfe, Esq. being duly weighed, and this being the third accusation which has been laid and proved against the said E. T. Wolfe by the above complainant, Harriette Sampson, it is considered by the justices that the complainant be forthwith removed out of the possession of E. T. Wolfe, Esq. and placed in the custody of the Hon. and Rev. J. H. Pemberton, the rector of the parish, with the consent of the said rector, he giving security, himself in 100 *l.*, with one other surety also in 100 *l.*, for the forth-coming of the said Harriette, until disposed of by due course of law. And that the said E. T. Wolfe, Esq. be bound over, himself in 400 *l.*, and two good sureties in 200 *l.* each, to appear at the Court of King's Bench and Common Pleas to be holden in March next, or at any other time to be legally appointed, to take his trial for the maltreatment of the said complainant. It is also further considered, that the said complainant, Harriette Sampson, having been guilty of gross insolence and disobedience to the lawful commands of her master when ordered to work on the 20th and 21st September, thereby setting an example of insubordination to the slaves, be confined in the common jail for 48 hours only, in consideration of her having been already confined for five days, and received two severe floggings ; one of 12, and the other of 18 lashes.

September 25, 1826.

*Wm. Pemberton,  
Thos. Tiburd,*

*J. H. Pemberton,  
George Webbe, jun.*

(A true Copy)

*Thos. Slater,*

Sec<sup>r</sup> and Clerk of the Crown.

Enclosure 7, in No. 4.

Nevis, April 9, 1827.

THE following evidence was taken before R. Claxton and L. Gordon, Esqrs., two of his Majesty's Justices, in the case of a slave named Davis, who died in the road from the field to the sick-house, or yard, on the estate of Lady Frances Stapleton, deceased, of which estate John Walley, Esq. is manager.

Richard Anderson, the overseer on the estate of Lady F. Stapleton, sworn ; says, On Tuesday the 23d March, the slave Davis was sent to the estate by Mr. Marr as a runaway ; appeared very weak ; gave him victuals, and put him to pull the fuel to the copper-holes on that evening, and was sent the same evening to the sick-house, where he remained until the Tuesday following, when he was brought to the boiling-house to pot sugar. Tuesday evening was sent back to the sick-house ; he refused to work ; said he was not able ; understood on Wednesday he was sent to the field, and on Wednesday evening he died.

Clement Souch, also an overseer on the estate of Lady F. Stapleton, sworn. Davis came home on the Friday in a very low state ; helped about the boiling-house ;

house; from Saturday till Tuesday he was in the sick-house; Wednesday he was sent to the field to tie up plants, and on Wednesday morning at six o'clock saw him in the fields till noon, when Mr. Walley called him (witness) to mind the boiling-house; never saw him, Davis, till next day, when he was dead; does not know where Davis died.

Robert Washington, coroner, sworn. Heard that a negro had died suddenly at the estate of Lady Stapleton; went there directly to hold an inquisition the Saturday after; found the man buried; had the body dug up; Dr. Cassin examined the body; no marks of violence; returned a verdict, "Died by the visitation of God;" examined Messrs. Anderson and Souch; same evidence as above; examined a woman named Rose, a slave; saw a man named Alexander coming up with the deceased from the field, and when they got by the upper work the slave Davis could not walk any further, and that he died; no medical man saw him till he died, or was dead.

Alexander, a slave, belonging to the estate of Lady F. Stapleton, a field-negro, says he knew Davis. Driver gave him to witness at Sundown; tell him he must carry him up to the sick-house; been in the field all day, and the day before at the works; complained all day; could not work; could not eat; driver obliged to put another negro in the row with him; gave him a few licks in the morning, and at noon about four more to force him into the work; took him up to the mountain estate, could not walk; obliged to lead him; helped him up as far as upper-windmill, where he died; Davis stopped, and I go tell the driver to give me assistance to take Davis on; got two men; when witness went back Davis was dead; nobody with him when he died; the day he (Davis) was sent home by Mr. Marr, was put to make fire; the day after was sent to assist about the works, and unable to do any thing; Sunday was in the sick-house; saw him on Monday and Tuesday about the works till the last day, when he was in the field; was locked up every night at the sick-house; Davis was buried on Friday and dug up again on Saturday.

Henry Richard Cassin, M. D., sworn. Saw the man Davis dug; examined the body, saw no marks of violence whatever; his opinion, sudden death; body seemed to be in an emaciated state; very light, but difficult to judge after being buried, from putrefaction.

Alexander Hanley, M. D. Witness states that he never saw the deceased until he was dead. Mr. Walley sent a note to request his (witness's) attendance on deceased after his death, but could not go on that day, nor did he consider it necessary; saw the slave Davis as a corpse; no marks of violence.

Thomas Marr, Esq. sworn. Sent Davis home to Mr. Walley; had him put in the sick-house at first, and sent him home the day after; thought him in a very weak and low state; did not consider him capable of working; only fit for the sick-house; took half a day to send him home; so as to give him time to go, that is, told the person in charge to take half the day to go with him, and return to work next day.

Nevis, 11th April, finished.

*R. Claxton, J. P.*

The above named John Walley bound over to appear at the next Court day, to answer to any prosecution that may be entered against him, and not to depart the Court without leave.

(A true copy)

*Thomas Slater,*  
Sect' and Clerk of the Crown.

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Nevis.—In the King's-Bench and Common Pleas.

The Jurors for our Lord the King upon their oath present, that John Walley, late of the parish of St. James in the said island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of he devil, on the fourth day of September in the tenth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the parish aforesaid, in the Island of Nevis aforesaid, in and upon a certain negro man-slave, named Bolam, then and there being a slave under the direction, care, control and command

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command of the said John Walley, and also then and there being in great sickness and weakness of body occasioned by a severe ulcerated leg, and by reason thereof then and there confined to the sick-house of a certain estate, called Stapleton's, in the parish aforesaid, in the said Island of Nevis situate, and then and there being unfit for work, feloniously and wilfully did make an assault, and that the said John Walley, him the said Bolam so being in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, did then and there violently, feloniously and wilfully remove and drive from the said sick-house, and on the day aforesaid, in the year aforesaid, and on divers other days between the said fourth day of September and the first day of October, in the year aforesaid, that is to say, on each and every day except Sundays, between the said fourth day of September and first day of October, in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, feloniously and wilfully did compel and force to labour immoderately beyond his strength and against his will, in, upon and about the work of the said estate, called Stapleton's, then under the direction and care of the said John Walley, he, the said John Walley, then and there well knowing the said Bolam to be then, and during all the time aforesaid, in great sickness and weakness of body, occasioned by the said severe ulcerated leg, and unfit for work as aforesaid; and he, the said John Walley, during all the time aforesaid, there feloniously and wilfully omitting and refusing to provide and administer, and to cause to be provided and administered for and unto the said Bolam, due medical care, medicines, and other necessaries proper and requisite for the cure and recovery of a person in such sickness and weakness as aforesaid, by means of all which said premises, he the said Bolam, from the said first day of October to the tenth day of October in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, did become greatly emaciated and consumed in his body, and during all that time did languish, and languishing did live, on which said tenth day of October in the year aforesaid, he, the said Bolam, at the parish aforesaid, in the Island of Nevis aforesaid, by means of such compelling and forcing of him, the said Bolam, to labour immoderately beyond his strength and against his will while he was in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, and also for want of such due medical care, medicines, and other necessaries proper and requisite for the care and recovery of a person in such sickness and weakness as aforesaid, then and there died, to wit, at the parish aforesaid, in the said Island of Nevis; and so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Walley, him, the said Bolam, in manner and by the means aforesaid, feloniously did kill and slay against the peace of our said Lord the King, his crown and dignity.

*Robert Claxton,*  
Solicitor-General.  
*John Peterson,*  
Senior King's Counsel.

(A true copy)  
*Thomas Slater,*  
Sect<sup>r</sup> and Clerk of the Crown.

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Enclosure 8, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE jurors for our Lord the King, upon their oath present, that John Walley, late of the parish of St. James, in the island of Nevis, planter, on the 4th day of September, in the tenth year of the reign of our sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and on the several days hereinafter mentioned, at the parish aforesaid, in the said island of Nevis, with force and arms cruelly did maltreat a certain negro slave called Bolam, he the said negro slave called Bolam being on the days and at the times of his being so cruelly maltreated by the said John Walley, a slave under his direction and care, to wit, at the parish aforesaid in the said island; for that the said John Walley on the said fourth day of September in the year aforesaid, in and upon the said slave, called Bolam, then and there being a slave under the direction and care of the said John Walley, and then and there being in the peace of God and of our said Lord the King, and then and there being in great sickness and weakness of body, occasioned by a severe ulcerated leg, and by reason thereof then and there being confined to the sick-house of a certain estate called Stapleton's, in the parish aforesaid, in the said island of Nevis situate, and then

then and there being unfit for work, unlawfully and cruelly did make an assault, and that the said John Walley him the said Bolam so then and there being under the direction and care of him the said John Walley, and then and there being in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, did then and there unlawfully and cruelly remove and drive from the said sick-house, and on the day aforesaid in the year aforesaid, and on divers other days between the said fourth day of September and the first day of October in the year aforesaid, that is to say, on each and every day except Sundays, between the said fourth day of September and first day of October, in the year aforesaid, at the parish aforesaid, in the said island of Nevis, unlawfully and cruelly did compel and force to labour immoderately beyond his strength and against his will, in, upon and about the work of the said estate called Stapleton's, then under the direction and care of the said John Walley as aforesaid; he the John Walley then and there well knowing the said Bolam to be then and during all the time aforesaid in great sickness and weakness of body, occasioned by the said severe ulcerated leg, and unfit for work as aforesaid; and he the said John Walley during all the time aforesaid there unlawfully and cruelly omitting and refusing to provide and administer, and to cause to be provided and administered for and unto the said slave called Bolam, due medical care and medicines, and other necessaries proper and requisite for the cure and recovery of a person in such sickness and weakness, to wit, at the parish aforesaid in the said island, and other wrongs to the said slave called Bolam, on the days aforesaid at the parish aforesaid, in the said island, he the said John Walley did, to the great injury and grievous oppression of the said slave called Bolam, against the form of an Act of the Commander-in-Chief, and General Council and General Assembly of the Leeward Charibbee Islands in such case made and provided, and against the peace of our said Lord the King his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further say, that the said John Walley on the fourth day of September in the year aforesaid, at the parish aforesaid, in the said island, in and upon a certain other negro slave, called Bolam, did with force and arms make an assault, and on that day and divers other days and times, to wit, about twenty-seven other different days then next following, except Sundays, him the said slave called Bolam, did unlawfully and cruelly maltreat, to wit, at the parish aforesaid, in the said island, and other cruel wrongs to the said slave called Bolam, on the last-mentioned days, at the parish aforesaid in the said island, he the said John Walley did, to the great damage and cruel oppression of the said slave, and against the peace of our said Lord the King, his crown and dignity.

(A true copy)

*Thomas Slater,*

Sec<sup>r</sup> and Clerk of the Crown.

*Robert Claxton,*

Solicitor-General.

*John Peterson,*

S. K. C.

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Enclosure, 9, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE jurors for our Sovereign Lord the King upon their oath present, that John Walley, late of the parish of Saint James, in the said island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the twenty-third day of October, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the parish aforesaid, in the island aforesaid, in and upon a certain negro man-slave, named Innis, then and there being a slave under the direction and care of the said John Walley, and in the peace of God and our said Lord the King, then and there being, feloniously and wilfully did make an assault, and that the said John Walley, with a certain instrument called a cat-of-nine-tails, of the value of one shilling, which the said John Walley then and there had and held in his right hand, him the said slave, called Innis, did then and there strike, flog, whip, bruise and lacerate in and upon the back, shoulders and other parts of the body of the said slave, called Innis, then and theré giving with the said cat-of-nine-tails to the said slave called Innis, in and upon the back, shoulders, and other parts of his body, divers mortal blows, strokes, bruises, lacerations and hurts, of which said several mortal blows, strokes, bruises, lacerations and hurts, the said slave called

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Innis, on and from the said twenty-third day of October, in the year aforesaid, until the thirtieth day of October in the year aforesaid, at the parish aforesaid, in the Island aforesaid, did languish, and languishing did live, on which said thirtieth day of October in the year aforesaid, he the said slave called Innis, at the parish aforesaid, in the Island aforesaid, of the said several blows, strokes, bruises, lacerations and hurts, died. And so the jurors aforesaid, upon their oath aforesaid, do say that the said John Walley him the said slave called Innis, in the manner and by the means aforesaid feloniously did kill and slay, against the peace of our said Lord the King, his crown and dignity,

A true copy.

*Thomas Slater,*  
Sec<sup>y</sup> and Clerk of the Crown.

*Charles Thomson,*  
*Robert Claxton,*  
*John Peterson, S. K. C.*

Enclosure 10, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE JURORS for our Lord the King, upon their oath present, that John Walley, late of the parish of Saint James, in the said Island of Nevis, planter, on the twenty-third day of October, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms, at the parish aforesaid, in the said Island of Nevis, in and upon a certain negro man-slave named Innis, being a slave then and there under the direction and care of him the said John Walley, and he the said John Walley being then and there the manager and director of the said slave, did make an assault, and that the said John Walley so being such manager and director as aforesaid, him the said Innis so being a slave under his the said John Walley's direction and care as aforesaid, did then and there wantonly and cruelly maltreat by whipping, beating, scourging and flogging him the said Innis four several times in one and the same day, to wit on the said twenty-third day of October in the year aforesaid, in upon and about his bare back and shoulders, and other parts of his body, with a certain instrument for punishment called a cat-of-nine-tails, which he the said John Walley then and there in his right hand had held and exercised with excessive severity, insomuch that the said Innis, by reason of such whipping, beating, scourging and flogging of him as aforesaid by the said John Walley, then and there befouled himself, to wit, on the same day aforesaid, in the same year aforesaid, at the parish aforesaid, in the said Island of Nevis, to the great distress, anguish and injury of the said Innis, against the form of the act of the legislature of the said Island of Nevis in such case made and provided, and against the peace of our said Lord the King, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further say, that the said John Walley, on the said twenty-third day of October in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, in and upon a certain other slave named Innis, did with force and arms make an assault, and him the said slave named Innis did unlawfully and cruelly maltreat, to wit, at the parish aforesaid, in the said Island of Nevis, and other cruel wrongs to the said slave named Innis, on the day and year aforesaid, at the parish and island aforesaid, he the said John Walley did, to the great damage and cruel oppression of the said slave named Innis, against the form of the act of the legislature of the said Island of Nevis in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

A true copy.

*Thomas Slater,*  
Sec<sup>y</sup> and Clerk of the Crown.

*Charles Thomson,*  
*Robert Claxton,*  
*John Peterson, S. K. C.*

Enclosure 11, in No. 4.

In the King's Bench and Common Pleas.

THE JURORS for our Lord the King, upon their oath present, that John Walley, late of the parish of Saint James, in the said Island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of the

the devil, on the twenty-third day of March, in the eighth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and on divers days and times between that and the twenty-ninth day of March, in the year aforesaid, with force and arms, at the parish aforesaid, in the Island of Nevis aforesaid, in and upon a certain negro man-slave named Davis, then and there being in the peace of God and our said Lord the King, and also then and there being a slave under the direction and care of him the said John Walley as the manager of a certain plantation there situate, called Stapleton's Estate, and to which plantation he the said slave named Davis, during all the time aforesaid did then and there belong, and the said slave named Davis then and there being in great sickness, weakness, emaciation and exhaustion of body, feloniously, wilfully, and of his malice aforethought, did make divers assaults, and that the said John Walley, so then and there being such manager as aforesaid, did then and there, with force and arms, him the said slave named Davis so then and there being a slave under his the said John Walley's direction and care as aforesaid, and so then and there being in great sickness, weakness, emaciation and exhaustion of body as aforesaid, feloniously, wilfully, and of his malice aforethought compel and force to labour in upon and about the work of the said plantation, beyond the strength of him the said slave named Davis, and that he the said John Walley so then and there being such manager as aforesaid, did then and there feloniously, wilfully, and of his malice aforethought, neglect and omit to procure and administer to the said slave named Davis, so then and there being a slave under his the said John Walley's direction and care as aforesaid, and so then and there being in great sickness, weakness, emaciation and exhaustion of body as aforesaid, medical attendance, assistance, medicines and other necessaries proper and requisite for the due sustenance, cure and recovery of him the said slave named Davis, by means of which said compelling and forcing of the said slave named Davis to labour in upon and about the work of the said plantation beyond the strength of him the said slave named Davis, and also of such neglecting and omitting to procure and administer to the said slave named Davis medical attendance, assistance, medicines, and other necessaries proper and requisite for the due sustenance, cure and recovery of him the said slave named Davis, he the said slave named Davis, from the said twenty-third day of March, in the year aforesaid to the said twenty-ninth day of March in the year aforesaid, at the parish aforesaid, in the Island of Nevis aforesaid, did linger and pine, and became greatly consumed in body, and during all that time did there languish, and languishing did live, on which said twenty-ninth day of March, in the year aforesaid, at the parish aforesaid, in the Island of Nevis aforesaid, he the said slave named Davis, by means of such compelling and forcing him to labour beyond his strength as aforesaid, and for want of such medical attendance, assistance, medicines, and other necessaries proper and requisite for the due sustenance, cure and recovery of a person in such sickness, weakness, emaciation and exhaustion of body as aforesaid, did perish and die. And so the jurors aforesaid, upon their oath aforesaid do say, that the said John Walley him the said negro man-slave named Davis, in manner and by the means aforesaid feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of our Lord the King his crown and dignity.

A true copy.

*John Peterson,*  
Senior King's Counsel.

*Thomas Slater,*  
Sec<sup>r</sup> and Clerk of the Crown.

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Enclosure 12, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE JURORS for our Lord the King, upon their oath present, that John Walley, late of the parish of Saint James, in the said island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 23d day of March, in the eighth year of the reign of our sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and on divers days and times between that day and the 29th day of March, in the year aforesaid, with force and arms, at the parish aforesaid, in the island of Nevis aforesaid, in and upon



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upon a certain negro man slave named Davis, then and there being in the peace of God and our said Lord the King, and also then and there being a slave under the direction and care of him the said John Walley, as the manager of a plantation there situate called Stapleton's Estate, and to which plantation he the said slave named Davis, during all the time aforesaid, did then and there belong; and the said slave named Davis then and there being in great sickness, weakness, emaciation, and exhaustion of body, feloniously and wilfully did make divers assaults, and that the said John Walley so then and there being such manager as aforesaid did then and there with force and arms him the said slave named Davis, so then and there being a slave under his the said John Walley's direction and care as aforesaid, and so then and there being in great sickness, weakness, emaciation, and exhaustion of body as aforesaid, feloniously and wilfully compel and force to labour in, upon and about the work of the said plantation, beyond the strength of him the said slave named Davis; and that he the said John Walley, so then and there being such manager as aforesaid, did then and there feloniously and wilfully neglect and omit to procure and administer to the said slave named Davis, so then and there being a slave under his the said John Walley's direction and care as aforesaid, and so then and there being in great sickness, weakness, emaciation, and exhaustion of body as aforesaid, medical attendance, assistance, medicines, and other necessaries proper and requisite for the due sustenance, cure and recovery of him the said slave named Davis; by means of which said compelling and forcing of the said slave named Davis to labour in, upon and about the work of the said plantation, beyond the strength of him the said slave named Davis, and also of such neglecting and omitting to procure and administer to the said slave named Davis medical attendance, assistance, medicines, and other necessaries proper and requisite for the due sustenance, cure and recovery of him the said slave named Davis, he the said slave named Davis from the said 23d day of March, in the year aforesaid, to the said 29th day of March, in the year aforesaid, at the parish aforesaid, in the island of Nevis aforesaid, did linger and pine, and became greatly consumed in body, and during all that time did there languish, and languishing did live; on which said 29th day of March in the year aforesaid, at the parish aforesaid, in the island of Nevis aforesaid, he the said slave named Davis, by means of such compelling and forcing him to labour beyond his strength as aforesaid, and for want of such medical attendance, assistance, medicines, and other necessaries proper and requisite for the due sustenance, cure and recovery of a person in such sickness, weakness, emaciation, and exhaustion of body as aforesaid, did perish and die: And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said John Walley him the said negro man-slave named Davis, in manner and by the means aforesaid, feloniously did kill and slay, against the peace of our said Lord the King, his crown and dignity.

A true copy,

(signed)

*Jno. Peterson,*

Senior King's Counsel.

*Thos. Slater,* Secry. and Clerk of the Crown.

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Enclosure 13, in No. 4.

Nevis.—In the King's Bench and Cammon Pleas.

THE jurors for our Lord the King, upon their oath present, that John Walley, late of the parish of Saint James, in the said Island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the fourth day of September, in the tenth year of the reign of our sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms, in the parish aforesaid, in the Island of Nevis aforesaid, in and upon a certain negro man-slave named Bolam, then and there being a slave under the direction, care, control and command of the said John Walley, and also then and there being in great sickness and weakness of body occasioned by a severe ulcerated leg, and by reason thereof then and there confined to the sick-house of a certain estate called Stapleton's, in the parish aforesaid, in the said Island of Nevis situate, and then and there being unfit for work, feloniously, wilfully, and of his malice aforethought, did make an assault; and that the said John Walley, him the said Bolam so being in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, did then and there

violently,

violently, wilfully, feloniously, and of his malice aforethought, remove and drive from the said sick-house; and on the day aforesaid, in the year aforesaid, and on divers other days between the said fourth day of September and the first day of October in the year aforesaid, that is to say, on each and every day except Sundays, between the said fourth day of September and first day of October, in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, feloniously, wilfully, and of his malice aforethought, did compel and force to labour immoderately, beyond his strength and against his will, in, upon and about the work of the said estate called Stapleton's, then under the direction and care of the said John Walley, he the said John Walley then and there well knowing the said Bolam to be then, and during all the time aforesaid, in great sickness and weakness of body, occasioned by the said severe ulcerated leg, and unfit for work as aforesaid; and he the said John Walley, during all the time aforesaid, there feloniously, wilfully, and of his malice aforethought, omitting and refusing to provide and administer, and to cause to be provided and administered for and unto the said Bolam, due medical care, medicines, and other necessaries proper and requisite for the care and recovery of a person in such sickness and weakness as aforesaid, by means of all which said premises, he the said Bolam, from the said first day of October to the tenth day of October in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, did become greatly emaciated and consumed in his body, and during all that time did languish, and languishing did live; on which said tenth day of October, in the year aforesaid, he the said Bolam, at the parish aforesaid, in the Island of Nevis aforesaid, by means of such compelling and forcing of him the said Bolam to labour immoderately beyond his strength and against his will, while he was in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, and also for want of such due medical care, medicines, and other necessaries proper and requisite for the cure and recovery of a person in such sickness and weakness as aforesaid, then and there died, to wit, at the parish aforesaid, in the said Island of Nevis; and so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Walley, him the said Bolam, in manner and by the means aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of our said Lord the King, his crown and dignity, and against the form of the Act of the Commander-in-Chief and the General Council and General Assembly of his Majesty's Leeward Charibbee Islands in America, in such case made and provided.

(A true copy)

*Robert Claxton*, Solicitor-General.

*John Peterson*, S. K. C.

*Thos. Slater*,

Sec<sup>r</sup> and Clerk of the Crown.

Enclosure 14, in No. 4.

In the King's Bench and Common Pleas.

Nevis, } THE Jurors of our Lord the King upon their oath present, that John  
to wit. } Walley, late of the parish of Saint James, in the said island of Nevis,  
planter, on the 11th day of January, in the 10th year of the reign of our sovereign  
Lord George the Fourth, by the grace of God of the United Kingdom of Great  
Britain and Ireland King, Defender of the Faith, and on the several other days  
hereinafter mentioned, at the parish aforesaid, in the said island of Nevis, with  
force and arms cruelly did maltreat a certain slave called Frances, she the said  
slave called Frances being, on the days and at the times of her being so cruelly  
maltreated by the said John Walley, a slave under his direction and care, to wit,  
in the parish aforesaid in the said island, for that the said John Walley, on the  
said 11th day of January in the year aforesaid, in and upon the said slave called  
Frances, then and there being a slave under the direction and care of the said  
John Walley, and then and there being in the peace of God and of our said Lord  
the King, did make an assault, and her the said slave called Frances, then and there  
being a slave under the direction and care of the said John Walley, he the said  
John Walley then and there unlawfully and cruelly did imprison in a certain fowl-  
house, amongst the poultry and amidst the filth thereof, and did enclose and lock  
up the legs of the said Frances in certain stocks made of wood and iron within the  
said fowl-house, and did keep her continually confined therein, without proper con-  
veniences for the calls of nature, and in great pain and torture for and during a  
long

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long space of time, to wit, the space of 70 hours, on and from the day aforesaid, in the year aforesaid, until the 14th day of the same month and year aforesaid, she the said slave called Frances on each and every of those said last-mentioned days being a slave under the direction and care of the said John Walley, to wit, at the parish aforesaid, in the said island of Nevis, and other wrongs to the said slave called Frances, on the days aforesaid, at the parish aforesaid, in the said island, he the said John Walley did, to the great injury and grievous oppression of the said slave, against the form of an Act of the Commander in Chief and General Council and General Assembly of the Leeward Charibbee Islands in such case made and provided, and against the peace of our said Lord the King, his crown and dignity; and the Jurors aforesaid, upon their oath aforesaid, do further say, that the said John Walley, on the said 11th day of January, in the year aforesaid, at the parish aforesaid, in the said island, in and upon a certain other slave called Frances, did with force and arms make an assault, and on that day and from thence continually for a long space of time, to wit, for the space of 70 hours, on and from the day aforesaid, in the year aforesaid, until the 14th day of the same month and year aforesaid, did unlawfully and cruelly confine and keep in confinement the said slave called Frances, by enclosing and locking up the legs of the said slave called Frances in certain stocks made of wood and iron, to wit, at the parish aforesaid in the said island, and other cruel wrongs to the said slave called Frances on the last-mentioned days, at the parish aforesaid in the said island, he the said John Walley did, to the great damage and cruel oppression of the said slave, and against the peace of our said Lord the King, his crown and dignity.

(signed) *Robert Claxton, Sol<sup>r</sup> Gen<sup>l</sup>.  
Jn. Peterson, S. K. C.*

A true copy.

*Thos. Slater, Secry. and Clerk of the Crown.*

Enclosure 15, in No. 4.

In the King's Bench and Common Pleas.

Nevis.—THE Jurors for our Lord the King upon their oath present, that George Cousins, late of the parish of Saint John, in the said island of Nevis, planter, on the 5th day of January, in the 10th year of the reign of our sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the parish aforesaid, in the said island of Nevis, did wantonly assault a negro man-slave named George Tobin, and a negro man-slave named Monmouth; and that the said George Cousins them the said George Tobin and Monmouth then and there did wantonly maltreat, by ordering and causing them the said George Tobin and Monmouth to be then and there wantonly whipped, beaten and flogged, without any reasonable and lawful cause; therefore he the said George Cousins, being then and there the manager and director of the said George Tobin and Monmouth, and they the said George Tobin and Monmouth being then and there slaves under his the said George Cousins's direction and care, to wit, at the parish aforesaid in the said island of Nevis, and other wrongs to them the said George Tobin and Monmouth then and there wantonly did, to the great damage of the said George Tobin and Monmouth, against the form of the Act of the Legislature of the said island of Nevis in such case made and provided, and against the peace of our said Lord the King, his crown and dignity: And the Jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on the same day aforesaid, in the year aforesaid, the said George Cousins, with force and arms at the parish aforesaid, in the said island of Nevis, in and upon the said George Tobin and Monmouth did wantonly make another assault, and them the said George Tobin and Monmouth did then and there wantonly maltreat, by whipping, beating and flogging them, and causing them to be then and there whipped, beaten and flogged, without any reasonable cause therefor, and other wrongs to them the said George Tobin and Monmouth then and there wantonly did, to the great damage of the said George Tobin and Monmouth, to the evil example of all others in the like case offending, and against the peace of our said Lord the King, his crown and dignity.

(signed) *Jn. Peterson, S. K. C.*

A true copy.

*Thos. Slater, Secry. and Clerk of the Crown.*

## ST. CHRISTOPHER.

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Enclosure 16, in No. 4.

ST.  
CHRISTOPHER.

Sir,

Nevis, 4th June 1830.

I BEG leave most respectfully to submit the following representation to your Excellency's consideration.

About the 8th January last, Mr. Justice Galpine stated to me, that two negro slaves of the estate of the late Mr. Brazier had come to him, complaining that they had been unjustly punished by the manager; that he had in consequence sent for the manager, and that on his explanation of the business, finding the slaves had been deservedly punished with a cat-o'-nine-tails, he dismissed the complaint, and justified the manager, but enjoined him not to inflict any further punishment on the parties, as they had been sufficiently whipped already; but that to his astonishment the same slaves had come to him a second time, alleging that they had been again flogged, and *that* with the *cart-whip*, soon after they had got home, notwithstanding the injunction to the contrary; and Mr. Justice Galpine now desired my opinion as to his authority to commit the manager for contempt, or how else he ought to proceed. According to my advice the manager was summoned to answer to this second complaint; and on his appearing before Mr. Justice Galpine and Mr. Justice Ede, it seemed to them that the second flogging had been inflicted vindictively, and the reason assigned a mere excuse for repeating the punishment which had been expressly prohibited; and they consequently bound him over for his appearance at the Court of King's Bench and Common Pleas in March, and wrote a joint letter to Mr. President Maynard, requesting that he would take the necessary steps for having a prosecution instituted against the manager at the public expense. At the March Court the manager was discharged by proclamation, because it did not appear that the President would sanction the prosecution proposed by the magistrates. It having been, however, afterwards ascertained that the President's interference had been suspended by a fictitious letter having been written in the names of the magistrates and sent to his Honor, importing, that upon re-consideration they wished the matter to be dropped, I conceived it to be my duty when submitting to the President another prosecution at the public cost for his sanction, to advert to this, and the accompanying documents will afford an explanation of the extraordinary result.

I have, &amp;c.

(signed)

*John Peterson,*  
Senior King's Counsel.To His Excellency Governor Maxwell, C. B.  
&c. &c. &c.

Enclosure 17, in No. 4.

Sir,

Nevis, Thursday, 6th May 1830.

I BEG leave to report to you, that a very serious case of riot and assault, and conspiracy, by a formidable number of persons of colour against a poor free negro-man named Jack Ray, attended with flagitious circumstances, has been brought under my official notice, and subsequent inquiry, by its having been taken up by the Court of King's Bench and Common Pleas last Tuesday, who had some of the parties bound over for their appearance, to be holden next month.

Although you have given me general instructions to conduct the prosecution of *all slaves* committed to be tried for felonious offences, upon the magistrates notifying the same to me, yet I have never considered that you meant those instructions to extend to other cases; indeed I have no reason to apprehend that that branch of the Legislature which watches over the colonial expenditure would not be satisfied that any other case, short of a capital felony, should be left entirely to my discretion, while I am quite alive to my official responsibility. I therefore respectfully submit the matter to your attention, and also the case of alleged maltreatment of slaves on the late Mr. Brazier's estate, in consequence of their having complained to a Justice of the Peace.

I have, &amp;c.

(signed)

*John Peterson,*  
Senior King's Counsel.To His Honor Mr. President Maynard,  
&c. &c. &c.

ST.  
CHRISTOPHER.

Sir,

New River, 13th May 1830.

The disturbance and assault you mention in your letter of the 6th, I had already heard of, but not officially; and as it would not do to prosecute one party, and allow the other party to go unpunished, I beg you will conduct the prosecution in both cases, that is, against the rioters in Jack Ray's, and the parties concerned in the maltreatment of Brazier's negroes.

I have, &c.

To John Peterson, Esq. K.C.  
&c. &c. &c.

(signed) *Walter Maynard.*

Sir,

Nevis, 3d June 1830.

I beg leave to inform you, that in conformity with your instructions of the 11th ult., I preferred in the Court of King's Bench and Common Pleas, the day before yesterday, two bills of indictment in the case of Jack Ray; one of them was found, but the other, for what reason I do not perfectly understand, was ignored. In the case of alleged maltreatment of slaves on the late Mr. Brazier's estate, in consequence of their having complained to a Justice of the Peace, I preferred a bill of indictment upon a charge of wanton maltreatment by whipping, &c. without reasonable cause, which met with a fate to which I would invite your particular attention. This bill was not only ignored also, notwithstanding that I had sent before the Grand Jury the complaining parties and their witnesses, and the two magistrates who had made a representation on the subject to you, but the following return was indorsed upon it by the foreman "No bill; frivolous and vexatious." It not clearly appearing, however, whether the Grand Jury meant to convey a censure upon the magistrates for their application to you, or upon you for your instructions to me, or upon me for preferring the bill, I was disposed to treat the matter as one of those anomalies which too frequently mark the records of the courts of law in this part of the world; but as the chief Justice assumed upon it an authority with which, as I have long been legally advised, his Excellency the Captain General, or the King's immediate representative alone, is invested, and ventured to reprehend me from the bench, gratuitously and undeservedly, for having on this occasion inconsiderately, as he inferred, exercised my office as the standing Crown lawyer of the island, I conceive that it would be improper in me not to state these circumstances to you. With reference to the case of Mr. Walley, I have only to observe that that person stands indicted for manslaughter in two instances, and for cruel maltreatment of slaves in two others, and has been committed to gaol by the Court; but that a bill of indictment for the murder of the slave Bolam, and another for the cruel maltreatment of the slave Frances, were ignored.

I have, &c.

To His Honor Mr. President Maynard,  
&c. &c. &c.

(signed) *John Peterson,*  
Senior King's Counsel.

— No. 5. —

COPY of a DESPATCH from Viscount *Goderich* to Governor *Maxwell*,  
dated 4th December 1830.

Sir,

Downing-Street, 4th Dec. 1830.

YOUR Despatches dated the 7th of July, with their Enclosures, have been received in this Department, and I have perused the evidence they contain of systematic cruelty and oppression with feelings which I will not trust myself to express. Entirely participating in the indignation with which you regard the atrocities perpetrated by Mr. Walley, I no less fully concur with you in regretting that all attempts to obtain justice should have been defeated by defects in the recent slave-code of Nevis, and by the inefficient administration of the law in that island.

The failure of four of the prosecutions instituted against Walley is attributed to the rule laid down in the Act for the admission of slave evidence, passed on the 10th of October 1828, by which the testimony of slaves to facts which had occurred before the date of that statute was declared inadmissible. The inconvenience which might

might result from such an enactment, and its inconsistency with sound principles of legislation, did not escape the notice of Sir George Murray when that Act was under his consideration. In his despatch of the 10th September 1829, he observed that this and another exception made to the general rule of the admissibility of slave evidence, "not only withdrew particular cases from the reach of the statute, but were at variance with the principles upon which the whole measure proceeded. It was," he observed, "admitted, that a slave was a competent, and might be a credible witness; the Act did not render him credible, but acknowledged such claims to credit as he already possessed." He therefore expressed his inability "to perceive why such a witness was less entitled to be believed when speaking of an occurrence which took place on the 9th day of October, the day preceding the enactment, than if it had taken place on the 11th of the same month. The motives to veracity, the temptations to falsehood, and the means of detection, were in either case the same;" he expressed his opinion that "the operation of the exceptions in question would not perhaps be very extensive," but he added, that "it was not on that account the less necessary to avoid any deviation from those sound principles" which the Legislature had recognized.

I regret to find that the practical mischief resulting from the provision thus objected to has been experienced much sooner, and more extensively than had been anticipated. You will take the earliest opportunity of again calling the attention of the council and assembly of Nevis to the remarks which I have thus quoted from my Predecessor's Despatch of the 10th of September 1829, pointing out to them how urgently the case of Walley demonstrates the necessity of establishing the law of slave evidence upon the simple ground that no witness shall in any case be rejected on account of his servile condition. Any qualification of this simple principle must be productive of inconsistencies in the theory and abuses in the practice of the law.

In the deposition made before the magistrates by William Huggins, who had been the overseer of Stapleton's estate, I perceive some statements of so much general importance in relation to the condition of all the plantation slaves in Nevis, that I deem it necessary to recall the language of this witness to your particular recollection. He states that the "gang on Stapleton's estate turned out as soon in the morning as they could see to work," (the word in the copy transmitted by you is written *so*, I presume by a clerical error) knocked off their work in the evening at sun-set, to go for bush or grass, for the cattle stakes. Each negro threw a turn of grass at noon, and another at night. A quarter of an hour or twenty minutes was the time allowed at breakfast time, but *thinks they had the same time as is allowed on other estates*. "I never timed them, but think they had sufficient time; two hours were allowed at noon. Sometimes when the work was pushing they never had breakfast or noon-time on the same day, this was not frequent. When this was the case, the gang had sent to them for breakfast a ball of mussan," (so the words are written) and a herring, or a piece of pork, and at noon-time potatoes boiled for them, or tannins, all of which were in addition to their allowance; stopped working while they ate what was sent to them. In crop-time they had frequently hot liquor sent to them. The gang worked at breakfast and noon-time both in and out of crop, occasionally, but not very often; on these occasions, in crop-time, they always had hot liquor. Have heard the negroes complain at working at their breakfast and noon-time; out of crop-time always had beverage, sometimes four times a day. Negroes worked very hard while I was on the estate; thinks some of them were worked beyond their strength, as those who were most able kept down their rows, the others were pushed to keep with them."

I have extracted the preceding passage at length from the evidence of Mr. Huggins, chiefly on account of his statement that the negroes on Stapleton's estate, "had the same time as is allowed on other estates." I would earnestly hope that in this opinion the witness is mistaken. If he is to be credited, the slaves on a plantation in Nevis are usually employed from the first dawn of light in the morning until sun-set, having only an interval of fifteen or twenty minutes to breakfast, and two hours at noon, but being obliged, according to the expression of the witness, to "throw a turn of grass at noon and another at night." If this were really to be understood as a correct description of the prevailing practice in the colony, it would lead to the alarming conclusion, that at certain times labour was continued for more than thirteen hours every day, with scarcely any intermission. Considering the heat of the climate in which this labour is exacted, and the nature of the provisions

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by which, as appears from this evidence, the slaves are sustained ; and recollecting that the physical strength of the labourer is not supported by the hope of receiving wages, it is impossible to avoid the conclusion that such a system must be destructive of human life, and incompatible with any reasonable degree of comfort. You will inquire and report to me whether the fact really coincides with the statement of Mr. Huggins, and what is the average duration of labour on sugar plantations, and whether the hours allotted for repose, for breakfast and dinner time, or after sun-set, are usually interrupted by the duty of picking grass. Should the result of your inquiries confirm the representations made by this witness, you will immediately urge upon the council and assembly the necessity of passing an effective law for placing some reasonable limits to the labour of plantation slaves.

Approaching more closely to the proceedings in the case of Mr. Walley, I remark that Mr. Claxton, the Solicitor-General, in his letter to you of the 22d March, commented on the neglect of the magistrates to examine Sweeny, the overseer, and Dr. Mills, with respect to what they knew of the circumstances which caused the death of the slave "Eneas," and he recommended a further examination respecting those circumstances. It does not however appear that any such examination took place, and it is still more remarkable that on the trial of Walley upon this charge, neither Sweeny nor Dr. Mills were called as witnesses for the Crown. It is stated that all the Crown witnesses were slaves, and that they were all rejected as inadmissible. You will explain to me why the advice of Mr. Claxton was not followed ; and you will call upon the law officers of the Crown to explain, for my information, why they did not produce the evidence of Mr. Sweeny or of Dr. Mills.

It is stated by Mr. Peterson, that he alone of all the magistracy of the island of Nevis was omitted in the list of magistrates who were summoned by Mr. President Maynard to investigate the charges against Walley. You will signify to Mr. Maynard my direction to explain the grounds upon which this distinction was made.

A subsequent despatch sufficiently explains the motives which induced the Attorney-General upon the acquittal of Walley for manslaughter, in the case of Bolam, to enter a *nolle prosequi* upon the indictment for a misdemeanor in that case.

The rejection by the Grand Jury of Nevis of the bills of indictment preferred to them in so many successive cases of alleged cruelty perpetrated against slaves on different plantations, when viewed with reference to the previous depositions taken before the magistrates, has unavoidably produced on my mind the painful conviction that the gentlemen of the colony have not correctly understood the duties which, as Grand Jurors, it behoves them to perform. I cannot permit myself to believe that persons in their station of life could be insensible to the sacred obligations of the oath taken before they entered the Grand Jury room ; and although I am not disposed to attribute to them any such prejudices on this subject as would prevent the dispassionate exercise of their judgment upon questions of such serious moment, I cannot but feel that the course which they have pursued in this matter is calculated to produce a very painful and unsatisfactory impression in this country. I am willing to ascribe this error to the absence of professional judges, to whose authority upon such subjects deference would be probably paid. I trust the time is not remote when a remedy may be found for this defect in the judicial system of the West India islands. Until that time arrive, I concur in the propriety of the suggestion you have made, that the law officers of the Crown should be directed to prefer informations *ex officio* in all cases in which that course can be legally adopted. This measure will not however obviate the difficulty in cases of felony, in which it will be impossible to proceed, except upon the inquest of a Coroner, or upon a bill found by a Grand Jury. You will therefore take such measures as may appear to you most practicable and expedient for calling the attention of the gentlemen and magistracy of the colonies under your government to this very important subject. Especially you will, by a message to the Legislatures of St. Christopher, Nevis, and Tortola, point out the necessity of rendering the law respecting the office and duties of a Grand Jury generally understood by their constituents. As no doubt has been or could be raised respecting the real rule of law, there is indeed no room for a declaratory enactment. But such a message will at least have the effect of awakening the attention of the Colonial Society at large to the subject.

You

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You will consult with the law officers of the Crown how far it may be possible and expedient to file criminal informations in those cases in which bills of indictment against Walley and others have already been rejected by the Grand Jury of Nevis. I would particularly direct your attention to the cases of the slaves "Davis" and "Harriet Sampson," and to the case of the slaves "George Tobin" and "Monmouth," who were punished by Mr. Cousins. In the last of these cases, the Grand Jury, not content with throwing out the bill, thought proper to find on their oaths that it was "frivolous and vexatious." I apprehend that this finding was entirely beyond their province, and the examinations previously taken would almost irresistibly lead to the conclusion that the bill was improperly rejected.

I perceive that on the investigation in Walley's case a large majority of the magistrates present deliberately quitted the bench, and abandoned the inquiry with which they had been charged. On an occasion of so much importance some very serious cause ought to have existed to justify such a secession, and you will have the goodness to ascertain and report to me what that cause may have been.

I cannot close this despatch without expressing my deep regret at finding myself under the necessity of addressing you upon so painful an occasion, and my very earnest hope that the result of these proceedings may be to produce in the minds of the gentlemen connected with the administration of justice in Nevis a lively impression of the absolute necessity of affording more ample protection to the slave population, and of providing more effective means for the punishment of offences against them.

I have, &amp;c.

Governor Maxwell,  
&c. &c. &c.  
St. Christopher.

(signed) GODERICH.

— No. 6. —

COPY of a DESPATCH from Viscount *Goderich* to Lord *Combermere*,  
dated 19th December 1830.

My dear Lord,

Downing-street, 19th Dec. 1830.

SINCE I assumed the duties of this department, some papers have been before me which were received here in August last, containing the proceedings before the Magistracy and the Court of Justice in the Island of Nevis against a person named Walley, the manager of a property belonging to your Lordship in that Island, for habitual and inhuman cruelty to the slaves under his control. I feel it my duty to enclose copies of these papers for your Lordship's information. I certainly regret the necessity of requesting your Lordship's attention to them, because I know that the perusal of them will be not less painful to you than it has been to myself; but I am equally certain that you have been an utter stranger to the system of management thus disclosed, and that you will be desirous to receive all the information which can further your efforts for guarding against the recurrence of such sufferings as those to which the slaves on your estate in Nevis have been condemned under the directions of Mr. Walley.

On my part no measures will be left unattempted for bringing so great a criminal to justice; and if any intelligence should have reached your Lordship which would throw light on the case, I have no doubt that you will communicate it to me from the same motives which have induced me to make this communication to your Lordship.

I have, &amp;c.

Lord Combermere,  
&c. &c. &c.

(signed) GODERICH.



— No. 7. —

ST.  
CHRISTOPHER.COPY of a LETTER from Lord *Combermere* to Viscount *Goderich*, dated  
Combermere Abbey, 22d December 1830.

My dear Lord,

Combermere Abbey, Dec. 22d 1830.

I HAVE to thank you very much for your letter of the 20th instant, together with papers relative to the abominable conduct of Mr. J. Walley, a manager upon my estate at Nevis. Upon my return from the East Indies I received letters from Governor Maxwell, and from Mr. Swindall, (who manages my St. Kitt's property, and is agent also for that in Nevis), detailing the oppressive and inhuman conduct of Mr. Walley towards the negroes, and informing me that Mr. Swindall had, immediately the facts came to his knowledge, turned Mr. Walley away from the management of the Stapleton estate. I do assure you, my dear Lord, that this circumstance gave me considerable pain, and occasioned me much surprise; for when I was Governor of Barbadoes I visited my estates in St. Kitts and Nevis, and placed new people in the management of them. I contributed the use of the plough and wheel-barrow for manual labour, and gave strict orders that the slaves should not be hard worked, and that they should be well clothed and fed, and all their comforts attended to. It was most gratifying to me, after my return from the West Indies, that my instructions had been implicitly obeyed, and that no estates in those islands were in such fine order as mine, or the negroes so contented and happy. The gross and inhuman conduct of Mr. Walley has given me much pain; and your Lordship may be assured that no expense or trouble on my part shall be spared in order to assist in bringing this criminal to justice: but I fear we cannot expect a jury at Nevis or St. Kitts to do their duty.

Your Lordship knows me too well not to feel confident that every thing was done by me to bring this man to punishment, when I heard of his misconduct; but unfortunately I did not return from the East Indies till after his trial had taken place.

I hope something will now be done in order to make an example of such a miscreant, and I have only again to assure you, that I have nothing so much at heart as the welfare and happiness of the negroes upon my estates, and Governor Maxwell and Mr. Swindall well know how anxious I have been respecting their treatment, &c.

I need not add, that every effort shall be used by me for guarding against a recurrence of such bad treatment of slaves upon my estates.

I have, &amp;c.

To Viscount Goderich,  
&c. &c. &c.

(signed) COMBERMERE.

## B A R B A D O S.

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— No. 8. —

COPY of a DESPATCH from Governor Sir *J. Lyon* to Viscount *Goderich*,  
dated 12th January 1831, with one Enclosure.

BARBADOS.

My Lord, Government House, Barbados, 12th January 1831.

I HAVE the honour to forward herewith the draft of an Act to remove certain restrictions affecting the testimony of slaves, &c. &c.

It was introduced by an influential Member of Council some time ago, and after full discussion passed that body, as will be noticed, on the 30th day of November last. In the House of Assembly, where it had been read once, the progress of the bill was arrested by a necessary dissolution of the House, in consequence of having sat six months after the demise of the late king. Imperfect in this respect as it is, entertaining no doubt of its ultimately passing, I consider it a justice due to the Colony to forward the Bill, that your Lordship may be early apprised of the amelioration which the Legislature of Barbados have freely and voluntarily began with regard to slave-evidence, and as a proof of their desire to meet the expressed wishes of His Majesty's Government on the subject.

It affords me much pleasure to add that a Bill is also in preparation for facilitating the manumission of slaves in this Island, rendering it indeed compulsory on the part of the owner, under certain fair and equitable conditions; this Bill will receive the support of the most influential Members of Council, and it is hoped may not be successfully opposed by the Members of the House of Assembly.

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

Lord Viscount Goderich,  
&c. &c. &c.

*James Lyon.*

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(Enclosure.)

AN ACT to remove certain Restrictions affecting the Testimony of Slaves.

WHEREAS by the third clause of an Act, intituled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better order and government of Slaves, and for giving them further protection and security, for altering the mode of Trial of those charged with capital and other offences, and for other purposes," it is required, that all slaves appearing as witnesses in any of the courts of this island shall produce a certificate of baptism, and also a certificate from under the hand of a clergyman, setting forth that such slave has been sufficiently instructed in the principles of the Christian religion adequately to understand the obligation of an oath, and certain other restrictions are by the said clause imposed upon the evidence of slaves: And whereas it is deemed expedient to dispense with such certificates, and to remove such restrictions, Be it therefore Enacted, by his Excellency Sir James Lyon, Knight Commander of the Most Honourable Military Order of the Bath, Grand Cross of Hanover, Governor and Commander-in-Chief of this Island, Chancellor, Ordinary and Vice Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that from and after the passing of this Act the third clause of the said Act, intituled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves," which passed the 23d day of October 1826, shall be and the same is hereby repealed and made void.

And be it further enacted, that slavery shall hereafter be no bar to the admission of the evidence of persons in that condition, and that all slaves shall be admitted

Clause 2d.

## BARBADOS.

admitted to give evidence in any of the courts of this island, and before any justice of the peace, coroner or other officer, authorized to administer oaths, upon the same terms, and subject to the same rules and regulations, as any other class of His Majesty's subjects, in all things, especially in reference to incompetency from want of sufficient understanding, defect of religious principle, conviction for certain crimes, or interest, due regard being had to the consistency and intrinsic credibility of such evidence.

## Clause 3d.

And be it further enacted, by the authority aforesaid, that when any person or persons shall require the testimony of any slave or slaves before any court, judge, coroner, or justice, a writ of subpœna shall and may be issued in the usual manner by such court, judge, coroner or justice, directed to the owner or possessor of such slave or slaves, or the person under whose immediate charge such slave or slaves may be, requiring him or her to bring or produce, or cause to be brought or produced, in court, or before such judge, coroner, or justice, such slave or slaves, at the time and for the purposes in the said writ mentioned. And if the person to whom such writ may be directed shall neglect or refuse to produce such slave or slaves, on proof of the same having been served on him or her by some white person, he or she shall forfeit the sum of ten pounds, current money, to the uses of the island, to be levied and raised as in the case of servants wages, by warrant from the said court, judge, coroner or justice.

## Clause 4th.

And be it further enacted, that any slave who may commit perjury before any court, judge, coroner, or justice of the peace, shall upon conviction thereof be punished by imprisonment, not exceeding three months; and if the offender be a male, that he shall also be flogged, not exceeding three times during the period of his imprisonment, and that at no one time shall he receive more than thirty-nine stripes; and that if the offender be a female, the punishment of the tread-mill be substituted for flogging, at the discretion of the Court.

## Clause 5th.

And be it further enacted, that this Act be and continue in force for the period of three years, and no longer.

Read three times, and passed the Council, this 30th day of November 1830.

(signed) *Wm. Husbards,*  
D. Clerk of the Council.

## A N T I G U A.

— No. 9. —

## ANTIGUA.

COPY of a DESPATCH from Governor Sir *P. Ross* to Viscount *Goderich*, dated 22d January 1831.

My Lord,

Government House, Antigua, 22d Jan. 1831.

THE delay in the arrival of the mail-boat enables me to have the honour of acquainting your Lordship, for the information of Lord *Goderich*, that a Bill for the abolition of the market throughout the Sabbath-day, and another for the admission of slave-evidence, are in progress through the Houses of Legislature of this island; and that I entertain a well-grounded hope of transmitting one or both for the Royal confirmation by the ensuing packet.

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

Lord Viscount Howick,  
&c. &c. &c.

(signed) *Patrick Ross.*

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## ST. VINCENT.

— No. 10.—

COPY of a DESPATCH from the Officer administering the Government, to Secretary Sir *George Murray*, dated 23 September 1830; with 1 Enclosure. ST. VINCENT.

Sir,

Government House, St. Vincent,  
23 September 1830.

PERMIT me to refer you to your despatch of 2d September 1829, accompanying the Order in Council, whereby his late Majesty was pleased to declare his disallowance of the amended Slave Act passed by the legislature of this island some short time previously, because it introduced a distinction between the competency of witnesses of free and servile condition.

I assure you, Sir, it is with great pride I have now the honour to transmit a copy of a slave-evidence bill passed on the 8th instant, which not only meets every declared objection by dispensing with the certificate of a religious teacher that the slave is adequately instructed to understand the nature and obligation of an oath (which was required to make him a competent witness in criminal cases only,) but most liberally declares that no person shall henceforth be rejected as a witness in any court of civil or criminal justice in St. Vincent by reason of his or her slavery.

I trust the readiness with which this important measure has been adopted will be accepted by His Majesty's Government as a testimony of that confidence with which the Legislature will from time to time acquiesce in such progressive improvements as tend to the moral and intellectual advancement of the slave population.

I have, &amp;c.

The Right Honourable  
Lieut. Gen. Sir *George Murray*, G. C. B.  
&c. &c. &c.

(signed) *W<sup>m</sup> J. Struth.*

(Enclosure.)

AN Act to repeal the sixty-sixth and sixty seventh Clauses of an Act, intituled, "An Act to repeal an Act intituled an Act for making Slaves real Estate," and the First Clause of an Act, intituled, "An Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the coloured free People, and number of Negroes within this Government and its dependencies, and to ameliorate the condition of Slaves, and for other purposes;" and also an Act to alter and amend an Act, intituled, "An Act to repeal an Act, intituled, 'An Act for making Slaves real Estate,' and the First Clause of an Act, intituled, 'An Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the coloured free People, and number of Negroes within this Government and its dependencies, and to ameliorate the condition of the Slaves, and for other purposes, and to admit the Evidence of Slaves.'"

No. 282.

WHEREAS it is expedient for the better and more impartial administration of justice in Saint Vincent, that the several laws now in force regulating the admission of the evidence of Slaves should be revised, and other provisions substituted in lieu thereof, WE therefore, your Majesty's most dutiful and loyal subjects, Sir *William John Struth*, Knight, President, Commanding-in-Chief for the time being in and over the Islands of Saint Vincent, Bequia, and its Dependencies, and the Council and Assembly of the same, pray your most Excellent Majesty that it may be enacted; And be it and it is hereby enacted by the authority aforesaid, That from and after the publication of this Act the sixty-sixth and sixty-seventh clauses of an Act, intituled, "An Act to repeal an Act, intituled, 'An Act for making Slaves Real Estate,'" and the first clause of an Act, intituled, "An Act to appoint Commissioners

Preamble.

Clause I.

## ST. VINCENT.

Commissioners for the purpose of obtaining an exact account of the number of the coloured free People and number of Negroes within this government and its dependencies, and to ameliorate the condition of Slaves, and for other purposes ;” and also, an Act, intituled, “ An Act to alter and amend an Act, intituled an Act to repeal an Act intituled an Act for making Slaves Real Estate, and the first clause of an Act intituled, an Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the coloured free People and number of Negroes within this government and its dependencies, and to ameliorate the condition of the Slaves, and for other purposes,” shall be and the same are hereby repealed accordingly.

## Clause II.

And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or considered incompetent to give evidence in any court of civil or criminal justice in Saint Vincent by reason of his or her being in a state of slavery : Provided always, that no slave shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned ; nor in any court of criminal justice where his or her owner may be charged with or prosecuted for any offence whatever ; and provided also, that nothing in this Act contained shall extend to render any slave competent in the law to give evidence in any case in which such slave would be incompetent to give evidence if he or she were of free condition.

## Clause III.

And be it further 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 in this island, a writ of subpoena shall issue under the hand of the secretary of this island, or his lawful deputy, and under the seal of the court in the usual manner, upon the application of any person or persons requiring the testimony of such slaves, directed to the owner or possessor of such slave or slaves, or in his absence, to the person under whose immediate charge such slave or slaves may be, requiring him, her or them, under the penalty of fifty pounds, to bring and produce, or cause to be brought and produced in court, such slave or slaves for the purposes aforesaid ; but before the said slave or slaves shall give evidence, the party prosecuting or requiring testimony shall tender to the proprietor, or his or her representative, or pay into court for his or her use, the sum of twenty shillings per day for such time as the witness shall be absent from the duty of his master or employer.

## Clause IV.

And be it further enacted by the authority aforesaid, that in case any slave or slaves shall wilfully or corruptly give false evidence in any trial had under this Act, or any other Act, such slave or slaves, being thereof convicted, shall receive such punishment as the court trying the cause shall think proper to direct.

## Clause V.

And be it further enacted by the authority aforesaid, that this Act shall be in force during the continuance of the said first hereinbefore recited Act, and no longer.

Dated at Kingstown, this 8th day of September in the First year of the reign of our Sovereign Lord WILLIAM the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1830.

*J. P. Ross*, Speaker.

Passed the Assembly, this 8th of September 1830.

*P. Hobson*, Clerk of Assembly.

Passed the Council, this 8th day of September 1830.

*John Beresford*, Clerk of the Council.



*W. J. Struth*.

Assented to by His Honor the President Commanding-in-Chief for the time being, this 9th day of September, in the year of our Lord 1830.

*John Beresford*, Public Secretary.

SAINT VINCENT.—Duly published in Kingstown, this 10th day of September in the First year of His Majesty's reign, and in the year of our Lord 1830.

*C. D. Stewart*,  
Acting-Provost-Marshal-General.

## TRINIDAD.

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— No. 11. —

COPY of a DESPATCH from the Officer administering the Government to  
Secretary Sir *George Murray*, dated 24th October 1830.

ST. VINCENT.

Sir,

St. Vincent,  
Government House, 24th October 1830.

HAVING omitted to mention the cause which occasioned a limitation to the Slave Evidence Bill, which I had the honour to transmit to you on the 23d ult., I now have to state for your information, that as the existing Slave Act will expire in two years, it was deemed advisable to give the present Bill a corresponding operation; so that when a new code becomes a subject of consideration with the Legislature, they will have an opportunity of embodying the testimony of slaves, and any other improvement which may be suggested to them, in one statute.

I am happy to acquaint you, that a Bill for relieving the coloured inhabitants from all disabilities is now in progress, and in all probability will shortly be passed.

I have, &amp;c.

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

(signed) *W. J. Struth.*

## TRINIDAD.

— No. 12. —

COPY of a DESPATCH from Major-General *Grant* to Secretary Sir *George Murray*, dated 16th April 1830.

TRINIDAD.

Sir,

Government House, 16th April 1830.

I HAVE the honour to acknowledge the receipt of your Despatches of the 4th and 18th February, enclosing an order of the King in Council for consolidating the several laws recently made for the improvement of the condition of Slaves: in compliance with the directions contained in those despatches I have now the honour to acquaint you, that the order was duly proclaimed here on the 8th instant, and that it will come in force on the 23d of the present month; several proclamations will be necessary in consequence of this order, and which will be ready for promulgation in the course of a very few days.

I have, &amp;c.

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

(signed) *Lewis Grant.*

## D E M E R A R A .

— No. 13. —

DEMERARA.

COPY of a DESPATCH from Sir *B. D'Urban* to Secretary Sir *George Murray*, dated 1st May 1830; with Two Enclosures.

Sir,

King's House, Demerara, 1st May 1830.

I HAVE had the honour to receive your Despatch, No. 49, with its enclosures.

When I had carefully read and considered the Order in Council of the 2d February last, I became aware, that besides those points of the subject of it upon which I was empowered to supply subordinate rules by proclamation, there were still others upon which the Order had been silent, but which essentially involved the health, the protection, and the welfare of the Slaves.

These were those which had been effectually provided for by the following clauses of the Colonial Ordinance of 1825, with its amendment of 1829; viz. 8. 10. 13, 14, with its amendment, 21, 22, 23, 24, 25, and 28; but which, with the Ordinance itself, were to be abrogated by the Order in Council.

Upon reflecting upon the concluding paragraph of your Despatch, it appeared to me that it must have been intended to have direct allusion to the re-enactment of those clauses which form the protecting safeguard of the slaves most vital interests; and the provisions of which are indeed so important in every regard, that I was impressed with the deepest solicitude for their re-enactment, so as to be in renewed operation simultaneously with that of the Order in Council.

With this view I assembled the Court of Policy, and proposed to them the re-enactment of the above clauses; and I cannot speak too highly of the good feeling with which they acquiesced in my proposal, and unanimously re-enacted them all, at the same time amending and improving two of them (the 22d and 23d), to the increased benefit and advantage of the slave.

The value of these provisions to the well-being of the slave population is so self-evident that it would be superfluous for me to dwell upon it in detail; and I have the honour herewith to transmit the Colonial Act of re-enactment, humbly hoping that His Majesty may be graciously pleased to approve and confirm it.

I also transmit, humbly confiding in His Majesty's gracious approval of it, the proclamation which I have issued under the powers vested in me by the Order in Council, for supplying subordinate rules to co-operate with it; and as Mr. President Wray has afforded me his counsel and assistance, as well in framing the substance, as in arranging it in technical language, I trust it will be found adequate to its provisions. It may, perhaps, require a few observations in elucidation, which I shall offer to your attention as shortly as I can; they are as follow :

With reference to the 2d and 3d paragraphs of it, having, as instructed in the despatch, consulted some of the principal and most intelligent proprietors upon the day and hours of it, most convenient for holding the market to be substituted for that of Sunday, they concurred in those which I have inserted in the proclamation, which also I think will be most convenient to the community generally; and as the butchers shops are all within the boundaries of the market-places, it became necessary, looking at the spirit of the 15th clause of the Order in Council, to exempt those shops from the restrictions imposed by the 14th clause, which would otherwise become prohibitory of them.

With reference to the 4th paragraph, I have adhered as closely as was possible to the definition of "works of necessity," in the Colonial enactment of 1825; because I am not aware that I could have adopted a better or a more precise one; making, however, the *rule of payment for all Sunday labour* (except as excepted in the Order in Council and Despatch) imperative.

But there is one condition not adverted to, as I think, in the Order in Council, although mentioned in the Despatch, upon which I have been silent in my Proclamation until I can refer the point to you, and receive your answer: it is contained in that passage of the Despatch wherein it is said, "services of this nature cannot

No. 1.

Nos. 2.

cannot even now be demanded without the free consent of the slave ;” and I have ventured to incur this responsibility, because I cannot doubt that the promulgation of such a provision would infallibly be attended with “ serious and irreparable injury,” not only to property, but to that salutary subordination of the slaves to their masters, upon which must ever rest the mutual well-being of both, and the general peace and tranquillity.

The master is bound by the law, and under sufficient penalties, only to employ his slaves on a Sunday upon certain pressing works, which are specifically defined, and for which labour he pays ; so that if he contravenes this law, he does it at his peril, and the slave would appear to be duly protected from abuse, since redress would follow his complaint.

But if the slaves on their parts were allowed the right of refusing such labour as might be urgently required, it would arm them with a dangerous power, and there would soon be an end (I apprehend in but too many cases) of authority on the one side, and of obedience on the other ; for whenever the slaves of any estate, or those of them who influenced the others, were discontented upon any grounds, just or unjust, or had a point to carry, they would refuse to work upon the first Sunday that they were wanted, and the crop would be at their mercy ; besides, and which would probably be the most mischievous effect of this state of things, an anomaly would be originated inconsistent with slave-labour. The asserted and sanctioned right of refusal to labour on one day, would soon, in all probability, beget a habit of refusing to do so on others, which would inevitably give rise to the necessity of coercion and severity that would otherwise not exist ; and this would naturally end in a hostile feeling between masters and slaves, that would tend more than any other circumstance to retard the melioration of the slave condition, while it would incur immense risk of creating such a general temper in all as cannot be regarded without anxiety.

This being my view of the case (and as the point is not set forth in the Order in Council), I have thought it most judicious to abstain from any mention of such a condition in the Proclamation ; and the rather, because no material wrong can be inflicted, or evil incurred, by suffering things to remain as they are and have hitherto been, for the short time necessary to receive your decision thereon, when, if you should be disposed to enforce that condition, it can be then proclaimed and enforced ; whereas if I should now do it, however you may be inclined upon reconsideration to view it in the light in which my practical knowledge induces me to regard it, the evil already done would be irremediable, as the step once taken, from its nature, could not be retraced.

With reference to the 5th paragraph of the Proclamation, the punishments established for female slaves in lieu of whipping, are those of the Colonial Ordinance of 1825, with its amendment of 1829, prohibiting, however, the punishment of confinement on Sunday, and these I have adopted as the best which can be devised, because they are framed upon the principle laid down in your present despatch, because the slaves are accustomed to them, and because they have been found unobjectionable in a practice of more than four years.

Of the judicial provisions of the Proclamation I do not think it necessary to speak ; as they were framed by Mr. President Wray, I can have no doubt of their propriety and efficiency.

The Order in Council, Proclamation, and re-enacted clauses, having been published together on the 29th of last month, will all come into operation simultaneously on the 14th instant.

I have the honour to be, Sir,

Your most obedient and most humble servant,

To Lt. General  
The Right Hon. Sir George Murray,  
G. C. B. G. C. H. G. C. T. S.

(signed)

*B. D'Urban.*



Enclosure 1, in No. 13.

No. 42, 1830.

**DEMERARA.** AN Act to continue in force certain Clauses of an Ordinance for the Religious Instruction of Slaves, in His Majesty's Colony of *Demerary* and *Essequebo*; and for the Improvement of their Condition.

Publication, by his Excellency Major-General Sir *Benjamin D'Urban*, Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant-Governor and Commander-in-Chief in and over the United Colony of Demerary and Essequebo, its Dependencies, &c. &c. and the Honourable the Court of Policy of the said Colony. To all to whom these Presents shall or may come, Greeting ;—Be it known :

Preamble.

WHEREAS by an Order in Council, bearing date the 2d day of February 1830, the King's most Excellent Majesty was pleased to revoke, repeal and annul an Ordinance for the religious instruction of slaves in his Majesty's Colony of Demerary and Essequebo, dated the 7th day of September 1825, together with all laws, ordinances and proclamations passed, enacted, or promulgated within the said Colony for the explanation or amendment of the said Ordinance: And whereas the Right Honourable the Secretary of State for the Colonies, by his Despatch to his Excellency the Lieutenant-Governor, bearing date 4th February 1830, has signified his Majesty's pleasure that the Court of Policy should amend and re enact certain clauses of the said Ordinance of the 7th September 1825, which are highly important to the well-being of the slaves :

President or Court of Justice to appoint Advocates to defend Slaves, such Advocates to be paid out of the Colonial Chest.

1. It is hereby ordered, for the purpose of securing the impartial execution of justice in all cases in which slaves may be parties concerned, that whenever it may become the duty of the fiscal to institute a criminal prosecution against a slave, (which prosecution is always to be carried on as heretofore in the same manner as against every person of free condition), it shall be his duty, when applying to the Court of Justice, or in non-session, to the President of said Court, for authorization to institute such criminal action, suit, and prosecution, to demand at the same time the appointment of one or more advocates (according to the nature of the charge) to defend such slave in the suit to be commenced against him, when it shall be the duty of the Court of Justice, or the President thereof, to whom the application is made, to appoint such advocate or advocates without any delay : Provided always, that such advocates shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the criminal law and the practice thereof as it is established in this colony if the party accused and under trial were a person of free condition ; and in order to secure the zealous and active exertion on the part of such advocates in the defence of such slave or slaves, they shall be entitled to such fees as shall have been taxed and certified by the Court of Justice as due to them, the amount whereof shall be ordered by the Court of Policy to be paid to them out of the colonial chest, on proper application being made for the same.

Slaves not to leave the Estate on Sunday, without permission.

2. And it is hereby further ordered, that the exemption from labour secured to the slaves by the 17th section of the said Order in Council shall not authorize them to leave the estates to which they belong, without having thereto obtained permission from their owner, manager or employer ; but that they shall, during that period, continue to remain subject to such regulations as are established by law, as well for their own protection as for the preservation of good order and the general tranquillity of the colony ; nor shall it extend to prevent the weekly allowance and rations being delivered to the slaves on Sunday morning ; which however may not be protracted beyond the hour of eight *a. m.*

Gratuity to Female Slaves for every child born under certain circumstances.

3. And it is further ordered, that every female slave who may have a child while she preserves her fidelity in marriage or reputed marriage, or is reputed to do so, shall, six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner or his attorney, 12 guilders, and 15 guilders for every

every other child she shall thereafter bear and have under the same circumstances : and if any owner or attorney shall omit in any respect to comply with and fulfil the direction of this clause, he shall incur a penalty of 20 *l.* for every such offence. And it is further ordered, that as soon as any female slave shall have six children living, and who have been born during marriage or such cohabitation as aforesaid, with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female slave shall not thereafter oblige such female slave to do any labour in the field, or any other than light work, under a penalty of 20 *l.*

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4. Every planter or proprietor of slaves shall take the necessary precaution that his slaves be properly supplied with provisions, and shall therefore be obliged to have provision-grounds prepared on the estate, and properly planted, calculating one acre for five negroes ; allowing moreover a reasonable weekly allowance, according to the custom of the colony, and as may best be obtained ; and also to provide them with proper clothing, all agreeably to a schedule hereunto annexed, under a penalty of 5 *l.* for every acre less in provisions than required ; and 10 *l.* for every slave who shall not have been properly provided with his allowance : Provided always, that whenever the provision-grounds to be upon an estate shall be found inadequate to furnish the requisite provisions for the due subsistence of the negroes, the owner or his representative shall be required to purchase, or otherwise procure, such an equivalent supply of provisions as may be proper for their support.

Provisions and Clothing to be furnished agreeably to Schedule.

5. And be it further ordered, that the hours for field-work of slaves shall be from six o'clock in the morning until six in the evening, and not longer ; and that two hours shall be allowed them during that period for rest and meals, under a penalty of 20 *l.* ; and that with regard to slaves employed in and about the buildings for the manufacturing and preserving of crops, there shall be allowed at least eight hours of rest, not less than six hours of which shall be between sun-set and sun-rise, and the whole eight hours without interruption ; under a like penalty of 20 *l.*

Hours for Field Work and Work in and about the Buildings.

6. And it is further ordered, that every proprietor of slaves, or his attorney, shall employ a legally-qualified medical practitioner to attend their sick slaves, and shall provide such medicines, food, and other necessaries as such medical practitioner shall from time to time reasonably order and direct ; and that there shall be on every estate or place where the slaves usually reside, a commodious hospital or sick-house, furnished with proper conveniences and attendants for the sick, under a penalty of 40 *l.* ; and that a book or register shall be kept in every such hospital in which the names and treatment of all such slaves shall be respectively entered by the medical attendant.

Owners of Estates to employ a Medical Practitioner.

7. And it is further ordered, that no person shall, under a penalty of thirty pounds, bury or allow to be buried any slave who has died suddenly, or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in Georgetown, at the office of the first Fiscal, or if in the country, until such information be sent to the assistant Protector of slaves of the district, or if this be impracticable, to some other respectable inhabitant, who shall, with some legally-qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the respective Fiscals.

Hospital Book to be kept.

No Slave who may have died suddenly, &amp;c. to be buried without inquest.

8. And in order to prevent any irregularities tending to the prejudice of the slave by persons employing the slaves of others without their owners consent, which it is highly necessary to guard against—it is hereby further ordered, that no slave shall or may be lawfully hired or employed in the service of any person or persons except their, his or her owner or manager, unless with the special consent in writing of such owner or manager ; and every person thus unlawfully hiring or employing one or any greater number of slaves shall for every such offence incur and be liable to a fine of forty pounds.

No person to hire the Slave of another without Owner's consent.

9. And it is further ordered, that an Act, entitled " An Act for establishing a Savings Bank for Slaves," published by the Lieutenant-Governor and Court of Policy, on the 4th day of March 1828, shall be and continue in full force and effect.

Savings Bank.

10. And for the purpose of enabling the Court of Justice more readily to ascertain whether or not any slave produced before it as a witness, understands the nature and obligation of an oath, it is hereby further ordered, that every clergyman of the Established Church of England and Ireland, and every minister of the Dutch Reformed Church, and of the Kirk of Scotland, and every priest or minister professing

Certificates of Witnesses.

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professing the Roman Catholic religion in this colony, and every other person being a licensed teacher of religion within the colony, shall, and is hereby authorized to transmit, or deliver under his hand, to the Protector, or assistant Protector of slaves of the district in which he may be resident, certificates, setting forth the names or name and places or place of abode of any slaves or slave, who in the judgment and belief of the party so certifying may be sufficiently instructed in the principles of religion, to understand the nature and obligation of an oath; and the Protector or assistant Protectors of slaves of the several districts in the colony shall and are hereby required to register the same in a book, to be kept by them for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may be granted, and of every slave mentioned and included therein; provided nevertheless, that no priest or minister, or licensed teacher of religion, not being a clergyman of the Church of England and Ireland, or minister of the Dutch Reformed Church, or of the Kirk of Scotland, or of the Roman Catholic religion, shall be competent to grant any such certificate as aforesaid, unless His Majesty's principal Secretary of State for the colonies, or the Governor or acting Governor for the time being of the colony, shall have granted to such priest minister or licensed teacher, a license in writing to act as an instructor of slaves in the colony; and unless such license shall be in force, and have been first registered at the office of the said Protector of slaves: Provided always, that nothing herein contained shall extend or be construed to extend to prevent or abridge the undoubted power of the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, to suspend or take away any such license until His Majesty's pleasure shall be known. And the Protector or assistant Protector of slaves, (as the case may be) is hereby required, without fee or reward, to grant to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered: Provided always, that nothing herein contained shall prevent the Court of Justice admitting any slave as a witness without a certificate, if the court is, in any other manner, satisfied, that the proposed witness understands the nature and obligation of an oath.

Regulations for the flogging of Males.

11. And whereas the 21st and 22d sections of the said Order in Council do not include certain salutary regulations respecting the time and place of inflicting the punishment of flogging on male slaves, it is hereby further ordered, that it shall not be lawful to inflict on any male slave the punishment of flogging until after sunrise of the day next following that on which the offence has been committed, for or in respect of which any such punishment may be inflicted; nor shall any such punishment be inflicted but, at, or near, the buildings of the estate.

Substituted punishments.

12. And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner or manager to impose any or either of the following punishments upon any male slave or slaves, for any offences to be hereafter committed by such male slave or slaves, in lieu of the punishment of flogging, it shall be lawful for such owner or manager so to do; complying in all respects with the provisions hereinafter mentioned.

*Solitary Confinement*—with or without work, in any fit and proper place on any estate, or in any place in the said colony, provided that such place be approved by some duly-licensed medical practitioner in the said colony, by certificate in writing under his hand, such certificate to be duly entered in the record-book on every plantation, if in the country; and if in town, by some duly-licensed medical practitioner and the first Fiscal, to be duly recorded in the office of the said Fiscal; and provided, that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

*Field Stocks*—for the confinement of the hands during the hours of labour in the field, provided that for each offence the period of confinement shall not at any one time exceed thirty minutes.

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

*Bed Stocks*—for confinement of the feet during the night.

*Handcuffs.*

*Distinguishing Dresses*—to be used either with or without the stocks.

*Distinguishing Marks*—to be suspended from the neck by collars, and secured by padlocks: the collars and marks to be made of tin, and to be of a form approved by

by the government, and, as well as the handcuffs, to be very light, so as not to injure the skin.

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*Confinement*—either solitary or otherwise, during one of the hours of noon, with or without task-work during such confinement: Provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food, at least once in every twelve hours, and with a proper supply of good water.

The punishment by bed-stocks shall not exceed six nights, or three days and three nights; nor shall more than one of the modes of punishment hereby authorized be inflicted for the same offence, nor shall any of the punishments herein specified be exceeded, under a penalty not greater than forty pounds, and not less than ten pounds; and no other mode of punishment than is specified herein, and in the 21st section of the said Order in Council, shall be inflicted on any male slave, under a penalty not exceeding fifty pounds nor less than twenty pounds.

And it is hereby further ordered, that if any offence to be hereafter committed by any male slave in the said colony shall be of such a nature, and of such an extent, as in the opinion of his or her owner, or of any person under whose charge such slave may be placed, to require greater punishment and correction than such owner or person is empowered to inflict, such owner or person shall in writing give information in such case to the respective Fiscals, whose duty it shall be, after due investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, either by an extension of some one or other of the modes of punishment herein before provided, or by hard labour on the treadmill (the same, however, not to exceed the period of one month) or otherwise to proceed according to the existing laws of the colony.

13. And it is hereby further ordered, that the Protector of slaves shall proceed for the recovery of all fines or penalties in the same manner as the Fiscal is authorized to proceed for the enforcement of pecuniary penalties under the Act of the Governor and Court of Policy of the 9th of May 1829, any thing in the said Act provided notwithstanding. Regulations for Prosecutions, &c.

And it is hereby further ordered, that the Protector of slaves shall institute all proceedings in prosecutions under this Act in the name of the Crown Advocate for the time being, and the same shall be conducted by the Crown Advocate, or some person on his behalf, duly authorized thereto by the President of the Court of Justice: and the Rules of criminal Trials, the Act for the more speedy enforcement of pecuniary penalties, any thing in the said Act provided notwithstanding; and an Act for altering the law of evidence in criminal cases shall extend to all prosecutions under this Act; and the Protector of slaves and assistant Protectors of slaves, shall have the like powers as the Fiscals and deputy Fiscals to procure evidence, and enforce the attendance of witnesses, and the same charges shall be allowed to the Secretary as are provided in the above-mentioned Rules and Acts.

Provided also, that all prosecutions under this Act shall be commenced within twelve calendar months after the commission of the offence; and the information and proceeding thereon before a person properly authorized shall be deemed and be taken to be a commencement of such prosecution. Limitation of Prosecution.

14. And it is hereby further ordered, that all fines imposed by this Act shall be taken to be so imposed in British sterling money. Fines in Sterling Money.

15. That this Act shall be in force on the expiration of fourteen days next after the date of publication hereof, and not before.

And that no ignorance may be pretended of the several Orders contained in this our Act, these presents shall be published and sent round for general information, as usual.

Thus done and enacted at an Extraordinary Meeting, held at the Colony-House, Georgetown, Demerary, this 17th day of April, 1830, and published on the 29th following.

(signed) *B. D'Urban.*

By command of the Court,

*Charles Wilday*, Joint Dep. Col. Sec.

A true Copy.

*J. C. Hammill*, Acting Gov. Sec.

## DEMERARA.

## SCHEDULE of Weekly Allowance of Food, to be given to Slaves in the United Colony of Demerary and Essequibo.

Description of Person.	Salt Provisions.	Plantains.	Or other Farinacious Food.
Adult working male or female.	-- Salt fish, Herrings, Shads, Mackarel, or other salt provisions two pounds, if fresh, double the quantity, with half pint of salt.	-- One and a half bunch, weighing not less than forty-five lbs.	-- Nine pints corn or beans, eight pints pease or wheat or rye-flour, or Indian corn meal, or nine pints oatmeal, or seven pints rice, or eight pints Cassava-flour, or eight lbs. biscuit, or twenty lbs. yams or potatoes, or sixteen lbs. eddoes or tanios, and not less.
Invalids, and boys and girls from ten to fifteen years of age.	-- Two thirds of the above.	-- Two thirds of the above.	Two thirds of the above.
Boys and girls from five to ten years of age.	Half of the above -	Half of the above -	Half of the above.
Children from one to five years of age.	-- One third of the above.	-- One third of the above.	One-third of the above.

## YEARLY ALLOWANCE OF CLOTHING.

	Working Males.	Working Females.
Hat - - - - -	1	1
Cloth jacket - - - - -	1	—
Check shirt - - - - -	1	—
Pair Osnaburg trowsers - - - - -	1	—
Salempores laps - - - - -	2	—
Razor or knife - - - - -	1	—
Blanket every two years - - - - -	1	1
Gown or wrapper - - - - -	- - -	1
Check shift - - - - -	- - -	1
Osnaburg petticoat - - - - -	- - -	1
Pair of scissors - - - - -	- - -	1

To invalids and children in proportion.

(A true copy)

J. C. Hammill,  
Assist. Gov. Sec.

Enclosure 2, in No. 13.

PROCLAMATION by His Excellency Major-General Sir *Benjamin D'Urban*,  
Demerary and Essequibo. Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant-Governor and Commander-in-Chief in and over the United Colony of Demerary and Essequibo, its Dependencies, &c. &c. &c.

(L. S.)

B. D'URBAN.

WHEREAS by an Order in Council, bearing date the 2d day of February 1830, the Governor of these Colonies is required to issue certain Proclamations, I do, in pursuance thereof, hereby direct—

1. That with reference to the 8th clause of the said Order in Council, the said Protector or assistant-Protector of slaves shall have power to administer an oath in all matters relating to the duties of their office.

2. I hereby

2. I hereby further direct, with reference to the 15th clause of the said Order in Council, that the butchers shops in the market-place may be used on Sundays for the sale of fresh meat, between the hours set apart for the celebration of Divine Service on that day.

3. And I do further direct, with reference to the 16th clause of the said Order in Council, that Saturday in each week shall be a day for holding markets at all places within these colonies, at which it hath heretofore been customary to hold markets on Sunday; and that the said markets shall be held and continue from the hour of one o'clock in the afternoon, until the hour of five in the afternoon.

4. And I do further declare, that the following shall be considered works of necessity, under the 20th clause of the said Order in Council, and shall be paid for in the manner herein directed, viz.

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

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

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

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

A. That in order to avoid all ambiguity in explaining the term "preservation of the crops," it is to be well understood, that on sugar estates it shall mean nothing more than potting the sugar made by boiling-off the cane-juice that may have been expressed at the time of sun-set on any Saturday. That on coffee and cotton-estates it shall mean, 1st, the turning and drying of coffee or cotton already housed and in a state of preparation, but not cured; 2dly, the picking of coffee or cotton during the crop, when from its ripening suddenly, and from the unfavourable season, it would be totally lost if not immediately picked.

B. That the labour of picking coffee and cotton, the potting of sugar, the turning and drying of coffee or cotton, must be performed for wages, which are to be paid to the slave himself.

C. That the rate of these wages shall be fixed by the Protector of slaves, who shall from time to time, by notices publicly given, signify the lowest rate of wages payable to the slaves for such labour.

D. That any person or persons, being the owner or manager of such slave or slaves as may thus lawfully be employed or hired, and refusing or neglecting to pay to them, for his or her own use and benefit, wages at not less than the rate so to be fixed by any public notice of the Protector of slaves, shall for every such offence incur and become liable to a fine of three pounds.

5. And I do further declare that the following shall be the nature and extent of the punishments to be substituted for the punishment of whipping in the case of female slaves, under the 25th clause of the said Order in Council.

*Solitary Confinement*, with or without work, in any fit or proper place on any estate, or in any place in the said colony, provided that such place be approved by some duly-licensed medical practitioner in the said colony, by certificate in writing under his hand; such certificate to be duly entered in the record-book on every plantation if in the country; and if in town, by some duly-licensed medical practitioner and the first Fiscal, to be duly recorded in the office of the said Fiscal; and provided that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

*Field Stocks*, for the confinement of the hands during the hours of labour in the field, provided that for each offence the period of confinement shall not at any one time exceed thirty minutes.

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

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*Bed Stocks*, for confinement of the feet during the night.

*Handcuffs*.

*Distinguishing Dresses*, to be used either with or without the stocks.

*Distinguishing Marks*, to be suspended from the neck by collars, and secured by padlocks; the collars and marks to be made of tin, and to be of a form approved by the Government; and as well as the handcuffs, to be very light, so as not to injure the skin.

*Confinement*, either solitary or otherwise, during one of the hours of noon, with or without task-work, during such confinement; provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food at least once in every twelve hours, and with a proper supply of good water.

The punishment by bed-stocks shall not exceed six nights, or three days and three nights; nor shall more than one of the modes of punishment hereby authorized be inflicted for the same offence; nor shall any of the punishments herein specified be exceeded, under a penalty not greater than forty pounds, and not less than ten pounds; and no other mode of punishment of females than is herein specified shall be inflicted, under a penalty not exceeding fifty pounds, nor less than twenty pounds; provided however, that nothing herein contained extend or shall be construed to extend to prevent any master, owner, or manager of any female slave under the age of ten years, causing her to be punished and corrected for any fault or misconduct by her committed, in such and the same manner and to such and the same extent as any child of free condition may be, and usually is punished and corrected in any school for the education of youth in this colony: provided also, that nothing herein contained shall authorize any manager to inflict any of the above punishments on any female slave on any Sunday throughout the year.

6. And I hereby further order, that if any offence to be hereafter committed by any female slave in the said colonies shall be of such a nature and of such an extent as in the opinion of his or her manager to require greater punishment and correction than such manager is empowered to inflict, such manager shall in writing give information in such case to the respective Fiscals, whose duty it shall be, after due investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, either by an extension of some one or other of the modes of punishment hereinbefore provided, or by hard labour on the tread-mill, (the same, however, not to exceed the period of one month,) or otherwise to proceed according to the existing laws of the colony.

7. And I hereby further order that the following fees may be charged under the 66th clause of the said Order in Counsel, viz. by the President's Secretary, for copies of all documents or orders issued by the President at and after the rate now paid by tariff to the said Secretary; and also by the Marshal the fees now charged by him for services in ordinary civil process; and that each appraiser shall be allowed a sum not exceeding ten pounds, nor less than five pounds, the amount thereof to be determined in each case by the President of the Court of Justice.

8. And I hereby further order, that the Protector of slaves shall conduct all prosecutions for misdemeanours under the said Order in Council, by personal citation, in the form and manner prescribed for minor crimes and offences by the rules for criminal trials which took effect and are in force since the 18th of May 1829; and that for all fines incurred under this Order, not included in offences declared to be misdemeanours, the Protector of slaves shall proceed for the recovery thereof in the same manner as the Fiscal is authorized to proceed for the enforcement of pecuniary penalties under the Act of the Governor and Court of Policy of the 19th of May 1829, anything in the said Act provided notwithstanding; and in bringing and defending any civil action on behalf of any slave or slaves, the Protector shall apply to the President of the Court of Justice for an order, *pro Deo*, and the President shall grant the same, if he deems such slave or slaves to be entitled by his or their poverty to such order, and also to have good, just and legal grounds of suit or defence.

9. And all prosecutions against any Protector or assistant Protector of slaves, shall be carried on by the first Fiscal under the rules for criminal trials, or under the said Act of the 19th May 1829, as the case may require.

10. And

10. And I hereby further order, that the protector of slaves shall institute all proceedings in prosecutions under the said Order in Council, in the name of the Crown Advocate for the time being, and the same shall be conducted by the Crown Advocate, or some person on his behalf, duly authorized thereto by the President of the Court of Justice; and the rules for criminal trials; the Act for the more speedy enforcement of pecuniary penalties; anything in the said Act provided notwithstanding; and an Act for altering the law of evidence in criminal cases, shall extend to all prosecutions under the said Order in Council; and the protector and assistant-protectors of slaves shall have the like powers as the fiscal and deputy fiscals to procure evidence, and enforce the attendance of witnesses, and the same charges shall be allowed to the secretary as is provided in the above-mentioned Rules and Acts: provided also, that all prosecutions under the said Order in Council shall be commenced within twelve calendar months after the commission of the offence; and the information and proceedings thereon, before a person properly authorized, shall be deemed and be taken to be a commencement of such prosecution.

11. And I hereby further order, that the report of the protector of slaves, agreeably to the 80th clause of the said Order in Council, shall be in a certain form already transmitted to me by His Majesty's Principal Secretary of State for the Colonies.

12. And it is hereby further ordered, that all prosecutions under this Proclamation shall be commenced within twelve calendar months after the commission of the offence, and the information and proceedings thereon, before a person properly authorized, shall be deemed and taken to be a commencement of such prosecution.

13. And I further direct and order, with reference to the 81st clause of the said Order in Council, that the districts of these colonies shall remain the same as at present established.

Given under my hand and seal of office, at the King's House, in Georgetown, this 29th day of April 1830, and in the 11th year of his Majesty's reign.

God save the King.

By His Excellency's Command,

*T. C. Hammill*, Assist. Gov. Sec.

(A true copy)

*T. C. Hammill*, Assist. Gov. Sec.

— No. 14. —

COPY of a DESPATCH from Sir *George Murray* to Sir *B. D'Urban*, dated 13th November, 1830.

Sir,

Downing-Street, 13th Nov. 1830.

I HAVE received your Despatch dated the 1st of May 1830, enclosing an Act passed by yourself and the Court of Policy of Demarara, on the 17th of April last, intituled, An Act to continue in force certain clauses of an Ordinance for the religious instruction of slaves in His Majesty's colony of Demerara and Essequibo, and for the improvement of their condition, together with a Proclamation issued on the same subject on the 29th of the same month by yourself. Having laid this Act and Proclamation before the King, I have received His Majesty's commands to make the following communication to you upon the subject;

The preamble to the Act of the Lieut.-Governor and Court of Policy refers to my Despatch of the 4th of February last, as the authority under which the local legislature has proceeded to the revival of certain parts of the laws repealed by his Majesty's order in council of the 2nd of February. This is an error which requires notice. It is not by my Despatch, but expressly by the Order in Council itself, that the sanction is given for a re-enactment of this nature; and indeed it was in the Order alone that such a permission could properly be given.



## DEMERARA.

The clause numbered 2, which declares that slaves shall not leave the estates to which they belong on Sunday without the permission of their owner, should have been qualified by a provision authorizing them to resort to any licensed place of public worship. If the permission to attend a licensed place of worship be refused without good cause, it should be a subject of complaint to the protector, who should be armed with some power of redress ; but the right to resist the master must not be left to the slave, even for his own sake. Some limitation as to the length of time during which slaves might absent themselves on Sunday for this purpose, and respecting the distance to which they might resort, would probably be necessary, but whatever is essential to secure to them the power of attending divine worship, ought to be embodied in such an enactment as this. Some regulation should also be made enabling the protector to ascertain whether this permission had in any case been refused, and in the event of an unreasonable refusal, some penalty should be denounced, or other security taken to prevent its recurrence.

If any insuperable necessity requires that the repose of Sunday should be interrupted by the delivery of the weekly allowances and rations on that day, as authorized by the same clause, No. 2, I should not yield to it without regret. This is an arrangement which can be justified only by proof that it is unavoidable.

The provision in the clause No. 10, respecting certificates to be granted by religious teachers of the competency of particular slaves to understand the nature and obligation of an oath, is inadmissible, although it is qualified by the permission to the Court to admit uncertificated slaves as witnesses. The object of the Order in Council is to abolish altogether all distinctions respecting the admissibility of evidence which turn upon the servile or free condition of the witness. His Majesty cannot sanction any enactment which encroaches upon the simplicity of this rule. Respecting the evidence of slaves, it is at once needless and undesirable that any addition whatever should be made to the enactments contained in the Order in Council.

The 11th clause requires the postponement of punishment until the day after that on which the offence may be committed. A provision of this nature, which had been introduced into the Trinidad Order in Council of March 1824, was designedly omitted in the order of the 2nd of February last, in deference to the very strong objections which had been made to it in several of his Majesty's colonies. Many gentlemen, speaking with the advantage of local knowledge and experience, had represented the benefits of the rule as merely imaginary, while they considered that the postponement was virtually an aggravation of the punishment, subjecting the slave to a gratuitous suffering, and the owner to much needless inconvenience. As the practical knowledge of the members of the Court of Policy has led them to the opposite conclusion, His Majesty does not refuse to sanction a provision which was excluded from the Order itself in deference to other local authorities. I would remark that no penalty is denounced against persons violating this provision.

The 12th clause of the Act which authorizes the substitution of various punishments for that of whipping in the case of male slaves, does not require that a record should be made of such substituted punishments. Although I apprehend that the order itself must be understood as requiring the record of every description of punishment, yet to avoid misconception the rule should have been expressly laid down in the Act under consideration. The Order in Council prevents the infliction of punishments with the whip with improper frequency ; but under this Act the substituted punishments might be inflicted without any interval between successive inflictions, so as in some possible cases to aggravate the amount of suffering far beyond those limits within which domestic discipline should be confined. Some interval should therefore be fixed.

The provision in the same clause numbered 12, under which the fiscals are authorized to inflict a greater punishment than may lawfully be inflicted by the domestic authority of the owner, is plainly objectionable. It is impossible to recognize a class of offences at once too grave for the domestic forum, and too light for the judicial tribunal,—offences which are to be punished by the magistrate without being previously defined by the law. Such rules rather confound than establish solid distinctions between different degrees of criminality.

The 15th clause regulates the mode of proceeding for recovering penalties under the Order in Council by reference to an earlier act of the Court of Policy, dated the 9th of May 1829. This is an inconvenient mode of legislation. It was desirable that this mode of proceeding under the Order of the 2nd of February should be described in detail, because the whole of the slave-code would then have been brought

brought together, and because in any such re-enactment, provision might have been made for recovering the smaller fines imposed by the Order in Council with greater ease and promptitude than are compatible with an exact observance of the Act of May 1829.

DEMERARA.

His Majesty is pleased, for the reasons which I have assigned, to disallow so much of the preamble of the Act of the Lieutenant-Governor and Court of Policy, as I have noticed in the commencement of this despatch, with those provisions to which I have adverted in the 2nd, 10th, 12th and 15th clauses of that Act. It will probably be convenient that the Act itself should be repealed, in order that it may be promulgated anew with the correction of the objectionable enactments.

With reference to the Proclamation issued by yourself in execution of the powers intrusted to you by the Order of the 2nd of February, I have in the first place to observe, that each successive clause should recite at length the words of the Order in Council, in pursuance of which it is promulgated.

The first paragraph of the Proclamation authorizes the protector to administer oaths. The necessity or propriety of such a regulation may perhaps be doubtful; but without considering that question, it is enough to say, that I do not find in any part of the Order in Council any provision which authorizes the Governor to make regulations of such a nature as this.

So also the declaration of the second clause of the Proclamation respecting the use of butchers shops in the market-place on Sundays, is unauthorized by any power conferred upon the Governor in the Order in Council. Indeed it is superfluous in itself, since the Order has virtually established the same rule.

The 4th section, after enumerating certain specific works of necessity which may be exacted from slaves on a Sunday, proceeds to authorize "every other description of labour, which though not specified in terms in the preceding exceptions, is of the same general nature, and referrible to the same general principle." This is not a sufficient execution of the powers which are vested in you by the Order in Council. That Order lays down the general principle of the lawfulness of Sunday labour when necessary, requiring you to define that necessity with all possible precision; whereas your definition does but repeat the same general rule, with some particular illustrations of its meaning. The precise and only object with a view to which this power was committed to the Governor was that the generality of the law might be narrowed and drawn out into the necessary detail. I can readily understand the difficulty you may have felt in stating at first, and by anticipation, every case in which the general principle of abstinence from labour on Sunday should be relaxed; still I do not perceive why that difficulty should be avoided by general words, when it might be surmounted by additional proclamations, to be issued as occasion should require, and further experience suggest.

The same Section renders Sunday labour in potting sugar, picking coffee and cotton, and turning and drying coffee or cotton, a matter not of choice but of compulsion. After giving every attention to the remarks which you have made on this subject, I cannot concur in your opinion that the slave should be deprived of his free agency upon the question of engaging systematically in any kind of agricultural labour on Sunday. How far it is necessary for the preservation of the crops that any of the operations to which I have adverted should be performed on a Sunday, is a question, to the solution of which an exact knowledge of many local circumstances is requisite. You will call upon the protector of slaves to report to you his opinion whether they are not operations which might be safely and properly postponed. If he shall be of opinion that the necessity really exists, and if you shall find cause to concur in that opinion, you will then re-model the Proclamation in such a manner as shall permit the slaves, with their own consent, and on receiving a fair remuneration, to discharge this labour. If, on the contrary, it shall be the opinion either of the protector or of yourself, that the operations in question might be omitted on Sunday without irreparable injury to the crops, then you will revoke the provision altogether.

In the 5th Clause of the Proclamation some Rule is wanting to prevent the infliction of successive punishments on females without a due interval between them. Moreover, the punishments of stocks during the night, and of confinement during the hours of noon with task-work, are objectionable, because they diminish that degree of repose which is absolutely essential to enable a woman to undergo her daily labour in the field with a due regard to health.

The Clause numbered 6, is open to the same objection which I have already made to the 12th Clause of the Act of the Court of Policy.

## DEMERARA.

The fees which the appraisers of slaves are authorized by the 7th Clause to demand, are far too high. In a case where an umpire should be called in, the fees under the Clause, as now framed, would not be less than 15*l.* and might be as much as 30*l.* The effect of such an additional burthen on the slaves must be to defeat the law of compulsory manumission to a very great extent. The largest sums which can properly be allowed are 15 guilders for each arbitrator, and 20 for the umpire.

The same Clause authorizes the marshal and the president's secretary to receive in cases of manumission the same fees which they receive in ordinary civil processes. As all duties connected with civil process, or the administration of justice, will, under the new judicature of British Guiana, be remunerated by salaries alone, the functions which this Clause contemplates must henceforth be discharged by the proper officers, without any fee or gratuity whatever.

The 10th Clause confines all prosecutions under the Order in Council by a limitation of 12 months. Without denying the propriety of fixing some limit, I do not think that the Order in Council has invested the Governor of the colony with the right of determining that question.

You will therefore revoke this Proclamation, which for the reasons already explained His Majesty cannot allow, and you will substitute for it a new Proclamation, in which the various corrections I have pointed out will be introduced.

I have, &c.

Sir B. D'Urban, K. C. B.  
&c. &c. &c.

(signed)

*G. Murray.*

## B E R B I C E.

— No. 15. —

COPY of a DESPATCH from Lieutenant-Governor *Beard* to Secretary  
*Sir George Murray*, dated 15th April 1830; with two Enclosures.

Sir,

Berbice, 15th April 1830.

BERBICE.

I HAVE had the honour to receive your Despatch, dated 9th February last, transmitting an authenticated copy of an Order, dated 2d February, of the King in Council, consolidating the several ordinances passed in the respective Crown colonies for ameliorating the condition of the slave population. I have also received your Despatch, No. 42, dated 12th February, conveying an Order of the King in Council revoking an order made by his Majesty, on the 18th March, confirming the compulsory manumission clause in the Berbice Ordinance of 25th September 1826; and I also have received your Despatch, No. 43, dated 4th March, directing me, with a view to uniformity of regulation between Berbice and Demerara, when united, to communicate with Sir B. D'Urban on the subject of the ordinance 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. For this purpose it is necessary that I should have an early personal interview with Sir Benjamin D'Urban; and therefore I addressed a letter to his Excellency on this subject the 13th instant, a copy of which I have the honour to enclose. Before my letter could have reached Demerara I received a communication from Sir Benjamin D'Urban, urging me to join him in Demerara, in order the more conveniently to take these matters into consideration; and therefore, as I find it is absolutely necessary that I should do so, it is my intention to proceed thither to-morrow; but for this purpose I am obliged to postpone the ordinary session of the Court of Justice.

The short time limited by the King's order for proclaiming it leaves me no alternative, and therefore I hope I shall be honoured by your approval of my proceedings.

I yesterday laid before the Council (whom I had specially convened for the purpose) the consolidated Slave Laws, and your Despatch of the 9th February; and

## BERBICE.

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BERBICE.

and I now have the honour to transmit an exact Minute of the proceedings in Council thereon. As many of the important clauses in both the Demerary and Berbice Ordinances are omitted in the King's Order of the 2d February, I fear that some difficulties respecting them may occur; I however shall, in conjunction with Sir Benjamin D'Urban, endeavour to overcome them as far as possibly can be done.

I have the honour to be, Sir,

Your most obedient humble servant,

*H. Beard.*

To the Right hon. Lieut.-Gen.

Sir George Murray, G. C. B.

Secretary of State for the Colonies,

&c. &c. &c.

Enclosure 1, in No. 15.

Sir,

King's House, Berbice, 13th April 1830.

I HAVE had the honour to receive from the Secretary of State for the Colonies an authenticated Order of the King in Council, dated 2d February last, consolidating the several Ordinances recently passed in the Crown Colonies for ameliorating the condition of the slave population therein. This Order was accompanied by a Despatch, dated 9th of that month, containing voluminous instructions respecting the measures to be adopted for giving practical effect to the order in this colony.

I have since received a Despatch from Sir George Murray, dated 4th March (a copy of which I now have the honour to transmit to your Excellency), instructing me to communicate with your Excellency on the subject of the Ordinance which you propose to issue in virtue of the discretion which the Slave Order has vested in your Excellency, and to endeavour in concert with your Excellency to frame such regulations as may be equally applicable to both colonies, with such variations only as local differences may require.

By this Instruction I apprehend that I cannot proceed to frame any of the regulations required by the Ordinance, and Sir George Murray's Despatch of the 9th February, until I shall have had the honour to receive from your Excellency the information pointed out by Sir George Murray's Despatch of 4th March.

It seems to me that the several regulations required can hardly be settled within the time limited for putting the Order of the King in Council by Proclamation in operation; nor do I think it possible that your Excellency and myself could satisfactorily enter upon all the details necessary to be considered on this subject in any other manner than by a personal interview; and therefore, however inconvenient it may be to me to do so, yet I will do myself the honour of thus communicating with your Excellency in Demerara, whenever your Excellency may deem it expedient that for this purpose I should visit your colony. I am extremely anxious to act as far as it is possible in perfect accordance with your Excellency on this important matter, and shall therefore be greatly obliged by your Excellency informing me as early as possible, whether it is your Excellency's intention at once to proclaim the King's Order, and frame the regulations founded upon it on mature deliberation afterwards, or proclaim the order and regulations simultaneously. I should think, with deference to your Excellency, that the regulations respecting the markets are all that would be absolutely necessary immediately, because the Sunday markets must cease fourteen days after the proclamation of the order. If, therefore, your Excellency concur with me on this point, I should think they could very easily be prepared, and the King's Order could then be proclaimed without delay.

Your Excellency's opinion on these regulations will of course be important to me. I have summoned my Council to meet to-morrow, to take the King's Order into consideration, for the purpose of obtaining their local information on the several subjects connected with it; and the result of their deliberations I will transmit to your Excellency.

I have the honour to be, Sir,

Your most obedient humble servant,

*H. Beard.*

To his Excellency

Major General Sir B. D'Urban, K. C. B.

Lieutenant Governor, &c. &c. &c.

Demerara.

## BERBICE.

Enclosure 2, in No. 15.

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

(After prayers.)

Wednesday, 14th April 1830.

HIS Excellency the Lieutenant-Governor said he had specially convened the Council to day for the purpose of laying before them an Order of the King in Council, dated the 2d of February last, consolidating the several slave-ordinances that had been passed in the respective Crown Colonies, and amongst them the slave-ordinance passed in this colony on the 25th September 1826. His Excellency also laid before the Council a Despatch from the Secretary of State for the Colonies, dated the 9th February 1830, transmitting the King's Order in Council of said 2d February last, and containing voluminous instructions respecting the mode to be adopted in carrying the King's Order into effect.

His Excellency then entreated the Council to take these important subjects into immediate consideration, and afford him such assistance and advice as their local experience and knowledge enabled them to do.

The Despatch and Order in Council having been read, the Council observed that as the Despatch embraced such a variety of subjects, it was impossible for them immediately to offer his Excellency any advice or information thereon. They therefore requested to be furnished with a copy of the Secretary of State's Despatch of the 9th February, and a perusal of the King's Order in Council therein referred to, in order to enable them to give these important matters their serious attention, which they would immediately do. The Council at the same time concurred with his Excellency in opinion, that as the time limited in the King's Order for proclaiming it was so short, that it would be better to promulgate it with only a Proclamation respecting the abolition of the Sunday markets, and leave the other regulations arising out of the Order for consideration and future proclamation.

His Excellency then directed the secretary to prepare and give to the members copies of Sir George Murray's Despatch of 9th February, and also to hand to them the copies of the King's Order in Council, now laid before the Council by his Excellency the Lieutenant-Governor.

In my presence,  
*Ja<sup>s</sup> Shanks,*  
 Dep<sup>t</sup> Sec<sup>y</sup>.

*H. Beard,*      *A. R. Hollingsworth,*  
*W<sup>m</sup> Scott,*      *J. Barré Phipps.*  
*Charles Kyte,*

(A true Extract)

*Ja<sup>s</sup> Innes, Col<sup>l</sup> Sect<sup>y</sup>.*

—No. 16.—

COPY of a DESPATCH from Lieutenant-Governor *Beard* to Secretary *Sir George Murray*, dated 15th May 1830; with 3 Enclosures.

Sir,

Berbice, 15th May 1830.

WITH reference to my Despatch which I had the honour to address to you on the 15th April last, I now have the honour to report that I proceeded to Demerara and consulted with Sir B. D'Urban, in pursuance of your instructions of the 4th March, respecting the Ordinance which he proposed to issue in virtue of the discretion which the slave-order had vested in him; and of endeavouring in conjunction with him to frame such regulations as may be equally applicable to both colonies. After communicating with Sir B. D'Urban, I obtained from him a copy of the re-enactments which had been agreed to between himself and the Court of Policy, and also a copy of Sir B. D'Urban's Proclamation to be issued in pursuance of your instructions which accompanied the King's Order in Council of the 2d February. Having agreed with Sir B. D'Urban that the Demerara re-enactments and his Proclamation should be published simultaneously with those for  
 Berbice,

Berbice, and my own Proclamation to be framed as nearly as possible with those agreed upon for Demerara, I immediately returned to this colony, and called the Council together for the purpose of taking these important matters into immediate consideration; and I now have the honour to transmit an extract Minute, dated 27th April, of the Council's proceedings thereon. I also have the honour to transmit a copy of an Act to re-enact and amend certain clauses of an ordinance for promoting the religious instruction and bettering the condition of the slave population in His Majesty's colony of Berbice, and a copy of my Proclamation. It will be seen that these documents correspond as nearly as possible with those framed for Demerara. The variations\* are pointed out by being underlined with red ink.

The regulations for the performance of works of necessity on Sunday, and the punishments substituted in lieu of whipping females, have been framed with as much precision as possible under existing circumstances; it will however be my duty to exercise the authority vested in me for altering them or making other regulations, should experience point out the necessity for so doing.

The punishment of females by imprisonment on Sunday has been abolished.

One great point has been gained on behalf of the slaves by these re-enactments, inasmuch as the hours of repose at night have been clearly and distinctly defined, and the proper limits to the employment of slaves in boiling sugar at night have been prescribed.

In the hope that my proceedings in these important and delicate matters will be approved, and that I shall have the honour to receive your early confirmation thereof,

I have the honour to remain, Sir,

Your most obedient humble servant,

*H. Beard.*

To the Right honourable  
Lieut.-Gen. Sir Geo. Murray, G.C.B.  
Secretary of State for the Colonies,  
&c. &c. &c.

Enclosure 1, in No. 16.

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

Tuesday, April 27th, 1830.

His Excellency the Lieutenant-Governor observed, that he had convened the Council for taking into further consideration the order of the King in Council of the 2d of February last, consolidating the several slave-ordinances which had been recently passed in the Crown Colonies, and also the Despatch, dated the 9th February, from the Secretary of State, which transmitted that order. The King's Order and the Secretary of State's Despatch had been laid before the Council on the 14th instant. His Excellency said, that since that time he had, in pursuance of instructions under date the 4th March from the Secretary of State, communicated on these subjects with Sir Benjamin D'Urban, in order to make the measures necessary to be adopted in the two colonies as consistent as possible when the intended union should take place. For this purpose his Excellency had been obliged to proceed to Demerary personally to confer with Sir Benjamin D'Urban, and from whence he had only just returned. It appeared to be the opinion of Sir Benjamin D'Urban and the Court of Policy, that it was absolutely necessary to re-enact some of the clauses of their slave-ordinance of the 7th September 1825 immediately, in order that they might go forth simultaneously with the King's Order, and thus prevent any erroneous impressions being made on the minds of the slaves that they had been deprived by the local authorities of benefits which they had before possessed, or that the King had intended to convey further privileges to them, but which the Colonial government withheld. His Excellency said that he had concurred in this opinion, and had obtained from Sir Benjamin D'Urban a copy of his Excellency's Proclamation, also copies of the re-enactments agreed to by the Court of Policy, which he now laid before the Council, and requested that they would be pleased to take them into immediate consideration, and afford him their advice and assistance in carrying the King's Order and the Secretary of State's Instructions into effect in the safest and most satisfactory manner. His Excellency said that he had framed

\* The variations are printed in Italics.

BERBICE.

his Proclamation, which he was instructed to issue as nearly as possible in accordance with that intended to be issued by Sir Benjamin D'Urban, and he now laid a draft of it before the Council, and would be happy to receive from them any observations thereon which their local experience might suggest. His Excellency's draft of proclamation was then read, when the Council observed, that they thought there must be some mistake in that of Sir Benjamin D'Urban, from which the proclamation now submitted was principally framed, inasmuch as wages were directed to be paid for labour of absolute necessity arising out of accidents which were not under the control of the proprietors. It was clear that slave-labour on Sunday, from necessity arising out of a course of husbandry and manufacture, was to be paid for in suitable wages. The Council further observed, that they thought Sir George Murray's Instructions of the 9th February were clear and explicit on this point; and therefore they respectfully submitted to his Excellency the necessity of amending his draft of proclamation in this respect, to which his Excellency was pleased to accede.

His Excellency then laid before the Council the draft of an Act for re-enacting and amending certain clauses of the Berbice slave-ordinance of 25th September 1826, and observed that he had directed this draft to be framed as nearly as possible to that of Demerary; the only material variance was respecting slave evidence, the admission of which was somewhat qualified in Demerara; but his Excellency said that the 70th clause in the King's Order in Council on this very important subject was so very clear, distinct and positive, that he would not consider himself justified in at all interfering with it. The Council concurred with his Excellency in this opinion; the several proposed re-enactments were then read, discussed and passed, and ordered to be printed, with the King's Order in Council and his Excellency's Proclamation, next Saturday.

A true Extract,

*James Innes, Col<sup>l</sup> Secretary.*


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Enclosure 2, in No. 16.

AN Act to re-enact and amend certain Clauses of an Ordinance for promoting the religious instruction, and bettering the State and Condition of the Slave Population in His Majesty's Colony of Berbice.

PUBLICATION by His Excellency *Henry Beard*, Esq., Lieutenant Governor and Commander in Chief in and over the Colony of Berbice, and its Dependencies, &c. &c. &c., President in all Courts and Colleges within the same, sole Judge of the Vice Admiralty Court, &c. &c. &c. and the Honourable the Council of Government of said Colony.

Berbice.

(L. S.)

*Henry Beard.*

WHEREAS by an Order in Council bearing date the 2d day of February 1830, the King's most Excellent Majesty was pleased to revoke and annul an Ordinance for the religious instruction of Slaves in His Majesty's colony of Berbice, dated the 25th day of September 1826, together with all laws, ordinances and proclamations passed, enacted or promulgated within the said colony for the explanation or amendment of the said Ordinance :

And whereas the Right honourable the Secretary of State for the Colonies by his Despatch to his Excellency the Lieutenant Governor, bearing date 9th February 1830, has conveyed his Majesty's authority in furtherance of the said Order, to re-enact and amend certain clauses of the said Ordinance of the 25th September 1826, which are highly necessary, and important to the well being and protection of the slave population in this colony ;

In pursuance therefore of such authority we have deemed it necessary and expedient to re-enact and amend as follows :

1. It is hereby ordered, for the purpose of securing the impartial execution of justice in all cases in which slaves may be parties concerned, that whenever it may become the duty of the fiscal to institute a criminal prosecution against a slave, (which prosecution is always to be carried on as heretofore in the same manner as against every person of free condition,) it shall be his duty when applying to the court of justice, or in non-session, to the president of said court, for authorization to institute

institute such criminal action, suit and prosecution, to demand at the same time the appointment of one or more advocates (according to the nature of the charge) to defend such slave in the suit to be commenced against him; when it shall be the duty of the court of justice, or the president thereof, to whom the application is made, to appoint such advocate or advocates without any delay: Provided always, that such advocates shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the criminal law, and the practice thereof, as it is established in this colony, if the party accused and under trial were a person of free condition. And in order to secure the zealous and active exertion on the part of such advocates in the defence of such slave or slaves, they shall be entitled to such fees as shall have been taxed and certified by the court of justice as due to them, the amount whereof shall be ordered by the *Lieutenant Governor in Council* to be paid to them out of the colonial *treasury*, on proper application being made for the same.

2. And it is hereby further ordered, that the exemption of labour secured to the slaves by the 17th section of the said Order in Council shall not authorize them to leave the estates to which they belong without having thereto obtained permission from their owner, manager or employer, but that they shall during that period continue to remain subject to such regulations as are established by law, as well for their own protection as for the preservation of good order, and the general tranquillity of the colony; nor shall it extend to prevent weekly allowance, and rations being delivered to the slaves on Sunday morning, which, however, may not be protracted beyond the hour of eight, A. M.

3. And it is further ordered, that every female slave who may have a child while she preserves her fidelity in marriage, or reputed marriage, or is reputed to do so, shall six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner, or his *or her* attorney, twelve guilders, and fifteen guilders for every other child she shall thereafter bear, and have under the same circumstances; and if any owner or attorney shall omit in any respect to comply with and fulfil the direction of this clause, he or she shall incur a penalty of 20*l.* for every such offence. And it is further ordered, that as soon as any female slave shall have six children living, and who have been born during marriage, or such cohabitation as aforesaid with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female slave shall not thereafter oblige such female slave to do any labour in the field, or any other than light work, under a penalty of 20*l.*

4. Every planter or proprietor of slaves shall take the necessary precaution that his or her slaves be properly supplied with provisions, and shall therefore be obliged to have provision-grounds prepared on the estate, and properly planted, calculating one acre for five negroes; allowing moreover a reasonable weekly allowance, according to the custom of the colony, and as may best be obtained; and also to provide them with proper clothing, *according to the custom of the colony*, under a penalty of 5*l.* for every acre less in provisions than required, and 10*l.* for every slave who shall not have been properly supplied with his *or her* allowance, *or his or her clothing*. Provided always, that whenever the provision-grounds to be upon an estate shall be inadequate to furnish the requisite provisions, for the due subsistence of the negroes *thereon, then and in such case it shall not be compulsory on such proprietor, or his or her representative, to cultivate or keep up such provision-grounds as aforesaid; but such proprietor, or his or her representative, shall in lieu thereof purchase or otherwise procure such an equivalent supply of provisions as may be proper for their support.*

5. And be it further ordered, that the hours for field-work of slaves shall be from six o'clock in the morning until six in the evening, and not longer, and that two hours shall be allowed them during that period for rest and meals, under a penalty of 20*l.*; and that with regard to slaves employed *in and about the buildings for the manufacturing and* preserving of crops, there shall be allowed at least eight hours of rest, not less than six hours of which shall be between sunset and sunrise, and the whole eight hours without interruption, under a like penalty of 20*l.*

6. And it is further ordered, that every proprietor of slaves, or his *or her* attorney, shall employ a legally-qualified medical practitioner, *duly authorized to practise by a certificate from the Lieutenant-Governor, or acting Lieutenant-Governor*, to attend their sick slaves, and shall provide such medicines, food, and other necessaries, as such medical practitioner shall from time to time reasonably order and direct, and that there shall be on every estate or place where the slaves (*other than domestic slaves*)



## BERBICE.

*slaves*) usually reside, a commodious hospital or sick-house, furnished with proper conveniences and attendants for the sick, under a penalty of 40*l.* And that a book or register shall be kept in every *such* hospital, in which the names and treatment of all *such* slaves shall be respectively entered by the medical attendant; and in case any *such* medical attendant shall omit, or refuse to make such entries as aforesaid, from time to time, he shall incur a fine of 1*l.* for each and every *such* offence.

7. And it is further ordered, that no person shall under a penalty of 30 *l.* bury, or allow to be buried, any slave who has died suddenly, or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in *New Amsterdam*, at the office of the Fiscal, or if in the country, until such information be sent to the *civil magistrate* of the district in which *such* death took place, or if this be impracticable, to some other respectable inhabitant, who shall with some legally-qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the *civil magistrate of the said district*; or if it should happen, as it possibly may in particular cases of death, under peculiar local or other circumstances, that it is impracticable to obtain either of the certificates above mentioned, then and in every *such* case, some proof equally strong and satisfactory, or the best which the nature and incidents of the case can afford, must be produced to the said *civil magistrate*, in support thereof, the person offering *such* proof to verify by oath the circumstances which put it out of his or her power to procure one or other of the certificates as above directed; and in every *such* case the said *civil magistrate* shall forthwith transmit to the fiscal the said certificates, or other the proof hereinbefore, required.

8. And in order to prevent any irregularities tending to the prejudice of the slave by persons employing the slaves of others without their owners consent, which it is highly necessary to guard against, it is hereby further ordered, that no slaves shall or may be lawfully hired or employed in the service of any person or persons except his or their owner, manager, or other person having the charge of them, unless with the special consent in writing of *such* owner or manager, or other person having the charge of them; and every person thus unlawfully hiring or employing one or any greater number of slaves, shall for every slave so unlawfully hired or employed incur and be liable to a fine of 5*l.*

9. And it is hereby further ordered, that a savings bank shall be established in this colony for the better preserving the property of any slaves therein, and that interest at the average rate of 5*l.* per cent shall be allowed upon any sum of money which may be deposited in any *such* savings bank; and any slave making any deposit of money in *such* savings bank, shall bequeath the said money to whomsoever he or she may please in case of his or her death, by a declaration to be lodged in the records of the bank, which declaration shall be equivalent to a will; the whole, however, to be subject to *such* rules and regulations as may be hereafter deemed advisable; *such* savings bank to be under the immediate direction of the protector or deputy-protector of slaves (as the case may be) subject to the general superintendence of the Lieutenant-Governor, or acting Lieutenant-Governor, and the Council of Government.

10. And whereas the said Order in Council does not include certain salutary regulations contained in the before-recited ordinance passed in this colony on the 25th September 1826, respecting the time and place of inflicting the punishment of flogging on male slaves, it is therefore hereby further ordered, that it shall not be lawful to inflict on any male slave the punishment of flogging until after sunrise of the day next following that on which the offence has been committed, for or in respect of which any *such* punishment may be inflicted, nor shall any *such* punishment be inflicted, but at or near the buildings of the estate.

11. And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner or manager to impose any or either of the following punishments upon any male slave or slaves for any offences to be hereafter committed by *such* male slave or slaves in lieu of the punishment of flogging, it shall be lawful for *such* owner or manager so to do, complying in all respects with the provisions hereinafter mentioned.

*Solitary Confinement.*—With or without work in any fit and proper place, on any estate or in any place in the said colony, provided that *such* place be approved by  
some

some duly-licensed medical practitioner in the said colony, by certificate in writing under his hand, such certificate to be duly entered in the record-book on every plantation, if in the country, and if in town, by some duly-licensed medical practitioner and the fiscal; and provided, that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

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

*Field Stocks.*—For the confinement of the hands during the hours of labour in the field, provided that for each offence the period of confinement shall not at any one time exceed thirty minutes.

*House Stocks.*—For the hands or feet, with seats, during any period of the day, provided that for each offence the period of confinement shall not exceed six hours.

*Bed Stocks.*—For confinement of the feet during the night.

*Hand Cuffs.*—

*Distinguishing Dresses,*—to be used either with or without the stocks.

*Distinguishing Marks,* to be suspended from the neck by collars, and secured by padlocks; the collars and marks to be made of tin, and to be of a form approved by the Government, and as well as the handcuff, to be very light so as not to injure the skin.

*Confinement,* either solitary or otherwise during one of the hours of noon, with or without task-work during such confinement: Provided always, and it is hereby ordered, that in all cases of punishment either solitary or otherwise, where such confinement shall exceed the period of 12 hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food at least once in every 12 hours, and with a proper supply of good water.

The punishment by bed-stocks shall not exceed six nights, or three days and three nights, nor shall more than one of the modes of punishment hereby authorized be inflicted for the same offence, nor shall any of the punishments herein specified, be exceeded under a penalty not greater than 40 *l.* and not less than 10 *l.* And no other mode of punishment than is specified herein *in lieu of the punishment of flogging* shall be inflicted on any male slave under a penalty not exceeding 50 *l.*, nor less than 20 *l.*

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

12. And it is hereby further ordered, that the protector of slaves shall proceed for the recovery of all fines or penalties in the same manner as the fiscal is authorized to proceed for the enforcement of pecuniary penalties, *according to the existing laws of the colony.*

And it is hereby further ordered, that the protector of slaves shall institute all proceedings in prosecution under this Act *in his own name*, and the same shall be conducted by *some legally-qualified person*, duly authorized thereto by the President of the Court of Justice; and the protector of slaves and assistant protectors shall have the like powers as the fiscal to procure evidence and enforce the attendance of witnesses, according to the existing laws of the colony; provided also, that all prosecutions under this Act shall be commenced within 12 calendar months after the commission of the offence; and the information and proceeding thereon before a person properly authorized shall be deemed and be taken to be a commencement of such prosecution.

13. And it is hereby further ordered that all fines imposed by this Act shall be taken to be so imposed in British sterling money.

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And it is hereby further ordered, that the provisions of this Act shall take effect and be in force 14 days from the date of publication hereof.

And that no ignorance may be pretended of the several orders contained in this our Act these presents shall be published as customary.

Thus done and enacted at an extraordinary meeting of the Honourable Council of Government, held at the King's House, New Amsterdam, Berbice, this 27th day of April 1830; present, His Excellency the Lieutenant Governor, and the honourable members Wm. Scott, Charles Kyte, A. R. Hollingsworth, Isaac Barrè Phipps, and D. Fraser; absent, James Culley.

By command,

(signed) *Jas. Shanks*, Dep. Secretary.

A true copy.

*Jas. Innes*, Col<sup>t</sup> Secty.

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Enclosure 3, in No. 16.

PROCLAMATION by his Excellency *Henry Beard*, Esq. Lieutenant Governor and Commander-in-Chief in and over the Colony of Berbice and its Dependencies, &c. &c. &c. President in all Courts and Colleges within the same, sole Judge of the Vice-Admiralty Court, &c. &c. &c.

Berbice.  
(L. s.)  
*Henry Beard*.

WHEREAS by an Order of *his most Excellent Majesty the King* in Council, bearing date the 2d day of February 1830, the *Lieutenant Governor* of this colony is required to issue certain Proclamations;

I do *therefore* in pursuance thereof issue this my Proclamation, ordering and directing,

1st. That with reference to the 8th clause of the said Order in Council, the said protector or assistant protectors of slaves shall have power to administer an oath in all matters relating to the duties of their office.

2dly. *And I hereby* further direct, with reference to the 16th clause of the said Order in Council, that Saturday in each week shall be a day for holding markets at all places within this colony at which it hath heretofore been customary to hold markets on Sunday, and that the said markets shall be held and continue from *sunrise* until the hour of five in the afternoon.

3dly. *And I do* further declare, that the following shall be considered works of necessity under the 20th section of the said Order in Council: Labour performed by nurses in hospital, by watchmen, and by persons engaged in the interment of the dead; such labour as may be necessary to prevent or remedy the damage arising from breaches in the dams, conflagrations, hurricanes, and other casualties of the like nature; every other description of labour which, though not specified in terms in the preceding exceptions, is of the same general nature, and referable to the same general principle, all labour undertaken for the preservation of the crops upon any estate, under the following provisions:

That in order to avoid all ambiguity in explaining the term "preservation of the crops," it is to be well understood, that on sugar estates it shall mean nothing more than potting the sugar made by boiling-off the cane-juice that may have been expressed at the time of sunset on any Saturday; that on coffee and cotton-estates it shall mean, 1st, the turning and drying of coffee or cotton already housed, and in a state of preparation, but not cured; 2dly, the picking of coffee or cotton during the crop, when, from its ripening suddenly, and from the unfavourable season, it would be totally lost if not immediately picked:

That the labour of picking coffee and cotton, the potting of sugar, the turning and drying of coffee or cotton, *are to* be performed for wages, which are to be paid to the slave himself or *herself*:

That the rate of these wages shall be fixed by the protector of slaves, who shall from time to time, by notices publicly given, signify the lowest rate of wages payable to the slaves for such labour:

That

That any person or persons, being the owner or manager of such slave or slaves as may thus lawfully be employed or hired, and refusing or neglecting to pay to them, for his or her own use and benefit, wages at not less than the rate so to be fixed by any public notice of the protector of slaves, shall for every such offence incur and become liable to a fine of 3*l*.

4thly. And I do further declare, that the following shall be the nature and extent of the punishments to be substituted for the punishment of whipping in the case of female slaves, under the 25th section of the said Order in Council.

*Solitary confinement*, with or without work, in any fit and proper place on any estate or in any place in this colony; provided that such place be approved by some duly-licensed medical practitioner in this colony, by certificate in writing under his hand; such certificate to be duly entered in the record-book on every plantation, if in the country, and if in town, by some duly-licensed medical practitioner and the fiscal, to be duly recorded in the office of the said fiscal; and provided, that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

*Field-stocks*, for the confinement of the hands during the hours of labour in the field, provided that for each offence the period of confinement shall not at any one time exceed 30 minutes.

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

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

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

*Hand-cuffs*.

*Distinguishing Dresses* to be used either with or without stocks.

*Distinguishing Marks* to be suspended from the necks by collars, and secured by padlocks; the collars and marks to be made of tin, and to be of a form approved by the Government, and, as well as the handcuffs, to be very light, so as not to injure the skin.

*Confinement*, either solitary or otherwise, during one of the hours of noon, with or without task-work during such confinement: Provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food at least once in every twelve hours, and with a proper supply of good water.

The punishment by bed-stocks shall not exceed six nights, or three days and three nights; nor shall more than one of the modes of punishment hereby authorized be inflicted for the same offence; nor shall any of the punishments herein specified be exceeded, under a penalty of not greater than forty pounds, and not less than ten pounds; and no other mode of punishment of females than is herein specified shall be inflicted, under a penalty not exceeding fifty pounds nor less than twenty pounds; provided, however, that nothing herein contained extend or shall be construed to extend to prevent any master, owner or manager of any female slave under the age of ten years, causing her to be punished and corrected for any faults or misconduct by her committed, in such and the same manner, and to such and the same extent, as any child of free condition may be and usually is punished and corrected in any school for the education of youth in this colony.

Provided also, that nothing herein contained shall authorize any manager to inflict any of the above punishments on any female slave on any Sunday throughout the year.

5. And I hereby further order, that if any offence to be hereafter committed by any female slave in this colony shall be of such a nature and of such an extent, as in the opinion of his or her manager to require greater punishment and correction than such manager is empowered to inflict, such manager shall in writing give information in such case to the *civil magistrates of the district*, whose duty it shall be, after due investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, either by an extension of some one

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or other of the modes of punishment hereinbefore provided, or otherwise to proceed according to the existing laws of the colony.

6. And I hereby further order, that the following fees may be charged under the 66th section of the Order in Council; viz. by the president's secretary for copies of all documents or orders issued by the president at and after the rate now paid by tariff to the said secretary, and also by the marshal the fees now charged by him for services in ordinary civil process; and that each appraiser shall be allowed a sum not exceeding ten pounds nor less than five pounds, the amount thereof to be determined in each case by the President of the Court of Justice.

7. And I hereby further order *and direct* that the protector of slaves shall conduct all prosecutions for misdemeanours under the said Order in Council, *according to the existing laws, regulations, rules and usages of this colony*; and that for all fines incurred under this order, not included in offences declared to be misdemeanours, the protector of slaves shall proceed for the recovery thereof in the same manner as the Fiscal is *now* authorized to proceed for the enforcement of pecuniary penalties, *according to the existing laws, rules, regulations and usages of the colony*. And in bringing and defending any civil action on behalf of any slave or slaves, the protector shall apply to the President of the Court of Justice for an order *pro Deo*, and the President shall grant the same, if he deems such slave or slaves to be entitled to such order, and also to have good, just and legal grounds of suit or defence. And all prosecutions against any protector or assistant protector of slaves shall be carried on by the Fiscal *according to the existing laws, rules, regulations and usages of the colony*.

8. And I hereby further order, that the protector of slaves shall institute all proceedings in prosecutions under the said Order in Council in *his own name*, and the same shall be conducted by *some person on his behalf, duly authorized* thereto by the President of the Court of Justice, and *according to the existing rules* for criminal trials. And the protector and assistant protectors of slaves shall have the like powers as the Fiscal to procure evidence and enforce the attendance of witnesses.

Provided also, that all prosecutions under this Order in Council shall be commenced within twelve calendar months after the commission of the offence; and the information and proceeding thereon before a person properly authorized, shall be deemed and be taken to be a commencement of such prosecution.

And I hereby further order that the report of the protector of slaves, agreeably to section 80 of the Order in Council, shall be in a certain form already transmitted to me by His Majesty's principal Secretary of State for the Colonies.

9. And it is hereby further ordered, *that all and every the fines, forfeitures and penalties hereinbefore imposed, shall be recovered on complaint to the protector of slaves as an officer of the colony, for the special purposes of matters arising out of these regulations, who shall bring the aforesaid claim and levy of forfeitures and penalties before the Honourable the Court of Justice in the usual and ordinary manner, as in the case of other Fiscal actions; provided nevertheless, that in any case in which the protector of slaves may become liable to be prosecuted under this Act, that it shall and may be lawful for the Lieutenant-Governor or acting Lieutenant-Governor for the time being to appoint such person as he may see fit for the purpose of conducting such prosecution; provided also, that all such prosecutions under this Act shall be commenced within twelve calendar months after the commission of the offence; and the information and proceeding thereon before a person properly authorized, shall be deemed and be taken to be a commencement of such prosecution.*

10. And I further direct and order, with reference to the 81st clause of the said Order in Council, that the districts of this colony shall remain the same as at present established.

Given under my hand and seal at arms, at the King's House, New Amsterdam, Berbice, on the 27th day of April, in the year of our Lord 1830, and of his Majesty's reign the eleventh.

God save the King.

By his Excellency's command,

Charles Bird, Gov<sup>t</sup> Sec<sup>r</sup>.

ST. LUCIA.

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ST. LUCIA.

—No. 17.—

COPY of a DESPATCH from the Officer administering the Government, to Secretary Sir *George Murray*, dated 7th April 1830.

Sir,

St. Lucia, 7th April 1830.

I HAVE the honour to acknowledge your letter of 5th February last, accompanied by an Order of His Majesty in Council, respecting compulsory manumission in the colonies of Berbice and Demerary; and also three printed copies of the Order in Council of the 2d February last, consolidating the slave-laws in several colonies therein mentioned (for the public officers of this colony,) and one copy authenticated by the signature of the clerk of the Council, for the information and guidance of the Governor.

I have also the honour of acknowledging the receipt of your letter of 18th February, containing further instructions upon the same subject, to all of which the most implicit and immediate attention shall be given.

In the mean time I have the honour to be, &c.

(signed) *J. A. Farquharson*, Col.

Administering the Government.

To the Right Hon.

The Principal Secretary of State for the Colonies,  
&c. &c. &c.

—No. 18.—

COPY of a DESPATCH from the Officer administering the Government, to Secretary Sir *George Murray*, dated 1st May 1830; with One Enclosure.

Sir,

St. Lucia, 1st May 1830.

HEREWITH I have the honour of transmitting an Ordinance, as described in the margin, which I trust may meet your approval.

I have, &c.

(signed) *J. A. Farquharson*, Col.

Administering the Gov<sup>t</sup>.

First Subsidiary Ordinance to His Majesty's Order in Council establishing a Consolidated Slave Law.

To the Right Hon.

The Principal Secretary of State for the Colonies,  
&c. &c. &c.

(Enclosure.)

First Subsidiary Ordinance to His Majesty's Order in Council, establishing a Consolidated Slave Law.

Saint Lucia.

By his Excellency *James Alexander Farquharson*, Colonel, commanding His Majesty's Forces in the Island of St. Lucia, and administering the Civil Government thereof, &c. &c. &c.

*James Alexander Farquharson*.

WHEREAS His Majesty hath by his Order in Council, dated at the Court at Windsor on the 2d February last, amending and consolidating the Slave Laws throughout several British colonies, been graciously pleased to direct, with a view of

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of conforming as nearly as may be to the laws and usages of said colonies, that the respective governors thereof shall by Ordinances and Proclamations to be by them from time to time issued, make certain subsidiary provisions and regulations for the due enforcement of the said Order in Council.

It has in consequence become necessary to make such provisions and regulations with respect to the colony of St. Lucia, and therefore his Excellency Colonel James Alexander Farquharson, commanding His Majesty's Forces, and administering the civil government of St. Lucia, having submitted the whole subject to the consideration of the Council of Government of St. Lucia, hath been pleased by and with their advice to order and direct as follows :

1. That conformably to the direction set forth in the 4th section of the said Order in Council, the office hours for the protector and his assistants shall be from eight o'clock in the morning to two in the afternoon, on every day in the year except Sundays and festivals.

2. And whereas by the 9th section of said Order in Council, no protector or assistant protector can act as a magistrate, or otherwise, for the decision of any complaint, or punishment of any offence concerning slaves, which precludes commissaries commandant from acting as assistant protectors ; it is therefore ordered, that there shall be an assistant protector in each of the three grand districts of the island, with a salary of 100*l.* currency per annum ; and for the further support of said assistant protectors, they shall be magistrates for the recovery of small debts, and commissaries enqueteurs, or commissions for taking depositions in civil and police cases when required by the courts, for which last duties they shall be remunerated by fees, as will be more fully set forth in an Ordinance to be especially made to that effect ; but that they shall not determine on any complaint by or against slaves, but report forthwith to the protector in all such cases, who will then take measures to bring each case before the proper tribunal.

3d. And as directed by the 16th section, it is hereby ordered, that markets throughout the island shall be held in future on Mondays, and that such markets may continue till three in the afternoon ; and to enable slaves to attend market occasionally, it is ordered, that every plantation-slave shall be allowed one whole day in every fortnight in crop, and one whole day in every week out of crop, besides Sunday, which day it is now settled and determined shall in future be the Monday in lieu of the Saturday, as was the usual practice, or of any other arrangement.

And whereas by the 20th section, the Governor is required to define with all possible precision, every work of necessity in which slaves may be employed on Sunday, and to limit and restrict any such employment by such conditions as may seem just. It is therefore ordered, that in addition to the species of labour set forth in the 19th section of said Order in Council, slaves may be employed,

On extraordinary emergencies arising from fires, hurricanes or inundations, or other causes which would be otherwise productive of any irreparable damage or injury to property.

And also in the following habitual emergencies :

In grinding and boiling off the canes and juice remaining over from the preceding evening :

Or in plucking, drying or preserving coffee in unfavourable weather, or such manufacturing labour as is rendered necessary by the state of the season :

Provided that no habitual emergency shall be deemed sufficient to warrant the employment of slaves on Sundays in field labour, on sugar estates :

Provided also, that when slaves are employed on Sundays, except in the kind of labour set forth in the said 19th section of the Order in Council, they shall receive 3*s.* currency, if employed beyond half a day, and if employed on such occasions for any time not exceeding half-a-day, they shall receive 1*s.* 6*d.* currency.

5. And whereas by section 25th the Governor is to prescribe the nature and extent of punishments to be inflicted on females in lieu of whipping, it is therefore ordered,

That the punishments to be inflicted by order of managers on female slaves, shall be as heretofore : the handcuffs, house-stocks, field-stocks, and solitary confinement.

Provided that no manager shall inflict a heavier punishment than the field-stock for six hours, house-stocks for twelve hours, or handcuffs and solitary confinement for a week, and that the cells be approved by a licensed medical practitioner, or the

Commissaries command; and in all cases of confinement, the slaves so confined shall be supplied with a sufficient quantity of farinacious food, at least once in 12 hours, and with a proper supply of good water.

And with reference to courts of justice and public magistrates, in addition to the above modes of punishment, they may inflict on females punishment by the tread-mill, and other hard labour, including the chain-gang on plantations and on public works.

Provided that no public magistrate or authority, except the Court of First Instance and Royal Court, shall have jurisdiction over females beyond the extent of one month's solitary confinement, or one month's labour at the tread-mill, or one month's hard labour on the plantation or on public works; nor shall any public magistrate or authority, except as above excepted, have jurisdiction over males beyond 39 lashes, or beyond the extent of their jurisdiction as above set forth over females.

6. And whereas, by section 66th, the fees on appraisement by compulsory process are to be approved by the Governor; the following table of fees being such as were previously taken, is therefore confirmed and approved, and ordered to be in future adhered to on the penalties set forth in said section:

Original petition	- - - - -	gratis.
Judges order thereon	- - - - -	ditto.
Court seal to clerk	- - - - -	£ - ½ round,
Marshalman's copy	- - - - -	- ½
Service of notice by marshal (according to Tariff).		
Interpreter for the French translation to be inserted in the Gazettes		
for each slave	- - - - -	- ½
Printer, for advertizing 3 times, per slave	- - - - -	1
Registrars fee for preparatory judgment, if any	- - - - -	1 ½
Marshalman's copy (Tariff).		
Service of notice - (ditto).		
Final judgment	- - - - -	2
Seal	- - - - -	- ½
Marshalman's copy (Tariff).		
Service thereof - (ditto).		

7. And whereas by section 77, the Governor is directed to provide and declare in what courts, or before what judges or magistrates all suits and prosecutions, civil or criminal, entered under or by virtue of any section of said Order, are to be in future determined; and there appearing no reason to deviate from the present practice, it is ordered, That all questions wherein the right or claim of any person to freedom is in controversy, shall continue to be determined in the Manumission Court; and all other suits and prosecutions, civil and criminal, in the Courts of First Instance and Royal Court in civil and police cases, and before the Royal Court in criminal cases, according to the established forms of proceeding and existing laws and usages of the colony: Provided that all cases of disorder or insubordination among gangs requiring attention, shall continue to be provided for as prescribed by the 7th chapter of the Edict of 1780; provided also, that no appeal be admitted from judgments on slaves, when the punishment awarded does not exceed 39 lashes, and three months hard labour and solitary confinement.

And finally, in conformity to the 81st section, it is ordered, That the island shall continue for the purposes of said Order in Council, to be divided into districts and quarters, as on other occasions.

Given under my hand and the seal of Government, this 26th day of April, in the 11th year of His Majesty's reign, in the year of our Lord 1830.

By his Excellency's command.

(signed) *George Washington Busted,*  
Chief Secretary.



— No. 19. —

ST. LUCIA.

COPY of a DESPATCH from the Officer administering the Government, to Secretary Sir *George Murray*, dated 4th June 1830; with One Enclosure.

St. Lucia, 4th June 1830.

HEREWITH I have the honour of transmitting to you the second Supplementary Ordinance to His Majesty's Order in Council, establishing a consolidated slave law for these colonies, which I trust will meet with your approbation.

I have the honour to be, Sir,  
Your most obedient humble servant,

*J. A. Farquharson*, Col.

To the Right Hon. Administering the Government.  
The Principal Secretary of State for the Colonies,  
&c. &c. &c.

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(Enclosure.)

Second Supplementary Ordinance to His Majesty's Order in Council, establishing a Consolidated Slave Law.

St. Lucia.

By his Excellency *James Alexander Farquharson*, Colonel, commanding His Majesty's Forces in the Island of St. Lucia, and administering the Civil Government, &c. &c. &c.

*James Alexander Farquharson*.

WHEREAS His Majesty, by his Order in Council, dated at the Court at Windsor on the 2d February last, hath been pleased, for the purpose of amending and ameliorating the slave laws throughout several of the British colonies mentioned in said Order, to repeal among others the Ordinance enacted by the Governor of St. Lucia, with the advice of the Council of Government, on the 8th February 1826, for the better government of slaves in St. Lucia, and for improving their condition, together with all Laws, Ordinances and Proclamations passed, enacted or promulgated within the said island in explanation thereof. And whereas His Majesty's said Order in Council doth not embrace, nor was intended to embrace, all the points for which it has been, in consequence of the repeal of said Ordinance and additional Ordinances and Regulations, necessary to provide :

His Excellency Colonel Farquharson, commanding His Majesty's forces and administering the government, having submitted the whole subject to the consideration of the Privy Council, and especially recommended a revisal of said Order of 8th February 1826, and additional Ordinance of April 1827, he hath now been pleased, by and with the advice of said Council, to order, and doth hereby order, with a view of determining such other points as are not provided for by the said Order in Council, but were embodied in said Ordinance, as follows :

1. It having been necessary to determine the legal nature of property in slaves, it is declared that children born of slaves are the property of the owner of the mother; and therefore, when the father is in slavery and the mother free, the children are free; and when the father is free and the mother a slave, the children are slaves.

2. Slaves are moveable property, but they may be stipulated proper to the proprietor and his relatives of his stock and descent.

3. Slaves, for the purposes of property, are either personal or plantation slaves. Plantation slaves, for such purposes, are all slaves entered in a plantation return, and all slaves entered by name in mortgage deeds, and the issue of all such plantation slaves.

4. And

4. And it is ordered, that all contracts or agreements for the alienation of slaves shall be passed before a notary, and that no proprietor whose estate is mortgaged shall separate his plantation slaves from the estate by sale or any other alienation, on pain of incurring such penalties as are provided against persons guilty of the fraudulent transfer of real property, and all such sales and alienations are declared null and void; and any notary drawing out or signing the deeds of alienation shall be fined in a sum of not less than 50*l.* or exceeding 200*l.* sterling, and be interdicted from office for not less than three or more than six months.

Nor shall such proprietors manumit their plantation slaves, except by compulsory process; nor shall plantation slaves be taken in execution for any other debt than the price of their purchase, except it be together with the estate, or under the forms set forth in the laws made or to be made for the more effectual recovery of debts in St. Lucia; and all slaves belonging to the owner of the estate, who at the time of taking the estate in execution shall be employed thereon in the labour of the estate, shall thenceforth be deemed and taken to be plantation slaves.

5. And it being necessary to provide for the domestic government of slaves:

It is ordered, that prayers shall be said every evening on the plantation; that slaves shall not be employed on festivals; and that on working days, when engaged in field labour, they shall be in the field and have commenced work at half after five o'clock; they shall be allowed half an hour at eight, and two hours from noon till two for their meals, and they shall leave the field at sunset.

6. And it is ordered, that when slaves are employed in manufacturing labour, they shall only be worked at night on extraordinary occasions of forced crops; that they shall then be distributed in spells or watches, and every slave so engaged shall in every possible circumstance have six hours consecutive rest, and two hours additional within the twenty-four.

The festivals are, New Years-day, Good Friday, Ascension-day, the Patronal fete of the Quarter, the King's Birth-day and Christmas.

Provided, that the fact of slaves being exempted from labour, whether on Sundays, festivals, or otherwise, shall not in any case be sufficient to warrant their leaving the estate without the manager's permission.

Provided also, that slaves may be compelled to work in their own provision-grounds for their benefit on all days allowed them by law, except Sundays: And provided, nevertheless, that adult slaves shall, under all and every circumstance, be allowed to attend market once in every month.

7. Twenty-five and Twenty-six of old law to form one section.

8. And it is further ordered, that every slave without exception shall receive two thick linen and woollen dresses, and a hat or cap in the year. The dresses shall consist, for the men, of a shirt and trowsers; and for the women, of a chemise and jupe; and a shirt for the children. And that every manager shall give one week's notice in writing to the protector, of the day on which the distribution is to take place.

And every adult shall also receive one pound and a half of salt fish or meat per week, and children half the quantity.

9. And whereas it often happens that managers make arrangements with their slaves for granting them other days in lieu of the festivals, and also further time in lieu of clothing and salt provisions; it is hereby ordered, that such arrangements, to be valid, shall be in future made in writing with the protector in behalf of the slaves; provided that no arrangement shall be valid, whereby slaves are or may be deprived of their Monday in every week after crop, and in every fortnight in crop.

10. And it is ordered, that every slave of fourteen years of age and upwards, shall have a portion of land allotted him for a garden, at least one carré for every two full grown slaves, which portion of land shall not be exchanged without their consent, except the manager shall have given them a warning of one year.

11. Every proprietor or possessor of a plantation shall provide the slaves attached thereto with good and comfortable huts, well wattled and thatched, so as to be perfectly wind and water tight, to be afterwards kept in repair by the slaves themselves. The head or chief of every family shall have a hut for himself and his family, separated into two or more apartments, according to the number of that family, and there should be cabanes or bed-places in those apartments, raised at least 18 inches, to preserve them from the dangerous effect of sleeping on the ground.

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ground. Young slaves of fourteen and upwards, who have no family, shall be lodged at the rate of three or four to a hut, and they are to have their cabanes raised 18 inches from the ground as aforesaid. The slaves shall be allowed to enclose their huts with a fence or hedge, to form a little yard for their poultry and other small stock, and defend them from the incursions of the cattle in the pasture.

12. There shall be on every plantation an hospital built in an airy and healthy situation, proportioned to the number of slaves, and one or more female attendants attached thereto, and supplied with camp beds, mats and coarse bed linen. The slave who from sickness is incapable of doing his duty, shall there be lodged and minded until he be perfectly recovered; and when there is a medical practitioner in attendance, he shall enter on a journal the name of every patient, together with the nature of the disease and prescription.

13. And it is ordered, that a return of births and deaths, specifying in the latter case the nature of the disease, the name of the medical attendant, or respectable planter, attesting the cause of the disease, and the probable age of the deceased, shall be delivered in half-yearly to the protector, together with the record of punishments.

14. And that sick and infirm slaves, whether the malady be incurable or otherwise, shall be supported by their managers; and that all slaves shall be decently interred, and where it can be done, in consecrated ground.

15. And every manager, and other person having authority from a manager, who shall inflict any new and unauthorized punishments on slaves, shall be guilty of a misdemeanor; and any manager, or other person having authority from a manager, who shall maim or kill a slave, and every person, except managers or persons authorized by them, who shall maltreat slaves in any manner whatever, shall be severally liable to the same punishments as would in such cases be inflicted if any such act had been committed on persons of free condition.

16. And whereas it is necessary to set down penalties for such public offences as necessarily result from the condition of slavery being acknowledged and sanctioned by law.

It is therefore ordered, that a fugitive slave may, if he shall have been one week absent from his owner's service, be adjudged to suffer punishment not exceeding 30 lashes and one month's solitary confinement for the first offence; two months solitary confinement and 50 lashes for the second; three years hard labour in chains on the plantation or on public works and 100 lashes for the third; and the chain-gang for life for the fourth offence. And the said fugitives shall further be liable to be deprived of their Mondays until they shall have made good the time lost.

17. And it is ordered, that every free person who shall harbour or conceal a fugitive slave shall forfeit and pay 5 *l.* sterling to the Crown, and shall also be liable in damages to the owner to the extent of 1 *l.* sterling per diem; and if the offender shall not pay the above fine of 5 *l.* sterling within one week, the punishment may be commuted by the court to an imprisonment, which shall not be of less duration than 14 days, nor exceed three months. And every slave in whose hut shall be found a fugitive slave, shall suffer corporal punishment, which shall not in any case exceed 60 lashes or three months hard labour; and the manager shall forfeit 2 *l.* 10 *s.* sterling to the Crown.

18. And it is ordered, that any slave apprehended passing in any vessel or boat out of the Colony, without proper permission, may be adjudged to suffer 100 lashes, and imprisonment and hard labour at the discretion of the court. And every free person aiding or abetting them therein shall be guilty of a misdemeanor; and any slave so aiding or abetting them therein, shall be subject to the same penalties as the slaves endeavouring to escape.

19. And it is ordered, that all thefts of steel arms or firearms committed by slaves shall be deemed felonies; and that fugitive slaves carrying steel arms or firearms of any description when apprehended, shall be declared felons; and in case of resistance with such steel arms or fire-arms, they may be adjudged to suffer death.

20. And it is ordered, that a slave striking his proprietor's wife or husband, or his manager, shall be guilty of felony; and in cases of aggravation may be adjudged to suffer death; and any slave striking a free person shall be liable to suffer imprisonment and hard labour at the discretion of the court.

21. Slaves attending meetings of slaves belonging to different masters, without the sanction of a public officer; slaves taken up masked or disguised; slaves keep-

ing houses, trading or hawking without their managers permission; slaves offering for sale either gold, silver or jewellery; slaves selling sugarcanes, coffee, cocoa, indigo, cotton or logwood, without their manager's permission; slaves found straggling without a passport; slaves purchasing or carrying muskets, swords, or any other offensive weapon, or gunpowder; slaves setting fire to their gardens without permission; slaves preparing or distributing drugs, or undertaking the care of sick persons; and generally all slaves guilty of police offences, together with all persons whether free or slaves who shall abet or countenance them therein, shall be guilty of a misdemeanor.

Provided that the punishment for misdemeanors committed by slaves shall not in any case exceed 30 lashes for the first offence, and 50 for the second and every subsequent offence of the same description, and three months hard labour at chain-gang.

22. Provided also, that slaves charged with crimes not specified in this Ordinance, shall be subject to the same pains and penalties as free persons.

23. And it is ordered, that the owners of fugitive slaves shall inform against such fugitives within 14 days to the commissary of the quarter, setting forth the presumed cause of the slave's escape, his name, age, sex and distinguishing marks if any, on a penalty of 5*l.* sterling; and that the commissary commandant shall once in each month send certified returns of such informations to the Procureur du Roi.

24. And every manager having reason to suspect any slave of having committed a crime, shall immediately cause him to be detained and delivered up to the commissary commandant; and he shall set forth in writing the cause of such detention, and lodge such information with said commissary within the three subsequent days, on pain of forfeiting 1*l.* sterling for every day's neglect in complying with the directions of the present section.

25. And whereas it is necessary to re-enact certain regulations with reference to property held by slaves;

It is ordered, that at the slave's death his property shall go to such persons, whether in freedom or slavery, as would by the law of the colony be entitled to it, if the slave had died free. That in cases of thefts and other wrongs, the owner shall continue personally responsible for the injury done by his slaves; but he has his recourse on the slave's property, or he may discharge himself by making over the offending slave to the party injured; in which latter case he must duly and in writing give notice of his intention, within one week after service of the copy of the judgment, on pain of being precluded from the right of option. And that the owner being a creditor of his slaves, shall have a preference over all others on the slave's property, except the latter shall have engaged in trade with his consent; and all owners shall be responsible for whatever their slaves may have done by their orders express or implied.

26. And it is ordered that slaves shall not, on pretence that they are parties to judicial suits, quit the manager's service without his permission, unless they are required to attend by order of a magistrate or the protector; and in all cases when their attendance is no longer necessary, they shall return to the plantation, on pain of punishment as fugitives.

27. And whereas it is requisite to set down further rules with reference to the freedom of slaves, or reputed slaves, the following enactments having been reconsidered, are renewed and confirmed:

That manumissions obtained in St. Lucia by slaves registered there, shall continue to produce the same effect as if the party were born there; such emancipated slaves, though natives of foreign countries, need not, therefore, obtain letters of naturalization to entitle them to the prerogatives of natural born subjects.

28. And that the emancipated slave is expected to pay the greatest respect to his late owner, and his owner's wife or widow, and children; any offence committed against them will be more severely punished than against a stranger, but the slave is certainly exempted from all duties, claims or services which his former owner might pretend to as his patron over his person or property.

29. A slave marrying a free owner becomes free; and the issue of the slave and owner, though born before marriage, become free and legitimate, provided they are not the issue of an adulterous connection and belong to either of the parties.

30. British born slaves obtaining their manumissions in a foreign country shall not be considered free in St. Lucia unless the manumission be confirmed by the proper

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proper authorities in a British country, or unless the same shall have taken place with the full consent of the proper and lawful owner.

31. Persons of colour who shall have resided in St. Lucia in an unmolested state of freedom for 21 years together, shall not, on any pretence, be required to produce their deeds of manumission, nor shall their right to freedom, from the expiration of said period of 21 years, be called in question. And in all cases he who affirms a person is his slave, is bound, unless he is in actual possession of the property in the said person, to prove his right, the presumption being in favour of natural liberty.

32. Persons in holy orders may baptize, as free, children under the age of one year, though born of mothers in a state of slavery, provided the owner of the mother consents thereto. Mention shall be made of such consent in the register of baptism, and the register shall be signed by the officiating minister and the owner.

A certificate of baptism in the above form shall have, in favour of the child, the effect of a deed of manumission.

33. The minister shall transmit all such certificates of baptism, which are to be written and signed by himself to the procureur general, that the latter may be enabled to require the bail mentioned in His Majesty's Order in Council, sec. 54, and to inscribe the certificate upon a register which he shall keep for this purpose.

34. Persons in holy orders shall not, on the penalty of 100*l.* sterling, baptize as free a child of colour, without the permission of the mother's owner, unless the mother be generally reputed free, or unless her freedom be proved by an act of manumission in due form, or a declaration upon oath, made before the commissary by two respectable inhabitants, other than the father of the child.

35. The clauses of all wills containing a grant to a slave of his freedom shall be laid before the governor by the heir, the executor, or the party interested in the will, within three months from the day on which the will shall have been opened, and the said will shall within the said time be registered at the greffe or register-office of the Court of First Instance, on the penalty of 100*l.* sterling; one half for the benefit of the colony, and the remainder for the benefit of the slave.

In case the said extracts shall not be presented within the above time, the slave, or any person for him, may apply to the protector, who shall cause an action to be entered to recover his liberty, or the slave may at his option enter an action to the same effect in his own name. But in either case, the proper officer shall be bound to prosecute the delinquents for the fine. And all notaries and greffiers who shall have received wills containing clauses of manumissions, shall extract copies of the said clauses, and forward the said copies within one month from the day on which the said wills shall have been opened to the procureur general, on the penalty of 50*l.* sterling, and three months interdiction.

36. And it is ordered, that no authority whatever, whether administrative or judicial, shall deprive of his liberty and reduce to a state of slavery a person free either by birth or by manumission, or by twenty-one years prescription.

The following concluding enactments are also approved:

It is ordered, that the definitions set forth in the 81st section of His Majesty's said Order in Council, shall apply to both the Supplementary Ordinances enacted in consequence thereof, except inasmuch as relates to the slaves that are to be deemed plantation slaves, for the purposes of property; the distinction between personal and plantation slaves in this respect, only being as set forth in the 3d section of this Ordinance.

38. And it is ordered, that all offences against this order committed by managers, to which no specific penalty is attached, shall be deemed misdemeanors, and all misdemeanors shall be punished in the manner set forth in the 74th section of His Majesty's Order in Council.

39. And it is ordered, that the condemned slaves fund shall continue under the regulations established by the repealed Order in Council of February 1826.

40. And it is ordered, that all fines shall be recovered and applied in the manner set forth in the 76th section of His Majesty's said Order in Council.

Given under my hand and the seal of Government, this 3d day of May, in the eleventh year of His Majesty's reign, and in the year of our Lord 1830.

By his Excellency's command,

(signed)

*George Washington Busteed,*

Chief Secretary.

## BERMUDA.

BERMUDA.

— No. 20. —

COPY of an ACT to prolong an Act, intituled, "An Act to ameliorate the condition of Slaves and Free Persons of Colour."

WHEREAS the Act, intituled, "An Act to ameliorate the condition of Slaves and free persons of colour" will expire on the thirtieth day of July next, and it is deemed expedient to prolong the same; We, therefore, your Majesty's most dutiful and loyal subjects the General Assembly of these your Majesty's Bermuda, or Somer's Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted by the authority of the same, that the said Act, intituled, "An Act to ameliorate the condition of Slaves and free persons of colour," be prolonged for and during the term of one year from and after the expiration thereof, and thence to the end of the next Session of the Legislature thereafter.

Passed the Assembly this 19th day of April 1830.

By order of the House,  
(signed) *John Noble Harvey*, Speaker.

Concurred to by the Legislative Council this 19th day of April, 1830.

(signed) *James Christie Esten*, President.

Assented to this 20th day of April 1830.

(signed) *H. Turner*.

## CAPE OF GOOD HOPE.

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-- No. 21. --

COPY of a DESPATCH from Sir *Lowry Cole* to Secretary Sir *George Murray*, dated 28th August 1830; with 10 Enclosures.

Sir, Government House, Cape Town, Aug. 28th, 1830.

I HAVE the honour to acknowledge the receipt of your Despatches, No. 126 and 127, of the 19th and 20th of March last, transmitting an Order of his Majesty in Council for consolidating the several laws recently made for improving the condition of slaves in His Majesty's colonies; and I have to inform you, that this order came into full operation within this colony on the 26th instant, being exactly six weeks from the date of its arrival here.

In conformity with the directions contained in the 79th section of the Order in Council, I now transmit the various proclamations, ordinances and rules of Court, issued agreeable to the instructions contained in your Despatches, and in the Order in Council.

No. 1. Contains a Proclamation issued on the 12th of August, making known the order in this colony.

Order in Council,  
82d Section.

No. 2. Contains a Proclamation issued on the 13th of August, "for providing and declaring as to the jurisdiction and manner of proceeding in and before the court of the colony, in actions, suits and prosecutions, by and against the protector and assistant-protectors of slaves in this colony.

Order in Council,  
77th Section.

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No. 3. Contains certain additional rules, provisions and regulations necessary for the inferior courts, in consequence of the Order in Council; these were ordained in Council by and with the consent of the Chief Justice, in terms of His Majesty's charter.

Order in Council,  
16th, 20th and  
25th Section.

No. 4. Contains a Proclamation issued on the 12th of August, "for appointing a market-day in each week, for defining works of necessity, and for prescribing modes of punishment of female slaves."

No. 5. An ordinance passed by the Council, "for regulating as to the food clothing, lodging, and hours of labour for slaves in this colony."

No. 6. An Ordinance passed by the Council, "for regulating as to the baptism and interment of slaves, and declaring punishments in certain cases illegal."

Order in Council,  
81st Section.

No. 7. Contains a Proclamation "determining the divisions of the colony which shall be deemed and taken to be districts thereof."

No. 8. Contains Rules for the Supreme Court, rendered necessary by the Order in Council, and published on the 19th of August, having been previously promulgated in open court.

Two government notices were likewise issued, (No's 9, and 10.) making known the appointment of a protector and assistant protectors.

The public acts now enumerated seem to be all that are at present required for giving such force and effect to a mass of enactments like the present, as they can be supposed to obtain, amongst a widely scattered, and for the most part, an illiterate people.

The operation of translation, through which means alone the chief possessors of slaves in this colony can understand the laws, requires much time and attention, and it is not so much from obstinacy or disinclination to know the laws, that the Cape Dutch in the districts remain in ignorance of them, as from a total inaptitude on their part to understand written law, always somewhat difficult to non-professional people, but infinitely so to persons of a rude understanding, by means only of translation.

The Order in Council was re-printed immediately after its arrival, and copies were sent without delay to the several judges, magistrates, justices and clerks of the peace, guardians of slaves, and all to whom it will fall to carry it into execution, in order that they might have as much time as possible for studying and comprehending it before it should come into operation.

The short period allowed between the receipt, promulgation, and coming into force of the Order, left little or no time for deliberation in framing the several Acts which I now transmit, and whatever imperfections are perceptible in the local enactments, may with more justice be placed to account of the absolute necessity of bringing the whole system into full operation, and within a very limited time, notwithstanding the difficulties attendant upon the measure, than to any want of attention and diligence in endeavouring to yield a prompt and implicit obedience to His Majesty's commands.

I cannot, however, but lament that such a discretionary power was not allowed to the colonial government in regard to the time of bringing the Order into operation, as to afford, in justice to the many unfortunate and illiterate slave proprietors who live at vast distances from the local authorities and from each other, at least an opportunity in point of time of knowing something of the law by which they are to be governed, before its taking effect, and thereby avoiding the chance of becoming subject to heavy punishments for the infraction of regulations, of whose very existence they must necessarily be ignorant for some time to come, from the scantiness of the population, dispersed over an immense extent of country, and the imperfect state of its internal communications.

It now remains for me to advert more particularly to the several Proclamations and Ordinances already noticed.

The Proclamation of the 9th of August "For providing and declaring as to jurisdiction and manner of proceeding, &c. &c.," was drawn up by the Judges of the Supreme Court, who most willingly bestowed their whole time and attention to the subject; by them also were prepared additional rules, provisions, &c. &c. of the same date.

The Proclamation of the 12th of August, No. 4, fixes a weekly market to be held on Wednesday instead of Sunday; it defines works of necessity with regard to the actual state of the colony, and with as much precision as the subject seems at present to admit of.

The permission however to hire slave-labour in such cases amounts here to almost a prohibition of that practice, since the conditions imposed by the 20th section of the Order in Council cannot be complied with, except in a very small portion of the colony.

With reference to the punishment of females, I may here remark, that in all slave colonies, I believe, and certainly in the two with which I am acquainted, this and the Mauritius, female slaves of bad character, of whom there are but too many, are more depraved than the men; and it is a well-known fact, that Sunday, instead of being a day of rest to them, is one of great debauchery and dissipation, and I confess I do not perceive the justice of the reasoning in that part of your despatch, which objects to their being punished by confinement on that day.

For unjust punishment the law affords redress, and if the punishment is deserved, I do not see why the master is also to be punished by depriving him of the labour of his slave.

Corporal punishment of females is objected to as tending to lower and impair their sense of self-respect, but certainly there is nothing which lowers and degrades the female character so much as debauchery and dissipation.

Although differing in opinion with you, as you will perceive, on this subject, I have not thought it right to deviate from your instructions further than in providing in the last-mentioned Proclamation for the confinement of females on Sunday, in particular cases only, where the entire and unrestricted enjoyment of that day, immediately following the commission of an unpunished fault, would only tempt the guilty slave to absent herself on Monday, to avoid the punishment she deserved, thereby increasing her offence; or it would place the proprietor in the unchristian-like position of passing the day of worship and rest, in the resolution of commencing the next day by inflicting punishment on his offending slave.

The Ordinance, No. 75, provides for little more than the revival of those enactments in the 19th Ordinance, relating to the subject of the Despatch, No. 127. These were made the subjects of a separate Ordinance, in order that its repeal might be the more conveniently effected, when His Majesty's pleasure shall be known upon those points, than if they had been mixed up with other matters in one Act.

The Ordinance, No. 76, also revives certain provisions of the 19th Ordinance relating to matters not adverted to in the Despatch, No. 126, but which seemed to be desirable. That Ordinance provided in some measure for the education of slave children, but there was no penalty affixed for non-compliance with the provision made in that respect, and in the absence of all information as to the intentions of His Majesty's Government, in respect to the education and religious instruction of slaves, whether it be intended to enforce the attendance of the children of Mahomedan slaves at Christian schools and places of worship, or to compel a slave proprietor to send his Christian slave children to school, under a penalty, although no law can compel a free person to educate his own children, it was deemed safer to leave these points open until His Majesty's pleasure shall be known.

This Ordinance contains three sections, No's 4, 5, and 6, which are intended to serve as a rule for judges and magistrates in cases of doubt and difficulty, in determining the legality or illegality of punishments.

The absence of any definition in the Order in Council as to what shall be considered legal and what illegal instruments of punishment, and the excessive difficulty of making any satisfactory definition of this kind, seemed to make the degree of severity the only safe measure by which the character of the punishment could be determined with equal justice to the punisher and the punished. From an attempt at definition the 19th Ordinance was often productive of mischievous results, of much litigation between owners and slaves, and much doubt and uncertainty among the magistrates.

The Proclamation of the 19th of August provides in some measure against the evils which would probably have arisen from the sudden abolition of the office of protector in the eastern division of the colony. The office of guardian in that division was created by his Majesty's Government in 1828, apparently on the recommendation of the Commissioners of Inquiry.

Your Despatch, No. 126, contains no order for its abolition, but it appears evidently to relate to one Protectorship only for the whole colony; if, however, there existed in 1828 any reason for disuniting the offices of registrar and guardian in the western, and appointing an additional guardian in the eastern division, those reasons must apply still more strongly at present, when the sole protector of slaves



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in the colony is not only the sole registrar of slaves, but also the sole registrar of deeds. The latter duty requires his almost constant daily attendance in his office at Cape Town. In every case of more than common importance it has been considered necessary that the guardian should attend the circuit-courts, and that necessity is not now lessened. The attendance of the protector on the western circuit is already sufficiently incompatible with his other duties, but his further attendance on the eastern circuit would be completely so, for these circuits occupy nearly six months in each year.

It was at first deemed proper to continue the appointment of a separate officer in the eastern division until his Majesty's pleasure should be known ; but the office could not be created or continued by Proclamation, since the Supreme Court will not receive any Proclamation which is not bottomed on some public Act of the King duly promulgated, and the whole Order in Council of the 2d of February 1830 expressly relates to one protector in each colony ; neither could the appointment be legalized by an Ordinance in Council, as was proposed, since the Chief Justice could not give the certificate necessary for introducing the Ordinance into Council.

Both the Chief Justice and Major Rogers are of opinion that there should be a protector in the eastern division ; and should his Majesty's Government see fit to make such an appointment, another Order in Council will be required, either to divide the duties of the protector and of the Chief Justice, so that the duties of each may be performed in the eastern division, and without the necessity of long journeys by the new protector, or to authorize the government to provide by Proclamation or by Ordinance for the proper division of these duties.

From your Despatches which accompanied the Order in Council, and from a comparison between their general tenour, and the tenour of all other Despatches touching subjects of a legislative nature which have been addressed to this Government ever since the institution of a Council in this colony, it has seemed that the object of his Majesty's Government on this occasion has been to give full and entire effect to a new system of slave-law in this colony, by its own authority, or by that of the Governor, without the intervention of the Council of Government ; it was intended therefore to carry the new law into effect, and to complete the system by such additional enactments as appeared necessary in the name of the Governor alone, thereby avoiding all risk of delay consequent on the deliberations of the Council ; but the objection made by the Court, founded on the 33d section of the Charter, rendered this impossible ; and the two Ordinances in question were accordingly proposed to and passed by the Council.

I have the honour to be, Sir,

Your most obedient humble servant,

*G. Lowry Col.*

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

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Enclosure 1, in No. 21.

**PROCLAMATION** by his Excellency Lieutenant-General the Honourable Sir *Galbraith Lowry Cole*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Colonel of his Majesty's 27th Regiment of Foot, Governor and Commander-in-Chief of his Majesty's Castle, Town and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commander of the Forces, &c. &c. &c.

WHEREAS his Majesty the King in Council has been graciously pleased to issue an Order "for consolidating the several Laws recently made for improving the Condition of the Slaves in his Majesty's Colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope and Mauritius," dated at the Court at Windsor, the 2d day of February 1830, which Order is hereunto subjoined ; and whereas by the 82d section thereof it is ordered, that the Governor of every such colony as aforesaid shall, within one calendar month next after the said Order shall be received by him, make known the same by proclamation in such colony ; and that

that the said Order shall be in force on the expiration of fourteen days next after the date of such Proclamation, and not before: Now, therefore, I do hereby proclaim, publish and make known the said Order of his Majesty in Council; and I further ordain that the said Order shall have full force and effect in this colony from and after the 26th day of the present month of August.

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God save the King.

Given under my hand and seal this 12th day of August in the year of our Lord 1830.

(signed) *G. Lowry Cole.*

By Command of his Excellency the Governor.

(signed) *John Bell*, Secretary to Government.

Enclosure 2, in No. 21.

**PROCLAMATION** by his Excellency Lieutenant-General the Honourable Sir *Galbraith Lowry Cole*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Colonel of His Majesty's 27th Regiment of Foot, Governor and Commander-in-Chief of His Majesty's Castle, Town and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c. &c. &c.

For providing and declaring as to the Jurisdiction and Manner of Proceeding in and before the Courts of the Colony, in Actions, Suits and Prosecutions, by and against the protector and assistant-protector of slaves in this Colony.

**WHEREAS** under and by virtue of his Majesty's Order in Council, dated 2d of February 1830, the Governor of this colony is thereby 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 his Majesty's said Order shall be tried and prosecuted; and in what courts, or before what judges or magistrates such fines, forfeitures and penalties as in and by his Majesty's said Order are prescribed, set forth and provided, 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-protector of slaves of such colony shall proceed in executing the duties in and by the said Order 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 therein mentioned; or in the prosecuting, suing for and recovering any such fines or forfeitures and penalties as aforesaid; and to regulate the manner in which actions may be brought by or against slaves, in respect of any property which any such slaves may be authorized to acquire and possess: all which provisions and regulations so to be issued by the Governor of the colony are to be as nearly as may be conformable to the laws and usages in force in the colony: I do therefore, under and by virtue of his Majesty's said Order in Council, provide and declare, and it is hereby provided and declared, that every offence committed, or alleged to have been committed against the provisions of the 21st, 22d, 28th, 33d, 34th, 41st, 52d, 56th, 66th and 73d sections of his Majesty's Order in Council, dated 2d February 1830, shall and may be prosecuted, and every fine, forfeiture and penalty therein provided to be incurred on the commission of any such offence, shall and may be prosecuted and sued for and recovered in the supreme court, or in the circuit-court of the district within which any such offence shall have been committed, or in any other circuit-court to which the trial of offence shall be permitted or allowed to be removed by the competent court, or in the court of the resident magistrate for the district within which any such offence shall have been committed: Provided always, that nothing herein contained shall extend or be construed to give up or confer on any resident magistrate jurisdiction, power or authority, in respect of any conviction which may be had in the court of such magistrate

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for any offence hereinbefore mentioned, to adjudge or declare the right and interest of any person so convicted in or to any slave to be forfeited to his Majesty, under the provisions of the Order in Council aforesaid ; or to adjudge, sentence or condemn any person so convicted to suffer imprisonment for any period exceeding *one calendar month*, or to pay any fine or penalty exceeding the sum of 10*l.* sterling.

2. And it is hereby provided and declared, that every offence committed, or alleged to have been committed, against the provisions of the 13th, 14th and 18th sections of his Majesty's Order in Council, dated 2d February 1830, shall and may be prosecuted ; and every fine, forfeiture and penalty therein provided to be incurred on the commission of any such offence, shall and may be prosecuted and sued for, and recovered in the court of the resident magistrate for the district within which any such offence shall have been committed.

3. And it is hereby provided and declared, that the offence of *swearing falsely*, committed, or alleged to have been committed, by any person in taking any oath under and in pursuance of his Majesty's Order in Council, dated 2d February 1830, shall and may be prosecuted by the public prosecutor, and at the public instance, in the supreme court, or in the circuit-court of the district within which any such offence shall have been committed, or in any other circuit-court to which the trial of such offence shall be permitted or allowed to be removed by the competent court, in like manner and form as is or shall be by law competent to the public prosecutor to prosecute at the public instance for any crime or offence, and not otherwise.

4. And it is hereby provided and declared, that every offence committed or alleged to have been committed by the protector of slaves against the provisions of his Majesty's Order in Council, dated 2d February 1830, shall and may be prosecuted ; and every fine, forfeiture and penalty therein provided to be incurred by such protector on the commission of any such offence, shall and may be prosecuted and sued for, and recovered by the public prosecutor, at the public instance, and not otherwise : And that every offence committed or alleged to have been committed by any assistant-protector of slaves against the provisions of the said Order in Council, shall and may be prosecuted ; and every fine, forfeiture and penalty therein provided, to be incurred by any assistant-protector of slaves, shall and may be prosecuted and sued for, and recovered by the protector of slaves, or by the public prosecutor at the public instance, in any court in which any such offence might be prosecuted, or such fine, forfeiture or penalty might be prosecuted and sued for and recovered, if such offence had been committed, or alleged to have been committed, or such fine, forfeiture or penalty had been incurred, or alleged to have been incurred, by any person other than such protector or assistant-protector of slaves ; and every fine, forfeiture and penalty which shall be incurred by the protector, or any assistant-protector of slaves, and which shall be so recovered as aforesaid, and shall go to his Majesty.

5. And it is hereby provided and declared, that every prosecution or suit for any offence, or for the recovery of any fine, forfeiture or penalty, which, under and by virtue of his Majesty's Order in Council, dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, shall be instituted in the supreme court, or in any circuit-court, or in the court of any resident magistrate, shall be instituted and conducted in conformity with, and under and subject to, all such rules, orders and regulations touching and concerning the form and manner of proceeding in criminal cases, as have been, or shall be duly made, ordained and established by or for the said courts respectively.

6. And it is hereby provided and declared, that any civil action, suit or proceeding which any slave, or the protector, or any assistant-protector, shall, under and by virtue of his Majesty's Order in Council, dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony under the authority of the said Order in Council, be authorized or required to institute, conduct or defend in the supreme court, or any circuit-court, or in the court of any resident magistrate, shall be instituted, conducted and defended, in conformity with and under and subject to all such rules, orders and regulations touching and concerning the form and manner of proceeding in civil cases, as have been or shall be duly made, ordained and established by or for the said courts respectively.

7. And it is hereby provided and declared, that it shall not be the duty of the attorney-general of this colony, and that he shall not have any right or title, either in person, or through the medium of the clerks of the peace for the respective districts

districts of the colony, or the superintendant of police in Cape Town, or his deputy, at the public instance to prosecute or to institute, or cause to be instituted, any preparatory examination respecting any offence created or declared, or for the commission of which any punishment, fine, forfeiture or penalty has been provided by his Majesty's Order in Council, dated 2d February 1830, or in respect of which the exclusive right of prosecution shall by this Proclamation, or by any Law or Ordinance which shall hereafter be in force within this colony be given to the protector, or any assistant-protector of slaves, except as is hereinbefore excepted, as to the offence of swearing falsely in taking any oath in pursuance of the said Order in Council, and as to any offence committed or alleged to have been committed against the provisions of the said Order in Council, by any person while holding the office of protector or assistant-protector of slaves within this colony, or to prosecute and sue for or recover any such fine, forfeiture or penalty, other than those which under and by virtue of the provisions of such Order in Council, Proclamation, Law or Ordinance, shall be incurred by any person while holding the office of protector or assistant-protector as aforesaid, any thing contained in the Ordinances Nos. 40 and 73, or in any other Law or Ordinance now in force within this colony, to the contrary notwithstanding.

8. And whereas by the 11th section of his Majesty's Order in Council, dated 2d February 1830, it is ordered, that if complaint shall be made to, or if it shall come to the knowledge of, any protector or assistant-protector of slaves within this colony, that any wrong or injury has been inflicted upon or received by any slave, it shall be the duty of such protector or assistant-protector of slaves 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 *criminal* proceeding be instituted against any person in respect of any such wrong or injury, it shall be his duty, and he is thereby required to institute a criminal proceeding against any such offender or wrongdoer: And whereas by the 77th section of the said Order in Council it is ordered, that the Governor of this colony shall, and he is thereby authorized, by Proclamations to be by him for that purpose from time to time issued, to regulate the manner in which such protector or assistant-protector of slaves shall proceed in executing the duties by the said Order in Council imposed on them, in the instituting any such criminal proceeding as is in the said Order in Council mentioned: all which regulations of the said Governor shall be as nearly as may be conformable to the laws and usages in force in this colony: And whereas by the law now in force within this colony the attorney-general is vested with the right and intrusted with the duty of prosecuting by himself, or through the medium of the clerks of the peace for the several districts of this colony, and the superintendant of police in Cape Town, or his deputy, in the name and on behalf of the King, all crimes and offences committed in this colony, except those offences in respect of which the exclusive right of prosecution has by the said Order in Council, or by this Proclamation, been given to the protector or assistant-protector of slaves: And whereas by certain provisions of the Ordinances Nos. 40 and 73, now in force in this colony, it is enacted and provided that no prosecution for any crime or offence may take place but at the public instance and by the public prosecutor, until the public prosecutor shall have exercised his discretion whether he will prosecute the offender at the public instance or not: Now, therefore, it is hereby provided and declared, that no prosecution at the instance of the protector or of any assistant-protector of slaves, for any offence other than those in respect of which the exclusive right of prosecution by the said Order in Council, or by this Proclamation, has been given, or by any Law or Ordinance which shall hereafter be in force within this colony, shall be given to the protector or any assistant-protector of slaves may take place, until the public prosecutor shall have exercised his discretion whether he will prosecute the offender at the public instance; and that it shall not be competent for such protector or assistant-protector to obtain the process of any court for summoning any party to answer to any indictment or complaint, unless such protector or assistant-protector shall produce to the officer authorized by law to issue such process, the indictment or complaint, having indorsed thereon, where the indictment is to be tried in the supreme or any circuit-court, a certificate under the hand of and subscribed by the attorney-general, that he has seen the indictment, and declines to prosecute at the public instance for the offence therein set forth; and where the indictment or complaint is to be tried in any inferior court, a certificate under the hand of and subscribed by the officer who by law is entitled to prosecute at the public instance in such court, that he has seen the said indictment or complaint,

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and declines to prosecute at the public instance for the offence therein set forth : and in every case in which the attorney-general declines to prosecute, he and the officers through whom he exercises the right of prosecution in the inferior courts, shall, at the request of such protector, or any assistant-protector, indorse the certificates above mentioned on every such indictment or complaint : Provided always, that it shall be competent for the protector or any assistant-protector to prosecute summarily, by complaint in any competent inferior court, for any offence, for which such protector or assistant-protector shall be entitled so to prosecute, although such protector or assistant-protector shall not have previously applied for and obtained the certificate hereinbefore acquired : And provided always, that every such summary prosecution at the instance of any such protector or assistant-protector shall be conducted according to and under and subject to the same rules, regulations and limitations which by the 7th and 8th sections of the Ordinance No. 73, are enacted and declared touching and concerning any such summary prosecution at the instance of any private party.

9. And it is hereby further provided and declared, that in every case in which, under and by virtue of the provisions of his Majesty's Order in Council, dated 2d February 1830, or of this Proclamation, or of any law or ordinance which shall hereafter be in force within this colony, any right of prosecution is or shall be given to the protector of slaves, such right of prosecution shall be exercised in the supreme court by such protector in person, and in the circuit and district-courts by such protector in person, or through the medium of the assistant-protector of slaves for the district in which such courts shall respectively be held, as representing the said protector : and in every case in which such protector or assistant-protector shall under and by virtue of the provisions of such Order in Council, Proclamation, Law or Ordinance, prosecute, or be entitled to prosecute, such protector and assistant-protector shall respectively, in instituting and conducting any such prosecution or examination preparatory thereto, possess and exercise all such powers, rights and privileges, and may do and require to be done all such acts and things, and shall be subject to all such rules and regulations as by any law or ordinance now in force, or which shall hereafter be in force within this colony, are possessed, and may be exercised or done, or required to be done, by the attorney-general, or any clerk of the peace respectively, or to which the attorney-general, or any clerk of the peace respectively, shall or may be subject in the instituting or conducting any preparatory examination or prosecution at the public instance : Provided always, that the assistant-protector of slaves shall forthwith cause all preparatory examinations taken by them to be transmitted to the protector of slaves.

10. And it is hereby further provided and declared, that the protector or assistant-protector of slaves for the district shall be entitled to be present at any preparatory examination which shall be instituted by the public prosecutor, as to any wrong or injury inflicted upon or received by any slave in respect of which the public prosecutor is entitled to prosecute at the public instance ; and after the public prosecutor shall have finished his examination, to put any legal and competent question relating to the offence under investigation to any witness so examined by the public prosecutor, or who shall be produced by the said protector or assistant-protector for examination.

11. And whereas it appears to be the object and intent of the 10th section of his Majesty's Order in Council dated 2d February 1830, to provide, that the protector or assistant-protector of slaves should receive such notice as may enable him to be present at the trial, and all other the proceedings, not only in every action, suit and prosecution, wherein any slave may be charged with any offence punishable by death or transportation, but also in every action, suit or prosecution, wherein any person may be charged with the murder of any slave, or with any offence against the person of any slave ; and in every action, suit and prosecution wherein any question may arise as to the right of any alleged slave to freedom, or respecting the right of any slave to any such property as he or she is by the said Order in Council declared competent to acquire :—And whereas by the said Order in Council no provision has been made as to what notice shall be given to the said protector or assistant-protector, or as to the form and manner in which such notice shall be given, except with respect to actions, suits or prosecutions, wherein any slave may be charged with any offence punishable by death or transportation : And whereas it is expedient to provide and establish regulations whereby the object of the said section of the Order in Council may be accomplished, and its intent carried into effect :—Now therefore, it is hereby provided and declared, that in every action, suit  
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or prosecution wherein any person may be charged with the murder of any slave, or with any offence against the person of any slave, the prosecutor, whether public or private, shall cause to be delivered a copy of every indictment for every such offence; when the trial thereof shall be in the supreme court, to the protector, and when the trial shall be in any circuit-court, to the assistant-protector of the district for which such circuit-court is held, two days at least before the commencement of the session of the supreme court, or such circuit-court respectively, at which such indictment shall be tried: And in all cases wherein any such action, suit or prosecution shall be brought in the inferior court of any district, the prosecutor, whether public or private, shall cause to be given to the protector or assistant-protector of slaves for such district, such previous notice of the trial or other proceedings in such action, suit or prosecution, as by law is or shall be required to be given by him to the person prosecuted for such offence in any such action, suit or prosecution: Provided always, that when the protector or assistant-protector for the district shall be actually present in court when any criminal action, suit or prosecution, of which such protector or assistant-protector is by law entitled to have notice as aforesaid, is called on for trial, hearing or determination, the proceedings therein shall not be stayed on the ground that due notice thereof has not been given to the protector or assistant-protector; unless other good and sufficient cause for staying such proceedings shall by such protector or assistant-protector be made to appear to the satisfaction of such court. And it is hereby further provided and declared, that in every action, suit or prosecution, wherein any question may arise as to the right of any alleged slave to freedom, or respecting the right of any slave to any property, the party denying the freedom of any such alleged slave, or pretending right to any property claimed by any such slave, shall cause to be given to the protector or assistant-protector for the district within which such action, suit or prosecution shall be brought, such notice of every such action, suit or prosecution, and of every proceeding therein, as would by the law of the Colony be required to be given by him in any such action, suit or prosecution to the adverse party therein, if of free condition.

12. And it is hereby provided and declared, that the protector or assistant-protector of the district in which any preparatory examination shall be taken respecting any charge against any slave for any crime or offence, shall be entitled to be present at the same. And it is hereby further ordered and declared that no slave shall be committed for trial for any offence punishable by death or transportation, unless notice by or on the part of the officer conducting the preparatory examination shall have been given to such protector or assistant-protector to attend at the examination immediately preceding such commitment for trial; and if such protector or assistant-protector shall attend accordingly, he shall be entitled, previously to such commitment, to have read over to him such examination as may at any time have been taken on such charge in the absence of such protector or assistant-protector; and thereupon to do and require to be done, on behalf of the said slave, all such acts and things as would be competent at that stage of the proceeding to be done, or required to be done, by the said slave, if of free condition: Provided always, that nothing herein contained shall extend or be construed to give to any such slave under examination any right or privilege which would not by law be competent to any person of free condition, or to prevent any magistrate from committing any such slave for further examination, although no notice of such charge has previously been given to such protector or assistant-protector, or from committing any such slave for trial, if after such notice given as aforesaid the protector or assistant-protector shall fail to attend accordingly.

13. And it is hereby provided and declared, that when the protector or any assistant-protector of slaves shall, at any time, under and by virtue of the provisions of his Majesty's Order in Council, dated 2d February 1830, or of this Proclamation, or of any law or ordinance which shall hereafter be in force within this Colony, institute any preparatory examination or prosecution, then and in every such case the witnesses summoned and attending to give evidence at any such preparatory examination, or at the trial in any such prosecution, whether summoned at the instance of such protector or assistant-protector, or of the party accused, shall be entitled to receive, and shall receive payment of their expenses in like manner, and subject to the same rules, regulations and limitations as are by the Ordinances Nos. 59 and 69 enacted with respect to the payment of the expenses of witnesses summoned and attending to give evidence on criminal trials, and preparatory examinations at the instance of the public prosecutor: And in every such case such protector

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or assistant-protector shall be and he is hereby authorized and required to do and require to be done all acts and things which by the enactments of the said Ordinances any clerk of the peace is authorized or required to do, or to require to be done.

God save the King.

Given under my hand and seal this 9th day of August in the year of our Lord 1830.

(signed) *G. Lowry Cole.*

By command of his Excellency the Governor.

(signed) *John Bell,*  
Secretary to Government.

Enclosure 3, in No. 21.

RULES, PROVISIONS and REGULATIONS, conformable to the Laws and Usages now in force in the Courts erected by the Governor of the Colony of the Cape of Good Hope, by and with the advice of the Council of Government, under the authority of His Majesty's Royal Charter of Justice, made, ordained and established by the said Governor in Council, by and with the advice of the Chief Justice of the Colony, touching and concerning the manner in which any slave, or the protector or any assistant-protector of slaves shall proceed, under and by virtue of his Majesty's Order in Council for improving the condition of the Slaves in this Colony, and dated the 2d day of February 1830, in instituting, conducting or defending any civil action, suit or criminal proceeding in the Courts of the resident magistrates respectively, of and within the said Colony.

1. In all civil and criminal cases brought before the courts of the resident magistrate within any district of this colony, or before the court of the Judge of Police in Cape Town, in which any slave, or the protector or any assistant-protector of slaves shall in such his official capacity (under and by virtue of his Majesty's Order in Council, dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony), be authorized or required to appear, act, sue, prosecute or defend, such slave, protector or assistant-protector shall be entitled to do and to require to be done all acts and things which any person of free condition, having a legal title on his own behalf to appear, act, sue, prosecute or defend in any such case as aforesaid, might lawfully do or require to be done.

2. In all criminal cases and proceedings which such protector or assistant-protector shall (under and by virtue of his Majesty's Order in Council, dated the 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony), be authorized or required to institute and conduct, in or before the court of any resident magistrate as aforesaid, or in or before the court of the Judge of Police in Cape Town, such protector or assistant-protector shall respectively institute or conduct the same in like manner and form as the attorney-general, or any clerk of the peace (is or shall be by any rule, order or regulation duly ordained, established and declared respectively, the manner and form of proceeding in any such courts as aforesaid respectively directed to proceed), and shall in all such cases and proceedings as aforesaid be entitled respectively to require the enforcement of every rule, order and regulation duly ordained, established and declared respectively, the manner and form of proceeding in any such courts as aforesaid, in like manner as is by law competent to the attorney-general, or any clerk of the peace respectively, in any criminal prosecution at the public instance in any such courts as aforesaid.

3. In all civil cases or proceedings which the said protector, or any assistant protector, shall under and by virtue of his Majesty's Order in Council dated the 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony,

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colony, be authorized or required to institute, conduct or defend in or before the court of any resident magistrate as aforesaid, for or on behalf of any slave, such protector or assistant-protector, upon filing with the clerk of such court a certificate signed by such protector or assistant-protector, that he has examined into the case of the said slave, and considers him to have a good cause of action or defence, as the case may be, shall respectively be entitled to institute, conduct and defend the same, free from the payment of all and every fee or charge of office whatsoever.

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Given at the Cape of Good Hope this 9th day of August 1830.

By order of his Excellency the Governor.

(signed) *John Bell*, Secretary to Government.

By order of the Council.

(signed) *Richard P. Nichols*, Acting Clerk of the Council.

(signed) *John Wylde*, Chief Justice of the Colony.

Enclosure 4, in No. 21.

**PROCLAMATION** by his Excellency Lieutenant-General the Honourable Sir *Galbraith Lowry Cole*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Colonel of His Majesty's 27th Regiment of Foot, Governor and Commander-in-Chief of His Majesty's Castle, Town and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c. &c. &c.

For appointing a certain day of the week on which a Market may be holden for the resort of slaves, and for the regulation of such Market; for defining what shall be deemed works of necessity in which slaves may be employed on Sunday; and for prescribing the modes of punishment which in the case of female slaves are to be substituted for the punishment of whipping, scourging, or beating.

WHEREAS by an Order of his Majesty the King in Council, dated at the Court of Windsor, the 2d day of February 1830, "For consolidating the several Laws recently made for improving the condition of the slaves in his Majesty's Colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope and Mauritius," the Governor of this colony is required to appoint by Proclamation a certain day in the week in which markets may be holden instead of Sunday markets, and to define every work of necessity in which slaves may be lawfully employed on Sunday, and to prescribe the nature and extent of punishment to be substituted for whipping, or other corporal punishments, in the case of female slaves: I do therefore hereby appoint a market to be holden at Cape Town, being the only place within this colony where it hath heretofore been customary to hold markets on Sunday, between the hours of one and four, in the afternoon of every Wednesday during the months of April, May, June, July, August and September, in each year: and between the hours of three and six, on the afternoon of the same day, during the remaining six months of the year: Provided always, that no slave shall have a right to resort to the said weekly market, nor shall resort thereto, unless by the previous sanction of his or her proprietor. And I do further declare, that the works hereinafter defined are to be considered works of necessity, on which it shall and may be lawful for any person to employ any slave or slaves, under the provisions set forth in the 20th section of the aforesaid Order in Council, namely:

1. Ploughing and sowing the land, and completing the agricultural operations necessary in such cases, in order to secure the favourable season of the year.

2. Reaping and securing the crops during the harvest season.

3. Pruning vines at the proper time.

4. Gathering and housing the grapes.

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5. Commencing, carrying on, and completing the process of making wine.
6. Irrigating in the dry season such fields, vineyards or gardens, as have but a limited and periodical supply of water.
7. Assisting in the preservation of cattle, or live stock, in pressing cases.
8. Watching, in turns, the fields, vineyards or gardens, when the crops are on the ground and liable to depredation; provided such fields, vineyards or gardens belong to the owner or manager of the slaves so employed.
9. Assisting on any neighbouring estate to prevent or arrest the progress of any accidental calamity by fire, flood or hurricane.
10. Going on any journey, or carrying any letters or other things, in cases of urgent and unavoidable necessity.

Provided always, that nothing herein contained shall extend or be construed to prevent any proprietor or manager from employing his slave or slaves in preventing or arresting the progress of such accidental calamities as aforesaid, or in attending him or her, or any of his or her family on any journey, or in attending in turn on sick comrades, or in watching violent and refractory slaves, or in assisting at interments of persons deceased on the estate, without payment for services rendered on any such occasions of pressing and inevitable necessity.

And I do further declare, that one or other of the several modes of domestic punishment hereinafter defined shall and may lawfully be substituted for any such punishment by whipping, scourging, or beating of the person of a female slave, as may have been heretofore authorized by law in this colony, namely:

1. Solitary confinement in some dry and sufficiently airy place, with the ordinary allowance of food, not exceeding three days.
2. Solitary confinement in such place as aforesaid, on bread and water, or rice-soup, not exceeding forty-eight hours.
3. Bread and water, or rice-soup diet, not accompanied by confinement, for any period not exceeding forty-eight hours.
4. Putting in the stocks privately, or in any place sheltered from the sun's rays and from the rain, from sunrise to sunset, or for any shorter period, with the ordinary allowance of food, or on bread and water, or rice-soup.
5. Confinement for the whole or part of Sunday, either solitary, in the stocks, or otherwise, or confinement in such place as aforesaid, on bread and water, or on rice-soup, if the offence for which such punishment is to be inflicted shall have been committed at any time during the preceding day.

Provided always, that any female slave under the age of ten years may be punished in the manner pointed out in the 24th section of the aforesaid Order in Council.

God save the King.

Given under my hand and seal this 12th day of August in the year of our Lord 1830.

(signed) *G. Lowry Cole.*

By command of his Excellency the Governor.

(signed) *John Bell, Secretary to Government.*

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Enclosure 5, in No. 21.

(No. 75.)

(signed) *G. Lowry Cole.*

ORDINANCE of His Excellency the Governor in Council for regulating as to the Food, Clothing, Lodging, and Hours of Labour for Slaves in this Colony.

Preamble.

WHEREAS under and by virtue of his Majesty's Order in Council, dated 2d day of February 1830, the Ordinance No. 19, dated 19th day of June 1826, for improving the condition of slaves within the colony, and heretofore in force within the same, has become and is revoked, repealed and annulled:

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And whereas it has therefore become and is expedient that certain regulations consistent with his Majesty's said Order in Council, and not repugnant thereto, should be made and re-enacted, touching and concerning the food, clothing, lodging, and labour of slaves within the colony; Be it therefore hereby enacted, that from and after the 26th day of the present month of August every slave within this colony shall be supplied by his or her owner or manager with sufficient and wholesome food, and with good and sufficient clothing, suitable according to the custom of the colony to the sex, age, condition, or peculiar employment of such slave; and also with dry and comfortable lodging and bed-covering; and in case any complaint as to the quality or deficiency thereof, in any respect, shall be proved to the satisfaction of the magistrate before whom the complaint may be duly brought, the owner or manager against whom such complaint may be made shall, in and as to every particular case of deficiency, incur and be liable to a penalty of not less than 2 *l.* 10 *s.* sterling, and not exceeding 5 *l.*

Slaves to be supplied with sufficient food, clothing, lodging and bed-covering;

And be it further enacted, that no slave in this colony shall be compelled to work during any sickness rendering him unfit for the same; or when employed in garden or field-labour, or in any manufactory, or as a mechanic, shall be compelled to work more than 10 hours in each 24 hours, from the 1st day of April to the 30th day of September; nor more than 12 hours in each 24 hours, from the 1st day of October to the 31st day of March, under and subject in each particular case to a penalty, to be paid by the owner, manager, or person so compelling such slave to work during sickness; or beyond the hours hereby fixed, of not less than 1 *l.*, and not exceeding 5 *l.* for each offence, for and in respect of each day such slave shall have been so wrongfully compelled to labour, over and above a fair compensation in money to the slave, for the extra labour which he has been required to perform: Provided always, that nothing herein contained shall extend or be construed to prevent any owner, manager, or other person from employing slaves, with their own free will and consent, beyond the hours of labour hereby established; and provided also, that for all such extra labour a fair remuneration shall be made by the employer to each slave so employed, either in money, or by an additional allowance of food, at the option of the slave.

under a penalty;

Slaves not to be compelled to work during sickness, nor more than a certain number of hours each day;

under a penalty; and compensation to be made to the slave for his extra labour;

but slaves may be employed for extra labour with their own free will, for which they shall receive remuneration.

And be it further enacted, that all prosecutions under this ordinance shall, except for offences committed by the protector, or any assistant-protector of slaves, be brought at the instance exclusively of the protector of slaves, or of the assistant-protector for the district in which the offence so to be prosecuted has been committed, in the court of the resident magistrate of such district.

Prosecutions under this Ordinance, to be brought by Protector, or his assistant, in resident magistrate's Court.

And be it further enacted, that all complaints touching any of the offences created under and by virtue of this ordinance, and appearing upon the proof to have been preferred by or on account of any slave or slaves, without foundation, shall be treated and disposed of under and according to the provision contained in the 72d section of the said Order in Council. And all penalties to be recovered under and by virtue of this ordinance shall go to His Majesty.

Slaves having preferred unfounded complaints under this Ordinance, to be treated as directed by 72d Section of the Order in Council; and all penalties to go to His Majesty.

God save the King.

Given at the Cape of Good Hope, this 9th day of August 1830.

By Command of His Excellency the Governor.

(signed) *John Bell*, Act. Sec. to Government.

By Order of the Council,

(signed) *Rich. P. Nichols*, Act. Clerk of the Council.

Enclosure 6, in No. 21.

No 76.

(signed) *G. Lowry Cole*.

ORDINANCE of his Excellency the Governor in Council for regulating as to the Baptism and Interment of Slaves, and declaring Punishments in certain cases to be illegal.

WHEREAS under and by virtue of his Majesty's Order in Council, dated 2d day of February 1830, the Ordinance No. 19, dated 19th day of June 1826, for improving the condition of slaves within the colony, and heretofore in force within the same, has become and is revoked, repealed and annulled: And whereas it has  
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Owners to cause the children of their female Christian slaves to be baptized, and report the baptism to the Protector or Assistant Protector, within one month,

under a penalty ;  
and clergymen to transmit quarterly reports of such baptisms solemnized by them, on certain days,

under a penalty.

Bodies of slaves not to be interred till inspected, and permission granted by the proper authority,

under a penalty of 5*l*.

Such authorities refusing to act, liable to a penalty ;

in case of necessity the neighbours may be called in to inspect ;

and shall transmit a certificate to the nearest authority, under a penalty of 5*l*.

When there is a suspicion that death has been caused by unfair means, certificate to be refused, and report to be made to the nearest local authority,

who shall inspect and give such directions touching the body as may be deemed requisite,

and transmit reports to the Clerk of the Peace,

who shall notify the same to the Protector, or assistant-protector, under a penalty of 10*l*.

Local authorities improperly granting certificates for interment, deemed guilty of a misdemeanor.

Penalties to be sued for by Protector or assistant-protector in the resident magistrate's Court, and to go to His Majesty.

therefore become and is expedient that certain regulations, consistent with his Majesty's said Order in Council, and not repugnant thereto, should be made and re-enacted, touching and concerning the baptism and interments of slaves, and declaring punishments in certain cases to be illegal ; Be it therefore, and it is hereby enacted and declared, that the owner or manager of any Christian female slave, who, whether lawfully married or not, may be or become the mother of a child or children, shall cause such child or children to be baptized within twelve months after the birth of such child or children, and shall report every such baptism to the protector of slaves, or to the assistant-protector of the district where such owner or manager may reside, within one calendar month after such baptism ; or in default thereof, shall incur and become subject, as to each and every such slave-child, to a penalty of not less than one pound, and not more than three pounds ; and every clergyman who shall baptize any such slave-child or children shall prepare on the 1st day of the months of March, June, September and December, and transmit within ten days thereafter to the said protector or assistant-protector of the district in which such clergyman resides, a report of all such baptisms so solemnized by him, within the terms respectively of the three preceding months, or in default thereof shall in like manner be and become subject in such case to the penalty hereinbefore made and provided.

II. And be it further enacted, That it shall not be lawful for any owner or manager of a slave or slaves to cause or permit the body of a deceased slave to be interred until the same shall have been inspected by, and a written permission for that purpose obtained from, the nearest district-surgeon, field-cornet, or provisional field-cornet, within whose jurisdiction the deceased shall have last resided, or within which the death took place, under a penalty of five pounds sterling ; and if any of the aforesaid local authorities shall refuse to attend at such inquest, or shall wrongfully refuse such written permission as aforesaid, he shall incur and be liable in either case to a penalty of not less than five pounds, and not exceeding the sum of ten pounds sterling : Provided always, that in any case where it may not be possible to procure the attendance of any of the aforesaid local authorities within 24 hours after the death of such slave, it shall and may be lawful for such owner or manager to call in any two neighbours, being free persons, and not under the age of 21 years, to inspect the said body, who shall certify in writing, under oath, if thereunto afterwards duly required, the name, sex, and apparent age of the deceased, the state of the body, and the apparent or probable cause of death ; and thereupon the owner or manager shall be permitted to inter the body ; but he shall cause the said certificate to be delivered to the nearest of the before-mentioned local authorities within 48 hours after the death, under a penalty of five pounds : And provided further, that if on any such inspection by the local authority, or by the parties called in, it shall appear probable from marks on the body, or from any other circumstances, that the deceased came to his or her death by unfair means, then the said certificate shall be refused, and the parties called in shall make an immediate report to the nearest local authority as aforesaid, who shall forthwith proceed to inspect the body, and shall thereafter, as well as in any case where he himself shall have seen fit to refuse his written permission for interment, as in the case of parties being called in, give such directions as he shall in his discretion see fit for the safe keeping, or if absolutely necessary, for the interment of the body ; and shall carry, or transmit without any delay, his own report, together with the report of the said parties, as the case may be, to the clerk of the peace of the district within which the inspection took place ; and it shall be the duty of the said clerk of the peace, and he is hereby directed to make instant notification of such reports received by him to the protector of slaves, or his assistant in the said district, under a penalty of ten pounds. And any local authority as aforesaid, or any person so called in to inspect the body of a deceased slave, who shall be proved to have wilfully granted or concurred in granting a certificate for interment in any case where such slave may be afterwards proved to have come to his death by unfair means, shall be and be deemed guilty of a misdemeanor, and shall be subject on conviction to such punishment as is provided by the 74th section of the aforesaid Order in Council.

III. And be it further enacted, That all prosecutions for the recovery of any of the penalties hereinbefore provided and set forth, except in the said case of misdemeanors, and except as to cases where the protector of slaves, or any assistant-protector may be and become liable to the same, shall be brought at the instance exclusively of the protector or assistant-protector for the district in which the offence

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to be prosecuted has been committed, in the court of the resident magistrate of such district, and all such penalties when recovered shall go to his Majesty.

IV. And be it further enacted and declared, That any correction or punishment inflicted on any male slave by the flogging, whipping, scourging or beating of his person, which shall be proved to the satisfaction of the Court before which complaint thereof may be made, to have been so severe as to have caused greater injury to the person or to the health of such slave than would have been caused by the infliction of 25 stripes on his person, with any instrument which is or may be now used, or which may hereafter be ordered or allowed to be used, for inflicting punishment within any gaol in this colony, shall be deemed to be an illegal punishment, and to be in contravention of the provisions of the 22d section of the aforesaid Order of his Majesty in Council.

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Punishment, greater than would have been caused by 25 stripes with any legal instrument, to be deemed illegal.

V. And be it further enacted and declared, That any punishment, other than by flogging, whipping, scourging, or beating of the person of any male slave, which may have been inflicted for a fault previously committed, and which in the exercise of a reasonable discretion shall appear to the Court before which any complaint or prosecution in respect of the infliction of any such punishment may be brought, to have been of such a nature as not to have caused a greater injury to the person or to the health of the slave so punished than would have been caused by a corporal punishment of 25 stripes, inflicted in manner allowed by law, shall not be deemed to be an illegal punishment, or in contravention of the 22d section of the aforesaid Order in Council.

What shall be deemed a legal punishment.

VI. And be it further enacted and declared, That any punishment inflicted on any male slave at any time, when by reason of sickness, or of suffering from any injury not occasioned by a former legal punishment, such slave shall not be in a condition to endure such punishment, although otherwise it might have been legally inflicted, shall be deemed to be an illegal punishment, and to be in contravention of the said 22d section of the aforesaid Order in Council.

Punishment of slaves, when in a state of sickness, illegal.

God save the King.

Given at the Cape of Good Hope this 9th day of August 1830.

By Command of His Excellency the Governor.

(signed) *John Bell,*  
Secretary to Government.

By Order of the Council.

(signed) *Rich. P. Nichols,*  
Acting Clerk of the Council.

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Enclosure 7, in No. 21.

PROCLAMATION by His Excellency Lieutenant-General the Honourable Sir *Galbraith Lowry Cole*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Colonel of His Majesty's 27th Regiment of Foot, Governor and Commander in Chief of His Majesty's Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c. &c. &c.

WHEREAS by the 81st section of his Majesty's Order in Council, dated the 2d day of February 1830, the Governor of this colony is directed to determine, by a Proclamation to be by him for that purpose issued, the divisions of the colony which shall be deemed and taken to be the districts thereof, for the purposes and within the meaning of the said Order in Council, I do therefore hereby direct, that for the purposes aforesaid, this colony shall be divided into eleven districts as hereinafter mentioned; and that in each of the said districts there shall be such a number of assistant-protectors of slaves as is hereinunder stated, or as the exigency of the public service may hereafter require, who shall be appointed by any public notice to be issued from time to time by my Order, or by the Order of the Governor of this colony for the time being, and who shall establish and keep their offices at such places as shall be notified at the time of their respective appointments:

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1. Cape Town, and the district thereof, and the Cape district  
one assistant-protector of slaves.
2. Stellenbosch - one assistant-protector of slaves.
3. Swellendam - one - ditto - - ditto.
4. Worcester - - one - ditto - - ditto.
5. Clan William - one - ditto - - ditto.
6. Albany " - one - ditto - - ditto.
7. Graaf-Reinet - two - ditto - - ditto.
8. Beaufort - - two - ditto - - ditto.
9. Uitenhage - - two - ditto - - ditto.
10. George - - two - ditto - - ditto.
11. Somerset - - two - ditto - - ditto.

And whereas by reason of the great extent of this colony, and of the distances from the seat of government of those districts which form the eastern division of the colony, namely, Albany, Graaf-Reinet, Beaufort, Uitenhage, George and Somerset, great inconvenience may arise to the public service, and it is expedient and necessary that such provision be made, the same not being at variance or inconsistent with the said Order in Council, as shall remedy as far as may be the inconvenience aforesaid, I do further direct, that one of the assistant-protectors of slaves in the said eastern division shall be a principal assistant to the protector of slaves, and shall do all matters and things within any of the districts of the said eastern division, which may legally be done by him on behalf of the said protector of slaves; and shall cause all such lawful instructions as he shall receive from the said protector, or which he by authority of the said protector shall see fit to give to the assistant-protectors of the said districts forming the eastern division, or any of them, to be obeyed and executed by the said assistants, who are hereby required and enjoined to obey and execute all such lawful instructions accordingly.

God save the King.

Given under my hand and seal this 19th day of August in the year of our Lord 1830.

(signed) *G. Lowry Cole.*

By command of his Excellency the Governor.

(signed) *John Bell,*  
Secretary to Government.

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Enclosure 8, in No. 21.

RULES promulgated in open Court, 19th August 1830.

1. It is ordered by the Court, that every deed of manumission of any slave or slaves within this colony, bond, certificate of valuation, and receipt, which under and by virtue of his Majesty's Order in Council dated 2d February 1830, shall be presented to the registrar of this Court, in order to be enrolled, registered, or deposited among the records of this Court, shall be forthwith by the said registrar enrolled, registered, and deposited accordingly, without fee or reward.

2. It is ordered by the Court, that in all actions, suits and proceedings, whether civil or criminal, before the Supreme Court, or any circuit-court, in which any slave, or the protector, or any assistant-protector of slaves, shall in such his official capacity, under and by virtue of His Majesty's Order in Council dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony, be authorized or required to appear, act, sue, prosecute, or defend; such slave, and protector and assistant-protector, shall be entitled to do and to require to be done all acts and things which any person of free condition, having a legal title on his own behalf to appear, act, sue, prosecute or defend, in any such action, suit or proceeding as aforesaid, might lawfully do or require to be done.

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3. It is ordered, that such protector of slaves shall in every action, suit or proceeding as aforesaid, enjoy and possess, and may lawfully exercise every power, privilege and faculty which would by law be competent to any barrister or advocate duly admitted to practise as such in this Court, if such barrister or advocate were employed to appear and act on behalf of any client of free condition, in any such action, suit or proceeding or aforesaid; except the right of claiming or receiving any fee which may be claimed or received by a barrister or advocate in respect of his services as counsel in any cause.

4. It is ordered, that such protector and assistant-protector of slaves shall in every action, suit or proceeding as aforesaid, enjoy and possess, and may lawfully exercise every power, privilege and faculty which would by law be competent to any attorney duly admitted to practise as such in this Court, if such attorney were employed to appear and act on behalf of any client of free condition in any such action, suit or proceeding as aforesaid, except the right of claiming or receiving any fees which may be claimed or received by an attorney of the Court in respect of his services as an attorney in any cause.

5. It is ordered, that in all criminal actions, suits and proceedings, which the said protector, or any assistant-protector, shall under and by virtue of his Majesty's Order in Council, dated 2d February 1830, or under and by virtue of any proclamation issued by the Governor of this colony under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony, be authorized or required to institute and conduct in the Supreme Court, or any circuit-court, such protector or assistant-protector shall respectively institute and conduct the same in like manner and form as the Attorney General, or any clerk of the peace is or shall be respectively by any rule or order of this Court directed to proceed, and shall in all such actions, suits and proceedings as aforesaid, be respectively entitled to require the enforcement of every rule or order of this Court, in like manner as is or shall be by law competent to the Attorney General, or any clerk of the peace respectively, in any criminal prosecution at the public instance in the Supreme or any circuit-court.

6. It is ordered, that in all civil actions, suits or proceedings, which such protector, or any assistant-protector, shall under and by virtue of his Majesty's Order in Council dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony, be authorized or required to institute, conduct or defend in the Supreme Court, or any circuit-court, for or on behalf of any slave, such protector or assistant-protector, upon filing with the registrar of this Court, or with the registrar or other person authorized to issue the process of any circuit-court, a certificate signed by the said protector, or assistant-protector, that he has examined into the case of the said slave, and considers him to have a good cause of action or defence, (as the case may be) shall respectively be entitled to institute, conduct and defend the same, free from the payment of all and every fee or charge of office, or otherwise, in like manner to all intents and purposes as any party admitted to sue or defend as a pauper in the said Courts may lawfully do.

By the Court.

(signed) *T. H. Bowles,*  
Registrar of the Supreme Court.

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Enclosure 9, in No. 21.

*Government Notice.*

UNDER the 8th section of his Majesty's Order in Council, dated the 2d February 1830, and in terms of the Proclamation of this date issued by the Governor of this colony, under and by virtue of the 81st section of the said Order in Council, his Excellency has been pleased to make the appointments; viz.

Donald Moodie, Esq. to be a principal assistant to the protector of slaves, within the Eastern division of this colony, and to be assistant-protector in the district of Albany, and one of the assistant-protectors in each of the districts of Graaff-Reinet, Beaufort, Uitenhage, George, and Somerset; his principal office is to be established and kept at Graham's Town.

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Mr. J. Auret to be one of the assistant-protectors of the district of Graaff-Reinet.  
 Mr. J. Meintjes to be one of the assistant-protectors of the district of Beaufort.  
 Mr. A. Vennant to be one of the assistant-protectors of the district of Uitenhage.  
 Mr. J. P. Swemmer to be one of the assistant-protectors of the district of George.  
 Mr. C. J. Auret to be one of the assistant-protectors of the district of Somerset.  
 Mr. O. M. Bergh, M. Son, to be assistant-protector at Stellenbosch.  
 Mr. Wm. Beddy to be ditto of Worcester.  
 Mr. C. M. Lind to be ditto of Clan William.  
 Mr. F. Rawstorne to be ditto of Swellendam.

At each of which places they shall establish and keep their offices respectively.  
 The above appointments will bear date the 26th instant.

By command of his Excellency the Governor.

Colonial Office, Cape of Good Hope, } (signed) *John Bell,*  
 19th August 1830. } Secretary to Government.

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Enclosure 10, in No. 21.

*Government Notice.*

NOTICE is hereby given, that under the apparent intent and meaning of the 2d section of his Majesty's Order in Council, dated the 2d day of February 1830, the present guardian of slaves in the Western division of this colony, George Jackman Rogers, Esq. will become and be the protector of slaves in this colony, from and after the 26th instant; subject, however, to his Majesty's pleasure in regard to any future appointment of a protector of slaves in the Eastern division of this colony.

By command of his Excellency the Governor.

Colonial Office, Cape of Good Hope, } (signed) *John Bell,*  
 19th August 1830. } Secretary to Government.

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— No. 22. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *Lowry Cole*, dated 18th December 1830.

Sir,

Downing-street, 18th December 1830.

I HAVE the honour to acknowledge the receipt of your Despatch of the 28th of August last, addressed to my predecessor in office, transmitting various Proclamations issued by yourself, and Ordinances issued by you with the advice of the Council of Government of the Cape of Good Hope, and certain Rules made by the Judges of the Supreme Court of that colony, in consequence of the Instructions contained in Despatches from the Secretary of State under date of the 19th and 20th of March last, and in the order made by his late Majesty in Council on the 2d of February last, for improving the condition of the slaves in certain of his Majesty's colonies.

In the Proclamation of the 12th of August is contained an enumeration of those works of necessity which slaves may be compelled to perform on Sunday; amongst them I find the following:

1. "Ploughing and sowing the land, and completing the agricultural operations necessary in such cases, in order to secure the favourable season of the year.
2. "Reaping and securing the crops during the season.

3. "Pruning

3. " Pruning vines at the proper time.
4. " Gathering and housing the grapes.
5. " Commencing, carrying on, and completing the process of making wine.
6. " Irrigating in the dry season such fields, vineyards, or gardens, as have but a limited periodical supply of water."

The 6th and last of these operations I mention chiefly for the purpose of contrasting it with the preceding five. In a climate so arid as is that of the Cape of Good Hope, to suspend the process of irrigation for a single day might be highly inconvenient, and necessity may perhaps fairly be pleaded for this invasion of the repose of Sunday; but to sanction all the agricultural operations which precede and accompany the corn and wine-harvests, and all the manufacturing processes connected with the making of wine, is virtually to abolish the day of rest altogether: the very object of the Order in Council will be defeated by the Proclamation which thus professes to carry it into effect.

Upon the same subject I observe that it is permitted to send slaves on Sunday as the carriers of letters, or of any other thing, in cases of urgent and unavoidable necessity. Upon this provision I would remark, that the Order in Council itself authorizes the employment of slaves in all cases of necessity, and refers to the Governors of the several colonies the duty merely of finding a precise definition of the term; but the regulation which I have quoted does not explain the rule, but simply repeats it, and therefore leaves the subject in that obscurity which it was the express object of the reference to you to obviate.

The same Proclamation determines what are the punishments which in the case of women are to be substituted for whipping; they are solitary confinement, low diet, and the stocks: I am not aware that any better provision could be made for a case so replete with difficulty. I must observe, however, that the law does not require the interposition of any specific interval between successive punishments, so that by imputing to a slave a large number of offences, the owner, should such be his pleasure, might subject her to the stocks, or to solitary imprisonment for an indefinite length of time.

I am unable to concur in the reasons which you have assigned for departing from my predecessor's instructions on the subject of the imprisonment of female slaves upon Sunday. You state, that so depraved is the character of many female slaves, that their Sunday is not a day of rest, but of debauchery and dissipation. If such be really the habits of these women, I cannot doubt that their moral must be attributed to their social condition; nor can I suppose that the bad character which has been engendered by living in a state of slavery would be improved by passing in solitary confinement the day appropriated to instruction and repose; on the contrary, I should anticipate that such discipline would at once perpetuate and increase the evil. You also remark that you cannot see why the master should lose his slave's labour if the punishment be deserved, nor why in that case the entire weight of suffering should not be sustained by the criminal herself. In reference to that observation, it should, I think, be borne in mind that this is not a question of municipal law to be administered by the magistrate, but of domestic correction to be inflicted at the sole will of the owner; although it may be very right that the entire penalty of crimes committed against society at large should fall on the offender by whom it is incurred, it is not undesirable, in the more narrow circle of domestic life, that every punishment should be a positive inconvenience to the superior by whom it is inflicted; by thus inducing a wholesome reluctance to punish, the best possible security is taken against an arbitrary use of power. If the owner of a female slave may commit her to prison on Sunday, he so far loses the motives for the vigilant superintendence of his household. The apprehension of the inconvenience to which the misconduct and consequent punishment of any member of the family would subject the proprietor himself cannot but have a salutary influence on his own domestic government. I therefore entirely adopt my predecessor's opinion, that imprisonment on Sunday should be inflicted by the magistrate only, and not by the owner himself.

I do not feel the force of the difficulty you suggest of allowing the owner to pass the Sunday in the resolution of inflicting punishment on the succeeding day; if the punishment be merited I cannot discover why the fixed purpose of inflicting it should be regarded as anti-Christian, and if unmerited, or if inflicted merely from motives of revenge, it is alike contrary to the principles of religion on whatever day of the week it may take place.



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The Ordinance, No. 75, makes provision for regulating the food, clothing, lodging, and hours of labour of the slaves. I fear that the enactments of this law are too indefinite to give much promise of their being effectual. Thus it is enacted, that the food shall be "sufficient and wholesome," the clothing "good and sufficient," and the lodging "dry and comfortable." The design of the Ordinance would have been better answered had the minimum of food and lodging been determined by a specific enumeration of the articles to be supplied.

With reference to your observations as to the shortness of the time allowed for the promulgation of the law, and the injury which you represent may be done to persons who, from the distance at which they live from the seat of government, and from the settled country, may offend against the Order from an unavoidable ignorance of its provisions, I entirely admit the propriety of great indulgence being shown for some time to come in every case of real or presumable ignorance. Except in extreme cases, no one should be prosecuted under this Act in whose favour that plea can be plausibly urged; you will, however, bear in mind, that a very large part of the Order is a simple repetition of enactments which have been long in force, and that the novelty consists much more in the form than in the substance.

I shall not fail to consider fully whether it may not be fitting to disunite the two offices of protector of slaves in the Eastern and Western districts of the colony; and I hope to be able ere long to convey to you some definite instructions on that subject. In the mean time I concur with you in thinking that the office of Registrar of Deeds ought not to be held by the protector, although it is necessary that the protector should continue charged with the registry of slaves. You will have the goodness, therefore to make arrangements for annexing the registration of deeds to some other office (the clerk of the council, for instance) the principal of which may have sufficient leisure to undertake that duty; and I trust that by re-modelling the establishment of the offices of the registrar of slaves and deeds, and protector of slaves, it will be found practicable to provide for the proper registration of deeds without imposing additional expense on the Public. Whatever change may be permanently effected in this part of the law must be introduced by an amendment of the Order in Council; in the mean time I approve the course you have taken to obviate the legal difficulties incident to the abolition of the office of protector of the Eastern District.

The objection made by the Judges to the promulgation on your authority, and without the advice of your council, of a law regulating the food and clothing of slaves, and other topics not noticed in the Order in Council, seems to have been perfectly well founded, and was not, as it seems to me, at variance with any part of Sir George Murray's Instructions. He pointed out the necessity of the Governor legislating alone for the single purpose of issuing those Proclamations without which the Order in Council would have been ineffectual; upon subjects distinct from the Order, the Governor was left to legislate according to the ordinary system, for no opposite directions were given. This is precisely the distinction which was taken by the Judges, and very properly adopted by yourself.

For the reasons which I have thus explained, you will revoke so much of the Proclamation of the 12th of August as authorizes the first five agricultural and manufacturing operations already noticed; you will substitute for the general description a precise definition of the cases in which slaves may be employed in the carriage of articles on Sunday. You will carry into execution precisely Sir George Murray's Instructions respecting the imprisonment of female slaves on Sunday. You will propose to the Council to amend the Ordinance No. 75, by defining more precisely the amount and nature of the food, clothing and lodging to be provided for slaves. Subject to these Instructions, His Majesty is graciously pleased to confirm and allow the Proclamations, Ordinances and Rules of Court enclosed in your Despatch of the 28th of August. For the reasons I have already explained His Majesty is pleased to disallow so much of the Proclamation of the 12th of that month as I have already noticed as objectionable.

I have, &c.

(signed) GODERICH.

Sir G. Lowry Cole,  
&c. &c. &c.

## M A U R I T I U S.

—No. 23.—

COPY of a DESPATCH from Lieutenant General Sir *Charles Colville*, to  
Secretary Sir *George Murray*, (with 2 Enclosures.)

MAURITIUS.

Sir,

Mauritius, 7th October 1830.

ON the 6th of August last I had the honour to receive your despatch of the 5th of April, No. 18, accompanied by the Order of His Majesty in Council of the 2d February 1830, for consolidating the several laws recently made for improving the condition of the slaves in His Majesty's colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope and the Mauritius.

On the 9th of August I laid before the Council of Government your despatch, and the Order of His Majesty in Council.

On the 9th of September I issued a Proclamation, of which I have the honour to enclose a copy, announcing and introducing the publication here of His Majesty's Order in Council above mentioned.

And, on the 22d of September, after mature consideration of and due deliberation in council upon its various provisions, I issued a further Proclamation, of which a copy is likewise transmitted for your information, explanatory of the 13th, 14th, 15th, 16th, 19th and 20th Articles of the Order of His Majesty in Council of 2d February last.

The points adverted to therein appear to be the most urgent, and I trust they will have been dealt with in a manner likely to meet your approbation: some little attention to local circumstances was absolutely indispensable; but the spirit of His Majesty's Order in Council has in no instance, I hope, been departed from.

I shall hereafter, pursuant to the 79th Clause, forward for your information, all further Proclamations which may arise out of the King's Order in Council; and I trust its operation within this colony (when the present agitated state of public feeling shall have subsided) will not encounter any serious difficulty or inconvenience.

I have the honour to be, Sir,

Your most obedient humble servant,

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

*Chas. Colville.*

No. 1.

No. 2.

Enclosure 1, in No. 23.

## PROCLAMATION.

In the Name of His Majesty George the Fourth, of the United Kingdom of Great Britain and Ireland King, &c. &c. &c.

His Excellency Lieutenant-General the Hon. Sir Charles Colville, G. C. B. and G. C. H., Governor and Commander-in-Chief, &c. &c. &c.

WHEREAS the Order of His Majesty in Council, dated at the Court of Windsor the 2d of February 1830, for consolidating the several Laws recently made for improving the condition of the Slaves in His Majesty's colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope and Mauritius, has been officially received by the Governor; the publication thereof, for general information, is hereby ordered by His Excellency. And, with reference to the 82d Article of the said Order, His Excellency directs that a copy may forthwith be sent to the Procureur Général for record in the courts of justice, in pursuance of His Majesty's commands.

Given at the Government House, Port Louis, Mauritius, this 9th day of September 1830.

(signed) *Chas. Colville.*

By his Excellency's command,  
(signed) *G. A. Barry,*

Chief Secretary to Govt.

(A true copy,)

*Q. E. S. Viret*, Private Secretary.

Enclosure 2, in No. 23.

## PROCLAMATION.

MAURITIUS.

In the Name of His Majesty George the Fourth, of the United Kingdom of Great Britain and Ireland King, &c. &c. &c.

His Excellency Lieutenant General the Honourable Sir Charles Colville, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief in and over the Island of Mauritius and its Dependencies, &c. &c. &c.

Title.

WITH the view and for the purpose of making certain additions and modifications in some of the Articles of His Majesty's Order in Council of the 2d February 1830, as provided for by the Order in Council aforesaid;—

Preamble.

In consequence and by virtue of the provisions of His Majesty's Order in Council of the 2d February 1830 aforesaid, purporting that the Governor in each of the colonies therein mentioned respectively shall be authorized to publish Proclamations with a view to the defining and fixing such matters and things as should not be sufficiently determined by the said Order, and after having collected upon the subject the information best calculated for his guidance and direction in the exercise of the powers with which His Excellency is thus invested, and after a due inquiry into the best means of reconciling the execution of the said powers with the customs and usages of the Colony, and in particular with the further improvement of the condition of the slaves, inasmuch as it relates to this matter;—

Has ordered and orders,

Articles that may be lawfully sold in the stalls of bazar on Sunday.

1. Adverting to the terms of the powers conferred upon His Excellency the Governor by the 12th, 13th and 14th Articles, and in explanation of the 15th Article of the Order in Council of the 2d February 1830, the sale of those articles, the necessaries of life, which in a tropical climate require to be of daily purchase, such as fresh meat, fish, poultry and game, milk, butter, eggs, fruits, and in general all sorts of vegetables, shall not be prohibited on Sunday, but shall take place as usual in the shops or stalls of the bazar on that day. The stalls shall remain open from the break of day, or morning gun-fire, until eight o'clock, in the summer, to wit, from the September equinox to the equinox of March, and until nine o'clock in the winter, or from the equinox of March to that of September, Divine Service or the parochial mass commencing at those hours.

Hours during which such sale is permitted.

Articles, the sale of which is permitted on Sunday (with the exception of milk), live stock destined for the nourishment of man, every description of goods, produce, furniture or manufactured articles are indiscriminately prohibited in the entrance into the town of Port Louis, and its suburbs on Sunday.

It is to be observed, that (with the exception of milk, which is frequently required as a medicine) none of the above articles, the sale of which is permitted on Sunday, nor any live stock destined for the subsistence of man, such as oxen, calves, sheep, pigs, and poultry, nor any description of provisions, furniture, or other manufactured goods of any kind whatsoever, shall on Sunday be permitted to enter the town or suburbs of Port Louis, whether conveyed in carts or on beasts of burthen, or carried by freemen or slaves.

The present article to extend to the markets hitherto held in the districts.

The provisions of the present Article shall extend and be applied to the markets or bazars which have hitherto been habitually held, whether at Mahebourg, at the Post of Flacq, or in the Plain of Pamplémousses Church, in as far as they may be applicable thereto.

The penalty prescribed by the 13th and 14th articles of the Order in Council of the 2d February 1830, to be applied to any infringement of the preceding article.

2. Any infringement of the dispositions in the preceding Article shall be subject to the penalty pronounced in the 13th and 14th Articles of the Order in Council aforesaid.

All canteens to shut from Saturday evening until two o'clock in the afternoon of Sunday.

3. The canteens in the town of Port Louis, its suburbs and precincts, and in all places whatsoever where authorized or privileged canteens exist, shall be shut up from Saturday evening, at the usual hour, until two o'clock in the afternoon of Sunday, but may be opened from that hour until sunset.

According to the penalty annexed to the law which prohibits Sunday markets, the infringement of the present article to

In all cases of infringement of the above prohibitions, whether by vending, distributing or furnishing before the hour above mentioned, either in a canteen, or from a canteen, any kind of spirituous liquors, the proprietor of the said canteen where such liquors shall have been distributed, delivered or sold, shall be subject

to prosecution, and punished by fine and confiscation of the liquors, as guilty of having violated the law which prohibits Sunday markets. be punished by fine and confiscation.

4. In conformity with what is prescribed by the 16th Article of His Majesty's Order in Council of the 2d February 1830, and in order to provide a general market in lieu of that which has hitherto been held upon Sunday in the town of Port Louis, at which slaves were in the habit of exposing for sale provisions, grain, vegetables, and other articles or goods, the produce of their labour or industry, there shall be opened upon Saturday, from twelve o'clock at noon until sunset, in the town of Port Louis, and at the place there established for such purpose, a public market or bazar, to which masters may and are hereby recommended to send such of their slaves as may have for sale, whether on their own or their masters' account, such articles of furniture, live stock, or other objects of the nature of those above indicated; and in particular to grant this permission to those among their slaves who by their general conduct and attention to their work have merited the indulgence and favourable consideration of their masters, for the bettering the condition of themselves and families. A market to be opened in Port Louis and the districts on Saturday, from the hour of twelve at noon until sunset, in lieu of the Sunday markets, and to which masters may send such of their slaves as have articles to sell on their own or their masters' account.

Slaves will not be admitted to the said market for the purpose of exposing to sale any objects or articles they may possess, unless they be furnished with a pass-ticket from the master or manager to whom they may belong, or under whose authority they may be placed. These slaves shall be bound to leave the market-place immediately after sunset; nor shall it be lawful for them to remain in the town of Port Louis, or other market-places, unless permission to that effect be expressly granted in the written passport of the master or manager aforesaid. Slaves to be supplied on such occasions with a written permission from the master or manager. To leave the bazar immediately after sunset, and not to stay in town or in the other market-places without an additional specified leave to that effect.

*N. B.*—And in order to facilitate as much as possible the sale of the said articles and merchandize brought to the said markets by the slaves, and to encourage them to occupy themselves during the hours left at their disposal in the different kinds of handiwork and industry which may contribute to the improvement of their condition, there will be established in the town of Port Louis, as soon as the same can be conveniently done, and at the shortest possible distance from the market-place or bazar, a warehouse or store, where such articles not sold or delivered during the market hours shall be received, stored and preserved, and where they shall be subsequently sold according to the price put upon them by the parties to whom they may severally belong. For the greater advantage of the slaves, there shall be established in the town of Port Louis, and as soon as practicable, a store-house or deposit for the reception of such goods as may remain unsold during the market hours on Saturday.

5. It is to be understood that the law which forbids the master to employ his slaves in Sunday labour, does not interdict the latter from occupying and employing themselves as artizans, gardeners, workmen in the sugar works, or otherwise, for their own private advantage, and the benefit of their families. This dispensation or privilege does not, however, authorize them to employ themselves even voluntarily, and by choice, in dragging or driving any kind of stone or timber, or other carts or waggons, or to engage in any work or labour attended with noise, or the assemblage of numbers, either in the towns or suburbs. Slaves to be allowed to engage on Sunday on their own account, in any work that does not occasion noise or assemblage of numbers in the towns or suburbs.

6. And whereas it is provided by the 20th Article of His Majesty's Order in Council, that nothing therein contained shall prevent the employment of slaves on Sunday in any work of urgent necessity. It is hereby declared that the cases of necessity meant and provided for by the 20th Article of His Majesty's Order aforesaid cannot be understood to apply to any other than works of agriculture, fabrication, manufacture or casualty, where the necessity is urgent, and where it is evident that such works cannot be delayed nor postponed without great and irreparable loss to the proprietor; or in cases in which public works are concerned, when of a nature not to admit of their being delayed or deferred without real and imminent danger or serious inconvenience to the community at large. Slaves may be employed on Sunday in works of necessity.

The works of necessity which slaves may be ordered to perform on Sunday, and the performance of which they cannot refuse, are the following, to wit, cases of fire, sudden inundations, hurricanes, interments, attendance on the sick and wounded, the conveyance of the sick to hospitals by order of any medical officer, the carrying away and burying the bodies of animals liable to putrefaction, all necessary assistance for repelling robbers or marroons attacking their master's property, the watching of standing crops or newly-planted fields, and protecting the same from thefts, robberies, or other injuries whatsoever. Works of necessity detailed and specific

And whereas there are other works of less imperious necessity, but which could not however be neglected without causing considerable and perhaps irretrievable loss Works of less imperious necessity,

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which slaves may be ordered to perform, and be employed in on Sundays by and for their masters, provided they be remunerated.

Other works in which slaves might be employed on Sundays.

Conditions on which to be employed.

The execution of the present Article entrusted to the superintendence of the Civil Commissaries and Assistant Protectors of Slaves.

Hour for calling the roll in the morning. If in any case of urgency called earlier, slaves to be remunerated.

The present Proclamation shall be published and registered, and put into execution in 14 days from the date of the publication thereof.

loss to the master, it shall be lawful to order the performing of such works by slaves on Sunday, but on the condition only that the master shall remunerate them by such pecuniary allowance as may from time to time and according to circumstances be fixed upon and determined by the Protector of Slaves. These last works are as follows; to wit, the cutting down of manioc or such crops as require to be protected from a hurricane or storm, or other accidents from which their destruction might ensue, and the necessary assistance for exposing to dry or the bringing in and placing under shelter any quantity of sugars, of which the drying and whitening may have been prevented by a continuation of bad weather.

7. In addition to the works of necessity above-mentioned in which slaves may be employed on Sundays, are included the watering of kitchen-gardens and the furnishing of supplies for infirmaries, provided always that such works are performed before eight o'clock in the morning.

And it is hereby expressly declared, that the 19th Article of His Majesty's Order in Council of the 2d February last, by which the care and tending of cattle is allowed on Sundays, shall be understood to extend only to the supplying them with proper food and litter, driving them to graze or to water, or taking care of such as are sick, in the same manner as such work is daily and ordinarily performed, and cannot be construed to extend to the cleaning of cow-houses, cattle-pens or stalls after eight o'clock in the morning.

The Civil Commissaries and Assistant Protectors of Slaves in the several districts shall use their utmost diligence to see that the indulgences above granted be not made use of by any one (on the plea of ancient usages) as ground or pretext for exceeding the limits herein prescribed.

8. The morning call of slaves on the different plantations shall not *habitually* take place before gun-fire; and when in any case of urgency it may be required earlier, masters shall be bound to recompense their slaves for the loss of their natural hours of rest.

9. The present Proclamation, which, together with His Majesty's Order in Council, is to be in full force and effect 14 days after the publication thereof, shall be read, published and registered in the courts of this island, in conformity to the 82d Article of His Majesty's Order in Council of the 2d February last, and for which purpose a copy thereof shall be presented to his Honour the Chief Judge and Commissary of Justice.

Government-House, Port Louis, Mauritius,  
22d September 1830.

(signed) *Ch<sup>s</sup> Colville.*

By order,

(signed)

*G. A. Barry,*  
Chief Sec<sup>y</sup> to Gov<sup>t</sup>.

(A true copy)

*Q. E. S. Viret,* Private Sec<sup>y</sup>.

## PROCLAMATION.

Au Nom de Sa Majesté George IV., Roi du Royaume Uni de la Grande Bretagne et d'Irlande, &c. &c. &c.

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 Hanôvre, Gouverneur et Commandant en Chef de l' Ile Maurice et Dépendances, Capitaine-Général, Vice-Amiral et Commandant des Forces de Sa Majesté dans la dite île.

Titre.

Ayant pour objet de faire à certaine partie de l'Ordre de Sa Majesté en Conseil du 2 Février 1830 quelques additions et modifications, ainsi qu'il est prévu par le dit Ordre en Conseil ;—

Préambule.

En conséquence et en vertu des provisions de l'Ordre de Sa Majesté en Conseil du dit jour 2 Février 1830, portant que le Gouverneur, dans chacune des dites colonies respectivement, est autorisé à publier des Proclamations à l'effet de désigner et fixer telles matières ou choses qui ne seraient pas suffisamment établies par le susdit Ordre ; après avoir recueilli sur le sujet toutes les informations et renseignements

renseignemens qui ont pu l'éclairer et le diriger dans l'exercice des pouvoirs qui lui sont attribués, et après s'être appliqué à reconnaître ce qui, dans l'exécution des dits pouvoirs, pourrait le mieux se concilier avec les usages et les convenances locales, et en particulier avec la meilleure condition des esclaves en cette partie ;—

A ordonné et ordonne :

1. Interprétant aux termes des pouvoirs qui lui ont été conférés, les Articles 12, 13, 14, et expliquant l'Article 15 de l'Ordre en Conseil du 2 Février 1830, la vente dans les échoppes du bazar ne sera pas interdite, le Dimanche, des choses nécessaires à la vie, et dont, dans les climats situés entre les Tropiques, la vente comme la consommation doivent être journalières, telles que la viande fraîche, le poisson, les volailles et le gibier, le lait, le beurre, les œufs, les fruits et les légumes en général.

Les échoppes seront ouvertes depuis le commencement du jour ou le coup de canon de la Diane, jusqu'à huit heures en été, c'est-à-dire, de l'équinoxe de Septembre à l'équinoxe de Mars, et jusqu'à neuf heures en hiver, c'est-à-dire, de l'équinoxe de Mars à l'équinoxe de Septembre, heures où commence le service de l'église ou la messe paroissiale.

On observera qu'aucun des articles ci-dessus, (à l'exception du lait, qui souvent est employé et nécessaire comme médicament,) dont la vente aux échoppes est permise le Dimanche, non plus qu'aucuns animaux vivants destinés à la subsistance de l'homme, tels que bœufs, veaux, moutons et cochons, qu'aucune sorte de provision, meubles ou autres productions manufacturées, de quelque genre que ce soit, ne pourront être admises le Dimanche à l'entrée de la ville du Port Louis, qu'elles soient chargées sur des voitures ou des bêtes de charge, ou transportés par des hommes libres ou esclaves.

manufactures, ne pourront être introduits le Dimanche dans la ville du Port Louis,

La disposition du présent Article s'étend et s'applique aux marchés ou bazar qui jusqu'à ce jour ont été tenus habituellement, soit au lieu de Mahébourg, soit au lieu dit le Poste de Flacq, soit dans la Plaine de l'Eglise de Pamplémousses, en ce qui

habituellement dans certains quartiers et dans certains lieux des dits quartiers.

2. Dans le cas d'infraction à ce qui est énoncé en l'Article précédent, la peine prononcée suivant les Articles 13 et 14 du dit Ordre en Conseil sera encourue et devra être appliquée.

s'applique aux infractions commises contre l'article précédent.

3. Les cantines dans la ville du Port-Louis, ses faubourgs et la banlieue, et dans tous les lieux quelconques de la colonie où il existerait des cantines autorisées ou privilégiées, seront fermées depuis le Samedi au soir, à l'heure ordinaire, jusqu'à deux heures de l'après-midi du Dimanche. Elles pourront être ouvertes de cette heure jusqu'au coucher du soleil.

soir jusqu'à 2 heures de l'après-midi du Dimanche.

Dans tous les cas d'infraction à la défense ci-dessus, soit en vendant, soit en distribuant ou fournissant, avant l'heure ci-dessus, soit dans une cantine, soit d'une cantine, aucune sorte de liqueurs spiritueuses, le propriétaire de la cantine où les liqueurs auront été distribuées, délivrées ou vendues, sera poursuivi comme contrevenant et puni comme infracteur à la loi qui prohibe les ventes, les jours de Dimanche, par l'amende et la confiscation des liqueurs.

Les infractions au présent Article seront poursuivies et punies comme celles commises à la loi qui prohibe les ventes les jours de Dimanche par l'amende et la confiscation.

4. En conformité de ce qui est ordonné par l'Article 16 de l'Ordre de Sa Majesté en Conseil, du 2 Février 1830, et pour suppléer au marché général qui s'est tenu jusqu'ici le Dimanche, dans la ville du Port-Louis, et où les noirs esclaves qui avaient à vendre des denrées, grains, légumes et autres objets ou marchandises produits de leur travail ou de leur industrie, il sera ouvert le Samedi, depuis l'heure de midi jusqu'au coucher du soleil, et tenu dans la ville du Port-Louis, et dans les districts, aux lieux accoutumés, un marché public ou bazar auquel les maîtres pourront envoyer et sont invités d'envoyer ceux de leurs noirs qui auront à vendre, soit pour le compte de leurs maîtres, soit pour leur propre compte, des denrées, meubles, animaux et tous objets de la nature de ceux indiqués ci-dessus, et d'accorder particulièrement cette permission à ceux de leurs esclaves qui, par leur bonne conduite, leur assiduité au travail et pour le meilleur entretien de leur famille, auront mérité l'indulgence et la bienveillance de leur maître.

Dans la ville du Port-Louis et dans les districts, aux lieux accoutumés, il sera ouvert un bazar ou marché public le Samedi de chaque semaine depuis l'heure de midi jusqu'au coucher du soleil du même jour, où les maîtres sont invités à envoyer ceux de leurs noirs esclaves qui auront des articles à vendre, soit pour leur propre compte, soit appartenant à leurs maîtres.

Les noirs esclaves ne seront point admis au dit marché, ni à vendre les objets et articles qu'ils auront à exposer en vente, s'ils ne sont porteurs d'un billet de passe

Les noirs esclaves en ce cas seront porteurs

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d'un billet de passe ou permission des maîtres ou régisseurs.

Ils quitteront le lieu du bazar aussitôt après le coucher du soleil, et ne pourront rester dans la ville ou dans le lieu des autres marchés sans une permission particulière exprimée dans le billet de passe.

Pour l'encouragement des noirs esclaves il sera, aussitôt que la chose pourra être convenablement exécutée, établi un lieu de dépôt dans la ville du Port-Louis où seront reçus et entreposés les articles qui n'auront pu être vendus et livrés pendant les heures du marché du Samedi.

La défense de travailler le Dimanche n'interdit pas aux noirs esclaves la faculté de s'occuper et de s'employer eux-mêmes pour leur profit personnel et pour le bien de leur famille. Sortes de travail et d'occupations auxquelles la faculté ci-dessus ne peut s'étendre, et qui en sont exclus.

Les esclaves peuvent être employés, les jours de Dimanche, à des travaux de nécessité.

Quels sont les travaux de nécessité.

Où les travaux de nécessité sont détaillés et spécifiés.

Travaux dont la nécessité n'est pas aussi impérieuse ; et pour lesquels les esclaves peuvent être commandés et employés les jours de Dimanche, par et pour leurs maîtres, et moyennant salaire.

En outre des travaux de nécessité mentionnés ci-dessus, il y a d'autres sortes de travaux auxquels les esclaves peuvent être employés les jours de Dimanche.

de leurs maîtres ou régisseurs. Ils seront tenus de se retirer du lieu du marché aussitôt après le coucher du soleil et ne pourront rester dans la ville ou dans les autres quartiers, dans le lieu où est situé le marché, si la permission n'en a été exprimée dans le billet du maître ou régisseur.

Et pour favoriser, autant qu'il est possible, la vente des dits articles et objets apportés aux dits marchés par les noirs esclaves, et les encourager à se livrer aux heures qui sont laissées à leur disposition et loisir, aux divers genres de travail et d'industrie qui peuvent contribuer à l'amélioration de leur condition, il sera, aussitôt qu'il pourra être convenablement pourvu à une telle mesure, établi un lieu de dépôt, dans la ville du Port-Louis et proche du lieu du marché ou bazar autant qu'il sera possible, où seront reçus, conservés et entreposés les articles et objets qui n'auront pu être vendus et livrés pendant les heures du marché, et où ils pourront ensuite être vendus, suivant le prix qui aura été évalué par ceux auxquels appartiendront les dits objets et articles mis en vente.

5. Il est entendu que la défense de faire travailler les esclaves le jour du Dimanche, ne leur interdit pas et leur laisse au contraire la faculté de s'occuper et s'employer eux-mêmes comme artisans, jardiniers, ou ouvriers, dans les établissements de sucrerie ou autrement pour leur profit personnel et pour le bénéfice de leur famille ; mais cette dispense ou faculté ne les autorise pas à s'employer même volontairement, et de leur gré, à traîner aucune sorte de charrois, à transporter des pierres ou des pièces de bois de construction, ou à d'autres travaux et ouvrages qui exigeraient un bruyant appareil et un nombreux assemblage d'hommes, tant dans les villes que dans les faubourgs.

6. Et attendu que par l'Article 20 de l'Ordre de Sa Majesté en Conseil, il est ordonné que le dit Article ne peut s'étendre jusqu'à empêcher et interdire que les esclaves ne soient employés le jour du Dimanche à des travaux et ouvrages qui seraient commandés par la nécessité ; il est établi par le présent que les cas de nécessité mentionnés et prévus en l'Article 20 du dit Ordre en Conseil ne pourront s'entendre que de ceux où la nécessité est évidemment telle, que les travaux d'agriculture ou de fabrication ou manufacture auxquels les esclaves seraient alors employés, ne pourraient être négligés ni retardés, sans causer un tort grave et irréparable au propriétaire, et que s'il s'agit de travaux publics, ils fussent de telle nature qu'ils ne pussent être omis ou différés sans un danger réel et imminent, ou sans de très-graves inconvénients pour le public.

Les travaux de nécessité pour lesquels les noirs esclaves pourront être commandés le Dimanche, et auxquels ils ne pourront se refuser, sont, pour les cas suivants : d'incendie, de débordement imprévu des eaux, d'ouragan, d'enterrement, de secours à donner aux malades ou blessés, de transport des malades à l'hôpital, sur l'ordre d'un officier de santé, d'enlèvement et enterrement des bêtes qui pourraient pourrir sur l'établissement, de toute assistance à fournir au maître pour repousser des attaques de voleurs ou marrons, contre sa propriété, de gardiennage des récoltes sur pied, ou plantations à l'effet de les préserver des vols ou autres atteintes qui pourraient y être portées.

Et attendu qu'il existe d'autres travaux de nécessité, lesquels, pour n'être pas aussi impérieux, ne sauraient cependant être négligés sans occasionner au maître une perte notable et peut-être irréparable en définitive, les noirs esclaves pourront être commandés le Dimanche pour les exécuter, mais à la charge par le maître, de leur donner un salaire qui, pour cet objet, sera de tems à autre et selon les circonstances, réglé par le Protecteur et Gardien des esclaves : ces derniers travaux seront pour les cas suivants : de conservations des récoltes qu'il importerait de préserver des effets d'un orage ou de tout autre accident qui serait de nature à les détruire ; et d'assistance à donner, pour exposer au soleil, ou d'un autre côté, pour rentrer (ou pour remettre à l'abri) des sucres qu'une continuation de mauvais tems aurait empêché de sécher et blanchir.

7. Dans les travaux de nécessité ci-dessus mentionnés, et auxquels les esclaves pourront être employés les Dimanches, sont en outre compris l'arrosage des jardins potagers et l'approvisionnement des infirmeries, à condition, néanmoins, que de semblables travaux seront toujours exécutés avant huit heures du matin.

Et il est de plus expressément déclaré par le présent, que la clause de l'Article 14 de l'Ordre de Sa Majesté en Conseil du 2 Février dernier, qui autorisé le soin et la garde des troupeaux les Dimanches, ne pourra être entendue autrement que comme accordant la faculté de leur procurer la nourriture convenable et la litière nécessaire, de les conduire au pâturage et à l'abreuvoir, et de prendre soin de ceux qui sont malades, de la même manière que de semblables travaux ont ordinairement lieu pour soigner et nourrir les animaux tous les jours, et qu'elle ne s'étendra pas à permettre le nettoyage des parcs et étables, après huit heures du matin.

Les Commissaires Civils et Assistans Protecteurs, dans les quartiers ou districts, auront soin de veiller à ce que cette tolérance ne devienne pas, de la part de ceux des habitans qui voudraient s'appuyer des anciens usages, un motif pour excéder les bornes qui leur sont prescrites.

8. L'appel des noirs sur les habitations ne sera *habituellement* fait qu'après le coup de canon du matin ou la Diane; et quand pour raison de quelque ouvrage urgent, il sera fait plutôt, les maîtres seront tenus de récompenser les esclaves pour cette diminution de leur repos naturel.

9. La présente Proclamation qui devra, ainsi que l'Ordre de Sa Majesté en Conseil, avoir son plein effet quatorze jours après la publication, sera lue, publiée et enregistrée dans les tribunaux de cette colonie, en exécution de l'Article 82 de l'Ordre de Sa Majesté en Conseil du 2 Février dernier, et à cet effet copie en sera adressée à Son Honneur le Grand Juge et Commissaire de Justice.

Hôtel du Gouvernement, Port Louis, Ile Maurice, le 22 Septembre 1830.

*Chas Colville.*

(Par ordre)

*G. A. Barry,*

Secrétaire en Chef du Gouvernement.

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Conditions sous lesquelles les esclaves peuvent être employés aux travaux de cette seconde classe.

L'exécution de la présente clause confiée à la surveillance des Commissaires Civils et des Assistans Protecteurs.

L'appel des esclaves sur les habitations ne sera fait habituellement qu'après le coup de canon du matin.

Si, en cas d'urgence, l'appel était avant cette heure, les esclaves doivent être indemnisés.

La présente Proclamation sera publiée et enregistrée, et aura sa pleine exécution après l'expiration de quatorze jours qui suivront la dite publication.

— No. 24. —

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant General Sir *Charles Colville*, G. C. B. G. C. H. (1 Enclosure).

Sir,

Downing-street, 28th February 1831.

YOUR despatch dated the 12th of October 1829, No. 68, enclosing various Ordinances passed by yourself with the advice of the Council of Government of Mauritius, in the months of April, May, September and October of that year, appears to have been received at this department in duplicate a very considerable time after its date. I am given to understand that my predecessor in this office did not deem it expedient to make any immediate communication to you of His Majesty's decision upon those Ordinances until the measures for improving the condition of the slaves in the Mauritius, which were adopted by His Majesty's Government in February 1830, should have been made known in the Colony, and should have become familiar to the population at large. That motive for delay having now ceased to operate, it becomes my duty to make to you the following communication.

His Majesty has been pleased to disallow the Ordinance No. 51, respecting the employment of chains and fetters as instruments of domestic punishment. I cannot conceal from you the regret with which I have perused that Ordinance.

My predecessor in office, in his despatch of the 8th May 1829, conveyed to you in the strongest terms the expression of His Majesty's dissatisfaction at the enactment of the Ordinance of December 1826 on the same subject, and stated that His Majesty in Council had abstained from introducing measures for the total and immediate prohibition of the use of chains, collars, and similar instruments of punishment, by his own authority, in the full persuasion that the Council of Government of Mauritius would cordially co-operate with you in passing the necessary Ordinance for that purpose. Sir George Murray added that His Majesty would not interpose, unless the disappointment of this reasonable expectation should render such an exertion of his authority necessary.



MAURITIUS.

After such an intimation, it was scarcely to be expected that a second Ordinance should be transmitted for His Majesty's approbation, which authorizes the chaining together of women and boys of the age of 15, and the chaining boys apart from each other, whatever may be their age. The weight of the chains is indeed regulated, though the Protector, by a singular misconception of the nature and duties of his office, is authorized to augment it. No attempt is made to determine the form of these instruments, except that the collar should not have three branches; but two branches are amply sufficient to inflict extreme distress on the wearer. No provision is made respecting the length of time for which these instruments are to be borne, nor respecting the crimes for which they are to be put on.

Having thus ineffectually endeavoured to induce the Council of Government of Mauritius to follow the example of the West India legislatures upon this subject, His Majesty's Government have had no alternative but that of advising The King to resort to that measure which Sir George Murray indicates in his despatch of the 8th of May 1829, as the consequence of their persevering refusal to pass the necessary Ordinance. Accordingly an Order was made by His Majesty in Council, on the 23d instant, prohibiting the use of chains and similar instruments of punishment in Mauritius, which Order I have the honour to enclose. You will cause due publicity to be given to this Order in Council in the usual manner.

It is not without serious concern that I address this communication to you. His Majesty's Government would have been happy to have been spared the necessity of any further interference with the relations of master and slave in Mauritius at the present moment; but the paramount considerations of justice and sound policy which have dictated this Order in Council, have necessarily silenced all minor objections.

I cannot quit this subject without impressing upon you the indispensable obligation of withholding in future the sanction of your authority from measures directly opposed to those principles by which His Majesty's Councils have been invariably governed. By assenting to laws which His Majesty could not without manifest inconsistency sanction, the Governor of Mauritius cannot fail to impose on His Majesty an office the most invidious and irksome. It were far better to encounter at once whatever obloquy or discontent you might incur by a frank opposition to any such measures, than to subject yourself to the responsibility of adopting, and His Majesty to the painful duty of disallowing them.

His Majesty is graciously pleased to confirm and allow the other Ordinances enclosed in your Despatch of the 12th of October 1829, with the exception of the Ordinance numbered 53, which was superseded and repealed by the Order in Council of the 2d of February 1830.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) GODERICH.

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(Enclosure.)

AT the Court at Saint James's, the 22d February 1831 ;

Present, The King's most Excellent Majesty in Council.

WHEREAS on the 26th day of September 1829 an Ordinance was made by the Governor and Council of His Majesty's island of Mauritius and its Dependencies, No. 51, and intituled, "An Ordinance of his Excellency the Governor in Council, for repealing the Ordinance of his Excellency the Governor in Council, No. 20, of the 13th December 1826, and for the re-enactment of the provisions thereof, with such additions and amendments as have been thought desirable:" And whereas His Majesty is pleased, with the advice of his Privy Council, to disallow the said Ordinance, No. 51, it is therefore hereby ordered, that the said Ordinance shall be and the same is hereby disallowed; and it is hereby further ordered, that the use of chains, fetters, rings and irons, and of all other instruments of the like nature, of whatever metal or material composed, shall be and is hereby declared to be unlawful and utterly prohibited, either in the punishment or correction, except as herein provided, of slaves within the said island and its dependencies, or for the detention of slaves in safe custody therein; and if any person or persons shall hereafter use or employ,

employ, or authorize the use or employment of any chains, fetters, rings or irons, or other instrument of the like nature, of whatever metal or material composed, in the punishment or correction of any slave within the said island or its dependencies, except as hereinafter provided, or for the safe custody of any such slave; or shall, for any reason or under any pretext, place or cause to be placed any such chain, fetters, rings or irons, or other instrument of the like nature, of whatever metal or material composed, on the person of any slave, every person so offending shall, on conviction thereof, be subject to a fine of not less than 20*l.* and not more than 100*l.* sterling, or to imprisonment for not less than one calendar month nor more than six calendar months, or to both fine and imprisonment, within the limits aforesaid, at the discretion of the court before which such conviction may be had: Provided nevertheless, and it is further ordered, that nothing herein contained shall extend or be construed to extend to the case of any slave upon whom any such chains, fetters, rings or irons as aforesaid may be placed, under and in execution of the sentence of any court of criminal justice within the said island against a slave convicted of any offence, or for the safe custody of any such slave in any public gaol in the said colony, in any case wherein by the laws in force in the said colony the use of any such chains, fetters, rings or irons is permitted in any such public gaol for that purpose, with respect to prisoners not being slaves, nor to the case of any lunatic slave confined in any public hospital within the said island, upon whom it may be necessary to place any such chains, fetters, rings or irons as aforesaid for his or her security, or for the safety of any other person or persons.

And the Right Honourable Viscount Goderich, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(signed) *C. Greville.*

**SLAVE POPULATION.**

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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*, at *The Cape of Good Hope*, and *The Mauritius*.

[*In continuation of the Papers presented in the Year 1830, No. 676.*]

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1831.

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*Ordered, by The House of Commons, to be Printed,*

*10 March 1831.*

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