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P A P E R S

PRESENTED TO PARLIAMENT, BY HIS MAJESTY'S
COMMAND,

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

FOR THE MELIORATION OF THE CONDITION OF

THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

WEST INDIES, ON THE CONTINENT OF SOUTH AMERICA,

AND AT THE MAURITIUS.

[In further continuation of the Papers presented in July 1832, No. 649.]

1 8 3 2.

*Ordered, by The House of Commons, to be Printed,
8 August 1832.*

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, and at the Mauritius.

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OBSERVATIONS of the Agents of West India Colonies possessing Legislatures, to Viscount Goderich, upon the Measures proposed by His Majesty's Ministers in the House of Commons, on the 15th April 1831, to be submitted to Parliament, and to be enforced in the West Indies under Fiscal discriminating Duties to be levied on Colonial Produce imported into this country, dated London, 22 April 1831 - - - - - p. 395

SLAVE POPULATION

IN THE

WEST INDIES, ON THE CONTINENT OF SOUTH AMERICA,

AND AT

THE MAURITIUS.

JAMAICA.

— No. 1. —

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*,
&c. &c. &c.

JAMAICA.

My Lord,

King's House, Jamaica, 6th May 1831.

I HAVE had the honour to receive your Lordship's Despatch of the 23d February, detailing the proceedings had in the parish of Clarendon, in the case of a slave belonging to Low Ground Estate, who it is represented was most inhumanly treated by the proprietor of a neighbouring property called North Hall.

I cannot sufficiently express my regret that, by an unaccountable omission, a copy of the Attorney General's Opinion was not sent to the Chief Magistrate when it was received; but as soon as I became aware of this omission I ordered a communication to be made to Mr. French, of which the enclosed is a copy.

I entirely concur in the justice of all your Lordship's remarks in regard to this most flagrant outrage, which could not have remained unredressed had the admission of slave evidence formed a part of the law. Every day's experience establishes the fact that all measures of melioration sink into insignificance, when compared to this most important privilege.

The enclosed copy of my communication to Mr. French so fully details my sentiments, that I feel it unnecessary to detain your Lordship at any length on this distressing subject; but acting upon the principle your Lordship suggests of removing from the magistracy any persons who may be guilty of improper conduct, I, of course, anticipate your Lordship's instructions to dismiss Mr. M'Leod.

Your Lordship may rely upon my communicating to your Lordship's department, from time to time, any facts which may implicate the conduct of the local magistracy; and I only regret that the country does not furnish more materials for placing in the magistracy gentlemen qualified for the situation, and whose fortunes and independence would enable them to devote a large portion of their time to the public service. Few of the magistrates are professional men; they are principally planters, the course of whose education and habits cannot have prepared them for judicial situations, and the distress of the inhabitants is so great that few can afford, and still fewer are disposed, to abstract from their private occupations any portion of their time for public duties.

As far as my disposition can operate, nobody feels a greater interest in the welfare of the slave population than I do; and if my silence in regard to occurrences which have taken place here since my arrival, may lead to a suspicion that I am indifferent to the subject of their complaints, a very different sentiment, I have reason to think, prevails here.

I have, &c.

(signed) *Belmore.*

JAMAICA.

Enclosure 1, in No. 1.

Sir,

King's House, 27th April 1831.

It is only since the arrival of the last packet that His Excellency the Governor learns with great regret, that by some unaccountable omission the enclosed Opinion of the Attorney General relative to the conduct of a portion of your magistracy, in the case of a most inhuman and savage outrage committed on a slave named Eleanor James, belonging to Low Ground Estate, in the parish of Clarendon, had not been transmitted to you, accompanied by the strongest disapprobation of His Excellency of the conduct of the magistrates and vestrymen who were present at the Council of Protection held by your order on 19th April 1830. Upon what principle they entered into a resolution that the case of Eleanor James was not cognizable by a Council of Protection, they, it is presumed, will be able to explain; but in the mean time such a decision must have the effect of creating a strong prejudice against the efficiency of our colonial institutions, and encourage a belief that a circuitous mode of redress proposed by Councils of Protection is a mere mockery, occasioning delay, and producing no ultimate good to the objects contemplated by the Slave Law.

There seems to have been (to use the mildest term) a remarkable indifference manifested in bringing this atrocious case before a competent tribunal, and the credit of the parish over which you preside ought to have urged you to use every exertion in your power to have assembled a sufficient number of magistrates and vestrymen to compose a Council of Protection at the earliest possible period; instead of which, no Council was ordered to be assembled until the 3d or 4th February 1830, the inhuman treatment having taken place on 1st December 1829; another Council was called on 18th February, a third on the 10th March, and at last a Council was formed on 19th April, when that body came to the very singular resolution I have already alluded to. It was singularly unfortunate that your attempt to assemble a competent Court should have been so often defeated; and His Excellency desires that you will state, for the information of the Secretary of State for the Colonial Department, the circumstances which prevented an earlier compliance with your directions to the magistrates and vestrymen on Eleanor James's case. You will also be pleased to lose no time in calling on the gentlemen who composed the Council of Protection on 19th April, to assign their reasons for the resolution they came to on that day. In regard, however, to Mr. M'Leod, his character is indefensible. In refusing to act when called upon, he betrayed either the most gross ignorance of his duty as a magistrate, or the most culpable disregard of it. His refusal to examine the state of the woman's wounds, and his sending her a distance of near thirty miles to the Clerk of the Peace, were still more blameable.

This case being under the consideration of His Majesty's Government, His Excellency the Governor is not called upon to act, but merely to report to the Colonial Office such information or explanation as he may obtain through you. As far, however, as Mr. M'Leod is concerned, there can be no doubt of his being visited with His Majesty's greatest displeasure.

It will be very satisfactory to His Excellency should you be able to place the conduct of the magistrates and vestrymen who are implicated in this unpleasant affair in a more favourable light than it at present presents; and His Excellency deeply laments that gentlemen who upon many occasions devote their time to the public service with utility and credit, should have drawn upon themselves the disapprobation and censure of His Majesty's Government.

Hon. W. P. French,
Clarendon.

I have, &c.

(signed) *W. Bullock.*

— No. 2. —

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

King's House, Jamaica, 6th June 1831.

I HAVE the honour to transmit to your Lordship the copy of a Letter which I have received from the Chief Magistrate of Clarendon, accompanied by copies of the Proceedings of the magistrates and vestry of that parish, convened to meet

meet by order of the Custos, on the 23d ultimo. I also transmit a copy of the Proceedings of the magistrates and vestry who composed the Council of Protection, on 19th April 1830, at a meeting held on the 23d ultimo, convened by the same authority. As the magistrates and vestry seem to think that they ought to have been put in possession of the Affidavit submitted to the Attorney General, as well as of the Representation from the Colonial Office, in the case of Eleanor James, I have thought it only just to furnish them with a copy of the documents I received from your Lordship's Office.

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I have, &c.

(signed) *Belmore.*

Enclosure 1, in No. 2.

Sir,

Clarendon, 3d June 1831.

I BEG to acknowledge the receipt of your Letter of the 27th April last, with the accompanying Letter from the Attorney General, addressed to W. G. Nunes, Esq., and to inform you, for the information of His Excellency the Governor, that, with a view of obtaining the information required by His Excellency, I convened a general meeting of the Magistrates and Vestry of this parish, on the 23d instant, as well as a special meeting of those who composed the Council of Protection on the 19th April 1830, and now transmit the Resolutions adopted at both these Boards.

I have also to state, for His Excellency's information, that immediately on Mr. Taylor's application, and with the least possible delay, allowing the Constable the necessary time to summon the Magistrates and Vestry, I ordered a Council of Protection to meet at the Court House, Chapelton, early in February; but being then, and until the 20th of that month, in town, attending the Honourable House of Assembly as one of the Representatives of this parish, I cannot now discover the cause of the Council's not meeting then.

That which I ordered on the 10th of March was prevented from meeting by bad weather, and the indisposition of several of the vestrymen.

I trust the reasons assigned by the Council of Protection will satisfy His Excellency that they did not entertain any disposition to screen any offender against the laws; and I am happy to add, that it appeared the unanimous feeling of the magistrates, that although they did not consider it imperative upon the Council of Protection to interfere when a third person was the aggressor, yet had it been a case of that atrocious nature represented to His Excellency, they would have most readily adopted measures to bring the offender to punishment.

I have, &c.

William Bullock, Esq.

(signed) *W. P. French.*

Enclosure 2, in No. 2.

Chapelton, Clarendon, 23d May 1831.

AT a Meeting of the Magistrates and Vestry who composed a Council of Protection on the 19th day of April 1830, convened by his Honour the Custos, this day.

The Custos having informed the Board, that he had received from His Excellency the Governor's Secretary, a letter expressive of His Excellency's high disapprobation of the conduct of the Members of the Council of Protection in the case of Eleanor James, belonging to Low Ground Estate, as also a Letter containing the Opinion of the Attorney General; it was moved, that both Letters should be read, which being done, the following Resolutions were unanimously adopted:—

First. That while the Board cannot doubt, from the opinion given by so high an authority as the Attorney General, that clause 25 of the 57 George III. chapter 25, which constitutes the magistrates and vestry a Council of Protection, may bear the legal interpretation put upon it by him; yet, at the same time, from the particular manner in which such clause is worded, they cannot believe that it was the intention of the Legislature, while constituting Councils

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of Protection, that they should interfere in such cases as that of Eleanor James; the Slave Law having always afforded the most ample protection to the slaves from injury from a third person, by the heavy fine of 100*l.*, and imprisonment for twelve months, which it imposes, as well as affording full compensation to the owner for any injury or loss he might sustain from the aggression or maltreatment of his slaves by another.

Second. That the intention of the Legislature may very fairly be inferred from the striking variance in the wording of the first and last parts of clause '25. In the first part it enacts, "*that if any master, mistress, owner, possessor or other person whatsoever*, shall at his or their own will and pleasure, or by his or their direction, or with his, her or their knowledge, sufferance, privity or consent, mutilate or dismember any slave or slaves, or wantonly or cruelly whip, maltreat, beat, bruise, wound or imprison, or keep in confinement without sufficient support, any slave or slaves, he, she or they shall be liable to be indicted for such offence in the Supreme Court of Judicature, or in any of the Assize Courts of this Island, and upon conviction shall be punished by fine not exceeding 100*l.*, or imprisonment not exceeding twelve months, or both, for each and every slave so mutilated, dismembered, punished or confined;" and this not to prejudice any action for damages incurred by loss of services, &c.

Third. That had it been the intention of the Legislature that a Council of Protection should in all cases of aggression prosecute offenders at the expense of the parish, the same strict attention of designation would have been used in the after part of the clause which gives directions for the proceedings of a Council of Protection, as is used in the first part, making all persons whatsoever liable to indictment and action of damages; whereas, after creating the Justice and Vestry a Council of Protection, it enacts that "the said Justices and Vestry so met be directed and empowered to make further and full inquiry, upon view and by the examination of witnesses, into the commitment of the mutilation or punishment of such slave or slaves; and if to them it shall appear proper, the said Justices and Vestry are empowered and required to prosecute to effect *such owner or owners*;" the expense to be paid by the parish; and in case the *owner or owners* of such slave or slaves shall appear capable of paying the costs and charges, the Justices and Vestry are empowered to commence suit against *such owner or owners* of such slave or slaves, and recover costs and charges out of purse by them expended.

Fourth. That it appears to this Board, that the omission, in the last recited part of the clause, of the words *any master, mistress, possessor or other person whatsoever*, which are used in the first recited part, was intentional on the part of the Legislature, considering that by the first part, full protection and redress was afforded against all, except owners or their representatives.

Fifth. The Magistrates and Vestry forming the Council of Protection were of opinion that Mr. Taylor, as the representative of Mr. Wildman, was the proper person to protect the interests of Mr. Wildman's slaves, and on him devolved the duty of prosecuting those who had inflicted the punishment on Eleanor James; and which opinion was confirmed by the Clerk of the Peace, and communicated by him as the Officer of the Board to Mr. Taylor; and a prosecution having since been instituted and proceeded in by the Clerk of the Peace as the public prosecutor for the parish, has elicited from Mr. M'Donald, on the trial of his slaves, an admission that they acted by his orders, as the accompanying copy of the Proceedings on the trial will show His Excellency; thus affording to Mr. Taylor the means of following up the prosecution by an indictment in the Grand Court, which the Attorney General regrets he did not, and in which regret this Board fully participates.

Sixth. That this Board is most anxious to afford protection to slaves in all cases wherein the law does not otherwise sufficiently afford it, or that they consider it their duty to act, when there is no proper natural protector to do so. But in the case of Eleanor James, arising as it did, and with Mr. Taylor her natural protector *apparently* to obtain redress, they did not consider their interference proper, necessary or called for.

Seventh. That his Honour the Custos be requested respectfully to communicate, for the information of His Excellency the Governor, the foregoing as the reasons for this Board coming to the Resolutions which it adopted in this case on the 19th April 1830; and it trusts they may be considered satisfactory.

Eighth.

Eighth. That this Board, having readily submitted to His Excellency the Governor the reasons which induced them to adopt their Resolutions of the 19th April 1830, cannot help expressing their regret, that they were not furnished with a copy of the Affidavit submitted to the Attorney General, as well as of the Representations from the Colonial Office, as it appears evident to them, that a most exaggerated and incorrect statement has been made to induce His Excellency the Governor to pass such a severe, and they cannot help thinking, unmerited censure on the Members of this Board.

(signed) *W. P. French*, Custos.

Enclosure 3, in No. 2.

AT a Meeting of the Magistrates and Vestry at Chapelton in the parish of Clarendon, on Monday the 23d day of May 1831, convened by his Honour the Custos:—Present,

His Honour the Custos, James Wright Turner, Curtés Philip Berry, Samuel Poole, Alexander M'William, Samuel Carson, Robert Innes, William Coleman, John M'Naught, Andrew Dunn, sen., Andrew Dunn, jun., William M'Cartney, Esquires, Magistrates:
Donald Dingwall, Alexander Bravo, Adam W. Thorburn, William Mitchell, Andrew Drummond, William Rose, Esquires, Vestrymen:
The Reverend George C. R. Fearon, Rector.

His Honour the Custos stated the cause of the Meeting being convened, and produced two Letters, one from the Governor's Secretary to him, and the other being a Letter from the Attorney General to the Secretary or his clerk, and are in the words following:—

For Letter from Mr. Bullock, dated 27th April 1831, *vide* Enclosure in No. 1, of 6th May, page 8.

“ My dear Sir,

18th April 1831.

“ I HAVE perused the Affidavit 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 Resolution was formed. Although the owner has a right to appeal to either of the tribunals pointed out in that Resolution for redress in respect to the injury inflicted on his slave, yet that right ought not to have superseded 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 reduced to 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 M'Donald, would not in all probability have been lost; but 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 are abundant that a severe flogging was inflicted, yet Mr. M'Donald is implicated by the declaration of the two slaves only, as there were no other free person or persons, with the exception of Mrs. and Miss M'Donald and M'Leay. Mrs. M'Donald is not a competent witness against her husband, the sister is off the Island, and we will 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 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 may be inferred from his letter to the owner,

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owner, for pounding his stock, would have the candour to assume the responsibility in order to avert punishment from his own slaves who acted under his direction. 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 upwards 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. 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 Mr. M'Donald.

" Yours, &c.

" W. G. Nunes, Esq."

(signed) " Hugo James."

His Honour the Custos informed the Meeting, that he was in attendance in the Honourable House of Assembly until the 23d February 1830, when His Excellency prorogued the House.

The Clerk of the Peace then produced the Notice served on Mr. Taylor to attend a Council of Protection called in the case of Eleanor James, for the 10th March 1830, and stated, that from the badness of the weather, and the illness and non-attendance of the Vestrymen, a meeting did not take place until the 19th April 1830.

The Minutes of the Council of Protection convened on the 19th April 1830, were here read :—

" In a matter before a Council of Protection convened the 19th April 1830, at the Court House at Chapelton, in the parish of 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, Esq. :—Present,

" The Honourable William P. French, Esq., Andrew Dunn, Alexander M'William, John M'Naught, James W. Turner, William M'Cartney, Esquires, The Rev. Mr. Fearon, Magistrates :

" William Coleman, William Rose, Evan M'Pherson, Andrew Drummond, Peter Hodge, Adam W. Thorburn, William Mitchell, Esquires, 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 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., as the attorney of James B. Wildman, Esq., the owner of the said slave.

" Mr. M'Leod here addressed the Meeting, which he said was a voluntary justification of his conduct for the satisfaction of his brother Magistrates, and said, That he came gratuitously forward to vindicate his character from the charges which were made against it by the Attorney General, of culpable neglect and ignorance of his duty as a magistrate ; and he begged it to be understood, he only did it for the satisfaction of that Board, with the members of which he had associated so many years, and whose good opinion he thought valuable, but without any reference to those who had so misrepresented his conduct, as with them he could deal in another way.

" He begged to state to the Board, that being a considerable distance from his place of residence, and on the eve of starting on a journey upon urgent business, he was interrupted by the woman Eleanor James, who was brought to him at Oake's Estate, by a Mr. Bellew, a book-keeper, from Low Ground.

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She complained of having been severely whipped at North Hall. He asked her how many lashes she had got. She could not state if it was 20 or 200 lashes she received; he told her to take up her clothes that he might see the wounds; she took up her clothes, but as he saw no marks of recent flogging, he thought she had not raised her clothes sufficiently, and he told her to raise them higher, which she did. He still could discover no marks, except some of a former flogging; but as he was going a journey on urgent business, and the woman was in the charge of one of Mr. Wildman's white people, he thought it best to refer her to the Clerk of the Peace of the parish, who would inquire particularly into the case; and if he saw there was occasion, would draw out the proper documents, and bring the case before the proper authorities. These were his reasons for his conduct, and not with any view to screen any person whatsoever.

"The Clerk of the Peace stated to the Meeting, that the woman Eleanor James, with another woman, also belonging to Low Ground Estate, came to him a day or two after having been to Mr. M'Leod; but he (the Clerk of the Peace) being ill in bed from a recent accident, was unable to attend to the complaint at that time; that as soon as he was able, he made out the affidavits and other papers for trying the slaves of Mr. M'Donald, and which he transmitted to the overseer of Low Ground Estate. [He here produced the affidavit of the slaves, with the recognizance of Mr. Edward B. Francome for the production of the slaves, Eleanor James and Joanna Williams, at a Slave Court, to be held on the 20th July 1830, to give evidence in the complaint against the slaves of Mr. M'Donald.] He further stated, that the trial did not come on in July, and that there being no Court in October, the Indictment was tried in the Slave Court, in January 1831."

INDICTMENT produced, with the Minutes taken thereon, and read:—

"Rex v. John Butler and Edward Harris, *alias* Edward Aldred,
the property of Kenneth M'Donald.

"Jamaica, s.s. } At a Slave Court, holden at the Court House at Chapelton,
Clarendon. } in the parish of Clarendon, on Tuesday, the 18th day of
January, in the year of our Lord 1831, for the trial of slaves hereinafter named,
conformable to an Act of the Governor, Council and Assembly of this Island,
for that purpose made and provided, intituled, 'An Act for the subsistence,
clothing, and the better regulation and government of Slaves, for enlarging
the powers of the Council of Protection, for preventing the improper transfer
of Slaves, and for other purposes:' Before James Miller, Andrew Dunn
and Robert Innes, Esquires, Justices of our Sovereign Lord the King, assigned
to keep the peace in and for the parish of Clarendon; and also to hear and
determine divers felonies, trespasses and other misdemeanours in the said parish
committed; a certain negro man slave, named John Butler, and a certain mulatto
man slave, named John Harris, *alias* Edward Aldred, the property of Kenneth
M'Donald, Esquire, were brought before the Court, and charged for that they
the said slaves, named John Butler and Edward Harris, *alias* Edward Aldred,
on the 28th day of November, in the year of our Lord 1829, at the parish of
Clarendon, and within the jurisdiction of this Court, with force and arms, in
and upon a certain negro woman named Eleanor James, belonging to Low
Ground Estate, the property of James Beckford Wildman, Esquire, did make
an assault, and her the said Eleanor James then and there did wantonly and
cruelly strike, beat, whip, wound and ill-treat, and with a certain whip and
sundry switches, which they the said John Butler and Edward Harris, *alias*
Edward Aldred, in their right hands then and there held, did give and strike
the said slave, named Eleanor James, divers terrible, grievous and dangerous
blows upon the head, neck, back and other parts of the body of the said slave
named Eleanor James, insomuch that the said slave named Eleanor James was
greatly disfigured and injured, and her life greatly despaired of and endangered,
and other wrongs and injuries to the said slave named Eleanor James then and
there did, to the great damage of the said slave, against the form of the Act
aforesaid, and against the peace of our said Lord the King, His Crown and
dignity; and also for that they the said slaves, named John Butler and Edward
Harris, *alias* Edward Aldred, with force and arms, at the parish aforesaid, and
on the day and year last aforesaid named, upon the said slave named Eleanor
James

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James did make an assault, and her the said Eleanor James then and there did beat, wound and ill-treat, so that her life was then and there greatly despaired of, and other wrongs to her the said slave, named Eleanor James, then and there did, to the great damage of the said Eleanor James, against the form of the Act aforesaid, and against the peace of our Lord the King, His Crown and dignity; which charge being read," &c. &c.

" The Clerk of the Peace then mentioned that the said slave named Eleanor James was examined at the trial, also the slave Joanna Williams, and sundry persons in the defence were also examined; and then read from the Minutes as taken down by him as follows:—

" ' When the Jury had withdrawn and the Constable sworn to attend them, and before a verdict was returned, Mr. Kenneth M'Donald came forward and mentioned to the Court that the punishment was inflicted by his orders.'

" Upon which the Jury were called in, and a verdict of Acquittal returned."

The Resolutions adopted by the Magistrates and Vestry who composed a Council of Protection were then read, and are as follows:—

" Chapelton, Clarendon, 23d May 1831.

" At a Meeting of the Magistrates and Vestry who composed a Council of Protection on the 19th day of April 1830, convened by his Honour the Custos this day.

" The Custos having informed the Board that he had received from His Excellency the Governor's Secretary, a Letter expressive of His Excellency's high disapprobation of the conduct of the Members of the Council of Protection in the case of Eleanor James, belonging to Low Ground Estate, as also a Letter containing the Opinion of the Attorney General, it was moved that both Letters should be read; which being done the following Resolutions were unanimously adopted."—(For Resolutions, *vide* Mr. French's Letter to Mr. Bullock, 23 May 1831, page 9.)

It was resolved unanimously, That this Meeting views with feelings of deep regret the severe censure that has been passed by His Excellency the Governor on John M'Leod, Esquire, one of the oldest and most respectable Magistrates of this parish, on his conduct in the case of Eleanor James. This Meeting feel convinced that had Mr. M'Leod been called upon to explain his conduct on the occasion alluded to, that he could and would most satisfactorily have shown that he had acted as the exigency of the case required. " To many Members of this Meeting, the case of Eleanor James is perfectly known, and they thus publicly declare that they would have acted in the same way." } A debate on this part of the Resolution, and carried by a majority.

This Meeting, from their intimate knowledge of the private and public character of Mr. M'Leod, who has for many years resided amongst them, are most happy at the opportunity of thus expressing their approbation of his magisterial conduct in general; and further, that his conduct in the case of Eleanor James, does not merit the terms of reprobation bestowed on it by the Attorney General.

(signed) *W. P. French*, Custos.

—No. 3.—

COPY of a DESPATCH from Viscount *Goderich* to the Earl of *Belmore*, &c. &c. &c.

My Lord,

Downing-street, 31st December 1831.

I HAVE received your Lordship's Despatches of the 6th May and 6th June, reporting the further proceedings which you had adopted in consequence of my Despatch of the 23d of February last, in the case of Eleanor James, the slave who was maltreated by a person named M'Donald; and transmitting the explanations which you had received from the Custos of Clarendon Parish, together with the copies of the Resolutions adopted on the 3d May at a meeting of the Magistrates and Vestrymen who composed the Council of Protection in the case of Eleanor James, and of the Proceedings and Resolutions adopted at a meeting of the Magistrates and Vestrymen of the parish on the same day, and with reference to the same subject. These latter documents

documents include the exculpatory address which was made to his brother Magistrates by Mr. M'Leod, the Magistrate by whom she was referred to a distant quarter for redress.

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The charge against the Custos and the Magistrates and Vestrymen who composed the Council of Protection was, that although the complaint was made in the month of January 1830, the Council came to no decision upon it till the 19th of April following, and then decided to dismiss it. The Council did, indeed, meet and examine witnesses on the 3d or 4th of February, but dissolved itself on account of some alleged informality in the mode of its formation; it was summoned again for the 18th of February, but a sufficient number of members did not attend; a third summons was issued for the 10th March, but this was likewise ineffectual; and when at length a Council was formed, on the 19th April, the resolution which it adopted was, "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 a free person or persons, by indictment in the Quarter Sessions or Grand Court."—The Magistrates and Vestrymen justify this resolution by observing, that although, in deference to so high an authority as that of the Attorney General of Jamaica, they cannot doubt that the Act 57 Geo. III. c. 25, s. 25, which constitutes them a Council of Protection, may be interpreted to give them cognizance of such cases as that of Eleanor James, yet that they are persuaded, from a comparison of the words used in the former part of the clause with those used in the latter, that the intention of the Legislature was to empower them to inquire into cases in which complaints were made in behalf of slaves against their owners, and not into those in which the charge was brought against other persons. On this I have to remark, that the words of the Act do not appear to me to be by any means unambiguous, and that if the refusal of the Council of Protection to take cognizance of the case of Eleanor James was an error at all, it was at least a venial error, and one into which any body of men, with the most perfect rectitude of purpose, might very naturally fall. Thus, had the Council of Protection come to the resolution of dismissing the case when they were first summoned to consider it, I should have gladly admitted that no censure could properly be passed upon them. But for the repeated and prolonged neglect of such a case, when its atrocious nature had been made known to them, I find little to be alleged that can be considered as affording even a plausible apology. Why the Council did not meet early in February, the Custos says he is now unable to discover, because he had been until the 20th of that month attending in the House of Assembly; and the only reasons which are mentioned for the meeting not having taken place in March, are the non-attendance and indisposition of some of the Vestrymen (which of them were indisposed is not said, nor does any one of them advance this plea for himself,) and the badness of the weather. It is painful and mortifying to discover that such excuses as these are all that can be alleged in extenuation of a negligence and supineness through which the ends of justice appear to have been defeated, in a case of flagrant and revolting inhumanity. When the complainant was at last referred to an indictment before the Courts for his remedy, measures had been taken for removing from the Island the only witness whose evidence was available to support the prosecution.

I have now to advert to the vindication of Mr. M'Leod, the Magistrate to whom the application was first made on the part of Eleanor James. The charge against him was, that he had declined to take any steps in the matter, and had referred Eleanor James to the Clerk of the Peace, to whom she was compelled to repair to a distance of thirty miles, in a state of great bodily suffering from the treatment which she had undergone. Mr. M'Leod states, in his defence, that Eleanor James was brought to him when he was at a considerable distance from his place of residence; that when he asked her how many lashes she had got, she could not state if it was 20 or 200; that he examined her person, and could discover no marks of recent flogging; that as he was on the eve of commencing a journey upon urgent business, and she was in charge of one of her owner's white people, he thought it best to refer her to the Clerk of the Peace of the parish, who would inquire particularly into the case, and, if he saw occasion, would

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draw out the proper documents, and bring the case before the proper authorities.

I regret to perceive that this statement is inconsistent with no less than five concurrent depositions on oath, contained in the papers which accompanied my Despatch of the 23d February:—1st. Eleanor James, herself, deposes as follows: "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. 8 d.) 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 wet 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. M'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." She further deposes, that Mr. M'Leod refused to examine her person.—2d. Joanna Williams, who had gone in company with Eleanor James to Mr. M'Donald's residence, deposes to the same effect.—3d. Mr. John Bellew deposes as follows: "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 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, Sunday, the 30th November 1829, I was directed by my said overseer to go over to Oake's Plantation, an adjoining estate, where John M'Leod, Esq., a magistrate, then was, with the said negro woman, Eleanor James, and 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 on the afternoon of the said day (Monday), having sent the two negro women before mentioned on before me. During the journey to Mr. Townshend's residence, which is at Main Savannah, a distance of about 30 miles from the said Low Ground Estate, she, the said Eleanor James, appeared to walk with much pain."—4th. The deposition of

Mr. D.

Mr. D. M'Pherson states, "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 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."—5th. The deposition of Francis Smith:—"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 the 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."

If, with these depositions before me, I were to give credit to the statement of Mr. M'Leod, that he did examine the person of the woman, and that no marks of recent flogging were discernible, I should do so in defiance of all the ordinary rules by which evidence is estimated. If I am to conform to those rules, I am compelled to come to the conclusion that a wanton and inhuman outrage had been committed upon a person of the weaker sex, and of advanced age; that the person so treated was brought to Mr. M'Leod to make her complaint to him as a magistrate; that he refused to investigate her case, or take any steps in it, and referred her to another magistrate residing at a distance of thirty miles; and that she was thus compelled to walk this distance in the state of suffering in which she was, in order to obtain another chance of attention to her case. If I am constrained to adopt these conclusions as to the facts which occurred, neither can I escape from the obligation of giving to these facts their real character and import. I must unavoidably attribute to Mr. M'Leod conduct which is in itself a neglect of duty, and which indicates a deficiency of the active feelings and natural charities to be expected in a man whose dispositions are just and humane. If the statement of the circumstances of this case failed to excite in Mr. M'Leod a strong desire to be instrumental in affording redress, it is difficult to conceive what amount of injury inflicted upon the feeble and unoffending would be sufficient to animate his sense of justice or rouse his indignation. What was the nature of the urgent business which induced him to refuse his assistance he has not stated; but by a man of a humane and susceptible nature, few claims upon his time and attention would have been felt more urgently than this.

The magistrates and vestrymen of the parish of Clarendon have borne testimony in the strongest terms to the respectability of Mr. M'Leod, and I should have been happy had it been in my power conscientiously to place implicit reliance in the opinion which they have expressed of his general conduct and character. But most of these magistrates and vestrymen are themselves, unfortunately, involved in censure for supineness in the same case, though in a different degree; and as far as a majority of them are concerned, the value of their testimony to Mr. M'Leod's general respectability is utterly destroyed by the declaration which they have made, that they would have acted in the same way that he did in the case of Eleanor James. This declaration is greatly to be regretted, whether it be attributed to the zeal of party spirit, or to the partialities of personal friendship. That the majority of the magistrates of Clarendon parish, when acting singly and under the feeling of undivided responsibility, would be as indifferent as Mr. M'Leod to the appeal of an aged

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and unoffending woman, thus miserably abused, is what not even their own declaration shall induce me to believe. I can only lament that they should have needlessly made a declaration which assumes discredit to themselves, and reflects it upon the body to which they belong, but which can in no degree extenuate the misconduct of Mr. M'Leod. I have to perform the painful duty of conveying to your Lordship His Majesty's commands for the removal of Mr. M'Leod from the Commission of the Peace. This notification would have been communicated to you at an earlier period, had I not misconceived the import of your Lordship's Despatch of the 6th of May, in which you informed me that you "anticipated my instructions" to remove Mr. M'Leod from the magistracy. I understood your Lordship to mean by this expression that you had acted in anticipation of such instructions, and had yourself erased the name of Mr. M'Leod from the Commission of the Peace; but on reconsidering your Despatch, in connection with its Enclosures, I now infer that your Lordship is awaiting my instructions.

Your Lordship will be pleased to communicate copies of this Despatch to Mr. M'Leod, and to the Magistrates and Vestry of the parish of Clarendon.

I have, &c.

(signed) GODERICH.

— No. 4. —

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*, &c. &c. &c.

My Lord,

King's House, Jamaica, 4th August 1831.

I HAVE had the honour to receive your Lordship's of the date stated in the margin, from which I learn that His Majesty has been graciously pleased to permit an Act of this Legislature, passed in the last Session, intituled, "An Act for the Government of Slaves," to be left to its operation.

I shall pay particular attention to your Lordship's instruction, directing that the Despatch to which I now have the honour to reply be laid before Council and Assembly at the next meeting of the Legislature.

I have, &c.

(signed) *Belmore.*

— No. 5. —

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*, &c. &c. &c.

My Lord,

King's House, Jamaica, 7th November 1831.

I HAVE had the honour to receive your Lordship's Despatch of 1st September, accompanied by an Order of His Majesty in Council, dated 24th August last, leaving to its operation an Act passed by the Governor and Council of this Island, in the month of February last, intituled, "An Act for the Government of Slaves."

I have, &c.

(signed) *Belmore.*

16th June 1831.
Presented to Parliament
6th Dec. 1831.

In Papers presented to
Parliament on
6 Dec. 1831.

— No. 6. —

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*,
&c. &c. &c.

My Lord, King's House, Jamaica, 21st December 1831.

I HAVE the honour to transmit for your Lordship's information the copy of the Message I have received from the House of Assembly on the subject of the Slave Act now in force.

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I have, &c.

(signed) *Belmore*.

Enclosure 1, in No. 6.

May it please Your Excellency,

THE House have taken into their most attentive consideration your Excellency's first Message of the 27th October, with the several accompanying Documents, viz. Mr. Huskisson's Despatches of the 22d September 1827 and 22d March 1828, and Lord Goderich's Despatch of the 16th June last. The first and most important of these documents having been fully replied to by the House in 1827, they deem it unnecessary to enter again into the same detail; and as the law for the Government of Slaves passed in the early part of the present year has been little more than one month in operation, common prudence requires that some reasonable time should be allowed to see the effect of what has been already done before any further changes are hazarded.

— No. 7. —

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*,
&c. &c. &c.

My Lord, King's House, Jamaica, 1st February 1832.

I HAVE had the honour to receive your Lordship's Despatch of 10th December last, accompanied by an Order of His Majesty in Council, dated 2d of the preceding month, for the future regulation of the condition of slaves in the Colonies, and instructing me to submit the same to the Two Branches of the Jamaica Legislature.

I have also received another Despatch from your Lordship, of the same date, desiring, that if the Assembly of this Colony should not be in Session at the time when I might receive your communication, I was to convoke that body, together with the Council, for the purpose of taking into consideration the important question on which it is so essential to their own interest that they should come to an early decision.

My Despatches to your Lordship of 6th and 16th ultimo will have informed you of the unhappy state of disturbance which rages in several parts of the Island, and which has rendered it necessary for me to postpone the re-assembling of the Legislature on the day to which their proceedings had been adjourned, by proroguing the House until the 21st, with an intention, should circumstances permit, of calling them together for the despatch of business on the 28th instant.

Your Lordship will perceive, that in the unfortunate condition in which this Colony is placed, whilst the principal Gentlemen are actively employed either in the discharge of military or magisterial duties, it would be in vain to hasten the meeting of the Legislature at an earlier period than is now fixed; and I trust I shall not be considered as having exercised an improper discretion on this occasion in acting accordingly.

I have, &c.

(signed) *Belmore*.

In Paper 285.
16 March 1832.

— No. 8. —

COPY of a DESPATCH from Viscount *Goderich* to the Earl of *Belmore*,
&c. &c. &c.

JAMAICA.

My Lord,

Downing-street, 16th April 1832.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 1st February last, stating your reasons for not convoking the House of Assembly for the consideration of my Despatch of the 10th December, containing His Majesty's Order in Council upon Slave Melioration, before the 28th of February. Your Lordship's reasons are perfectly satisfactory.

I have, &c.

(signed) GODERICH.

— No. 9. —

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

King's House, Jamaica, 3d March 1832.

I HAVE the honour to enclose you the copy of a Message I have this day sent to the House of Assembly, accompanying a copy of your Lordship's Despatch of the 10th of December last, and His Majesty's Order in Council.

It is considered contrary to Parliamentary usage to submit any proposition to the Assembly before the House present their Address, which they delayed to do until this day.

I have, &c.

(signed) *Belmore*.

Enclosure 1, in No. 9.

Mr. Speaker,

I AM commanded by His Excellency the Governor to bring down to the House an amended Order of His Majesty in Council, for improving the condition of Slaves in the Crown Colonies, accompanied by certain printed Papers, which have been presented to the House of Commons by His Majesty's command, and the copy of a Despatch from Viscount *Goderich* on this important subject.

The communication from the Secretary of State so fully details the views of His Majesty's Government, and the urgent reasons which should induce a general adoption of these regulations, that His Excellency is unwilling to incur the risk of diminishing the force of such able arguments by any additional observation; but His Excellency cannot refrain from expressing his earnest recommendation and hope; that you will enable him to have the gratification of acquainting His Majesty's Government, that the Legislature of Jamaica has not been backward in adopting such measures as public opinion and the pledge of Parliament imperiously demand; and that this Island may not be excluded from the enjoyment of those commercial benefits which His Majesty's Government contemplate to bestow upon such Colonies as may be willing to declare the Order in Council to possess the force of law.

— No. 10. —

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

King's House, Jamaica, 8th March 1832.

REFERRING your Lordship to my Despatch of 3d March, transmitted by the *Maitland* transport, I have now the honour to forward copies of the Replies from the Council and Assembly to the Messages I sent, with the amended Order of His Majesty in Council, recommending it to their favourable consideration.

Your

Your Lordship will observe that the Answer I returned to the House of Assembly, in reply to their Address, has been ineffectual to prevent a pertinacious adherence to their declaration, "That any further amelioration in the condition of our Slave Population must emanate from ourselves."

Such a resolution cannot be too strongly deprecated, especially when the measures proposed for the consideration of the Assembly came sanctioned under the authority of the King's name; but the feelings of excitement which now agitate the public mind in this Island, and the intemperate discussions which distract the proceedings of the Assembly, admit of no hope of their obtaining consideration, at least during the present Session.

On any other occasion, I should probably consider so marked an expression of disrespect to a measure emanating from the King in Council, sufficient to require a manifestation of my displeasure by dissolving the Assembly; but in this case your Lordship has accompanied the proposition with a condition which indicates the penalty attached to its rejection, and in the present temper of the Island I have no reason to expect that a new election would procure for this measure a better reception.

Considering, also, the immense inconvenience which would be experienced by interrupting the business of the Session on the close of an insurrection, and before provision has been made for raising the supplies, I think it most advisable to suffer the business to proceed, when your Lordship may put in practice any measure you have in contemplation; and time will be afforded, before the period when the Legislature usually assemble, for your Lordship, should you deem it expedient, to transmit further instructions.

I have, &c.

(signed) *Belmore.*

Enclosure 1, in No. 10.

May it please Your Excellency,

IN reply to your Message of yesterday, and with the deference which we have always manifested towards your Excellency's communications from His Majesty's Government, we beg leave respectfully to assure your Excellency, that any regulations emanating from the other branch of the Legislature for the melioration of the condition of the Slave Population of this Island, will receive the same mature consideration which we have invariably bestowed on all enactments relating to that very important subject.

Passed the Council this 7th day of March 1832.

W. G. Stewart,

Clerk of the Council.

Enclosure 2, in No. 10.

May it please Your Excellency,

THE House most respectfully acknowledge your Excellency's Message of the 3d instant, accompanied by "An amended Order of His Majesty in Council, for improving the condition of Slaves in the Crown Colonies, and certain printed Papers which have been presented to the House of Commons by His Majesty's command; also the Copy of a Despatch from Viscount Goderich."

The House feel it an imperative duty they owe their constituents, and in candour to your Excellency, explicitly to acquaint you that any further amelioration of the condition of our Slave Population must emanate from ourselves.

B A H A M A S.

— No. 1. —

EXTRACT of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*,
dated Bahamas, 31st January 1831.

BAHAMAS.

“ I HAVE brought the subject of the abolition of the corporal punishment of women before the House of Assembly. The propriety of doing away this mode of punishment altogether is to be discussed in the Assembly to-morrow, and although I cannot flatter myself that I shall altogether succeed, yet I hope such regulations and restrictions will be adopted, as will materially lessen this most disgusting system. I will have the honour of reporting to your Lordship upon the subject by the mail of the ensuing month.”

— No. 2. —

COPY of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

Government House, Bahamas, 5th April 1831.

In the concluding paragraph of the Despatch of the 31st January 1831, which I had the honour of addressing to your Lordship, I ventured to express my hopes that such regulations and restrictions respecting the flogging of female slaves would be adopted by the House of Assembly, in consequence of their discussion of the subject, as would materially lessen the evils of this most disgusting system. The House, I am sorry to have to report, have disappointed me, and have not only replied to my Answer to their Address in very general and evasive terms, but, by rejecting without a division, after its first reading only, a very moderate Bill upon the subject which had passed the Council, have convinced me, that although there are fortunately a few gentlemen of a proper and manly feeling, yet that the great majority of the Assembly are too prejudiced and too narrow-minded to conceive the existence of any other order of things than that which they have been accustomed to witness. In my Speech at the close of the Session I thought it my duty to point out how much they had disappointed me, and how much they must sink in the esteem of their fellow subjects of the rest of the empire. I am afraid that I shall not be able to do much immediate good; but I shall conceive it nevertheless my duty to take every opportunity, both publicly and privately, of exerting whatever influence I may possess in bringing the inhabitants, if possible, to a better feeling.

With a view to the possibility of acting upon the Members of the Assembly through their constituents, I have thought it advisable to address a Circular Letter, not only to the Rectors of the different parishes, but also to the Wesleyan Missionaries (who have considerable influence in some of the Islands), calling upon them to exert themselves to inspire more manly sentiments. I take the liberty of enclosing a printed copy of a Letter addressed to a Member of the Assembly, in which, under a fictitious signature, I have put together a few arguments which appear to me as likely to have some weight in this community. The Letter is alluded to in the Circular to the Rectors and others, and as it will in consequence be circulated amongst all classes in these Islands, I am in hopes it may produce some good. Your Lordship will, I trust, approve of these measures, which, at any rate, can do no harm. It is but too evident from the proceedings of the Assembly, that nothing short of continued and unwearied exertions, in bringing the business constantly and repeatedly before them, will afford a chance of ultimate success.

Upon the subject of a proper public feeling, I will take the liberty of respectfully stating to your Lordship, that the great evil under which we labour in these

these Islands (and which I understand is the general complaint in the other West Indian Governments), is the want of sufficient European mixture in our society. The Judges and the Crown Lawyers (who ought to have a controlling influence) are either natives or persons who having come out when very young men as lawyers' clerks, have married natives, and acquired lands, houses and slaves in the Colony. It is not in human nature that men so situated should be divested of local and colonial prejudices and feelings. An occasional removal of our Judges and Crown Lawyers from one Colony to another, and back to England, would be the first great step, I beg most respectfully to observe, towards improvement.

With respect to the total abolition of slavery, towards which good all plans for the amelioration of the condition of the slave must ultimately tend, I will take the liberty of observing to your Lordship, that as far as these Islands are concerned, much may be done, in a very few years, by the advance of £.5,000. My plan would be to commence with £.1,000, which sum might be placed at the disposal of three gentlemen, who should be authorized to assist meritorious and deserving slaves in the purchase of their freedom. There are very many slaves who are worth as much money as would amount to half their value. If these poor people had the means of procuring the additional money required, they would, many of them, repay it in one year, others in a little longer time. A plan of this sort, under proper direction, would not be very hostile to the feelings of the white inhabitants. Free labour is to be had here to any extent that can be required under the present depressed state of the Colony. Money is very scarce, and there is no disinclination amongst the slave owners to part with slaves at, what would formerly have been called, a low price. I should be very happy to select three gentlemen whose zeal and integrity could be depended upon, and who would be willing to give their gratuitous assistance towards the furtherance of such a plan, as well as to draw up and furnish them with detailed instructions, should your Lordship wish to try the experiment, and deem it advisable to recommend that a sum of money should be advanced from the Treasury, in order that a commencement may be made. The larger the sum of money advanced, the more rapid, of course, would be the progress. The experiment might, however, be made with any sum that your Lordship should think fit, or that could be procured, and more money might be advanced as the plan appeared to succeed.

I will not further intrude upon your Lordship's time by making any apology for having thus, uncalled for, submitted my ideas on these important matters to your Lordship. I am only anxious to do my duty; and your Lordship, I am confident, will deem my motive a sufficient excuse.

I have, &c.

(signed) *J. Carmichael Smyth.*

(A.)—Enclosure 1, in No. 2.

Gentlemen of the Council,

Mr. Speaker and Gentlemen of the House of Assembly,

THE usual business of the Session being concluded, I am not aware that there exists any necessity for my detaining you longer from your several occupations. Although I have received no official communication upon the subject, there can be no doubt but that His Majesty in Council was pleased, on the 5th November last, to open our ports to the American flag. As, however, the Colonial Act of the 22d February 1828, imposing a tonnage duty upon vessels of the United States, has provided for the necessary steps to be taken in the event of such a contingency, it will not be requisite to have immediate recourse to any new legislative enactment on that account. In the reports of the debates upon the subject in the House of Commons, I have observed, with the greatest pleasure, that it is intended that there shall be the most unrestrained intercourse, and an interchange of commodities, free of all duties, between the British North American Provinces and the British West Indian possessions. To this measure, as far as this Colony is concerned, I earnestly solicited the attention of His Majesty's Colonial Secretary of State some time ago. I anticipate that these

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these Islands will derive great advantages by this arrangement, and that an additional and most important market will thus be opened for our salt.

Mr. Speaker and Gentlemen of the Assembly,

The willingness with which you have granted the necessary supplies for the public service, and the ready attention you have paid to my several Messages, demand my acknowledgments. It is incumbent upon me, however, to tell you, that your Resolution of the 1st inst. respecting the flogging of female slaves, disappointed me, and your subsequent rejection, *in toto*, of the very moderate Bill upon the same subject sent to you by the Council, has shown me that the day of improvement is farther off than I had fondly hoped. Impelled by my sense of duty, by my anxiety to serve your true interests, as well as by the general principles of humanity, I have endeavoured to awaken a higher and a better feeling amongst you. If you will still bear this reproach on your Statute-book, it is no fault of mine.

Gentlemen of the Council,

Mr. Speaker and Gentlemen of the Assembly,

I prorogue this General Assembly until Monday the 14th March, and this General Assembly is hereby prorogued accordingly.

(signed) J. Carmichael Smyth.

Council Chamber, }
February 11th, 1831. }

(B.)—Enclosure 2, in No. 2.

(Circular.)

Reverend Sir,

Nassau, 5 April 1831.

THE Governor wishes me to draw your attention to the cruel and indecent mode of punishing female slaves by flogging, which unfortunately prevails in these Islands, under the sanction and authority of the law. Independently of the cruelty and indecency of such proceedings, His Excellency is convinced that the various maladies to which women are subject in every stage of pregnancy, as well as when employed in nursing their offspring, are too notorious to have escaped your observation, and not to make you feel most anxious for the abolition of a system so revolting and degrading to human nature.

The Governor most earnestly requests of you to make use of whatever influence you may possess amongst your parishioners, in endeavouring to bring them to a better and a higher feeling upon this subject. The abolition of the system and an alteration of the law can only be effected by the reaction of the general feelings of the community upon the Members of the Assembly. In labouring in your vocation, you have it in your power to do much, and to contribute considerably towards so desirable an object.

The Governor trusts he may rely with confidence on your zeal and on your exertions.

His Excellency has desired that six copies of a printed Letter upon the subject, containing a few arguments which might possibly have otherwise escaped your notice, should be forwarded to you, leaving it to your judgment to make such use of them as you may think fit, towards the furtherance of the important object in view.

I have, &c.

(signed) C. R. Nesbit, Dep. Pub. Secr.

The Reverend
Rector of the Parish of

(C.)—Enclosure 3, in No. 2.

LETTER to a Member of the *Bahama* Assembly, upon the subject of the flogging of Female Slaves.

My dear Sir,

Nassau, 29th January 1831.

BAHAMAS.

I WILL not take up your time, nor my own time, with unnecessary compliments. I sincerely believe you to be an honest man and a good man, and that in opposing the abolition of the flogging of female slaves, you are actuated by no other motives than the conviction you entertain that, without this power is vested in the owner of the slave, the necessary obedience cannot otherwise be enforced. I do ample justice to the sincerity of your views; all that I ask of you is to do me the same justice, and give me the same credit for the rectitude of my intentions. I have no after-thoughts with respect to slavery in general which I wish to conceal from you. I am desirous to see a cruel indecent mode of punishment done away with, on account of its cruelty and indecency. I am not foolish enough to imagine that any class of people can be governed without the refractory and disobedient are occasionally punished. It is not the *right* of punishing, but the *mode* of punishing, about which we differ. That half stripping an unfortunate female, tying her to a post, and directing a stout negro to inflict thirty-nine lashes on her bare back with a cat-o'-nine-tails, is a most indecent and cruel proceeding, I presume, cannot be denied. Nothing but the absolute necessity of the case can be offered in justification of such a measure. The argument thus is shown to lie in a very narrow compass. Is there a necessity to retain a mode of punishment universally acknowledged to be both cruel and indecent? You say, yes; I say, no. The history of the world, the progress of civilization, the doctrines of Christianity, are with me. You have with you, unquestionably, the example of the treatment that female slaves have hitherto experienced in the West Indies; and if what has been, is always to be; if because upon the introduction of African slaves, the coarse and uneducated settlers, who first emigrated from Europe to the tropical countries, established laws and customs with respect to these poor people, which we have seen the propriety, by degrees, of almost totally changing, I am at a loss to ascertain upon what ground it can now be argued that we are to go no further; or that it can be stated that there exists the same necessity for having recourse to the lash to insure that obedience from the mild, gentle, and in some degree civilized race by whom we are surrounded, which (I will suppose, for the sake of argument) was requisite with the African females upon their first importation.

When the Cape of Good Hope was taken possession of by the British, the Roman Civil Law was found to prevail. The Roman Civil Law upholds and maintains comparative punishment. A thief is hanged; a murderer is put to death with additional circumstances of bodily pain; a parricide suffers still more. A Roman law is founded upon the unbelief which prevailed in the Roman world as to a future state of rewards and punishments, and upon the idea entertained by the Roman malefactor, that death was to him an escape from punishment. "In luctu atque miseriâ mortem ærumnarum requiem esse; eam cuncta mortalium mala dissolvere; ultra neque curæ neque gaudio locum esse." Our law, founded upon the mild precepts of Christianity, is contented with quietly (and with the least possible bodily pain) removing the offender from this world, leaving, with all humility, his punishment in the hands of his Eternal Judge. "Vengeance is mine, saith the Lord." To the vengeance of the Lord we leave him. It was upon this principle that the able and highly talented officer who at that time administered the Government of the Cape, directed that no breaking on the wheel, no circumstances of cruelty, should any longer be suffered; but that criminals condemned to death should be hanged. The Dutch lawyers, who were sensible men, and who had all studied and taken their degrees at Leyden, drew up a very able and well-written memorial, protesting against this innovation upon their law, and at variance with its fundamental principle, which is that of inflicting comparative punishment. The General Officer alluded to did not, however, give way to their representations; and his conduct was approved of, and his orders were confirmed from home. What were the consequences? The disgusting, the cruel, the demoralizing spectacles of these executions ceased; and, as if by magic, the frequent murders and assassinations,

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sinations, which these executions were meant to prevent, ceased also. It is a curious fact in the history of man, that although punishments are meant to repress crimes, yet crimes most certainly are generated by excess of punishment. Whenever the offender becomes an object of pity and commiseration, whenever the disgust which ought to be felt at the conduct of the criminal is overcome by that inspired by the severity of the punishment, from that moment punishment loses its effect, and the law, although viewed with terror, yet does not inspire that innate respect which it ought to do. On the contrary, a latent, angry, sulky feeling is the consequence, which, rankling in the bosoms of the ignorant and uneducated, leads to the further commission of crime, and of offences against those laws which they conceive have been invented only to punish.

The inference I draw from these facts, and from the foregoing reasoning, is, that you may, not only with great safety, but that you are called upon, by a due regard even to the discipline of your slaves themselves, to do away with the flogging of women. The terror of the lash will, no doubt, obtain for the moment a prompt obedience; but the disgust and hatred which must prevail in the breasts of the father, the son, the husband and the brother, will not easily be removed. "Oderint dum metuant" was a favourite maxim of Nero; and the master who can direct a female slave to be flogged has the benefit of enjoying it in the highest degree.

I may add, that the abolishing of the power of flogging women is no new experiment, or unexpected alteration even in the West India Colonies themselves. In Demerara, where there are 84,000 slaves; in Berbice, where there are 30,000; in Trinidad, where there are 54,000, it is now illegal. We have here in Nassau, or rather in the Island of New Providence, only 1,171 female slaves; and the whole number of female slaves scattered over all the Islands under this Government, including Turk's Islands, is no more than 4,606. These women are no longer the rude, uncultivated, ignorant savages which their ancestors may have been when first imported here from Africa; considerable numbers of them read and write; and those who have been treated with kindness and confidence in the families to which they belong, have been seldom found to be unworthy or ungrateful. To subject such a class to the possibility of being flogged, at the caprice of any sulky master, or violent and ill-tempered mistress, to whose power they may be accidentally transferred, is as impolitic, in my opinion, as it is cruel. It appears to me to be absurd to argue that it is necessary; their numbers are too few, and their communications with each other (scattered as they are over 16 Islands) too unfrequent, to make it requisite to resort to measures of such a character to enforce obedience. You will reply to this part of my argument by telling me, what you have before stated in conversation, that the power is but seldom resorted to, and only when absolutely necessary. To this I tell you in rejoinder, that the flogging of female slaves is more common than you are aware of. Instances of cruelty and of an abuse of power have been made known to me in sufficient numbers to convince me of the propriety of taking away a right which (whatever it may have been) is now no longer necessary, and is so liable to be abused.

In conclusion, let me earnestly entreat you to look around you: the voice of the Mother Country is strongly against you. You are contending for one of the most disgusting features of slavery. If you surrender it voluntarily yourselves, you will have a claim upon the liberality and upon that feeling of justice which is inherent in the people of England, to maintain you in the exercise of your acknowledged and legal rights in the labour of your slaves, until, by degrees, these rights are purchased from you at their full equivalent. The compulsory manumission clause in your late Slave Act does you great credit, and is the bow in the heavens to the slave. Do away with the flogging of women, and the Mother Country will have little more to ask of you. People of real worth (who from good and conscientious principles wish to do away with slavery altogether) have, by the compulsory manumission clause, obtained the means of proving their sincerity. They have now only to open their purses, and to assist meritorious and well-behaved slaves in the purchase of their freedom. Do away the power of flogging of women; and as, on the one side, you have already opened a door by which an industrious slave may escape from slavery altogether,

altogether, so, on the other, you will enable your friends to represent in your behalf, that you have voluntarily deprived slavery of one of its most hateful and degrading accompaniments.

BAHAMAS.

I am, &c.

(signed) A. B.

To C. D.
Member of the House of Assembly.

— No. 3. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *J. C. Smyth*,
&c. &c. &c.

Sir,

Downing-street, 25th July 1831.

I HAVE received your Despatch of the 5th of April last, enclosing the copy of your Speech to the Council and Assembly of the Bahama Islands, at the close of their late Session, with other Documents on the subject of the punishment of female slaves in that Colony.

I have observed with peculiar satisfaction the unremitting exertions which you have made to rescue the female part of the slave population from the corporal punishments to which they are rendered liable by usage not less than by law. The cruelty and indecency of that custom, however revolting, are not the only, nor even perhaps the most serious, objections to its continuance. It is obvious, that such punishments must tend to the moral degradation of those who suffer, and of those who inflict them. I know not what more effectual method could be devised for repressing the growth of the appropriate virtues of the female character, or for fostering base and unmanly dispositions in the other sex. It is therefore with great disappointment that I find that you were compelled to close the Session of General Assembly with a censure, which, however severe, was certainly not unmerited. I earnestly hope that the local Legislature will perceive the wisdom of retracing their steps, and that they will not, by prolonged resistance to so reasonable a demand, provoke the agitation of questions which it is most desirable to avoid as to the remedies provided by the Constitution in cases where a subordinate legislative body may contumaciously violate, or refuse to discharge, the trust for the performance of which it was created.

I have read with great interest the pamphlet which you caused to be printed in the hope of exciting a better feeling on this subject amongst the colonists. Considering the nature of the occasion, and adverting to the character of the pamphlet itself, I freely acknowledge, that it forms an allowable exception to a general rule by which I should be disposed to discourage the Governor of a Colony from resorting to such methods of persuasion.

I subscribe entirely to the truth of your remark, that the Judges and Crown Lawyers in the British Colonies should as far as possible be selected from persons resident in Europe; and that such promotions should from time to time take place, as would have the effect of preventing any of those functionaries from prolonging his residence in any one colony until he had imbibed the prejudices and become deeply connected with the local interests of the place. In the recommendations which I have had to lay before His Majesty for the preferment of legal officers, since I assumed the seals of this department, I have taken occasion to act upon both of these principles. Should a proper opportunity present itself of promoting any Judge or Crown Lawyer, who may have resided in the Bahama Islands for a long course of years, and who may be worthy of His Majesty's confidence, I shall at any time be happy to receive from you any suggestion of that nature.

I earnestly wish that it were in my power to accede to your proposal of procuring an advance of money to be lent to deserving slaves in the Bahama Islands, to aid in the purchase of their freedom. I agree with you that such a measure, especially if adopted with the cheerful concurrence of the owners, might be productive of very extensive good, and might, under judicious superintendence, be carried into effect with little or no ultimate loss to the revenue. If the Bahama Islands were the only part of the British dominions in which slavery existed, I might be disposed to move the Lords Commissioners of the Treasury to enter at once upon the experiment which you have thus suggested; but

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but there are considerations which, for the present at least, would seem effectually to preclude the extension of the plan to the other slave colonies ; and I am not disposed to enter upon such a scheme for the extinction of slavery, without having first ascertained how far it would be practicable to pursue the principle to its full extent, and into all its unavoidable consequences.

In the mean time I have read with peculiar satisfaction your statement, that free labour is to be had in the Bahamas to any extent that can be required, under the present depressed state of the Colony. However much the depression to which you advert is to be regretted, it is still a matter of the utmost importance that the supply of free labour should be adequate to all the wants of capitalists in the Colony. In such a state of society it is difficult to suppose that domestic slavery should be long maintained. Whenever the wages to be paid to free men for the performance of a given amount of labour, become habitually less than the cost of sustaining a body of slaves during the execution of the same task, slavery must become extinct, if there be no legal impediment to the competition of labourers. It is to that competition that the extinction of slavery is in a great measure attributable in those countries in which it formerly prevailed ; and I would indulge the hope, that in the Bahama Islands the time is rapidly approaching when even those who are influenced only by the narrowest calculations of immediate interest, will prefer the service of free men to that of slaves. But in order to bring about this consummation, it will be necessary that the competition should be really free, and that men should not be compelled to give a reluctant preference to the labour of slaves, from a dread of the expense or responsibility incident to their manumission. You will, therefore, have the goodness to consider, and to suggest to the Council and Assembly the necessary measures for removing all restraints on voluntary manumissions, and for enabling those who may wish to encourage free labour to do so without incurring any unnecessary disadvantage.

I have, &c.

(signed) GODERICH.

— No. 4. —

EXTRACT of a DESPATCH from Sir *J. Carmichael Smyth*, Bart. to Viscount *Goderich*, dated Government House, Bahamas, 3 May 1831.

“I SHALL not fail to avail myself of the opportunity of the House being assembled to endeavour to procure some amendment of the law by which the power of inflicting arbitrarily severe corporal punishment on slaves of both sexes is vested in the owner. Your Lordship’s commands upon that head will be by me most cheerfully and readily obeyed. My first and great object is to do away with the flogging of female slaves altogether. Most sincerely do I lament that those magistrates whom I removed for ordering two women with infants at the breast, and one other with child, to be flogged, were restored to the bench. It not only weakened my authority and influence, but by encouraging an idea that the British Government was cool and indifferent upon the subject, very much paralyzed all my efforts. A female slave, of only 14 years of age, was punished last week in the workhouse with 39 lashes by order of her inhuman mistress, a kept woman, after having been two months in prison, and for some most trifling offence. A middle-aged female slave received, about ten days ago, 39 lashes by order of a white girl of 17 years of age, who, in the absence of her father, had charge of his house. A female slave at Exuma was so severely flogged that a justice of the peace (a planter on the Island) wrote to me, and made an affidavit, that he could not tell what number of lashes she had received, but that he had never seen so cruel a punishment. On returning home she was flogged for having been to complain. I caused the owner in this last case to be prosecuted by the Crown Lawyer, but as the proof of the second flogging rested solely upon slave evidence and of one free coloured man, the grand jury ignored the bill. In the two other cases I have mentioned I could not legally interfere. The Attorney General, to whom I referred the particulars of the case of a minor of 17 years of age having ordered such a cruel punishment,
informed

informed me that she had a right so to do. In the case of the young girl of 14 years of age punished by order of the kept woman to whom she belongs, I caused a letter to be written to the Spanish merchant with whom she lives, expressive of my sentiments of regret and astonishment that he should permit such proceedings in his house, and the more so as this is the second female slave flogged by the gaoler from this house within a month. Subsequently to my letter to the Spanish merchant, a man who keeps a retail spirit shop, and who is most unfortunately a Member of the Assembly, has caused his female slave to receive 39 lashes, after having struck and otherwise ill-treated her. It has been repeated to me, that this unfortunate woman was at the time very unwell, and that there were some particularly indelicate circumstances in this case. Of the latter part of the story, of the ill-health of the woman, and of her being previously struck, there is only slave evidence, or I would endeavour to bring this man to punishment. I have entered into the foregoing details to show your Lordship, that, from an Assembly selected from a society where such horrors as I have described are allowed to take place without any animadversion, a change of the law, and voluntary surrender of the power of inflicting punishment, is not to be looked for in a hurry. There are, however, unquestionably some very good and very well-meaning men, and I am unwilling to give up the hope of ultimate success. It is an Augean stable which may be cleansed, but only by unceasing efforts, seconded by your Lordship's cordial support, and the weight of your authority."

— No. 5. —

EXTRACT of a DESPATCH from Viscount *Goderich* to Sir *J. C. Smyth*, Bart.
dated Downing-street, 20th June 1831.

" I HAVE received your Despatch dated the 3d of May last.

" The shameful and degrading cruelties practised upon female slaves, which it has been your painful duty to recapitulate, have excited in my mind the same feelings which they have produced in your own. It is especially distressing to learn, that from the state of the law respecting the evidence of slaves such crimes can be perpetrated with impunity. Your remark, that 'From an Assembly selected from a society where such horrors are allowed to take place without any animadversion, a change of the law, and a voluntary surrender of the power of inflicting punishment, is not to be looked for in a hurry,' is but too well founded. It is fit, however, that it should be distinctly understood that the Government and people of Great Britain will not patiently acquiesce in the continuance of such a system in any part of His Majesty's dominions. It is not to be expected that a contumacious refusal to rescue these unfortunate females from such barbarous and disgusting punishments should be much longer tolerated; and you will have the goodness to impress in the strongest terms, on the Council and Assembly, the fixed determination of the Ministers of the Crown to omit no methods sanctioned by law and justice to arrest the progress of such cruelties. Nothing can be more unfounded than the opinion which you state to have prevailed, that the British Government was cool and indifferent upon the subject. I hear, with much concern, that your efforts have been paralyzed by the prevalence of such a notion; yet I cannot regret that those efforts were made. However irksome the necessary interference on such occasions must have been to your feelings, it is highly satisfactory to learn that you have exerted yourself with so much energy, though unhappily with so little effect, to bring the offenders to justice."

— No. 6. —

EXTRACT of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*,
dated Government House, Bahamas, 23d June 1831.

" IN the Despatch which I had the honour to address to you on the 3d May last, I recapitulated as proofs of the necessity of taking away the power of flogging female slaves, a variety of instances of severe and improper punishments which had been inflicted. Amongst others, I mentioned the case of
a person

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a person who keeps a retail spirit shop, and who is unfortunately a Member of the Assembly, having caused 39 lashes to be given to a female attendant, in the gaol of the town. The man, whose name is Wildgoose, since the date of my Despatch, caused a female slave belonging to his mother to be similarly treated, and having personally gone to the prison, he, after some altercation with the first unfortunate victim of his violence, in which she was induced to say she did not deserve such treatment, ordered her another punishment of 39 additional lashes, which were inflicted accordingly; this poor girl, who is of a very delicate and slender figure and make, thus receiving 78 lashes with a cat-o'-nine-tails, by order of this ruffian, a treatment from which it is impossible but that her health and constitution must very seriously suffer, independent of the cruelty, injustice and indecency of the proceeding. As soon as I was acquainted with the particulars of this case, I sent for the Attorney-General, and directed him to take without delay any legal means to bring Mr. Wildgoose to trial. As the unfortunate girl when the second flogging was inflicted was still in prison, and was consequently under the charge and authority of those magistrates who have charge of the place where she was confined, I am in hopes that Mr. Wildgoose will be found to have been guilty of a misdemeanour, in punishing her for any imputed offence stated to have been committed whilst in confinement. Such is the violence and prejudice, however, that prevails, and the anger which is excited at any attempt to curb the authority of the owner over the slave, that, excepting Mr. Wildgoose has a proportion of coloured people upon his jury, he will in all probability escape.

“ As soon as I had seen the Attorney-General, and that he had received directions to cause all the preliminary steps to be forthwith taken, with a view of bringing Mr. Wildgoose to trial, I deemed it proper, as he was a Member of the Assembly, that the Assembly should be made acquainted with the facts of the case. I consequently sent to them the Message (A.) My Message, instead of being received with courtesy, drew forth the very disrespectful reply (B.), and in consequence of which I sent a second Message (C.) The Assembly, who were already in a very bad humour about the Jury Bill, and upon finding that by the simple rejection of that Bill the free coloured people were, by common law, as eligible to serve as jurors as they themselves, seem gladly to have availed themselves of any thing like a pretext for abandoning the Jury Bill, and seeking a quarrel with me. They appointed a Committee to inquire into my mal-administration, as they were pleased to call my conduct; and as a specimen of the candour with which such inquiry was to be made, they appointed Mr. Taylor, who is Lord Rolle's manager, and a violent declaimer against me for having interfered in the proposed removal of a considerable number of these poor people from Exuma to Salvador, to be the Chairman. The Report of the Committee, which I have seen in the Journal of the proceedings of the House, was adopted and sanctioned by thirteen Members, who formed a majority, under circumstances which I will hereafter explain. The Report having been adopted, seven Resolutions were proposed and carried by the same thirteen Members, as corollaries to the Report; and lastly, a Petition to His Majesty was drawn up and agreed to, requesting of His Majesty to remove me from the Government of these Islands. A copy of this Petition was presented to me by order of the Assembly, with a message, stating that they would transact no further business with me.

“ Although I could, by an immediate prorogation or dissolution, have put a stop in any half hour to their proceedings, I deemed it much more dignified, as far as my own conduct was concerned, and more advantageous to His Majesty's service, as showing the moderate and well-disposed part of the community to what lengths the violent party in the Assembly was disposed to go, not to intercept the progress of their operations. When I received a message, stating that no further business would be transacted with me, then, and not until then, I sent for the Speaker and Members of the Assembly to the Council Chamber, and dissolved the General Assembly, with a Speech, of which I beg, with every respect, to lay a copy before your Lordship.

“ As I have not seen the documents or evidence upon which the Committee founded their Report, I am not aware if there are any particular instances of misconduct imputed to me. To the general charge of superintending the proceedings of the Slave Court with more vigilance and attention, and of interfering in the treatment of slaves, by listening to their complaints and seeing that the

(A.)

(B.)

(C.)

(D.)

(E.)

(F.)

(G.)

(H.)

the proper authorities investigate the same with more attention than is agreeable to the majority of the Assembly, I plead guilty. I had occasion to ascertain, shortly after my arrival in this Colony, that the proceedings of the Slave Court were carried on in the most slovenly and disgraceful manner. When the transactions relative to Lord Rolle's slaves took place, and five men, eight women and one boy were so severely flogged for endeavouring to avoid the illegal and cruel removal to which they were about to be subjected, I sent for the records of their trial, in order that I might see not only what was the nature of the misconduct of which they were convicted, but also become acquainted with what they had said in their defence. There was no record or any minute of the trial or conviction of these poor people, beyond the warrant to the executioner to inflict the punishment. From that day, however, the proceedings of the Slave Court had assumed a different appearance; the minutes of each trial are laid before me by the police magistrate, and no sentence is carried into execution until forty-eight hours after it has been passed, and the report forwarded to me, in order that I may have time to read the evidence, to make such inquiries as I may think proper, and extend His Majesty's pardon, should any favourable circumstances respecting the prisoner appear to me to call for mercy. This power is not, as the Assembly assert, an illegal and unconstitutional exertion of authority, but it is vested in the Governor, as the King's Representative, by the laws and by the constitution. I beg very respectfully to refer your Lordship to my Speech to the Assembly of the 21st instant, in which I have explained to them, not only that the power of extending mercy in all His Courts is inherent in the Sovereign, but have stated to them the fact that it has been occasionally exercised by my predecessors. It is very true, that the pardons which have been granted by my predecessors, at least all those I have seen, have been in cases of transportation, in which cases the small sum allowed by law to the master for the loss of his slave is stated not to be an equivalent, and pardon granted to the slave was very agreeable to, and was often solicited by, the master, as giving back his slave. No cry was raised by the Assembly as to an illegal stretch of the Royal prerogative, when the exercise of it suited their own views. In the present case I have pardoned three slaves, who were sentenced by the Slave Court to be severely flogged. My Letter to the police magistrate, forwarding His Majesty's pardon, a copy of which I beg to enclose, will explain the views and motives by which I was actuated, and which I make very little doubt will be approved of by your Lordship.

"In the 3d paragraph of this Despatch I have alluded to the accidental circumstance of thirteen violent Members forming a majority of the Assembly. The total number of the Assembly is twenty-nine. In the late House only eighteen Members and the Speaker took their seats; seven or eight of the most wealthy and respectable Members withdrew from the House or did not attend, in consequence of the violence and intemperance of a party, which by their absence became the majority, and were able to outvote the five Members who remained in the House and opposed. These gentlemen are, however, now, I have reason to believe, aware of the necessity of making head against the violence and intemperance of a party, who having some of them none, and others but very few slaves themselves, yet nevertheless make use of the pretext of Government interfering between them and their slaves, to plunge the Government into confusion, in which they, having but very little to lose, might possibly be gainers. I anticipate, in consequence, that the ensuing Assembly, which will not be called together before next January, will be better composed."

(A.)—Enclosure 1, in No. 6.

Mr. Speaker, and Gentlemen of the House of Assembly,

I HAD prepared a Message to you on the subject of the abolition of the flogging of female slaves, which it was my intention to send to you previously to the prorogation of the Assembly at the conclusion of the Session.

A circumstance has, however, just come to my knowledge, in which the conduct and character of a Member of your Assembly is so deeply involved, that I have thought it right to communicate the same to you without delay, in order that you may take such steps as may appear to you to be fitting upon this occasion.

Mr. JOHN

BAHAMAS.

Mr. John Wildgoose, Member for the Western District of New Providence, caused a female slave, called Phœbe, to be punished, in the gaol of this town, with thirty-nine lashes, on the 28th April last. The same person caused thirty-nine lashes to be inflicted on a female belonging to his mother, on the 31st ult., also in the gaol. The same person ordered, and had inflicted, on the unfortunate Phœbe (who has been confined in the gaol and workhouse ever since her punishment), yesterday morning, in the workhouse, a second punishment of thirty-nine lashes.

Mr. Speaker, and Gentlemen of the House of Assembly,

I will offer no comments; you, I am confident, have the feelings of men and of gentlemen; you will do what is right.

Government House, }
9 June 1831. }

(signed) J. Carmichael Smyth.

(B.)—Enclosure 2, in No. 6.

May it please your Excellency,

THE House of Assembly, in answer to your Excellency's Message of this day on the subject of an alleged charge of cruelty against John Wildgoose, Esq., a Member of this House, exercised by him towards two female slaves, one the property of that Member, and the other the property of his mother, beg leave to state, that the Legislative Body having already enacted a law for the protection of slaves (to which your Excellency has given your assent), and for preventing any abuse by their owners towards them, if Mr. Wildgoose has been guilty of the cruelty to which your Excellency's Message has reference, the Courts of Law are open for his punishment, and the House consequently can take no further notice of the allegations against him; particularly as the interference on the part of your Excellency is, in the opinion of the House, unwarranted, and wholly unprecedented.

By Order of the House.

House of Assembly, }
June 10, 1831. }

(signed)

G. C. Anderson,
Speaker.

(C.)—Enclosure 3, in No. 6.

Mr. Speaker, and Gentlemen of the House of Assembly,

I HAVE received your reply to my Message of this morning on the subject of the conduct of Mr. John Wildgoose, one of your Members.

The Attorney-General will do his duty, and, as far as the law will allow, will, I have no doubt, call upon Mr. John Wildgoose, to answer at the bar of the proper Tribunal.

My Message to you, which you are pleased to call an interference unwarranted and wholly unprecedented, is, you must allow me to tell you, neither the one nor the other, and was meant as a mark of civility to your House, and as a proof of my attention to your privileges. Had Mr. John Wildgoose not been a Member of the House of Assembly, there would have been no Message to you; but being one, I deemed that the civil course would be to inform you, Mr. Speaker and Gentlemen of the Assembly, of the undisputed facts of the case, namely, that two women were flogged, and one of them a second time without being released from prison, even for an hour, by order of Mr. Wildgoose, under the impression that the Assembly would wish to investigate the circumstances themselves, and that upon the result of this investigation would depend whether or not you would continue Mr. Wildgoose a Member of your House.

This is the common, the usual, I may say the invariable custom, as far as the Imperial Parliament is concerned. Your Speaker is doubtless able to explain to you the *lex et consuetudo Parliamenti*; to him I beg to refer you. The uniform answer from the British House of Commons to any similar message from the Executive Government, respecting the conduct of one of their Members

Members (whom it may be necessary to prosecute, or to place in confinement with a view to being brought to trial,) is one offering respectfully their thanks to His Majesty for his courtesy and attention to the privileges of the House.

Having said thus much, I leave it to your own feelings to decide how far you were justified in sending to me your Message of this morning, couched in such disrespectful terms.

Government House, }
10 June 1831. }

(signed)

J. Carmichael Smyth.

(D.)—Enclosure 4, in No. 6.

THE Committee has deliberately and scrupulously examined several witnesses on the subject of their inquiry, and from the investigation are of opinion, that his Excellency, Sir James Carmichael Smyth, Bart., Governor of this Colony, has in several instances interfered with the due administration of justice, and has arrogated the exercise of a prerogative of pardoning offences in cases where he was not warranted, either by the laws, customs or usages of this Colony; and in the exercise of that assumed prerogative has rendered the trial of slaves as runaways useless, and thereby compels the owner of a slave offending in such cases to be the judge and punisher, when he would otherwise have allowed the offender to have the benefit of a fair and impartial trial before two persons, who, by the Act of the Legislature of this Colony for regulating Trials, in such cases must be Justices of His Majesty's Peace, and who would perhaps discover such causes of mitigation as to direct a very slight punishment, or to acquit the slave altogether.

The Committee have further to remark, that some of the persons examined were so cautious in their evidence, that it was evident to the Committee that they had been restrained in the discharge of their duty from a fear of being censured by the Executive; and that even the legal commands of the owners of slaves, given to the supervisor of the workhouse, were not obeyed; and that other witnesses, still influenced by the anxious hope of obtaining some lucrative situation in the Colony, were deterred from giving that free and unrestrained testimony which this Committee feels confident was in their power. Another circumstance presented itself to the notice of this Committee, and that is, that when slaves have gone with imaginary complaints to the Executive against their owners, they have been sent (though it was well known to the person sending them that their evidence was inadmissible) to the police office, in order that their examinations might be taken; and by that means of proceeding, the owner has been subjected to the slander perhaps of one of the most abandoned of his race, and without any possible means of redress.

Many circumstances have come to the knowledge of this Committee which would, from its bad tendency, be improper in this Committee to comment upon, and they therefore recommend to the House to memorialize His Majesty about the general grievances of the Colony, praying His Gracious Majesty for the entire removal of his Excellency the Governor, and to state in that Memorial, that however much this House may or should feel disposed to ameliorate the condition of the slave population, and otherwise to co-operate in the measures of His Majesty's Government, that it is their firm and determined resolution not to do so until the reins of Government are placed in the hands of one who, whilst he watches over the rights of the slave, will have a respect for the just, lawful and inherent rights of the owner.

(E.)—Enclosure 5, in No. 6.

Resolved, THAT Sir James Carmichael Smyth, Bart., Governor and Commander-in-Chief in and over these Islands, has abused the trust reposed in him by his King, and infringed upon the rights and privileges of His Majesty's subjects of these Islands, by interfering, in numerous instances, in an unconstitutional manner, with the administration of the consolidated Slave Law of the Colony.

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2. Resolved, That His Majesty's said Governor has in like manner abused his trust and intrenched upon the rights and privileges of the people of these Islands, by attempting to exercise an arbitrary sway over the proceedings of the Slave Courts and police of the Colony; such interference with the administration of justice being subversive of the law, and in direct opposition to the spirit of the British Constitution.

3. Resolved, That it is the opinion of this House, that His Majesty's present Governor has sedulously endeavoured, both publicly and privately, to encourage a spirit of refractoriness in the slave population of the Colony, and that such conduct, upon the part of the said Governor, has had a direct tendency to undermine the true interests of the Colony, if not to endanger its safety.

4. Resolved, That the mal-administration of the affairs of the Colony, upon the part of His Majesty's said Governor, has only hitherto been submitted to under the hope that experience would show to him the errors into which he had fallen, and the inhabitants of this loyal Colony be thereby spared the pain of approaching their Sovereign in the characters of complainants: That it was in this spirit of forbearance and moderation that the last Session of the General Assembly was conducted; but that moderation and forbearance appear to have had no other effect than to engender new oppressions, and it is now the imperious duty of the House no longer to remain silent.

5. Resolved, That his Excellency the Governor's Message of the 9th instant was not in accordance with the laws and usages of Parliaments, as asserted in his Message of the 10th, but was an unwarranted and unprecedented attempt to cast a stigma upon the character of the House through one of its members.

6. Resolved, That the continued mal-administration of the affairs of these Islands by His Majesty's said Governor, Sir James Carmichael Smyth, Bart., having destroyed all confidence in him, the House cannot with safety make any, the slightest, alteration in the existing slave code of the Colony while the said Governor remains in the administration of the government thereof.

7. Resolved, That under all these circumstances the House feel it an imperious duty to cause an humble Address and Petition to be prepared and presented to His most Gracious Majesty in Council, supplicating him to take into His Royal consideration the present oppressed state of his dutiful and loyal subjects in the Bahama Islands, and praying that His Majesty will be most graciously pleased, as the only means of redressing the grievances of his subjects of these Islands, to remove his Excellency, Sir James Carmichael Smyth, Bart., His Majesty's present Governor of these Islands, from the government thereof.

(F.)—Enclosure 6, in No. 6.

Bahama Islands, New Providence.

To the King's most Excellent Majesty, in Council,

The humble Address and Petition of the House of Assembly of the Bahama Islands.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the people of Your Bahama Islands, in General Assembly convened, devoted in our attachment to Your Majesty's person and government, and deeply impressed with a sense of Your Majesty's inherent love of justice and regard for the unalienable rights of all classes of Your subjects, beg leave to approach Your Majesty, and to crave at Your Royal bounty the entire and total removal from the Government of these Your Bahama Islands of His Excellency Sir James Carmichael Smyth, Baronet, Governor and Commander-in-Chief.

Willing, as Colonists, to meet the views of Your Majesty's Government wheresoever they may be practicable, without totally sacrificing ourselves, yet we can never yield one point while the functions of Your Royal power remain in the exercise of one so totally unfit for their discharge, according to the mild and temperate example given by Your Majesty, during Your yet short but beneficent reign.

Complaints

Complaints might have been made by us to His Majesty's Ministers, prior to this our humble Petition, of the infraction of the constitutional rights of Your subjects, in the displacing of Magistrates for acting under express colonial enactments; but the just view of the subject taken by Your Majesty's then Minister, Sir George Murray, together with the earnest hope that the manner in which such violations might cause a milder course to be pursued, combined to allay our excited feelings, and to induce us to conduct our last Session in such a way as to ensure unanimity, if sought for by Sir James Carmichael Smyth.

We have to state with sorrow, that in this our hope we have been disappointed. With the plausible semblance of plain dealing, his Excellency so covers his attacks upon our colonial rights, as to evince a disposition to military rule never heretofore practised towards us, treating us rather as a conquered Colony than the free-born subjects of Your Crown.

In various infringements of our consolidated Slave Code, by both public and private interference, Sir James Carmichael Smyth has induced a spirit of insubordination among our slaves, subversive of all the just rights of property, and often tending to endanger the Colony by misguiding and deluding the ignorant slaves on the subject of the intentions of Your Majesty's Government towards them.

Our freedom of debate is a remnant of our privileges that alone remains in semblance unassailed; but the imperious fulminations of wrath presented a few days since, even within the Bar of our House, against one of our Members, of whose innocence His Excellency was aware at the period at which he accused him, leaves on our minds an impression that Sir James Carmichael Smyth seeks to exercise, in his own right, all the functions of colonial government.

Common observation dictates the jarring and anarchy attendant upon a government that has become obnoxious and suspected. We feel that Sir James Carmichael Smyth has forfeited justly all claims to our confidence, or to the confidence of our constituents, and can therefore never discuss a question on which the interest of the Colony is so deeply involved as that of its slave population, while the reins of government are held by him.

We therefore humbly, but earnestly, pray that Your Majesty would be pleased to appoint one over us on whom we can rely as firmly and implicitly, and for whom we can feel in some degree the loyal attachment and reliance that it is our boast to acknowledge for Your Majesty.

By Order of the House,

(signed) *G. C. Anderson,*

Speaker of the House of Assembly
of the Bahama Islands.

House of Assembly, }
17 June 1831. }

(G.)—Enclosure 7, in No. 6.

May it please your Excellency,

THE House of Assembly beg leave to transmit to your Excellency a Copy of certain Resolutions this day entered into by the House, and have to state that after having adopted the same, they feel they cannot consistently continue to transact any further business with your Excellency.

They therefore request that your Excellency will be pleased to put an end to the present convention.

By Order of the House,

G. C. Anderson, Speaker.

House of Assembly, }
June 17, 1831. }

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(H.)—Enclosure 8, in No. 6.

Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the Assembly,

I AM come here to prorogue this Assembly, with a view to its immediate dissolution; a measure which circumstances imperiously require.

Mr. Speaker, and Gentlemen of the House of Assembly,

THE retreat from the House at the commencement of the Session of so many respectable Members, led me to apprehend that the harmony which ought to subsist between the different branches of the Legislature, (and without which the public service cannot be carried on with advantage,) was likely to suffer some interruption.

I was not, however, prepared for such a want of common courtesy as is evinced in your Messages of the 10th and 17th instant, nor for such violent and intemperate Resolutions as those which you have entered into on the 11th and 17th instants.

The Jury Act, about which, solely and expressly, I called you together, has been neglected; you have been assembled three weeks, and you not only have not sent up a Bill to the Council, but you have informed me it is not your intention to transact any further business with me. If the public, therefore, suffer any inconvenience for the want of a Jury Act, it is you, and you only, they will have to blame. The time which you might usefully have employed in framing a Jury Bill, calculated to smooth all difficulties, to do away with all illiberal distinctions, and to make you a happy and a united people, you have passed in discussing, in any thing but a spirit of fairness, my conduct, and in inquiring into what you are pleased to term my mal-administrations. You know little of me, and have mistaken my character very much, if you postponed the consideration of the Jury Bill under the idea that I should prorogue you as soon as you had passed it, and thus prevent your making any inquiries or passing any Resolutions which concerned myself. From the moment I understood you had appointed a Committee to inquire into the proceedings of the Slave Court and other matters, in which you assert I have unconstitutionally interfered, from that moment I determined on no account to prorogue you until you had completely finished your investigations.

Your Resolutions of the 17th are founded upon a very mistaken and limited idea as to the extent of the Royal Prerogative. The Justices sitting in a Slave Court are named by the King: in case of negligence, corruption or abuse of authority, they are removable by the King. The prisoners are arraigned in the name of the King. A Slave Court is as much a King's Court as any Court in the empire: it owes its very existence to an Act which must be ratified by the King. Can you then suppose for a moment that the King has no power to extend mercy to an offender convicted before a Slave Court? Can you then imagine that the sentences of a Slave Court (which in this country have the power of ordering even transportation) must necessarily be carried into execution, and that without any reference to the King's representative? You are mistaken. Your Resolutions are not laws, neither can they alter the existing laws, or introduce any change into the acknowledged and fixed principles of the Constitution. The King not only has the same power of extending mercy to the slave convicted before a Slave Court, as he has to the free man convicted before a General Court, but if you had cautiously referred to the Records of this Colony before you adopted the incorrect and erroneous Report of your Committee, you would have found that this prerogative has been exercised in more instances than one by my predecessors, and consequently is not, as you have stated, "contrary to the laws, customs or usages of the Bahamas." Be assured, Mr. Speaker and Gentlemen of the Assembly, that I shall endeavour to wield the sword which our Sovereign Lord the King has committed to my hand with justice and with mercy, and that notwithstanding it meets with your disapprobation, I shall continue to read over the minutes of the proceedings of the Slave Court with the same attention which I bestow upon the notes of the Chief Justice, relative to trials of offenders before the General Court. Whenever and wherever I can discover circumstances favourable to the prisoner, and that

that it appears to me that the interests of society will best be consulted by extending mercy, there mercy will be shown. Upon these principles my conduct has hitherto been regulated; upon these principles I shall continue to govern myself. Of all the Royal prerogatives, the power of extending mercy to the unfortunate is the one which our most gracious and beneficent Sovereign would be the least disposed to pardon me for surrendering.

Upon the Report of your Committee I will not condescend to offer any further comment than to point out the "unwarranted and wholly unprecedented interference" with the character of those gentlemen whose evidence did not meet the views of the Committee; more intemperate and more unjustifiable reflections I do not remember that I ever met with. To the absence of the more experienced and moderate Members I can solely attribute the circumstance of a majority of the Assembly having sanctioned and adopted such a Report.

Before I conclude, I wish, Mr. Speaker and Gentlemen of the Assembly, to return you my thanks for your Petition to the King for my removal from the government of these Islands. Although our most gracious Sovereign has deigned repeatedly to honour me with his notice in the most condescending and flattering manner, and although it has been my good fortune to be thrown into circumstances which more than once have drawn forth such spontaneous expressions of the Royal approbation as no exertion of mine in His Majesty's service can ever deserve, and no time can make me forget; yet, occupied as His present Majesty must necessarily be with the all-important care of our great Empire, the name of so humble an individual as myself, employed in the administration of a distant government, might possibly have never been laid before him. Your Petition will remind His Majesty of an old and faithful servant; and as there is not a deed or a word of mine which I wish to retract, or which has not been engendered by zeal for His Majesty's service, and an anxiety to promote the real welfare and happiness of this Colony, so do I look forward with a just confidence to the continuance of His Majesty's favour, and to his Royal approbation of my conduct.

Having said thus much, it only remains for me to send you back to your constituents, and to appeal to that good sense and that good feeling which have ever been found to be inherent in Englishmen in all parts of the world, when they have had time to reflect, and to consider dispassionately the baneful consequences which a continued indulgence in a narrow spirit of party must necessarily bring upon the community to which they belong.

Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the Assembly,

I hereby prorogue this General Assembly until Friday the 24th instant.

(signed) *J. Carmichael Smyth.*

Council Chamber, 21 June 1831.

(I.)—Enclosure 9, in No. 6.

Sir,

Nassau, 27th May 1831.

IN forwarding to you herewith a Pardon for the three slaves, Davy, Quamina and Sam, I also transmit to you, by his Excellency's command, a Copy of his Observations on the proceedings had with respect to these slaves for your information and guidance.

I have, &c.

(signed) *C. R. Nesbitt.*

Robert Duncome, Esq. Police Magistrate.

OBSERVATIONS on the PROCEEDINGS of the COURT of JUSTICES held at the Police Office on the 23d May 1831, and submitted by the Police Magistrate on the 25th instant to the Governor.

THE slave Davy Stirrup complained to the Governor personally, that his master knocked him down with a great piece of rock; and that in consequence he was unable to move for a week and five days. He said that a white man was

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was present, who was willing to give evidence if called upon; he added, that the white man, whose name he mentioned, had kept the piece of rock to show, if required. The Governor sent the slave Davy to the Police Office, that his complaint might be investigated. If Davy said any thing about the white man whose evidence he could produce, it has not been entered on the minutes, as no allusion is made to him in the proceedings. The second witness, however, against Davy, namely, Kirsey James Stirrup, the son of Davy's owner, confesses that his father threw a stone at Davy, which hit him upon the shoulder. Davy, in his defence, says, he could not work for a week and five days, and which is not contradicted by any of the evidences against him. Davy complains, moreover, of not having the food and clothing allowed by law. The Justices have not made any inquiry or remark upon these subjects.

The slave Quamina appears already to have received 29 lashes upon occasion of the present proceedings; and about a fortnight ago 68 lashes with a cow-skin. These facts are not contradicted or disputed.

The slave Sam received 18 lashes the day before he left Eleuthera; and a short time before a flogging with a cow-skin; but it is not said to what extent.

Under all these circumstances, and taking into consideration that the three slaves, Davy, Quamina and Sam, have not run away from their masters to avoid the performance of their legal tasks or work, but with a view to complain of the treatment they have severally experienced to the person administering the Government, the Governor is pleased to remit the severe corporal punishments ordered to be inflicted on these three slaves by the Justices, in the name of the King. These slaves will be restored to their owners. The Police Magistrate is directed to take this opportunity of impressing upon the owners the policy, and indeed the necessity, of not only giving to their slaves the full allowance both of provisions and clothing allowed by law, but also of treating them with kindness and humanity. An armed force cannot be sent to each of the out Islands to enforce obedience; and it is to be observed, as an additional reason for extending pardon in the present case, that if slaves who have cause to complain find not only the door shut to their grievances, but a severe corporal punishment the result of their complaints, despair will compel them to adopt some other method, and the Colony may be plunged in dreadful confusion.

The Governor hopes in the present instance the owners will receive back their slaves with kindness, and forget all that has passed. In communicating to the three slaves the pardon which, in the name of His Majesty, the Governor has deemed it proper in the present case to extend to them, the Police Magistrate will point out to them strongly the duty of obedience and a cheerful acquiescence to the commands of their masters.

The Governor hopes that by their future good conduct they will give him no reason to repent of the measures he has adopted with respect to them.

25 May 1831.

(signed) *J. Carmichael Smyth.*

—No. 7.—

EXTRACT of a DESPATCH from Viscount *Goderich* to Sir *J. C. Smyth*, dated Downing-street, 22 September 1831.

“ I HAVE received and laid before The King your Despatch of the 23d June last, enclosing various communications between yourself and the Assembly of the Bahamas, by which it appears that thirteen Members, being a majority of those then present, had been induced to petition His Majesty for your removal from your government, and to decline the transaction of any further business with you, whereupon you dissolved the Assembly. I have also received and submitted to His Majesty your Despatch of the 1st July last, transmitting two Petitions, the one from certain slave proprietors whom you state to be the most wealthy and respectable in the Island of New Providence; the other from the free coloured population residing in and about Nassau; each expressive of the favourable sentiments towards you which are entertained by the respective Petitioners.

“ However

“ However much it may be to be regretted that your administration of the affairs of the Colony should have occasioned dissatisfaction to a portion of the Colonial Assembly, I am to acquaint you, that after an attentive consideration of the matters adverted to in the proceedings of that body, His Majesty does not perceive that they have any just ground of complaint.

“ You are accused in general terms of an interference with the course of justice, and with the execution of the Bahamas Consolidated Slave Law, and you are charged more specially with granting His Majesty’s pardon to runaway slaves, upon whom sentences had been pronounced by Courts of Justice, thereby, as it is alleged, rendering the Slave Laws useless, and inducing the owners of slaves to exercise their domestic authority in punishing them for offences for which they ought to have the benefit of a legal trial.

“ On this I am to observe, that it is a necessary and important duty to revise the proceedings of every criminal court of justice in the Colony, in every case in which there is ground for supposing that His Majesty’s prerogative of pardon ought to be exercised; and after the convictions and sentences which took place in the case of Lord Rolle’s slaves for running away to complain of an intention unlawfully to remove them, it cannot be doubted that you were both warranted and bound to pay strict attention to cases coming before the Slave Courts, and to take care that no sentences should be inflicted which might be in your judgment proper to be remitted. The right of interposing His Majesty’s pardon in such cases being unquestionable, and the Assembly having omitted to set forth any specific instance of an undue exercise of this right, I have yet to learn in what particulars your discharge of this part of your functions has exposed you to censure. In the three cases of the slaves Davy, Quamina and Sam, in which you have sent me a copy of your Observations accompanying their pardons, the neglect of the Court to investigate the circumstances which had led to the desertion in each case seems to have fully justified you in remitting the sentence. So long as slavery exists, desertion must no doubt be a punishable offence; but it is impossible that the culpability attaching to an act of desertion on the part of a slave can be duly estimated without an inquiry into the motives of it. There are many circumstances which, if brought to light, might either extenuate the guilt of the deserter, or altogether absolve him. In the instance of the slave Quamina, if there were reason to suppose that 68 lashes had been inflicted upon him by the authority of his owner, not only ought pardon to have been granted to the slave, but a prosecution ought to have been instituted against the master; and in the case of Davy, the same course should have been pursued, if there was reasonable ground for believing his allegation that he had not received the allowance of food and clothing required by law.

“ In directing the prosecution of Mr. Wildgoose you acted with perfect propriety, nor can any blame attach to you for having made the grounds of the prosecution a subject of communication to the House of Assembly, of which this person was a Member. The terms of your Message, though doubtless not intended to give offence, might, I think, have better guarded against such a consequence had they been less abrupt and more conformable to the usual style of communications upon business. In such communications the most ordinary modes of expression, however circuitous, are preferable to a brevity which is calculated to excite surprise. In substance, however, your Message was unexceptionable, and the matter of style to which I have adverted was a most insufficient ground for the feelings which it appears to have excited in the House of Assembly. That body were perfectly justified, in my opinion, in declining to interfere until the result of a legal prosecution should have been ascertained; but in the meantime it was proper that they should be officially in possession of the circumstances which, in the estimation of the Governor, rendered a prosecution necessary.

“ It is further objected to you by the Committee of the House of Assembly in their Report of the 17th of June, that ‘ when slaves have gone away with imaginary complaints to the Executive against their owners, they have been sent (though it was well known to the person sending them that their evidence was inadmissible) to the Police Office, in order that their examination might be taken, and by that means of proceeding the owner has been subject to the slander perhaps by one of the most abandoned of his race, and without any possible means of redress.’ I have perused this portion of the

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Report with extreme surprise. It cannot be meant, I presume, that His Majesty's subjects who are in a state of slavery should be denied access to the Governor; still less can any reasonable objection be made to their complaints of ill-usage being investigated through the medium of the Police Magistrate; and although it is too true that their evidence is inadmissible in a court of justice, I cannot bring myself to believe that the Assembly, in withholding from them this just and only means of obtaining redress for injuries, entertained the intention, which this Report of their Committee would seem to betray, of altogether precluding inquiry and suppressing complaint. In such a state of things, if it existed and were seriously and intentionally upheld, it would be difficult to say what degree of suspicion would not be justified; and if undue suspicions and calumnious imputations arise out of the imperfect inquiries into the complaints of slaves which the law now permits, there is no way of obviating the evil but by amending the law, and throwing open the courts of justice for the free and equitable investigation of all such questions. Accusations which cannot be fairly tried and adjudicated must always cast suspicion upon the persons accused, even though they be not parties to the measures by which the proper course of judicial inquiry is impeded.

“ If I am to understand that the Assembly object to such proceedings as you have taken for ascertaining whether the existing laws for the protection of the slaves have been broken, I confess that I cannot attribute any importance to the declaration which they make of their determination not to improve those laws under your administration of the government. I know not under what administration of the Colony's affairs an improvement of the Slave Laws is to be expected from those from whom such complaints proceed.

“ I am bound therefore to declare unequivocally my opinion that in this, as well as in the other particulars in which your conduct has been complained of by the Assembly, you have done no more than your duty; and whilst I approve the determination which you adopted, to offer no interruption to the proceedings of hostility to your government in which they were engaged, I must of course acknowledge that when they proceeded to the extreme measure of declining to transact any further business with you, you had no alternative but to dissolve them.

“ In conclusion, I have to signify the satisfaction with which His Majesty has been pleased to receive the Petitions which are transmitted in your Despatch of 1st July, and which do so much honour to those who have subscribed them.”

—No. 8.—

COPY of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*,
&c. &c. &c.

Government House, Bahamas, 1st July 1831.

My Lord,

I HAVE the honour to lay before your Lordship two Petitions to His Majesty. The first is signed by the most wealthy, the most respectable, and I am happy to say the greatest slave proprietors in this island; the second is from the free coloured population residing in and about Nassau. It could not but afford me pleasure to observe that the sentiments of the Petitioners in both these cases are so diametrically opposite to the angry Resolutions of the thirteen Members of the late Assembly, whose Petition for my removal from this government has been already forwarded to London to be laid before His Majesty. With the coloured people it would be affectation in me to say I was not aware that I was popular; but the unexpected declaration of their sentiments in my favour by so many of the greatest of our slave-holders in this Island I could not but feel much gratified at perusing. I have, &c.

(signed) *J. Carmichael Smyth.*

Enclosure 1, in No. 8.

Bahama Islands.

To the King's Most Excellent Majesty;

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The humble Memorial of certain Inhabitants of the Bahama Islands.

May it please Your Majesty,

WE, Your Majesty's most dutiful and loyal subjects, the undersigned inhabitants of these Your Majesty's Bahama Islands, seeing with deep concern, by a vote of the House of Assembly, that an Address and Petition is to be presented to Your Majesty in their name, praying the removal of Sir James Carmichael Smyth, Bart. from the government of this Colony, we humbly entreat Your Majesty's permission, on the other hand, to approach Your Majesty with this our most respectful Memorial, to counteract, as far as may be within the limited scope of our poor ability, any impressions unfavourable to his Excellency which the statements of that Petition are intended to make on your Royal mind, anxiously but confidently trusting that, on a fair and full consideration of all the circumstances submitted, Your Majesty will be graciously pleased to dismiss the complaints of the Petitioners, as unfounded in fact, untenable in principle, unsupported by any other evidence than the Petitioners' own heated imaginations, and, on the part of those with whom the complaints originated, wilfully insidious; and that Your Majesty will be in justice pleased to concede to us that his Excellency's administration of this government hitherto has fully entitled him to a renovated continuance of Your Majesty's confidence, as well as the approbation of the Colony generally.

The Petitioners commence their Address with arrogating to themselves the title of "the People of the Bahamas." This unusual designation, if assumed through ignorance or inadvertency, would of course be little worthy of notice; but as it is difficult to determine whether some ulterior views may not lurk under this extraordinary change of style and apparent affectation of republican forms, we hope we may be excused for humbly soliciting Your Majesty's attention even to this trivial indication of disrespect. The "House of Assembly" is not the "People of the Bahamas," still less is it the "People of the Bahamas in General Assembly convened." "The General Assembly" consists of Your Majesty's Legislative Council as well as the House of Assembly, and we presume it could not be expected that the Council would join in the Petition.

The fact is, that the vote for the Petition was carried in a House then recently attenuated by the secession of several old and respectable Members, and then by only thirteen voices in a body which ought to consist of twenty-nine; and yet these thirteen have thought proper to call themselves "The People of the Bahamas," and in that character "crave the boon," as they are pleased to express themselves, of his Excellency's dismissal.

We forbear to repeat the odious tissue of coarse and offensive invective in which the complaints of the Petitioners are clothed. Their charges in substance are few, and amount to little more than this, that his Excellency has thought proper to interest himself in the proceedings of the slave courts and police, and in the punishment of slaves by the authority of their owners, with the humane and just view of protecting the slave, females more particularly, from wanton and unnecessary flogging, so far as his Excellency's authority or influence might extend; that, when practicable, he requires the proceedings of the magistrates in all such cases to be reported to him previous to execution of the sentences; that slaves complaining of cruelty and oppression are listened to, and their complaints referred to the magistracy for investigation, to the length that the existing laws will allow investigation in such cases to go, and that he has in one or two instances extended the Royal mercy to slaves convicted of offences that appeared to him mitigated by circumstances.

The Petitioners then somewhat triumphantly close their impeachment of his Excellency with a complaint of his having by message submitted to the House a charge of cruelty to slaves against a Member of the House, although the communication was actually so made in order to afford the House a fair opportunity of investigating that charge at their own discretion, and in the event of the Member's innocence appearing, of preventing the matter from becoming a subject of prosecution before another tribunal. This, instead of being thankfully received, according to all parliamentary principle and precedent in such cases, as a mark of courtesy and respect to the House and its

privileges,

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privileges, was instantly, and afterwards still more deliberately, resented as an insult. On the spur of the moment the House impatiently, though most inconceivably, voted it an infringement on their "freedom of debate;" and after a solemn Resolution of the House to the same effect, they, without even the affectation of an inquiry into the truth or falsehood of the charge, thereupon roundly accused his Excellency of a "design to introduce a spirit of insubordination among the slaves, subversive of all rights of property, and often tending to endanger the Colony by misguiding and deluding the ignorant slaves on the subject of the intentions of Your Majesty's Government towards them." This last sweeping charge we admit to be a heavy one, if true; but it is almost the only one of the whole that we at present conceive worthy of Your Majesty's or our serious consideration.

Let us now see how the charge has been made out and proved: On the 11th instant a Committee of the House was appointed to inquire into the Governor's interference with the police of the Colony, &c. and certain "allegations of a Member in his place;" but neither the name of the Member or the nature of his allegations are to be found upon the Minutes of the Session either of that date or any time afterwards.

On the 17th the Committee brought in their Report, which being agreed to, was immediately followed by a string of seven Resolutions ready prepared for the occasion, and at the same time a draft of the intended Address and Petition to Your Majesty. Still, neither the accusing Member nor his accusation, nor the evidence in support of it, appeared. The Petition, in fact, has no direct reference to the Resolutions, nor the Resolutions to the Report, nor the Report, except in very vague and general terms, to the testimony on which it was grounded; so that the testimony (if there really was any) and the Report, and the seven Resolutions and the Petition, remain only so many unconnected links of what may have been intended for a chain, but never joined together.

The Report indeed complains with peculiar bitterness of the difficulties which the Committee had to encounter in extracting from their witnesses the evidence they were desirous of obtaining. "Some," it is alleged, "were restrained from a fear of censure from the Executive;" "others were influenced by the anxious hope of obtaining some lucrative situation," "and were deterred by their hopes from giving free and unrestrained testimony;" and on no better grounds than these the Committee confidently assumed that to be true, which they admit to have been, at best, very imperfectly proved; and then, with due consistency of character, boldly pronounce sentence upon facts which the witnesses would have proved had they been more manageable.

The point, however, on which the Petitioners manifest the most intense jealousy of the Governor's interference, is in listening to the complaints of slaves, and referring those complaints to the magistracy for investigation. The laws of the Colony, we admit, do not allow the slave to bear witness against his master, and therefore it is contended, that owners ought not to be troubled, or their characters jeopardized, by complaints of which no legitimate use can be made, on which, even when under oath, no process can be issued, or other legal proceedings had; but does not the very appearance of the complainant's person frequently afford at least presumptive evidence that cruelty may have been exercised? It is too true, the slave, however oppressed, cannot be admitted to swear judicially against those to whom he belongs; but may he not sometimes be aware of the existence of more competent witnesses of his case, but who, unless brought forward on his information, might be disinclined to exhibit themselves in the odious character of gratuitous informers against their neighbours, their friends, perhaps their relatives? Is it not enough for the master, that the law protects him against the direct evidence of his slave, without also denying the sufferer the incidental privilege of furnishing a clue, should he know of any, to conduct the researches of the magistrate to more legal evidence? Is the breath of slavery of such blasting influence that the bare mention of a freeman's name by a slave shall extend the proscription to his credit also? Surely the law, as it stands, however politic or necessary to the slave system, is, in point of principle, between man and man, sufficiently severe and partial.

Shall we, then, aggravate its severity, by extending its operation in practice beyond the terms of the enactment; an enactment, in itself alone, perhaps almost too rigorous already? What law forbids any man from *listening* to the complaint

complaints of a slave? None. What law ordains that the slave shall not make his complaints known? None, save the law of terror, the fear of his master's resentment.

The duplicity of the Petitioners, in their miserable attempt to deceive Your Majesty into the belief, that under another Governor they might be inclined to make hearty progress in the amelioration of the condition of the slaves, is almost beneath contempt. It is a suggestion grounded on positive falsehood; it is an insinuated promise, cunningly without any pledge of performance, palpably characterised with bad faith, because glaringly at variance with the obstinate habits, avowed sentiments and declared determinations of perhaps every individual of the whole of those thirteen "People of the Bahamas," and certainly of a very large majority of them. The very doctrines contended for in the Address sufficiently evince the insincerity of their professions on that head.

In conclusion, we have no hesitation in declaring, that during the short period of his Excellency's administration here, few Governors have given more satisfaction, except among those who, for reasons best known to themselves, have betrayed so much acute sensitiveness, real or pretended, on the subject of slave punishment. He is a remarkable instance of a chief magistrate of this Colony, exercising his own sound discretion in public concerns, uninfluenced, and even unapproachable by local faction or favouritism; and all public officers, without distinction of rank, are kept within the wholesome pale of their proper functions and duties, respectively. He is easy of access to all; and in matters of business, prompt, decisive and just. As Colonial Chancellor, his decisions have given universal satisfaction.

In cases of too frequent occurrence, in these numerous and widely scattered Islands, of inattention to the forms prescribed by the Abolition Acts, in the transmission of slaves from one to the other, he has, in no case of innocent and unintentional infraction of those forms, refused to mitigate, or at least to suspend, the rigour of the law, so far as has been in his power.

He set on foot and contributed liberally to sundry institutions, to promote the education of the poor, the religious instruction of all, the cultivation of polite literature, agricultural knowledge, &c.

He has already greatly improved the appearance and increased the numerical as well as the essential strength of the militia. In short, even those, or a very large portion of those, who at the time appear most violently hostile to his Excellency, in relation to slave punishments, do him the justice openly to admit that, in all other respects, he is every thing to the Colony that could be desired in Your Majesty's Representative among us.

Under all these circumstances, therefore, we humbly submit to Your Most Gracious Majesty's superior judgment and exalted sense of justice, whether our worthy and excellent Governor, whose sole crime, if it be one, consists only in the firmness of his humane principles, and the ardour of his compassionate feelings, should not rather be honoured than disgraced, as the Petitioners have, we humbly trust, vainly prayed for.

Nassau, 30th June 1831.

We have, &c.

(Twenty-five Signatures.)

Enclosure 2, in No. 8.

Bahama Islands.

To His Most Excellent Majesty WILLIAM the Fourth, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, and so forth;

The Petition and Memorial of the Free People of Colour of the Island of New Providence, one of Your Majesty's said Bahama Islands,

Humbly Sheweth,

THAT we, the undersigned, free people of colour of the Island of New Providence, impressed with deep sentiments of loyalty, devotion and attachment to Your Majesty's Royal Person and Government, beg leave, most clement and venerable Sovereign, to address Your Majesty, from this remote section of your Empire, on a subject of momentous concern to our interest and welfare.

That

BAHAMAS.

That we learn with extreme regret, that an Address and Petition to Your Majesty from the House of Assembly of these Islands is about to be transmitted to Your Majesty, for the removal of his Excellency Sir James Carmichael Smyth, Baronet, Governor of Your Majesty's said Bahama Islands.

That the Petition of the House of Assembly expresses the wishes and sentiments of but a small portion of Your Majesty's subjects in these Islands, and, in truth, is not the Address and Petition of a majority of the Assembly, but in reality the Address and Petition of a minority thereof; the same being passed and carried by thirteen Members of a body which forms a House of Representatives consisting in the aggregate of twenty-nine Members; but from the absence of several, and the vacation of the seats of others, consisted at the time of passing the Address of but seventeen Members, four of whom were dissentient; and that a reference to the Minutes and Proceedings of the Assembly will show no reasonable warranty or justification of an application for the removal of our worthy Governor, or any thing subversive of, or infringing on, the constitutional rights and privileges of that body; but that, on the contrary, his Excellency has only exercised his undoubted prerogative, as the Representative of Your Majesty, in tempering justice with mercy, and in standing forth as the defender of the oppressed against the oppressor.

That in his frequent recommendations to the Legislature, requesting them to enact a law which should spare the backs of female slaves from the lash of the whip on occasions of public punishment, and which has given cause of offence to the Assembly, his Excellency has simply performed a part of his public duty, inasmuch as Your Majesty's Government has for several years past strongly and unceasingly pressed the subject on the attention of the Colonial Legislatures.

That Your Majesty in Council having been graciously pleased to do an act of regal justice to your Petitioners and Memorialists, by disallowing, on the ground of its legalizing unjust distinctions on the score of colour, an Act to continue an Act for regulating Juries, passed by the Bahama Legislature in the year 1827, his Excellency Sir James Carmichael Smyth has faithfully endeavoured to support and enforce your Royal decision on that subject, by applying to the Judges to pursue the common law of England, which recognised no distinction of colour; and when, in consequence of the contumacy of the Grand Jurors, who refused to do their duty in connexion with coloured persons, his Excellency's views were in this instance frustrated, he called the Assembly together for the express object of framing an impartial Bill to regulate Juries, without any distinction as to colour; but the discourteous, not to say disrespectful conduct of the Assembly to his Excellency, has put an end to the expectation of receiving a Bill from them on that subject.

That your Petitioners and Memorialists have all confidence in the impartial administration of this Government by Sir James Carmichael Smyth, and are perfectly satisfied, from our knowledge of his Excellency's disposition towards us, that if it rested with his Excellency we should ere now be in the possession of those civil and political privileges which, as British subjects, we constitutionally aspire to, and which have been fully obtained by the free people of colour in Your Majesty's Island of Jamaica, and are also in progress in others of Your Majesty's West India Colonies, but which, to this hour, your Petitioners and Memorialists are disabled from the exercise of, by the existence and operation of restrictive colonial enactments.

That in a small community, constituted as is the white population of these Islands, a real or supposed wrong done to a few of the white aristocracy is represented as an injury done to the whole; thus it is, that in this Colony party spirit and relational interest assume the guise of patriotism and constitutional resistance to illegal interference of power. Hence the first system of disaffection to his Excellency's Government manifested itself on his Excellency's dismissal of certain Magistrates from the magistracy, for alleged illegal conduct in a matter concerning certain slaves, the property of Lord Rolle.

That the present ebullition of ill temper, as displayed by the Assembly, appears to be the revival of that unconciliatory and refractory spirit which, though subdued for the last ten years, had in many years preceding invariably marked and disfigured the proceedings of the Assemblies, and which finally led to the financial ruin of the Colony, amidst jarring contentions for supposed privileges on the part of the Assembly.

That

That we, Your Majesty's Petitioners and liege subjects, therefore most humbly but earnestly beseech Your Majesty, in Your Royal wisdom and goodness, to confirm and not remove, to continue and not recall, our humane Governor, Sir James Carmichael Smyth, Baronet, from the administration of the Government of these Your Majesty's Bahama Islands.

And Your Petitioners and Memorialists, as in duty bound, will ever humbly pray, &c.

Nassau, New Providence, }
30th June 1831. }

376 Signatures.

— No. 9. —

COPY of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*, &c. &c. &c.

My Lord,

Government House, Bahamas, 2d July 1831.

WITH reference to my Despatch of the 23d ultimo, on the subject of a female slave having been flogged a second time by order of her master, a Mr. John Wildgoose, whilst a prisoner in the workhouse of this town, I am very sorry to have to report, that I am afraid I shall not be able to bring this man to trial with any chance of conviction, as our law at present exists. I have the honour to enclose copies of different Letters which have passed between the Attorney and Solicitor General and myself, and also the Opinions of the Chief Justice and the two Assistant Judges upon the point of law which I submitted for their consideration. I must say, that the Opinions both of the Chief Justice and of the Attorney General appear to me to be too much founded upon technicalities. The Opinion of the Solicitor General, who is a regular barrister, is founded upon a more enlarged and luminous view of the subject. I humbly conceive that a slave, whilst in prison, can only commit a crime against the state, such as murder, or a crime against the police of the prison. The authority of the owner is for the moment suspended. No crime can consequently be committed by a slave whilst in prison which is cognizable by the owner, the authority of the owner being suspended. This is the view I took of the subject, and with this view the Attorney General, when I first spoke to him upon the business, appeared to coincide. It was the circumstance of the poor girl having received her second flogging without having been released for a single moment from confinement, which induced me to hope that I should be able to bring her master to punishment. His power to order her to be flogged as often as he thinks proper, and for offences of which he is the sole judge, is but too plainly and explicitly laid down in the Colonial Consolidated Slave Act.

Your Lordship will form a very poor idea of the state of society in a community where such a state of law is not only suffered to exist, but which has very little chance of being amended, without some more direct interference on the part of the Mother Country, than has been hitherto employed. Some of the principal slave-holders, much to their credit, have risen above the prejudices of their neighbours, and are prepared and willing to adopt the ameliorations as proposed by His Majesty's Government in the management of their slaves. The petty shopkeepers, having five or six slaves each, and who compose the mass of the Assembly, are however as obstinate and as prejudiced as ever. The late Assembly not only refused to make any inquiry into the conduct of their Member, Mr. Wildgoose, but he has even acquired amongst a certain class a degree of popularity as a man persecuted and ill-treated by the Governor.

I have, &c.

(signed) *J. Carmichael Smyth.*

P.S.—I have just received the accompanying Letter from the Solicitor General, in which he has given his reasons at length for differing in opinion with the Chief Justice and the Attorney General, in the case of a second punishment of a slave in confinement. In justice to Mr. Kerr, I have thought it my duty to add this Letter, for your Lordship's perusal, to the other papers upon the subject.

BAHAMAS.

Enclosure 1, in No. 9.

Sir,

Nassau, 28th June 1831.

WITH respect to the Governor's conversation with you yesterday, as it is indispensable that His Majesty's Government should have a clear view of what is the Colonial Law upon such a case as that which lately occurred, in which Mr. Wildgoose was implicated, his Excellency will be obliged to you to favour him with your legal opinion on the case which I have now the honour to enclose you herewith, at your early convenience.

I have, &c.

William Martin, Esq.
H. M. Att^y Gen^l.

(signed) C. R. Nesbitt.

Enclosure 2, in No. 9.

Sir,

Nassau, 28th June 1831.

As the Governor deems it indispensable that His Majesty's Government should have a clear view of what is the Colonial Law upon such a case as that which lately occurred, in which Mr. Wildgoose was implicated, his Excellency will be obliged to you to favour him with your legal opinion on the Case which I have now the honour to enclose to you herewith, by his direction, at your early convenience.

I have, &c.

Lewis Kerr, Esq.
Solicitor Gen^l, Nassau.

(signed) C. R. Nesbitt.

C A S E.

1.

A FEMALE slave is put into the workhouse or gaol of this town by her owner, with an order for a punishment of 39 lashes; after having received this punishment, can the owner direct a second punishment to be inflicted for an offence said to have been committed within the walls of the gaol or workhouse; the said slave never having been released from confinement in the period between the two punishments?

2.

Are not the Commissioners of the Workhouse alone authorized to take cognizance of offences committed within the walls of the workhouse by slaves confined therein?

Enclosure 3, in No. 9.

SIR,

Nassau, New Providence, 30th June 1831.

IN answer to Mr. Nesbitt's Letter of the 28th instant, enclosing for my opinion a supposed case, I beg leave to repeat to your Excellency that, as regards the case alluded to, in which Mr. Wildgoose is said to be implicated, no fact has in that case come to my knowledge which will support me in preferring any criminal charge against him, although your Excellency must be convinced that I should feel equal gratification with yourself if the punishment of females by whipping should be abolished *in toto*.

In answer to the 1st Query in the supposed case, I have to observe, that the power of the owner to inflict arbitrary punishment on his slave, whether male or female, is to a certain degree only restrained by the 20th Section of the Consolidated Slave Act, 10 Geo. IV. c. 15, viz. "That no slave shall on any account receive more than twenty lashes at any one time, or for any one offence, unless the owner or employer of any such slave, or supervisor of the workhouse, or keeper of the gaol shall be present; and that no such owner, employer, supervisor or gaol-keeper shall, on any account, punish a slave with more than thirty-nine lashes at one time and for one offence, nor inflict, or suffer to be inflicted, any second punishment on the same day, nor until the delinquent shall have recovered from the effects of any former punishment; nor shall any female slave above the age of twelve years be punished otherwise than in private, under the penalty of ten pounds for every offence," &c. &c. And by the 23d Section of the same Act, which is as follows: "And be it further Enacted,

Enacted, by the authority aforesaid, That it is and henceforth shall be unlawful for any person or persons within these said Islands to inflict in any one day upon any slave, for any offence, or upon any ground or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or to inflict upon any such slave any punishment or correction by the whipping, scourging or beating of his person, unless the person of such slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any previous whipping, scourging or beating, or to inflict upon any such slave any punishment or correction as aforesaid, unless the owner or other person, by whose authority the punishment is inflicted, shall be present at and witness the infliction of the whole of such punishment; and in case any person or persons, contrary to the provisions of this Act, shall inflict in any one day upon any one slave, for any one offence, or upon any ground or for any reason whatever, any number of stripes or lashes exceeding thirty-nine in the whole, or shall whip, scourge or beat any such slave at any time when there may be upon his person any laceration occasioned by any former whipping, scourging or beating, or shall inflict upon any such slave any punishment or correction as aforesaid, without the presence and attendance, during the whole of such punishment, of the owner or other person by whose authority such punishment is inflicted, then and in every such case the person or persons so offending, and each and every the person and persons thereunto directing, authorizing, instigating or procuring, or aiding, assisting or abetting, shall be deemed guilty of a misdemeanor: Provided nevertheless, That nothing herein contained shall extend or be construed to extend to any punishment or punishments which may be inflicted upon any such slave, under or by virtue of any sentence or judgment of any magistrate or magistrates, or other Court of competent jurisdiction: Provided also, That nothing herein contained shall extend or be construed to extend to require the presence of the owner or other person by whose authority the punishment is inflicted, when the same shall be inflicted by the keeper of a gaol or supervisor of a workhouse."

As far, therefore, as the owner of a slave is not restrained by the provisions of this Act, he may, for any offence, cause punishment, within the bounds prescribed by law, to be at his will and pleasure, that is to say, arbitrarily, inflicted upon such slave.

By the provisions of the Workhouse Act, 9 Geo. IV. c. 3, when slaves are sent to the workhouse by their owners, they are to be received by the supervisor, and kept until released, not by any magistrate or by the commissioners, but by the person who committed them, meaning the owner, &c. And any corporal punishment to be inflicted by the supervisor upon any slave confined in the workhouse, must, I apprehend, be by order of the owner, because the 8th Section of the Workhouse Act gives the commissioners a power to punish idle and disorderly persons of every description confined in the workhouse, by confinement only in the stocks, or by shortening the allowance of diet. If, therefore, a slave when put in the workhouse be punished by the direction of the owner, within the bounds prescribed by law, such slave, for any offence committed against the owner, although within the walls of the workhouse, may again be punished by the supervisor at the owner's request, he, the supervisor, taking due care that the provisions of the 20th & 23d Sections of the Consolidated Slave Law be not thereby violated. Supposing, for instance, a female slave to be put in the workhouse, and punished for refusing to obey the lawful commands of her master, viz. for refusing to cook, wash or the like, at the order of her master, she being perfectly able and capable to do either; after being kept in the workhouse so long a period as to have completely recovered from the effects of the former punishment, the owner is willing to discharge her if she will obey his lawful commands, and return to her duty, the slave persists in refusing to do so, and uses threats or offensive language to her master, alleging that she will not return to her former avocations, &c. This (I am sorry to say) I apprehend, in the present state of our law, is such an offence, although committed within the walls of a workhouse, that if the owner should order a second punishment, and it be accordingly inflicted, neither he nor the supervisor would, in my opinion, be liable to any criminal prosecution.

In answer to the 2d Query, I am of opinion that the commissioners of the workhouse have no cognizance of offences committed within the walls of the workhouse,

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workhouse, further than is given by the 8th Section of the Act, which extends only to the punishment of idle and disorderly persons, by confinement in the stocks, or by shortening their diet.

I have, &c.

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

(signed) *William Martin.*

Enclosure 4, in No. 9.

O P I N I O N .

ON the first point, I am decidedly of opinion that the second flogging was illegal, not being authorized by, but, on the contrary, at variance with, the spirit and principles of the Acts of Assembly bearing on the question.

On the second point, I am of opinion that offences against discipline, of whatever nature they may be, by prisoners, either in the gaol or workhouse, are exclusively cognizable, in the first instance, by the authorities having legal charge of those establishments respectively.

Nassau, 28th June 1831.

L^r Kerr, Sol^r Gen^l.

Enclosure 5, in No. 9.

Sir,

Nassau, 30th June 1831.

I HAVE the honour to forward to you, by command of the Governor, the following Papers:—

1. Copy of a Case as referred to the Attorney and Solicitor General.
2. The Attorney General's Opinion.
3. The Solicitor General's Opinion.

His Excellency has instructed me to state to you, that as the Opinions of the two Law Officers of the Crown are so diametrically at variance, his Excellency will be obliged to you to give him the benefit of your, and of your Assistant Judges, opinions, upon the point his Excellency referred to the Law Officers of the Crown.

I have, &c.

The Hon. William Vesey Munnings,
Chief Justice, &c. &c. &c.

(signed) *C. R. Nesbitt.*

Enclosure 6, in No. 9.

O P I N I O N .

As to the First Query,

The Acts of Assembly, restraining the arbitrary punishment of a slave by his owner, are in my opinion ineffective and deficient, and the word "offence," when applied to the act of a slave, is to be taken in a very comprehensive sense, as contradistinguished from the limited meaning of the word "crime," when applied to the act of a white person. It may therefore, in my opinion, happen, that after a slave has been punished, and is remaining in the gaol or workhouse, she may commit a "new offence" against her owner; and if in such case the owner should direct another punishment for such "new offence," no criminal prosecution could, I apprehend, be sustained against him, unless such punishment should be in violation of some express provision of the Consolidated Slave Act.

As to the Second Query,

I am of opinion, that offences against discipline committed by prisoners in the workhouse are punishable only by the Commissioners, under the 8th Section of the Act (9 Geo. IV. c. 3.) for the regulation of the workhouse.

(signed) *W^m Vesey Munnings,*

Nassau. 1st July 1831.

Chief Justice.

Enclosure 7, in No. 9.

By the 2d Section of the Consolidated Slave Act, it is enacted, that "no owner, employer, supervisor or gaol-keeper, shall on any account punish a slave with more than thirty-nine lashes at one time and for one offence, nor inflict or suffer to be inflicted any second punishment on the same day, nor until the delinquent shall have recovered from the effects of any former punishment." I am therefore of opinion, in reply to his Excellency the Governor's first Query, that if the second punishment was for the same offence for which the first punishment was inflicted, that such second punishment was illegal; but that if the second punishment was for a new and separate offence committed against the owner, subsequently to the infliction of the first punishment, then that the second punishment was not an infringement of the Slave Act, provided the law was not in any other respect violated.

In reply to the second Query, I am of opinion, that none but the Commissioners of the Workhouse have any right to take cognizance of offences committed against the regulations and discipline of the establishment.

Nassau, 1st July 1831.

(signed) *John C. Lees,*
Sen^r Assist. Justice.

Enclosure 8, in No. 9.

My dear Sir,

Nassau, 31st June 1831.

I HAVE the honour to return you the following Papers:—

- 1.—Copy of a Case, as referred to the Attorney and Solicitor General.
- 2.—The Opinion thereon by the Attorney General.
- 3.—The Opinion of the Solicitor General.

In obedience to his Excellency's command, I have bestowed on the above Case, so far as the brief time allowed me admitted, my most anxious attention, and now humbly beg to offer as my opinion, that looking to the 20th & 23d Sections of the Consolidated Slave Act, 10th George IVth, chap. 13th, and to the 8th & 14th Sections of the Workhouse Act, 9th George IVth, chap. 3d, which, I apprehend, are the only authorities we can refer to with safety in forming a sound opinion on the question submitted, I feel myself under the painful necessity of concurring essentially in opinion with the Attorney General; 1st, That the owner of a slave causing the infliction of a second punishment of thirty-nine lashes for an alleged offence committed within the walls of a gaol or workhouse, such slave never having been released from confinement in the period between the two punishments, does not thereby subject himself to a criminal prosecution; and, 2d, That the Commissioners of Workhouse have not the power to prevent the execution of such second punishment.

In arriving at this conclusion, it is with a feeling of deep regret that the present Slave Code of this Colony should hold out no means of repressing and punishing such acts of inhumanity.

I have, &c.

The Hon. William Vesey Munnings,
Chief Justice.

(signed)

Rob. Sandilands,
Assistant Justice.

Enclosure 9, in No. 9.

Sir,

Nassau, 2d July 1831.

YOUR Excellency having a few days ago done me the honour to consult me professionally in the case of Mr. Wildgoose, who is stated to have caused a female slave to be twice punished with thirty-nine lashes, in the Gaol Workhouse of this town, she not having been in the interval removed out of the custody of those having charge of those establishments, I had no hesitation in saying, that the second punishment was illegal, inasmuch as it was not possible for the slave, while in the possession and keeping of the public authorities, to commit a new offence against her owner, so as to authorize him to order a second flogging to be inflicted.

BAHAMAS.

In giving my opinion to your Excellency, I really did not conceive it necessary at the time to enter into any details of my reasons. But having had a conversation on the subject, this morning, with Mr. Justice Sandilands, I learned that the three Judges and the Attorney General all concur in an opinion nearly the reverse of mine; and against such a weight of authority it may, perhaps, be as well for me, in my own justification, to state to your Excellency the principles on which my opinion was grounded.

By the 20th Section of the Slave Act, "No slave shall receive more than *twenty lashes* at one time, or for any one offence, unless the owner, &c. be present." And again, no owner, supervisor, &c., even when present, "shall on any account punish a slave with more than thirty-nine lashes at any one time AND for one offence." A miserable grammatical quibble may here be resorted to; that although in relation to the lesser punishment of twenty lashes in the absence of the owner, &c., the *disjunctive conjunction* "or" forbids a repetition of that punishment for the same offence, yet in relation to the greater infliction of the thirty-nine in the presence of the overseer, &c., the *conjunction copulative* "and" allows a repetition of the punishment *ad infinitum*, if not repeated "at one time." I must freely admit, that in forming my opinion, I did not attend to those niceties, but assumed the obvious and broad principle of the enactment, that the authority of the owners was in every case intended to be restricted to a limited number of stripes for each offence. A different construction of the law would lead to the most monstrous conclusion; as in a case that I once read of a Dutch merchant in Batavia, who, fearing that he would not live long enough to punish his slave sufficiently, bequeathed to him, by will, twenty thousand lashes, which his executors were to have inflicted by legal instalments. Now in my view of Mr. Wildgoose's Case, the woman while in the custody, and therefore under the protection of the law and rules of the prison, could not possibly commit a fresh offence against her master; while in the workhouse or gaol, the owner and his authority, in contemplation of law, as respected her, was as dead as the Dutch merchant in his grave, and as incapable of being further sinned against by her. A slave committed to gaol by his master is as much a public prisoner as if committed by a magistrate. By our Slave Laws the master himself is a magistrate as to his slave, exercising all the powers of a magistrate, and more.

Again, as to the rules of the workhouse, to which alone the prisoner was amenable while there; had she offended against discipline, even the Commissioners could not have flogged her for that offence, their authority extending only to placing offenders in the stocks, or shortening their allowance of diet (9 Geo. IV. ch. 3, sec. 8.) To me, therefore, it would appear an inversion of just principle, if the owner, after delivering over his slave to the supervisor, should still retain and exercise over that slave a power with which he could not invest the Commissioners themselves. The second offence, if committed within the walls of the prison by a prisoner legally committed, can never be considered otherwise than as an offence against prison discipline alone, and not against the owner, and the Law has declared, as above, what the punishment of such offence is to be, and by whose authority to be inflicted.

I have, &c.

His Excellency
General Sir James Carmichael Smyth, Bart.
Governor, &c. &c. &c.

(signed) L' Kerr.

—No. 10.—

COPY of a DESPATCH from Viscount Goderich to Sir J. C. Smyth,
&c. &c. &c.

Sir,

Downing-street, 8th October 1831.

I HAVE received your Despatch, dated the 2d of July last, enclosing various legal Opinions upon the question, whether the owner of a slave, who has committed that slave by his own authority to the public gaol, can lawfully inflict upon the prisoner, while in the gaoler's custody, punishment for an offence committed against the owner during the imprisonment.

The

The Judges and the Attorney General affirm that the owner has this power. The Solicitor General denies it. I am disposed to concur in the latter, as the more sound and reasonable view of the case.

In all reasoning respecting the relation of master and slave, the difficulty constantly recurs, that as the institution of slavery is referrible to no fixed principles of law or justice, the questions arising out of it can scarcely be brought to the test of any such principle. Thus, for example, Mr. Kerr assumes, that the authority of the owner is to be regarded as a magisterial function, and the owner himself as a magistrate. Whence he infers, that the power is suspended so long as the slave is in custody in a public gaol. Whether this assumption be well or ill founded, and whether the inference be legitimate or otherwise, this mode of reasoning illustrates at once the necessity and the difficulty of investigating first principles, to supply the many omissions which occur in the written law of slavery.

I fear the truth is, that slavery had its commencement in our Colonies during the period in which they were inhabited by that singular body of pirates who, under the name of Buccaneers, infested the Caribbean Seas. The legal maxims which they established bore the stamp of their own fierce and ignorant character. The law of slavery during the seventeenth, and almost to the close of the eighteenth century, may with little inaccuracy be said to have been comprised in the single rule, that the owner had precisely the same property in the slave, and the same rights over him, as in the case of any brute animal of which he was the proprietor. It was not till the present century that the wilful murder of a slave was made a felony in Barbadoes, or that rape on the person of a female slave was punishable in Jamaica.

Of late years these barbarous opinions have yielded to the increasing light of knowledge, and to the diffusion of more humane views. Still the radical and original vice of the system may be traced in many parts of the Colonial Code; and to this hour it would seem to be generally understood, that the slave possesses no rights, and that the owner is subject to no restrictions, which are not to be found in express terms in some positive statute. It is still maintained by high legal authorities, that this part of the King's subjects are not within the protection of the common law.

In the discussion of the case of Wildgoose it is necessary to bear these general remarks in mind. To determine whether in that particular case the owner's authority was suspended, it is necessary to propose and solve the previous questions, what is the foundation, what the lawful range, and what the legal limitations of that authority, irrespective of any particular enactments? No statute can be quoted which authorizes the owner to punish a prisoner when that prisoner happens to be his slave. Neither is there any statute which prohibits the practice. In this silence of the written law, what is the language of the *lex non scripta*?

The result of all the reflection which I have been able to bestow on this subject is to convince me that slaves must be considered as being within the protection of the common law, except in so far as some positive enactment may have placed them in a less advantageous condition. The main ground of this conclusion is, that there is no middle point. If they do not live under the safeguard by which their fellow subjects are defended from injustice, they must be considered as living in the condition of irrational beings, over whom the dominion of the owner is absolute, except when he abuses it to such an extent as to create a public nuisance, or in such a manner as to infringe some positive Act passed for their protection. Between the two branches of this alternative the choice must be made, and the question when so stated loses much of its apparent difficulty.

The maxims derived from the Buccaneers of the Antilles rest upon none of those foundations which are essential to a customary law. They have neither an immemorial prescription nor a course of judicial decisions in their favour, nor are they for the common good of the King's subjects. In other words, they are not law. If this conclusion be just, the inference is irresistible, that in the case of slaves, as of free men, the common law must, in the absence of positive statute, afford the rule of decision.

To apply these remarks to the case of Wildgoose, I observe, first, that if the Acts of the Bahama Islands had not unhappily sanctioned such a practice, the right of an owner to commit his slaves to prison could never have been acknowledged.

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ledged. It is utterly at variance with every sound principle that any man not bearing the King's commission should exercise such a power over his fellow subject. But here the written law has derogated from the common law, and the abuse, however lamentable, must for the present be borne with.

But since the abolition of feudal judicatories, it may be regarded as a legal maxim, admitting of no exception, that all gaols and places of public imprisonment are the prisons of the King; that is, that they are places under the charge of his officers for the confinement of offenders against the law, either for safe custody before trial or for punishment afterwards. The gaoler cannot (in his character of gaoler) be the servant of any private person, or bound to obey his orders, or at liberty to consult his discretion respecting the prison discipline which he is to maintain.

Hence the inference is obvious, Mr. Wildgoose had no right even to enter the prison walls, unless, indeed, he presented himself there as a magistrate. He had no right to convert the gaoler or the gaoler's subordinate officers into executioners of any sentence which in his character of owner he might think proper to pronounce. Neither had he a right so to regulate the discipline of the gaol as to determine what should be the punishment of an offence committed within its precincts.

Mr. Wildgoose will answer, that the slave was his property, that the law has made him the judge and the punisher of her misconduct, and that to deprive him of this power would be to take away his legal rights. I admit the judicial power consequent on it. But that power, like every other, is limited in its exercise, and can be lawfully used only in advancement of the object for which the law gave it. He may punish his slaves with his own hand, or with the hand of his other slaves, but has no right to the services of the King's gaolers. He may punish them to enforce obedience to his lawful commands, or to correct lawless disobedience, or to maintain the necessary domestic discipline; but he had no right to punish even his own slave, when by his own act she was found in a situation where domestic discipline was suspended, and she was rendered incapable of executing his orders.

If these views be just, the following practical consequences will follow:

The prosecution of Wildgoose should proceed. If it be successful, an important end is answered; if unsuccessful, the Government, at least, will not be responsible for acquiescing in such an outrage.

The gaolers should be instructed never to obey the directions of private persons for the punishment of prisoners, on pain of dismissal. I here assume that they hold their offices at the pleasure of the Crown, or of the Governor, in which I may possibly be mistaken.

You must refuse your assent to any law which may hereafter be passed, authorizing commitments to gaol by private persons, or the interference of such persons with the discipline of prisons.

You will communicate this Despatch to the Attorney and Solicitor General, and call upon them to state how far they agree in the legal opinions expressed in it, and to explain the grounds of their disagreement.

In conclusion, I must express my satisfaction with the energy with which you have acted in this case, and my regret for the obstacles by which your efforts to bring this offender to justice have been impeded.

I have, &c.

(signed) GODERICH.

— No. 11. —

COPY of a DESPATCH from Sir J. C. Smyth to Viscount Goderich,
&c. &c. &c.

My Lord,

Government House, Bahamas, 6th March 1832.

In obedience to the directions contained in your Lordship's Despatch of the 8th October, I lost no time in forwarding a copy of that Despatch to the Attorney and the Solicitor General of this Colony. I beg leave to lay before your Lordship their respective Letters in reply to my communication. Your Lordship will observe with great regret that the bills which the Attorney General prepared and preferred (in obedience to the instructions he received) against Mr. John Wildgoose were ignored by the Grand Jury.

Whatever

Whatever indignation one might be disposed to entertain at the conduct of a Grand Jury who by their decision could thus shut the door to all inquiry into the particulars of so aggravated a case of cruelty and tyranny, yet in this particular instance I must so far acquit the Grand Jury as to mention that the opinions of the Judges and of the Attorney General as to the legality of the punishments ordered by Mr. Wildgoose were well known in this small community. I am willing to suppose that these opinions influenced their verdict. The odium, however, of suffering such laws to exist, or any law to continue in their Statute Book, by which a female can be stript and lacerated at the command of a sulky or passionate master, must fall with its full weight upon the Members of the House of Assembly of these Islands.

I shall have the honour in reporting to your Lordship, at the close of the present Session of the General Assembly, upon the proceedings of both the Council and of the House of Assembly, to enter fully into the details of those measures which appear to me, in this Colony at any rate, best calculated to give effect to your Lordship's Circular of the 10th December, and to procure the adoption of the Enactments contained in His Majesty's Order in Council of the 5th November as the established Slave Code of this Colony. The complete and unrestrained admission of the coloured population to the rights and privileges of free British subjects, and the re-assumption by the Crown of the control of the Civil List, and the consequent re-acquirement of that constitutional influence of which it has only been deprived through the negligence of its servants, are the two great levers with which all the contemplated and most desirable changes in the Slave Laws are to be brought about and effected. Both these measures are now fortunately in progress; and I anticipate that more will be done towards carrying them into complete effect, and in producing, in consequence, a greater change in public opinion in this Colony, in a very few months, than at present can possibly be contemplated either by those who are hostile to all alteration, or by those who are friendly to the proposed improvements.

In your Lordship's Despatch of the 8th October, alluded to in the first paragraph of this Letter, your Lordship is pleased to draw my attention to four practical consequences which follow from the view taken by your Lordship of the history of the laws of slavery, as explained in that Despatch. On the subject of each of these four points, I beg to report to your Lordship as follows:

With respect to the first, namely, that the prosecution against Wildgoose should proceed, I have already explained to your Lordship that the Grand Jury have thrown out the Bills. His conduct, however, having been exposed, and every legal attempt made to bring him before a Court of Justice, the Government cannot be accused of having shown indifference upon the subject. Most sincerely do I regret the state of our Colonial Law, under which such an outrage as that of which this man confessedly has been guilty, can be committed with impunity. Your Lordship may depend upon my best and most unceasing efforts being directed towards their amelioration, and to the introduction of the Slave Law as detailed in His Majesty's Order in Council of the 2d November of last year.

The second head to which your Lordship's Despatch has reference, relates to the punishment of slaves by command of their owners in His Majesty's gaols. The Provost Marshal appoints the gaoler; but as the Crown appoints the Provost Marshal, there can be no difficulty in issuing and enforcing any orders or regulations on the subject. The Colonial Law permits masters of slaves to send them either to the gaol or the workhouse to be punished; whilst the power of inflicting punishment is vested in the master, I should be sorry to see him deprived of the means of carrying it into execution at the workhouse, as the workhouse is principally under the superintendence of the Police Magistrate, who is appointed by the Governor. No irregular or excessive punishment (if the Police Magistrate is active and attentive) can therefore take place within its walls. There can be, however, no reason why His Majesty's gaol should be made a similar use of. I had intended some time ago to prohibit the Provost Marshal from receiving any prisoners into the gaol other than persons regularly committed for trial, but I was deterred from so doing by the apprehension that the House of Assembly would, in that case, probably omit the salary of the gaoler in the Yearly Appropriation Bill, and it not appearing
a matter

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a matter of sufficient consequence to have justified me in rejecting the Bill on account of the change I had in view. As, however, from the conduct of the present House of Assembly, and the disposition they have manifested to assume a proportion of executive as well as legislative authority, and the many improper items which I understand they have introduced into the Appropriation Bill, it is more than probable I shall feel it my duty to withhold my assent from it. There cannot be a more favourable opportunity than the present moment for carrying your Lordship's commands, as far as this gaol is concerned, into effect, and I shall instruct the Provost Marshal accordingly.

Your Lordship may rely upon my attending very carefully to the third point of your instructions, and withholding my assent to any law authorizing commitments to gaol by private persons, or the interference of such persons with the discipline of prisons.

The fourth and last measure directed by your Lordship I have already attended to, having communicated to the Colonial Attorney and Solicitor General your Lordship's Despatch of the 8th October, as explained in the first paragraph of this Letter.

I have, &c.

(signed) *J. Carmichael Smyth.*

Enclosure 1, in No. 11.

Sir,

Nassau, New Providence, 6 February 1832.

AFTER I had the honour to receive from your Excellency a copy of Lord Viscount Goderich's Despatch, dated the 8th October last, in compliance with your Excellency's directions and his Lordship's desire, I prepared two Bills of Indictment against Mr. Wildgoose; one for causing his slave to be punished twice for the same offence, contrary to the Act of the General Assembly; the other for a misdemeanor at Common Law for entering into the King's Public Workhouse, and unlawfully causing and procuring his slave to be punished with thirty-nine lashes by the hands of the whipper of the said workhouse; but neither of those Bills were found by the Grand Jury. I very sincerely regret that the opinion which I had the honour to give your Excellency in June last has been found not to accord with that of his Lordship; but in addition to the reasons assigned in that opinion, I beg leave respectively to state that the Supervisor of the Workhouse at Nassau is governed by Rules and Regulations established by the Commissioners of the Workhouse, and that the punishment of slaves by him, under the authority of the owner, is known to the Commissioners and is sanctioned by them. And on this point I beg leave to subjoin a Copy of the 11th Rule, given for his guidance, and an Extract from the Minutes of the Workhouse of the 26th day of October 1830, and which your Excellency will perceive was antecedent to the punishment of Mr. Wildgoose's slave.

I would further respectfully beg leave to add, that if the power of the Supervisor of the Workhouse to punish a slave under the authority of the owner be denied, the condition of the slave will be worse. The punishment inflicted by the owner will be frequently done in the moment of heat and passion, perhaps by a heavier and severe cat or whip, and a greater number of lashes given than is allowed by law, and if this be done in the presence of slaves only, in the present state of our law, no evidence can be had to punish the owner. If, however, the punishment be inflicted by the Supervisor, it will be done by a whip allowed and approved of by the Commissioners; no greater number of lashes will be given than is permitted by law, and a record of the punishment is entered upon the books. Under these circumstances, although my efforts have proved ineffectual, I trust that I shall be considered by his Lordship as having done every thing in my power to comply with his wishes, &c.

I have, &c.

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

(signed) *William Martin.*

RULE 11th.

No slave to be punished later than half an hour after sunrise, and not to receive at any one time more than thirty-nine lashes, nor be punished again whilst any of the marks of former whipping shall remain.

EXTRACT from the Minutes of the Workhouse, 26 October 1830.

“ THAT the Supervisor of the Workhouse be directed, in the event of his being ordered by the owner or other person having the charge of any such slave, to inflict any punishment by whipping on any such slave; and on his having any doubt or doubts whether such punishment by whipping would or would not be in violation of the provisions of the Consolidated Slave Act, to make known such his doubts to the Chairman of the Board within as short a time as possible after the receipt of any such order, and to delay any such punishment until instructed thereon by the Board.”

And that the said Supervisor be furnished with Copies of the 20th and 23d Sections of the aforesaid Act.

Enclosure 2, in No. 11.

Bahama Islands.

THE OPINION of the Solicitor General on Lord *Goderich's* Despatch, in the case of *Wildgoose*, with Reasons, &c. as required.

AFTER attentive perusal and consideration of his Lordship's Despatch of the 8th of October last, I entirely concur with the Right Honourable Writer in his reasoning, and in the inference, so far at least as this Colony is concerned, that “ in the case of slaves, as of freemen, the Common Law must, in the absence of positive statute, afford the rule of decision.”

My former opinion in this case has, as I apprehend, been understood in rather a limited sense; for I did not mean to ground that opinion solely on the judicial functions exercised by *Wildgoose*, as owner of the slave in question, he not being otherwise a magistrate. My intended view of the subject was more enlarged.

It would, I suspect, be difficult, if not impracticable, at this time, to ascertain, with any precision, either the period at which, or the circumstances under which, domestic slavery was first established in the British dominions in America or the West Indies. When the Spaniards discovered Hispaniola and the adjacent islands, they without any hesitation or compunction speedily reduced the free and innocent inhabitants to slavery of the most odious and oppressive character, on the pretext only that the islanders did not profess the religion of the invaders, of which they had never before heard. “ So early as 1502, the Spaniards began to employ *a few negroes* in the mines of Hispaniola,” to replace the effeminate natives, who were unused to, and unfitted for, such severe labour as that imposed on them by their new masters, and which then threatened, and, combined with other cruelties, afterwards completed the extinction of that unfortunate and unoffending race. How those “ *few negroes*” were obtained does not appear; for the Spanish slave trade would seem to have acquired, for the first time, a legitimate character, from a patent to that effect of Charles v. fifteen years afterwards (1517).

The first Englishman whose name became infamously immortalized by slave trading was “ the celebrated John Hawkins, who afterwards received from Queen Elizabeth the honour of knighthood.” But this adventurer, whom Edwards justly admits to have been “ a murderer and a robber,” I believe confined his importations to the Spanish islands.

In England, both Elizabeth and James I. projected, but without success, the establishment of African Companies similar to that of Spain; and the English slave trade, therefore, does not appear to have been practically recognized by the Government until 1631, when Charles I., by patent, erected our first effective African joint stock company. But “ the English had, by this time, begun the settlement of plantations in the West Indies,” where slaves were then already in great demand. It is therefore clear that it was not the patent of Charles I. that laid the original foundation of our colonial slave system; and though there is abundant

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abundant evidence of the legal recognition of that system, whatever it may have been, I have not been able to discover a vestige of the supposed authority by which it was first introduced. The existing relations, therefore, of master and slave among us would rather seem to owe their present legitimacy to certain legislative Acts, not *creating* the master's rights, or even *declaratory* of them, but, on the contrary, from time to time regulating and limiting the exercise of those rights for the benefit and protection of the slave; inasmuch as the only means now left of arriving at any knowledge of the original extent of the master's authority is by seeing what he has been deprived of, according to the legal maxim that "*exceptio probat regulam.*" But are we therefore to concede that our slaves were at any time justly considered as mere brute cattle, under the absolute dominion of their owners, wholly unprotected by law? I should hope not. The abridgement, at different periods, of the master's authority, perhaps, admits, to a certain extent, that he may have antecedently had or claimed larger powers than those which he may now exercise. But surely we are not therefore authorized to infer, to the disgrace of our predecessors, that those antecedent powers had no reasonable bounds. The law, for instance, that restrains the right of the master to the infliction of 39 lashes may justify the conclusion that he could have previously inflicted a greater number; but it does not thence follow as a necessary consequence that he ever claimed the right of flogging his slave to death. My impression therefore is, that the master cannot, at this day, exercise any authority over his slaves but such as is vested in him by positive enactment, or to be collected by fair inference of law from some such enactment. For, with all due deference to the high legal authorities alluded to in the Despatch, I must confess I am at a loss even to conjecture why slavery, instituted, as it is, by law, can be rationally regarded as a system *sui generis*, wholly excluded from the pale of social justice, or why any class of human beings should be arbitrarily denied the benefit of the laws of the land in which they live; except so far as certain classes may, upon principles of harsh though perhaps necessary policy, be for a season deprived of that protection by those laws themselves.

For it is impossible for me not to agree with the Despatch before me, that our slave system, however involved in doubt and obscurity its origin may be, has no claim to the authority of prescription. The discovery of the Western World itself, by Europeans, is an historical event not yet sufficiently remote to entitle any of its incidents or results to the character of *immemorialism*. Our slave system, therefore, must, as I humbly conceive, now, of necessity, be, in some shape or other, considered as the creature of legislative enactment, or else as having to this hour no legitimate existence whatsoever.

Mr. Justice Blackstone lays it down as law, on good authority, "that if an uninhabited country is discovered and planted by English subjects," (which the Bahamas were, for I make no account of the lawless dominion of the Buccaneers,) "all the English laws then in being, which are the birthright of every subject, are immediately *there* in force." (1 Comm. p. 107.) This general principle is afterwards qualified with sundry exceptions, none of which, however, bear upon the present question; and therefore, as domestic slavery was altogether unknown to the laws of England at the time of the settlement of this Colony by Englishmen, it is to be presumed that the existing rights of the master over his slave were originally established by colonial or other sufficient enactment long since lost by casualty, as otherwise the conclusion must be, that they have all along been mere rights *de facto*, bottomed only in usurpation.

Now, to apply this course of reasoning to the particular case before me, there is no law extant in the Bahamas affirmatively authorizing the master to punish his slave with stripes. But his right to do so is inferred from those legislative enactments that restrain him from inflicting more than one punishment for the same offence, not exceeding thirty-nine lashes, as well as from a long course of acquiescence in his authority to inflict that or any lesser number for each distinct offence; but certainly, on this principle alone, that, being entitled to the labour of his slave, it is considered necessary to his enjoyment of that right, and the maintenance of domestic discipline, that he should exercise that power under the above restrictions and limitations. But the same principle of inference, I should suppose, could not by any parity of reasoning be fairly extended to punishments without a legitimate object, at the mere caprice

caprice of the master; though, as the master, so long as the slave is in his hands, is sole judge of the occasion calling for such punishment, the law, in that case, perhaps approaches, practically, rather close to a full recognition of mere arbitrary power. In justice to our Legislature, however, I will quote from the 19th Section of our present Slave Act, "that if any person shall *wantonly*," &c. "whip," &c. "any slave," &c. the transgressor is to be punished by fine or imprisonment, or both, in due course of law. And in whatever limited sense some may affect to understand the word "*wantonly*," I much fear it is but too fairly applicable to Wildgoose's conduct in this instance.

Admitting, then, the necessity of summary means of coercion, to secure to the master the services of his slave, still *cessante ratione cessat lex*. In our workhouse, slaves are put to labour, not for the profit of their owners, but of the public; and in our gaol there is no law, rule or usage, that I am aware of, requiring them to work at all. If therefore, by the master's own act, the slave is placed in a situation in which he cannot possibly owe him service for the time, or in any manner disturb the discipline of his family or other establishments, the necessity, and with that necessity, I would presume, the power of punishment, by the master's authority, is suspended. The slave in question had been punished, by her master's order, some weeks before, in the gaol, where she remained in confinement until transferred to the workhouse; and in about a week after her removal she was again flogged, in the latter prison, also by the order of her master, on a charge of insolence to him while in the workhouse. The minutes of the keeper show, that at the time when the latter offence was committed, the woman was there, in a lock-up room.

The law, as at present understood, allows the master to send in his slave for corporal or other punishment, such as confinement with or without hard labour, &c. But however he may, in the first instance, by his instructions, control the severity or duration of the latter class of punishments, it is unquestionable that neither in prison or elsewhere can he lawfully flog twice for the same offence. Our Slave Act expressly declares, that no "owner, employer, supervisor or gaol-keeper, shall, on any account, punish a slave with more than thirty-nine lashes at one time, *and* for one offence," (10 Geo. IV. c. 18, s. 20.) Had the word "*and*" been "*or*," the enactment would have been grammatically more complete. But its intention is obvious; the sentence, as it stands, having only one possible meaning; and therefore, although the master may send his slave to prison, and take him out, at will, my opinion is, that while the slave remains there, though by the authority of the master, after the infliction of the corporal punishment, for the purpose of which that slave was primarily committed, the authority of the master is superseded, as to any further punishment of the same kind. I might perhaps go farther, but the case before me does not call for it.

Prisoners may commit offences against the discipline of prisons, or the King's peace, or even felonies; for which they would, of course, be amenable to the proper public authorities; but a slave, lawfully committed to a public prison, and in the charge of the keeper of that prison, can possibly commit no fresh offence against the master; and with any other species of offence the master, for the time, most assuredly has no immediate concern. If the prisoner, by insolence to her master, or any one else, had violated the rules of prison discipline, the law distinctly provides for the punishment of the offender, by confinement in the stocks, short allowance of provisions, close imprisonment, or other restraint, *but not flogging*, (9 Geo. IV. c. 3, s. 8, and 10 Geo. IV. c. 13, s. 20.) Such a pretension as Wildgoose's has not, I suspect, the sanction even of a single precedent. I have known this Colony nearly twenty-three years, and, until the present case, I never heard of a slave's being twice flogged within the same period of confinement, by the authority of the owner alone; and as no possible construction of law authorizes a second flogging without the commission of a second offence, but, on the contrary, it is expressly forbidden by law, and no second offence, within the owner's jurisdiction, could, in Wildgoose's case, have been committed, I cannot but say that he has been guilty of cruelty, within the meaning of the law, and incurred the penalties attached to that offence.

I am told it is argued, that as the first flogging was in the gaol, and the second in the workhouse, the continuity of the woman's imprisonment was broken; that, as there must have been two distinct commitments, there might
lawfully

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lawfully be two punishments ; but the fact is, that the two prisons are within the same walls, and connected by an interior door in the partition that divides them. Though whether the woman was taken through that door, or round on the outside, I consider immaterial ; for, by an entry in the workhouse books, the transfer appears to have been *direct* from the one prison to the other, and therefore the continuity of the imprisonment was, at least virtually, uninterrupted ; the removal may have been ordered from motives of economy, slaves in the gaol being maintained at their owner's expense, and those in the workhouse by the public. The removal of the woman, therefore, did not indicate much intention of speedily liberating her, as I have understood has been since pretended ; but however that may be, the slave had already suffered the penalty of her first transgression in the gaol ; and her second offence, if she committed one, while confined in the workhouse, was exclusively cognizable by the public authorities.

On the general question respecting the commitment of slaves to prison by their owners for corporal punishment or confinement, or both, I must say that our laws appear to me to countenance that right, inasmuch as our Acts evidently, though not always very explicitly, recognize our colonial practice in that particular, however incorrect in principle that practice may be. But I cannot go the length of saying, nor would either the usages of the Colony or the Acts alluded to justify me if I did, that a private individual, merely in the right of ownership, may, upon his own authority alone, cause corporal punishment to be inflicted on his slave for any offence committed within the precincts of a public prison ; and I am of opinion that no person in charge of such prison would be justified in complying with any such order. There would be an end to all consistency and regular rule, in the maintenance of prison discipline, were mere strangers permitted so to interfere, and dictate, in such matters, at the suggestion of their own private views or passions.

The master may, as the Despatch admits, punish his slave if he will, with his own hand, or by the hands of his servants ; but the King's servants are not his ; and if he transfers his delinquent slave to a public officer, for punishment, he at the same time virtually transfers his authority also to the same officer for such time as he may have the slave in his charge.

Nassau, 31 January 1832.

(signed) L. Kerr.

— No. 12. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *J. C. Smyth*,
&c. &c. &c.

Sir,

Downing-street, 3d June 1832.

I HAVE received your Despatch, dated the 6th of March last, enclosing the Opinions of the Attorney and Solicitor General of the Bahama Islands, respecting the case of Wildgoose, and reporting the failure of the prosecution which I directed to be instituted against that person.

The refusal of the Grand Jury to find a true Bill forbids me to anticipate the success of any other measures which could be taken for bringing Wildgoose to justice. Yet in such a case, it is far better that every practicable effort should be made, however ineffectually, to vindicate the Law, than that His Majesty's Government should be supposed to have acquiesced in the escape of the offender from any indifference on the subject. You will, therefore, call upon the Attorney and Solicitor General to report to you whether the Law of the Colony would prevent the filing an information against Wildgoose, in the name of the Attorney General *ex officio* ; and if that course of proceeding shall not appear to be prohibited by any local statute, you will direct the Attorney General to avail himself of the first opportunity of filing such an information. If that method shall prove impracticable, nothing will remain but to deplore the short-sighted policy which, by giving a momentary triumph to the perpetrators of these offences, may provoke resentments and distrusts amongst the Slave Population, of which no man can calculate the disastrous results.

I have, &c.

(signed) GODERICH.

— No. 13. —

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COPY of a DESPATCH from Viscount *Goderich* to Sir *J. C. Smyth*,
&c. &c. &c.

Sir,

Downing-street, 7 January 1832.

You will have received by the last opportunity, two Circular Despatches to the Governors of Slave Colonies having Legislative Assemblies, wherein was explained the course of policy which His Majesty's Government propose to adopt, with a view to induce the adoption in those Colonies of measures for bettering the condition of the slaves. As it is essential to the application of the system so explained, that sugar be a staple article of export from the Colonies in question, and as sugar is not grown in the Bahama Islands, you will probably have anticipated the communication which I have now to make to you, that the transmission of these Circulars to you, in common with the other Governors, was a clerical inadvertency, and that these Despatches were only intended to be sent to you in copy for your own information, and for that of the Council and Assembly. Those bodies will no doubt not fail to perceive, that when the Order in Council of November last shall have acquired the force of law in all other British Slave Colonies, it will be impossible that it should continue inoperative in the Bahama Islands; and His Majesty's Government trust, therefore, that the Council and Assembly will not compel them to have recourse to a coercive policy, founded upon similar principles with that which is the subject of the Circular Despatches, although so varied as to conform to local circumstances.

I have, &c.

(signed) GODERICH.

— No. 14. —

COPY of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*,
&c. &c. &c.

My Lord.

Government House, 7th March 1832.

I HAVE already had the honour to lay before your Lordship a copy of the Speech with which I proposed to open the present Session of the General Assembly of these Islands. In a few days afterwards I received your Lordship's Circular of the 10th December, together with a Copy of the Order of His Majesty in Council of the 2d November. I lost no time in communicating these important documents to the Council and to the House of Assembly. From the latter I was not astonished at receiving a rude and discourteous message in reply to my communication. The Council took more time to deliberate. The result, however, of their consultations was even more unsatisfactory, inasmuch as although their message was couched in civil terms, they informed me that the enactments contained in His Majesty's Order in Council of the 2d November were impracticable, and impossible to be carried into effect in this Colony. This opinion of the Council, coinciding with the prejudices of the proprietors of slaves, instead of supporting the views of His Majesty's Government, and giving their aid to smooth all difficulties, affords, I respectfully submit to your Lordship, a strong proof of the necessity of the Civil List being removed from the annual control of the House of Assembly. The salaries of the Members of the Council, with two exceptions only, depend upon the Annual Revenue and Appropriation Bill; and the threat of not passing that Bill, or of reducing the amount of the salaries of those servants of the Crown who may be opposed to their views, has given to the House of Assembly of these Islands an improper influence, at the expense of the constitutional authority of the Crown. Notwithstanding the opposition of both the Council and of the Assembly, I venture to predict, that the Order of His Majesty in Council of the 2d November will become the Slave Law of this Colony, and at no very distant period. Colonel Butler, who is the greatest slave proprietor in these Islands, and whose name I have had occasion already to lay before your Lordship as a most humane and excellent man, is anxious to recognize as the law of the land enactments which, as he justly observes, amount after all to nothing more

Dated 10 & 16 December; presented to Parliament on the 15 March 1832.

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more than what every well-disposed slave-owner ought to do of his own accord; to say nothing of the immense advantage of putting an end to the discussions upon the subject, and of allaying the excitement at present existing in the minds both of the owners and of the slaves. These sentiments must gain ground; and aided as they will be by the admission of the coloured population to some additional privilege, whenever an opportunity offers, as also by the re-assumption of the constitutional influence of the Crown, as explained to your Lordship in my former Despatches, I have very little doubt of that complete and final success which every friend to his country and every rational colonial proprietor ought to be anxious that the measures proposed should obtain.

I beg respectfully to lay before your Lordship a copy of my Reply to the Communication from the Council already alluded to in this Despatch; in which they informed me, that the enactments contained in His Majesty's Order in Council of the 2d November are, as far as this Colony is concerned, both impossible and impracticable. I hope your Lordship will approve of the explanations in my Message to the Council, and of my having placed their very unexpected conduct in the point of view I have done.

I have, &c.

(signed) *J. Carmichael Smyth.*

Enclosure in No. 14.

Gentlemen of the Council,

I HAVE received your Communication of this day in reply to my Message of the 9th instant, forwarding to you a copy of the Lord Viscount Goderich's Despatch of the 10th December, together with a copy of an Order of His Majesty in Council, dated the 2d November of last year. I shall hail with the utmost satisfaction the arrival of that day (and which I observe with pleasure you predict will be at an early period) when the admissibility of slave evidence and the abolition of the power of flogging female slaves will be established by the law of the Colony.

I agree with you, that many of the enactments of the Order in Council alluded to are already embodied in our Slave Code of this Colony. The number of hours of labour, the quantity of food, the supply of clothing, are much the same. If slave evidence is admitted, and the power of flogging women taken away (as you anticipate will shortly be the case), then will remain only the reduction of the number of lashes from 39 to 15, which the owner of a male slave may order to be inflicted, and the appointment of a Protector, to see that the provisions of the law respecting the Slave Population are carried into effect, and you have the essence of all the enactments contained in the Order in Council of the 2d November. I am at a loss consequently to discover upon what grounds you have come to the very unexpected conclusion, "that other regulations contained in the aforesaid Order in Council are, in your humble opinion, not only impracticable, but utterly impossible to be carried into effect in these Islands." The same language was used, and the same difficulties were opposed to the introduction of the Slave Registrar; a Registrar at Nassau, and a Deputy or Assistant at Turk's Islands, have been found perfectly competent to the business. A Slave Protector here and an Assistant Protector at Turk's Islands will be extremely useful, and if they cannot superintend the treatment of all the slaves scattered over our different Islands and Keys, yet they will do a great deal of good. We have in all, belonging to the Bahamas, only 9,298 slaves, male and female, more than one-third of whom are employed in this Island and at Turk's Islands: if we cannot do all we could wish, it is not a sufficient reason why we should not do all in our power. When the Slave Protector and Assistant Slave Protector are once established at Nassau and at Turk's Islands, I am not aware of any objections to their occasionally visiting Harbour Islands, Eleuthera, Exuma and Rum Key, where the greater number of the remainder of the slaves are to be met with. I confess I have come to a very different conclusion from you, Gentlemen of the Council, and after having read the enactments of the Order in Council of the 2d November, and the clear, lucid, and, I may add, the eloquent Despatch of the 5th of November, of the Right Honourable the Lord Viscount Goderich, upon the subject, with every attention,

attention, I am convinced the speedy passing of a declaratory Bill in every West India Colony, giving to the enactments of the Order alluded to the force of law, is the only method to insure the general tranquillity, and to do away that excitement which the perpetual discussion of the subject cannot but increase, until some fatal catastrophe in consequence takes place. I sincerely hope that the Legislature of these Islands will hasten to avoid these evils, and become entitled to partake of those advantages held out by His Majesty's Government to the inhabitants of those Colonies who adopt the measures now proposed for their consideration. The Order of His Majesty in Council of the 2d November last contains in all One hundred and twenty-one Regulations. and which may be classed as follows :

Twenty-six relate to the duties and the details of the office of the Protector and Assistant Protector ; nine prohibit markets and labour on Sundays ; eighteen relate to punishment ; sixteen concern the marriages of slaves and the non-separation of families ; seventeen regulate the details of manumitting slaves, and prescribe rules for ascertaining the freedom or servile condition of a presumed slave claiming his or her freedom ; one declares the admissibility of slave evidence in all Courts of civil or criminal justice ; two prescribe the quantity of food and the manner of maintaining slaves ; seven regulate the hours and the duration of slave labour ; three direct what clothing is to be supplied to the slaves ; three relate to the attendance of slaves at places of divine worship ; one directs bedding to be furnished to the slaves ; two prescribe the employment of a medical practitioner by every person who has forty slaves and upwards under his management. The remainder of the Regulations relate to the mode of recovering fines and penalties, and giving instructions as to the details of the legal proceedings to enforce obedience to the several enactments.

I am at a loss to find to which of the several Regulations any reasonable objection can be proposed. I may safely ask if the slave-owner is required, in any one of the enactments I have recapitulated, to do any thing more than that which every humane and kind master does not already perform. I cannot discover the impracticability or the total impossibility to which you, Gentlemen of the Council, have alluded.

It is very true, that in the 46th Enactment it is ordered, that every manager of slaves shall repair twice in each year to the Protector or the Assistant Protector of his district, for the purpose of delivering to him an exact transcript from the punishment record book which he is directed to keep, and to the accuracy of which he must make an affidavit before the Protector. Proprietors of slaves in the Out Islands swear to the correctness of their returns of their slaves before the nearest Justice, and transmit the returns and the affidavit to the Registrar at his office at Nassau. The inconvenience to slave managers at the Out Islands, of being obliged to attend at the office of the Slave Protector at Nassau personally, might be obviated in the same way. The returns, verified by oath, might be transmitted every half year, and the state of the slaves, and the accuracy of the reports concerning them, be further verified by the occasional visits of the Protector. This is a little trifling difficulty which can easily be got the better of, and has nothing to do with the governing principle of the Order in Council, which is, that the Regulations should carry within themselves the means of insuring their being complied with.

The 104th Regulation, directing that a medical practitioner should be engaged by every person having under his management 40 slaves and upwards, to visit them at least once a fortnight, has been mentioned to me as an enactment which cannot be complied with in these Islands. If by the words medical practitioner, we are to understand a surgeon or a physician regularly instructed, and who has taken his degrees, there are certainly no gentlemen of that description to be met with, excepting at Nassau. The spirit of the enactment will, I humbly conceive, be attended to, if such medical practitioners are employed as each Island affords.

If no medical practitioner is to be met with on the Island, and the manager of the Slaves attends to them in the same way he may do to his own family, the Protector could never be justified in suing for the penalty for non-compliance with the Regulation in question.

It would be for the Manager to show to the Protector that he had done the best circumstances had enabled him to do ; and that, above all, he had afforded, during the illness of the slave or slaves, the necessary temporary relaxation from labour

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labour. I have thus, Gentlemen of the Council, explained to you my views upon these very important matters; and I am in hopes that when you come to be more conversant with the enactments of His Majesty's Order in Council, and have more leisurely re-considered the subject, you will acknowledge the justice of my remarks.

I confess I have been much disappointed at the opinions you have expressed.

If a Council, presided by our Chief Justice, and in which are to be found gentlemen who have received all the advantages of a liberal education, can arrive at such conclusions, what must I expect from the mass of our white population, uneducated and prejudiced, and excited as they are by wicked and designing persons?

Government House, }
22d February 1832. }

(signed) *J. Carmichael Smyth.*

— No. 15. —

EXTRACT of a DESPATCH from Major-General Sir *J. C. Smyth* to Viscount *Goderich*, dated Bahamas, 2 April 1832.

“ I BEG most respectfully to refer your Lordship to my Despatch of the 7th March, reporting my having transmitted to the House of Assembly a Copy of your Lordship's Despatch of the 10th December, together with a Copy of His Majesty's Order in Council of the 2d November 1831.

“ It is now my duty to lay before your Lordship Copies of my Message to the House of Assembly, forwarding your Lordship's Despatch of the 10th December, and the Order in Council of the 2d November 1831, and of the Reply of the Assembly.

“ A perusal of these documents will enable your Lordship to form your own judgment upon the proceedings of the House of Assembly. I presume, however, to observe, that with an Assembly so constituted, in such a frame and temper of mind, and acting under an avowed predetermination not to consent to any enlargement of the privileges of the coloured or to any melioration of the state of the Slave Population, so long as I am entrusted with the Government of this Colony, it was next to impossible that business should be transacted with any satisfaction or the hope of any favourable result. I therefore gladly availed myself of the last communication from the House of Assembly, forwarding to me a Copy of their Petition to His Majesty, to dissolve them.

“ I think I may venture to assure your Lordship that the liberation of the Civil List from the annual control of the House of Assembly, and the re-assumption of the constitutional influence of the Crown, have done more towards the adoption of the enactments of His Majesty's Order in Council of the 2d November, as the Colonial Slave Law in these Islands, than any other measure which might have been contemplated. Your Lordship is aware that even the Members of the Council stated to me, in an official document, that these enactments were impossible and impracticable to be carried into execution in these Islands. I look forward, however, to a very great change in their opinions before the meeting of the next General Assembly.”

Enclosure 1, in No. 15.

Mr. Speaker, and Gentlemen of the House of Assembly,

I HEREWITH forward to you an authenticated copy of a Circular Despatch, dated the 10th December 1831, which I have had the honour to receive from the Right Honourable the Lord Viscount *Goderich*, His Majesty's Secretary of State for the Colonies; together with a printed copy of an Order of His Majesty in Council of the 2d November 1831, to which that Despatch has referred. As no subject ever has been or ever can be submitted to the House of Assembly of these Islands of more vital importance to the future prosperity and welfare of the inhabitants, I sincerely pray that the Almighty Disposer of events will so guide your judgment upon the present occasion, as to induce you to pass a declaratory Bill, giving to the enactments in the King's Order in Council, of the 2d November 1831, the force of law in this Colony. I may say

say to you, in the firm and elegant language with which Lord Goderich concludes his Despatch of the 16th June 1831, to Earl Belmore, that "it is in no unfriendly spirit, but on the contrary with feelings of the deepest anxiety for the welfare of this Colony, that I earnestly and seriously urge the adoption of this measure. These enactments will, on a calm review, be found to concede nothing to the slaves more than strict justice demands, and to offer to their owners the best practicable security for the peaceable and quiet enjoyment of their property."

(signed) *J. Carmichael Smyth.*

Government House, }
9th February 1832. }

A true Copy,
J. Nesbitt, Pub. Secy.

Enclosure 2, in No. 15.

May it please Your Excellency,

THE House of Assembly, in answer to your Excellency's Message of the 9th instant, beg leave to state, that they have taken into consideration the Circular Despatch of Lord Viscount Goderich of the 10th December 1831, and the Order of His Majesty in Council of the 2d November in the same year, submitted by your Excellency to the House: That the wishes of their constituents must ever be their chief guide; placed by them in their present legislative capacity, their interests and wishes must be the chief rule for their conduct, and therefore they will adopt the surest means of receiving the fullest instructions from those constituents before they decide upon a question of such vital importance.

That candour, however, compels the House at once to declare that the concurring sentiments of the Bahama constituency with their own, as expressed in their humble Address to your Excellency, in answer to your Excellency's Speech at the opening of the present Session, will completely prevent the House from considering any question wherein slave amelioration may be implied during the period in which your Excellency may continue to hold the reins of government in this Colony.

By Order of the House,

House of Assembly, }
15th February 1832. }

(signed) *G. C. Anderson,*
Speaker.

— No. 16. —

EXTRACT of a DESPATCH from Viscount *Goderich* to Sir *J. C. Smyth*, dated Downing-street, 8th June 1832.

"I HAVE received and laid before The King your Despatches of the 7th of March and the 2d of April last, reporting the proceedings of the Legislature of the Islands under your Government, and your consequent dissolution of the Assembly; and I am to convey to you His Majesty's gracious approval of the conduct which you have pursued upon this occasion. If the law of the Bahamas, like that of this Country, requires that the writs should issue for new elections within forty days after a dissolution, I should consider perhaps, as at present advised, that the better course would have been to have deferred the act of dissolution, by means of a prorogation, until the period should have approached in which a Session was to be holden, as the elections might then probably have taken place under less excited feelings; but you were possibly aware either of a difference in the law, or of some other circumstances which rendered an immediate dissolution preferable.

"In signifying to you His Majesty's approbation of your recent measures, I may not unreasonably suggest to you the expediency of using the utmost caution in your future proceedings, after the adoption of a course which, however proper and necessary, is calculated to excite great irritation in the Colony. His Majesty confidently relies upon the prudence and moderation which you will doubtless perceive that you are peculiarly called upon to exercise in such a state of affairs as now exists in your Government.

"You

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“ You will probably find at no distant period that opportunities of conciliation are open to you, which any success that may have attended your measures will enable you to profit by without derogating from the dignity of your station.”

— No. 17. —

COPY of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*,
&c. &c. &c.

My Lord, Government House, Bahamas, January 31, 1831.

It is my duty to report to your Lordship that an American brig, having on board 165 slaves, on her voyage from Alexandria, in Virginia, to New Orleans, was lost on a reef near Abaco, (one of the Bahama Islands,) on the 2d of this month. The slaves were saved, and brought into Nassau by three small vessels belonging to this Colony. The slaves were in the first instance detained, and have since been seized by the Custom-house, (acting under the advice and instructions of the Law Officer of the Crown.) The business is now in a course of legal adjudication, and will be decided by the proper tribunal. I should not have deemed it necessary to trouble your Lordship concerning this affair, had not the House of Assembly of this Colony thought proper to submit to me an Address, requesting of me to direct the slaves in question to be forthwith restored to their American owners. I beg to lay before your Lordship a copy of the Address of the Assembly, as also a copy of my Reply.

In addition to the general reasons which are stated in my Answer to the Assembly for declining to comply with their request, I beg to refer your Lordship to Earl Bathurst's Circular of the 20th July 1825, and to the annexed Extract of a Despatch from Lord Bathurst to the Governor of Antigua, explanatory of the way in which the Consolidated Abolition Slave Law is to be considered in the case of slaves from any foreign Island or State arriving in any of His Majesty's Colonies. Eleven of the slaves from the American brig made their escape on shore, and came to the Government House to claim protection. Whatever may be the sentence of the Judge of the Admiralty as to the whole of the slaves generally, I shall conceive it my duty, in obedience to Earl Bathurst's Circular already quoted, not to permit these eleven men to be taken away as slaves.

I have, &c.

(signed) *J. Carmichael Smyth.*

Enclosure I, in No. 17.

Bahama Islands.

To his Excellency Major-General Sir *James Carmichael Smyth*, Bart.
Governor and Commander-in-Chief in and over these Islands.

The humble Address and Petition of The House of Assembly.

May it please Your Excellency,

WE, His Majesty's most dutiful and loyal subjects, the House of Assembly of the Bahama Islands, beg leave humbly, but anxiously, to approach your Excellency, with the earnest prayer that the cargo of American Creole slaves, the property of certain Citizens of the United States, lately cast by shipwreck on our shores, on their passage from one part of those States to another, and now on board of certain wrecking vessels in the harbour of Nassau, may not be under any pretext detained within these Islands from their lawful owners, and particularly that so large a body of so dangerous a class of negroes may not be at once thrown in a state of newly acquired freedom upon the country.

It is not the province of the House to offer opinions as to the bearings of the law on particular facts, or the construction of any orders with which your Excellency may have been furnished on the subject; but so long as the right of the British Colonists to their own slave property is constitutionally recognized by the laws of the empire, we never can, without a deep sense of humiliation, witness an inhospitable violation of the same just principle, with respect to the
like

like property of our foreign neighbours, merely because the hand of misfortune has placed that property within the grasp of our power.

Let it not be concealed from your Excellency, that the arrival of those negroes in this port, and the apprehension that by some over-severe application of the law, or mistaken principle of moral justice, those negroes may be manumitted and set loose among us, has already spread a general panic throughout the country, from which we humbly trust your Excellency will hasten to relieve us.

The introduction of new negroes from Africa, under the earlier Abolition Laws, to mix gradually with our free black population, as their term of servitude should expire, gave from the first, and, in the event of certain fearful casualties, by no means unprecedented in the history of the West Indies, may still afford occasion for serious apprehensions. The sudden irruption, therefore, of this large body of strange Creole slaves, also combining, as the American negroes generally do, the intelligence and cunning of the lower order of freemen with the characteristic want of thought and foresight almost inseparable from a state of slavery, the profligate habits, the vices, the crimes which have notoriously been the frequent occasion of the deportation of slaves from the Atlantic States to the western settlement of North America, would be but too justly calculated to inspire fears in this quarter of the most alarming character.

We also humbly submit to your Excellency, that in a Bill introduced by Ministers during the last Session of the late Parliament, and the passing of which was delayed only by the lamented demise of his late Majesty, it was declared, among other provisions of the same just character, that if any slaves, the property of foreigners, should be cast away by shipwreck at any of His Majesty's Colonies in which slavery is established by law, the Governor of such Colony should, at his discretion, restore such slaves to their owners whenever a claimant should be present on their behalf, or, in the absence of claimants, to otherwise deal with the slaves, not by manumission, as the law was at one time erroneously supposed to call for, but by sale of the same as slaves for the owner's benefit; and as that Bill is probably by this time a law of the realm, and at all events clearly evinced the improved temper of the times and disposition of Government to favour the just rights of others, for which we are now contending, we humbly but confidently trust and entreat that your Excellency, being, as we conceive, fully invested with the necessary authority, will not hesitate to exert it on this occasion to prevent any attempt being made from any quarter to inflict on the country so serious an evil as that which we now so strenuously deprecate.

House of Assembly, 14th January 1831.

Enclosure 2, in No. 17.

Mr. Speaker, and Gentlemen of the House of Assembly,

I SHALL be at all times anxious to comply with your wishes, and particularly when made known to me in so solemn and serious a manner as by an Address presented to me by the whole House.

What further measures it may be judged advisable to take with respect to the American slaves lately brought into this port by three of our wrecking vessels, must depend upon the opinion of the Law Officers of the Crown, founded upon the evidence which will be laid before them. I am confident that you will not ask nor expect of me to act in so important a matter otherwise than with all the circumspection the case appears to me to require.

Whatever may be the opinion of the Crown Lawyers, or whatever may be the decision of the Tribunal to which the question concerning these slaves may ultimately be referred, the House may depend upon my unceasing efforts for the preservation of the public tranquillity, and which, Mr. Speaker and Gentlemen of the Assembly, whilst supported by you, I have little doubt but I shall be able to maintain.

(signed) *J. Carmichael Smyth.*

Government House, }
14th January 1831. }

COPY of a DESPATCH from Viscount *Goderich* to Sir *J. C. Smyth*,
&c. &c. &c.

Sir, Downing-street, 21st September 1831.

I HAVE received your Despatch, dated the 31st January last, reporting your proceedings with reference to a body of 165 slaves who had arrived at one of the Islands under your Government from the United States of America, in consequence of their having been transhipped at sea; the vessel in which they were sailing having become a wreck.

A report of the same transaction having been made to the Commissioners of Customs in England by the Collector and Comptroller at the Port of New Providence, the Board of Customs have referred the question to the Lords Commissioners of the Treasury for their decision, and their Lordships have entered into a correspondence with myself on the subject, which is still pending. For the present you will prevent these negroes from being given up to the subjects of the United States of America, who, it seems, assert a property in them. The ultimate decision of His Majesty's Government on the case will be communicated through the Board of Customs to the officers of that department. You will, however, understand that I approve the course which has been pursued by yourself throughout this transaction.

I have, &c.

(signed) GODERICH.

— No. 19. —

COPY of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

Government House, Bahamas,
19th March 1831.

WITH reference to my former Despatch, upon the subject of the American negroes lately wrecked on the shores of one of the Islands composing this Colony, I have the honour to lay before your Lordship a Copy of a Letter I have received from the Collector and Comptroller of the Customs, by which your Lordship will perceive, that these people have all left Hog Island, and (with the exception of two or three) are now gaining their own livelihood.

A difficulty arose with respect to some young children of both sexes who were amongst the American slaves, but who having been taken from their parents, had no persons to whom, in a state of freedom, they could look for protection or support. This difficulty I overcame by taking them as minors under my charge as Chancellor, and in which capacity I had a legal right, as it appeared to me, to appoint guardians to attend to their welfare. Two humane gentlemen, Mr. Walker, the Collector, and Mr. Heild, a Justice of the Peace, having at my request agreed to become guardians to these children, I executed the necessary deeds, and in virtue of which these gentlemen have apprenticed out both the boys and girls to respectable families, and to different tradespeople. Our Colonial Attorney General made some little objections to this mode of proceeding. I have the honour to lay before your Lordship a Copy of his Letter upon the subject. As the objections did not amount to much, and as the good was evident and incontrovertible in getting these poor children taken care of, I did not deem it right to swerve from the line of conduct I had determined upon. Adverting to the contingency of another vessel with slaves being wrecked on these Islands, it will doubtless appear proper to your Lordship that I should be furnished, by a special enactment, with fuller powers respecting the apprenticing out of children, or such Africans as are incapable of gaining their own livelihood, should His Majesty's Law Officers be of opinion that I have not already that power as Chancellor of these Islands.

I have, &c.

(signed) *J. Carmichael Smyth*.

Enclosure 1, in No. 19.

BAHAMAS.

Sir,

Custom House, Nassau, 16th March 1831.

I HAVE to request you will be good enough to state to his Excellency the Governor, that all the American negroes have now left Hog Island, and accordingly the premises there were given up by me to the Officers of the Ordnance on the 14th instant.

I apprehend, however, there must be as yet some further expense, though I hope not much, in aiding a few of these people for a time to support themselves. I allude particularly to the young women, some of whom have not yet found employment, though they are seeking for it.

The Commissioners appointed by his Excellency to be guardians of the orphan minors under fourteen years of age, make offer to the female adults in question, as well as to the minors of fourteen and upwards, of their friendly assistance in the matter of obtaining proper situations.

I have, &c.

To the Public Secretary,
Nassau.(signed) *J. Walker*, Collector.

Enclosure 2, in No. 19.

Sir,

Nassau, New Providence, 7th March 1831.

In reference to the conversation you had with me this morning, by desire of his Excellency the Governor, on the subject of the American infants who are without parents, I very much fear that these infants cannot properly be taken care of and provided for without some parliamentary enactment. Admitting his Excellency the Governor to be the general guardian of all infants, and that he should appoint Mr. Walker and Mr. Heild to be their guardians, I doubt whether they in that capacity could apprentice out the infants against their will, and if the infants consented, and should afterwards refuse to perform the contract of apprenticeship, if they could be sued, unless some person on their behalf stipulated for the performance of certain covenants. For the reasons, however, that have been suggested by the Governor, and in compliance with his desire, I think it might be as well to try the experiment. The appointment of the guardians from the Governor will be in the usual Form, reciting, "Whereas *A. B.* a person of colour, a minor of the age of years, or thereabouts; *C. D.* also a person of colour, a minor of the age of years, or thereabouts; *E. F. &c. &c.* [*going on through the whole of their names,*] were lately cast by shipwreck on the shores of the Bahamas, and have no parents or guardians within these Islands: I do therefore, by virtue of all and every the powers and authorities in me vested, or to me belonging, as Chancellor of these Islands, nominate, constitute and appoint James Walker, of the Island of New Providence, esquire, and William Heild, of the aforesaid Island of New Providence, esquire, to be the Guardians and Guardian of all and each and every the aforesaid Minors," &c. &c. [*here go on with the common or usual Form.*]

I have, &c.

To Charles R. Nesbitt, Esquire.

(signed) *William Martin*.

— No. 20 —

EXTRACT of a DESPATCH from Viscount Goderich to Sir J. C. Smyth, dated Downing-street, 22d September 1831.

"I HAVE to acknowledge the receipt of your Despatch, dated the 19th of March, reporting your further proceedings with reference to the case of the American negroes who were wrecked on the shores of the Bahama Islands in the vessel called the Comet.

"In my Despatch of the 21st instant, I signified to you my approbation of your proceedings in that case, as reported in your Despatch of the 31st of January last.

BAHAMAS.

“ With reference to the manner in which the negroes who formed the cargo of the American brig have been disposed of, as reported in your Despatch of the 19th of March, I am not aware that it remains for me to supply you with any instructions. It is satisfactory to learn that the adults are gaining their own livelihood. Your decision to exercise your powers as Chancellor for the protection of the infants, was probably the best which, under all the circumstances of the case, could have been taken; and I think with you, that the objections made to it by the Colonial Attorney General did not amount to much. Your suggestion as to the necessity of a Parliamentary Enactment, authorizing the Governors of British Colonies to protect and provide for persons in the situation of these negroes, will not be lost sight of whenever Parliament shall undertake the revision of the Act for the Abolition of the Slave Trade; a measure which the peculiar course and urgent importance of the public business which engaged the attention of Parliament during their last Session have unavoidably postponed.”

— No. 21. —

EXTRACT of a DESPATCH from Sir *J. C. Smyth* to Viscount *Goderich*, dated Government House, Bahamas, 5th February 1832.

“ YOUR Lordship will be glad to hear, that the 165 American slaves wrecked recently upon the Island of Abaco, and about whom such apprehensions were expressed by the House of Assembly of these Islands, are a most quiet, industrious and orderly race of people. It might have been reasonably anticipated, that in such a number of labouring people some bad characters were to have been found. It is, however, a fact highly to their credit, that not one of them has been brought before the Police Magistrate, or been committed to the gaol or workhouse. They are all gaining their own livelihood by honest industry, and upon all occasions appear contented and grateful.”

— No. 22. —

EXTRACT of a DESPATCH from Viscount *Goderich* to Sir *J. C. Smyth*, dated Colonial Office, 18th April 1832.

“ I HAVE perused with particular satisfaction your account of the 165 Americans who are settled upon the Island of Abaco. The success which has attended this measure is most creditable to your exertions in forming the settlement, and to the settlers whose subsequent conduct you have so highly extolled.”

BARBADOES.

— No. 1. —

EXTRACT of a DESPATCH from Sir *James Lyon* to Viscount *Goderich*, BARBADOES.
dated Government House, Barbadoes, 4th July 1831.

“ I HAVE the honour to forward, herewith enclosed, copies of Acts which have lately passed the Legislature of this Island viz.

- “ An Act to remove certain Restrictions affecting the Testimony of Slaves.”
- “ An Act for removing Pecuniary Deposits on the Manumission of Slaves.”

Enclosure 1, in No. 1.

Barbadoes.

AN ACT to remove certain Restrictions affecting the Testimony of SLAVES.
(June 1831.)

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, 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,” which passed the Eighteenth day of October One thousand eight hundred and Twenty-seven, shall be and the same is hereby repealed and made void.

Preamble.

Clause 1st.

The 3d Clause of the Consolidated Slave Act repealed.

Clause 2d.

The Evidence of Slaves to be admitted in all Courts, &c. subject to the same regulations as are observed towards any other of His Majesty’s subjects;

due regard being had to the credibility of the Witness.

Clause 3d.

The restrictions on Slave Evidence being removed, it is necessary to secure persons likely to be affected thereby.

Any white, free coloured or free black Person charged with a crime not bailable, and such charge sup-

And be it further Enacted, by the authority aforesaid, 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 to give evidence in any of the Courts of this Island, and before any Justice of the Peace, Coroner or other officer, authorised 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.

AND whereas whilst the restrictions on Slave Evidence are thus removed, every security should be extended to persons likely to be affected by such Evidence, by permitting bail to be taken for capital offences where the charge rests on the testimony of Slaves alone, and particularly, too, when from the situation of Slaves the parties prejudiced by their testimony can have no adequate redress for the wrongs inflicted on them; Be it therefore further Enacted, by the authority aforesaid, That if any white, free coloured or free black

ported on Slave Evidence only, the offender may be admitted to bail until regularly tried.

Clause 4th.

Any person charged with a capital offence shall be furnished with a List of the Names of such Slaves as are intended to be examined against him, and also a Copy of the Indictment, eight days previous to the Bill being presented to the Grand Jury; such person paying the officer of the Court 20 s.

Every person to be tried for murder, &c. shall be defended by Counsel, who, as also the Solicitor of the accused, shall have free access to him or her at all reasonable hours.

Clause 5th.

Subpoena to issue to Owners of Slaves for their attendance as Witnesses.

Any person refusing to produce a Slave as a Witness, to forfeit 10 l., to be raised on servants' wages.

Clause 6th.

A Slave committing perjury, and convicted at the Grand Sessions, to be imprisoned, not exceeding Three Months; and if a male, flogged three times during his imprisonment, or worked on the tread-mill; if a female, to be worked on the tread-mill at the discretion of the Court.

Clause 7th.

This Act to be in force for Five Years.

Clause 8th.

This Act not to be in force until his Majesty's pleasure be known.

black person shall be charged with the commission of any crime for which according to law bail cannot be taken, and such charge be supported by the testimony of a Slave or Slaves only, then and in such case it shall and may be lawful for any two Justices of the Peace to admit the offender to bail until he or she can be duly tried for the same, any law to the contrary notwithstanding.

And be it further Enacted, by the authority aforesaid, That in all cases where any person or persons shall be charged with any capital offence, where any Slave or Slaves is or are intended to be brought forward and examined as a Witness or Witnesses for the Crown, such person or persons so charged with such capital offence shall be furnished with a list of such witnesses as are Slaves, with their place of residence, description, and owners' names or name, and also with a true copy of the whole indictment, to be delivered unto him eight days at the least before the Bill of Indictment shall be presented to the Grand Jury, upon such charge; such person or persons paying the officer his reasonable fees for writing thereof not exceeding 20s.; and every person hereafter to be tried for murder or other felony shall be allowed to be defended by Counsel, who shall and may address the Jury in his or her behalf according to the practice heretofore observed in this Island in similar cases, in the same manner as is permitted in cases not capital; and such Counsel, and also the Attorney-at-Law or Solicitor of such accused person or persons, shall have free access to him, her or them, at all seasonable hours.

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 Subpoena 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 wilfully neglect or refuse to produce such Slave or Slaves, on proof of the same having been served on him or her by some competent 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.

And be it further Enacted, by the authority aforesaid, That if any Slave shall commit perjury before any Court, Judge, Coroner or Justice of the Peace, he or she shall, upon conviction thereof, at the Court of Grand Sessions, be punished by imprisonment, not exceeding Three Months; and if the offender be a male, he shall also be whipped, not exceeding three times during the period of his imprisonment, and not exceeding 39 stripes at each whipping, or be worked on the tread-mill during his imprisonment; and if the offender be a female, she shall be worked on the tread-mill during her imprisonment, at the discretion of the Court.

And be it further Enacted by the authority aforesaid, That this Act be and continue in force for the period of Five Years, and no longer.

Provided always, and be it further Enacted by the authority aforesaid, That this Act shall not be in force until His Majesty's pleasure on the same shall be known.

Read three times, and passed the Council the 17th day of May 1831.

(signed) *W. Husbands,*
D. Clerk of the Council.

(signed) *James Lyon.*

Read three times, and passed the General Assembly this 26th day of April 1831.

(signed) *John Mayers.*
Clerk of Genl Assembly.

Passed 1st June 1831.

Assented to by his Excellency the Governor, on the 1st day of June 1831.

(signed) *W. Husbands,* D. Secretary.

A (true Copy.)

Attested this 2d day of June 1831.

(signed) *W. Husbands,* D. Secretary.

Enclosure 2, in No. 1.

BARBADOES.

Barbadoes.

**AN ACT for removing Pecuniary Deposits on the Manumission of SLAVES.
(June 1831.)**

WHEREAS it is expedient to remove Pecuniary Deposits upon the Manumission of Slaves; 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 the Sixth Clause of an Act or Statute of this Island, bearing date the 27th day of February 1739, intituled, "An Act for amending an Act of this Island, intituled, 'An Act for the governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians or Mulattoes as hereafter shall be manumitted and set free,' and also for preventing certain Inconveniences from them arising to the Inhabitants of this Island;" and one other Act, bearing date the 22d day of January 1783, intituled, "An Act to amend an Act of this Island, intituled, 'An Act for the governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians or Mulattoes as hereafter shall be manumitted or set free,' as also for preventing certain Inconveniences from them arising to the Inhabitants of this Island," shall be and the same are hereby respectively repealed: Provided nevertheless, That notwithstanding the repeal of the said Sixth Clause of the said Act or Statute of the 27th day of February 1739, and of the said Act or Statute of the 22d day of January 1783, all Fines, Penalties and Forfeitures, Sum and Sums of Money, incurred or payable under the same or either of them, shall continue liable to be sued for, recovered and applied in such and the same manner as if this present Act or Statute had not been made or passed, and that all rights of what nature or kind soever, which, under and by virtue of the said recited Acts, or either of them, have actually accrued to and become invested in any Slave or Slaves, or other person or persons, at the time of the passing of this Act, shall be preserved to and continued vested in such Slave or Slaves, or other person or persons, as fully and effectually in all respects as though this present Act had not been made.

And be it further Enacted, by the authority aforesaid, That no Duty, Tax, Impost or Deposit of any nature or kind whatsoever shall be paid or payable within this Island, upon, for, or on account or in respect of the Manumission of any Slave or Slaves, except the usual and customary Fees paid upon proving and recording such Deed of Manumission: Provided always, and be it further Enacted, That nothing in this Act contained shall be held to affect, prejudice or forfeit the rights and claims of Creditors on Slaves so manumitted; but that all Liens against and affecting any Slave or Slaves so manumitted shall be as against such Slave or Slaves in as full force and effect as if such Manumission had not been executed.

Read three times, and passed the Council unanimously the 17th day of May 1831.

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

James Lyon.

Read three times, and passed the General Assembly this 7th day of June 1831.

(signed) *John Mayers,*
Clerk of the Gen^l Assembly.

Assented to by his Excellency the Governor, the 9th day of June 1831.

(signed) *W^m Husbands,* D. Secy.

Passed 9th June 1831.

(A true Copy.)

Attested this 13th day of June 1831.

(signed) *W^m Husbands,* D. Secy.

Preamble.

Clause 1st.

Repeals the 5th Clause of the Act No. 180, Hall's Edition of the Laws of Barbadoes, and

also the Act No. 32 of Moore's Edition of the Laws of Barbadoes.

Proviso: notwithstanding such repeal, all Fines and Penalties incurred and payable thereunder shall be enforced and applied, as if this Act had not passed, and that all Rights whatsoever which shall have accrued to any Slave under either of the said Acts shall be preserved to such Slave, as though this Act had not been made.

Clause 2d.

No Tax or Deposit of any kind shall be paid on manumitting a Slave, except the usual Fees for moving and recording the Deed.

Clause 3d.

Proviso: the Rights of Creditors not to be affected thereby, and Liens affecting Slaves previously to being manumitted to be in full force.

BARBADOES.

— No. 2. —

COPY of a DESPATCH from Sir *James Lyon* to Viscount *Goderich*,
&c. &c. &c.

Government House, Barbadoes,
21st February 1832.

My Lord,

I BEG leave to acquaint your Lordship that the House of Assembly terminated its sittings for the year on the 7th instant. The day following the termination of the Session, the Paper herewith transmitted was placed in my hands, conveying, I regret to say in language not the most courteous, the refusal of the House to entertain any Bill having for its object the adoption of His Majesty's Order in Council of the 2d November last. I did earnestly expect that as the Session was so near a close, the Gentlemen composing the House of Assembly, in returning to their constituents, would have considered it their duty to have explained fully to them the nature of the Order, and to have gathered their sentiments on the expediency of adopting or rejecting it. But in this reasonable expectation I have been disappointed, and am necessitated to forward to your Lordship a document which bears marks of precipitance, and which may not convey the unanimous sense of this community.

I have, &c.

(signed) *James Lyon.*

Enclosure in No. 2.

THE House of Assembly beg leave most respectfully to lay before his Excellency their answer to and final determination on the dictatorial Despatch from the Right honourable the Secretary of State for the Colonies, bearing date the 10th day of December 1831, and the accompanying printed document, entitled by his Lordship an Order in Council, which were laid before this House by his Excellency on the 17th ultimo, and to which they that day replied, "that the subject should have due consideration." This House has attentively, and with every feeling to do justice to all parties, considered both the Despatch and the Order, and being left no alternative but either to adopt or reject the whole of the Order, and viewing with lively concern the evil tendency of it as a whole, which if unhesitatingly and indiscriminately adopted would be injurious, nay destructive, to the rights of their constituents, and tend to the total ruin of this Colony, and even to the dismemberment of all the Colonies from the parent State, they feel themselves called on, having already passed a law embracing most of the subjects referred to in the Order, to declare that they will not entertain any Bill for the adoption of said Order, as required by His Majesty's Government.

By Order of the House,

(signed) *N. Foster*, Speaker.

House of Assembly, 7th February 1832.

— No. 3. —

COPY of a DESPATCH from Sir *James Lyon* to Viscount *Goderich*,
&c. &c. &c.

Government House, Barbadoes,
16th April 1832.

My Lord,

I HAVE the honour to enclose herewith a copy of the Address read by me to the Legislature on the 3d inst. on opening a new Session.

I may acquaint your Lordship that there is no change in the Members of the House of Assembly this year.

I have, &c.

(signed) *James Lyon.*

Enclosure in No. 3.

BARBADOES.

EXTRACT of AN ADDRESS to the LEGISLATURE of *Barbadoes*,
3d April 1832.

“ ON the 2d November last an Order in Council was promulgated for the observance of those Colonies more immediately under the Crown, and shortly after the same Order was strongly recommended for the adoption of the other Colonies having Legislative Assemblies.

“ To the provisions of this Order I am bound in the most earnest manner to draw your attention. Most carefully have I considered, most attentively have I perused them; and I should fail in my duty towards my Sovereign, as I should in rendering a just tribute to the system generally adopted in this Colony, did I not, as the result of such consideration, declare it as my opinion, that in the various details of this Order there are few concessions demanded from the master, or are there, in truth, boons therein claimed for the slave, which do not at this moment, in all well-regulated estates, either actually exist, or in lieu of which equivalents are not amply substituted. Still, however, occasional instances of cruelty and oppression will occur; and in this, as in every other country, powerful barriers must be raised to prevent the consequences of human frailty and to stay the effects of human passion. Let it then be a subject of calm and anxious consideration, whether by the enactment of such provisions as are in the Order in Council proposed for your adoption, that system and those regulations under which the greater part of our Slave Population enjoy comfort, happiness and protection, would not more faithfully be extended to the whole body; whether by the aid of such enactments justice would not be yet more invariably tempered with mercy, and to the slave as the property of the rich man or of the poor man, of the just or of the unjust; whether an equally kind and judicious treatment, with every protection from violence and from wrong, would not be more effectually insured.

“ This is a subject for most serious reflection; nor should it be forgotten that, consequent upon the adoption of this Order in Council, measures of substantial and of permanent relief are promised to those interests which are now so sensibly and so generally depressed.”

— No. 4. —

COPY of a DESPATCH from Sir *James Lyon* to Viscount *Goderich*,
&c. &c. &c.

Government House, Barbadoes,
11th June 1832.

My Lord,

I HAVE the honour to forward, herewith enclosed, the Answer of the House of Assembly to the Address read by me to the Members of the Legislature on the 3d of April last.

I have, &c.

(signed) *James Lyon.*

Enclosure in No. 4.

EXTRACT of AN ADDRESS of the HOUSE of ASSEMBLY of *Barbadoes*.

“ ON the 7th of February last the late House of Assembly, just on the eve of its dissolution, after an appropriate and anxious consideration of the Order in Council, promulgated on the 2d of November last, by His Majesty in Council, which your Excellency has been pleased to press on our attention, most respectfully declared that it could not, consistently with the welfare of the Colony and in conformity with the unconditional course the Legislature were desired by His Majesty's Government to pursue, in considering the Order, with the view either of adopting or rejecting the whole, do otherwise than decline entertaining a Bill for embracing all the provisions therein laid down. In the sentiments then expressed we, with an unshaken loyalty to our King, with profound respect for his Government, and with the highest consideration and regard

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regard for your Excellency's opinions and counsel, do most deliberately, respectfully and conscientiously concur. We beg, however, most unequivocally to declare to your Excellency our utter abhorrence of every instance of cruelty and oppression ; our determination to check and punish them by every legislative power invested in this House, and to guard our Slave Population universally and indiscriminately from violence and wrong, and to confirm their comforts and happiness by every constitutional means, consistently with the safety of our country and the protection of our rights. As an earnest of our just intentions, we appeal to our Consolidated Slave Act, and particularly to three Acts that passed the Legislature in the early part of the last Session for removing the political disabilities of our free fellow-citizens of colour, for the free and unrestricted admission of Slave Evidence, and for facilitating the manumission of slaves, to which we are surprised that no attention has as yet been paid by His Majesty's Government. It would be an unwarrantable trespass on your Excellency's attention were we in this place to enter into a detail of the *minutiae* of our objections to that Document, the Order in Council, which we consider the most despotic and arbitrary Act that ever was promulgated by any authority in Great Britain, and the Despatch of the Colonial Secretary accompanying the Order the most dictatorial. The Order is unfair, unconstitutional and unjust. It is unfair, because whilst the Order lays heavy and oppressive restrictions and duties on the master, it neither makes any provision to give him redress against injuries, nor does it provide for the contumacious conduct of the slave towards his owner. It is unconstitutional, because it gives a power to the Protector which the Sovereign himself does not possess, that of entering upon the property of other persons whenever he may think proper. It is unjust, because the time allotted for labour is not sufficient for the cultivation of West India property, and is much less than the daily number of hours allowed by Act of Parliament for the labouring children in Great Britain. For these and other reasons we cannot, in justice to our constituents, in any manner adopt or countenance such illegal and oppressive measures. We also conceive we would not faithfully discharge the important duty committed to us by our constituents—a duty which we also owe to ourselves—did we omit here to draw the attention of your Excellency to that part of Lord Goderich's Despatch to the Governors of the Crown Colonies, under date of the 5th November last, wherein he states that the Order in Council would be regarded as a measured and cautious, but at the same time a decided, advance towards the ultimate extinction of slavery. This, may it please your Excellency, is a declaration which cannot be misunderstood, and is calculated to raise the most fearful and alarming apprehensions in the breasts of all the West India colonists, the bare mention of which may be the cause of the ruin and misery of ourselves and our posterity ; and therefore we, in behalf of our constituents and ourselves, do solemnly and in the face of the world protest against the adoption of so unjust a measure, unless the fullest indemnity and compensation is provided for us by the Parliament of Great Britain.

“ No apology, we assure your Excellency, is required for your having dwelt on the important subjects to which you have so feelingly and so ably drawn our attention ; and trusting implicitly in the integrity of your purpose, we pledge ourselves at all times most seriously to take into our consideration whatever suggestions and advice your Excellency may deem expedient to lay before us.

“ By Order of the House,

House of Assembly, }
4th June 1832. }

“ N. Foster, Speaker.”

—No. 5.—

COPY of a DESPATCH from Viscount *Goderich* to Sir *James Lyon*,
&c. &c. &c.

Sir,

Colonial Office, 6th July 1832.

I HAVE the honour to acknowledge the receipt of your Despatch of the 11th of June, enclosing the Answer of the House of Assembly to the Address read by you to the Members of the Legislature on the 3d of April last.

I have, &c.

(signed)

GODERICH

— No. 6.—

BARBADOES.

COPY of a DESPATCH from Viscount *Goderich* to Sir *James Lyon*,
&c. &c. &c.

Sir,

Downing-street, 28th June 1832.

A BILL, reserved by the Governor of the Island of Barbadoes for the signification of His Majesty's pleasure, in the month of June 1831, having been referred by His Majesty in Council to the Committee for the Affairs of Trade and Foreign Plantations, that Committee have reported to His Majesty in Council their opinion that this Bill should be specially confirmed and finally enacted; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 30th of May last, approving that Report.

*See Enclosure, No. 1,
in Despatch, 4 July 1831.*

I have, &c.

(signed)

GODERICH.

ANTIGUA.

— No. 1.—

COPY of a DESPATCH from Sir *Patrick Ross* to Viscount *Goderich*,
&c. &c. &c.

ANTIGUA.

My Lord,

Government House, Antigua,
27th July 1831.

I HAVE the honour to transmit for the Royal Assent, a Bill for the admission of Slave Evidence, which has lately passed the Legislature of this Island, but which, having a suspending Clause, cannot be put in operation until it has received His Majesty's gracious approval.

I have, &c.

(signed)

Patrick Ross.

Enclosure in No. 1.

AN ACT for declaring the EVIDENCE of SLAVES to be in future admissible
in all the CRIMINAL COURTS of this Island.—(July 1831.)

WHEREAS it is deemed expedient that slavery should be no longer held to be a legal objection to the competency of a witness in any of the Criminal Courts, or before any of the Magistrates, in this Island; May it please Your Most Excellent Majesty, that it may be enacted, and be it Enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat and Barbuda, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby Enacted and Ordained, by the authority of the same, That from and after the publication of this Act no person shall be rejected as a witness, or be deemed to be incompetent, to give evidence in any Court of Criminal Justice, or before any Magistrate, or in any criminal proceeding whatsoever in this Island, by reason that such person is in a state of slavery; but that the Evidence of Slaves relating to any matter, circumstance or event

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event which shall arise or occur at any time after the publication of this Act, shall in all Criminal Courts be admissible, and be always received in such Criminal Courts within this Island with the same solemnity, in the same manner and subject to the same regulations as the evidence of free persons, any thing in any former Act or Acts of this Island to the contrary thereof notwithstanding: Provided always, however, That nothing herein contained shall prevent any Court, or Jury or Magistrate in the said Island from adverting to the servile condition of any witness, or to the relation in which any such witness may stand to any other person, in estimating the degree of credit which ought to be attached to the testimony of any such witness or witnesses.

2. And be it further Enacted, That in all cases where the Evidence of any Slave or Slaves shall be required to be given in any of the Courts of Criminal Justice in the said Island for or against a person of free condition or otherwise, or before any Magistrate, by virtue of this Act, the same course of proceeding shall be adopted for compelling the attendance of slaves as witnesses as is already mentioned and provided for in and by an Act of this Island, intituled, "An Act for repealing an Act, intituled, 'An Act for settling and regulating the Trial of criminal Slaves by Jury, and for establishing a more regular and solemn Judicature for the Trial of Slaves accused of Felony without Benefit of Clergy, or other Capital Crimes;'" and passed on the Fifteenth day of March in the year of our Lord One thousand eight hundred and Twenty-one.

3. And whereas by the Fourteenth Clause of an Act of the Leeward Islands, (No. 36.) intituled, "An Act more effectually to provide for the Support, and to extend certain Regulations for the Protection of Slaves, to promote and encourage their Increase, and generally to meliorate their Condition," it is provided, "that if any person of free condition offending against any slave in the manner therein particularly specified, be brought before any two Justices, on complaint by owner or director of any such slave or slaves, such Justices are hereby authorized to take the examination of such person complained of upon his or her own oath with respect to the said complaint;" Now be it therefore and it is hereby Enacted and Ordained, by the authority aforesaid, That the said Clause, so far as refers to criminal cases, as well as all other Acts or Clauses of any Act or Acts of this Island heretofore existing to the like purport and effect, shall be and the same are hereby respectively and absolutely repealed.

4. And be it further Enacted, That any slave who shall in any trial or judicial proceeding in this Island prevaricate, shall be summarily punished at the discretion of the Court before which such prevarication may have been committed; and in case of any slave being duly convicted of wilful and corrupt perjury, such slave shall be rendered incompetent as a witness in any future trial or proceeding.

5. Provided always, and it is hereby expressly declared, that this Act shall not be in force, or have any effect or operation whatsoever, until approved and confirmed by His Majesty, and such approbation and confirmation shall have been duly notified and published.

Dated at Antigua the Fifteenth day of July in the year of our Lord One thousand eight hundred and Thirty-one, and in the second year of His Majesty's reign.

(signed) *Nicholas Nugent*, Speaker.

Passed the Assembly the Fourteenth day of July One thousand eight hundred and Thirty-one.

(signed) *Nathaniel Humphreys*,
Clerk of the Assembly.

Passed the Council the Fourteenth day of July One thousand eight hundred and Thirty-one.

(signed) *Thomas Shirley Warner*,
Clerk of the Council.

(signed) *Patrick Ross*.

—No 2.—

COPY of a DESPATCH from Sir *Patrick Ross* to Viscount *Goderich*,
&c. &c. &c.

ANTIGUA.

Government House, Antigua,
20th August 1831.

My Lord,

It is with much concern I have to acquaint your Lordship, that within this last fortnight the insubordination of the slaves on several of the estates in different parts of this Island has been such as to oblige me, after the most mature consideration, and with the unanimous concurrence of the Privy Council, to issue the two Proclamations of which I have now the honour to transmit copies. That in His Majesty's name was only altered so far as was absolutely necessary from that which accompanied your Lordship's Despatch of the 3d June, and it had become evident that further delay in announcing to the Slave Population this expression of the King's displeasure would have been attended with injurious consequences.

I have also the honour to enclose a copy of a Communication from me to the Houses of Legislature, conveying the recommendation of His Majesty's Government for an amendment of the Act for the abolition of Sunday markets. From the Board of Council I have received the Reply herewith transmitted. That of the House of Assembly will not be delivered until their next meeting; but from the information I have received, there is no doubt that any alteration whatever in the law has been opposed by a very large majority of that House.

I have, &c.

(signed) *Patrick Ross*.

P. S.—I shall not fail to address your Lordship more fully on this important subject by the ensuing packet.

P. R.

Enclosure 1, in No. 2.

Antigua.

Patrick Ross.
(L. s.)

By his Excellency Sir Patrick Ross, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Major-General in the Army, Governor and Commander-in-Chief in and over His Majesty's Islands of Antigua, Montserrat and Barbuda, Chancellor, Vice-Admiral and Ordinary of the same, &c. &c. &c.

A PROCLAMATION.

WHEREAS various acts of insubordination have recently taken place in this Island by many of the slaves quitting the estates in large bodies, in opposition to the authority of their masters and superintendents, and presenting themselves at Government House, making, in most instances, causeless complaints, without having previously represented their grievances to their owners or to the magistrates residing in their vicinity; and as these acts of insubordination hold out an example dangerous in the extreme to the quiet and more orderly slaves of other plantations, and injurious to the interest of the estate to which such offenders belong, I do hereby, as representing His Majesty in this Island, consider it absolutely necessary to express my marked disapprobation and condemnation thereof, and intimate by this my Proclamation, to all whom it may concern, that such reprehensible conduct is in future strictly prohibited.

And I do hereby further direct, that whenever the slaves of any estate conceive they have just cause of complaint, they will on no account presume to make the same in gangs or large bodies, but are to depute two, or at the utmost three of their number, who may proceed to lay the same before the magistrate or magistrates of the Division in which they reside; and only in the event of a failure of redress in such quarter are they in like manner to represent their grievances

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grievances to me. Any infraction of the provisions of this my Proclamation will tend to bring upon the offender or offenders exemplary punishment.

Given under my hand and seal this 11th day of August 1831, and in the second year of His Majesty's reign.

GOD SAVE THE KING.

By His Majesty's Command,
(signed) *Charles Taylor*, Private Secretary.

Duly published this 12th day of August 1831.

(signed) *Martin Nanton*,
Deputy Provost Marshal.

Enclosure 2, in No. 2.

By Authority.

Government House, Antigua,
August 12th, 1831.

His Excellency the Governor, having received from the Right Honourable Lord Viscount Goderich, Secretary of State for the Colonies, the following Proclamation, it is published by His Majesty's command, for the information and guidance of all whom it may concern; and the Magistrates of this Island are hereby strictly enjoined to have the same read to the slaves on every estate, in their respective Divisions.

By Command of his Excellency the Governor and
Commander-in-Chief.

(signed) *Charles Taylor*,
Private Secretary.

A PROCLAMATION, BY THE KING.

WILLIAM R. WILLIAM THE FOURTH, by the Grace of God of the
United Kingdom of Great Britain and Ireland King,
Defender of the Faith, &c. &c. &c.

WHEREAS it has been represented to Us, that the slaves in Our Island of Antigua have been erroneously led to believe that Orders had been sent out by Us for their Emancipation; And whereas such belief is likely to produce acts of insubordination, which would be attended with the most injurious consequences, We have thought fit, by and with the advice of our Privy Council, to issue this Our Royal Proclamation. And We do hereby declare and make known, that the Slave Population in Our said Island will forfeit all claim on Our protection if they shall fail to render entire submission to the Laws, as well as dutiful obedience to their Masters; And We hereby charge Our Governor of Our said Island of Antigua, to give the fullest publicity to this Our Proclamation, and to enforce by all the legal means in his power the punishment of those who may disturb the tranquillity and peace of Our said Island.

Given under Our hand and seal, at Our Palace of St. James,
this 3d day of June 1831, and in the First Year of Our
Reign.

Duly published at Antigua, this 12th day of August 1831,
and in the Second Year of His Majesty's Reign.

Martin Nanton,
Deputy Provost Marshal.

GOD SAVE THE KING.

Enclosure 3, in No. 2.

ANTIGUA.

Honourable Sirs,

Government House, Antigua,
10th August 1831.

I HAVE it in command, through the Right Honourable the Secretary of State for the Colonies, to call the serious attention of the Honourable Board of Council and House of Assembly to the expediency of amending the Act for the abolition of the Sunday Market, and of establishing by law some portion of time for the purpose of enabling the Slave Population to attend the markets during the week days.

The state of discontent, whether well grounded or not, which at present exists, and which has of late considerably increased, renders it imperative on me to lose no more time in bringing this highly important subject to your notice; and I earnestly hope that your Honourable House will take into your immediate consideration the necessity of adopting some regulation whereby the dissatisfaction, arising partly from the great inequality of indulgence, and partly from little or none, may be at once removed, thus leaving no shadow whatever of excuse on the part of the slave to future misconduct or insubordination.

Such a change of the law would, in the opinion of the Secretary of State, have the further good effect of preventing those of the proprietors who voluntarily grant this indulgence to their negroes from being exposed to an unequal competition with the less humane and liberal superintendents of estates.

To every Member of your Honourable Houses the evil as it now exists must be apparent, and it is altogether vain to expect that unanimity, on the part of the proprietors and attorneys of above 150 estates, can ever be attainable without Legislative enactment.

I have, &c.

(signed) *Patrick Ross.*

The Honourable the President of the
Council, and the Speaker of the House
of Assembly, &c. &c. &c. Antigua.

Enclosure 4, in No. 2.

Sir,

Council Chamber, 11th August 1831.

As the organ of the Council on the present occasion, I am to acknowledge and thank your Excellency, on behalf of the Board, for your communication of this day, recommending some equitable and equal substitution of time, by which the Slave Population may, upon every principle of political expediency and general benefit, be reasonably compensated for the temporal deprivations under which they labour by the recent abolition of the market heretofore held on the Sunday, but now exclusively set apart for the purposes of Divine Worship; and to assure your Excellency that whenever a measure so intimately connected with the welfare of the Colony can be promoted by the Board in its Legislative capacity your Excellency may rely on its unanimous and cordial co-operation.

I have, &c.

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

(signed)

Sam^l Warner,
President, *pro tem.*

ANTIGUA.

— No. 3. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *Patrick Ross*,
&c. &c. &c.

Sir,

Downing-street, 24th December 1831

I HAVE received your Despatch of the 20th August last, reporting that acts of insubordination had been committed by the slaves on several estates in the Island under your government, and enclosing copies of the Proclamations which have been issued in consequence. You further transmit to me copies of the communications which you had made to the Legislature, recommending, in conformity with the instructions which you had received from me, that the Act for abolishing Sunday markets should be amended, and some portion of time substituted by law for the purpose of enabling the slaves to attend the market during the week days; a recommendation that the Council were unanimously and cordially disposed to adopt, but to which, or to any other alteration of the law in question, you saw cause to apprehend that a very large majority of the Assembly would be opposed. I have to convey to you His Majesty's approbation of the course which you adopted in issuing these Proclamations, which appear to have been called for by the circumstances you have described. I have also to communicate to you His Majesty's approval of the Message to the Legislative Bodies upon the subject of the law for abolishing Sunday markets; and I am happy to find that the expediency of amending that law in the manner proposed is so fully recognized by the Council. I cannot but entertain an expectation that the Assembly, on being apprised of the sentiments of the Council and of His Majesty's Government, will not take upon themselves the very serious responsibility of refusing to amend a law which has already led to much discontent amongst the slaves, and under the operation of which it appears scarcely to be hoped that the state of that part of the population will not continue to give cause for alarm.

I have, &c.

(signed) GODERICH.

ST. CHRISTOPHER, NEVIS AND TORTOLA.

— No. 1. —

COPY of a DESPATCH from Governor *Maxwell* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Christopher, 6th April 1831.

WITH reference to your Lordship's Despatch of the 4th of last December, regarding the treatment of slaves in the Island of Nevis, I have the honour to acquaint your Lordship, that in compliance with your instructions "to take the earliest opportunity of again calling the attention of the Council and Assembly to the propriety of reconsidering the Act for the admission of Slave Evidence, passed on the 28th of October 1828," I transmitted to them a copy of your Observations on the failure of four of the prosecutions instituted against Walley, and your remarks from Sir George Murray's Despatch of the 10th of September 1829. I have not heard that any alteration has been made in the law, but that the subject has been referred to Committee, which has not made any report upon it.

William Huggins' statement of the labour exacted from slaves in Nevis, as far as relates to the time allowed for breakfast and in the middle of the day, appears to be very correct, as the enclosed copy of a Report made by the Members of the Council, who are planters, or intimately acquainted with the routine and management of plantations, fully corroborates.

This

Presented to Parliament,
on the 10th March 1831.

This practice is contrary to the 9th Clause of an Act, commonly called the "Leeward Charibbee Islands Amelioration Act," passed in 1798, and confirmed by The King in Council the 6th March 1799; but the provisions of this Act I am informed have *never* been fully complied with since it was passed.

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

I beg to refer you to Mr. Solicitor-General Claxton's Letter, in explanation of the circumstances connected with the non-examination of Ivamy and Dr. Mills, and that he has filed *ex officio* informations in the matter of the slaves George Tobin and Monmouth.

I enclose a copy of a Letter from Mr. President Maynard, in explanation of the reason that Mr. King's Counsel Peterson was not summoned along with the other magistrates.

The excellent Charge delivered by Mr. Webbe, the Chief Justice, to the Grand Jury, on the occasion of the trial of Walley and others for maltreatment of slaves, is so clear and explicit that little remains to be added. The prejudices of the individuals who in general form the Grand Juries must be abated before any satisfactory result can be expected in cases referred to them: the only mode to have a chance of obtaining a proper decision on cases of maltreatment of slaves is by bringing the matter at once before a Jury, which will afford an opportunity to display the full force and truth of the evidence adduced in support of the prosecution. This measure will be pursued in future in all cases where it is feasible and likely to succeed.

I have enclosed also copies of Letters from Messrs. P. T. Huggins & Job Ede, the magistrates, who seceded from the investigation; the third gentleman is Mr. Charles Pinney, who has left Nevis and now resides in Bristol.

I have, &c.

(signed) *Chas W. Maxwell.*

Enclosure 1, in No. 1.

Council Chamber, Nevis,
17th March 1831.

Sir,

IN answer to the Queries contained in your Excellency's Letter of the 2d February, we beg to state,—

1st. The negroes of this Island are required to turn out to work both in and out of crop time at six o'clock in the morning, and are released from labour at six o'clock in the evening out of crop time; but during crop time they generally cease from labour about nine, which cannot well be avoided, from the boiling of the cane liquor into sugar.

2d. The time allotted for breakfast is half an hour; and the relaxation at noon is two hours; women with young children are allowed from half an hour to an hour more at breakfast and at noon.

3d. The grass is picked during the time allowed at noon, and again in the evening,—by grown persons about six or eight pounds, by children about three or four pounds.

4th. The quantity of provisions allowed the negroes is, per week for working men and women, seven pints of corn meal and three herrings, besides molasses, sugar, cane liquor, and occasionally other indulgences, such as the rest of the day after 12 o'clock for the purpose of cultivating as much provision ground as he or she thinks fit, which is universally allowed to every negro.

(signed) *Walter Maynard.*
James Daniell.
James Maynard.

J. W. Daniell.
W^m Lawrence.
J. H. Pemberton.

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

Enclosure 2, in No. 1.

CLAUSES of the AMELIORATION ACT.

Clause 1st.

AND be it and it is hereby Enacted and Ordained, by the authority aforesaid, That every owner or director of any Slave or Slaves within the Leeward Islands, shall weekly and every week, under the penalty of 10s. per head for each and every Slave under his or her direction, for every omission, purchase or provide at the rate of the following quantities of provision ; that is to say, for every Slave, at the rate of nine pints of corn or beans, or eight pints of pease or wheat or rye flour or Indian corn-meal, or nine pints of oatmeal, or seven pints of rice, or eight pints of casava flour or farine, or eight pounds of biscuit, or twenty pounds of yams or potatoes, or sixteen pounds of eddoes, tancias or tyres, or thirty pounds of plantains or bananas, and also one pound and one quarter of herrings, shads, mackarel or other salted provisions, or double the quantity of fresh fish or other fresh provisions ; all which said provisions to be of good and wholesome quality : Provided nevertheless, That every such owner or director shall have the absolute and uncontrollable right of distributing and dividing all and every such quantities of provision so to be divided as aforesaid, unto and amongst all and every his Slave or Slaves, in such proportions, shares and allowances as he shall think proper, according to the different labour, size, age and strength, or otherwise, of all and every such Slave and Slaves, and as the same shall appear to him, in his discretion, eligible or right ; but notwithstanding such discretionary power, such owner or director shall actually distribute, weekly and every week, among all his Slaves, the whole quantity of provisions hereinbefore directed to be purchased or provided, under the penalty aforesaid for every omission.

Clause 9th.

And be it further Enacted, by the authority aforesaid, That every owner or director of any Slave or Slaves within the Leeward Islands shall give and allow to every such Slave who shall be employed in any field work on any plantation, or in the carrying, digging, removing or making up manure, or in the picking grass, or in any plantation labour, in the performance of which breakfast and noon-time is now usually allowed, at least one complete half hour for every such Slave to eat his breakfast, and at that time to rest and refresh himself ; but no Slave shall at such time be permitted to quit the field or place in which he is at work, without the particular leave of such owner or director, or of the overseer or driver acting under him ; and every such owner or director shall also give and allow to every such Slave two full and complete hours at noon or dinner-time to rest and refresh himself, or to procure, dress and eat his dinner ; during which two hours no such Slave shall be employed in any work, labour, business or manner whatever ; and any person offending against this clause, shall for every such offence forfeit a sum not less than Twenty Shillings nor more than Five Pounds.

Clause 10th.

And be it further Enacted, by the authority aforesaid, That no owner or director of Slaves belonging to any plantation within the Leeward Islands, shall call or turn out to his work any such Slave before the hour of five in the morning, nor shall any such owner or director continue any such Slave at work after the hour of seven o'clock in the evening, except in crop time, or from some evident necessity, under the penalty of Five Pounds.

Enclosure 3, in No. 1.

LETTER from Solicitor-General *Claxton* to Governor *Maxwell*.

Sir,

St. Kitt's, March 10th, 1831.

I HAVE the honour to state to you, that I ascertained, very shortly after the date of my Letter to you, on the subject of the examinations taken before the Magistrates at Nevis, in the case of Mr. Walley, that the overseer Sweeny or Ivamy had been sometime previously dead, and also that Dr. Mills could give no information whatever respecting the circumstances which occasioned the death of the slave *Æneas* on Stapleton's Estate. I hope this information will satisfactorily account to my Lord Goderich for no further examination having
been

been taken as recommended in my Letter; and also for no examination of these persons having been made on the trial of Mr. Walley. I have found it my duty to file an information *ex officio* at the first meeting of the Court in this month at Nevis, in the matter of the slaves George Tobin and Monmouth; and expect to convict Mr. Causens of the offence laid to his charge in the April Court. This case is not one of a very serious nature, but my object will be to impress on the minds of those who may be present, that it is the privilege of the slave, in all cases where he considers himself aggrieved by his master or director, to apply to the Magistrates for advice or redress; and that it is their duty patiently to investigate the circumstances, and, if necessary, redress the grievances which may be detailed to them. As the Magistrates in Nevis are by law invested with the characters of Protectors of Slaves, this is their more peculiar duty; and I am persuaded, that if the slaves had been accustomed to apply to them with success, the atrocities of Mr. Walley would have been detected at an earlier period, and evidence to convict him would have been obtained. Mr. Walley's escape has rendered useless any further proceedings in the matter of the slave Davis; and I do not advise, that in the case of the slave Harriet Simpson an information should be filed: the facts are not sufficiently recent to induce me to expect a conviction. I shall, however, for the future, in all cases when I think it possible that justice may otherwise be evaded, resort to *criminal* informations, when they can be legally filed.

I remain, &c.

(signed) *Robt Claxton.*

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

Enclosure 4, in No. 1.

Mr. President *Maynard's* Letter to Governor *Maxwell.*

Sir,

Nevis, 15th March 1831.

FOR the information of Lord Goderich, I beg leave to state, that in my direction to Mr. Galpini, I did not except Mr. Peterson, although Mr. Peterson himself told me he should not attend the investigation, as he wished to know nothing of the business till it came into Court, he having then to act as King's Counsel.

It has been invariably the practice of Mr. Peterson to avoid magisterial investigations, as he has always said he ought to know nothing of them till they come into Court.

I have enclosed a Deposition of Mr. Wolfe, and a Letter which I directed the Clerk of the Crown to send to *all the Magistrates*; and if Mr. Peterson was omitted, it was his fault, and not mine.

The Queries asked by Lord Goderich will be answered at the next Meeting of the Council; other business prevented their being attended to before.

I have, &c.

(signed) *Walter Maynard.*

Enclosure 5, in No. 1.

Mr. *Wolfe's* Deposition.

(Copy.)

Nevis, February 10th, 1831.

EDWARD THOMAS WOLFE, of the Island of Nevis, Esquire, maketh Oath and saith, That pending the investigation in the case of John Walley, John Peterson, Esquire, His Majesty's Counsel of this Island, said to him, this Deponent, in the course of conversation, that he had not been at the investigation, and that he had kept aloof from hearing anything of the business, as the matter may come before him in his official capacity.

(signed) *Edw. T. Wolfe.*

Sworn before me, this 10th day
of February 1831.

(signed) *George Webbe, Ch. Justice.*

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

Enclosure 6, in No. 1.

Privy Council Chamber,
9th January 1831.

Gentlemen,

I AM directed by the President to request that you will proceed to Stapleton's Estate on Monday morning, and be there precisely at 12 o'clock, to inspect the negroes, and report to him the nature of the investigation that will there take place.

The President requests that you will keep secret this summons, as the promulgation of it may be attended with improper consequences.

I have, &c.

To the Worshipful William Pemberton,
Thomas Liburd, George Burke,
Charles Pinney, Peter T. Huggins,
Job Ede, E. L. Howe, Lockhart
Gordon, Esquires.

(signed) *F. J. Galpin*, Clerk.

Enclosure 7, in No. 1.

Mr. P. T. Huggins to Governor Maxwell.

Sir,

Mountravers, Nevis, 17th February 1831.

I SHOULD have answered your Excellency's Letter, containing an Extract from one from my Lord Goderich, sooner, had I not been suffering under a most severe illness. I now beg to inform you, the only reason for my seceding from the Bench on the occasion alluded to, which I considered very unimportant at the time, as I left five or six Magistrates, exclusive of those who bore me company, sitting, a larger number than is usual in our small community, was, that the complainant, a Member of His Majesty's Council for this Island, addressed himself to me in language most gross and personal; language I cannot trust myself to repeat, as it would not only be trying to my feelings, but grating to your Excellency's ear. Finding the Bench did not seem disposed to resent the insult offered to them through me, and fearing if I personally ordered the committal of the complainant it would be attributed to improper motives, I thought proper to withdraw myself from the sitting.

I have, &c.

(signed) *Peter Tho' Huggins.*

Enclosure 8, in No. 1.

Sir,

Nevis, 10th February 1831.

IN reply to your Excellency's Letter of the 2d instant, I have the honour to state, that my reason for declining to proceed in the investigation of the case of Walley was, that Dr. Mills, one of the witnesses in the habit of attending daily at the meetings and putting questions to persons under examination, thought proper, while I was absent a few moments from the table, speaking to a gentleman in the room, to come up and say to me, "that the Magistrates seemed to be doing all in their power to bother every witness who had any thing to say against Walley." I felt it my duty as a Magistrate, without making any reply, instantly to return to the table and report Dr. Mills' words; one and all were highly indignant at his presuming to make so false and unfounded an accusation, and he was informed, after making a sort of what I suppose was intended as an apology, that if he conducted himself in a similar manner again they should insist on his quitting the room. This occurred when the business of the day was nearly terminated; after we had separated, he personally insulted me in the Town, endeavouring, as it appeared to me, to induce me to commit a breach of the peace, which, as I was acting in a public capacity, I refrained from.

Previous

Previous to the next meeting, on going into Mr. Galpini's, where several gentlemen were assembled, Mr. King's Counsel Peterson amongst them, I found the said Dr. Mills inveighing against the Magistrates, and turning them into ridicule. I told him that if he had acted before a Bench of St. Kitt's Magistrates as he had done in Nevis, he would have been committed. He observed it would not have occurred at St. Kitt's, as the Magistrates there knew their duty; that the Nevis Magistrates were a parcel of fools, and did not know what their duty was. I remarked that such language was highly improper, and that I should feel it my duty to report him again at the next meeting; he replied, "I might report him and be damned."

At the next meeting, previous to the examination of any witness, I did report him; and also stated my having been personally insulted by him, both as a gentleman and a magistrate; and added, that although I did not wish Dr. Mills to be committed, which it was their evident duty to do, yet if Dr. Mills was not ordered to quit the room, that I myself must. The Magistrates were again much incensed, but took no further step than merely advising me to complain to your Excellency of the treatment I had experienced whilst in the execution of my duty. I stated, that they had the power of redress in their own hands, and if they did not exercise it I should withdraw; that if they did, I was quite ready to go on with the investigation; they did not, and I consequently withdrew.

This explanation, I trust, will be satisfactory to Viscount Goderich, and that he will consider it the only course I could adopt under the existing circumstances.

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

I have, &c.

(signed) *Job Ede.*

— No. 2. —

COPY of a DESPATCH from Viscount *Goderich* to Governor *Maxwell*,
&c. &c. &c.

Sir,

Downing-street, 28th June 1831.

I HAVE received your Despatch, dated 6th of April last, in reference to the case of Walley.

From the Report of the Members of Council at Nevis, which you have enclosed, and which bears date on the 17th March last, I collect the following facts. During the whole year, six o'clock in the morning is the hour at which the labour of slaves commences. It terminates at 9 P. M. in crop, and at 6 P. M. out of crop time. After the regular labour of the day is over, the slaves are employed to pick grass; the length of time usually consumed in that operation is not stated. If it were taken at one hour, the labour of the slave out of crop time would end at 7 P. M., and in crop time at 10 P. M. If these tasks were uninterrupted, the entire time devoted to them would, out of crop, be therefore 13 hours, and in crop 16 hours daily; but the allowance of intervals of half an hour for breakfast, and two hours at noon for repose, is to be deducted. Those intervals, however, are not, as it appears, entirely enjoyed by the slaves; for the Council reports, that "the grass is picked during the time allowed at noon;" how much of the noontide hours is so employed is not stated. As before, I shall assume the time devoted at noon to the picking of grass at one hour; it being an operation which requires the slave to range over a considerable tract of land. The entire repose of noon being thus reduced to one hour, the general result is as follows; out of crop time the slaves, male and female, young and old, are worked 11 hours and a half, and in crop time 14 hours and a half per diem. The crop, as I understand, lasts from four to five months.

To sustain such labour, the Council further report, that each man and woman receives one pint of corn meal daily, with something less than half a herring, "besides molasses, sugar-cane liquor and occasionally other indulgences." Of these indulgences, the occasional allowance of the rest of the day after twelve o'clock for the cultivation of provision grounds is mentioned as an illustration, and it is added that as much ground as the negro thinks fit is universally allowed for the purpose.

Upon

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

Upon these statements I must observe, that the allowance of food which the slave can claim of right is so singularly deficient for the reasonable sustentation of human life, that I should have considered the account as quite unworthy of credit, had I found it in any less authentic document. The weight of a pint of fine wheat flour is about half a pound. The quarter of a peck loaf which is usually bought and sold in this city was till lately required by the Stat. 59 Geo. III. c. 36, s. 10, to weigh four pounds five ounces and a half. The loaf which in general language now bears the name of a quarter loaf is, I understand, usually of about four pounds weight. Thus it would be a very favourable supposition to suppose that each working slave was supplied of right with food equal in quantity to one of those loaves weekly. The two herrings which complete his weekly stock of provisions can add little to his sustenance. It is certainly no exaggeration to say that a robust man, engaged in severe labour in the open air, would consume in two days the provisions thus allowed for seven, if the demands of nature were fairly supplied. But when it is considered that the labourer is for a larger part of the year working at the rate of fourteen hours and a half daily under a tropical sun, and without the hope of wages to sustain his spirits, it is impossible to contemplate such a condition without the deepest pain and commiseration.

The Report of the Council is silent as to the quality of the corn meal with which the slaves are provided, and as to the means afforded them for preparing it for human food. If no yeast or other leaven is provided, and if no fuel or apparatus for cooking be found, the daily pint of meal must be greatly inferior as nutriment to the eighth part of one of the loaves to which I have referred.

I find in the Report of the Committee of the Penitentiary at Millbank, printed by order of the House of Commons on the 17th March 1823, that the regular dietary for males in that establishment was as follows; one pound and a half of bread, two pints of soup and one pint of gruel daily, the soup being made with meat, vegetables, pease or barley. Thus prisoners confined in a gaol in England, and subjected to no particular severity of labour, receive an allowance exceeding four or five-fold that which the law of Nevis appears to allow for the support of men performing the most unremitted toil.

I have hitherto noticed merely what is represented as the legal allowance; it would of course be impossible that human life could be supported at all under such circumstances, unless some additional indulgences were granted. I have no means of estimating the amount or value of those which the slaves actually enjoy. They must vary according to the humanity, or the wealth, or even the caprice of different owners. It is, however, most unreasonable that a matter of such vital importance should depend upon any such casualties. In the case of the Stapleton Estate, though the owner was a nobleman eminent for his humanity, yet during his unavoidable absence in the public service, it is proved beyond dispute that no such indulgences were allowed by the resident agent, Mr. Walley, as were sufficient to preserve the unfortunate people committed to his care from wasting away with frightful rapidity, under the combined pressure of the most severe and unrequited labour, and the most inadequate sustenance. How far the condition of other slaves may be superior to theirs, must remain a matter of conjecture and painful uncertainty. But it is clear that very few can have the good fortune to belong to a proprietor equally solicitous for their welfare, or more competent to promote it.

I should, therefore, feel myself wanting to a sacred duty, were I not to enjoin you, with the least possible delay, to press this subject on the attention of the Legislatures of St. Christopher, Nevis and Tortola. You will point out to them the indispensable necessity for making a much more liberal provision by law for the diet of the slaves, and of reducing within much narrower limits the extent of their daily tasks, and above all the importance of framing their laws in such a manner as may prevent a recurrence of so disreputable a fact as that which you have reported, that a law passed thirty-three years ago upon the same subject has never to this time been fully complied with.

It would be difficult for me to express the regret with which I address you on such an occasion as the present. No office can be more irksome than that of writing remarks which seem to reflect injuriously on a whole society. The duty is the more unpleasant, in consequence of the tendency which such discussions may have to irritate feelings which I greatly desire to allay. But every other

other consideration must yield to the imperious obligation of leaving nothing unattempted by which a stop may be put to practices so utterly at variance with the immutable principles of humanity and justice.

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

I have, &c.

(signed) GODERICH.

— No. 3. —

COPY of a DESPATCH from Governor *Maxwell* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Christopher, 6th May 1831.

WITH reference to your Lordship's Despatch of 4th December 1830, respecting the proceedings and evidence in the case of the atrocious conduct of Walley, and your particular instructions to ascertain how far the evidence of William Huggins is correct, I have the honour to acquaint your Lordship, in continuation of my Despatch, 6th April, that, at the period of my writing it, the disturbed state of the Island of Antigua induced me to defer calling the attention of the Boards of Council of this Island and Nevis to the necessity of placing some reasonable limits to the labour of plantation slaves.

For the attainment of this object I have, in conjunction with the Privy Council of both Islands, caused a Circular Letter to be addressed to the proprietors and directors of each estate, requiring them to conform most rigidly to the 9th Clause of the Leeward Charibbee Island Act; which allots half an hour for breakfast and two hours in the middle of the day to the refreshment of the slaves, entirely to themselves.

I have enclosed a copy of the Minutes of the Privy Council of this Island on the subject, and of my communication to the Board of Council at Nevis.

I have, &c.

(signed) *Chas W. Maxwell.*

Enclosure 1, in No. 3.

Saint Christopher.

At a Meeting of the Privy Council, held on Thursday the 21st day of April 1831.

Present:

His Excellency Governor Maxwell.
The Honourable James Davoren, Esq.
The Honourable R. W. Pickwood, Esq.
The Honourable James Phillips, Esq.
The Honourable and Reverend D. G. Davies.
The Honourable W. G. Croke, Esq.
The Honourable W. W. Rawlins, Esq.
The Honourable Thomas Swanston, Esq.

His Excellency called the attention of the Board to an Extract of a Letter from Viscount Goderich relative to the hours of negro labour, and the time allowed for rest and refreshment; which Extract was read in the words following:

(Here follows an Extract from Lord Goderich's Despatch ———
to Governor Maxwell, dated Downing-street, 4th December 1830.)

Whereupon it was resolved that a Circular be addressed to the several owners and directors of slaves, directing their attention to the 9th Clause of the Act passed by the General Council and General Assembly of the Leeward Islands in the year 1798, commonly called the "Melioration Act," and that a copy of such 9th Clause be attached to the said Circular.

(signed) *Thos Harper, Clk. Cl.*

Enclosure 2, in No. 3.

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

Sir,

St. Christopher, 19th April 1831.

I HAVE the honour to transmit you the Extract of a Despatch from the Right Honourable the Secretary for the Colonies, from which you will perceive the object of my Letter to you, dated the 2d last February, in which I requested the Members of the Board of Council to inform me of the general practice that prevails in the Island of Nevis, respecting the feeding and hours of working the negroes, to which I received your answer, dated the 17th ult.

The purport of these replies appears to confirm the statement made by Mr. Huggins respecting the picking grass, and in consequence it becomes my duty, in compliance with Viscount Goderich's desire, to call your attention to this circumstance.

It is not necessary that I should urge upon the Council and Assembly the necessity of passing an effectual law for placing some reasonable limits to the labour of plantation slaves, as the practice is contrary to the 9th Clause of an Act, intituled, "The Leeward Charibbee Island Amelioration Act," passed in 1798, and confirmed by The King in Council the 6th March 1799. I request your particular attention to, and observance of, this clause; and also that you take immediate measures to communicate by a circular letter from the Clerk of the Council to the proprietors and managers of estates, that this provision of the law which regulates the time to be allowed to the plantation slaves free from all labour, be strictly complied with in future; and I beg leave to solicit you, the Members of Council, and other Magistrates, to be regardful of enforcing this part of the law.

I have recommended the above private mode of calling the attention of the directors of slaves to the desire of the Colonial Secretary of State, with a view to prevent, if possible, the slaves having any knowledge of the cause of change of usage that has been in practice.

To His Honour
The President Maynard, Nevis.

I have, &c.

(signed) *Chas W^m Maxwell,*

CIRCULAR addressed to every OWNER or DIRECTOR of SLAVES,
pursuant to the foregoing Minute.

Sir,

Secretary's Office, April 21st 1831.

I AM commanded by his Excellency the Captain General and the Privy Council, to call your particular attention to the 9th Clause of the Act, intituled, "An Act more effectually to provide for the Support, and to extend certain Regulations for the Protection of Slaves, to promote and encourage their Increase, and generally to meliorate their Condition;" a copy of which is hereto subjoined; and to acquaint you that the penalties of the Act will be enforced against any person who shall be found offending against it.

I have, &c.

(signed) *Thomas Harper.*

Clause 9th. "AND be it further Enacted, by the authority aforesaid, That every owner or director of any slave or slaves within the Leeward Islands shall give and allow to every such slave who shall be employed in any field work on any plantation, or in the carrying, digging, removing or making up manure, or in the picking grass, or in any plantation labour in the performance of which breakfast and noon-time is now usually allowed, at least one complete half hour for every such slave to eat his breakfast, and at that time to rest and refresh himself; that no slave shall at such time be permitted to quit the field or place in which he is at work without the particular leave of such owner or director, or of the overseer or driver acting under him; and every such owner or director shall also give and allow to every such slave two full and complete hours at noon or dinner time, to rest and refresh himself, or to procure, dress and eat his dinner; during which two hours no such slave shall

shall be employed in any work, labour, business or manner whatever; and any person offending against this Clause shall for every such offence forfeit a sum not less than 20s. nor more than 5l."

ST.
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— No. 4. —

COPY of a DESPATCH from Viscount *Goderich* to Governor *Marxell*,
&c. &c. &c.

Sir,

Colonial Office, 20th September 1831.

I HAVE received your Despatch, dated the 6th May last, further reporting your proceedings with reference to the facts disclosed in the case of Walley, respecting the labour and food of slaves.

From this Despatch I learn, incidentally, a fact of great importance, which was not distinctly brought under my notice in your former communications. It is, that upon these the most important of all the subjects connected with the management of slaves, the systematic violation of the law has prevailed in the Island of Saint Christopher as well as in Nevis. Had this not been the case, your remedial measures would not, I presume, have applied indifferently to the two Colonies.

I am, therefore, under the necessity of inquiring at what time these abuses first became known to yourself. If my Despatch of the 4th of December last first brought them to your notice, I must request you to inform me how it happened that you remained for so many years in ignorance of facts of so serious and alarming a nature, occurring within your own Government, and even in the Island in which you reside. If, on the other hand, you did know that the meliorating Act of 1798 had never, as far as respected the labour of slaves, been acted upon, and that those unfortunate people had been subjected to tasks of such extreme severity, then it remains for you to explain what measures you had taken for the suppression of this abuse, and for the punishment of the parties concerned in it, before my Despatch of the 4th of December reached you; and why His Majesty's Government were permitted by you to remain for so many years in ignorance of a state of things which so urgently demanded a prompt and effective remedy. Their being left without such information is the more remarkable, and the more to be regretted, because from your first assumption of the Government of Saint Christopher, the condition of Negro Slavery has been the most prominent and important subject of correspondence between yourself and this Department; and yet I do not find in any one of the Despatches which you have had occasion to write on the subject of Slavery, any allusion to the severity of the labours exacted from the plantation slaves, in defiance of a law passed in times comparatively modern, for the improvement of their condition.

I sincerely trust that it is in your power to escape from the apparent dilemma of having remained in culpable ignorance of facts which it was your duty to ascertain, or of having observed a still more culpable apathy and concealment respecting facts of this nature when brought to your knowledge. I need scarcely assure you, that it is not without extreme regret that I propose questions which I am aware have the appearance of crimination. But His Majesty's Government are so fully entitled to look to yourself and to the other Governors of the West India Colonies for co-operation and zealous assistance upon the subject of Slavery, that I should betray my own duty were I to shrink from the pain of demanding, in the most explicit terms, an explanation of any apparent remissness or neglect.

The course which was adopted on the receipt of my Despatch of the 4th of December was, to issue a Circular Letter, addressed to every proprietor of slaves in the Island of Saint Christopher, acquainting them that the penalties of the Act would be enforced against any persons who shall be found offending against it. To the President of Nevis you addressed a Letter, in which you state, that "it is not necessary that you should urge upon the Council and Assembly the necessity of passing an effective law for placing some reasonable limits to the labour of plantation slaves, as the practice is contrary to the 9th Clause of the Act of 1798." You then request Mr. Maynard's particular attention to and observance of this clause, and recommend that a Circular should

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should be issued in Saint Christopher's; and you solicit the President, the Members of Council and the other Magistrates "to be regardful of enforcing attention to this part of the law."

I am unfortunately under the necessity of withholding my approbation of the manner in which you thus disposed of this subject. In the first place, you do not explain (nor can I understand) upon what principle it is that you have altogether abstained from prosecuting any of the numerous persons by whom, as it appears, these offences have been committed. Your Circular will be received and understood as an act of oblivion for all past offences. I can perceive no reasonable ground upon which any man could claim such an indemnity. I agree that when a particular Act, indifferent in its own nature, has been declared penal by a positive Statute, the law after a long desuetude should not be enforced without a previous warning. But when, as in the present case, the Legislature has merely denounced penalties against actions inconsistent with evident justice and humanity, no such warning is requisite. Ignorance may excuse the breach of a positive law, but can neither excuse nor extenuate the violation of those laws of which the obligation is permanent and universal.

I observe, both in your Despatch to myself and in your Letter to Mr. Maynard, allusions to the importance of concealing from the slaves the cause to which the expected improvement in their treatment is to be attributed, and it may be said that the prosecution of the owners would have rendered such concealment impossible. In effect, therefore, the intention is that the slaves should be kept in ignorance of those rights, or rather of those restrictions on the power of their owners, which have been secured to them by law. I should not without great reluctance admit the opinion that there is any class of His Majesty's subjects whom it is unsafe to entrust with a knowledge of their own rights; for assuredly no social system which rests on such ignorance for its security can be either safe or lasting. To myself it appears that none but salutary consequences could follow from the most public and palpable proof of the fact, that the slaves have in the law itself, an adequate protection against oppression.

But it may be further answered, that there was no reasonable prospect of success in any such prosecutions, and that the Magistrates would not have convicted for offences which had preceded your Circular Notice. I cannot, however, allow myself to suppose that any gentleman in the Commission of the Peace in St. Christopher or Nevis, would have violated the duty which he is bound by his oath of office to perform. If I were compelled to admit so injurious a supposition, then I should be also compelled to inquire what reason there could be to suppose that gentlemen, regardless of their oaths and of their sacred duty, in reference to informations of one date, would act otherwise with regard to informations of a later date.

Further, I am to signify to you my concern, that you expressed to the President of Nevis an opinion directly opposite to that which was intimated to you in my Despatch of the 4th of December. I instructed you "to urge upon the Council and Assembly of Nevis the necessity of passing an effective law for placing some reasonable limits to the labour of plantation slaves." Your Letter to Mr. Maynard declares that such a recommendation is not necessary. What then is the ground on which this contradiction is justified? It is, that a law already exists, which, by your own admission, has been proved by the experience of thirty-three years not to be effective.

When I wrote my Despatch of the 4th of December, I was perfectly aware of the existence of the law passed in the year 1798, in the General Assembly of the Leeward Islands. I thought then, as I much more decidedly think now, that it was ineffectual. In truth, it wants every essential requisite of a well-constructed penal statute. No individual is responsible for the faithful execution of it. No one is bound to report periodically the measures taken to enforce its provisions. The jurisdiction it creates is committed to persons who must frequently have interests and feelings in common with the offending party, and opposed to those of the parties injured. The language of the law is generally loose, and its penalties are enacted in a vague and indeterminate style. I think it very doubtful whether such legislation as this does not produce more evil than good, by giving a delusive appearance of protection without the reality. The very Clause to which you refer sufficiently illustrates the remarks I have made. It does not determine at what hours of the day the prescribed intervals of repose should take place. It refers to a usage now thirty-three years old, in

order

order to determine whether any particular case falls within the law or not. The completeness of the repose is enjoined with reference only to one of the two intervals of labour. It is left in doubt whether the penalties are to be as numerous as the slaves illegally employed, and no penalty at all is denounced which could affect the driver (himself a slave), who would be the immediate agent in the offence, and upon whom, of course, the blame would always be thrown. Yet such is the enactment which, in opposition to my instructions, you acquainted Mr. President Maynard that it was not necessary to amend by a more effective law.

The enactments of the law of 1798, on the subject of the food of slaves, were commented on in my Despatch of the 28th of June so fully as to supersede the necessity of any further observation on that subject. Yet I must remark, that the singularly deficient allowance which that law authorizes, might have afforded another very adequate reason against your stating to Mr. President Maynard that it was not necessary to press for a more effective law on the subject of labour. It would be superfluous to adduce arguments in proof of the fact, that the capacity of enduring any given quantity of fatigue must, in great measure, depend upon the amount and quality of the food with which the labourer is supplied.

You will therefore execute without delay the instructions which you have already received, by representing to the Councils and Assemblies of St. Christopher's, Nevis and Tortola, the indispensable necessity of making a more effective law for securing to the slaves adequate repose and sustenance. By the term "effective" they will understand, not merely that the law on each of these topics should be more liberal, but also that greater care should be taken to obviate evasions of what may be so enacted, and to provide a real security for the punctual observance of the Statute.

I have, &c.

(signed) GODERICH.

— No. 5. —

EXTRACT of a DESPATCH from Governor *Maxwell* to Viscount *Goderich*, dated Tortola, 19th November 1831.

" I cannot refrain from submitting to your Lordship's consideration the deplorable condition of these Islands, owing to the deficiency of energy and proper feeling in the members of its public institutions, which has unfortunately prevailed during many years, notwithstanding the repeated urgent recommendations on my part to the two Branches of the Legislature to adopt measures calculated to remedy the great and growing evil. I cannot, however, be surprised at this neglect, when I reflect that the reiterated commands of His Majesty, communicated through his Colonial Ministers, have hitherto been disregarded; and the urgent and important measure for the government and improvement of the condition of the Slave Population is yet to be provided for, although the two Branches of the Legislature have frequently promised their early attention to this most essential matter.

" The present House of Assembly has asserted that a Bill is in a state of forwardness; but from what I can learn from individuals, it is very probable that the present draft of it will not be adopted, and that it will share the same fate as prior efforts of the same kind. Under this impression, I most earnestly pray that His Majesty's Government will soon have leisure to adopt measures for the establishment of a code of laws for the government and protection of the slaves, who at present are ruled under the provisions of the old Act of 1783. There is no law in force for their personal protection from the capricious treatment of their owners or masters, except the nugatory Act passed in the year 1798 in the General Assembly of the Leeward Islands, which, from its inefficient provision to enforce the penalties, the Colonial Law Officers have uniformly been of opinion that they cannot be recovered.

" My former Despatches afford ample proof of the hitherto defective administration of justice, and that the absence of any police has encouraged repeated infractions of the public peace, as these irregularities have been practised almost

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almost with impunity by the privileged classes; and fully demonstrate the relaxed state of the social compact here, which must have had a baneful influence upon the minds of the Slave Population, among whom are individuals who are capable and very ready to draw comparisons calculated to impair their respect for those who have an arbitrary control over them, and against which they know there is not any positive or efficient protection. Their appeals against oppression are judged by those who are strongly prejudiced against them: whether they sit upon the bench of justice or in the jury-box, the inherent feeling of the slave-holder, who knows the precarious nature of his tenure, will ever preponderate against the slave.

“This feeling has been most glaringly displayed throughout the proceedings that have been adopted in recent measures for apprehending and bringing to trial of the several accused slaves, where, in the blindness of their animosity, a disregard to the common usage of taking bail for the appearance of some of the slaves whose masters offered to become security for them, and who consequently have been kept in rigid confinement for upwards of two months, and then discharged by the Court.

“The late apprehension and alarm has induced the Legislature to pass a Militia Bill, and to concede the trial by jury to the Slave Population. The House of Assembly has had a Bill of Supply before it for these two months past, but from former experience I doubt of its being passed. Without this essential measure be secured, the disorganization and misrule which has so long prevailed will daily increase.

“With respect to the Act of 1783, I was not aware it was in force until I received a Letter from Mr. Woodcock, the Deputy Provost Marshal, containing a statement of so extraordinary a nature that I was quite astonished that such a practice was in usage, and I lost no time in recommending an immediate cessation of it, and that a law should be enacted to place the matter upon a more rational footing.

“It is with regret I acquaint your Lordship of the disregard of the Judges who have presided at the criminal trials since the receipt here of a Copy of Sir George Murray’s Circular Letter of the 28th August 1829, containing the following instructions: ‘In my Circular Letter of the 30th November last, I conveyed to you His Majesty’s commands that in the Island of the presiding Judge should take down in writing a complete note of all the proceedings at every criminal trial, and especially of all evidence given *viva voce* in open Court.’

“In consequence of this neglect, I have been kept in ignorance of the proceedings on the several criminal trials stated in the enclosed Calendar; the sentences of many of them have been carried into execution without my concurrence; and in addition to this irregularity, it has been the cause of my not being aware that this questionable Act was in force, and of course has prevented me from taking steps for its being superseded by a more salutary enactment, which might have been effected if the Legislature had attended to the urgent recommendations of His Majesty’s Government already alluded to.

“On a reconsideration of the Slave Act of 1783, which I was induced to examine for the clause under which the Board of Magistrates have been in the practice of sentencing culprits to be transported from these Islands, and not being able to find any legal authority for this proceeding, I immediately made inquiry upon this important point; and I have learnt that the Justices who have formed the Board of Magistrates for the trial of criminal slaves under the twenty-first Clause, which provides, ‘that felons shall suffer death or such other punishment, at the discretion of the Justices, as they shall think fit,’ have, in the exercise of this discretion, in some cases of felony, sentenced the culprit to be transported, which has been carried into effect in the manner detailed in Mr. King’s Counsel Woodcock’s Letter of the 10th August 1831.

“Now as the proceeding appeared to me to be illegal, I called upon Mr. Woodcock to reconsider his opinion upon the subject, and I pointed out to him my idea of it, which he considers correct, and at my request has stated his corrected opinion in a Letter, No. 8 of the Enclosures, accompanying my Despatch of the

“I intend to call upon the Solicitor General and the other King’s Counsel for their opinion upon this clause, and if they concur with Mr. Woodcock, I shall order the prisoners who are in confinement, and have been illegally sentenced

to transportation, to be released and returned to their owners; their names are Martin, Lancaster and Shelly.

"I can assure your Lordship that I am perfectly astonished that such an illegal usage has escaped the notice of the many professional gentlemen who have formerly practised here, and more especially a former Chief Justice, the late Mr. Robertson, who has the character of having been a highly informed and able lawyer, who is quoted as an authority to this day."

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& TORTOLA.

10 August 1831.

Enclosure 1, in No. 5.

Sir,

Nevis, 23d August 1831.

I HAVE enclosed the Copy of a Letter from Mr. King's Counsel Woodcock, to whom the statement of the case of the slave John Swallow was referred. From his Letter and the Papers transmitted to me it appears that a very irregular, and, I am inclined to think, illegal practice, has hitherto prevailed at Tortola, which must not be repeated; and for the more certain remedy of this evil I strongly recommend an immediate revision of the law for the trial of criminal slaves; and I beg to press upon the consideration of the Legislature of the Virgin Islands, to pass a law to establish a Court of King's Bench, and to enact that the trial of all criminals should be held in that Court, as has always been the usage in St. Christopher and this Island; and also that criminal slaves should be tried in the same Court; which important improvement is about to be adopted by these Islands, and will be a measure highly appreciated by His Majesty's Government and the British Public.

I therefore most strongly urge this desirable amendment in the administration of justice to the Slave Population upon the Legislature of the Virgin Islands.

I have, &c.

(signed) *Chas^r W^m Maxwell.*

To his Honour the President,
&c. &c. &c. Tortola.

Enclosure 2, in No. 5.

Sir,

Basseterre, 10th August 1831.

I HAVE received certain Papers relative to the case of a slave named John Swallow, sentenced to be banished from the Island of Tortola, together with your Excellency's commands to advise on the statement of the Deputy Provost Marshal of that Island made to your Excellency on that subject.

It appears that on the 4th March last, John Swallow, a slave of Mr. George Hill, was sentenced by a Court of competent jurisdiction to be banished from the Virgin Islands; that the slave yet is in prison; and that it is conceived by the Marshal that the sentence of banishment is to be carried into effect by the owner of the slave, who he also conceives should pay the gaol fees and sums expended for the maintenance of the felon.

I am aware that such has been the method adopted at Tortola in like cases, the owner actually exporting and selling his slave under the cloak of such sentence; which I cannot think sufficient to authorize such a dealing in slaves, as it might be used as a means of evading the Abolition Law; nor do I think the exception contained in the 16th Section of this Act can justify any other transportation of a slave to a foreign Island than such one as takes place under the immediate direction of the executive officer of the law carrying the sentence of the law into effect.

The practice that I have stated to exist in Tortola in such cases, I apprehend has grown out of a principle of convenience rather than of law. The public funds of the Island, since I have known it, being in such a depressed state as to be unable to meet the payment of the value of a slave condemned, the owner in cases of banishment has actually sold his slave to some person in the neighbouring Danish or Spanish Islands, and receiving the value in this manner has made no claim on the impoverished Treasury, which could not satisfy him. The owner has always paid the Marshal his fees, and the public authorities have made no inquiry.

The Papers alluded to were a separate Copy of annexed Sentence, and of the Clause of Act of 1783, and the Deputy Provost Marshal's Letter.

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* Sic in orig.

The question being now raised, it is my opinion that the sentence does alter the property of the slave ; that it divests the owner of all interest in * ; that the judgment of the Court should be carried into effect by the Marshal, who should look to the Country for his fees ; and the owner should recur to the same source for the payment of the value of his slave, who by no means should be sold into banishment. If the slave was allowed to remain at the disposal of his master, he would have it in his power to change the punishment from banishment to imprisonment for life.

I have the honour to be, &c.

(signed) *H. J. Woodcock.*

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

Enclosure 3, in No. 5.

Sir,

Tortola, 8th July 1831.

I AM constrained to solicit your Excellency's attention and interposition in a case now existing in this Island. On the 4th of March last, a negro boy, named John Swallow, the property of George Hill, Esquire, was, on the prosecution of his owner for theft, tried before a Bench of Magistrates and sentenced to transportation ; a copy of which sentence is herewith enclosed. This sentence does not alter the property of the slave, but allows to the owner the opportunity of selling the slave to the best advantage, for the purpose of such transportation. Under the above circumstances, Mr. Hill has refused to pay the gaol fees and maintenance of the said slave, who has been, and now is, retained at my cost and charge for the purpose of the owner better taking advantage of the market, thereby adding lengthy imprisonment to the sentence of the Magistrates, and creating great costs to me to suit the convenience of the owner, himself the prosecutor, and refusing to pay any expense accruing for such his advantage, although in his power (had he pleased) to transport the slave immediately after the sentence of the Magistrates had been completed in this Island. The undeviating practice has been (as I believe) in cases that have heretofore occurred, that the owner carried the sentence of banishment into effect, paying for custody and maintenance of the slave up to such period. This practice has been observed in all cases that have occurred since I have been Deputy Provost Marshal in this Colony, of which there have been many.

I applied in this matter to the Magistrates on presenting the Calendar at the late Court of Oyer and Terminer, producing the 12th Clause of the Slave Law, a copy of which I also enclose for your Excellency's information ; but the majority considering the Magistrates had no right to interfere, the matter was left as it now remains, which induces me to be thus trespassing on your attention, as under the circumstances the owner may, without your Excellency's interference, keep the slave a prisoner for any period, even during life.

I have, &c.

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

(signed) *J. Woodcock,*
Deputy Pro. Marshal.

COPY OF THE SENTENCE.

" THE Magistrates unanimously find the prisoner guilty, and award that he do receive twenty-five lashes on his bare back immediately, and in a fortnight to receive twenty five more, in like manner ; one month's imprisonment in gaol, and as soon after as an opportunity offers, to be banished, and if again found voluntarily at large within any part of the Virgin Islands, that he be declared a felon, and suffer death accordingly."

Enclosure 4, in No. 5.

Sir,

Nevis, 23d August 1831.

MR. WOODCOCK (the Deputy Provost Marshal) has represented to me the case of a negro boy, named John Swallow, who was prosecuted by his owner, Mr. George Hill, for theft, before a Bench of Magistrates, who pronounced the following Sentence :

" The

“ The Magistrates unanimously find the prisoner guilty, and award that he do receive twenty-five lashes on his bare back immediately, and in a fortnight to receive twenty-five more in like manner; one month’s imprisonment in gaol, and as soon after as an opportunity offers, to be banished, and if again found voluntarily at large within any part of the Virgin Islands, that he be declared a felon, and suffer death accordingly.”

It appears to me to be a very severe sentence, especially the latter part, as the prisoner was entitled to benefit of clergy.

Under the circumstances of this case, I have concluded to grant a free pardon to the boy, which I have transmitted to the Deputy Provost Marshal, with directions to release him immediately, and send him to his owner.

To his Honour the President,
&c. &c. &c. Tortola.

I have, &c.
(signed) *Chas Wm Maxwell.*

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

Enclosure 5, in No. 5.

CALENDAR of CRIMINAL TRIALS in the *Virgin Islands*, from the 23d October 1829, the period at which Sir *George Murray's* Despatch of the 20th August 1829 was received in *Tortola*.

DATE.	N A M E.	CRIME.	SENTENCE.	PRESIDING JUDGE.
1831 : 4th March	John Swallow (slave)	Felony	{ Whipping and transportation for life. }	Hon. Wm. Gordon.
22d June -	Wm. Martin (ditto)	Felony	- ditto - ditto - ditto	Hon. Mark D. French.
29th June	Cornelius Smith	Manslaughter	{ Twelve months' imprisonment - }	- ditto - ditto.
4th July -	Juliana Finch - -	Felony	{ Six months' imprisonment - - }	- ditto - ditto.

Justices Gordon and French, on being called upon to state their reason for having omitted to comply with the instruction to furnish notes of the proceedings and of the evidence in all Criminal Trials, have acknowledged that they were aware of this duty, but had miscomprehended the instructions, and disclaim any premeditated intention to disobey the order. This conduct is just on a par with their actions in every other part of their official avocations.

(signed) *Cha. W. Maxwell.*

— No. 6. —

COPY of a DESPATCH from Viscount *Goderich* to Major-General *Nicolay*, &c. &c. &c.

SIR,

Downing-street, 2d January 1832.

I HAVE received your predecessor’s Despatch of the 19th November last, on various subjects connected with the state of the Slavery Laws, and the administration of justice in Tortola.

Governor Maxwell’s request, that His Majesty’s Government would adopt measures for the establishment of a code of laws for the government and protection

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tection of the slaves, has been anticipated and complied with by the promulgation of His Majesty's Order in Council of the 2d of November, and by the instructions conveyed in my Despatch of the 5th of November last.

The strong terms of reprobation in which General Maxwell depicts the police and the administration of Justice in the Virgin Islands, do not surprise me; the intelligence which had previously reached me, no less than the obvious probabilities of the case, had led me to conclude that it is not to be expected that so small a society as that of Tortola, less indeed than that of many inconsiderable English villages, could permanently furnish legislators, judges or other public functionaries, capable at all times of performing, even on that contracted scene, functions so various and so important. But whatever may be the force or the effect of these evident difficulties and imperfections, the Royal Prerogative cannot revoke or change a constitution of this nature; and the evils which General Maxwell so forcibly depicts scarcely admit a cure, unless the Legislative Bodies of the different Islands under your government could be induced to enact laws for the consolidation of the Assemblies of St. Christopher's, Nevis and Tortola, into one body. Of course there would be some inconvenience in such an arrangement; but the objections to the change being balanced against those to which the present system is open, I can have little doubt that the general result would be beneficial. If by your influence in the Colonies in question, you can persuade the Members of the different Legislative Bodies to concur in such a union, I shall be ready to advise His Majesty to give his sanction to the measure.

It appears that the Judges of Tortola have habitually disregarded Sir George Murray's instructions respecting the taking notes of the evidence at all criminal trials for the assistance of the Governor, before whom they are to be laid previously to the execution of the sentence. You will acquaint the President of Tortola, that if, unhappily, any judge should hereafter decline to perform this indispensable duty of his office, he must be immediately suspended from his seat on the Bench, and that His Majesty will hold the President himself responsible, if with his knowledge any person shall be either executed or transported from the Island, until a complete transcript of the record, and a copy of the Judges' notes of the evidence, have been first transmitted to yourself, and your directions on the case have been received. Until the receipt of such directions, it is His Majesty's pleasure and strict command, that the execution of all capital sentences and sentences of transportation be respited.

General Maxwell's Despatch discloses the very extraordinary fact, that a species of traffic is carried on in transported slaves from Tortola to St. Thomas's; so that when any slave is sentenced to be transported, the owner is permitted, if not expected, to find a purchaser for the convict at St. Thomas's, whither he is accordingly sent as an article of merchandize, rather than as a criminal who is to undergo the sentence of the law. I need scarcely say, that such an abuse as this cannot be tolerated. It is contrary to every rational principle of jurisprudence that the owner should thus select, with reference to his own emolument, the place of his slave's exile; it may even give him a direct interest in the slave's conviction. The law on the subject is perfectly explicit, since the Statute 6th Geo. IV., c. 69, and his late Majesty's Order in Council, made in pursuance of that Statute on the 11th of November 1825, distinctly give to the Governor the selection of the place of transportation. You will immediately call the attention of the President and the Judges of Tortola to this subject, and acquaint them that if any person shall hereafter be removed from that Island as a convict to any place excepting such as you shall have previously appointed, the act will be regarded as unauthorized and illegal, and all the parties concerned in it will be held responsible in such penalties as they may incur. You will also call upon the Deputy Provost Marshal to furnish you with a Report of all the persons who, in pursuance of the practice mentioned by General Maxwell, have been sold into slavery, as convicts, either at St. Thomas's or at any other place.

I have, &c.

(signed) GODERICH.

—No. 7.—

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.EXTRACT of a DESPATCH from Governor *Maxwell* to Viscount *Goderich*,
dated St. Christopher, 9th January 1832.

“ I HAVE the honour to transmit a copy of an Act passed by the Legislature, intituled, ‘ An Act to alter and amend an Act, intituled, ‘ An Act for the further improving the Condition of the Slave Population in the Island of St. Christopher.’ ”

Enclosure in No. 7.

St. Christopher.

AN ACT to alter and amend an Act, intituled, “ An Act for further improving the Condition of the SLAVE POPULATION in the Island of *St. Christopher*.”

WHEREAS it is expedient to repeal the Sixth Clause of the Act, intituled, Preamble.
“ An Act for further improving the Condition of the Slave Population in the Island of St. Christopher,” and to make such other regulations respecting the evidence of slaves as is hereinafter contained: We therefore, Your Majesty’s most dutiful and loyal subjects the Captain General and Governor-in-Chief in and over St. Christopher, Nevis, Anguilla and the Virgin Islands, and the Council and Assembly of St. Christopher, humbly pray Your Most excellent Majesty, That it may be enacted and ordained, and be it and it is hereby Enacted and Ordained by the authority aforesaid:

1st. That the Sixth Clause of the said recited Act shall from and after the passing of this Act stand and be absolutely and entirely Repealed. 6th Clause of former Act repealed.

2d. And be it further Enacted by the authority aforesaid, That no person shall from henceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of Civil or Criminal Justice within the said Island, by reason of his or her being in a state of slavery: Provided, That no person, being in a state of slavery, shall give evidence in any criminal or civil suit or action, in which his, her or their owner, or the attorney, manager, overseer or director of the estate to which any slave may belong, is or are concerned or interested: Provided always, That nothing herein contained shall extend or be construed to extend to render any slave a competent witness in any case in which such slave would be incompetent to give testimony if he or she were of free condition. Slave Evidence allowed in all cases, except where the Owner or the Attorney, Manager, Overseer or Director of any Estate is or are concerned or interested.

Passed the Assembly this 21st April 1831.

Jn^e Hazell,
Clerk of Assembly.

Jos. K. Wattle,
Speaker.

Passed the Council this 2d June 1831.

Tho^s Harper, Clk. Cl.

Dated at St. Christopher, the Seventh day of June, in the first year of the reign of His Majesty King William the Fourth, and in the year of our Lord One thousand eight hundred and Thirty-one.

Cha. W. (L. s.) Maxwell.

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

— No. 8. —

COPY of a DESPATCH from Governor *Maxwell* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Christopher, 30th January 1832.

I acknowledge your Lordship's Despatch, dated the 20th September last, I have the honour to assure you of my extreme regret at the tenor of your severe animadversions upon my conduct, as regards the protection of slaves, during the long period I have been entrusted with the administration of this Government; and in reply I beg to state, that the feeding and the nature of the labour of the slaves in these Islands has been notorious for many years, and set forth in the Parliamentary Papers, where it is clearly demonstrated that a systematic violation of the Leeward Island Amelioration Law of 1798 has prevailed ever since its enactment; and I am yet to learn that any directions were ever given to my predecessors to enforce it. Indeed, the important subject of feeding and regulating the labour of the slaves, until your Lordship took it up, has been almost unnoticed in almost all the official communications to the respective Colonies, upon the attempts of the Legislatures to amend the laws for the protection of slaves; and in justice to myself I beg to say, that during my residence in England I ventured to mention this subject at the Colonial Office, but which did not receive that attention which I have always been convinced it deserved. I am, however, most happy to find that it is now to be remedied.

With respect to the mode I adopted to carry into effect your Lordship's instructions of the 4th December 1830, I adopted it as a ready measure to put a stop to the infringement of the time allotted to the slaves, as experience has taught me the inutility of waiting the tardy proceedings of the Legislatures in matters relating to slaves; and I have the satisfaction of knowing that it has had the desired effect of checking the innovation.

I will venture to assure your Lordship, that during the whole period of my long service in this country, and on the West Coast of Africa, it has been my constant endeavour to afford every protection to the debased and persecuted sons of that clime; and I have the consolatory reflection of knowing that my humble efforts to shield them from oppression have not been fruitless.

I have, &c.

(signed) *Chas' W. Maxwell.*

— No. 9. —

COPY of a DESPATCH from Viscount *Goderich* to Major-General *Nicolay*,
&c. &c. &c.

Sir,

Colonial Office, 5th April 1832.

I HAVE received Governor Maxwell's Despatch of the 30th January last, vindicating himself from the charge of negligence on the subject of the food and labour of the slaves in the Island of St. Christopher's. I am anxious to disavow the intention of inflicting pain on that Officer's feelings by the remarks contained in my Despatch of the 20th September last; they were drawn from me by an imperative public duty, and were not written without much reluctance. It could answer no useful purpose to pursue the subject under the altered state of the administration of that Government.

General Maxwell has now declared that "the feeding and the nature of the labour of the slaves in these Islands has been notorious for many years, and set forth in the Parliamentary Papers, where it is clearly demonstrated that a systematic violation of the Leeward Island Amelioration Law of 1798 has prevailed ever since its enactment." This broad and unequivocal statement demands, and will of course receive, your most careful attention. You will
call

call into exercise the whole of your authority and influence to ensure an exact observance of the provisions of the law of 1798; and I trust that you will receive the cordial co-operation of all persons holding office under His Majesty in that endeavour. As the Chief Justice of the Island is himself the proprietor of a plantation, I shall of course expect from him the most punctual obedience, in his own person, to a law which he is to be so eminently engaged in compelling others to obey. If there be any public Officers of the Crown in the management of estates, I must extend the same demand to their cases. In general, all gentlemen in that situation must be given to understand that a zealous co-operation with His Majesty's Government, in their endeavours to enforce the existing law for the protection of the slaves, and to procure its amendment, will be an indispensable condition of the tenure of their respective offices. Any persons who may dissent from the policy pursued by His Majesty's Government will, of course, freely engage in any legal opposition to it which their own judgment may dictate; but the sincerity of the Government would be reasonably distrusted, should they continue to avail themselves of the services of such political opponents, in preference to that of persons adhering to their own views, and lending their influence to the advancement of them. I entirely rely on your habitual discretion to determine how the intention to act on this principle may be best made known without the appearance of menace, and I no less repose on your firmness for acting upon it with decision whenever a proper occasion may arrive. Considering, however, the high rank of the Chief Justice in the Colony, and the extreme importance of avoiding the recurrence of any such discussions as those by which he has been so much harassed for the last two years, you will communicate to him confidentially the whole of this Despatch, giving him to understand that nothing would be more painful to me than to find His Majesty's Government placed in any other relations with him than those of confidence and good will. My knowledge of the efforts which Mr. Pickwoad has already made for improving both the text of the Slave Law and its practical administration, forbid me to doubt his co-operation in those designs, having the same general objects which have been so fully explained to you. Minor differences of opinion must, of course, be expected to arise upon such a subject as that of slavery between any two men exercising an honest and independent judgment. I require, therefore, merely a general coincidence of conduct, and that disposition to sacrifice some particular objections to the general object, without which no great design can be accomplished.

Mr. Pickwoad has too extensive and too recent a personal acquaintance with the state of society in Europe, and especially in this kingdom, to partake of those less enlightened views which are perhaps inevitable in the case of persons whose sphere of observation has been confined to a small Colony.

I have, &c.

(signed) GODERICH.

— No. 10. —

COPY of a DESPATCH from Governor *Maxwell* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Christopher, 27th February 1832.

I HAVE the honour to apologize to your Lordship for having omitted to report to you the measures which I adopted in carrying into effect your Lordship's instructions contained in your Despatches of the 28th June and 20th September last, and I now beg leave to repair the omission.

Immediately on the receipt of the Despatch 28th June, I sent a copy of it to the Legislature of the Virgin Islands, and should have adopted the same steps with the Legislature of St. Christopher and Nevis, but for the circumstance of the near termination of their annual Session.

As I deemed it most advisable that no interruption should intervene to prevent an immediate and continued attention to the important subject to be submitted to their consideration, I deferred it until after the formation of the new Assemblies; and on my return to the Island of Nevis from Tortola, where I had been unexpectedly detained by the unsettled state of affairs, I lost no time

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time in sending a Message to each of the Legislatures, in which I urged their prompt attention to the fulfilment of your Lordship's expectation upon the important subjects contained in both your Despatches.

I have the honour to enclose a copy of the Messages transmitted to the Legislature forming the Government.

I have, &c.

(signed)

Cha^s W. Maxwell.

Enclosure 1, in No. 10.

Virgin Islands.

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

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

Gentlemen,

I HAVE the honour to call your particular attention to the important subject treated of in the accompanying Despatch from Viscount Goderich, of the 28th June 1831.

This matter was brought under his Lordship's observation from the result of the inquiries to which reference is made respecting the feeding and employment of negroes in this Island.

(signed)

Cha^s W^m Maxwell,

Captain General.

Nevis, 24th August 1831.

Enclosure 2, in No. 10.

Virgin Islands.

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

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

Gentlemen,

WITH reference to my communication of the 24th August, enclosing the Copy of a Despatch from the Right honourable Viscount Goderich, the Minister of the Colonies, dated the 28th June 1831, I have the honour to call your particular attention to the purport of the following Extract from a Despatch from Viscount Goderich, dated the 20th September 1831, and to recommend this important subject to your earliest attention.

(signed)

Cha^s W. Maxwell,

Captain General.

Tortola, 16th November 1831.

(The Extract was the last paragraph of the Despatch.)

Enclosure 3, in No. 10.

St. Christopher and Nevis.

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

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

Gentlemen,

I HAVE the honour to call your early attention to the important subject contained in the enclosed Despatches from the Right honourable Viscount Goderich, dated the 28th June and 20th September last successively; which it was my intention to have transmitted to you at the commencement of the present Session had I been in this part of my Government, from which I have been most unexpectedly detained by the urgency of affairs at the Island of Tortola.

You will perceive by the tenor of the Extract from the Despatch, dated the 20th September, that I am enjoined to execute without delay the instructions contained in that of the 28th June; I therefore most earnestly request your earliest consideration to the subject of these Despatches.

(signed)

Cha^s W. Maxwell,

Captain General

Nevis, 30th June 1831.

(The Extract was the last paragraph of the Despatch 20th September.)

Enclosure 4, in No. 10.

St. Christopher,
Nevis,
Tortola. }

ST.
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& TORTOLA.

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

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

Gentlemen,

WITH reference to my Communications of the * on the melioration of the condition of the Slave Population, I have the honour to lay before your Honourable Board and House the Copy of a Despatch from the Right Honourable the Secretary of State for the Colonies, dated the 20th September last, in order that the Legislature may be more fully in possession of the views of His Majesty's Government on the important subject to which the Despatch refers. * 16 Nov. Tortola, 30 ditto, St. Christopher and Nevis.

St. Christopher, 30th December 1831.

(signed) *Chas W. Maxwell,*
Captain General.

— No. 11. —

COPY of a DESPATCH from Major-General *Nicolay* to Viscount *Goderich*, &c. &c. &c.

My Lord,

St. Christopher, 28th February 1832.

As I am confident your Lordship will be glad to receive all possible intelligence respecting the deliberative proceedings of the different Legislatures on the important subject of the Order in Council of the 2d November last, I have obtained from Mr. Pickwood, the Chairman of a Committee of the Council and Assembly of this Island appointed to report thereon, some account of the progress already made in the Committee, together with his opinion as to the probable result.

I have the honour to transmit herewith a copy of the information which Mr. Pickwood has furnished me upon the subject; and I doubt not that by the next packet I shall be able to make your Lordship acquainted with the final determination of the Legislature.

I have, &c.

(signed) *Willm Nicolay.*

Enclosure in No. 11.

Sir,

The Godwin, 26th February 1832.

I HASTEN to comply with your Excellency's desire that I, being Chairman of the Committee of the Council and Assembly of this Island, appointed to report upon the Despatch of Viscount *Goderich* upon the subject of His Majesty's Order in Council of the 2d of November last, should, for his Lordship's information, state the opinion at which I have been able to arrive as to the probable result of this suggestion to the Legislature, and that I should communicate the steps that have already been taken respecting it.

At the meeting, when the desire of His Majesty's Government was made known, a joint Committee was appointed by the Council and Assembly, with instructions to report thereupon. I lost no time in calling a meeting of the Committee, with the view of ascertaining their feelings and intention upon this important subject; and it was with the highest gratification that I found them, one and all, disposed to give it their calm, temperate and respectful attention.

There has been no avoidable delay in the proceedings of the Committee. Its labour would, ere this, have been concluded, but that we are waiting for some

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Returns from the Registry of Slaves, upon which it is considered necessary to found some of our statements.

Your Excellency will not be surprised to learn that the requisition, so imperatively made upon the Legislative Bodies, who have hitherto considered themselves independent of such control, and who possibly arrogate to themselves more than an admitted share of independence and of power, to surrender their judgment upon a subject of such vital importance to the general interests of the Colony, or indeed upon any subject, should be received with some degree of impatience and surprise; which, however, have not invaded the character with which I have marked their conduct.

I consider their instructions to me, in framing the Report, to amount to the following points, viz.

1st. A protest against withdrawing the subject from the deliberation of the Legislature, which is responsible for the consequences that it will induce.

2d. To show how far we have given effect to the admonitions consequent upon the Parliamentary Resolutions of 1823, and thereby how little we are exposed to the complaints in this Despatch of the 10th December.

And, 3dly, What would be the effect of the practical application of the Order in Council here.

The first point is rather of a formal character than of any substantial utility.

As to the second, it will be in evidence, that since the commendation bestowed upon us by the late Mr. Secretary Huskisson, we have not been inattentive to the admonition of His Majesty's Government, for that either full effect has been given to every suggestion of Earl Bathurst, or that they are actually under the favourable consideration of the Legislature, with the exception of the Protector of Slaves. This office has not been established, from an utter inability to secure adequate remuneration.

A substitute has been provided which, to the extent of its powers, seems to be efficient; but with the means of remuneration at command, I have no reason to suppose that the Committee will hesitate openly to declare that they are unable to devise the means of giving effectual security to the slave from the abuse of the discretionary power with which the master is invested, but by the appointment of such an officer.

Upon the third, which is in fact the only material point, it will be shown, that in the present deteriorated value of Colonial produce, any undertaking to comply with the order, as it regards the increased allowance of food and raiment to the slave, would be dishonest, for it could not be complied with; but these, together with a remission of toil, are, I apprehend, objects that every owner of slaves would rejoice to procure for a fellow creature in whose prosperity and welfare he has so deep an interest; and as His Majesty's Government distinctly proposes to provide the means of extending these advantages to the slave, the measure will be gratefully received; but the bankrupt condition of the planter compels him to stipulate that he be in possession of these means simultaneously at least with the observance of the obligation contingent upon them. This point being ascertained, I see no reason to doubt that full effect will be given to the expressed wish of His Majesty's Government.

Upon the whole, I do sincerely rejoice that I have witnessed the reception of a measure, which has excited such apprehension elsewhere, without any manifestation of that determined opposition, which, to a certain extent at least, was to have been expected.

In thus submitting my opinion to your Excellency, you will have the goodness to bear in mind that such opinion is merely the result of the observation which my intercourse with the Committee and elsewhere has afforded; that in my anxiety to see a prospect of the auspicious disposal of the subject, and to contribute thereto, I may possibly attribute too much to the indications which seem to me to promise acquiescence; in short, that all my hopes may end in disappointment. I do, however, augur a happier result. Your Excellency will also not attribute any other than individual authority to the sentiments that I have ventured to express.

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

His Excellency
Maj.-Gen. Nicolay, c. B.

(signed) *R. W. Pickwood.*

— No. 12. —

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.COPY of a DESPATCH from Major-General *Nicolay* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Christopher, 31st March 1832.

I HAVE the honour to transmit herewith a copy of the Report of the Committee of the Council and Assembly of this Island, upon your Lordship's Circular Despatch of the 10th December last, enclosing a copy of an Amended Order of His Majesty in Council (dated 2d November last) for improving the condition of the slaves in the Crown Colonies; which Report has been adopted by the Council and Assembly.

It is unnecessary for me to offer any observations on this subject, the result being that the Legislature has not acceded to the proposals made by His Majesty's Government.

I have, &c.

(signed) *William Nicolay*.

Enclosure in No. 12.

THE Joint Committee of the Honourable Board of Council and Honourable House of Assembly, appointed to consider and report upon a Despatch, dated Downing-street, December 10th, 1831, from the Right Honourable Viscount *Goderich*, one of His Majesty's Principal Secretaries of State, upon the subject of His Majesty's Order in Council bearing date the 2d day of November 1831;

Report,

THAT your Committee have proceeded to give their patient, calm and deliberate attention to the subject confided to them, which must be held to be the most important that was ever brought under the legislative consideration of this Colony.

Your Committee would in the outset observe, that their labour is necessarily abridged by the terms which the Despatch of the Noble Secretary imposes upon them. These terms are the unconditional adoption or the absolute rejection of the said Order in Council.

Without embarking, therefore, in an argument for the purpose of refuting the several points urged by his Lordship, your Committee are bound to express the alarm with which they witness such a determination to withdraw a subject of legislative enactment from the deliberation of the Legislative Bodies; all consideration of the substance and essence of the proposed law being expressly denied to their deliberation.

Your Committee would observe, that an implied contract subsists between one branch of the Legislature and their constituents; a contract whereby the Representatives are bound to exercise a discretion to the best of their judgment for the public welfare. But Viscount *Goderich* requires an unqualified surrender of that judgment to his dictation; a violation of that contract which has hitherto been held sacred. In this case, the judgment of those who are confessedly the best acquainted with the subject is to weigh nothing in the balance; and they who are required to give substance and operation to the law, and who would thereby assume all the responsibility of its consequences and effect, are not permitted to be deliberating parties to a measure which is not even recommended by any parliamentary sanction whatever. The Royal Edict is to be recorded, and whether it be suited to the general exigency or not, whether it be practicable in its operation or otherwise, the Legislature is peremptorily required to enforce it.

Whatever may be the degree of attention which the Report of your Committee may obtain, the opinion which they express upon this subject is at least supported by the unsuspected and deliberate judgment of a Member of His Majesty's Government. Your Committee might quote pages from the "Colonial Policy" of Lord Chancellor *Brougham* to prove that the more intimate acquaintance

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acquaintance of the Colonists with the details of this question requires a delegation of certain duties and inquiries to those who are most nearly connected with the result, and situated within reach of the materials. But a single sentence may suffice to establish all that your Committee contend for. His Lordship says (2 Col. Pol. 504), "without pretending to dispute the supremacy of the Mother Country, we may be allowed to doubt her omniscience; and the Colonial history of modern Europe may well change our doubts into disbelief."

Prohibited, then, from assailing those points whereupon no impression, it is declared, shall be made so as to affect in any degree the intentions of His Majesty's Government, arguments indeed having been unavailingly urged for that object by gentlemen connected with the West Indian interest in London, your Committee consider that they can only profitably advert to the following branches of the subject; viz.

1st. How far the Legislature of this Island has given effect to the requisitions of His Majesty's Government consequent upon the Parliamentary Resolutions of 1823;

2d. How far the Legislature of this Island is exposed to the imputations contained in the Despatch of Viscount Goderich; and,

3d. What would be the practical result of the said Order in Council on its application here.

Upon the first point, your Committee would observe, that every measure which the authoritative admonition of the King's Ministers has suggested, has been most respectfully attended to, and, with scarcely an exception, has acquired the force of law. A Protector of Slaves indeed has not been appointed; a substitute has, however, been provided by the nomination of weekly magistrates in every district of the Island, by whom your Committee fearlessly assert the rights of the slave have been anxiously protected.

The law admitting the evidence of the slave does not yet qualify him as a witness in any civil or criminal suit in which his master is directly concerned; neither was this required by Earl Bathurst in 1823. It was indeed prohibited by his Lordship; but the Legislature, by permitting the production of any maltreated slave in open Court, and requiring him to declare by what agency any wounds or scars were inflicted, nearly complies with the requisitions of His Majesty's Government.

A Bill authorizing the compulsory manumission of slaves, and a Bill prohibiting the whipping of females, are now under the consideration of the Legislature.

When these points shall have been attained, the Legislature of this Island will have yielded implicit and perfect obedience to the authoritative admonition of His Majesty's Government; and if there be any thing in the reproach for this tardy acquiescence, let it be remembered that this admonition was the first invasion of a system which all admit to be full of danger, and that if ever a deliberative body was imperatively called upon for the most cautious exercise of its authority, the Legislature of this Country was placed in such predicament.

Upon the second point, your Committee cannot fail to discover in the courteous and flowing periods of the Noble Secretary of State, an implied imputation upon the good faith of the Legislature.

It is no part of the duty of your Committee to advocate for their constituents those qualities of freedom from prejudice and of dispassionate self-possession on the subject of slavery, or that skill in the technical business of legislation which has produced this Order in Council. The Legislative Bodies may be deficient in these endowments; but your Committee repel, in the most unqualified terms, the insinuation that their intentions have not been honest in the enactments consequent upon the Parliamentary Resolutions of 1823; and if it be true that the Code of this Island does not contain a single statute which carries within itself any reasonable security for the faithful execution of its provision, the opprobrium must at least be shared, and in no equal proportion, with His Majesty's Government, since it was from the draft prepared by them that the meliorating law was framed; and in refutation of the charge, your Committee declare, that the statute in question is found to be efficient in practice, yielding to the slave all the benefits that it contemplates; in short, that so far from being unpopular, no preliminary measure could be more effectually or successfully contrived, no co-operation more cheerfully given, for qualifying

qualifying the slave for a higher station in the scale of society, and consequently for the mitigation and gradual extinction of slavery.

Your Committee venture to submit, that the Legislative Bodies have never arrogated to themselves those superior endowments which superior opportunity of acquiring them can alone bestow. They have merely declared that they possess more intimate knowledge of a system with which they are personally and practically acquainted, in all its details, than distant and more gifted theorists; but whatever be the degree of intelligence at which they may have been able to arrive, your Committee cannot admit that the advantages which "proximity of observation" affords, are denied to the Colonists. The progress of public opinion is made known to them by the same channel that conveys it to Viscount Goderich. The Atlantic presents no barrier to the diffusion of knowledge, or, as your Committee trust, of liberal sentiments. They are not ignorant of, or insensible to, the influence of that opinion in the Mother Country. They feel, on the contrary, that they are the victims of it, and they deplore that His Majesty's Government have either not the will or the power to protect them from those aggravations which vilify them, as supporters of a system admitted to be vicious in principle, and defective in practice, with which they are, unhappily, but innocently and irresponsibly, connected.

The Colonies have a claim on the Parent State for protection, and, above all, that the system observed towards them should be framed upon such a solid basis as not to be susceptible of variation from the varying theories of visionary philanthropists; but can stability be attributed to that system which justifies the Colonial Ministers in the expression of such conflicting opinions as were avowed by Mr. Secretary Huskisson in 1828, and by Viscount Goderich in 1831? The successor of his Lordship may possibly pursue a different course, so that there will be no known uniform principle of policy whereby the Colonial Legislature can be guided; nor can your Committee more effectually illustrate the difficulties incident to such a system of uncertainty, or offer higher testimony in support of the position for which they contend, than by bringing under your view the opinions above mentioned of those distinguished individuals.

The following are Extracts from a Letter of Mr. Secretary *Huskisson*, dated 7th March 1828, addressed to the Officer administering the Government:—

"I am commanded by The King to convey through you, Sir, to the Legislative Council and Assembly of St. Christopher, the expression of his gracious and high approbation of the measures which they have adopted for improving the condition of the Slave Population of this Island. This Act is remarkable for the wisdom and humanity of the greater part of its provisions, and it is peculiarly gratifying to find that the Legislature of this ancient Colony have given the full sanction of their authority to measures which have elsewhere excited so much alarm, and called forth such urgent remonstrances.

"Under the head of punishments inflicted by the domestic authority of the owner, it is particularly gratifying to observe that the use of the whip in the field is entirely prohibited.

"Under the head of the property of slaves, this Act has not only executed the suggestions made by Lord Bathurst, but in some respects exceeded them.

"I cannot conclude this Despatch without renewing the expression of the

The following are Extracts from Viscount *Goderich's* Despatch, dated December 10th, 1831, addressed to Major General Nicolay:—

"The Circular Despatches which were written from year to year, repeating the expression of the hopes which had been in no instance fulfilled, and of confidence which had not been justified, evince with what extreme reluctance the Ministers of the Crown have been compelled to relinquish the expectations which were originally entertained, that effectual measures for the improvement of the condition of the slaves would be at length spontaneously adopted by the Colonial Legislatures.

"If His Majesty's present Advisers have resolved to pursue no further this course of warning and entreaty, it is not that they are, in any degree, less anxious to conciliate the good-will, whilst they consult the real interests, of the Colonists, but only because they feel that the language of admonition has been exhausted, and that any further attempt to produce an impression upon the Legislatures by the same means alone, could add nothing to the respect of these bodies for the authority of the Crown, whilst it would be

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very sincere satisfaction with which His Majesty's Government have regarded the cordial acquiescence of the Colonial Legislature in so many of the suggestions which were made to them by Lord Bathurst in obedience to His Majesty's commands.

"The difficulties with which they have had to contend, and the humane and liberal spirit in which they have been encountered, are fully appreciated by His Majesty, and will not fail to be duly estimated by Parliament and by all classes of society in this country.

(signed) *W. Huskisson.*"

listened to in any of the Colonies, and in some of the most important and considerable has been more than once rejected without even the forms of respect. Ceasing, therefore, to entertain hopes that their admonitions will now prove efficacious, it might perhaps be expected, &c.

"The experience of eight years has now placed beyond the reach of all rational doubt the fact which, independently of such experience, might have been anticipated, that laws framed in the Colonies, and passed by the Colonial Assemblies, for the improvement of the condition of slavery, are deficient in that quality without which all such legislation must be nugatory. The compilation of Acts passed during that period by thirteen different Assemblies (with the exception of a few enactments passed in some of the smaller Islands on the subject of slave evidence, and of an Act of Grenada respecting the legal presumptions in favour of freedom), does not contain a single Statute which carries within itself any reasonable security for the faithful execution of its provisions.

(signed) "*Goderich.*"

It is with venial feelings of triumph that your Committee appeal to the opinion of Mr. Secretary Huskisson for evidence of the zeal and sincerity which stamp a character upon the Legislative Enactments of this country, and rescue them from the censure with which they are denounced by Viscount Goderich; neither is it unimportant to observe that his Lordship himself incidentally establishes that character, for upon reference to the several Colonial Laws upon which the Order in Council of the 2d November is said to be exclusively founded, his Lordship draws more liberally upon the Acts of this Island than upon any other source, which Statute is expressively designated "the Act so frequently quoted," as affording so much of the materials and of the justification for the said Order in Council.

Your Committee therefore trust that these brief observations will suffice to convince His Majesty's Government that this Colony is not within the reach of the reproach, "that their hopes have been in no instance fulfilled, that their confidence has not been justified."

Your Committee cannot think that the humane and liberal spirit in which it is upon the highest authority acknowledged the Legislature of this Colony encountered the difficulties with which they had to contend, justifies the imputation, that an Act which so honestly contemplates the welfare of the slave, "does not carry within itself any reasonable security for the faithful execution of its provisions."

Upon the third branch of the subject your Committee propose to point out the result of the practical application of this Order in Council in this Colony; for although Viscount Goderich peremptorily requires its adoption in its precise term and entire extent, without any qualification and without limitation of time, it is scarcely to be expected that a Minister of the Crown, to whom so important an arm of the British Empire is confided, will refuse to listen to a
statement

Circular Despatch,
Nov. 5th, 1831.

statement that will show these "precise terms" and that "entire extent" to be, under our actual circumstances, impracticable in their application here.

ST.
CHRISTOPHER,
NEVIS
& TORTOLA.

The main argument of Viscount Goderich, in support of the Code which his Lordship requires to be adopted, is found in the declaration, that "it is in substance and principle the work of the Colonial Legislatures themselves;" that is, that it does not contain any one leading principle which some one or more of the Legislatures will not be found to have sanctioned, and to them, collectively or separately, the credit is given of having suggested or recognized all the principles to which the new rules are subsidiary.

Your Committee were not prepared for such a compliment, neither do they consider it as deserved. Admitting, for the purpose of the argument, the premises, and your Committee are not aware that some of the regulations are to be found in any of His Majesty's Colonies, your Committee are not prepared to arrive at his Lordship's inference. Every Colony would necessarily make such provision for the welfare of its slaves as its own more immediate resources suggest. Thus, in Demerara, the duration of labour may be limited in order to allow the slave the means of contributing to his own support, whilst Jamaica and the Bahama Islands may have given an increased quantity of food, with the view of increasing the duration of labour. Your Committee at once admit, that if under either system the quantity of food and the intervals of repose be insufficient for the healthy and vigorous sustenance of the labourer, they should be augmented; but they cannot admit that the advantages which one Colony is able to afford as the price of something that it requires, or which it cannot so well spare, can with any consistency be held to be a just average standard of all, or, in other words, that the superabundance of time and clothing in Demerara is to be added to the superabundance of food in the Bahama Islands; and thus form an equitable rule, or even a safe guide, for a liberal allowance to the slave of food, raiment and time. Upon the same principle might the manufacturer in England who pays his artizans upon the truck system, be required to give the amount of the week's wages in goods and in money also.

To the complaint, then, that no one Legislature has adopted all the provisions of the Order in Council, the answer is at hand,—that all are not necessary.

But whatever may be either expedient or practicable in other Colonies, it is the duty of your Committee to show how this Order in Council would apply here; and for this purpose they have thrown into an Appendix to this Report the calculations upon which the following conclusions are founded. The cost of the several articles, although below that at which they could be actually obtained, is rated at their price, since here alone could they be obtained; inasmuch as your Committee believe that there is scarcely a plantation in the Island of which the British correspondent could be induced to send out an invoice, which, together with the food to be supplied to the slaves, would, as your Committee will make manifest, absorb much more than the whole proceeds of such plantation.

It is also to be borne in mind, that inasmuch as your Committee are not in possession of the number of slaves who have arrived at the age of fifteen years, to whom the Order in Council has reference as regards their clothing, the computation has been made as extending the full allowance of clothing to all above ten years of age; whereas, in fact, it is to be given only to those above fifteen. This inevitable inaccuracy will, to a certain extent, overcharge the calculation; but your Committee submit, that much more than an equivalent for this amount is found in the insufficient sums taken as the cost of the several articles, and, above all, in the fearful reduction of the amount of Colonial produce, which must inevitably result from the diminution of nearly one-fifth of the present duration of labour, which is required by the Order in Council, and of which no estimate is made in the following computation.

It appears from the last triennial registration of slaves (1st January 1831), that the number of that class of our population was 17,833; and from Returns obtained from the Registrar of Slaves it is known, that of those 13,860 are upwards of ten years of age, and 3,973 are ten years of age and under.

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A reference, then, to the Appendix will show that, under the Order in Council,

	£.	s.	d.
The annual cost of clothing would be - - - -	36,800	8	9
Ditto - - - ditto food - - - -	121,116	17	6
Ditto - - - ditto of various gratuities - - -	7,310	6	-
Ditto - - - ditto medical attendance - - -	5,571	17	6
	<hr/>		
Sterling - - -	£.170,799	9	9
And that the annual produce of the Island in sugar, rum } and melasses, amounted to - - - - - }	110,708	1	6
	<hr/>		
Leaving the expenditure, on these branches alone, above } the income - - - - - }	£.60,091	8	3

and leaving no provision whatever for salaries, taxes, repairs, implements, packages, stock and other inevitable disbursements of a sugar plantation.

The salaries to the Protector and Assistant Protectors of Slaves, which belong to this branch of the expenditure, would, to their extent, augment this enormous deficiency.

If it should be urged that the Order in Council offers alternatives to the planter, and that he may substitute land or ground provisions for the food of which an estimate is given, it may be observed that very many estates have not the land to allot for that purpose, and that in no case could the required quantity of ground provisions be afforded, since it would consume the collective labour of all the slaves during two days in each week to reap that quantity.

If your Committee, therefore, professing the most respectful deference for every suggestion emanating from such authority, and a sincere desire to comply with the requisitions of His Majesty's Government, were to recommend that the Legislature should, by a stroke of the pen, "simply and without qualification in terms, or limitation of time, declare the Order in Council to possess the force of law in this Colony," they would justly expose that Legislature to the imputation of insincerity and bad faith, by assuming duties which, it is manifest, cannot under existing circumstances be discharged. Much as the displeasure of His Majesty's Confidential Servants is to be deprecated, even that is preferable to such an imputation.

Happily, however, it is not under such view that this subject is to be regarded; for the distinct assurance is given by Viscount Goderich, that "measures are to be devised by His Majesty's Government, so as to be productive of real and substantive relief" to these suffering Colonies; an assurance that necessarily includes also a provision for the augmented allowance to the slave. And here it is with hearty and honest feelings that your Committee express their gratitude, not only for the meditated relief to the Colonies, but for the benevolent consideration towards those by whose labour alone these Colonies can prosper; for your Committee are confident that every owner of slaves will gratefully recognize the munificence that shall augment the property and advance the welfare of those in whose prosperity he has a natural and inseparable interest.

This, it appears, is to be effected by a measure of fiscal regulation; nor are the means by which the arrival at so desired an object can be accomplished, any subject of fit deliberation for your Committee. It is declared, they shall afford "real and substantive relief." In this declaration all that the Colonists can require is contained. The question in fact assumes the form of a contract, to which the Colonists are willing and grateful parties. They urge as a matter of justice and of right, that the terms of that contract should be made known and adjusted; that they should be in their nature and character, and in their entire proposed extent, of the same perpetuity, and armed with the same force of law, as the enactment that shall adopt the Order in Council, in order that the owner may be enabled to observe with rigid punctuality the onerous duties thereby imposed upon him; that the measures, in short, which are to produce this real and substantive relief, be simultaneous with, be as extensive and permanent as, the obligations which the said Order in Council would create. The high and honourable character of the nobleman to whom the Colonial interests are confided, forbids the suspicion that His Majesty's Government would desire to enforce regulations that would absorb more than the whole actual receipts of the proprietor, upon terms which, from any uncertain or evanescent character, might

might impose a perpetual obligation upon him, and leave him without the means of observing it; whereby he would be driven to seek the dissolution of all connection with his property, and thereby induce the destruction of those institutions which, in the present state of society at least, it is equally the interest of the slave and of his owner to uphold. There is no reason calling upon your Committee to provide against such an improbable contingency. Your Committee may observe, however, that if by fiscal regulation is intended a reduction of the home duty upon Colonial produce, it is the opinion of many well versed in West Indian affairs, that such reduction would not afford "real and substantive relief;" retaining the existing duties, and the allowance of a bounty on exportation here, equivalent with the proposed reduction, seem to offer safer means of enabling the Colonist to adopt this Order in Council.

Your Committee therefore persuade themselves that they submit to your deliberation the same view of this important subject as that which has been adopted by His Majesty's Government. They are at the same time aware that the changes directed by that Government are, under any circumstances, inevitable; that if resistance were to be expedient, which, to the apprehension of your Committee, it is not, it would be unavailing. The Colonies have not to learn how, under the paternal rule of our beloved Sovereign, authority may become hateful, or that the natural feelings of His Majesty's loyal subjects will conspire with reason, to resist measures of mischief and injustice. No such measures are contemplated. But the introduction of these changes should be marked by the most cautious prudence. They should be such as may on deliberation and inquiry "prove to be expedient, and promise to be just;" such as, while they conciliate existing feelings and place the welfare of the slave out of the reach of the will and of the caprice of the master, may exhibit a respect for rights which have never been questioned, and some regard for the interests of posterity.

Your Committee, in conclusion, submit that it is above all things important, that the excitement incident to, and indeed inseparable from, the agitation of this question, should be at once and for ever allayed. It is true the cheerful and contented labourers of this Colony manifest no symptoms of dissatisfaction and discontent; but who shall say that the loaded details of their imaginary wrongs, which every mail imports, shall altogether fail in their intended effect? If the reasoning of your Committee is to be defeated, and the hopes which they have confidently expressed frustrated; if the warning voice which the recent devastation and bloodshed in Jamaica have put forth, is to be disregarded; if these regions for which the beneficence of God has done so much, are to be rendered desolate by the merciless enmity of man, and those institutions which now offer to all men the opportunity of becoming "wise unto salvation," are to be destroyed, your Committee are confident that such deplorable results will not be referrible to any indiscretion or intemperance of the Colonial Authorities. Submission to an irresistible power will be their hard duty. They can only, as a last assertion of principles, record their solemn protest against measures which they have not induced, and imitate the dignity of the noble Roman by endeavouring to conceal from the scorn and derision of their enemies, the expiring energies of an injured and calumniated people.

(signed) *R. W. Pickwood.*

Chairman.

Committee Room, 27th March 1832.

APPENDIX.

COMPUTATION of the Cost of the several ARTICLES to be furnished to the SLAVES, under His Majesty's Order in Council of 2d November 1831:

MEN.	Sterling.			WOMEN.	Sterling.		
	£.	s.	d.		£.	s.	d.
A Hat	-	-	3 9	A Hat	-	-	4 6
A Cloth Jacket	-	-	9 -	2 Gowns, at 6s.	-	-	12 -
2 Check Shirts, at 4s. 6d.	-	-	9 -	2 Check Shifts, at 4s. 6d.	-	-	9 -
2 Trowsers, at 3s. 9d.	-	-	7 6	2 Osnaburgs Petticoats, 3s. 9d.	-	-	7 6
A Blanket	-	-	4 6	A Blanket	-	-	4 6
2 pair of Shoes, at 5s. 7½d.	-	-	11 3	2 pair of Shoes, at 5s. 7½d.	-	-	11 3
A Knife	-	-	6 -	A pair of Scissars	-	-	6 -
A Razor	-	-	6 -				
Sterling	-	-	£. 2 6 -	Sterling	-	-	£. 2 9 3

It is no part of the duty of the Committee to point out how much more advantageously the intended benevolence to the slave might be applied, or it would readily be shown, that the present distribution of food, aided by other resources, is to an extent beyond the actual consumption; that the sweet potato, for instance, than which a more wholesome, nutritious and palatable food does not exist, is distributed in such abundance as to be actually unsaleable by the negroes, and necessarily to affect the sale of their other productions. What then would be the effect when the eight pints of meal are increased to 21, and the 20 or 25 pounds of yams and potatoes are augmented to 56 pounds? In like manner it might be shown how unwillingly they would exchange the woollen cap, which they now receive, for the proposed hat, which would be exposed to instant destruction from the habit of the slave, whether in the service of his master or of himself, in carrying every load upon the head; that an annual blanket to every adult, even if this genial climate rendered it useful, is an allowance which the intense cold of the northern latitudes would not require; that having no venomous reptiles in this Island, shoes are unnecessary, and that the obligation to wear them would be considered by nine-tenths of the slaves as a harsh and painful command; that the women would indignantly refuse to wear the check which is the proposed material for their shifts, and that the annual supply of a knife and scissars, and especially of a razor to those who have such rare occasion for the use of it, is beyond all that their necessities can require.

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—No. 13.—

COPY of a DESPATCH from Major-General *Nicolay* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Christopher, 1st May 1832.

IN your Lordship's Despatch addressed to General Maxwell, and dated 28th June last, you directed him to call the attention of the Legislatures of the Colonies comprised within this Government, to the necessity of making more liberal provision, by law, for the diet of the slaves, and of reducing within much narrower limits the extent of their daily tasks.

A Committee of the Council and Assembly of this Island was, in consequence, appointed to take into consideration and to report upon your Lordship's Despatch; and I have now the honour to transmit a Copy of their Report, which has been adopted by the Council and Assembly.

The Committee appear to me to have wandered from the consideration of the point specially recommended to the attention of the Legislature by your Lordship, and rather to have entered into a justification of the general treatment observed by the inhabitants of this Island towards their slaves. I have therefore judged it proper to recall the attention of the Council and Assembly to the particular subjects dwelt upon in your Lordship's Despatch of the 28th June, viz. the propriety of revising and amending the existing laws, with respect to the food to be supplied to the slaves, and the extent of labour to be required of them. I beg to transmit a copy of my Message to that effect, and which I trust will be productive of a more definite result.

I have, &c.
(signed) *W^m Nicolay.*

Enclosure 1, in No. 13.

St. Christopher.

The Committee appointed to take into consideration Viscount *Goderich's* Despatch of the 28th June 1831,

Beg leave respectfully to Report,—

THAT the Legislature of this Island have always received with deference and respect every suggestion proceeding from His Majesty's Government, regarding the legislative enactments for the Colony, and that no subject neces-

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sarily claims, at all times, a larger portion of their attention, than that which emanates from the immutable principles of justice and humanity, for securing to the slaves not only the necessaries of life in adequate food and repose, as well as protection from violence and ill-treatment, but also whatever may contribute to their real comfort, or tend ultimately to improve their condition in every way.

In proof that their endeavours to this effect have not been totally unsuccessful, they may appeal to the approbation expressed by His Majesty's Government, as contained in Mr. Huskisson's Letter of the 7th March 1828.

That independently of the obligations imposed upon the Legislature by the above principles, it might naturally be inferred that the same assiduity which is evinced by the master for the improvement of his property generally, would not be withheld from those without whose labour, regulated by custom as well as by legal enactments, the rest would be rendered totally useless.

That they sincerely lament that exceptions to the practice of those feelings and principles should exist anywhere; and that from the frailty and infirmity of all human institutions, "neither the considerations of duty, or the subordinate suggestions of self-interest" (or the best of laws), "are at all times sufficient to protect and enforce the rights of the slave," or of even the free-born in the Mother Country.

That they are, nevertheless, far from admitting that the communications in Lord Goderich's Despatch of the 28th June 1831, relative to the Island of Nevis, supposing the facts therein stated to be incapable of explanation or mitigation (but upon which they presume not to offer comment or opinion), can with justice be applied, without comparison or examination, to this community, or be deemed a true representation of the condition of the slaves in this Island, merely because the two Islands happen to be contiguous and comprehended in the same government.

That the rising and setting of the sun, by which the direction of the day's labour is limited, forms an average not exceeding twelve hours throughout the year, from which is to be deducted the same time for breakfast which is allowed to the English labourer, although the same rigid punctuality is not enforced here as in the Mother Country. That double the time allowed in England is here given for dinner or repose, viz. two hours, exclusively of that which is required for collecting grass, &c. which on many estates in this Island is attended with little labour or exertion, but from which are invariably exempted the nurses and weakly negroes, who do not, however, repair to the field until the rest are all assembled.

That the burning heat of a tropical sun, so destructive to the European, and under the intolerable heat of which (by a stretch of exuberant fancy) the negro is represented as fainting from exhaustion, and scarcely supporting a miserable existence, in reality, so far from being injurious, is congenial to the constitution and necessary to the development of the faculties of the African and his descendant, who droops into inertness under the influence of cold.

That the heat of these Islands is so tempered by almost constant sea-breezes as to be reduced by them to full thirty degrees below that of those parts of Africa inhabited by the negro races, and which may therefore be considered as their natural temperature, frequently aggravated in their native country by stagnant atmosphere, and the noxious exhalations of swamps and morasses.

That neither the labour or heat to which the negro is here subjected can be deemed to him oppressive, may be proved by the fact, that he very seldom dedicates the intervals of work to repose, but to his own avocations or amusement.

That the allowance distributed weekly to estates' negroes, however ample and sufficient, can be considered only as a part of the means afforded for their subsistence.

That on every estate in this Island are grown many acres of the Angola or pigeon peas, as a green dressing for the land as well as for food. That this vegetable affords to all colours and conditions, bond or free, a wholesome, palatable and nutritious meal; and as the negroes have in this Island an unre-

stricted

stricted access to this part of the plantation, it forms not only an unlimited article of excellent food, but of profit also by its sale in the market.

That were any but the best corn meal imported, its deleterious effects would soon be manifested by filling the hospital with sick.

That this article is used by the negroes here, according to the fancy of the individual, as it is in every place where it is grown or imported for food, in Europe or America; but yeast is never, and could not be, employed to any useful purpose with it.

That the extensive cultivation of yams and potatoes, &c. almost entirely supersedes the necessity of importing corn meal as an estate's allowance; and these vegetables are issued in such abundance as to cause the negro to complain, not of want, but of the low prices obtained for his surplus by the quantity brought into the market.

That besides cocoa nuts, oranges and the variety of other fruits and vegetables grown in the gardens immediately surrounding their dwellings, they have tracts of mountain and other land, for the cultivation of which reasonable time is allowed; and to which advantages must be added, the herds of goats, sheep, hogs and poultry of every description, by which the markets and the free inhabitants are exclusively supplied, and which are raised upon (and very frequently to the great injury of) the property to which the slaves belong, from the depredation and mischief they commit on every part within their reach by carelessness or accident.

That the quantity of salt fish given out weekly generally exceeds what the law prescribes, and is not in fact used as an article of substantial food, (for which it would not be wholesome,) but as seasoning, as it is in like manner used, in smaller proportions, by the lower classes of white and coloured people, as well as throughout the south of Europe, where a vegetable diet prevails, though scarcely, if at all, known to the Irish labourer.

That whenever canes are cutting, the unrestricted consumption of them by the negroes of all ages, the cold juice and a certain proportion of warm liquor given daily from the boiling-house, form another considerable article of nutriment, to which they are so passionately devoted as to prefer it to more solid food, and indeed is prized as a luxury to which the lower classes of England must necessarily be strangers.

That the opprobrious comparison made between the quantity of food allowed to the prisoner in Millbank Penitentiary and the slave in the West Indies, is not fair; the former, immured between four stone walls, is subjected to a discipline and severity of labour unknown here, even in criminal punishments, while it is impossible for him to procure any thing more than what the gaol regulation allows; whereas, on the contrary, the negro, with the least industry, can obtain many comforts in addition to what he receives from the estate.

That difference of climate and the wants dependent upon it, with the customs, nature and propensities of the negro, render a strict comparison of his condition with that of the English labourer scarcely possible; yet, considering the several advantages enjoyed by the negro, the continually increasing privileges given to him, and the loitering way in which all work is carried on, your Committee do not hesitate to affirm, that nothing like the quantum of labour is expected from the negro which the Englishman is compelled to perform to enable him to obtain a much smaller quantity of food and other absolute necessities of life for the climate in which he lives.

That your Committee have no right to question the good intentions of the proprietor of the Stapleton's Estates, nor have they the least wish to detract from his merits in any way; but they are ignorant of any foundation for the invidious distinction made in favour of those estates, and are far from concurring with Lord Goderich, "that very few slaves can have the good fortune to belong to a proprietor equally solicitous for their welfare" as Viscount Combermere; nor are they prepared to admit that unavoidable absence in the public service can absolve the master from making due provision that his slaves experience kind treatment. A very slight inquiry might have detected the acts of the perpetrator of the atrocious facts at last disclosed upon his Lordship's estate in a neighbouring Island, under the direction of a person selected in England and sent out by the proprietor himself.

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That this Committee cannot admit that it must "remain a matter of conjecture and painful uncertainty" how far the condition of any slaves in this Island is superior to that of those whom Lord Goderich describes "as wasting away with frightful rapidity under the combined pressure of the most severe and unrequited labour and the most inadequate sustenance." On the contrary, your Committee have great satisfaction in being able to relieve his Lordship's mind from the effects of such gloomy apprehensions, by opposing the simple and unanswerable fact, that the slaves in this Island exhibited by the last Return an increase by births, instead of any decrease; the contrary of which has always been (but without foundation) brought forward by the Anti-Colonial party to prove the wretched condition of these people and the painful effects of slavery.

That it is neither consistent with justice or with liberality to stigmatize a whole community by attributing to all the crimes, however heinous, of a few; and that if the state of society in these Islands is to be viewed only through the medium of the gross misrepresentations perpetually obtruded upon the Public in England, with mischievous industry, by those who are in open hostility to every kind of property in them, then with equal justice and propriety may the picture of society in the Mother Country be drawn from her records of depravity and crime.

That your Committee cannot but express their sincere regret to observe the tone of asperity, as well as of severe and indiscriminate reprehension, which pervades the whole of Lord Goderich's Despatch. Dictated under the influence of feelings not totally unbiassed, and leaving your Committee to apprehend the most frightful consequences from the impressions that sentiments so adverse to the interests of the Colony, promulgated from such high authority, must leave upon the minds of an ignorant and unreflecting class of people; impressions that must tend to create a breach, and make them consider as enemies those whom heretofore they depended upon as friends and protectors.

Committee Room, }
March 26, 1832. }

(signed) J. Philips,
Chairman.

Enclosure 2, in No. 13.

Government House, St. Christopher's,
30th April 1832.

Gentlemen,

I HAVE to acknowledge the receipt of your Letter of the 27th March last, enclosing a Copy of a Report of the Committee appointed to take into consideration Viscount Goderich's Despatch of the 28th June last, and which Report has been adopted by the Council and Assembly.

Having attentively perused this Report, I beg to offer a few observations thereon.

The object of Lord Goderich's Despatch was to press on the attention of the Legislature the necessity of fixing within fair and reasonable limits the duration of the daily labours of the slaves, as well as of making a suitable and liberal provision for their food; and, above all, to point out the propriety of framing the laws on those heads in such manner that they may be strictly and readily enforced.

With regard to the extent of daily labour, it is stated by the Committee, that the average time, being regulated by the rising and setting sun, does not exceed twelve hours throughout the year, from which is to be deducted the time allowed for meals and repose, exclusive of that required for collecting grass; leaving therefore the time of actual work about nine hours and a half.

Admitting that by usage this is the extent of labour required on many estates in this Island, daily experience shows that these limits are not generally observed, nor indeed are they prescribed by the existing law, which enacts that no owner or director of slaves shall turn out to work any slave before the hour of five in the morning, nor shall continue any slave at work after seven in the evening, except in crop time, or from some evident necessity. Out of this period, comprising fourteen hours, the law allots two hours and a half for meals, &c; the slaves may consequently in all seasons be forced actually to work eleven hours

hours and a half; and during crop time there are not any prescribed limits whatever.

With respect to food, it is not doubted that on many properties, governed by persons of benevolent and liberal minds, the slaves receive an ample allowance of provisions of different kinds; but as it is not to be expected that such feelings and regard for the comfort of the slaves should universally prevail, it is essential that the nature and quantity of food to which each slave is entitled should be regulated by positive legislative enactment.

Adverting to the existing law on this subject, it certainly appears to me that the quantity of food with which an owner or director can be compelled to supply his slaves, is by no means commensurate to the labour he is permitted to exact from them; and that the uncontrolled right granted to the master to distribute the total quantity of provisions in such proportion and share as he shall think proper, is very vague and open to evasion.

I feel confident that the Council and Assembly will agree with me as to the justness of these remarks, and I trust therefore that they will deem it proper, without delay, to cause the laws which at present exist on these important points to be revised and amended.

His Honour the President of the
Board of Council.

His Honour the Speaker of the
House of Assembly.

I have, &c.

(signed)

W^m Nicolay.

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CHRISTOPHER,
NEVIS
& TORTOLA.

— No. 14. —

COPY of a DESPATCH from Viscount *Goderich* to Major-General *Nicolay*,
&c. &c. &c.

Sir,

Downing-street, 3d July 1832.

I RECEIVED your Despatch, dated the 1st May last, transmitting Copies of a Report of a Joint Committee of the Council and Assembly of St. Christopher's, respecting the food and labour of the slaves in that Island, with the Copy of a Letter addressed by yourself to the President of the Council and the Speaker of the House of Assembly on the subject of that Report.

For the reasons stated in my Circular Despatch of the 12th of May, I forbear to enter upon any of the general topics suggested by these documents respecting the actual condition of the slaves in the Islands of St. Christopher and Nevis. It is sufficient for me to say, that I entirely disclaim the "asperity" and the "indiscriminate reprehension" which is attributed to my Despatch of the 28th June 1831. That I wrote that Despatch under a very painful sense of the melancholy character of the disclosures to which it became my duty to refer, I do not wish to deny; and I do not perceive that the Council and Assembly have, in their present Report, disputed the accuracy of the premises advanced in that Despatch; although they represent that there are many other circumstances to which I did not there refer, and which, as they conceive, greatly affect the accuracy of my conclusions.

I trust that the account which they have given of the state of prosperity in which the field slaves are living will be verified to the fullest extent. Such facts will indeed redound in the highest possible degree to the honour of the gentlemen of the Island; and there is no one to whom it will be more sincerely gratifying than myself to find that in the midst of a distress so general and severe, they have not at once the disposition and the power to be habitually bountiful to their slaves, and that humanity and justice have amongst all classes not only prevented the abuse of their legal powers, but have even supplied the admitted deficiencies of the law. Still I must retain my opinion, that upon the facts formerly reported to me by your predecessor in the Government, and in reference to the laws to which he referred me, it was scarcely possible to avoid the conclusions at which I arrived, or to state them in any other terms than those of the most undisguised anxiety for the probable results; and even now I must entirely confirm the truth of your observation, that my principal design was to press on the attention of the Legislature the necessity of making proper regulations respecting the food and labour of slaves; "and above all to

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point out the propriety of framing the laws on those heads in such a manner that they may be strictly and readily enforced." Assuming the state of slavery to be practically a condition of life such as is described in the Report of the Committee, there surely can be no solid objection to securing to the slaves, by an effectual law, the advantages they already possess. The adoption of such law would not be considered as conveying any reflection upon those whose natural feelings and disposition would prevent them from incurring its penalties; and it would operate in no other way than as a check upon that frailty and those infirmities which belong, in the words of the Report itself, to all human institutions.

Having it, therefore, in their power, without any expense or deprivation to themselves, to rescue their Code from so much obloquy, there can be neither harshness nor want of reason in urging upon them the adoption of a law which would silence all objections and render impossible the imputations of which they complain; and I lay the more stress upon this view of the subject because the usual limits of labour, as stated in the Report, correspond precisely with those fixed by the recent Order in Council; while the provisions supplied to the slaves are represented as much more abundant than that Order requires. I perceive, however, that the statements of the Committee on those subjects are considerably at variance with your own. You observe that daily experience shows that the limits of labour which they mention are not generally observed; that with respect to food, "it is not to be expected that the feelings and regard for the comfort of the slaves," which are said to exist, "should universally prevail." As to the deficiency of the law, the vagueness of its enactments and the facility with which it may be evaded, you entirely corroborate my observations, and repeat my advice that the law should be amended. I regret that you were unable to report the adoption of this recommendation. But without entering more at length into this question, I can truly say, that it will be to His Majesty a source of peculiar gratification to find that the hope which you express of a more definite result following from your second Message may be realized by a concurrence of the Legislature in its important objects.

I have, &c.

(signed) GODERICH.

DOMINICA.

—No. 1.—

COPY of a DESPATCH from the Officer administering the Government to
Viscount *Goderich*, &c. &c. &c.

Government House, Dominica, 6th July 1831.

My Lord,

DOMINICA.

I HAVE the honour to transmit herewith Copy of an Act passed by the Legislature of this Colony, intituled, "An Act to consolidate and amend the Laws relating to Slaves."

I have very great pleasure in transmitting to your Lordship this Act; and sincerely hope it will meet the entire approbation of His Majesty.

I have, &c.

(signed)

J. P. Lockhart,

President and Commander-in-Chief.

Enclosure in No. 1.

Dominica.

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AN ACT to consolidate and amend the LAWS relating to SLAVES.

Preamble.

WHEREAS Laws for the encouragement, protection and better government of Slaves, and for the general amelioration of their condition, have from time to time been enacted in this Island, founded upon the principles of policy, justice and humanity, and it being expedient that such further provisions to that effect should now be made as may be consistent with a due regard to the interests of the proprietors of Slaves, We therefore, Your Majesty's dutiful, loyal and obedient Subjects, the Governor, Council and Assembly of this Your Island of Dominica, humbly pray Your Most Excellent Majesty that it may be enacted and ordained;

And be it and it is hereby Enacted, That every proprietor, renter, attorney or agent of any slave or slaves shall give or cause to be given to all such slaves as shall be under his, her or their care, a sufficient quantity of good and wholesome food, and shall provide dry and comfortable lodging for them, and shall give them good and sufficient clothing; that is to say, to each Male Slave above the age of ten years, once in every year, a kersey pennistone or drugget jacket, a hat or cap, a pair of Osnaburg or pennistone trowsers with four yards of Osnaburgs; a kersey pennistone or drugget wrapper, a hat or cap, an Osnaburg or pennistone petticoat, with four yards of Osnaburgs, to every Female above the age of ten years; and to Children of the age of ten years and above two years, a hat or cap, and three yards of Osnaburgs; and to Children under the age of two years, two yards of Osnaburgs; and also a blanket to each slave once in every three years; and an iron pot to every adult slave once in every three years; and to each domestic slave such decent clothing as shall at the least be equivalent to what is hereby directed to be given to the field or plantation negro; and in case of the sickness of any such slave or slaves, shall provide proper medical assistance and advice. Clause 1st.

And be it Enacted, That whereas there are many poor persons who are unable to purchase the clothing required to be furnished to such slaves by the foregoing Clause, it shall be lawful for any such poor persons to grant to any of his or her slaves (being adult and capable of labour), in lieu of such clothing, any number of days not less than Twelve, to be allowed to such slave consecutively, and exclusive of Saturdays and Sundays: Provided always, That such poor person shall at the time of making the returns of slaves under a certain Act passed the Nineteenth day of February One thousand eight hundred and eleven, intituled, "An Act for ascertaining the number of slaves under a certain Act of Colour, and Slaves in this Island," make oath as follows: "I, G. H., do solemnly swear, That it has not been in my power to purchase the clothing required by the first Clause of an Act, intituled, 'An Act to consolidate and amend the Laws relating to Slaves,' to be by me furnished to the slaves under my charge during the last twelve months, and I have in consequence of such inability allowed to each of such slaves as are adult and able to labour the time required to be allowed in lieu of such clothing by the first Clause of the herein-named Act;" and should any proprietor, renter, attorney, agent or other person in charge of slaves neglect or refuse to comply with the enactments of these Clauses, he or she shall be punished by fine not exceeding Ten Pounds, or by imprisonment not exceeding One Month, for each offence, at the discretion of the Court before whom the same shall be proved. Clause 2d

And be it Enacted, That every proprietor, renter, attorney, agent or other person having charge of any slave or slaves, shall provide comfortable lodging and wholesome food for every old, infirm or diseased slave, and shall on no pretence discard any such slave, or knowingly suffer him or her to wander about; and should any such proprietor, renter, attorney, agent or other person offend against this Clause, he or she shall on conviction thereof be punished by fine not exceeding One hundred Pounds, or by imprisonment not exceeding Six Months, at the discretion of the Court before whom such offence shall be proved. Clause 3d.

And be it Enacted, That every field slave shall on working days be allowed half an hour for breakfast, and for dinner two hours out of crop, and one hour and a half during crop; and no slaves, except domestics, stock-keepers, watchmen and nurses or others, who may be required in attendance on the sick, shall be compelled to do any work whatever on any Sunday throughout the year, Clause 4th.
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on Good Friday, nor on Christmas-day or the day following, or on New-year's day; and if either of the said last-mentioned holidays shall fall on a Sunday, the following Wednesday shall be given in lieu thereof; nor shall any slave (except as aforesaid) be compelled to do any work whatever before the hour of Five in the morning, nor after Seven o'clock in the evening, except during the time of crop, when it shall be lawful to keep them at work until Nine o'clock at night, and no longer: Provided always, That it shall and may be lawful, in case of any accident or danger, at any hour of the day or night, for the proprietor, renter, attorney or manager, or other person in charge of any plantation or estate, to compel the slaves thereto attached to afford any assistance that may be required whenever such accidents or danger may arise; and any person having charge of slaves offending against the provisions of this Clause, shall on conviction before the Court of King's Bench incur the penalty of Fifty Pounds.

Clause 5th. And be it Enacted, That every proprietor, renter, attorney or agent of any slave or slaves, shall have the option of feeding them as directed in the first Clause, or of allotting to them a sufficient portion of land for that purpose, not being less than Half an Acre to each individual slave, and shall appropriate the Saturday in every week for the purpose of cultivating the same, except during crop time, when it shall be lawful to withhold such day, on allowing to each adult Three Pounds of salted or pickled fish, and to the mothers for each child of ten years and under, One Pound of the same: Provided always, That on no pretence whatever shall less than Twenty-six Days in each year be allowed to each slave; and in case of non-compliance with any enactment of this Clause, the offender shall on conviction forfeit the sum of Ten Pounds; and on complaint of any slave, or any other person on his behalf, to any magistrate, he is hereby authorized to issue a summons to be served by any constable requiring the attendance of any witnesses within Ten Days from the date of such summons, for the purpose of giving evidence on such complaint; and if such witness or witnesses shall refuse to obey such summons, he, she or they shall forfeit the sum of Ten Pounds; such penalty, when recovered, to be paid into the Public Treasury, for the uses of the Colony: Provided always, That if such complaint shall be found untrue, the Justice is hereby authorized to order the said slave to be punished in any number of stripes not exceeding Thirty-nine.

Clause 6th. And be it Enacted, That any proprietor, attorney, agent, renter, manager, overseer or other person in charge of any slave or slaves, shall, under the penalty of Fifty Pounds, make oath annually before the Commissioners at the time of making the Return of slaves under a certain Act passed the Nineteenth day of February One thousand eight hundred and eleven, intituled, "An Act for ascertaining the number of White Persons, Free Persons of Colour, and Slaves in this Island," to the following effect; "I [*naming the party, and his or her description*] do solemnly swear, That during the last Twelve Months I have fully complied with the several duties and obligations imposed upon me towards the slaves under my charge, under and by virtue of the first, second, third, fourth and fifth Clauses of an Act of the Legislature of this Island, made the day of 1831, intituled, 'An Act to consolidate and amend the Laws relating to Slaves.' So help me God;" which Oath the said Commissioner or Commissioners is and are hereby authorized and required to administer, and to transmit a Certificate of the same to the Treasurer, along with his or their Return, under the penalty of Fifty Pounds for every refusal or neglect; and that if any such Commissioner be himself a proprietor, attorney, manager, overseer, or other person in charge of any such slave or slaves, he shall make oath in form as aforesaid, before some Justice of the Peace, and shall duly transmit to the Treasurer a Certificate of the same, under the penalty aforesaid: Provided always, That where it shall happen that the party making such return shall not have been in charge of the said slaves during the whole of the preceding twelve months, then and in such case he shall only be required to make oath that the provisions and duties imposed by the said several Clauses have been truly and faithfully observed and complied with to the best of his knowledge and belief.

Clause 7th. Be it Enacted, That should any person detain, buy or exchange, or take as a gift of or from any slave his or her clothing, issued as aforesaid, such person shall be deemed guilty of a Misdemeanour, and upon conviction before any one or more of His Majesty's Justices of the Peace, shall, if a white or free person, forfeit

forfeit a sum not exceeding Ten Pounds, and if a slave, shall be punished by whipping, at the discretion of any Justice of the Peace, with any number of stripes not exceeding Thirty-one. DOMINICA.

And be it Enacted, That every proprietor or person in charge of slaves shall encourage such slaves to Christian baptism, and shall afford every reasonable facility to them to attend Divine Worship on Sundays; and any such owner or person having charge over slaves, who shall be proved to the satisfaction of two magistrates to have wantonly, or without sufficient reason, thrown obstacles in the way of slaves attending Divine Worship or having the rites of baptism performed upon him or herself, or his or her children, or to have refused to allow the contracting of marriage by any slave under his charge with any other slave not residing at a greater distance than five miles, shall be subject to a fine not exceeding Fifty Pounds: Provided always, That no marriage which may be solemnized between any slaves shall invest such slaves or their progeny with any rights at variance with the legal title of the owners of such slaves to the services of such slaves or their progeny, or with the duties which such slaves or their progeny are bound by law to render to such their owners or to any person having them in charge. Clause 8th.

And be it Enacted, That after Thirty Days from the publication of this Act, no article shall be sold or exposed for sale in the public market, or any other place, store, shop or house, after the hour of half-past Ten o'clock in the forenoon of any Sunday; and any person convicted before any magistrate of offending against this Clause shall, if a free person, incur the penalty of Ten Pounds, and if a slave, shall be punished in any number of stripes not exceeding Thirty-one: Provided always, That nothing herein contained shall extend to prevent the sale of medicine, or of provisions for consumption in any inn or victualling-house, nor to prevent the sale of milk in any shop or store, nor of fresh fish or fresh meat in the market-house on Sunday, between the hours set apart for the celebration of Divine Service. And be it further Enacted, That on the first Sunday after the publication of this Act, and on every successive Sunday for thirty days thereafter, the Town Wardens shall and they are hereby required to give public notice by such means as may seem best to a majority of them, of the Sunday in which the provisions of this Clause will first be enforced. Clause 9th.

And be it Enacted, That it may be lawful for any slave or slaves on plantations, having the consent of the proprietor, renter, attorney or other person in charge thereof, to use any drum or instrument of music for the purpose of dancing in the town of Roseau, or the indulgence of any innocent amusement; and that slaves may meet for such amusement or dancing as aforesaid at the River side only; provided such amusement or dancing shall not be continued after the hour of Eight o'clock in the evening. Clause 10th.

And whereas on the days allotted for holidays slaves may become riotous and disorderly from the absence of the person in charge of them; Be it Enacted, That any manager, not having an overseer under him, who shall on such holidays absent himself from the plantation of which he has charge, except for the purposes of attending Divine Service or militia duty, shall forfeit the sum of Ten Pounds; and any overseer who shall absent himself from the estate (except as above) without the leave of his manager or employer, shall forfeit the sum of Five Pounds. Clause 11th.

And whereas the most dreadful mortality has recently prevailed in this Colony from the small pox, an evil chiefly attributed to the neglect of vaccination; Be it Enacted, That every proprietor or person having charge of slaves, shall within Six Months after the passing of this Act, cause to be vaccinated all such slaves under his or her authority as shall not have undergone vaccination, or who shall not have had the small pox; and shall also within Six Months after the birth of every child born of a slave under his or her charge, cause such child to be vaccinated. Clause 12th.

And be it Enacted, That if any person shall wilfully mutilate, wantonly or cruelly whip or cause to be whipped, beat, bruise, cut, wound or imprison or otherwise ill-treat, or keep in confinement without sufficient nourishment, or shall wantonly or wilfully cause or procure to be mutilated, cruelly whipped, beaten, bruised, cut, wounded, or kept in confinement without sufficient nourishment, or to be otherwise ill-treated, any slave, such person being duly convicted of the same before the Court of King's Bench, shall be punished by fine Clause 13th.

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fine not exceeding Two hundred Pounds, or imprisonment not exceeding Six Months, or by both, at the discretion of the Court; and that it shall also be lawful for the said Court, in atrocious cases, where the same shall be so found by the Jury (who are hereby directed to certify on the back of the Indictment whether the case has been by them found atrocious or not), to take him or her, provided such slave consents thereto in open Court, out of the power of a master convicted of such violence as aforesaid, and to order the Marshal forthwith to sell and dispose of such slave to any other person but the then owner, at public outcry, at the best price that can be procured; the money arising out of such sale, after payment of all expenses, to be delivered to such owner.

Clause 14th. And be it Enacted, That if any free person shall be guilty of striking or beating any slave, the property of another, he or she shall, on conviction before two magistrates, forfeit any sum not exceeding Twenty Pounds.

Clause 15th. And be it Enacted, That if any owner, possessor, or other free person shall, either by force or fraud, take away or cause to be taken away from any slave any article of property which by the laws, customs and usages of this Colony such slave is authorized to possess, or shall sell or dispose of or destroy or injure the same, or if any person having purchased from such slave any such article shall refuse or neglect to pay for the same, or shall refuse to pay the wages due to any slave who may have been hired by him or her, or shall wantonly trespass upon his provision grounds, such offender shall, on conviction before any two magistrates, be fined in any sum not exceeding Ten Pounds, and shall also make full compensation for the injury which in the opinion of such magistrates the slave shall have sustained.

Clause 16th. And whereas although legacies to slaves have always been held good and valid in law, yet the legality thereof has never yet been declared; Be it Enacted, That any pecuniary bequest or legacy of a chattel to a slave is and shall be a valid legacy, and that the executor or executors or other representatives of the testator is hereby authorized and required to pay such legacy or deliver such chattel to the slave legatee.

Clause 17th. And it is hereby Enacted, That the evidence of slaves shall be admitted in all causes and against all persons whatever, and be subject to the same qualifications and restrictions, and to such only, as are applied to the evidence of His Majesty's white and free subjects: Provided always, That slaves shall be competent to bear testimony against their legal owners in cases of personal injuries only.

Clause 18th. And be it Enacted, That in all cases where the evidence of slaves shall be required in any Court of Justice in this Island, a writ of subpoena shall and may issue under the hand of the Secretary of the Island, or his Deputy, and under the seal of the Court, in the usual manner, upon the application of any person requiring the testimony of such slaves, directed to the proprietor of or the person under whose immediate charge such slave or slaves may be, requiring him, under the penalty of Twenty Pounds, to produce or cause to be produced in Court such slave or slaves for the purposes aforesaid; and in case any magistrate shall require the attendance of any slave to give evidence in any matter brought before him, he is hereby authorized to issue his summons, directed to the owner or person in charge of such slave, requiring him or her, under the penalty of Five Pounds, to produce such slave, or cause him or her to attend for the purposes aforesaid; and in case of neglect or refusal by such owner or person in charge, it shall be lawful for such magistrate (on proof being made upon oath of the service of such summons) to issue his warrant to the Provost Marshal to levy the same in a summary manner.

Clause 19th. And be it Enacted, That in case any slave shall wilfully and corruptly give false evidence, and be duly convicted of perjury, he or she shall suffer punishment by pillory, whipping or solitary confinement; and any slave who shall refuse or evade giving evidence when called upon by any Court of Justice for that purpose, shall for such contempt suffer punishment by whipping at the discretion of the Court not exceeding Thirty-nine stripes, or by solitary confinement not exceeding Ten Days.

Clause 20th. And be it Enacted, That no slaves being married and belonging to the same owner shall be sold separate and apart from each other, nor shall any slave under the age of Twelve Years be sold separate and apart from its mother, except for the purpose of being manumitted, or under sentence of a Court, as declared in the Thirtieth Clause of this Act: But whereas cases may occur where

where from the abandoned character of the parent, policy and humanity may require that the child should be removed from such improper influence, it is hereby provided, that if any proprietor or attorney or agent, having charge of slaves, shall be of opinion that the future well-being of the infant requires that it should be protected from the neglect of its mother, or taken out of the reach of her bad example, he is hereby authorized to apply to the next Court of King's Bench, Common Pleas or Petty Sessions, upon an affidavit stating the facts which appear to him to warrant such separation, which the Court is empowered to order, if in their judgment the good of the child will be thereby promoted.

And be it Enacted, That it shall and may be lawful for any free person on behalf of any slave to have and maintain an action or actions in his or her own name for the recovery of any debt or debts due or owing to any slave, as if the same were really due to him or herself, and also to maintain any action for the recovery of damages for any wrongs or injuries done to the person or property of such slave; and the Jury in returning their verdict shall, if they find for the plaintiff, declare the same for the use of such slave. Clause 21st.

And be it Enacted, That so much of the Act, intituled, "An Act to establish Courts of Petty Sessions at stated times for the Trial by Jury of runaway or other Slaves in custody of the Provost Marshal, for Crimes under any of the Laws of this Island now existing or hereafter to exist for regulating and in some instances varying their Punishment, as established by Laws now in force for the more speedy Trial of Slaves committed for Misdemeanour or petty offences by Justices of the Court of King's Bench and Grand Sessions of the Peace, immediately on the termination of their Session to hold Courts of Petty Sessions for the Trial or Gaol Delivery of Slaves then in custody of the said Marshal, and for other purposes connected therewith," passed the Tenth day of September One thousand eight hundred and seventeen, as directs the Provost Marshal to summon Twelve Jurors, six of whom shall be sufficient to form a Jury; and also so much of the fifth Clause of the said Act as authorizes the forming of a Petty Jury of six persons; be and the same are hereby Repealed, in so far as regards the trial of slaves for capital offences only; and that in future all such trials shall be by indictment in the Court of Grand Sessions to be found by a Grand Jury, and to be tried by a Petty Jury, in the same manner to all intents and purposes as all other criminals are by law directed in such cases to be tried. Clause 22d.

And whereas it is by law provided, that in certain cases the owner of slaves or persons having charge thereof, shall allot to each negro a portion of ground, and sufficient time for the due cultivation thereof; and whereas such provision has been found by experience to be highly beneficial to the negro, by encouraging his industry in raising stock and vegetables for sale, by which means his domestic comforts are greatly increased, and his habits improved; Now, to the end that the slave may not be defrauded of such time by persons acquiring an undue and dangerous influence over his mind, and the good intended by the Legislature thereby defeated, Be it Enacted, That any person employing the slave of another during such hours as are allotted for the good purposes aforesaid, or during the hours set apart for his meals and relaxation, either for hire or other inducement, without the sanction of the owner or person having charge of such slave, shall for every such offence, upon conviction before two magistrates, pay a fine not exceeding Ten Pounds. Clause 23d.

And be it Enacted, That no Gaol-keeper or any person acting under him, shall, on any pretence whatever, work or employ any slave or slaves sent to his custody (except in cleansing the gaol or in cleansing or cultivating the yard), nor hire or lend out such slave or slaves during the time they ought to be in his custody, or suffer them to be at any time without the walls (except as hereinafter provided), under the penalty of Ten Pounds for every offence; and that should the Provost Marshal, Gaol-keeper, or any constable, willingly or negligently suffer any slave or slaves to escape, who shall be committed to his or their custody for any offence under this Act, such Provost Marshal, Gaol-keeper or constable, on proof thereof before the Court of King's Bench, shall for every such offence forfeit a sum not exceeding Ten Pounds, without prejudice to the rights of the owner to sue for the value of such slave. Clause 24th.

And be it Enacted, That it shall be lawful for any Court or Magistrate before whom any slave shall be convicted of any offence not being capital, to sentence such Clause 25th.

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such offender to hard labour, in repairing and cleaning the streets of Roseau, or in any other public work, for such period as the said Court or Magistrate shall deem fit; such slave to be remanded to the common Gaol every noon and evening after the labour of the forenoon or day is over, to be there closely confined: Provided always, That the Provost Marshal shall not be entitled to more than one fee for the commitment of and release of such slave; and in case more than one slave shall be so sentenced, they shall be formed into a gang under the orders of the Town Wardens; and for the purpose of securing such offenders, and preventing their absconding while so employed as aforesaid, it shall and may be lawful to chain them two and two together; provided such chain shall in no case exceed four pounds weight for each slave; which chains the Town Wardens are hereby authorized and directed to provide; and also to appoint an overseer of the said gang, should their number be sufficient to require it; provided that the pay of such overseer for every working day shall not exceed Nine Shillings, nor the allowance to any slave to exceed One Shilling and three-halfpence for any working day; such expenses to be paid by the said Town Wardens out of the funds arising from the assessments on houses in Roseau; provided also, that it shall not be lawful for any owner or any other person in charge of any slave, to send such slave to be worked as aforesaid, otherwise than by order of a Court or Magistrate.

Clause 26th.

And be it Enacted and Declared, That murder, robbery, wilfully setting fire to houses or plantations, maliciously cutting or shooting with intent to kill, and all other felonies which are capital by the law to which the free inhabitants of this Colony are subject, shall, if committed by slaves, be tried under the same laws and in the same manner, and be followed on conviction by the same punishment as would follow the conviction of free persons for the like crimes.

Clause 27th.

And be it Enacted, That any slave who shall be convicted of having struck his or her master or mistress, or any free person having charge of them, or of theft to any amount under Twenty Pounds, or of any attempt to set fire to any house or building, cane-piece or coffee-piece, provision or pasture ground, or of entering any house or building with intent to steal therefrom, or who shall have been accessory to any of the said offences, shall suffer solitary confinement on bread and water, pillory, public whipping, or such other punishment as the Court before whom such offender may have been convicted shall in their discretion award.

Clause 28th.

And be it Enacted, That any slave who shall use defamatory language, words of abuse tending to provoke a breach of the peace, or menacing gestures towards any person whomsoever, shall on due proof of the same, before any Justice of the Peace, be punished by public whipping by any number of stripes not exceeding Thirty-nine; provided always, that complaint of such offence be made to such Justice within Six Days after its commission.

Clause 29th.

And be it Enacted, That any person whatever who shall be convicted of giving, selling or bartering gunpowder, fire-arms or other offensive weapons, lead, shot or any article whatsoever to or with runaways, or having any sort of intercourse or correspondence directly or indirectly with such runaways, shall suffer such punishment as the Court before whom the cause is tried shall in their discretion award; and no slave without the express consent and approbation of his owner, or the attorney, agent or manager under whose charge such slave may be, shall have in his possession any fire-arms or gunpowder, on pain of public whipping to the extent of Thirty-nine stripes, to be ordered by any magistrate before whom the offence shall be proved.

Clause 30th.

And be it Enacted, That if any slave shall practise the pretended art of witchcraft or obeah, by administering to any person whomsoever drugs or potion, or by the use of charms, amulets or other contrivances whatever, or if any free person shall use or practise the same against or upon any slave, the offender on conviction thereof before the Court of King's Bench or Petty Sessions shall suffer such punishment as the Court in its discretion shall award.

Clause 31st.

And be it Enacted, That any person whatever who by printing, writing, preaching or speaking shall induce or excite slaves to throw off their duty and obedience to their owners or other persons in charge of them, or to violate any of the laws in force in this Island, shall be deemed guilty of a high misdemeanour, and punished by banishment, fine or imprisonment, or such other punishment as the Court before whom such offender is tried shall direct.

And

And be it Enacted, That if any slave or slaves shall desert from his, her or their owners, and go off, conspire or attempt to go off from this Island, in any ship, boat, canoe or other vessel or craft, or shall aid, abet or assist any other slave or slaves in so doing, such offender or offenders being thereof duly convicted, shall suffer such punishment as the court may award; and should any free person be duly convicted before the Court of Grand Sessions of inciting, aiding, abetting or assisting any slave or slaves in going off this Island, such person shall suffer punishment by banishment, fine or imprisonment, as the Court shall award, whether the slave or slaves so deserting or attempting to desert shall have been thereof previously convicted or not. Clause 32d.

And be it Enacted, That if any slave shall be convicted before any one of His Majesty's Justices of the Peace of gambling, quarrelling, fighting or rioting, such slave shall be punished by public whipping at the discretion of the said Justice, provided the number of stripes do not exceed Thirty-nine. Clause 33d.

And be it Enacted, That if any slave shall disobey the lawful order of his proprietor or the person under whose authority he is, or shall be guilty of neglect of duty, or shall be absent without permission from the proprietor or person in authority, or shall be guilty of any misconduct, such slave shall be punished at the discretion of the said proprietor or person in charge of him by confinement in the stocks or by whipping on the shoulders, or both, provided such whipping, if directed by the proprietor or attorney, shall not at any time or for any one offence exceed Thirty-nine stripes; and if directed by the manager of a plantation, shall not exceed Ten stripes; and if by a slave superintendent of a plantation, shall not exceed Six stripes; and provided also, that no punishment by whipping exceeding Ten stripes shall be inflicted on the same day on which the offence is committed; and no punishment by whipping shall be inflicted on any slave before the effect of any former punishment shall be thoroughly cured; and if any female slave shall offend in like manner, such slave shall, if above Twelve years of age, be punished by solitary confinement in the stocks; and if under Twelve years of age, by confinement in the stocks or whipping, in such manner and to such extent as may reasonably be inflicted on children of that age; and any person convicted before the Court of King's Bench of any offence against this Clause, if a free person, shall forfeit a sum not exceeding Thirty Pounds and not less than Five Pounds, and if a slave, shall receive punishment (not at variance with this Clause) not exceeding Thirty-nine stripes, or such other punishment as a court may award: Provided always, That if the owner or person in charge of such slave shall desire to prefer his complaint against such slave for any such offence before a magistrate, he shall be at liberty to do so, and any one magistrate may take cognizance of such complaint, and upon conviction award punishment as directed by this Clause. Clause 34th.

And be it Enacted, That in all cases where punishment by whipping is permitted by this Act, a cat, such as is used in the British army, and no other instrument, shall be used. Clause 35th.

And whereas there are slaves of notoriously bad character, and much in the habit of absenting themselves from their duty, and who, during such absence, live by plunder; Be it Enacted, That it shall be lawful for any proprietor, renter, manager or overseer of any slave who is in the habit of absconding, to affix upon such slave a collar and chain or handcuffs not exceeding four pounds in weight; and it shall also be lawful for such slave to be taken out to work with such collar or chain with the other slaves; provided, that one or more of the fellow slaves of the said runaway or one or more free person or persons do upon oath before a magistrate testify to the bad conduct and habits of such slave, and that it is necessary so to confine the said runaway slave to keep him or her on the property; and previous to such slave being worked in chains as aforesaid, it shall be necessary for such proprietor, renter, attorney, manager or overseer to obtain a certificate from the magistrate before whom said testimony is produced, authorizing the same; and it shall be the duty of such proprietor, renter, attorney, manager or overseer to provide good and sufficient food for the said slave during such confinement; and it shall be further lawful for any such proprietor, renter, attorney, manager or other person in charge to have on their property or plantation, stocks, bilboes, places of solitary confinement, or other secure means for the purposes of confining or punishing slaves. Clause 36th.

And be it Enacted, That if any slave shall have been committed to gaol, and shall not be prosecuted at the following Court of Grand or Petty Sessions, Clause 37th.
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the gaol-fees of such slave shall, if not otherwise ordered by the Court, be paid by the person at whose instance or complaint such slave was committed; and in default of payment of such fees, it shall be lawful for the presiding Judge to issue his warrant authorizing the Marshal to levy the amount thereof upon the goods and chattels of the person so making default, and also to order the release of such slave.

Clause 38th.

And be it Enacted, That it shall not be lawful for any Court or Magistrate to order punishment to be inflicted on any slave who may fail to establish any accusation of personal maltreatment of such slave by his or her owner, or of any person in charge of such slave, unless it shall appear fully to the satisfaction of the Court or Magistrate before whom the complaint was made that such accusation was false, and had originated in a malevolent motive, in which case such Court or Magistrate shall certify the same, and in such certificate direct punishment to be inflicted on such slave, the same not to exceed Thirty-nine stripes, and only according to the provisions of the Thirty-fourth Clause of this Act.

Clause 39th.

And be it Enacted, That if the owner of any slave in the Colony, or any person having any interest in any such slave, shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage or settlement, or lease or charge upon or interest in such slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of such slave; or if the owner or any other person having a charge upon or interest in any such slave shall be a minor, or idiot or lunatic, or if the real owner of any such slave shall be absent from the Colony to which the slave belongs, or shall not be known, or if any suit or action shall be depending in any Court of Justice in the Colony, wherein the title to the said slave or the right to his or her service shall or may be in controversy, or if the owner of any such slave shall demand as the price of his or her freedom a greater sum of money than may appear to any free person, acting on behalf of the said slave, to be the fair and just value thereof, then and in each and every of the cases aforesaid the Clerk of the Crown, on application to him for that purpose made by any free person on behalf of such slave, at least Thirty days before the next Court of King's Bench, shall issue a summons under his hand and the seal of the said Court, requiring the owner or the manager of such slave to appear by themselves or their agents before the said Court at its then next meeting; and the Clerk of the Crown shall, by notice to be inserted in any newspaper of the Island, call on all persons having, or claiming to have, any title or interest to or in the slave proposed to be manumitted, either in their own right, or as the agents, guardians, attornies, trustees or representatives of any person requiring them to attend and prefer such claims.

Clause 40th.

And it is hereby further Enacted, That so soon as the Court of King's Bench shall have disposed of such other matters as may be before them, the President of the said Court, in the presence and in the name of the Court, and also in the presence of the owner or manager of the slave proposed to be manumitted, or upon proof being made to the Court upon oath of the due service and publication of such notice as aforesaid, then, if necessary, in the absence of such owner or manager, shall proceed to hear in a summary way what may be alleged by the said slave by any free person on his behalf, and by the owner or manager, or other persons claiming any interest in the said slave proposed to be manumitted, and attending in pursuance of any such notice; and in case the said parties, or any of them, shall refuse to effect such manumission at a price approved by the said Court of King's Bench, or in case it shall be made to appear to the said Court that a valid and effectual manumission of such slave cannot legally be effected by private contract, or that the owner of such slave, or any person having any charge upon or interest in such slave, is a minor, or idiot or lunatic, or that the real owner of such slave, or any person having any charge upon or interest in such slave, is absent from the said Colony, or is unknown or cannot be found, or that any action is depending in any Court of Justice in such Colony, wherein the title to such slave or the right to his or her services is in controversy, then and in every such case the said Court shall require the party appearing on behalf of such slave, and the owner or manager of such slave, if attending in pursuance of this notice, each to nominate an appraiser of his or her value; and the said Court shall nominate an umpire between such appraisers; but if such owner or manager, being duly summoned

summoned as aforesaid, shall fail to attend, or attending shall refuse or omit to nominate an appraiser, then the said Court shall not only nominate such umpire as aforesaid, but shall also nominate an appraiser on behalf of such owner or manager.

And be it further Enacted, That the appraisers so to be nominated as aforesaid shall be sworn by and before the said Court to make a fair and impartial appraisement of the slave so to be manumitted; and within Seven days next after such their appointment such appraisers shall make a joint valuation of the said slave, and shall certify such their valuation under their hands and seals to any three members of the Court (the President being one) appointed by the said Court to meet for the purpose of receiving the same; and in case such joint certificate shall not be so made and delivered to the said members within the said term of Seven days, then the said umpire being duly sworn in manner aforesaid, shall, within the next succeeding Seven days, certify his valuation to the said members; and the valuation to be made in the manner aforesaid, either by the said joint appraisers, or in their default by the said umpire, shall be binding and conclusive, and shall remain of record in the office of the Clerk of the Crown: Provided nevertheless, That if it shall be made to appear to the said members within One calendar month next after such valuation shall have been made, that in the making thereof the said appraisers or umpire, or any of them, acted fraudulently or unjustly or under the influence of any improper motive, then, but not otherwise, it shall be lawful for the said members to set aside the said valuation, and to declare the same to be void, and to direct another valuation to be made in manner aforesaid, for which purpose new appraisers and a new umpire shall in manner aforesaid be appointed and sworn, and shall proceed to make a second valuation, which being certified to the said members in manner aforesaid, shall be to all intents and purposes binding and conclusive: Provided that such second or any subsequent valuation may in like manner be set aside by any Court of King's Bench on the grounds aforesaid, until a valuation is made not open to any such objection: Provided also, That if the amount of any such valuation shall not be paid in manner hereinafter mentioned within One calendar month next after the recording thereof, such record shall be cancelled, and it shall not be lawful for any such slave, or any person on his or her behalf, again to institute such proceedings as before mentioned for his or her manumission until the expiration of Twelve calendar months, to be computed from the date of such former valuation.

Clause 41st.

And be it Enacted, That in making any such valuation as aforesaid, the said appraisers or umpires, as the case may be, shall and they are hereby required to take into their consideration the qualities of the slave proposed to be manumitted, as well as his or her skill in any domestic service or employment or other labour whatsoever, with any other facts or circumstances which, in the opinion of such appraisers or umpire, ought to influence their or his judgment as to the price to be paid by such slave for his or her manumission: Provided always, That if after any such valuation shall have been made as aforesaid, and before the time of recording the same, it shall be alleged by or on behalf of the owner or manager of the slave proposed to be manumitted, that the money to be paid by such slave as the price of his or her freedom, or any part of that money, has been acquired by such slave by a donation *inter vivos* made by any person or persons not being related to such slave, with the intent of enabling or assisting such slave to effect the purchase of his or her freedom, it shall be incumbent on the aforesaid three members of the Court of King's Bench to stay the recording of such valuation until they shall have inquired into the truth of such allegation; and if by any evidence given on oath before such three members it shall be made out to their satisfaction that the money about to be paid by such slave as the price of his or her freedom, or any part of that money, has been acquired by such slave by a donation *inter vivos* made with the intention of enabling or assisting such slave to effect the purchase of his or her freedom, then and in every such case the said members shall order all further proceedings to be stayed, but without prejudice to the renewal by the said slave or by any person on his or her behalf of such proceedings as aforesaid for the manumission of such slave at any future time; and failing any such proof as aforesaid, the said members shall overrule such objection to the proposed manumission, and shall order the valuation of such slave to be recorded in the manner aforesaid: Provided also, That if at any time before the recording of any

Clause 42d.

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any such valuation it shall be alleged, before the said members of the Court of King's Bench by the owner or manager of the slave proposed to be manumitted, that such slave hath, within five years next preceding the date of the application made to the Court on his or her behalf for such manumission as aforesaid, committed any robbery or theft, the said three members shall inquire into the truth of such allegation, and if it shall be made to appear to them by good and sufficient evidence on oath that such slave hath, within the said term of five years, committed any robbery or theft, the said members shall and they are hereby required to make an order for staying such recording as aforesaid, and thereupon the same and all other proceedings for the manumission of any such slave shall be stayed until the expiration of the full term of five years from the time of the commission of any such theft or robbery.

Clause 43d.

And be it Enacted, That upon or within One calendar month next after the recording of any such valuation as aforesaid, it shall be lawful for the said slave or any free person acting on his or her behalf to pay to the Treasurer of the Colony the appraised value of such slave, taking a receipt in writing from such treasurer for every such payment; and the said members of the Court of King's Bench shall, upon application to them for that purpose made by or on behalf of the said slave, make an order for the recording in the office of the Clerk of the Crown of such receipt, and the said members shall by such order further proceed to declare and adjudge that the slave by or on behalf of whom such money hath been paid is manumitted and free, and such slave shall thereupon be and be deemed, taken and reputed to be free to all intents and purposes.

Clause 44th.

And be it Enacted, That each appraiser and each umpire appointed under this Act for the making of any appraisement as aforesaid shall be entitled to demand and receive One Pound Sixteen Shillings; and for recording of every such valuation as aforesaid, the Clerk of the Crown shall be entitled to demand and receive Nine Shillings, and for recording any final order thereon Nine Shillings; such expenses to be paid as hereinafter is directed; that if any such appraisement as aforesaid shall have been rendered necessary by any difference of opinion between the party acting on behalf of any slave and the owner or owners or manager respecting the price to be paid for the slave proposed to be manumitted, the expense of such appraisement shall be borne by the slave and be added to the amount of the valuation, if such slave shall be appraised at a sum exceeding or equal to the price demanded by such owner or owners, or exceeding the sum offered by the slave or the party acting on his or her behalf, as the price of his or her freedom; but if the appraised value of such slave shall be less than the price previously demanded by his or her owner or owners, then the expense of such appraisement shall be wholly borne and defrayed by such owner or owners; and in case any such appraisement shall have been rendered necessary by any other cause than a difference of opinion as to the price to be paid for the manumission of the slave, the expense of the appraisement shall be equally divided between such slave and his or her owner or owners.

Clause 45th.

And be it Enacted, That the money to arise from the manumission of any slave by virtue of the proceedings before mentioned shall remain in the hands of the public Treasurer of the Colony, and shall bear interest at and after the rate of six per cent. per annum; and the Colony shall and is hereby declared to be pledged and responsible for the due payment of such principal money and interest; and the Treasurer shall and he is hereby authorized, upon application to him for that purpose being made, to lay out such money in the purchase of any other slave or slaves; and the slave or slaves so purchased, or in case of no such purchase being made, then the money in the hands of the said Treasurer and the interest accruing thereon shall be the property of the person or persons who was or were the owner or owners of such manumitted slave, and shall be subject and liable to all such and the same uses, trusts, limitations, conditions, mortgages, claims and demands, of what nature or kind soever, as such slave was held upon, under or subject unto, at such time of his or her or their manumission; and the treasurer shall hold the said money and the interest accruing thereupon, subject to such order as the Legislature may upon application of any person interested therein, and upon notice to all other persons interested therein or their agents, see fit to make; and such principal money and interest shall by such treasurer be paid and disposed of in pursuance of and in obedience to any such order.

And

And it is hereby Enacted, That every conviction in a fine or penalty before any one or more Justices of the Peace under this Act, shall be drawn up in the form or to the following effect; that is to say,

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Clause 6th.

“ Dominica : Be it Remembered, That on this _____ day of _____ in the year of our Lord _____ *A. B.* is convicted before Esquire one [*or two*] of His Majesty’s Justices of the Peace for the said Island, for that [*he, she or they*] on or about the _____ day of _____ in the said Island, contrary to law [*here state the offence*]; and [*we or I*] the said Justice do declare and adjudge, that the said *A. B.* hath forfeited the sum of _____ current money, to be applied as the law directs.

Given under [*our or my*] hand and seal, at _____ on the day _____ and year first above mentioned.”

And no *certiorari* or other proceeding shall be granted to remove or suspend any conviction under this Act, otherwise than as follows : (that is to say), any person aggrieved by the judgment of any Justice or Justices before whom he or she shall have been convicted, may appeal to the next Court of King’s Bench and Grand Sessions of the Peace, and the execution of such judgment shall in such case be suspended; the person so convicted entering into a recognizance at the time of such conviction, or within twenty-four hours after the same shall have been made, with two sufficient sureties in double the sum adjudged to be forfeited upon condition to prosecute such appeal with effect; and if upon hearing such appeal the judgment be confirmed, such appellant shall forthwith pay the sum he or she shall have been adjudged to forfeit, together with such costs as the Court shall award to be paid to the prosecutor or informer, and in default of such payment, shall remain in the custody of the Provost Marshal until full payment is made; but if the appellant shall make good his appeal and be discharged of the said conviction, reasonable costs shall be awarded to the appellant against such informer, which costs shall be paid as above directed for the appellant whose conviction may be confirmed.

And be it Enacted, That if any person or persons shall be sued for any thing done under and by virtue of this Act, he or they may plead the general issue, and give this Act in evidence; and if any plaintiff be nonsuited or discontinue his suit, or a verdict be given against him, he shall pay treble costs of suit; and all Judges, Justices and Juries are hereof to take notice, and govern themselves accordingly; and no action shall be commenced against any Justice for any thing done by him in the execution of this Act until notice in writing of the intended action shall have been served on him or left at his usual place of abode by the attorney of the party One calendar month before suing out or serving the same, containing the cause of action, and indorsed with the name of the attorney; provided, that no action shall be brought against any Justice for any thing done by virtue of this Act, unless the same shall be commenced within Six calendar months after the injury complained of. Clause 47th.

And be it Enacted, That any fines or penalties imposed by this Act, the appropriation of which has not already been directed, shall be paid into the public Treasury for the uses of the Colony. Clause 48th.

And be it Enacted, That the Act of this Island passed on the 23d day of December 1788, intituled, “ An Act for the encouragement, protection and better government of Slaves;” and also an Act passed on the 2d of June 1821, intituled, “ An Act for regulating the government and conduct of Slaves, and for their more effectual protection, encouragement, and the general melioration of their condition;” and also an Act passed the 21st January 1826, intituled, “ An Act for the further encouragement and protection and better government of Slaves, and for the general amelioration of their condition;” be and the same are hereby Repealed. Clause 49th.

And be it Enacted, That this Act shall not operate or be construed to be in force until His Majesty shall be graciously pleased to signify his Royal Assent to the same. Clause 50th.

Passed the Board of Council, } *Robert S. Jameson*, President of Council.
this 28th day of June 1831. } *Henry Trew*, Clerk of Council.

Passed the House of Assembly, } *H. J. Glanville*, Speaker.
this 28th day of June 1831. } *J. H. Newman*, Clerk of Assembly.

Passed the Patent Office, this } *J. W. Patten*, Clerk of Patents.
28th day of June 1831. }

—No. 2.—

DOMINICA.

COPY of a DESPATCH from Sir *E. M. M'Gregor* to Viscount *Goderich*, &c. &c. &c.

My Lord, Government House, Roseau, 25th February 1832.

In my Letter of the 28th ult. I led your Lordship to entertain expectations of the success of the proposal for rendering His Majesty's Order in Council of the 2d November last applicable to this Colony; which, I now lament to acknowledge, the event has not justified.

The "Dominica Colonist" of the 24th inst., from the tone of its strictures on affairs in Trinidad and St. Lucia, as well as on the Orders in Council generally, induced me, for the first time, to apprehend that opposition was meditated in the House of Assembly, of which two gentlemen understood to be editors of that paper happen to be Members.

Still, if the Council took the lead, I was assured the measure would probably pass in the Assembly, and a Bill for carrying it into effect had been already actually proposed and seconded in Council; of which Board, besides the Chief Justice, six Councillors are present, three of whom only were thought hostile, and the President's vote was relied on as sufficient to ensure success.

On the 11th instant, in the "Dominica Colonist" of that date, the tocsin of resistance was loudly sounded, through the medium of recommendations for watching the proceedings of the Sister Colonies for a union of intelligent practical men, of an anonymous Letter, and of animadversions on your Lordship; while doubts were announced to me as to the real intentions of a Councillor previously deemed favourably disposed.

With the ground thus threatening to give way beneath my feet, not only in the House of Assembly, influenced by the editorial Members, but even in the Council, it appeared fitting that my sentiments should be still more plainly and distinctly avowed than formerly, the more especially as, according to my conscientious opinion as Governor, the Colonial Legislature was on the point of abandoning the true interests of this Island.

When the Chambers re-assembled on the 14th instant, Messages were presented to them, and their Replies are contained in the Enclosures, Nos. 2 & 3.

A Councillor on that occasion moved for the course of delay which has been unfortunately followed; another seconded that motion, because he conceived it tantamount to one in his hand for the absolute rejection of His Majesty's Orders in Council; a third was of the same opinion; a fourth, hitherto regarded as a staunch supporter of Government upon this question, unexpectedly sided with the Opposition; a fifth (the very Member who originally brought in the Bill, already mentioned, for extending His Majesty's Orders in Council to Dominica) went with the stream; the Attorney-General had absented himself, and the President remained powerless.

My disappointment on thus discovering that I had unintentionally held out a deceitful prospect to your Lordship, determined me to aim at greater accuracy in my present Report. The Privy Council were therefore called upon to state their sentiments, and explicitly declared that "the object of the King's Government is likely to fail in Dominica."

It is so far satisfactory, that a knowledge of the real intentions of the Legislature has been thus accelerated, and that the verdict of the Privy Council is accompanied by an assurance that "no possible likelihood of any thing bordering on disrespect to His Majesty's Government exists." The Speaker of the House of Assembly afterwards privately favoured me with his impression to the same effect, and it is consequently to be inferred, the violent proceedings that have occurred in some adjacent Possessions will not be imitated in this Island.

One of the arguments for resistance in the Legislative Colonies is, that their separate Legislatures empower them to act independently of the Imperial Parliament. But the Constitution of Dominica does not seem to resemble, so closely as the Colonists are willing to imagine, that of Britain; for, instead of composing a permanent estate, like the House of Peers, the Upper Chamber here is formed of Councillors removable at pleasure, whom it is not apparent that the Crown can be constrained to replace by new appointments.

From

No. 1.

Nos. 2. & 3.

No. 4.

From what is herein stated, it will be seen that the only Member of the Legislative Council devoted to the ministerial arrangements for the West Indies, is the Chief Justice, whom, at no distant period, Mr. President Lockhart, himself decidedly opposed to them, advised your Lordship to relieve entirely from attendance at that Board.

I therefore take the liberty of submitting, whether some alteration of system might not be found convenient, so as to draw a line between His Majesty's Privy Council and the Legislative Council; for it can in no degree advance the interests of The King, that the members of the first should be the same individuals who, as members of the second Board, are busily engaged in defeating the object of His Majesty's Confidential Servants. Neither, under such circumstances, can the Governor, as the King's representative, hope to profit much by the advice of Dominica Privy Councillors.

Having stated, in my Address to the Legislative Body, that the House of Assembly represents but an inconsiderable portion of the inhabitants at large, it may be proper to observe, that the greater proportion of the House are not only said to be persons of no property whatever, but that 15 out of the 19 Members of which the House consists, are understood to be returned by 64 electors, viz.

Parish.	No. of Members.	By whom Returned.
St. Luke's	2	7
St. Andrew's	2	3
St. Mark's	1	1
St. Peter's	1	16
St. David's	1	3
St. Paul's	1	7
St. Joseph's	1	11
St. John's	2	7
Portsmouth	2	7
St. Patrick's	2	2
<hr/>	<hr/>	<hr/>
10	15	64

Your Lordship will not, I trust, disapprove of my appeal to the Legislative Chambers, and of my therein expressing strongly what I strongly felt. Although in itself inconsiderable, it struck me that it might be acceptable to the King's Government, if Dominica should become detached, at this particular moment, from the general confederacy of West India opposition; and in the event of their having set so laudable an example to their fellow Colonists, I could not hesitate to believe that the inhabitants of this settlement would have been most favourably considered by the Ministers of the Crown.

In private conversations with various gentlemen, I have endeavoured to urge compliance with the wishes of Government, on the principle of clear and obvious policy; but although calm, collected and respectful in their manner, their objections, in general, are most steady and determined; and while they describe the extent of deprivation to which they are exposed as ruinous, they profess to discern no chance whatever of obtaining adequate compensation.

It is to be hoped the position of their affairs may assume a different aspect, and their feelings undergo a corresponding change, when the measures projected by His Majesty's Government for the relief of the West India Interest come to be developed.

I have, &c.

(signed) *E. J. Murray M'Gregor*, Governor.

Enclosure 1, in No. 2.

His Excellency the Governor to His Honour the President and Council.

CERTAIN considerations induce the Governor to esteem it an imperative duty, on the re-assembling of the Legislature, to offer to your Honourable Board some observations on the subject of the Right Honourable the Secretary of State's Despatch of the 10th December last, transmitted for your information on the 21st ultimo.

DOMINICA.

It is to be hoped, especially as the House of Assembly represents a portion only of that class of society here which, however respectable in other respects, is yet inconsiderable in number when compared with the mass of the inhabitants at large, that your Honourable Board will not deem it expedient to oppose the recommendation of the most eminent and enlightened statesmen, sustained by the national voice of the United Kingdom, to disregard alike the conciliatory overtures and solemn warnings of His Majesty's Ministers, to repel the proffered bounties of the Crown, to render the present ministerial measure abortive in this Island, and thus expressly to invoke upon the heads of the proprietors those measures of unmixed severity which the King's Government are evidently reluctant even to contemplate.

By setting an early example of well-timed concession, Dominica might enjoy the opportunity, under existing circumstances, of rendering perhaps an acceptable service to the Mother Country; and it may become a source of deep though unavailing subsequent regret if so enviable and advantageous an opening shall be relinquished, under the pressure of any undue exterior influence, selfishly interested in promoting disunion between this Colony and the Parent State.

Although the language of Ministers is peremptory as to the amount to be conceded, no limitation restricts the extent of indemnity to be afforded where their proposal is adopted.

The Governor therefore trusts, the dictates of a generous policy will prompt your Honourable Board to yield with the best grace possible all that is demanded, and thereby so to propitiate the British Government and people, as to secure the most ready and liberal attention to such representations as may be best calculated to obtain eventually, in return for the sacrifices of the Dominica Colonists, a just and adequate meed of compensation.

(signed) *E. J. Murray M'Gregor*, Governor.

Government House, Roseau, 14th February 1832.

Enclosure 2, in No. 2.

His Honour the President and Council to His Excellency the Governor.

THE Board respectfully acknowledge the Message of your Excellency, urging upon their notice the Despatch of the Right Honourable the Secretary of State, and accompanying the Order in Council of 2d November 1831.

The accompanying communications which have passed between the Council and the Assembly, will best explain to your Excellency the measures which the Board have for the present adopted upon that important subject.

(signed) *Robert S. Jameson*,

Council Chamber, 15th February 1832.

President of the Council.

His Honour the President and Council to the Speaker and House of Assembly.

THE Board inform your House that a Bill has been brought in to the Council for the purpose of giving the force of law in this Colony to the Orders of His Majesty in Council of the 2d November last, lately submitted by his Excellency the Governor, with the Despatch of His Majesty's Secretary of State, to the consideration of both Branches.

The Council being desirous, out of due respect to His Majesty's Government, of giving a matter of such vital importance the fullest investigation and maturest consideration before they come to the painful alternative of "unconditionally adopting or absolutely rejecting it," have come to the determination of proposing that a joint Committee composed of three Members of this Board and five Members of your House be appointed, five of whom shall form a Committee, to make such investigation, and report their opinion as to which of those alternatives it would be advisable for the Legislature to adopt, together with their reasons.

By Command.

(signed) *Henry Trew*, Clerk of Council.

14th February 1832.

His Honour the Speaker and House of Assembly to His Honour the President and Council.

DOMINICA.

THE House concur with your Honourable Board in the resolution of appointing a Committee of three Members of the Board and five Members of this House, to investigate and report their opinion as to the alternative to be taken, whether of "unconditionally adopting or absolutely rejecting" the Orders in Council of the 2d November last; and the House send herewith a Resolution to which they had come before receiving the above communication from your Honourable Board, the subject of which they propose to submit to the Committee of the Board and House above-mentioned, and to which they request your concurrence.

Resolved, That the Order of His Majesty in Council of the 2d November 1831, for the government of the slaves in the Crown Colonies, together with the Despatch from Lord Viscount Goderich to the Governor of this Colony, recommending the adoption of that Order in Council by the Legislature, be referred to a Committee of the Honourable Board of Council and of this House; and that the said Committee do report to the Board and House, on the 14th March, how far the provisions of the Order in Council are met by the Slave Act, passed in June last, and how far the said Order may be adopted with safety to the Colony and without infringing unnecessarily on private property.

The House have appointed His Honour the Speaker, and Messrs. Corlet, Dowdy, Finlay and Dalrymple, as the Members on the part of this House to join the Members named by your Honourable Board.

(signed) *H. J. Glanville*, Speaker.

14th February 1832.

His Honour the President and Council to the Speaker and House of Assembly.

THE Board concur in the Resolution of your House respecting the Orders of His Majesty in Council of the 2d November 1831; and the Honourable James Potter Lockhart, Dugald S. Laidlaw and Frederick H. Garraway, are named as Members from this Board to join those appointed by your House.

By Command.

(signed) *Henry Trew*, Clerk of Council.

15th February 1832.

Enclosure 3, in No. 2.

His Honour the Speaker and House of Assembly to His Excellency the Governor.

THE House have the honour to acknowledge the receipt of your Excellency's Message of yesterday's date, in regard to the Despatch from the Secretary of State, dated the 10th of December 1831, and to assure your Excellency that the sentiments therein expressed will have the mature consideration of the House, in all its deliberations on the very momentous question to which it alludes, uninfluenced by any other feeling than the respect due to His Majesty's Government and a sense of duty to their constituents.

(signed) *H. J. Glanville*, Speaker.

House of Assembly, 15th February 1832.

Enclosure 4, in No. 2.

DOMINICA.

EXTRACT of the PROCEEDINGS at a MEETING of His Majesty's Privy Council, held at Government House, Roseau, the 22d February 1832.

Present :

His Excellency Colonel Sir Evan John Murray M'Gregor, Bart.
 The Honourable James P. Lockhart.
 The Honourable Robert Jameson.
 The Honourable Symonds Bridgewater.
 The Honourable William Blane.
 The Honourable Charles Court.
 The Honourable D. S. Laidlaw.
 The Honourable F. H. Garraway.

His Excellency then stated to the Board, that he had been apprized of the formation of a Joint Committee of the Legislative Council and House of Assembly, consisting of three Members of the former and five of the latter Body, to whom had been assigned the duty of reporting to the Board and House, on the 14th proximo, their sentiments on the Right Honourable the Secretary of State's Despatch, and His Majesty's Order in Council of the 2d November last therewith received. His Excellency felt it important that he should resort without delay to the surest available means of enabling Lord Goderich to estimate, as soon and as accurately as possible, the probable result of the above proposal to the Dominica Legislature. On no source of information, particularly adverting to his own local inexperience, could his Excellency so confidently rely as on His Majesty's Privy Council. His Excellency therefore requested the Members thereof would be pleased to state their opinions,—

In how far the selection of gentlemen appointed on the Joint Committee of the Legislature promises to promote or defeat the adoption of His Majesty's said Orders in Council ;

And whether the object of the King's Government is likely to succeed or fail in Dominica.

At the same time His Excellency stated, that he would be happy to receive such suggestions, directed either towards the attainment of that object, or, (should it seem entirely hopeless) at least towards the prevention of any departure, by either Branch of this Legislature, from the manifestation of that becoming respect to which propositions made in His Majesty's name by His Majesty's Confidential Servants are entitled, as the Members of the Privy Council may consider it for the benefit of the King's service to impart.

The Board expressed their opinion, That the selection of gentlemen appointed on the Joint Committee promises to defeat the adoption of His Majesty's said Orders in Council :

That the object of the King's Government is likely to fail:

That no possible likelihood of any manifestation of any thing bordering on disrespect to His Majesty's Government exists.

Mr. Garraway requested leave most respectfully to decline giving any advice or opinion upon the two first Questions, conceiving, that as a Joint Committee of the Legislature has been appointed to investigate and report upon the matter, and he selected a member thereof, he should be prejudging the matter by giving any opinion previous to the investigation and report of that Committee being known. He is of opinion there is no reason to apprehend a want of respect on the part of the Legislature towards His Majesty's Government, whatever may eventually be the decision upon the subject.

(True Copies.)

E. J. Murray M'Gregor, Governor.

—No. 3.—

DOMINICA.

COPY of a DESPATCH from Sir *E. M. M'Gregor* to Viscount *Goderich*, &c. &c. &c.

My Lord,

Government House, Roseau, 28th March 1832.

ALTHOUGH no official representation has been lately addressed to me by the Legislative Council upon the subject, I have learnt that at the last meeting of that Chamber, the Honourable James Potter Lockhart moved, that the Bill for admitting His Majesty's Orders in Council of November last, previously introduced, should be thrown out, and that Mr. Lockhart's motion was seconded by the Honourable Charles Court, and carried.

Yesterday the Message, of which a copy is enclosed, from the Speaker and House of Assembly, was presented to me, conveying, "for the information of His Majesty's Government, certain Resolutions entered into by the House, as declaratory of the sentiments entertained by them in respect to the said Orders in Council; together with a copy of the Report of a Joint Committee of both Branches of the Legislature on the same subject."

The inquiries of the Committee were directed to two objects.

With respect to the first, it is reported, "These considerations, therefore, compel your Committee to the painful but necessary duty of declaring, as the first part of the Report required from them, that in the only alternative allowed by His Majesty's Government, the welfare and even existence of this Colony require that the Order in Council of the 2d of November 1831 should be rejected."

Having thus disposed of the first question, the Committee proceed to the second, or as they state, "to the consideration of the more pleasing part of the task required from them, of reporting how far the provisions of the Order in Council are met by the Slave Act passed in June last, and how far the said Order in Council may be adopted with safety to the Colony, and without infringing unnecessarily on private property;" and in discussing this branch of their Report, recommend the acceptance or rejection of the various clauses of the Order in Council in succession.

Had the House of Assembly been pleased to confirm the total rejection of His Majesty's Orders in Council as a separate measure, and to express at the same time their readiness to enact such parts thereof as were in the opinion of the Committee unobjectionable; my office in making this communication to your Lordship, would have been rendered infinitely less irksome, inasmuch as some improvements might thereby have been attained in the condition of the slaves.

But I cannot sufficiently depict my regret and astonishment at finding the proceedings of the House of Assembly wound up by the following Resolutions:

"Resolved, That the Report of the said Committee having been made to this House, and duly considered, the same has been adopted, as expressive of the opinion of this House, in regard to the Order of His Majesty in Council of 2d November last.

"Resolved, That as soon as His Majesty's Government shall have signified His Majesty's satisfaction with the improvements proposed in such Report to be made in the Slave Code of this Colony, and the willingness of His Majesty's Government to extend to this Colony that boon which has been contemplated as to follow the adoption of the entire Order in Council, then this House will give effect by legislative enactment to the recommendations of the said Report."

Which Resolutions apparently involve the inconsistency of inviting the King's Government not merely to signify His Majesty's satisfaction with, but actually to pay a premium besides for, the better encouragement of the Dominica Legislature in resisting measures recommended by the Ministers of the Crown.

In the concluding passages too of their Report adopted by the House of Assembly, the Committee, with a solemnity for which it is difficult to account, draw the attention of "the Board and House to that part of Lord Goderich's Circular Despatch to the Governors of the Crown Colonies under date the 5th November last, wherein he states that the Order in Council must be regarded as a measured and cautious, but at the same time a decided advance towards

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towards the ultimate extinction of slavery;" as if these expressions served to unfold some design of an entirely novel nature, instead of being, on the contrary, intimately and naturally connected with a previous declaration that ought not to be unknown to the Committee, and by which, in 1823, the House of Commons avowed that "this House looks forward to a progressive improvement in the character of the Slave Population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of His Majesty's subjects."

The anxiety also evinced by the Committee "to press on the consideration of Parliament a declaration of the inviolability of the rights of the West India proprietors," even were their wishes realized, could scarcely be expected to produce a more favourable result than the decision already pronounced at that memorable period by the House of Commons, when it was added, by Resolution 3d, "That this House is anxious for the accomplishment of this purpose at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the Colonies, and with a fair and equitable consideration of the interests of private property."

Still these proceedings, I am persuaded, will be viewed with every indulgence towards long-existing prejudices of which the public service will allow; and although in the Circular Despatch of the 5th November 1831, "the expediency of bending local peculiarities to the general principles of one common legislation" is inculcated, if the Legislative Committee have exhibited in their Report any peculiarity of this Colony, justifying a partial exception, their observations will doubtless meet with your Lordship's favourable consideration.

It appears of such paramount importance that Protectors of Slaves should be established here, that notwithstanding the present awkward posture of affairs, I cannot refrain from risking the suggestion that their salaries should be defrayed from the Home Treasury, and the appointments confided, in the first instance at least, to gentlemen of the Island, on the condition that all the provisions of the Order in Council concerning this detail shall be accepted without reserve; as the influence of such gentlemen may tend more powerfully than any other means to the ultimate introduction of so valuable an institution.

At any rate, should the Act which accompanied Mr. President Lockhart's Despatch of the 6th July 1831, not be found unworthy of approval, I venture to request that it may be transmitted to enable the Slave Population at all events to enjoy the benefit of its provisions in their favour.

I have, &c.

(signed) *E. Murray MacGregor*, Governor.

Enclosure 1, in No. 3.

His Honour the Speaker and House of Assembly to His Excellency the Governor.

THE House, since the receipt of your Excellency's Message of the 21st January last, enclosing a Copy of Lord Goderich's Despatch of 10th December last, with His Majesty's Order in Council of 2d November, have given to a consideration of the subject of those documents their most serious and anxious attention.

The House beg respectfully to lay before your Excellency, for the information of His Majesty's Government, certain Resolutions entered into by the House, as declaratory of the sentiments entertained by them in respect to the said Order in Council, together with a Copy of the Report of a Joint Committee of both Branches of the Legislature on the same subject.

House of Assembly, }
24th March 1832. }

(signed) *H. J. Glanville*, Speaker.

Enclosure 2, in No. 3.

RESOLVED, That this House has at all times been actuated by a desire to improve the condition of the Slave Population of this Colony, whenever such improvement can be effected without injury to the owner.

Resolved, That guided by such feeling, added to an anxious wish to receive with becoming respect and due consideration the Order of His Majesty in Council of the 2d of November last, this House, jointly with the Honourable Board of Council, referred that Order in Council to a Committee of eight Members of the Two Houses of Legislature, with directions to report thereon to the Board and House to the following effect:

“ To investigate and report their opinion as to the alternative to be taken, whether of unconditionally adopting or absolutely rejecting the Order in Council of 2d of November last, and how far the provisions of the Order in Council are met by the Slave Act passed in June last, and also how far the said Order in Council may be adopted with safety to the Colony, and without infringing unnecessarily on private property.”

Resolved, That the Report of the said Committee having been made to this House, and duly considered, the same has been adopted as expressive of the opinion of this House, in regard to the Order of His Majesty in Council of 2d November last.

Resolved, That as soon as His Majesty's Government shall have signified His Majesty's satisfaction with the improvements proposed in such Report to be made in the Slave Code of this Colony, and the willingness of His Majesty's Government to extend to this Colony that boon which has been contemplated, as to follow the adoption of the entire Order in Council, then this House will give effect by Legislative Enactment to the recommendations of the said Report.

(A true copy.)

House of Assembly, }
24th March 1832. }

J. H. Newman,
Clerk of Assembly.

Enclosure 3, in No. 3.

REPORT of the JOINT COMMITTEE appointed to investigate and report their Opinion as to the alternative to be taken, whether of unconditionally adopting or absolutely rejecting the Order in Council of 2d November last, and how far the Provisions of the Order in Council are met by the Slave Act passed in June last; and also how far the said Order in Council may be adopted with safety to the Colony, and without infringing unnecessarily on private Property.

YOUR COMMITTEE, in prosecuting the inquiry which your Honourable Board and House have directed them to make, on the subject of His Majesty's Order in Council of the 2d November 1831, have given to that Order, and to the various explanatory documents which accompanied it, their most serious and deliberate attention. They have also been assisted during the course of their investigation with the statements of many of the most intelligent and opulent proprietors in the Colony. The result has impressed on the minds of your Committee the solemn conviction, that to give to the Order in question the force of law would operate, in so far as regards the interests of the owners, as a virtual emancipation of the slaves.

In laying before your Honourable Board and House the reasons which have induced your Committee to come to the above decision, they wish to avoid entering into any abstract argument on the subject of slavery; they are desirous of bringing this question to a plain and simple issue. They premise merely, that the slave owner is justly entitled to the property he has acquired, and that he cannot lawfully be dispossessed of it without compensation; a principle which was recognized by Mr. Canning when he moved the Resolutions of 1823. But the value of a slave is the produce of his labour; whenever, therefore, that labour ceases to be productive, or whenever the whole produce arising from it is required for the maintenance of the slave, it is evident that his value

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has become null and totally unavailable to the possessor. Such, in the opinion of your Committee, would be the inevitable consequence of the operation of the Order in Council. The increased expense, to which the landed proprietor would be subjected by the regulations, of food, clothing and other articles, united with the limitation of slave labour, would altogether absorb the small revenue at present derived from the cultivation of his estate. When to this certain and fixed annual expense are added the probable increase of Colonial taxation to provide salaries to the different officers, the loss of time resulting from the encouragement to litigation given by the new code, and the very great uncertainty of the produce of labour when deprived of the power of exacting it, your Committee can arrive at no other conclusion than that the combined effect of the whole enactment would reduce the planter to a worse condition than if the actual emancipation of his slaves were demanded of him. Possessing the nominal title, but without any of the authority of a master; subjected in consequence to many severe pains and penalties; he would be compelled to the obnoxious and invidious duty of presiding over a population from whose labour he could have no prospect of deriving the smallest benefit; he could not even free himself from the chain thus oppressively wound round him by the voluntary manumission of his slaves, as in that case ample security would be exacted from him for the maintenance of the infirm, superannuated and infant slaves, which constitute at least a third of the whole number.

In more fertile countries the restrictions of the Order in Council may be less onerously felt, but in this Colony, where the amount of produce annually exported is but small, the enforcement of the Order would complete the ruin of every individual who, in reliance on the good faith of the British Government, and on the inviolability of the Charter which granted to him an independent Legislature, had vested his all in the security of Colonial property, and whose sole and dearest interests are dependent on its prosperity.

Your Committee will now advert to that part of Lord Goderich's Despatch of 10th December last, wherein his Lordship declares that His Majesty's Government entertains the strongest feelings of sympathy and compassion for the increasing distress under which all persons connected with West India property are indiscriminately suffering, and the anxiety of His Majesty's Government to relieve the planters from some portion of their commercial difficulties. Although these Colonies, both from the immense stake of British capital invested in them, and the large amount of yearly revenue they contribute to the Mother Country, are undoubtedly entitled to its fullest protection, yet your Committee would fail in doing justice to their own feelings, were they on this occasion to omit declaring the high satisfaction they experience in seeing recorded the expression of such sentiments on the part of His Majesty's Government; they hail it as a happy assurance that it could never have been the intention of that Government to increase upon the planter the pressure of those evils under which he is now suffering. They feel from it a conviction, that His Majesty's Government will not refuse to listen to a candid exposition of the overwhelming burden which would be imposed on the planter by the adoption of the whole of the Order of 2d November.

The measures which His Majesty's Government have pointed out for the relief of the West India Interest are twofold; the first is the conclusion of a Treaty with France for the suppression of the Foreign Slave Trade, by which some check would be given to the growth of foreign sugar. The feelings of the British Colonists, equally with their interests, would be highly gratified by the complete success of this measure. Yet although your Committee cannot call into doubt the honest intention of the French Government in acceding to the Treaty, it may appear remarkable that the coasts of the French West India Islands, where, notoriously, the Slave Trade has been carried on to a great extent, are not included in those of the other Foreign Colonies as subject to the right of mutual search. Allowing, however, that this measure will prove effectual for the suppression of a great part of the Trade, a lapse of many years must naturally take place before any beneficial effect could be made in the Colonial market.

The other measure which His Majesty's Government have announced as their intention to adopt, in order to meet in some degree the exigencies of the West India commercial interests, is one of fiscal regulation, so devised as to be productive of real and substantial relief. What is the express nature of the measure proposed, or what the extent of relief to be afforded by it, your Committee have

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not the power of ascertaining. It must be evident, however, that in order to alleviate in any degree the actual distress of the planter, the measure of relief must not only influence his present condition, but must likewise include the effect of the alteration of the existing system of slavery resulting from the operation of the proposed Order in Council. Your Committee will now allude only to a few of the leading points of such alteration, and refer to the corroborating details set forth in another part of this their Report. The regulations for feeding and clothing will triple the present expense of the slaves' maintenance, while the restriction of labour will take away a fourth part of the cultivation of the estate. The amount of these losses can be easily and correctly ascertained; but the decrease of cultivation which would, in all probability, arise from the changes introduced in the discipline of the slaves, cannot be so readily appreciated, and must be exposed to the test of actual experiment. Your Committee, however, humbly submit that they have already clearly shown, that the relief to be effectual must embrace the whole of the produce of slave labour, and that its operation must have as permanent a duration as the law which they are called upon to enact. Under these circumstances your Committee cannot refrain from entertaining a reasonable apprehension that His Majesty's Government have miscalculated the amount of the burden which the proposed Code would impose on the planter. It is moreover to be feared that no Minister, in the present situation of Great Britain, would consent to relinquish so large a portion of the imperial revenues as would be required to afford an adequate compensation to the West India proprietor. If His Majesty's Government, without affording any explanation of the nature of the intended measure of relief, should persist in enforcing a compliance with their demands, and even inflict upon this unfortunate Colony measures of unmixed severity, your Committee are unable to foresee any evil of greater magnitude than the total annihilation of Colonial property; an evil which would be equally effected by the enactment of the Order in Council.

These considerations, therefore, impel your Committee to the painful, but necessary, duty of declaring, as the first part of the Report required from them, that, in the only alternative allowed by His Majesty's Government, the welfare and even existence of this Colony require that the Order in Council of the 2d November 1831 should be rejected.

Your Committee now proceed to the consideration of the more pleasing part of the task required from them, of reporting "How far the provisions of the Order in Council are met by the Slave Act passed in June last, and how far the said Order in Council may be adopted with safety to the Colony, and without infringing unnecessarily on private property." Before entering into a detailed examination of the provisions of the Order in Council, your Committee cannot avoid expressing their regret, that His Majesty's Government should have wholly abstained from the slightest acknowledgement of the Act to consolidate and amend the laws relating to slaves passed by this Legislature the 28th of June 1831. A notice of that Act on the part of His Majesty's Government would have had the effect at least of shielding this Colony from many of the reproaches which Lord Goderich, in his Circular Despatch of the 10th December, has addressed to the Colonial Legislatures generally; and had it met with His Majesty's approbation, the Slave Population of this Island would have been deriving the benefit of the many important advantages which the Act had liberally extended to them.

The first 26 Clauses of the Order in Council provide for the appointment of a Protector, and a sufficient number of Assistant Protectors, and fix the duties they are to perform. The great objection which your Committee submit, with respect to the appointment of these officers, is the utter impossibility of providing for their salaries by any increase of the Colonial expenditure. When it is considered that the Governor receives only eight hundred pounds sterling per annum, it will scarcely be denied that this very inadequate salary to an officer of such high rank sufficiently exposes the poverty of the country. If, however, His Majesty's Government would consent to appropriate a very small portion of the large amount of duties yearly derived from the produce of slave labour for the object of providing salaries to the Protector and Assistant Protectors, your Committee would recommend the enactment of the said twenty-six Clauses, with the exception of the eleventh, by which a most arbitrary and inquisitorial power

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power is given, which may be abused to the worst of purposes. It is moreover altogether unnecessary for the attainment of justice, as by the eighteenth Clause of the Slave Act of June last (to which Act your Committee refer throughout this Report) a Magistrate is authorized to compel the attendance of any slave to give evidence under a penalty on the manager or owner. To the twentieth Clause an addition would be required to the following effect: "In case of the absence or sickness of the Chief Judge, then any Judge of the Court of King's Bench may discharge the prisoner."

Your Committee, in recommending the adoption, do not admit the necessity of the appointment of a Protector. The Courts of Grand Sessions bear ample testimony to the activity and zeal of the magistracy, in attending to, and bringing forward, the complaints of the slaves; but your Committee submit, that by its adoption, a pledge would be afforded to the British Government of the honest intention of the Legislature in their enactments for the benefit of the Slave Population.

Clause 27th abolishes the Sunday market. Clause 9th of the Slave Act limited the duration of the market to half past ten in the forenoon. Your Committee being of opinion that it may be done away with altogether, recommend the adoption of that Clause, together with the 28th, 29th and 30th Clauses, but reject Clause 31.

Clauses 32, 33, 34 and 35, are met by the provisions of Clause 4th of the Slave Act, with this distinction, that in the exception of domestics and stock drivers, are included by the latter Act also watchmen and nurses required for attendance on the sick.

Clauses 36, 37, 38, 39 and 40, regulate the mode and extent of slave punishment. The feelings natural to humanity must prompt your Committee to incline favourably to any mode by which the quantum of punishment may be diminished, and its severity mitigated; yet to recommend so sudden and total a change of discipline as these regulations would produce, is more than reason can approve, or prudence sanction. Your Committee will point out those parts which appear the most objectionable; "No cat or instrument of punishment to be carried or exhibited as an emblem of authority. No slave to be flogged for the purpose of coercing him to perform labour of any kind. Whipping of female slaves, even by order of a Court or Magistrate, prohibited. No corporal punishment to be inflicted until six hours after the commission of the offence, and not more than fifteen stripes for any offence." What expression, moreover, can be more loose and undefined, more liable to a variety of different interpretations, or more calculated to mislead a manager, than the following? "That it shall be unlawful to punish any slave without a reasonable and adequate cause, or to inflict upon any slave a punishment more than adequate to the fault by such slave committed." It must be obvious to any one at all familiar with the habits of the slaves, that any relaxation or change of discipline must be gradual, in order to overcome their ignorance and prejudices; they would otherwise embrace it as a ready mode of annoyance and resistance to the authority of the master. With this view, the Legislature have in the several Slave Codes gradually reduced the power of the owner, and persons having superintendence over slaves, to inflict corporal punishment, and have enacted, that no such punishment exceeding ten stripes shall be inflicted until the expiration of twenty-four hours after the offence committed. In the last Slave Act, a very material improvement was introduced, by which the flogging of female slaves was prohibited, except by the sentence of a Court or Magistrate. The effecting any decided improvement on the moral feelings of the Slave Population, must be a work of slow and gradual operation. Wholly to annul, therefore, the power of the manager to coerce the slaves to labour, would, in the opinion of your Committee, be an experiment too hazardous for the present period, as in every gang of slaves there still remain lazy and indolent characters, to whom confinement is no punishment. The knowledge that the power exists, frequently obviates the necessity of exercising it; and your Committee have great pleasure in being enabled to report, both from their own experience, and from the numerous inquiries they have instituted on this subject, that the infliction of corporal punishment has, within the last ten years, very considerably abated; and

and your Committee look forward with confidence that the lapse of a few years will enable the Legislature to extend to that population, without the risk of incurring consequences injurious either to the owners or to the slaves, the more perfect melioration of their condition in this respect which His Majesty's Government contemplate.

Clause 41 provides, that any person convicted of illegal or cruel punishment to a slave shall, at the discretion of the Court, forfeit such slave to His Majesty; and on a second, third or other repeated conviction, the Court may sequester all slaves belonging to the offender for his benefit, such offender being thenceforth incapable of having any control over slaves. The first part of this Clause is similar to the thirteenth Clause of the Slave Act, with this difference, that the slave is thereby directed to be sold for the benefit of the owner. The Legislature having visited the offence with a severe punishment, a fine of two hundred pounds and six months' imprisonment, were unwilling to interfere with the rights of property, otherwise than by removing from the power of the offender the object of his cruelty. The great objection to the enactment of the latter part of the Clause, authorizing the sequestration of all the slaves, is, that in the event of such a case happening in this Colony, the punishment would in all probability fall not upon the real offender, the nominal owner, but upon the mortgagee of the property. Your Committee are therefore of opinion, that the enactments of the 13th Clause of the said Slave Act are sufficient to meet all the purposes of substantial justice.

The 42d Clause of the Order in Council is fully met by the 38th of the Slave Act.

The next 11 Clauses of the Order, No. 43 to 53 inclusive, direct a record book of punishments to be kept by each owner of slaves, and half-yearly returns therefrom to be given in by them. The great number of illiterate persons residing in distant parts of the country, and in situations where they could not possibly avail themselves of the benefit of the 48th Clause, authorizing those unable to write, to employ another to keep the record, would operate to render a compliance with these Clauses impracticable. The Clauses are further objectionable, as they compel a manager to furnish evidence against himself; and your Committee are of opinion that the protection to slaves by the parts of the Order which they have recommended for adoption, is so ample that it is wholly unnecessary to deprive a manager of that presumption of innocence which is not denied to the greatest malefactor.

The regulations of the Clauses 54 to 58, will be found to have been already anticipated by the 8th Clause of the Slave Act, with the exception that the intermarriages of slaves are limited by that Act to distances not exceeding five miles from each others' residence. This restriction, enacted for the benefit of the slave, to avoid the obvious evils resulting from parties so nearly connected, residing at a great distance from each other, your Committee would recommend to be retained, and therefore see no necessity of advising any alteration of the 8th Clause of the Slave Act.

The 59th Clause of the Order provides, that slaves may acquire and devise property of any amount or description, with certain exceptions, and bring and defend actions in any Court of Justice in respect of such property, as fully as if the slaves were of free condition. The 15th and 16th Clauses of the Slave Act appear to your Committee to provide sufficiently for the security of any property the slave may acquire or possess; and the 21st Clause of the same Act authorizes any free person on behalf of any slave to bring and maintain actions for the recovery of any debt due to, or of damages for, any wrongs or injuries sustained by such slave. To allow a slave to maintain or defend actions in his own name, is wholly incompatible with his servile condition; and your Committee need seek no further illustration of this assertion, than by supposing an action brought by one slave against another slave for the recovery of a sum of money, and then demanding to know by what means the Court could enforce the execution of their judgment against the defendant. The money is either expended or concealed; and to wrest from the slave any articles of property he may possess, is inflicting a proportionate injury on his owner. By the Colonial

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Law, a slave cannot contract a debt, neither can he be sued; and the before-cited Clauses of the Slave Act suffice for the security of his property, and afford redress for his wrongs. The only addition that your Committee propose would be, empowering a slave to alienate, devise or bequeath his property. This power has long been awarded by custom, but it would be preferable to give it the force of legislative enactment.

Clause 60 contains a proviso, that no slave shall become the proprietor of any boat or other vessel. In this Colony slaves have always been permitted to possess boats for the purpose of bringing their provisions to market, by which means alone they are enabled to do so from a considerable distance. The number of small canoes owned by the slaves is very great, and it would be an obvious hardship, and even injustice, to deprive them of such property unnecessarily. The evident intention of His Majesty's Government in making the above exception, was to provide against the escape of the slave to the prejudice of the owner; but no such apprehension is entertained here, and as the other provisions of this Clause are embodied in the 29th Clause of the Slave Act, your Committee see no necessity for its adoption.

Your Committee do not object to the enactment of the 61st Clause of the Order, which prohibits persons in a state of slavery from acquiring or possessing any slaves, or having any interest therein. As, however, there exist cases where slaves have already acquired that kind of property, it would be necessary to authorize the sale of such slaves already acquired or hereafter to be devised or bequeathed to any slave for the benefit of the owner or legatee.

The 62d Clause is provided for by the Colonial Law.

The 63d Clause, establishing a Court of Requests for slaves to try questions of slave property not exceeding 10*l.*, is in this Colony quite superfluous: the Court of Complaints, in which the Chief Judge presides alone, without a Jury, takes cognizance of all claims not exceeding 10*l.* sterling, and by the Petty Debt Act a single Justice of the Peace is empowered to decide, in a summary way, on all cases of debt not exceeding 2*l.* 13*s.* sterling.

The expense of process in either procedure, particularly in the latter, is fixed at the lowest possible rate, and it would be impracticable to establish that in no case the amount of fees should exceed a fourth of the value in dispute. Claims of the value of 2*s.* sterling are frequently sued for, and it would be unreasonable to expect that 6*d.* could defray the charge of process and execution.

Clauses 64 to 68 of the Order direct that all slaves, being the property of the same owner, and bearing to each other the relation or reputed relation of husband and wife, parent and child, shall be sold together. The 20th Clause of the Slave Act forbids married slaves belonging to the same owner to be sold separate, or any slave child under twelve years to be separated from its mother. To give to slaves living in a state of concubinage the same advantages as to those connected by lawful wedlock would not, in the opinion of your Committee, tend much to the improvement of religious feelings or moral habits. Experience having convinced the planters of the great benefit derived from the intermarriage of their slaves, that class proving generally the most useful, industrious and trust-worthy of their gangs, they have promoted it by every possible encouragement. The increase of marriages has of late been very considerable, and the prejudices of the slaves, formerly so much opposed to that state, have been found to yield gradually to a sense of its advantages. The slaves are now fully able to appreciate the superiority of a married condition, and your Committee considering it as the surest criterion of honest intentions, are of opinion that the above Clauses of the Order, confining their operation to married slaves, and their lawful progeny, might be advantageously adopted in extension of the 20th Clause of the Slave Act.

The 69th Clause is provided for by the 20th Clause of the Slave Act, with this difference, that the former extends the age of the child to sixteen, while the latter limits it to twelve. In this respect your Committee do not recommend any alteration in the Slave Law.

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The next fifteen Clauses of the Order, No. 70 to 84, regulate the proceedings in the cases of manumissions. These are fully provided for by the 39th, 40th, 41st, 42d, 43d, 44th and 45th Clauses of the Slave Act, and by the Act for abolishing all duties or taxes on the manumission of slaves. The said Clauses of the Slave Act were adopted from the Trinidad Order in Council, and do not appear to deviate materially from the present Order, with the exception, that any donation *inter vivos* shall not entitle a slave to purchase his freedom. The reasoning of Lord Goderich on this point, in his Lordship's explanatory Letter of 5th November, satisfies your Committee that the exception may be omitted without fear of prejudicial effects, and they recommend therefore such omission accordingly.

Your Committee are compelled to withhold their assent to the 85th Clause, which would establish a power of interference with legislative enactment.

The 86th Clause establishes rules to be observed in questions affecting the freedom or slavery of individuals, and your Committee see no objection to the adoption of this Clause.

Clause 87 enacts, that the evidence of slaves shall be admissible in the same manner as persons of free condition. The 17th Clause of the Slave Act, which admits slave evidence in as full and effectual a manner as is provided for in the Order, contains a proviso that slaves shall not bear testimony against their owners, except for personal injuries. This condition was introduced for the purpose of preventing the liability of slaves to be subpoenaed at the suit of third parties against their owner, on any civil or criminal process in which the slaves were not concerned. In granting the admissibility of slave evidence to the utmost extent, wherever the rights, property, or interests of that class were involved, the Legislature judged proper to afford to the owner a protection from the annoyance and loss of time to which he would be exposed, if his slaves became subject to be summoned as witnesses on questions nowise affecting their rights.

Clauses 88 and 89 of the Order contain regulations respecting the feeding of the slaves. Your Committee premise their observations on these Clauses with the declaration, that had the whole Order in Council, to use the language of Lord Goderich, been unconditionally adopted, these regulations would have created a feeling of angry excitement in the Slave Population of the Island, the extent of which it would be impossible to calculate. It will be readily conceded that it is much more easy to withhold from that class an indulgence to which they are not habituated, than to abstract from them any portion of what, by immemorial custom and the laws of the Colony, they have been taught to regard as a legal and positive right. The number of agricultural slaves is 13,000; of these about 7,500 are employed in the cultivation of coffee, and about 5,500 in that of sugar. To the whole of the first and about a fifth of the latter number, a day in every week has long been allowed for the cultivation of their grounds to supply themselves with provisions. The Order in Council allows only forty days in the year for this purpose; thus 8,500 slaves in this Colony will be each deprived of twelve days in every year; for it would be refining too much to suppose that the owner, bound down by the restrictions of slave labour, would voluntarily supply the deficiency of the Code. Your Committee feel convinced that it never could have been in the contemplation of His Majesty's Government to inflict on the Slave Population of this Island so great a hardship and privation. The evil only requires to be pointed out to be remedied; but it affords, at the same time, a striking proof of the impracticability, not to say injustice, of attempting to enforce on the whole of the Colonies one uniform system of slave government. Various local circumstances, and different local enactments, have given to the population of each Colony habits that it would be unwise hastily to disturb; and what they have long been accustomed to consider as a matter of right, it would be equally imprudent to interfere with. The best means to raise the condition of a slave in the scale of society, and gradually to assimilate his servile state to that of free persons, is to render him, as much as possible, dependent on his own exertions for the procurement of necessary wants and attainable indulgences; it creates habits of industry and sobriety, and moreover a feeling of independence in the mind of the slave, which not militating against the authority of the master, but on the contrary prompting
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him to perform his allotted task readily and cheerfully, it should be the duty of the Legislature to promote and encourage. With a view to this desirable attainment the fifth Clause of the Slave Act directs, that on no pretence whatever shall less than twenty-six days in each year be allowed to each slave, and that during crop, when it shall be lawful to withhold the Saturday, three pounds of salt fish shall be given to each slave above ten years. The twenty-six days out of crop allotted for working provision grounds were judged sufficient to furnish such a supply of vegetables as to render it unnecessary to include them in the allowance. Your Committee are, however, of opinion, that some addition thereto might be made to such proprietors as cannot afford an increased allowance; the alternative of giving every Saturday throughout the year is offered, and it would tend to produce a result so desirable, in the opinion of your Committee, that what is now the general would shortly become the universal practice. The same Clause of the Slave Act directs that half an acre of land shall be given to each slave, so that a family with four children have three acres for their cultivation. The quantity of land attached to each estate in this Island renders this allowance a matter of no difficulty; indeed, many industrious negroes possess from three to five acres each of provision grounds. The Order in Council directs that a quarter of an acre only shall be given to slaves under fifteen years, and the allowance of vegetable provisions appears strangely disproportionate. It would be as impossible for a healthy grown-up negro to consume eight pounds of yams a day as to satisfy his appetite with eight plantains. The articles of wheat-flour and corn-meal your Committee will not allude to. In this Colony, where the supply of vegetable provisions is so abundant, a well-directed policy would limit the allowance to such articles as are cultivated by the slaves, and which they prefer for food, and not permit any substitution except in seasons of actual scarcity, or in the unfortunate event of such a calamity as befel the Island of Barbadoes last year. The direction contained in the eleventh rule of the 88th Clause, to charge some other slave with the cultivation of the land allotted to an orphan infant, for the benefit of such infant, is quite impracticable; the infant is in such case always nourished at the charge of the master, until it attains an age capable of self-support. The twelfth rule is superfluous; the slaves possess abundance of seeds for planting, and cultivate their grounds with the implements of their masters. With respect to the sixteenth rule, your Committee observe that it is always a part of the duty of a manager of slaves to pay attention that the provision-lands are duly cultivated; but if he is forbid by the 36th Clause of the Order to compel a slave to labour in the general work of the estate, what power has he of enforcing the observance of this rule? Your Committee have not overlooked what appears to them to be a singular omission in these regulations; the declaration of the planter to give his slaves ground, should precede by twelve months the release of his obligation to feed them, or the land allotted for that purpose should be already in a state of cultivation, and bearing provisions. On the whole, your Committee do not see that the introduction of these regulations would afford any benefit to the slaves.

The next Clauses of the Order, No. 90 to 96, prescribe the duration of the labour of slaves. The regulations here laid down would, in their strict interpretation, operate very injuriously on the cultivation of the estates, yet your Committee flatter themselves by introducing a modification, to no very alarming extent, that the benevolent intentions of His Majesty's Government may be fully effected without serious injury to the growers of produce. In this latitude the duration of the day differs from eleven to thirteen hours, the sun setting on the 21st of June at half past six, and on the 21st of December at half past five, and there is about half an hour of twilight before sunrise and after sunset. The morning dawn is employed by the negro in preparing his breakfast, and he goes to the field about sunrise; in the afternoon he quits his work at sunset; he then returns home with the grass he had previously collected, throws it into the cattle-pens, and attends the calling over the list of names; this occupies the period of the twilight, and he then retires to his hut until the next morning. This is the yearly routine of a field negro's labour, and it will not be found to differ materially from the provisions of the Order; but on both the sugar and coffee estates, during the time of crop, certain manufacturing processes are necessary which detain those employed in them somewhat

somewhat longer. On the former properties no canes are brought to the mill after sunset; the grinding is continued for about an hour after, and two hours more are employed in boiling the cane-juice into sugar; from ten to twelve people are employed in and about the mill, and from eight to ten in and about the boiling-house. On the coffee estates the berries are thrown into the receiver at sunset, and eight people are occupied between two and three hours in passing them through the pulping-mills. It is, therefore, apparent that if in either case the manufacturing process should cease at six in the evening, that the field labour must terminate at three in the afternoon, unless those employed in the boiling-house, &c. are relieved by others who have not been employed the full nine hours.

Your Committee must object strongly to such minute interference with slave government as is indicated by the 92d and 94th Clauses. They must presuppose the body of proprietors not only destitute of the common feelings of humanity, but also ignorant of their own interests, with which the welfare of the slaves is so intimately connected. The children are employed in labour suitable to their age. Female slaves in a state of pregnancy, and aged people, are employed in light work. The slaves are perfectly aware of these privileges, which long custom has sanctioned to them, and never fail to complain of any infraction. The offender would in such case be liable to punishment, under the 13th Clause of the Slave Act, for ill-treatment. The above considerations induce your Committee to recommend an alteration of the 4th Clause of the Slave Act, to the effect of fixing the duration of slave labour throughout the year from sunrise to sunset, and allowing half an hour after sunset for throwing grass and calling the list, with a provision, that during crop it shall be lawful to employ on sugar estates any number of slaves not exceeding twelve in and about the mill-house until seven o'clock, and any number not exceeding ten in and about the boiling-house until nine at night, and on coffee estates any number not exceeding 16, till eight o'clock. The 91st Clause of the Order to be added to the said alteration.

Your Committee have now reached to the 97th, 98th and 99th Clauses of the Order, which regulate the clothing and other articles to be furnished to the slaves. These Clauses have been considered by the planters, and not without reason, to be the most obnoxious of the whole Order. They triple the present expense of clothing the slaves by prescribing articles, some of which are useless, others extravagant or not appropriate. The shoes alone would entail a heavy charge, as a gang of ninety-nine people, allowing a third to be children, would require one hundred and sixty-five pairs of shoes. The prescribing of this article betrays an ignorance of the habits of the Slave Population. Slaves, and indeed many of the poor planters, never wear shoes, except for the exhibition of their finery on religious festivals and ceremonies, and on days of merriment. It is to their love for display on such occasions that the slaves devote the fruits of their industry in raising provisions and raising stock. The shoes procured by the owner would be certainly of a coarse quality. The slave would despise them as an article of dress, and to compel him to work with them would be equal to the infliction of a severe punishment.

The 98th Clause indeed gives a power of substituting for these shoes other articles of equivalent value; but why exact from the impoverished planter the extravagant cost of useless and unnecessary articles, by empowering the Protector to substitute others, at the dictate of his fancy, as unnecessary and perhaps equally useless? Straw or chip hats for the females are neither durable nor useful; in order to afford any protection against the sun or rain, they should be made of felt. A blanket in each year is an extravagant allowance; so likewise a saucepan and kettle, pot or cauldron. This is in fact holding out an encouragement for waste and carelessness. With respect to the latter articles, your Committee are at some loss to understand the meaning of the tenth Rule of the 88th Clause, which directs that the slaves shall be provided with the means of properly preparing their provisions for human food. Are the saucepan and pot not considered sufficient for that purpose, or what interpretation is to be put on the rule? The knives, razors and scissors are certainly conceived in the spirit of very minute legislation, and might have been connected, with equal propriety, with shaving brushes and soap, needles, pins and thimbles.

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The clothing provided by the 1st Clause of the Slave Act, is for the use of the negroes when employed in field labour; on other occasions, as before described, they substitute for it finer materials. It has always been found sufficient; but latterly, under the heavy pressure of Colonial distress, many of the poor owners became unable to purchase it. This conviction induced the Legislature, in the second Clause of the said Act, to authorize such poor persons to give twelve days to their slaves in lieu of clothing. It is rather a singular coincidence, that the forty days allowed by the Order in Council for feeding, and the twelve days here allowed for clothing the slave, make together the exact number of days which in this Colony is allotted for food only. Your Committee are so far from wishing to see the condition of the 2d Clause annulled, that the same sentiments which influenced their observations on the 88th Clause of the Order, would induce them rather to advise its extension to the body of planters generally.

The reasoning of Lord Goderich, that the slave is entitled to these allowances in lieu of wages, is perfectly correct; but if in a free state the wages of a labourer exceed the value of his work, who would hire him? It will be answered, perhaps, that if sixty-four days out of three hundred suffice for food and raiment, the remainder is the amount of the slave's profit to his master; but there are many other expenses to which the management of slave property is subjected. Omitting altogether the interest on the capital invested, there are the charges of medical attendance and medicines, Colonial taxation, repairs of buildings, casualties of stock, salaries of managers and overseers, supplies for the manufacturing process, building and repairing negro huts, clothing, feeding and lodging superannuated, infirm or diseased slaves, &c. The two last charges, it would appear to your Committee, have been totally overlooked in the Order in Council. The best information which your Committee have been able to obtain on the subject of the expense, and on the accuracy of which they confidently rely, combined with the heavy duties on their produce, fully justifies them in withholding their recommendation to the adoption of these Clauses of the Order. The succeeding Clauses, No. 100, 101 and 102, regulate the attendance of slaves on Divine Worship. The attendance is limited by the Order to any church or chapel within six miles from the residence of the slave. The eighth Clause of the Slave Act contains no such limitation, and it is well known that slaves frequently attend church from a much greater distance. As, however, there can be no doubt of the willingness of the owner to allow his slaves to attend, although beyond the limited distance, your Committee would recommend the adoption of these Clauses, extending, however, the exceptions of Clause 102 to attendance on the sick, watchmen, stock-keepers, and also to slaves confined by order of the manager or of a magistrate, under the 34th & 36th Clauses of the Slave Act, and with power to the manager to detain on the estate one-third of the effective strength of the slaves for the purpose of rendering assistance in case of fire. With regard to the exception of slaves under confinement on estates, your Committee need only observe, that the solitary confinement of a refractory or evil-disposed slave on a Sunday, when his fellows are enjoying themselves in uncontrolled liberty, has not seldom operated to produce a reform that corporal punishment had failed to effect.

To the 103d Clause your Committee see no objection, as it will only make that the law of the Colony which has hitherto been the custom.

The 104th and 105th Clauses, respecting medical attendance on the slaves, appear to your Committee too onerous on the owner, as imposing upon him an obligation that he may be unable to fulfil. Lord Goderich labours under an erroneous impression, in respect to this Colony at least, when his Lordship takes it for granted that medical men can be so readily procured, subject to such harsh regulations; here, from the small number of practitioners, but chiefly from the great fatigue and difficulty of communication with some of the Windward properties, it is considered no slight favour, and no small inducement is requisite, to prevail on a medical practitioner to visit those distant estates. Ten joes (fourteen pounds sterling) is the customary fee for each journey. Your Committee would propose that the Clauses should be modified to meet the localities of the country, and the medical men relieved from the harsh rules which the Clause imposes. The purpose may be as effectually attained

attained by directing the manager to keep a book in which his medical attendant will enter his visits and prescriptions.

The 106th Clause your Committee recommend for adoption; as likewise the 108th Clause.

The 107th Clause is unnecessary, as the Slave Act prescribes the punishment for each offence; the maximum of pecuniary penalty of 500*l.* sterling is excessive. The 13th Clause of the Slave Act fixes the maximum of punishment for cruelty to a slave, to a fine of 200*l.* and imprisonment for six months.

The remaining Clauses of the Order, No. 109 to 121, are introduced on the assumption that the whole of the preceding Clauses have become the law of the country, and are principally calculated for the Crown Colonies; they would of course require to be adapted to our Code of Civil and Criminal Jurisprudence, and to the rights of our independent Constitution. However it may please His Majesty's Government to pass slightly over, or rather wholly to overlook, that Constitution, it well becomes your Committee, profiting by its benefits, and participating in its rights, to uphold and secure, by every human exertion, the Charter granted to us by our late revered and highly beloved Sovereign, George the Third; a Charter not wrested from the reluctant hands of a timid and enfeebled King by bold and overbearing Barons, but the free, spontaneous boon of a wise and benevolent Monarch.

Your Committee have thus brought to a conclusion the inquiry with which they were charged; and in presenting the result of their labours to the consideration of your Honourable Board and House, take the opportunity of declaring that in the observations they have felt it their duty to make, it was far from their desire or intention to raise captious or unreasonable objections to a Code that had received the sanction of His Majesty's Government, and which was so earnestly recommended by the Noble Secretary for the Colonies.

Strongly impressed with a feeling of the respect due to the Government, and anxious to evince that feeling by a fair and candid examination of the Order in Council, your Committee have not been without a hope, that His Majesty's Ministers might thus be induced to relax from the strict tenor of their declaration, and to re-consider those parts which a knowledge of the local condition and circumstances of this Colony has enabled your Committee to point out as objectionable or unappropriate. Many of the provisions of the Order your Committee have recommended for adoption; and if they have withheld that recommendation from others, it was from a perfect conviction that a compliance with them would involve in utter distress and irremediable ruin the whole body of landed proprietors in this Island; where, within the last ten years, Colonial property, affected partly by the depression of markets, principally however by the insecurity of its tenure, occasioned by the hostile and unceasing attacks of the advocates of emancipation, has greatly depreciated in its value.

Your Committee would ill discharge the important duty committed to them, did they, before closing their Report, fail to draw the attention of your Honourable Board and House to that part of Lord Goderich's Circular Despatch to the Governors of the Crown Colonies, under date the 5th November last, wherein he states, that the Order in Council must be regarded as a measured and cautious, but at the same time, a decided advance towards the ultimate extinction of slavery.

Your Committee feel themselves bound, on every consideration of the importance of the subject submitted for their report, to recommend to your Honourable Board and House, the vital necessity that devolves on the Legislatures of these Colonies, to press on the consideration of Parliament a declaration of the inviolability of the rights of West India proprietors.

(signed) *J. P. Lockhart,*
Chairman.

(A true Copy.)

J. H. Newman,
Clerk of Assembly.

— No. 4. —

DOMINICA.COPY of a DESPATCH from Viscount *Goderich* to Sir *E. M. M'Gregor*,
&c. &c. &c.

Sir,

Colonial Office, 5th June 1832.

I HAVE received your Despatch, dated the 28th of March, enclosing various proceedings of the Two Houses of General Assembly of Dominica, on the subject of the amendment of the Colonial Slave Codes.

For the reasons assigned in my Circular Despatch, I must for the present decline the discussion to which those Documents invite me. For the same reason, His Majesty in Council will still postpone pronouncing his decision upon the Slave Act to which you refer, and which is suspended for the signification of His Majesty's pleasure. In the present posture of this controversy, the only course which remains open to His Majesty with regard to the Colonies possessing Legislative Assemblies, is to abstain from any measure whatever, until the labours of the two Parliamentary Committees have been brought to a close.

I have, &c.

(signed) *Goderich.*

12 May 1832.
Presented to Parlia-
ment 27 July 1832,
Paper 649.

— No. 5. —

EXTRACT of a DESPATCH from Sir *E. M. M'Gregor* to Viscount *Goderich*,
dated Government House, Roseau, 23d April 1832.

“ WHEN my Letter of the 28th ultimo was despatched by the last Packet, it was to be inferred, that Mr. Lockhart's Motion in Council would have been followed up by Resolutions of that Body, in conformity with those of the House of Assembly rejecting His Majesty's Orders in Council of the 2d November 1831.

“ But the Council, although known to be no less hostile than the Assembly to those Orders, have not thought proper to announce their sentiments through the medium of a Message to the Executive. Your Lordship's Circular Despatch of the 10th December, which was duly laid ‘ before both Branches of the Legislature,’ has elicited a Reply from one only, and consequently were ‘ the boon’ which has been contemplated as to follow ‘ the adoption of the entire Order in Council’ conceded by the King's Ministers, agreeably to the somewhat unseasonable pretension of the Assembly, His Majesty's Government would possess no adequate security for the introduction into the Dominica Laws even of the partial ‘ improvements proposed’ by the Report of the Joint Committee ‘ to be made in the Slave Code of this Colony;’ the promise of the House in that event ‘ to give effect by legislative enactment to the ‘ recommendations of the said Report’ not being binding on the Council.

“ However much it is to be lamented, for their own sakes, that the Two Chambers did not unite in acceding at once to your Lordship's propositions, and however erroneous and ill-advised the late Resolutions of the Assembly and the conduct of both Branches may be considered, it is consolatory to find the previous assurances of the Privy Council and of the Speaker of the House of Assembly realized, and no indications whatever of disaffection manifested. Indeed there seems a disposition to disclaim all intention of offensive opposition.”

G R E N A D A.

—No. 1.—

COPY of a DESPATCH from Sir *James Campbell* to Viscount *Goderich*,
&c. &c. &c.

Government House, Grenada,
22d July 1831.

My Lord,

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I HAVE the honour to inform your Lordship that a Meeting of some of the Inhabitants of this Island took place on the 5th instant, for the purpose of taking into consideration the alarming crisis of Colonial Affairs, when they came to certain Resolutions, of which I have the honour to enclose to your Lordship a Copy. I have considered it to be my duty to make your Lordship acquainted with the nature of these Resolutions. It is certainly most true that the planters are now suffering under hardships the most distressing, and from the incessant rains we have had for a considerable time past, their prospects for the next year's crop are extremely gloomy.

I have, &c.

(signed) *James Campbell.*

Enclosure in No. 1.

PUBLIC MEETING OF PLANTERS, MERCHANTS, &c.

Saint George's, Grenada, 5th July 1831.

AT a General Meeting of Planters, Merchants and others, interested in the welfare of this Colony, held at the Court House this day, for the purpose of taking into consideration the present alarming crisis of Colonial Affairs, and for adopting such measures as may be deemed most effectual for averting the impending ruin with which these Colonies are threatened;

John Ross, Esq. in the Chair.

It was unanimously Resolved,

1st. That in the present alarming situation of West India affairs, when His Majesty's Ministers, regardless of the claims which the Colonists have upon the favourable consideration of the Parent Government, and apparently careless as to the result of measures so politically injudicious, and so systematically oppressive, as those which have long marked their administration of the concerns of this portion of the British Empire, now avowedly contemplate such further regulations as are alone wanting to consummate the destruction of these once favoured and flourishing Islands; it is become a bounden duty, and imperative upon all the free inhabitants thereof, to come forward, with one heart and with one voice, and bearing in mind not only the many undeserved and unredressed grievances they have to complain of, but also those others with which they are undisguisedly threatened, manfully to assert, as well as energetically to insist upon, their inalienable rights as Britons to the meed of open and impartial inquiry upon all that they may be charged with, and to be otherwise evenly and justly dealt with upon all occasions where their persons or properties are concerned; and likewise to express their determination of resisting, by every proper and constitutional means, the insidious progress of proceedings which tend eventually to place the lives and fortunes of the Colonists at the mercy of an interested or a misguided and fanatical party in Great Britain.

2d. That these Colonies, forming an acknowledged constituent part of the Empire, have been peopled and cultivated under the solemn assurance and guarantee of the British Government. That the capital which has been employed, and the means adopted for rendering it available to the climate and the soil, have alike

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alike been induced and sanctioned in their operation by repeated Acts of the British Legislature; and that however repugnant these may of late have been found to be to the excited spirit and feelings of the Mother Country, they cannot now be either overturned or abrogated, without the most glaring, the deepest, injustice to those immediately concerned, nor without involving a train of fearful consequences, fatal equally to the landholder and the labourer, to the master and the slave, and to every description of the inhabitants of these Colonies. But if it be deemed necessary, in order to satisfy the conscientious scruples of our fellow subjects in Europe, that our slaves should be made free, our estates abandoned, and our homes rendered desolate, then, in the names of justice and equity, if these be not unmeaning terms, we call upon the nation at large to make a fair, a full and ample compensation for the losses we must sustain; and until this be done, that we be allowed to peaceably enjoy our own under the guidance and control of those laws which have already been approved and established by the proper authority; binding ourselves at the same time not to set the seal to our own ruin, nor tamely upon any other terms to relinquish those rights which we hold upon as inviolable a tenure, and which are as sacredly dear to us as any that are held by the landed proprietors of the British Empire.

3d. That a party in England, chiefly composed of Sectarians, have, with unremitting zeal, exerted themselves in disseminating falsehoods throughout the kingdom, and in completely misrepresenting the state of the Slave Population of these Colonies; and they have been but too successful in poisoning the minds of a great proportion of His Majesty's subjects, and in exciting their hatred of the Colonists; that we have repeatedly called for an inquiry to ascertain the present state and condition of the slaves, what has been done for them in the different Colonies, and what is still doing; that we are condemned without a hearing in our own defence; that His Majesty's Ministers have further avowed their determination to act upon these partial and unjust statements, and to call upon Parliament to enact penal statutes against the Colonies for what is termed their contumacy and obstinacy. That as British subjects we claim it as our undoubted right to be heard in our own defence; and we do solemnly protest against any further measures being adopted against the Colonies until an investigation has taken place in regard to their present state, and as to what has been done for the improvement of the condition of the slaves; and we pledge ourselves to prove that we have complied in every respect with the Resolutions of the House of Commons of May 1823, "in adopting such effectual and decisive measures for meliorating the condition of the Slave Population (in this Colony) as is compatible with the well-being of the slaves themselves, with the safety of the Colonies, and a fair and equitable consideration for the interests of private property;" and as evidence of this (without noticing what has been subsequently enacted) we need only refer to the words of Earl Bathurst, the late Secretary for the Colonies, contained in his Despatches to the Governor of this Colony, dated 20th October 1825, as follows:

"I have great satisfaction in finding myself enabled to address you under circumstances which justify more pleasing anticipations; for although after a full consideration of the Grenada Act, I cannot but be sensible that it falls short of what has been recommended, yet it deserves to be considered as an important improvement of the existing code; its provisions are all of a beneficial nature as far as they go, and contain nothing which can stand in the way of its confirmation. Where the enactments are deficient, either in defining or in securing their own objects, there is a manifest good intention which assures me that these inadvertencies will be readily corrected.

"I have received and laid before The King your Despatch of 5th of May last, enclosing an Act of the Legislature of the Island of Grenada, for consolidating and amending the laws relating to Slaves. In my Despatch of this date I have instructed you to signify to the Legislative Council and Assembly His Majesty's gracious approbation of this Act, and I have there also shortly adverted to the more important omissions which I have observed in it. It now therefore only remains for me to do the Legislative Council and Assembly of Grenada the justice of acknowledging the spirit of liberality and benevolence by which some of the provisions are characterized, which, without any suggestion from His Majesty's Government, have been spontaneously devised and executed by the Legislature. I might, indeed, point out errors and omissions which have occurred in framing some of these Clauses, and which, unless corrected, would in practice be found to defeat

defeat their operation. I refer especially to the rules relating to the food, lodging and clothing of the slaves, and their treatment when sick; but the revision and improvement of these Clauses may be safely entrusted to the experience and correct feelings of the gentlemen with whom they originated; and I am enabled to signify His Majesty's entire and unqualified approbation of the Enactment which, in the event of any question arising touching the liberty of any person claimed as a slave, imposes upon the claimant the obligation of proving the fact of slavery."

And the following from Sir George Murray's Despatches, of 3d of September 1828 and 8th June 1829.

"I have now gone through all the subjects which it was my intention particularly to touch upon in this Despatch; before I conclude, however, I must express, which I do with much pleasure, the sense I entertain of the laudable conduct of the Legislative Council and of the Assembly of the Island of Grenada, in having already adopted several of those measures for the amelioration of the condition of the Slave Population, which have been at different times suggested to them under the pressing recommendation of the Crown, supported by the unanimous opinion of the Two Houses of Parliament, and enforced by the general expression of public opinion in the Mother Country. It is not indeed without much regret that His Majesty's Government have discharged the duty of advising The King to disallow any enactment proceeding from a Colonial Legislature, which has so honourably distinguished itself in the improvement of the Slave Code."

4th. That if, in the present embarrassed state of the finances of the kingdom, the means cannot be found for making compensation to the Colonies, and the country can no longer, from conscientious motives, suffer slavery to exist under its dominion, and it being apparent that Ministers are acting under the influence of a sect who think Colonies of no value, and that the country would be better without them, let it then, rather than persevere in measures which must end in our utter ruin, relieve us at once from our allegiance and give us time to look for other protectors. That driven as we are to the verge of desperation by the gradual encroachments which for many years past have from time to time been made upon our insular institutions and domestic privileges, and at beholding a British Ministry acting under the influence of an interested and bigoted faction, to the prejudice and ruin of one of the fairest portions of the Globe, it becomes us, under these circumstances, to recollect that we have duties which we owe to ourselves and our descendants, and that in the last resort we ought not to be found wanting to them. It is with feelings of the deepest regret that we advert to the possibility of a separation from our Parent State, since the obligations on its part and on ours are reciprocal; for if protection to our persons and properties be withheld, if the Government of the country, instead of standing forward in our defence, and stretching forth its powerful arm to shield us from the attacks of a confederacy in the kingdom, composed of our most inveterate enemies, who, by shamelessly inventing and recklessly propagating the most atrocious calumnies against us, are evidently bent upon accomplishing our utter ruin even to extermination; if Government, instead of performing this obligatory duty towards us, lends its aid to the party in question and acts in conjunction with it; if we are continually to be considered as aliens and outcasts, nay more, treated as a guilty and proscribed race, with whom public faith may be lawfully broken, and to whose misfortunes no commiseration should be shown; if our local privileges are for ever to be disregarded, our constitutional rights trodden under foot, and the hard-earned produce of our estates fettered with rigorously unequal and ruinous impositions; if no merit is to be conceded to us for what we have effected in improving the moral condition of our slaves, nor any limits assigned to the further sacrifices which may be required of us; in fine, if by measures which have already been put in force, and others which Ministers have declared in Parliament it is their purpose to adopt, we are, in consequence, to be more and more laid open to injustice and injury, nay even exposed to imminent danger of our lives, and that without the smallest compensation being made to us; then the tie by which we are bound to the Mother Country must be considered as virtually severed, and the duty of allegiance at an end.

5th. That a Memorial and Remonstrance founded upon the foregoing Resolutions be drawn up by the Committee already appointed, and presented to His Majesty's Ministers

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Ministers by a competent person to be selected to represent this Colony in Great Britain.

6th. That Copies of these Resolutions be printed and forthwith transmitted with a Circular Letter, signed by the Chairman of the Meeting, to the respective Chairmen of the Planters and Merchants of the Colonies of Barbadoes, Demerara, Berbice, Trinidad, Tobago, St. Vincent, Dominica, Antigua, Montserrat, St. Christopher, Nevis, Tortola, St. Lucia, and also to Jamaica, for the consideration of the inhabitants of those Colonies, and expressing a hope that they may see the expediency of adopting a similar mode of proceeding, and the appointment of persons to represent them respectively in Great Britain, and to act conjointly for the general good of these Colonies.

7th. That the Thanks of this Meeting be voted to the Honourable John Hoyes for the handsome manner in which he has expressed his readiness to meet the wishes of the inhabitants of this Colony, by proceeding to Europe for the purposes mentioned in the fifth Resolution.

(signed) *John Ross*, Chairman.

Mr. Ross having left the Chair, W. H. Whiteman, Esq. was called upon to preside.

Moved by the Honourable John Hoyes, seconded by Lewis Hoyes, Esq., and unanimously adopted,—

That the Thanks of this Meeting be voted to John Ross, Esq. for his impartial conduct in the Chair, and for his unremitting endeavours to promote the interest and welfare of this Colony.

(signed) *W. H. Whiteman*.

— No. 2.—

COPY of a DESPATCH from Sir *James Campbell* to Viscount *Goderich*, &c. &c. &c.

Government House, Grenada,
February 28th, 1832.

My Lord,

WHEN I addressed your Lordship on the 28th January last, I expected to have had it in my power to have transmitted the decision that the Legislature of this Colony had come to with respect to the late Orders in Council for the amelioration of the Slave Population; but the unexpected early departure of the present Packet has prevented my doing so, as the Two Branches do not meet until the 6th March, when I shall embrace the first opportunity of acquainting you with their proceedings.

I have, &c.

(signed) *James Campbell*.

— No. 3.—

COPY of a DESPATCH from Sir *James Campbell* to Viscount *Goderich*, &c. &c. &c.

Government House, Grenada,
March 8th, 1832.

My Lord,

I AVAIL myself of the opportunity of a vessel about to sail for England, to inform your Lordship that the Legislature of this Colony met on the 6th instant, and again took into their consideration the late Orders in Council for the amelioration of the Slave Population, and have requested an adjournment of a fortnight, when I hope to be able to acquaint you with their proceedings.

I have, &c.

(signed) *James Campbell*.

—No. 4.—

COPY of a DESPATCH from Sir *James Campbell* to Viscount *Goderich*,
&c. &c. &c.

Government House, Grenada,
29th March 1832.

My Lord,

IN reference to my Letter to your Lordship of the 8th instant on the subject of the late Orders in Council, I have the honour to inform your Lordship, that in consequence of the state of the crops and the departure of several vessels within a few days for Europe, the gentlemen in the country have been prevented from coming to town, and it has therefore been impossible to form a House. Under these circumstances The Speaker has applied to me for an adjournment to the 17th proximo, which I have accordingly granted. I shall have the honour to transmit to your Lordship the account of their proceedings at that Meeting.

I have, &c.

(signed) *James Campbell.*

—No. 5.—

COPY of a DESPATCH from Sir *James Campbell* to Viscount *Goderich*,
&c. &c. &c.

Government House, Grenada,
28th April 1832.

My Lord,

I HAVE the honour to inform your Lordship, that the Legislature of this Colony met on the 17th instant, and took into their consideration the Orders in Council, with respect to the amelioration of the Slave Population; and it is with much regret I am under the necessity of informing your Lordship that they have declined passing them into a Law. I have the honour to transmit to your Lordship a Copy of their Resolutions on the subject.

I have, &c.

(signed) *James Campbell.*

Enclosure in No. 5.

RESOLVED,—That the Council and Assembly of this Colony have felt with deep regret, that His Majesty's Secretary of State for the Colonies should deem it just or necessary to charge the Legislature of Grenada with having wholly disregarded, or carried but partially into effect, the Resolutions of the House of Commons of 1823; and that upon this assumption His Majesty's Government justifies its recent Orders in Council, which it seeks so imperatively to enforce upon the Legislatures of the Chartered Colonies; in refutation whereof, the Council and Assembly of this Colony need only refer to Lord Bathurst's Despatch of 20th October 1825, and those of Sir George Murray of 3d September 1828 and 8th June 1829; in the latter of which are the following expressions; viz. 'It only remains for me to do the Legislative Council and Assembly of Grenada the justice of acknowledging the spirit of liberality and benevolence by which some of the provisions are characterized, which, without any suggestions from His Majesty's Government, have been spontaneously devised and executed by the Legislature.'

That the Laws which have from time to time been passed in this Colony, since the year 1823, in relation to the slaves, do, in the opinion of the Council and Assembly, embrace, as far as is compatible with their well-being and the fair and equitable consideration of the interests of private property, the measures recommended by the late Mr. Canning, and embodied in those Resolutions; but they will be most ready and willing to avail themselves of any further measures which may be suggested for the improvement of the condition of the slaves, which can be adopted without injury to either party. But with all deference they contend, that in a matter where they are so materially and vitally concerned, they, from their local knowledge, long experience and great interest, must be allowed to be the most competent judges of its expediency; and for carrying the same into

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into effect; the principle of which is fully admitted by Lord Goderich himself, in his Despatch to the Governors of the Crown Colonies, dated the 17th November 1831.

That without entering into an examination of the particular provisions of the Order in Council, or of the evils with which the promulgation of it would be attended, or the policy or impolicy of carrying its provisions into effect, the Council and Assembly feel it a paramount duty which they owe to themselves, to their constituents, and to their posterity, to declare, that to give the same the effect of a Law, as required, would be incompatible altogether with their liberties as British subjects, as well as with their chartered rights as Colonists, and in direct violation of the national faith under which they have acquired and hitherto held their properties. That if the Order were adopted, it would virtually give freedom to the slave, while it would entail the expense of his maintenance and support on the proprietor, who would thereby be placed in a more disadvantageous situation than by his absolute emancipation; would destroy the mutual interest which at present exists between them; would loosen the natural ties by which they have been hitherto united; would deprive the slave of that protection which he has hitherto enjoyed; and would be the means of conferring a species of freedom upon a class totally unfit to appreciate its benefits.

That whatever, therefore, may be the consequences, the Council and Assembly are of opinion, that they cannot entertain the idea of giving the Order in Council the effect of a Law of the Colony, as required by the Despatch of the Secretary of State for the Colonies.

That, in consequence of the unceasing interference on the part of His Majesty's Government, between the master and the slave, and the constant excitement thereby kept up in the minds of the Negro Population, the annual crops of the estates have for years past been gradually diminishing; that from the very heavy duties to which their produce is subjected, and the ruinous restrictions in Colonial Trade, both in the Mother Country and in the British American Provinces, the revenue arising from West India property is so much reduced, that the Colonists, so far from being in a situation to submit to further sacrifices, are actually unable to carry on the cultivation of their estates without loss; and if His Majesty's Government do not devise some measures of instant relief, the Country must be abandoned, and every individual therewith be involved in one common ruin.

(signed)

Felix Palmer, Pt of the Council.

Grenada, 27th April 1832.

John Hoyes, Speaker of the Assembly.*John Cha^r Ker*, Clerk of Assembly.S T. V I N C E N T.

—No. 1.—

ST. VINCENT.

COPY of a DESPATCH from the Right Honourable Sir *G. F. Hill* to
Viscount *Goderich*, &c. &c. &c.

My Lord,

St. Vincent, Thursday, 4th August 1831.

I HAVE procured the enclosed Copy of the Petition this day settled by a Committee, and addressed to the British Houses of Lords and Commons, from the Legislative Council and Assembly of Saint Vincent's.

I am informed it will be transmitted by the same ship which takes this brief Despatch to your Lordship.

I have felt that your Lordship might wish to see this document as soon as possible; I have not waited, therefore, for the next departure of the regular mail.

More, in my opinion, is expressed than either would or could be acted on, and I adhere to the opinions I formerly presumed to offer.

I have, &c.

(signed)

G. F. Hill.

Enclosure in No. 1.

TO the [Right Honourable the Lords Spiritual and Temporal] Commons of *Great Britain and Ireland*, in Parliament assembled.

THE humble Petition of the Legislative Council and Assembly of the Island of *St. Vincent*, and its Dependencies.

YOUR Petitioners humbly beg leave to state to your [Lordships] Honourable House, that as a legislative body, invested with certain rights which it is their bounden duty to defend to the utmost of their power, they have viewed with alarm and dismay the proceedings which have taken place in the late Sessions of Parliament. A set of agitators and theorists, who are imbued with a determined system of hostility towards the Colonies, founded on the most erroneous principles and the greatest ignorance, are endeavouring to influence the Government in the adoption of the most hostile measures, which are levelled at the destruction of our property, already reduced one-half in value. If our petitions and respectful remonstrances are to be unavailing, if the oppressive war duties are to be continued, if further burthens, and those too by way of punishment, are to be added, if the fiscal regulations respecting the sales of sugar are to be neglected, because a benefit would arise to the planter, the remaining moiety will be destroyed, and our ruin complete.

Your Petitioners have acquired their properties under the sanction of the Laws of Great Britain, either by inheritance or purchase, in many instances forced upon them for monies lent, under the encouragement of Acts of Parliament. Such property must be inviolable; and we humbly submit, that we have a right to claim at your hands that support and protection which every dependency is entitled to expect from its principal; protection and allegiance being inseparable. But if any direct or indirect means are to be resorted to for the purpose of severing that property from us, without full and adequate compensation being first fixed and paid, we are bound in the duties which we owe to the Colonies and ourselves to state, that force only will compel us to submission.

Your Petitioners further state, that the emissaries of the Anti-Slavery Society, who, instead of being indicted for a conspiracy against our lives and properties, are countenanced and upheld by Government, are continually fomenting rebellion and internal war, by their threats of immediate emancipation; and to this source the late unhappy occurrences in Jamaica, Barbadoes and Demerara, and still more recently in Antigua and Nevis, are to be attributed; the natural tendency of which is to shake that allegiance for which the British Colonists have been hitherto so pre-eminently distinguished, and which they are still anxious to maintain, provided the British Parliament does not defeat their well-meant intentions.

Your Petitioners assert, that the Legislature of this Colony has been one of the foremost in the adoption of gradual measures of improvement; and more especially such as have been from time to time suggested by His Majesty's Government, as most compatible with the well-being of the slaves, the safety of the colonists, and the fair and equitable consideration of the rights of private property. But they crave leave to observe, that after an attentive consideration of the erroneous conceptions, the exaggerated mis-statements, the sectarian delusions are so manifestly displayed respecting the true character of the Colonies, that without further inquiry, your [Lordships] Honourable House [are] is not competent to judge of the well-being of the one, or the safety of the other; and as British subjects, we have a right to be heard in our defence, previous to our anticipated condemnation.

Your Petitioners further show, that the proceedings of the Mother Country have interposed a bar against all Colonial improvements, because in our present destitute state, it is impossible to contribute from our exhausted funds any means either for the supplying new institutions for the benefit of the lower classes of society, or for maintaining the old ones, except at very reduced rates. Our personal preservation must first be secured, either by an explicit declaration of the final views of His Majesty's Ministers, or some decided manifestation of support from the British Government.

Your Petitioners therefore humbly entreat your [Lordships] Honourable House, to cause the most rigid and ample inquiry to be instituted respecting the rights and privileges of this Colony, their claims to support, the heavy imposts and impositions which they have undergone, the true state and condition of the Slave Population

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Population (at present wholly unknown to Parliament), the depreciation of property, the claim to compensation, the concessions and improvements which have been gradually adopted, and of which abstracts were laid before your [Lordships] Honourable House in March last, (to these may now be added the late Acts, granting every privilege to the free coloured and black population that white persons enjoy,) and lastly, the impending ruin now threatening us from the impolicy of the general line of conduct which has been exercised towards us; and then, but not until then, to discuss the propriety of our existence as a Colony.

Your Petitioners do solemnly pledge themselves to afford every means of information on every subject within their knowledge or power, from a perfect consciousness that it must contribute to the establishment of their case, and the support of their character, which has been vilified by ignorance and traduced by wilful misrepresentation.

— No. 2.—

COPY of a DESPATCH from the Right Honourable Sir G. F. Hill to
Viscount Goderich, &c. &c. &c.

Government House, St. Vincent,
21st February 1832.

My Lord,

PURSUANT to your Lordship's instructions, I summoned the Council and Assembly of this Colony to meet on Friday the 10th of this month.

I laid before them your Lordship's Despatch of the 10th December last, with the Order in Council of His Majesty, dated 2d November last, accompanied with a Message from myself, of which I enclose a copy, together with the Reply of the Assembly thereto.

Be assured, my Lord, I have employed, and shall continue to employ, whatever influence I have acquired here, in a sincere endeavour to propitiate the acquiescence of the proprietors and planters to the views and policy of His Majesty's Government, for the improvement of the condition of the Slave Population.

I am not without hope that your Lordship may consider I have directed, with sufficient point, the attention of the Council and Assembly to the prominent parts of your Despatch and the Order in Council. It was my duty and desire to do so.

From the constant communication I hold with the gentlemen of influence here, I can perceive an important approach towards a concurrence in the measures of His Majesty's Government, save always the extraordinary power with which the Protector is to be invested, but chiefly in visiting without control or limitation the habitation of the slave.

If this should remain the chief point of objection here, perhaps it may admit of modification; and I should humbly recommend the reconsideration of it eventually: I say eventually, because an immediate alteration of the Order in that particular, before it is sought for by the planter, might be taken as abandoning the intention of regulating these concerns by Council Orders from home, and of leaving them as heretofore to Colonial legislation.

No doubt there are some individuals who will to the end of their lives oppose any further change, but many there are well disposed to yield. My chief dread is, that they may be influenced by the example of other Colonies, *par un esprit de corps*, by a point of honour to act in concert with their compeers; and unhappily, a decided lead in opposition has already been taken in some of the Crown as well as the Chartered Colonies.

Your Lordship will observe, that from the Reply of the Council and Assembly to my Message, no determination against the measure proposed has, as elsewhere, been at once taken; delay was the object, and obtained by directing the Order in Council to be printed: what serious reflection may operate, between this time and the 6th of March, when they are next to meet, I cannot anticipate; but my best judgment and effort shall be employed to promote the object of His Majesty's Government.

I have, &c.

(signed)

G. F. Hill.

Enclosure 1, in No. 2.

MESSAGE of HIS EXCELLENCY to the HOUSE of ASSEMBLY.

(signed) *G. F. Hill.*

THE Governor is desirous of explaining to the Honourable House of Assembly the urgency of the occasion which has induced him to require a meeting of the Legislature before the usual period of their assembling.

His Majesty's Government having, by a Despatch, bearing date the 10th of December last, instructed the Governor to convoke the Council and Assembly at the earliest opportunity, which might not occasion any serious inconvenience to the members of those bodies, he has selected this period, when most of them must necessarily be prepared to attend at the sitting of the Grand Sessions, which commence on Tuesday next, as most likely to interfere least with their private avocations.

The Governor now most anxiously presses upon the serious attention and deliberative functions of the Honourable House the accompanying Despatch and documents.

The injunctions and reasonings of that Despatch, and the all-important subject treated of therein and in those documents, will be sufficient to account to the Assembly for their having been brought together before the usual time of meeting.

The Governor feels justified in observing, that this Despatch proves the deep anxiety felt by His Majesty and his Government to accomplish two objects of paramount importance, but which must indispensably and inseparably accompany each other; the one, by a measure of fiscal regulation, to afford real and substantial relief to the West India planters; the other, to secure from them the adoption of the measure suggested by His Majesty in Council for ameliorating the condition of the Slave Population throughout His Majesty's Colonies.

These are topics demanding deliberate and temperate discussion.

The Governor feels it his duty to point the attention of the Honourable House to the soreness of regret expressed in this Despatch, that for eight years past this subject has been unsuccessfully urged upon the Colonies for adoption by His Majesty, and all the various Ministers and Cabinets within that period; sustained and pressed also, as they have been, by the pledges and votes of Parliament, and by the general opinion and voice of the United Kingdom.

It might be evidently inferred from this Despatch, that this is the crisis at last produced when this question must be brought to a final conclusion. That one uniform and universal system for the management of the Slave Population must be adopted and established, can scarcely be denied; it follows, therefore, to be considered, whether any method can be devised for the production of such a system by mere Colonial Legislation.

The enclosed Despatch infers the certainty that no one of the Colonies would pass such a law for regulating the Slave Population as would in all its series of enactments be adopted and made the law of each and every one of the other Colonies; it therefore urges the adoption of a code, which has been constructed by His Majesty in Council, holding in contemplation all the transactions which have occurred in and out of Parliament, and all the correspondence which has taken place between the various Ministers of the Crown, on the part of the British Government and the British Colonies, for many years past.

It breathes a sentiment of strong sympathy for the prosperity and happiness of the British West Indies, and an anxious desire to alleviate the distress which unquestionably exists among them; but in case its recommendations are rejected, it refers to an alternative worthy of the most serious thought and deliberation.

The Governor feels much satisfaction in laying before the Assembly the copy of a Treaty made between Great Britain and France of considerable importance to the interests of these Colonies, as it promises more than any other practicable measure to repress the foreign Slave Trade, and insomuch to check the competition of foreign sugar growers.

The Honourable
The Speaker of the House of Assembly,
&c. &c. &c.

Government House, St. Vincent,
10th February 1832.

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Enclosure 2, in No. 2.

REPLY of the SPEAKER.

Sir,

St. Vincent, 11th February 1832.

I HAVE had the honour of laying before the House of Assembly the Message of your Excellency, accompanied by a Despatch from Lord Goderich, recommending the adoption of an Order made by His Majesty in Council on the 2d day of November last, for improving the condition of the slaves in the Crown Colonies, and communicating the course which His Majesty's Government had resolved to adopt, with a view to induce the extension of those measures to the Colonies having local Legislatures.

I am commanded in reply to state to your Excellency, that the House has deemed it advisable to direct that the Order in Council, which has been presented for its information, should be printed and distributed amongst the Members, to enable them at an early period to come to a proper consideration of a subject of such magnitude and difficulty, and involving questions of deep interest and importance to the vested rights of property.

I have, &c.

His Excellency the Right Honourable
Sir George Fitzgerald Hill, Bart.
&c. &c. &c.

(signed) *John P. Ross,*
Speaker.

— No. 3. —

COPY of a DESPATCH from the Right Honourable Sir *G. F. Hill* to
Viscount *Goderich*, &c. &c. &c.

My Lord,

St. Vincent, 22d March 1832.

I HAD the honour of communicating to your Lordship, in my Despatch of the 21st of February last, my Message to the Council and Assembly of this Colony, and their Reply, on the subject of the Order of His Majesty in Council of the 2d of November 1831, relative to the future regulation of the Slave Population in the British Foreign Possessions.

The regular quarterly meeting of the Council and Assembly took place here on the 6th of this month, and, as I had ascertained they would not come to a definitive determination on the aforementioned subject at this period, I addressed a Letter to the President and Speaker, dated the 7th instant, of which I enclose a copy, together with their Reply, which in substance had for object some further delay; I therefore directed them to adjourn until Thursday, the 12th of April next.

I had reason to expect that this much of delay might prove favourable to the object of His Majesty's Government on their proposed and intended measure; I sincerely hope it may prove so; but although I continue to persuade myself that a considerable mitigation of hostility to the Order in Council of the 2d of November last has been accomplished, yet I cannot flatter myself that it will receive entire acquiescence; for even amongst some liberal and generously disposed individuals, who have materially aided me in influencing and propitiating a favourable feeling towards this measure, they still retain strong objection to a few, to one or two points of it, as detailed to your Lordship in a former Despatch.

You will shortly be enabled to determine whether any proceeding other than the interposition of the British Parliament can set this question at rest; a general adoption by the Colonial Legislatures of one uniform system for the improvement and just protection of the Slave Population, I consider hopeless.

For suppose some, say one or two, of the Colonies adopted the whole Order in Council, it appears certain others would not, nay, will reject it altogether, whilst tranquillity and security cannot be insured until one uniform system is enacted and fixed.

The discussions, however, upon your Lordship's Despatches and Communications will have obtained this advantage, that they will have enabled His Majesty's Government to ascertain, in case they determine upon having recourse to an Act of the

the British Parliament, to construct it (without losing sight of their main object) in a manner least likely to interfere with the substantial interests of the West Indian proprietors. ST. VINCENT.

To protect them permanently is, I am convinced, their object. I would, therefore, presume to expect, that in the construction of an Act of the British Legislature on this subject, they would even attend to old (though bad) habits and prejudices, which are declining and wearing out.

The recent lamentable occurrences in Jamaica, and excitements elsewhere, render, in my opinion, an Imperial measure imperiously necessary.

This sentiment, I am persuaded, gains ground; but for the time and terms of such a measure His Majesty's Government, from their collected information, can best and alone decide.

I have, &c.

(signed) *G. F. Hill.*

Enclosure 1, in No. 3.

Government House, St. Vincent,
7th March 1832.

Sir,

WHEN I refer to my Despatches from the Colonial Office, dated the 10th of December last, requiring me to assemble the Council and Assembly without delay, for the purpose of laying before them the Order in Council of the 2d November last, together with Lord Goderich's official Letter to me on that subject, I am induced to request the attention of the Assembly to the emphatic terms in which "the fixed determination of His Majesty's Government is announced to propose to Parliament, in the present Session, a measure of substantial relief to the West Indian Interest;" also to the strength of language in which Lord Goderich expresses the deep and anxious feeling of interest with which he awaits the result of the decision of the Assembly on the proposals made in that Despatch.

Thus it is obvious, that whatever measures the Assembly may adopt on this important subject, should be communicated to His Majesty's Government during the present Session of Parliament.

As the next meeting of this Colonial Legislature will not in course take place till June, and should the Assembly not be prepared during this Session to come to a definitive determination on these proposals, I shall willingly meet their convenience by an adjournment to some intermediate day, always keeping in mind the necessity of a decision before the prorogation of the British Parliament.

I have, &c.

The Hon. the Speaker of Assembly,
&c. &c. &c.

(signed) *G. F. Hill.*

Enclosure 2, in No. 3.

Sir,

House of Assembly, 7th March 1832.

I HAVE had the honour to lay before the House your Excellency's Letter of this day's date.

I am instructed to say, that the Committee to whom the Order in Council has been referred to report upon, have met, and intend to meet again on the 28th instant, but at the present moment they are unable to state at what particular period their final Report will be ready. The Committee will use all diligence to complete the same as speedily as the importance of the subject will permit.

I have, &c.

His Excellency the Right Honourable
Sir G. F. Hill, Bart.
&c. &c. &c.

(signed) *J. P. Ross,*
Speaker.

T O B A G O.

— No. 1. —

TOBAGO.

EXTRACT of a DESPATCH from Maj.-Gen. *Blackwell* to Viscount *Goderich*, dated Tobago, 20th February 1832.

“ I HAVE the honour to acknowledge your Lordship’s Circular Despatches of the 10th December, with the Order in Council of 2d November, and other Enclosures, and have to acquaint you, that the Assembly of the Colony having been in Session at the time when I received your Lordship’s communication, I did not fail in immediately bringing under their consideration the important subject which it contained, having previously exerted myself to obtain the influence of the Members of the Privy Council in aid of the measures of His Majesty’s Government. My Message to the Legislative Bodies, a copy of which I beg to enclose, will, I trust, convince your Lordship that I have earnestly endeavoured to fulfil your orders. The Resolution of the House of Assembly herewith transmitted, would seem to prove that they wish to gain time to ascertain how this subject is likely to be treated in the neighbouring Colonies. In the mean time I shall continue to avail myself of every means likely to occasion a favourable result, and I shall feel it my duty to act up to the views of His Majesty’s Government in the fullest spirit of their meaning.”

No. 1.

No. 2.

Enclosure 1, in No. 1.

THE Governor has received the commands of His Majesty’s Secretary of State for the Colonies, to bring before the Legislature of Tobago a Despatch which has been transmitted to him, bearing date the 10th of December 1831, containing specific propositions from the Government respecting the immediate amelioration of the slave condition. The Governor therefore submits the accompanying Despatch, with the documents to which it refers, to the _____ of the _____ in order that he may take the earliest opportunity of bringing the subject before the House.

As it is impossible that any arguments from the Governor could add weight to the very forcible and unequivocal language of the Despatch, he can only recommend, in the most earnest manner, that the subject of it may be treated with such calm and deliberate consideration, as becomes a question of as great moment as was ever laid before a Colonial Legislature; at the same time the Governor would advise that the most serious attention should be given to all the arguments adduced by Lord Goderich, in his Letter of the 5th November 1831, to be found amongst the printed documents transmitted herewith, in reply to the several objections made against the measures proposed by His Majesty’s Ministers, and by which it may be observed that the Government have proceeded upon those fixed principles which ultimately must overcome all opposition to them.

It remains, therefore, for the Governor to leave this subject in the hands of the Legislature, with no further comment than that he trusts the _____ of _____ will take into their fullest and most dispassionate consideration, how needless it may be to oppose the expressed wishes of His Majesty’s Government, combined with the general voice of the Mother Country, whilst, by a rejection of them (and which it is declared can be only temporary), they will forfeit all the advantages which His Majesty’s Government has in contemplation for the Colonies, and bring down upon themselves those fearful results which must inevitably follow such a rejection, thereby entailing the most complicated miseries upon the Colony at large.

(signed)

Nath. Blackwell, Governor.

Enclosure 2, in No. 1.

Tobago.

TO His Excellency Major-General *Nathaniel Blackwell*, Companion of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the said Island and its Dependencies, Chancellor Ordinary and Vice-Admiral of the same, &c. &c. &c.

THE House of General Assembly have to acknowledge the receipt of your Excellency's Message of 23d January, forwarding the Orders lately passed by His Majesty in Council, with the accompanying Despatches and other Documents from the Colonial Minister; and the House have to state to your Excellency that such is the importance of those Orders, as affecting the interests of this Colony, that they have deemed it but prudent, in the first instance, to refer the same to a Select Committee, in order that they may report as to the expediency of adopting the same or any part of them in this Island, and that when they shall have received such Report, they will take the said Orders into their consideration.

House of Assembly, }
10th February 1832. }

(signed) *J. Glanville*, Speaker.

— No. 2.—

COPY of a DESPATCH from Viscount *Goderich* to Major-General *Blackwell*, &c. &c. &c.

Sir,

Colonial Office, 16 April 1832.

I HAVE to acknowledge the receipt of your Despatch dated the 20th February, in which you state that you had submitted my Circular Despatch of the 10th December, with the Order of The King in Council for improving the condition of the Slave Population, to the Legislative Assembly of Tobago; and I trust that on further consideration of this important subject, the decision of the Legislature may be favourable to the views of His Majesty's Government.

I have, &c.

(signed) *GODERICH*.

— No. 3.—

COPY of a DESPATCH from Major-General *Blackwell* to Viscount *Goderich*, &c. &c. &c.

My Lord,

Tobago, April 25th, 1832.

IN my Despatch of 20th February last, I had the honour to acknowledge your Lordship's Circular of the 10th December, with the Order in Council of the 2d November last, and I therein acquainted your Lordship that I had submitted to the Legislature of Tobago that momentous subject, who had come to a determination to form a Sub-Committee, in the first instance, for its consideration. By a reference to my former Despatch, it will be found that I had no very favourable presentiment of the result of their inquiry, and which is now confirmed by the Copy of the Resolution of the House of Assembly, herewith transmitted for your Lordship's information.

I have, &c.

(signed) *Nath. Blackwell*, Governor.

Enclosure in No. 3.

TO His Excellency Major-General *Nathaniel Blackwell*, Companion of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Island of *Tobago* and its Dependencies, Chancellor Ordinary and Vice-Admiral of the same, &c. &c.

THE House of General Assembly, during the last Session, informed your Excellency, that they had referred the late Order passed by His Majesty in Council, with the accompanying Despatches from the Colonial Office, to a Select Committee;

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Committee; they have now to state to your Excellency, that they have again had it under their consideration; and in returning their answer to what has been proposed, they do so, they can assure your Excellency, without being actuated by any other feelings than those of regret at the course which has been pursued by His Majesty's Government. The House are of opinion, that the Act intituled, "An Act to repeal an Act, commonly called the Slave Act, and to substitute a new Act in lieu thereof," being passed by the Legislature after the most mature deliberation, and passed principally on the suggestions of His Majesty's Government, enacts every measure for the amelioration of the Slave Population of this Colony which is consistent with the safety of the planter and the happiness of the slave. The direction of His Majesty's Government to pass a law in the very words of the Order in Council, without allowing the Legislature to alter its language, or to adapt it to local circumstances, is a species of dictation before unheard of, and appears to be a first step towards depriving the Colony of its Charter and Constitution, and the Legislature of the deliberative power of enacting laws for the internal government of the Island.

The House will always be ready and willing, as occasion may require, to enact any further measure that may be necessary for the improvement of the Slave Population; but they must protest in the most solemn manner against this endeavour to enforce the Order in Council; and without factiously setting themselves up in opposition to the wishes of His Majesty's Government, this House is determined to oppose by every legal and constitutional means the attempt thus made to legislate for the Colony, and therefore will take no further notice of the same.

House of General Assembly, }
17th day of April 1832. }

J. Glanville, Speaker.

TRINIDAD.

— No. 1. —

COPY of a DESPATCH from Major-General Sir *Lewis Grant* to
Secretary Sir *George Murray*, &c. &c. &c.

Government House, Trinidad,
28th April 1830.

Sir,

I HAVE the honour to transmit to you Copies of two Proclamations which I have deemed it necessary to issue for the purpose of carrying into effect the provisions of the Consolidated Order in Council. These Proclamations became law on the 23d instant (being the day on which the said Order in Council came into force), and they are very respectfully submitted for your approbation.

I have, &c.

(signed) *Lewis Grant*.

(Enclosure 1, in No. 1.)

Trinidad.

By His Excellency *Lewis Grant*, Esquire, Major-General in His Majesty's
(L. S.) Forces, Governor and Commander-in-Chief in and over the said
Island, and its Dependencies, Vice-Admiral thereof, &c. &c. &c.

Lewis Grant.

A PROCLAMATION.

Preamble:

WHEREAS The King's Most Excellent Majesty, by Royal Order in Council bearing date the *Second* day of *February* last past, having been pleased to repeal and annul the Order of His Majesty in Council bearing date the *Tenth* day of *March* 1824, for the Religious Instruction of the Slaves in the Island of Trinidad, and for the improvement of their condition, together with all Laws, Ordinances and Proclamations that had been past, enacted, or promulgated within

within the several Colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope, and the Mauritius, or any of them, for the explanation or amendment of the said Order in Council of the *Tenth* day of *March* 1824, and of the several Ordinances that had been past and enacted or promulgated in the said Colonies or either of them: And whereas by the said Order in Council of the *Second* of *February* last past, it was ordered that the Protector of Slaves should establish and keep an office in the principal town or seat of government in each of the said Colonies respectively, and should regularly attend at such office, on such days, and during such hours of the day, as the Governor of the Colony, by any general or special Order to be by him for that purpose issued, might appoint: And it was also thereby ordered and declared, that the custom of holding public markets on Sundays was unlawful, and that such markets should cease and determine: And it was also declared, that it should be lawful for the Governor of each of the said Colonies respectively, by a public Proclamation or Proclamations to be by him for that purpose issued, to appoint one day in each week for holding markets at all places within the said Colony, at which it had theretofore been customary to hold markets on Sundays, and to determine the hours of the day during which such markets should be holden: And it was thereby also ordered, that for the prevention of abuses in the employment of slaves in any of the said Colonies on Sunday for the performance of any work of necessity, that the Governors of the said Colonies respectively should from time to time, by Proclamations to be by them for that purpose issued, define with all possible precision every work of necessity in which any such slave might be so employed on Sunday, and should restrict and limit any such employment as to them respectively might seem just: And whereas, after declaring that it was necessary that effectual means should be adopted for the punishment of such offences as might thereafter be committed by female slaves within the said Colonies, it was thereby ordered, that any female slave who should commit any offence within the said Colonies, which by the laws in force there was theretofore punishable by whipping, should for such her offence be subject and liable to imprisonment or to confinement in the stocks, or to such other punishment as might be specially authorized by any Proclamation or Proclamations from time to time to be thereafter for that purpose issued by the Governors of the said Colonies respectively, and that in such Proclamations the said Governors should prescribe with all practicable precision the nature and extent of the punishments to be substituted for the punishment of whipping in the case of female slaves, and should make such rules and regulations as might be necessary for preventing and punishing any abuses in the infliction of such substituted punishments; and the Governor of every such Colony was thereby directed, by a Proclamation to be by him issued for that purpose, to establish a moderate and reasonable Table of Fees and Expenses to be paid and incurred in making the appraisements of slaves desirous to effect the purchase of their freedom by compulsory process: And it was also thereby ordered, that the Governor for the time being of each of the said Colonies should, and he was 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 the said Order should be tried and prosecuted, and in what Courts and before what Judges or Magistrates such fines, forfeitures and penalties as therein were mentioned should be prosecuted, sued for and recovered, and in what manner all penalties incurred by any Protector or Assistant Protector should be sued for, recovered and applied, and to regulate the manner in which such Protector or Assistant Protector of Slaves of such Colony should proceed in executing the duties thereby 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 was therein mentioned, or in the prosecuting, suing for and recovering any such fines or forfeitures and penalties as therein mentioned, and also to regulate the manner in which actions should be brought by or against any slaves in respect of any property which any slaves were thereby authorized to acquire and possess: And it was also thereby ordered, that the Protector of Slaves in each of the said Colonies should, at the times therein more particularly specified, deliver to the Governor for the time being of such Colony, a written Report of the manner in which the duties of his office had been performed, and that
such

TRINIDAD.

Daily attendance of the Protector of Slaves at his Office.

Saturday declared a public Market-day

Slaves may be employed as Watchmen, &c. on Sundays, without being entitled to any hire.

Lawful employment of Slaves on Sundays in works of necessity.

Slaves to receive 3d. sterling per hour for drying Cocoa or Coffee on Sundays.

For potting or casking Sugar 6d. sterling to each Slave, but they shall not be so employed after eight o'clock A. M.

Reciting Order in Council, 10th March 1824.

Punishment of female Slaves by solitary confinement, with or without hard labour.

Field Stocks.

Hand Stocks.

Hands and Feet Stocks.

such Reports should be compiled in such form as His Majesty, through the medium of the Governor of each of the said Colonies, should, by Proclamation for that purpose issued, prescribe, and in none other.

I. It is therefore hereby ordered, proclaimed and declared, That the Protector of Slaves shall and do attend at his office from the hour of Nine o'clock in the forenoon to the hour of One o'clock in the afternoon of every Tuesday, and from the hour of Nine o'clock in the forenoon to the hour of Four o'clock in the afternoon of every Wednesday, Thursday and Saturday throughout the year; and also shall and do attend at his said office at such other times as his duties may require; and in case indisposition may prevent his attendance at his said office, or that his duties may require his absence from the town of Port of Spain, the Protector shall and do report the same in writing to the Governor or Acting Governor without delay.

II. And it is hereby further ordered, That the day of Saturday in each week shall be the Market-day throughout the several towns and villages of the said Island of Trinidad, from the hour of Six of the clock in the morning until the hour of Six in the evening.

III. And it is hereby further ordered and proclaimed, That it shall and may be lawful to employ on Sundays any slave or slaves as a watchman or watchmen upon any plantation or estate, or in nursing or in attendance upon the sick, or in performing or making preparations for an interment, or in extinguishing any fire, or otherwise in preventing any irreparable damage or injury to the property of his or her owner, employer or manager; and no slave so employed shall be entitled to any hire or wages for such his or her services.

IV. And it is hereby further ordered and proclaimed, That it shall and may be lawful to employ on Sundays any slave or slaves in the works of necessity following; that is to say:—

1. In drying coffee or cocoa, provided that such slaves so employed shall actually receive and be paid for his and her own use and benefit at and after the rate of *Three-pence sterling* for each and every hour he or she may be so employed.

2. In potting or casking of sugar, provided that such slave or slaves shall not be so employed after the hour of Eight o'clock in the morning, and that each slave so employed shall actually receive and be paid for his and her own use and benefit the sum of *Sixpence sterling*.

V. And it is hereby further ordered and declared, That all and every offence and offences which shall or may be committed by any female slave or slaves within the said Island of Trinidad and its several dependencies, and which said offences, by the laws in force previous to the promulgation of the said Order in Council of the *Tenth of March* One thousand eight hundred and Twenty-four, were punishable by flogging, shall be, as the same are hereby declared to be, punishable by the adoption or infliction of one or other of the modes of punishment hereinafter mentioned, that is to say:—

1. Solitary confinement, with or without work, in any fit or proper place on any estate, or in any place in the said Island or its dependencies, provided that the same be approved by some duly licensed medical practitioner in the said Island, or by the Commandant, or by the Assistant Protector of the Quarter, by certificate in writing, under their or either of their hands; such certificates 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 Chief of Police of the said town, to be duly recorded in the office of the said Chief of Police; and provided that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

2. Field stocks, for 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.

3. Stocks for the hands only, during any period of the day, provided that for each offence the period of confinement shall not exceed six hours.

4. Stocks for the hands and feet, during any period of the day, provided that for each offence the period of confinement shall not exceed three hours; and provided also that the said hands and feet stocks shall not be further apart than twenty-four inches, and shall be placed opposite to each other in parallel lines, and that in no case shall the hands of the slave be raised higher than her head.

5. Bed stocks, for confinement of the feet during the night.
6. Handcuffs, not exceeding eight ounces in weight.
7. Distinguishing dresses, to be used either with or without the stocks.
8. 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 the form and weight now approved by the Government.

9. 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 twelve ounces of prepared farinaceous food and one quart of good water at the least, once in every twelve hours: Provided always and it is hereby declared, that it shall not be lawful for any person or persons whomsoever, of his, her or their own authority, to punish any slave or slaves on a Sunday in any manner whatsoever.

VI. And it is hereby ordered and declared, That in all cases where it shall seem proper to any owner or manager or other person to impose any or either of the foregoing punishments upon any male slave or slaves for any offence to be hereafter committed by such slave or slaves, in lieu of the punishment of flogging, it shall be lawful for such owner or manager or other person so to do, complying in all respects with the provisions hereinbefore contained.

VII. And it is hereby further ordered and declared, That if any offence to be hereafter committed, by any male or female slave in the said Island, shall be of such a nature and of such an extent as, in the opinion of his 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 cause the slave offending, together with any witnesses necessary to substantiate the complaint, to be carried, if in the country, before the Commandant of the quarter in which such offence shall be committed, and in case of his absence, before the Commandant of the next adjoining quarter, or if in the town of Port of Spain, before one of the Alcaldes in Ordinary, or before the Chief of Police, or before one of the Alcaldes de Barrio; which said Commandants, Alcaldes in Ordinary, Chief of Police, or Alcalde of Barrio, as the case may be, are and is hereby authorized and empowered to entertain and investigate such complaint, to examine any witness or witnesses that may be produced before him, either in substantiation of the charge or in defence against the same, and to sentence the same, imposing such punishment on the accused as may appear commensurate with the offence complained of, either by an extension of some one or other of the modes of punishment hereinbefore provided, or by imprisonment in the Royal Gaol, with or without hard labour in the treadmill, provided the same does not for any one offence exceed the term of One Month, or in case the offender be a male by forty stripes, or by confinement in the public stocks, with or without a distinguishing dress or mark, in any public place approved by the Governor or Acting Governor for such purpose. In case, however, the offence complained of shall appear to such Commandant or Alcalde in Ordinary, Chief of Police, or Alcalde de Barrio, as the case may be, to exceed the limits of his jurisdiction, he shall report the same without delay to the Judge of Criminal Inquiry.

VIII. And it is hereby further ordered and proclaimed, That the Commandants of the respective quarters, if in the country, or the Alcaldes in Ordinary, Chief of Police, or Alcaldes of Barrios, if in the town of Port of Spain, shall have full power and authority to hear and determine all complaints of slaves against their owners or masters, or against any other person or persons; and in all such cases of complaints it shall be lawful for the Commandant of the quarter in which the offence shall be committed, or in case of his absence, for the Commandant of the next adjoining quarter, for the Alcalde in Ordinary, Chief of Police, or Alcalde of Barrio, if in town, to cite before him the person against whom the complaint shall be made, or any person or persons whose testimony may be necessary for the investigation of the truth of such complaint, and after investigation thereof, in case the same shall be established, to sentence the party accused to the payment of such penalty, not exceeding *Five Pounds sterling*, as to such Commandant, Alcalde in Ordinary, Chief of Police, or Alcalde de Barrio, may seem proper.

Bed Stocks.
Handcuffs.
Distinguishing Dresses.
Distinguishing Marks.

Confinement with or without Task-work.
Slaves in confinement to be supplied with food and water once in 12 hours.

Not lawful to punish Slaves on Sunday.

Lawful punishment of male Slaves as above in lieu of flogging.

Offences by Slaves requiring greater punishment to be tried by the Commandant, if in the Country, or by the Alcalde in Ordinary, Chief of Police, or Alcalde of Barrio, if in Town.

Sentence shall not exceed One Month's Imprisonment, with or without hard labour in the Treadmill, or 40 stripes in the case of male offenders.

Offences exceeding the jurisdiction of Commandants, Alcaldes in Ordinary, Chief of Police, or Alcalde de Barrio, to be reported to the Judge of Criminal Inquiry.

Commandants of Quarters, &c. empowered to hear and determine all complaints made by Slaves against their Owners or other persons, and to cite Witnesses, and punish Offenders by Fine, not exceeding 5*l.* sterling.

IX. And

Complaints to be heard *ex parte* 14 days after citation.

Witnesses refusing to obey citation may be fined, not exceeding 20s. sterling.

Cases exceeding the jurisdiction of Commandants, &c. to be reported to the Protector.

Appraisers or Umpire to receive 4s. 4d. sterling for every appraisal.

Misdemeanours to be tried and determined by Courts for the trial of Criminal Offences. Fines may be sued for in any Tribunal of competent jurisdiction.

Fines against Protector of Slaves to be sued for by the Attorney General.

Protector to compile half-yearly Reports.

This Proclamation to be in force from and after the 23d day of April 1830.

Quarters of the said Island to be taken as the Districts thereof.

Adjoint Commandants to be Assistant Protectors of Slaves.

IX. And it is hereby further ordered and proclaimed, That in case any person or persons against whom any complaint may be made by any slave or slaves shall neglect or refuse to appear before the Commandant, Alcalde in Ordinary, Chief of Police, or Alcalde of Barrio, as the case may be, for a period of fourteen days after citation in writing duly served, the magistrate before whom the complaint may have been brought shall proceed to hear the complaint *ex parte*, and to pronounce sentence therein, and duly enforce the same against the accused. And in all cases in which any person shall be duly cited as a witness before any such magistrate, and shall refuse to pay due obedience to such citation, it shall be lawful for any such magistrate, Chief of Police, Alcalde of Barrio, as the case may be, to fine such person in any sum not exceeding *Twenty Shillings sterling*, for each and every default, and to enforce payment thereof by warrant under his hand, which warrant any Alguacil is authorized and hereby required to execute, either by levying the amount on the property of the party against whom the warrant may be issued, or by the commitment of such party to the Royal Gaol, there to remain until the same be recovered and the amount be duly paid. In case, however, the offence complained of by any such slave shall appear to such Commandant or Alcalde in Ordinary, Chief of Police, or Alcalde de Barrio, as the case may be, to exceed the limits of his jurisdiction, he shall report the same in writing to the Protector of Slaves.

X. And it is hereby further ordered and proclaimed, That it shall and may be lawful for any Appraiser or Umpire to be nominated under the provisions of the sixty-sixth clause of the said Order in Council of the *Second day of February* last past, to demand and receive a fee of *Four Shillings and Four-pence sterling*, for any such Appraisal.

XI. And it is hereby further ordered and proclaimed, That every offence committed against the provisions of the said Order in Council of the *Second day of February* last past, and thereby declared to be a misdemeanour, shall be prosecuted, inquired of, heard, tried and determined by and before the respective Courts established for the inquiry into and trial of criminal offences committed in the said Island; and that all fines, forfeitures and penalties imposed thereby shall be prosecuted, sued for, and recovered in any of the tribunals of the said Island having competent jurisdiction to the extent in amount of the fine or penalty sought to be recovered; and that all penalties incurred by any Protector or Assistant Protector shall be sued for and recovered by His Majesty's Attorney General or other Law Officer of the Crown in the said Courts; and that one-third part of all such fines and pecuniary penalties to be recovered from any Protector or Assistant Protector shall accrue to and be for the benefit of the informant, and the remaining two-third parts shall go to His Majesty.

XII. And it is hereby further ordered and proclaimed, That the Protector of Slaves of the said Island of Trinidad shall and he is hereby required to prepare and compile his half-yearly Reports in the manner and form approved by His Majesty, and furnished to the said Protector of Slaves.

XIII. And it is hereby further ordered and proclaimed, That this Proclamation shall be in force in the said Island of Trinidad and its several dependencies from and after the Twenty-third day of this present month of April, and not before.

XIV. And it is hereby lastly ordered, proclaimed and declared, That the several divisions of the said Island, as now designated by the term "Quarters," shall, for the purposes of the said Order in Council of the *Second day of February* last, and of this Proclamation, be deemed and taken as the "Districts" thereof; and that the Adjoint or Assistant Commandants of the said respective quarters shall be Assistant Protectors of Slaves in the said Island.

Given under my hand and the Great Seal of the said Island of Trinidad, at Government House, in the town of Port of Spain, this Twenty-second day of April, in the year of our Lord One thousand eight hundred and Thirty.

By his Excellency's Command.

William Wright, Assistant Secretary.

Trinidad.

By his Excellency *Lewis Grant*, Esquire, Major-General in His Majesty's Forces, Governor and Commander-in-Chief in and over the said (L.S.) Island and its Dependencies, Vice-Admiral thereof, &c. &c. &c.

Lewis Grant.

A PROCLAMATION.

WHEREAS it is expedient that Banks should be established in various parts of the said Island, for the convenience of slaves desirous of making deposits therein, and to prevent their wilful and unnecessary absence from the estates to which they may belong; *Be it therefore and it is hereby ordered and directed*, That from and after the date of this Proclamation, and until further order be made herein, Banks for the better preserving the property of slaves, and for receiving such sums of money in deposit as they may be able to save, shall be established and kept in the several towns and quarters hereinafter mentioned, that is to say, in the towns of Port of Spain, San Joseph, and San Fernando, in the Mission of Arima, and in each of the Quarters of Carenage, Cuba, La Brea and Hicacos.

Preamble.

Savings Banks established in Port of Spain, San Joseph, San Fernando, Arima, Carenage, Cuba, La Brea, and Hicacos.

And whereas it is necessary that proper officers should be authorized and appointed for managing the business of the said Banks; *Be it therefore and it is hereby ordered and declared*, That the several Savings Banks throughout the said Island shall and they are hereby declared to be under and subject to the direction and control of the Protector of Slaves; and that the business of the said Banks, from and after this date, and until further order herein, may be managed and conducted by the several persons following; that is to say,—

Banks subject to the direction and control of the Protector of Slaves.

- The Bank in Port of Spain*, by the Colonial Treasurer, or some one on his behalf;
- in San Joseph*, by the Commandant of the town of San Joseph;
- in San Fernando*, by the Commandants of North and South Naparima;
- in Arima*, by the Commandant of the Quarter, and the Corregidor of the Mission;
- in Carenage*, by the Commandant of the Carenage;
- in Cuba*, by the Commandant of Cuba;
- in Guapo*, by the Commandant of La Brea, Guapo and Irois;
- in Hicacos*, by the Commandant of Hicacos.

Managers of the Banks.

And whereas it is expedient that certain Rules and Regulations should be established for the management of the business of the said Banks, and for insuring order and punctuality therein, and for preventing any misapplication of the monies therein deposited; *It is hereby ordered and declared*, That the following Rules and Regulations shall be strictly observed at the several Banks throughout the said Island.

Rules and Regulations for the management of Banks.

RULES FOR BANKS.

1. The transactions of Savings Banks shall be kept in such forms as shall be approved from time to time by the Governor or Acting Governor.
2. The Bank in the town of Port of Spain shall be open every Saturday, from twelve o'clock at noon until five o'clock in the evening, for receiving and returning deposits.
3. The Banks in the several other towns and quarters shall be open every Saturday, during such hours as the Commandant shall appoint, for receiving and returning deposits.

Forms to be approved by the Governor.

Banks in Port of Spain open on Saturday from 12 to 5 o'clock.

Hours to be appointed for Branch Banks by the Commandants.

4. Deposits

Slaves may deposit from 1 to 20 dollars, but shall not exceed that sum without permission. Interest allowed on 5 dollars, and not on fractional parts.

Slaves to deposit in the nearest Bank.

Entry of Deposits in Books of the Bank. Depositors to receive a Book with corresponding entry.

Depositor proving on oath the loss of his Book, shall receive a duplicate, unless specially objectionable.

Annual Interest carried to Depositor's account as cash.

Depositors may withdraw their deposits within three months. No interest allowed for less than six months.

Deposits to be returned to Depositors personally, except in cases of sickness.

Deposits in Country Banks to be lodged in the Colonial Treasury, and the Treasurer to grant receipts in duplicate.

Deposits may be withdrawn after the periodical investment in General Bank, by giving 14 days' notice to the Bank where the Deposit was made.

Attestation to repayments in the Country Banks must be certified by a Public Officer.

Treasurer to sign duplicate Certificates of the amount of monies in deposit quarterly, to be countersigned by the Governor.

Certificates to be enrolled in Protector's Office, and to be taken as evidence of the Deposit.

4. Deposits of any amount not being less than one dollar, nor (without the written consent of the owner, or the order of the Protector of Slaves,) of more than twenty dollars, shall be received; but deposits shall not be entitled to interest until they amount to five dollars, and no interest shall be allowed on the fractional parts of a dollar.

5. All slaves making deposits shall repair to the Savings Banks nearest his or her place of abode.

6. The deposits shall be entered in the books of the Bank at the time they are made, and the depositor shall receive a book with a corresponding entry therein, which book must be brought to the office every time any further sum is deposited, or drawn out, so that the transactions may be regularly entered. In the event of any depositor losing his book, he is to give notice at the Bank, and make oath of such loss, and unless any special objection shall arise, he shall, within fourteen days from the time of such notice, receive a duplicate depositor's book, containing a certified copy of his account.

7. The interest due to the depositors respectively shall be placed to their account, as a cash deposit, once in twelve months.

8. Depositors may receive the whole or any part of their deposits within the first three months, on application at the times fixed for attendance at the Bank, but no interest will be allowed on any sum deposited for a shorter period than six months.

9. Deposits will only be returned to depositors personally, or in the event of sickness, duly certified in writing by the owner or manager of a slave, to the bearer of their books.

10. Deposits in the Country Banks shall be lodged in the Colonial Treasury within fifteen days after the expiration of each quarter of a year, with a signed list of the several deposits made therein respectively; and the Treasurer, on receiving such sums, shall grant receipts in duplicate under his hand for the whole amount.

11. If after the periodical investment of the deposits in the general Savings Banks, depositors shall be desirous to withdraw them, they must give at least fourteen days' notice of their applications to the Branch Bank in which the deposit was made; and a communication will be immediately made from the Branch to the General Bank, in order that the Treasurer may be prepared to meet the demand.

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

13. The Colonial Treasurer shall, once in every three months, certify under his hand to the Governor or Acting Governor, the amount of monies in deposit, specifying the amount of sums deposited in each Bank during the three months next preceding the date of such certificate; which certificate shall be signed in duplicate, and transmitted to the Governor or Acting Governor of the said Island for the time being, who shall countersign the same.

14. And the said Certificate being countersigned by the Governor or Acting Governor, shall be transmitted to the Protector of Slaves, to be by him enrolled in his office, and shall be deemed and taken to be as evidence of the debt due by the Colonial Government to the depositors.

Given under my hand and the Great Seal of the said Island of Trinidad, at Government House, in the Town of Port of Spain, this Twenty-second day of April, in the year of our Lord One thousand eight hundred and Thirty.

By His Excellency's Command.

William Wright,
Assistant Secretary.

— No. 2. —

COPY of a DESPATCH from Secretary Sir G. Murray to the Officer administering the Government of *Trinidad*.

TRINIDAD.

Sir,

Downing-street, 18th Nov. 1830.

I HAVE received and have laid before The King two Proclamations issued by General Grant, as Governor of Trinidad, for carrying into effect the provisions of the Order in Council of the 2d of February last.

His Majesty is graciously pleased to confirm and allow the Proclamation on the subject of Savings Banks, dated the 22d April 1830.

The third Clause of the second Proclamation of the same date authorizes the employment of slaves on Sunday, "in preventing any irreparable damage or injury to the property of his or her owner, employer or manager," and declares that "no slave so employed should be entitled to any hire or wages for such his or her services." On referring to the Order in Council you will perceive, that it requires the Governor to "define, with all possible precision, every work of necessity in which any slave may be employed on a Sunday." The Proclamation does not execute this power. The terms "irreparable damage or injury," do not constitute a precise definition of the exigencies to which they refer. They rather repeat the general rule laid down by The King in Council, than draw out that rule into specific details.

For these reasons His Majesty is pleased to disallow the third Clause of the second Proclamation; and I am to desire that you do forthwith proceed to remodel that clause, in more exact conformity with the provisions of the Order in Council.

The Clause numbered 4, authorizes the employment of slaves on Sunday at the rate of threepence an hour in drying coffee and cocoa. It does not determine the number of hours during which any slave may be so employed. The same Clause permits the employment of slaves on Sunday in potting or casking of sugar till the hour of eight o'clock, on payment of sixpence. If this labour should be commenced at a very early hour in the morning, the remuneration would be less than in the former case.

How far it is necessary to the preservation of the crops, that any of the operations to which I have adverted should be performed on 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 remodel the fourth Clause of the Proclamation in such a manner as shall most effectually obviate the preceding objections as to the hours. 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 any irreparable injury to the crops, then you will revoke the Clause altogether.

In the punishment of women, which is the subject of the fifth Clause, the use of the "bed-stocks for confinement of the feet during the night," cannot be sanctioned. Such a punishment must tend to impair the strength and spirits which are so essential to the health of a female who has to labour throughout the day.

If the use of the handcuffs be necessary, it is at least essential that the utmost length of time during which they may be employed should be strictly defined. The confinement of women with task-work, during one of the hours of noon, is unallowable. No deduction from the short period of daily repose can be safely permitted.

His Majesty is pleased to disallow altogether the Clause numbered 7, which relates to the power of the Magistrates to add to the amount of domestic punishments. There is no part of the Order in Council which has authorized the Governor to make such a regulation; and it is essential that he should not deviate from the precise path marked out for him by that Order. Independently of this objection, there is no good reason for recognizing a class of offences beyond the reach of domestic discipline, and yet not previously defined by any positive law. The Magistrates, to whom this power is committed,

would

TRINIDAD.

would have no guide in the exercise of their jurisdiction but their own individual and uncertain estimate of the demerit of particular actions. No man, whether of free or servile condition, should be liable to forty stripes, or to a month's hard labour on the tread-mill, under the order of a Magistrate, for offences which the law has been either unable or unwilling to define beforehand.

His Majesty is further pleased to disallow the Clauses numbered 8 and 9, because they give to the Magistracy a jurisdiction, of which the limit is so little defined, that they will not be able, with any certainty, to determine whether any particular case is, or is not, within their cognizance. The consequence may be, that many offences against slaves, which ought to be decided in a public manner by the supreme tribunals, will be disposed of by the Magistracy in their private chambers, and that offences of great enormity may be expiated by a trifling fine.

Under these circumstances, it will be necessary for you, with the assistance of the Protector of Slaves and the Attorney General, to frame a new Proclamation, to be issued in substitution for that on which I have commented; and when such new Proclamation shall have been carefully drawn up with reference to the preceding remarks, you will cause it to be promulgated, revoking at the same time the second Proclamation of the 22d of April 1830.

I have, &c.

(signed) *G. Murray.*

— No. 3. —

EXTRACT of a DESPATCH from Sir *C. F. Smith* to Secretary Sir *G. Murray*, dated Trinidad, 9th October 1830.

“ I HAVE the honour herewith to transmit the information called for in your Despatch of 18th February last.”

Presented to Parliament
in July 1830.

Enclosure 1, in No. 3.

Protector of Slaves' Office, Port of Spain,
20th September 1830.

Sir,

A SHORT time previous to General Grant's departure for Europe he transmitted to me a copy and an extract of certain Despatches addressed to him by His Majesty's Principal Secretary of State for the Colonies, having reference to the Consolidated Order for the amelioration of the condition of the slaves, and directing certain inquiries to be made respecting the labour, treatment, clothing and food of slaves.

General Grant, in his Letter accompanying the above-mentioned documents, justly observed, that a great part of the information sought by His Majesty's Government must be obtained from the planters themselves, and therefore directed me to exercise my own judgment and discretion as to the mode in which the several inquiries should be instituted, transmitting the result to his Excellency with as little delay as their nature would admit of; and impressing me with the necessity of proceeding in such way as would enable me to satisfy his Excellency with the most ample information upon all the questions specified in Sir George Murray's Despatch.

To attain this object, I have had recourse to the experience and knowledge of the most respectable and intelligent planters in the Island. These persons being generally occupied at the time of my application in manufacturing and getting in their various crops, I have been prevented from furnishing this information at as early a period as I could have desired; but I am now enabled to submit to your Excellency the result of my inquiries, which, I have the honour to observe, corresponds with my own previous observations on the nature and extent of the several labours performed by plantation slaves.

I have, &c.

(signed) *Henry Gloster,*
Protector of Slaves.

Enclosure 2, in No. 3.

WHAT amount of daily labour is usually performed by plantation slaves ?

The quantum of labour usually performed by plantation slaves is as follows :—

Cutting fuel wood,—One cord per diem, five feet by six, or four by eight, the length of the log being regulated by the size of the furnace. In general the length of the log does not exceed three feet.

Cutlassing brush-wood,—From 6,000 to 10,000 superficial feet.

Draining land,—Drains, twelve inches broad and twelve deep, or fourteen inches by fourteen, from 160 to 300 running feet, varying with the quality of the soil.

Lining land,—The land being prepared and pickets furnished, two men (assisted by two boys to hand pickets) may plant from 2,000 to 2,500 in a day.

Round-ridging,—The cane-bed, 20 feet in breadth, being well cleared of stumps, trash or dry boughs (and the earth from the trenches to be thrown into the centre of the bed), the daily task varies from 100 to 150 feet in length.

Holing and embanking,—The ground being already round-ridged, the holes 24 inches by 18, the task varies from 130 to 200 holes, according to the quality of the soil. When the land has not been round-ridged, the task varies from 70 to 120 holes.

Planting canes,—The holes being prepared, from 350 to 400 holes is the usual task.

Cutting canes,—From 20 to 25 loads of a mule, or four or five cart-loads, or about as much as will fill a receiver of 300 gallons.

Weeding,—With the hoe, from 130 to 300 holes, according to the state of the canes.

Stripping canes,—The cane-bed being 25 feet broad, from 150 to 500 feet, or from 190 to 600 holes.

At what hour of the morning is the daily task usually commenced ? At what hour of the evening is it usually finished ?

The daily task is usually commenced at six or a quarter after six o'clock. Nurses whose infants are weaned, at half-past seven ; and those sucking, at nine.

Task-work, when performed by an able and well-disposed negro, is invariably finished before half-past two o'clock, and very frequently at one, P. M.

Indolent persons require of course a longer period to complete the same quantum of labour.

When slaves are not tasked their labour ceases at sunset, with the exception of throwing their grass, which may occupy 30 minutes of their time going and coming.

What is the ordinary length of the intervals of rest allowed during the day, and whether that rest is generally complete, or whether any duties are then to be performed either for the owner or for the more immediate advantage of the slave himself ?

The ordinary length of the intervals of rest allowed during the day in crop, is half an hour for breakfast, and one hour for dinner.

The ordinary intervals of rest out of crop time, are one hour for breakfast, and two hours for dinner.

No duties of any kind are exacted during the hours of rest, except (which rarely happens) as a punishment, and then for the benefit of the estate.

To what extent labour is required by night ; how many nights or parts of nights in the week the same slave is usually employed, and during what part of the year nocturnal labour is in use ?

The extent of labour required by night in time of crop is dependent upon circumstances ; when the weather and fuel are good, the boiling process is accelerated, and the boiling-house closed between seven and eight o'clock in the evening. When the weather is wet, or the fuel damp,

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the boiling process is occasionally protracted until ten and sometimes eleven at night.

When night work occurs, the people in the boiling-house are changed every other night; all others are changed every day. On some estates there are three spells, generally two. Nocturnal labour is in use during the crop season only, which lasts about five months; viz. from January to June.

What is the average nature, amount, weight and quality of the food allowed to plantation slaves, male and female, adults and children, respectively?

The average nature, amount, weight and quality of food allowed to male plantation slaves are as follows; viz. Cod-fish, salted, three pounds and a half per week; head people, double allowance. Out of crop, one glass of rum per diem, and more in wet weather; in crop, three drams daily. Those negroes whose provision grounds do not supply a sufficiency of food, are allowed weekly from four to six quarts of farinaceous food, with reference to the health exhibited by the individual.

The allowance to females is in every respect the same as to the males, except in the article of rum, for which tobacco is generally substituted.

Children under the age of fourteen years receive half the allowance given to the adults. Independent of this weekly allowance distributed to their parents for their support, many of them are fed from the kitchen of the proprietor; a mess of yams, janniers, salt fish or pork, being prepared for them.

At Christmas the male slaves receive four pounds of pork, three quarts of flour, one bottle of rum, one pint of sugar, and half a pound of tobacco. To the females four pounds of pork, three quarts of flour, one quart of sugar, one pint of rum (to those who ask for it), and half a pound of tobacco. To children a proportional quantity of pork, flour and sugar. On new-year's day sugar and rum to the adults more than sufficient for the day's consumption. Salt is given whenever required; an iron pot occasionally.

What are the articles of clothing usually supplied to plantation slaves, their number and quality, and their usual cost price?

The annual allowance of clothing to females is, one Osnaburgh petticoat, one woollen petticoat, one woollen wrapper, two shifts, one hat, one Kilmarnock cap, and one blanket every second year. To males, two shirts, two pairs of trowsers, one cloth jacket or wrapper, one hat, one woollen bonnet, or a cap, and a blanket every second year.

Head people receive a double allowance of clothing. To deserving negroes other articles of clothing are added, such as checks and handkerchiefs, a superior hat, a white linen shirt, or a pair of shoes.

(signed) *Henry Gloster,*
Protector of Slaves.

— No. 4. —

COPY of a DESPATCH from Sir *C. F. Smith* to Viscount *Goderich,*
&c. &c. &c.

My Lord,

Trinidad, 4th February 1831.

I HAVE the honour of transmitting the Copy of a Proclamation which has been prepared, with the assistance of the Attorney General and the Protector of Slaves, and which I believe is strictly in conformity with the instructions contained in Sir George Murray's Despatch of the 18th November last. The Protector of Slaves being of opinion that the operations alluded to in the 4th Clause of Governor Grant's Proclamation of the 22d April last should be performed on Sunday, your Lordship will observe that I have remodelled that Clause, so as to obviate the objections made by Sir George Murray as to the hours of labour.

The Right Honourable Viscount *Goderich,*
&c. &c. &c.

I have, &c.

C. F. Smith.

4 February 1831.

Enclosure in No. 4.

Trinidad.

By his Excellency Sir *Charles Felix Smith*, Knight Companion of the Most Honourable Military Order of the Bath, Knight of the Spanish Royal and Distinguished Order of Charles the Third, &c. &c. Colonel (L.s.) in His Majesty's Army, Acting Governor and Commander-in-Chief in and over the said Island and its Dependencies, Vice-Admiral thereof, &c. &c. &c.

Charles Felix Smith.

A PROCLAMATION.

Preamble.

WHEREAS The King's Most Excellent Majesty, by Royal Order in Council, bearing date the *Second* day of *February* 1830, having been pleased to repeal and annul the Order of His Majesty in Council, bearing date the *Tenth* day of *March* 1824, for the religious instruction of the slaves in the Island of Trinidad, and for the improvement of their condition, together with all laws, ordinances and proclamations that had been past, enacted or promulgated within the several Colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope, and the Mauritius, or any of them, for the explanation or amendment of the said Order in Council of the *Tenth* day of *March* 1824, and of the several Ordinances that had been past and enacted or promulgated in the said Colonies or either of them: And whereas by the said Order in Council of the *Second* of *February* 1830, it was ordered that the Protector of Slaves should establish and keep an office in the principal town or seat of Government in each of the said Colonies respectively, and should regularly attend at such office on such days and during such hours of the day as the Governor of the Colony, by any general or special order to be by him for that purpose issued, might appoint: And it was also thereby ordered and declared, that the custom of holding public markets on Sundays was unlawful, and that such markets should cease and determine: And it was also declared, that it should be lawful for the Governor of each of the said Colonies respectively, by a public Proclamation or Proclamations to be by him for that purpose issued, to appoint one day in each week for holding markets at all places within the said Colony, at which it had theretofore been customary to hold markets on Sundays, and to determine the hours of the day during which such markets should be holden: And it was thereby also ordered, that for the prevention of abuses in the employment of slaves in any of the said Colonies, on Sunday, for the performance of any work of necessity, that the Governors of the said Colonies, respectively, should from time to time, by Proclamations to be by them for that purpose issued, define with all possible precision every work of necessity in which any such slave might be so employed on Sunday, and should restrict and limit any such employment as to them respectively might seem just. And whereas, after declaring that it was necessary that effectual means should be adopted for the punishment of such offences as might thereafter be committed by female slaves within the said Colonies, it was thereby ordered that any female slave who should commit any offence within the said Colonies, which by the laws in force there was theretofore punishable by whipping, should for such her offence be subject and liable to imprisonment or to confinement in the stocks, or to such other punishment as might be specially authorized by any Proclamation or Proclamations, from time to time, to be thereafter for that purpose issued by the Governors of the said Colonies respectively; and that in such Proclamations the said Governors should prescribe with all practicable precision the nature and extent of the punishments to be substituted for the punishment of whipping in the case of female slaves, and should make such rules and regulations as might be necessary for preventing and punishing any abuses in the infliction of such substituted punishments; and the Governor of every such Colony was thereby directed by a Proclamation to be by him issued for that purpose, to establish a moderate and reasonable table of fees and expenses to be paid and incurred in making the appraisements of slaves desirous to effect the purchase of their freedom by compulsory process: And it was also thereby ordered that the Governor, for the time being, of each of the said Colonies should, and he was 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

Recites Order in Council of 10th March 1824.

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committed against the provisions of the said Order should be tried and prosecuted, and in what Courts and before what Judges or Magistrates such fines, forfeitures and penalties as therein were mentioned, should be prosecuted, sued for and recovered, and in what manner all penalties incurred by any Protector or Assistant Protector should be sued for, recovered and applied, and to regulate the manner in which such Protector or Assistant Protector of Slaves of such Colony should proceed in executing the duties thereby 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 was therein mentioned, or in the prosecuting, suing for and recovering any such fines or forfeitures and penalties as therein mentioned, and also to regulate the manner in which actions should be brought by or against any slaves in respect of any property which any slaves were thereby authorized to acquire and possess. And it was also thereby ordered, that the Protector of Slaves in each of the said Colonies should at the times therein more particularly specified, deliver to the Governor for the time being of such Colony, a written Report of the manner in which the duties of his office had been performed, and that such Reports should be compiled in such form as His Majesty through the medium of the Governor of each of the said Colonies should, by Proclamation for that purpose issued, prescribe, and in none other.

Daily attendance of the Protector of Slaves at his Office.

I. It is therefore hereby ordered, proclaimed and declared, That the Protector of Slaves shall and do attend at his office from the hour of nine o'clock in the forenoon to the hour of one o'clock in the afternoon of every Tuesday, and from the hour of nine o'clock in the forenoon to the hour of four o'clock in the afternoon of every Wednesday, Thursday and Saturday throughout the year; and also shall and do attend at his said office at such other times as his duties may require. And in case indisposition may prevent his attendance at his said office, or that his duties may require his absence from the town of Port of Spain, the Protector shall and do report the same in writing to the Governor or Acting Governor without delay.

Saturday declared a public Market-day.

II. And it is hereby further ordered, That the day of Saturday in each week shall be the market-day throughout the several towns and villages of the said Island of Trinidad, from the hour of six of the clock in the morning until the hour of six in the evening.

Slaves may be employed as Watchmen, &c. on Sundays, without being entitled to any hire.

III. And it is hereby further ordered and proclaimed, That it shall and may be lawful to employ on Sundays any slave or slaves as a watchman or watchmen upon any plantation or estate, or in nursing or attendance upon the sick, or in performing or making preparations for interments, or in preventing any damage or injury to the property of his or her owner, employer or manager, by the trespassing of cattle or other stock, or by fire, floods or hurricanes; and no slave so employed shall be entitled to any hire or wages for such his or her services.

Lawful employment of Slaves on Sundays in works of necessity.

IV. And it is hereby further ordered and proclaimed, That it shall and may be lawful to employ on Sundays any slave or slaves in the works of necessity following; that is to say:—

Slaves to receive 3*d.* sterling per hour for turning and drying Cocoa or Coffee from 8 to 10 o'clock A. M. on Sundays.

1. In turning or drying coffee or cocoa, from the hour of eight to ten o'clock in the morning; provided that such slaves so employed shall actually receive and be paid, for his and her own use and benefit, at and after the rate of *Three-pence sterling* for each hour he or she may be so employed.

For potting and casking Sugar, 6*d.* sterling to each Slave, from 6 to 8 o'clock A. M.

2. In potting or casking of sugar, from the hour of six o'clock; provided that such slave or slaves shall not be so employed after the hour of eight o'clock in the morning, and that each slave so employed shall actually receive and be paid, for his and her own use and benefit, the sum of *Six-pence sterling*.

Reciting Order in Council, 10th March 1824.

V. And it is hereby further ordered and declared, That all and every offence and offences which shall or may be committed by any female slave or slaves within the said Island of Trinidad and its several dependencies, and which said offences, by the laws in force previous to the promulgation of the said Order in Council of the *Tenth of March* One thousand eight hundred and Twenty-four, were punishable by flogging, shall be, as the same are hereby declared to be, punishable by the adoption or infliction of one or other of the modes of punishment hereinafter mentioned; that is to say:—

Punishment of female Slaves by solitary confinement, with or without work.

1. Solitary confinement, with or without work, in any fit or proper place on any estate, or in any place in the said Island or its dependencies; provided that

that the same be approved by some duly licensed medical practitioner in the said Island, or by the Commandant, or by the Assistant Protector of the Quarter, by certificate in writing, under their or either of their hands; such certificates 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 Chief of Police of the said town, to be duly recorded in the office of the said Chief of Police; and provided that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

2. Field stocks, for 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. Field Stocks.

3. Stocks for the hands only, during any period of the day; provided that for each offence the period of confinement shall not exceed six hours. Hand Stocks.

4. Stocks for the hands and feet during any period of the day, provided that for each offence the period of confinement shall not exceed three hours, and provided also that the said hands and feet stocks shall not be further apart than twenty-four inches, and shall be placed opposite to each other in parallel lines, and that in no case shall the hands of the slave be raised higher than her head. Hands and Feet Stocks.

5. Bed stocks, for confinement of the feet during the day only. Bed Stocks.

6. Handcuffs, not exceeding eight ounces in weight; provided that for each offence the period of confinement shall not exceed six hours. Handcuffs.

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

8. 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 the form and weight now approved by the Government. Distinguishing Marks.

9. Confinement, either solitary or otherwise, during one of the hours of noon, without 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 twelve ounces of prepared farinaceous food and one quart of good water at the least, once in every twelve hours: Provided always, and it is hereby declared, That it shall not be lawful for any person or persons whomsoever of his, her or their own authority to punish any slave or slaves on a Sunday in any manner whatsoever. Confinement with or without work. Slaves in confinement to be supplied with food and water once in 12 hours. Not lawful to punish Slaves on Sunday.

VI. And it is hereby ordered and declared, That in all cases where it shall seem proper to any owner or manager or other person to impose any or either of the foregoing punishments upon any male slave or slaves for any offence to be hereafter committed by such slave or slaves, in lieu of the punishment of flogging, it shall be lawful for such owner or manager or other person so to do, complying in all respects with the provisions hereinbefore contained. Lawful punishment of male Slaves as above in lieu of flogging.

VII. And it is hereby further ordered and proclaimed, That every offence committed against the provisions of the said Order in Council of the *Second* day of *February* 1830, and thereby declared to be a misdemeanour, shall be prosecuted, inquired of, heard, tried, and determined by and before the respective Courts established for the inquiry into and trial of criminal offences committed in the said Island, and that all fines, forfeitures, and penalties imposed thereby shall be prosecuted, sued for, and recovered in any of the tribunals of the said Island having competent jurisdiction to the extent in amount of the fine or penalty sought to be recovered, and that all penalties incurred by any Protector or Assistant Protector shall be sued for and recovered by His Majesty's Attorney General or other Law Officer of the Crown in the said Courts, and that one-third part of all such fines and pecuniary penalties to be recovered from any Protector or Assistant Protector shall accrue to and be for the benefit of the informant, and the remaining two-third parts shall go to His Majesty. Misdemeanours to be tried and determined by Courts for the trial of Criminal Offences. Fines may be sued for in any Tribunal of competent jurisdiction. Fines against Protector of Slaves to be sued for by the Attorney General.

VIII. And it is hereby further ordered and proclaimed, That the Protector of Slaves of the said Island of Trinidad shall and he is hereby required to prepare and compile his half-yearly Reports in the manner and form approved by His Majesty, and furnished to the said Protector of Slaves. Protector to compile half-yearly Reports.

IX. And it is hereby further ordered, proclaimed and declared, That the several divisions of the said Island as now designated by the term "Quarters," shall, for the purposes of the said Order in Council of the *Second* day of *February* 1830, and of this Proclamation, be deemed and taken as the "Districts" thereof; and that the Adjoint or Assistant Commandants of the said respective Quarters shall be Assistant Protectors of Slaves in the said Island. Quarters of the said Island to be taken as the Districts thereof. Adjoint Commandants to be Assistant Protectors of Slaves.

X. And

This Proclamation in force from date.

X. And it is hereby further ordered and proclaimed, That from and after the date of the promulgation of this Proclamation, the same shall be in force in the said Island of Trinidad and its several dependencies.

Proclamation by Gen. Grant, dated 22d April 1830, is repealed.

XI. And it is hereby lastly ordered, proclaimed and declared, That the Proclamation of his Excellency Major-General Lewis Grant, promulgated within this Island on the *Twenty-second* day of *April* last past, and issued under the authority of the said consolidated Slave Order of the *Second* day of *February* One thousand eight hundred and Thirty, for improving the condition of the slaves, directing the daily attendance of the Protector of Slaves at his office, declaring Saturday the public market-day, fixing the hire of slaves permitted to be employed in certain works on Sunday, enumerating the punishments to be inflicted on female slaves, specifying the Magistrates and the Courts before whom slave complaints are to be heard, appointing Adjoint Commandants to be Assistant Protectors, and declaring the Quarters of the Island the Districts thereof, and for the several other purposes in the said Proclamation more particularly mentioned, be, as the same is hereby declared to be, repealed, revoked and rendered of none effect.

Given under my hand and the Great Seal of the Island, at Government-House, in the town of Port of Spain, this Fourth day of February, in the year of our Lord One thousand eight hundred and Thirty-one.

By his Excellency's Command.

Frederick Hammet, Secretary.

— No. 5. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *C. F. Smith*, &c. &c. &c.

Sir,

Downing-street, 3d July 1831.

I HAVE received and have laid before The King your Despatch, dated 4th February, enclosing a Proclamation issued by yourself, in order to give effect to the Order of The King in Council of the 2d February 1830.

His Majesty is graciously pleased to confirm and allow that Proclamation, with the exception of the Clause numbered 4, upon which His Majesty's decision is for the present suspended; that Clause authorizes certain rural and manufacturing labours on Sunday. You report that the Protector is "of opinion that the operations alluded to in the 4th Clause should be performed" on that day. On referring to Sir G. Murray's Despatch of the 18th of November last, you will find that he directed the Protector to report whether these were not operations which might be safely and properly postponed, and whether that postponement would be attended with any irreparable injury to the crops. The Opinion which your Despatch attributes to the Protector, does not meet these inquiries, nor have you transmitted to me any Copy of that Officer's Report, nor any explanation of the grounds on which your own view of the question proceeds. Till these deficiencies are supplied, it will be impossible to give any final directions on the subject.

If any vindication be thought necessary of the caution with which His Majesty's Ministers advise The King to act on the subject of exacting from the slaves any labour on Sunday, it may be found, first, in the very high importance which they attach to the unbroken repose of that day, considered merely with a view to its effect on the moral and physical state of the labouring class. It may be found still more forcibly in the positive duty recognized by almost all Christian societies, and especially by the Church of England, of abstaining from all unnecessary labour on Sunday; the acknowledgement of this obligation in theory forbids His Majesty's Government from giving their sanction to any law by which it would be violated in practice.

I have, &c.

(signed) **GODERICH.**

— No. 6. —

COPY of a DESPATCH from Sir C. F. Smith to Viscount Goderich,
&c. &c. &c.

My Lord,

Trinidad, 18th August 1831.

I HAVE been honoured by the receipt of your Lordship's Despatch of the 3d July, which conveys His Majesty's gracious confirmation of the Proclamation issued by me, under date of 4th February 1831, with the exception of the 4th Clause, on which further explanation is required.

As I did not understand that I was expected to transmit a Report from the Protector of Slaves, I contented myself with discussing the several points connected with partial slave labour on Sundays with that officer, who aided me in the examination of persons most conversant with, and in obtaining the best information on, matters concerning the agricultural interests of the Colony. The result of those inquiries confirmed my belief that a suspension of the labour permitted by the 4th Clause would be attended with irreparable injury to such portion of the crops as might be neglected for thirty-six consecutive hours; and being so satisfied, I imagined that I had complied with Sir George Murray's instructions in every particular, and had rendered it unnecessary for me to trouble your Lordship with a detailed account of the arguments which led to a conclusion that I was directed to act upon when maturely formed.

The exorbitant rate of pay fixed by the 4th Clause for potting sugar, has probably given rise to the subsequent experiments, from which it has been ascertained, to the satisfaction of some planters, that irreparable loss will not be sustained by deferring that operation till Monday morning, whilst others are still strenuous in support of the system of manufacture previously prevailing.

By the annexed Report of the Protector, in which I entirely concur, your Lordship will perceive that the drying and attending to coffee and cocoa cannot be dispensed with, but that the potting of sugar may, without any extraordinary injustice to the parties, be struck out of the Proclamation, on the receipt of your Lordship's further pleasure. I am, however, clearly of opinion, that the evil is one which must shortly work out its own remedy; for as I before had the honour to observe, the rate of wages per hour is so high as to amount to a prohibition in all cases where the planter is not convinced that he would suffer irreparable injury for the want of assistance procured on such terms.

Hoping that this explanation will be satisfactory,

I have, &c.

(signed) C. F. Smith.

Enclosure in No. 6.

THE Protector of Slaves has the honour to report to his Excellency the Acting Governor, that in his opinion the turning of coffee, when deprived of its outer husk by the mill and reduced to that state which is called "in parchment," is indispensable to its preservation. In this state it is exposed daily to the heat of the sun, on a platform raised about three feet from the ground, so that when a shower is at hand it is immediately gathered up and carried into the boncan. When the rain ceases, it is again removed to the platform, and so on, *toties quoties*, until it is tinder dry. In that state it is pounded, to deprive it of the parchment, or exterior cuticle, and winnowed, and then the coffee berry is left dry and perfect. From these operations, which cannot be neglected on Sundays or holidays, it is evident that the assistance of the slaves cannot be dispensed with.

Cocoa is prepared in another manner. The cocoa berries are contained in a husk, about the size of a cucumber, but more oval; these are split open with knives, and the fruit extracted. It is then washed and scrubbed to take off the feculæ or gluten, and piled in small pyramidal cocks, covered with dry leaves, in which it stands some days to sweat, as it is called. It is then spread upon a glacis, or platform, to be thoroughly dried, and finally packed up for a market. Here again it is evident, that the immediate assistance of the slaves is required for its preservation; for if rain falls on it during its state of sweating, and it be not shortly afterwards turned, fermentation ensues. and the fruit is irreparably lost.

In

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In the present state of the improvement of intellect, various opinions prevail as to the best mode of manipulating and potting sugar. In so far as I can judge, it is not absolutely necessary to pot sugar in twelve hours after it is boiled and struck; and it is of late asserted, in consequence of a new method of tempering the cane juice, that the sugar should remain in the cooler at least twenty-four or even forty-eight hours, so that it be perfectly cold before it is put into the cask, or potted. The practice was, very lately, to pot the sugar blood-warm; the consequence was, that the sugar and molasses were thrown, or rather poured, into the cask *pêle-mêle*, and much of the sugar in small grain escaped through the bottom and seams of the cask. But experience has shown that by potting cold the sugar granulates and forms a distinct body; hence, I am of opinion clearly, that irreparable injury cannot arise by disallowing the custom of employing the slaves to pot the Saturday's sugar on Sunday morning.

18th August 1831.

(signed)

Henry Gloster,
Protector of Slaves.

— No. 7. —

COPY of a DESPATCH from Viscount *Goderich* to Major-Gen. Sir *L. Grant*, &c. &c. &c.

Sir,

Downing-street, 21st December 1831.

I HAVE to acknowledge the receipt of Sir C. Smith's Despatch of the 18th August last, transmitting the Report of the Protector of Slaves on that Clause of the Local Ordinance of 4th February 1831, which purported to define the species of labour in which slaves might be employed on Sundays. It is unnecessary that I should now enter upon the question brought forward in that Report, as the Ordinance of 4th February 1831 has been repealed by the Order in Council of the 2d ultimo, the 35th Clause of which defines the labours in which slaves may be employed on the Sunday.

I have, &c.

(signed)

GODERICH.

— No. 8. —

COPY of a DESPATCH from Sir *L. Grant* to Viscount *Goderich*, &c. &c. &c.

My Lord,

Government House, Trinidad,
20th January 1832.

In my Despatch of 13th January, I acquainted your Lordship that considerable discontent had shown itself among the persons held in slavery on the Felicity Hall and Palmiste estates; since then a similar discontent has been manifested on the Cascade estate: on the three, there was a refusal to work: those on the Palmiste were persuaded to return to their duty, but I am informed this morning, by a letter from the Commandant of the Quarter, that they have again broken off.

The estate is situated in the district of South Naparima, about 30 miles distant from Port d'Espagne, and can only be reached by water conveyance. I intend proceeding thither immediately; and having already succeeded in restoring to order the people on the Cascade and Felicity Hall estates by reasoning with them, I trust I shall have equal success with those on the Palmiste property.

They are all persons who were imported from Tortola about ten years ago; and I have reason to think there is some understanding among them, although none of the three estates is nearer to any one of the others than 12 miles.

I have to intimate to your Lordship, that the discontents are in no way connected with the Order in Council of 2d November 1831. The manager who was on the Cascade estate when I visited it has been sent away, and a better description of provision grounds has been promised the people. This, with

an

Presented to Parliament,
15 March 1832.

an assurance of protection in their legal rights, so that they conducted themselves as they ought to do, appeared at the time to be satisfactory to them.

I have, &c.

(signed) *Lewis Grant.*

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— No. 9. —

COPY of a DESPATCH from Sir *L. Grant* to Viscount *Goderich*,
&c. &c. &c.

Government House, Trinidad,
26th January 1832.

My Lord,

I HAVE the honour to state to your Lordship, that until the recent promulgation of the Order in Council of 2d November 1831, the Adjoint Commandants of Districts were the Assistant Protectors of Slaves; but they could no longer continue to be so, as all of them, without exception, are precluded by the eighth Clause of the Order; nor are there any persons of respectability in the Colony who are not in like manner precluded, with exception of some of the priesthood. I have, therefore, with no choice left me, been obliged to have recourse to this class of persons as a temporary measure; but I am convinced your Lordship will agree with me, that it is extremely desirable that the duties should as soon as possible be placed in other hands.

The confirmation in office, by the Order, of persons who have been acting as Assistant Protectors, is considered here as overruled, where the disqualifications contained in the eighth Clause exist, but no person can be expected to act under the circumstance of a doubt. Submitting that matter to your Lordship's consideration,

I have, &c.

(signed) *Lewis Grant.*

— No. 10. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *L. Grant*,
&c. &c. &c.

Sir,

Colonial Office, 23d March 1832.

I HAVE received your Despatch of the 26th January, reporting that you had considered the Commandants of Districts to be necessarily excluded from acting, as they have heretofore done, in the capacity of Assistants to the Protector of Slaves, since they are all owners of slaves; and under the provisions of the Order in Council of the 2d of November last, all Protectors and Assistant Protectors are required to be without any such property; and I am to return you the following answer. It was unquestionably the intention of the Order in Council, that the functions of Protector of Slaves should cease to be committed to the local Magistrates of Districts, where it is absolutely necessary to the efficient and punctual execution of the law that more than one officer, whose whole time is devoted to that service, should be employed upon it. His Majesty's Government intended that persons should be sent out from this country to act as Assistants to the Protectors in the Districts; but it was hoped that a larger proportion of officers would not be needed than one to every 20,000 slaves; and as the number of slaves in Trinidad is but little above 20,000, no measures have been taken for adding to the establishment of the Protector, beyond that of placing under his orders the late Registrar of Slaves, at the same time that the superintendence of that officer's business was devolved upon the former. As the pressure of the Registrar's duties is principally periodical, it was conceived that his services would be available, in a more or less degree, to assist in the discharge of the Protector's duties for a considerable proportion of his time. I am aware, however, that it is not only the number of slaves, but also the scattered or concentrated locality of the population, on which the extent and difficulty of the service must mainly depend; and should it be found by experience that the present establishment of the Protector's is unequal to the complete and practical execution of the law, I shall be prepared

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to send out another officer as his assistant. I have already fully explained, in my Despatch of the 13th January last, the plan by which I propose that the duties of Protector and Registrar, and of Assistant Protector and Registrar, should be performed by Mr. Gloster and Mr. Murray; and I have intimated that if a third officer should be found to be indispensable, he will be sent out on a salary of £.800 per annum. But I want your further report on the subject before I shall feel myself justified in incurring this additional expense. At all events it will be obviously impossible to continue the temporary arrangement which you have made, for committing to the Roman Catholic Priests the execution of the functions of Assistant Protectors.

I have, &c.
(signed) GODERICH.

— No. 11. —

COPY of a DESPATCH from Sir *L. Grant* to Viscount *Goderich*,
&c. &c. &c.

Government House, Trinidad,
28th January 1832.

My Lord,

I HAVE the honour to inform your Lordship, in reference to my Despatch of the 20th inst., that I have visited the Palmiste estate in North Naparima, and found that the people thereon had been again persuaded to return to their work, with some few exceptions. All the discontent was not allayed, but it seemed considerably to subside on my explaining to them that their real grievances, where any existed, would at all times be redressed, when made known to the proper authorities; and that, on the other hand, a correspondent conduct would be expected from them.

I have, &c.
(signed) *Lewis Grant*.

— No. 12. —

COPY of a DESPATCH from Sir *L. Grant* to Viscount *Goderich*,
&c. &c. &c.

Government House, Trinidad,
18th February 1832.

My Lord,

IN the Copy which I have retained in the office, of my Despatch of 18th January, there appears a mistake, where I have said,

“ Provided, however, that after the mill has been stopped at six o'clock, no fresh liquor shall be put into the coppers or boilers.”

Referring to the immediately previous Clause of that Despatch, it appears that the mill is proposed to be stopped at five o'clock; so the six in the paragraph quoted should have been five.

It will be seen, in the same part of that Despatch, that the proposition contained in it is, that a certain description of the manufacturing persons, viz. those not immediately employed in the boiling, should work ten hours and a half, with an intermission of half an hour for breakfast, and that some remuneration should be made to them for the additional time they are occupied beyond those in the field; that they should leave off work at five, and then or after that hour go to dinner. Time is, however, so well marked by sunrise and sunset, which is in Trinidad not very far from being synonymous with six A. M. and six P. M., that if the intermitting of an hour immediately after noon did not materially interfere with the continuous nature of the labour, it would be a more certain mode of marking the time, to having the duration of labour to terminate at six, than to trust to the discretion and conjectural opinion of the manager or overseer to leave off at five; but if it could be depended upon that the labourer would be fairly and honestly dealt with, there is no doubt that the leaving off at five would be most for his advantage, and would also be preferred by him. This might be made dependent on the observations made here.

I have, &c.
(signed) *Lewis Grant*.

Presented to Parliament,
15 March 1832.

— No. 13. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *L. Grant*,
&c. &c. &c.

Sir,

Colonial Office, 10th March 1832.

I HAVE had the honour of receiving by the mail of the 7th instant your Despatch, marked "separate," dated the 18th January. The information which you have afforded me, although by the absence of some Despatches imperfect in several important particulars, is nevertheless sufficient to show that the accounts which have appeared in the newspapers, of the excitement and alarm occasioned by the promulgation of the Order of His Majesty in Council, of November 2d, 1831, are, if not altogether unfounded, at least very greatly exaggerated. You mention that a remonstrance, of which you have forwarded a copy, had been addressed to you by the Cabildo, and inserted in the Gazette; and you likewise state that a deputation of planters had waited upon you with an urgent request that (which you very properly refused) you would suspend or modify in its execution His Majesty's Order in Council; and you add, that upon this refusal, the gentlemen composing the deputation apprised you of their intention of holding a public meeting on the 6th January. But although a good deal of warmth and of excitation appears to have been manifested, both by the Cabildo and by the gentlemen composing the deputation, so much so as to induce you to warn the latter of the mischief which might be produced by giving way to their feelings upon this subject, I am happy to perceive that even at this first moment there were some persons who evinced greater calmness. The Letter you have inclosed from Mr. Jackson is written in a temper and with a degree of moderation which does him the highest credit; and although I cannot undertake to pronounce whether, upon examination, it may be found expedient to acquiesce in his suggestions, I can at least assure him that his remarks will be received by His Majesty's Government in the same spirit of candour with which they are offered, and that they will meet with the most respectful and attentive consideration. I must, however, be distinctly understood as not committing myself at present to any fixed opinion on this question.

I have learnt with much satisfaction from your Despatches of the 20th and 28th January, that the discontent and insubordination which had been manifested by the negroes on two estates had been checked, and that this result has been brought about by the judicious exercise of your personal influence and authority: I trust that the proprietors of slaves will see in this circumstance a strong proof of the wisdom of the policy which His Majesty's Government has pursued, and of its tendency to promote the true interest of the master, no less than that of the slaves, by teaching the latter to look up with confidence to the Executive Authorities, as having not only the will but the power to protect them from oppression.

It was this feeling on the part of the slaves which led them to respect your remonstrances, and to believe you when you warned them of the punishment which would inevitably follow if they persisted in resisting the lawful authority of their masters; and it was then the policy pursued by the Governor, which enabled you to arrest the symptoms of insubordination which appeared, and which might otherwise have proved only the commencement of occurrences of a more serious character.

I have, &c.

(signed)

GODERICH.

— No. 14. —

COPY of a DESPATCH from Major-Gen. Sir *L. Grant* to Viscount *Goderich*,
&c. &c. &c.

Government House, Trinidad,
26th March 1832.

My Lord,

THE good and loyal feeling which has dictated the accompanying Address speaks its own praise so well that it requires no comment from me.

Among the many signatures attached to this document, there are those of persons of excellent education, and possessing estates of value and extent. To the

Presented to Parliament,
15 March 1832.

Vide Sir L. Grant's Despatch, of 13 January, presented to Parliament, 15 March.

Vide Sir L. Grant's Despatch, 13 January, presented to Parliament, 15 March.

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the great credit of these persons and those whom they represent, they have not lent themselves to assist at those meetings whereat so much pains have been taken to sow the seeds of discontent in the Colony, both among the free and the slave population.

I feel perfectly confident that so prudent and becoming a deportment will be duly appreciated by your Lordship, and represented to His Majesty in the light of which it is deserving.

I have, &c.

(signed) *Lewis Grant.*

Enclosure in No. 14.

Trinidad.

To His Excellency Sir *Lewis Grant*, Knight Commander of the Royal Hanoverian Guelphic Order, Major-General in His Majesty's Army, Governor and Commander-in-Chief in and over the said Island and its Dependencies, Vice-Admiral thereof, &c. &c. &c.

Sir, May it please your Excellency,

WE, His Majesty's most dutiful and loyal subjects, whose names are hereunto subscribed, do feel it a duty incumbent upon us to convey to your Excellency, for ourselves and in behalf of all our fellow subjects of African descent, our unanimous opinion upon certain circumstances arising out of the promulgation of the Order in Council of the 2d of November last.

We should have limited ourselves to the strict observance of that line of conduct which we have hitherto pursued as dutiful and obedient subjects of The King, and have consequently abstained from any interference whatever with the opinions and proceedings of a public meeting held on the 6th of January last, at which we declined assisting, but for one of its Resolutions on the subject of allegiance to the Crown of Great Britain.

Considering that this Resolution has been ushered into publicity in a form at once solemn and imposing, that it will be rapidly transmitted, through the medium of the daily papers, to every quarter of the world, and officially conveyed to the Throne, the Peers, and the Commons House of Great Britain, in the name of the inhabitants of Trinidad, it becomes our duty, as a part of these inhabitants, to express our unequivocal dissent from its declared object.

With reference to a protest against the late Order in Council of the 2d of November last, tendered to your Excellency by the illustrious Board of Cabildo, purporting to be in behalf of all the inhabitants of this Colony, and published in the Port of Spain Gazette, we beg leave respectfully to state to your Excellency, that no individual of African descent has been admitted into that body, and consequently we do not recognize it as the genuine organ of the political opinions of our numerous class.

Under these circumstances, we now declare to your Excellency, that the attachment which we feel to the Throne and Government of Great Britain, originating in some of us from natural affection, in others from adoption, and in all confirmed and fostered by a grateful remembrance of its liberality, is unalterable; and that in the ardour of these sentiments we deprecate a dissolution of the ties which bind us to the Mother Country as the greatest calamity that could possibly befall ourselves and our posterity.

Faithful to the engagements which we have contracted by nature and from compact, we glory in the title of British subjects; we hold it to be an enviable distinction among the nations of the earth, and we are always prepared cheerfully to fulfil every duty which that character imposes upon us, either in obedience to the laws and ordinances of our King or in the defence of His Crown and dignity.

Humbly praying your Excellency to transmit to our gracious Sovereign these loyal sentiments of his faithful subjects, we have the honour to subscribe ourselves, with the most perfect consideration and respect,

Your Excellency's
Most devoted and humble Servants,

(signed) *John Carr,*
And 424 others.

— No. 15. —

COPY of a DESPATCH from Major-Gen. Sir *L. Grant* to Viscount *Goderich*,
&c. &c. &c.

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Government House, Trinidad,
8th June 1832.

My Lord,

ON the 26th ultimo, information was brought to me that the slaves on Plein Palais estate were in a state of insubordination, and that a considerable portion of them had betaken themselves to the woods. Plein Palais is distant about twenty miles from the seat of Government, and belongs to Messrs. F. & C. Peschier.

On receiving the information, I proceeded thither by water, taking with me Mr. Joseph Peschier (the brother of the proprietors), the Protector of Slaves, and the Colonial Secretary. On arriving at the estate, I found that twenty-three of the most robust of the slaves had left the place, but it was not then ascertained whether they had gone into the woods to a place, as was supposed by some, where maroons had formerly been in the habit of resorting to, or whether they had directed their course to town. I was of the latter opinion, but as the example of going into the woods would have been a dangerous one, I deemed it expedient to order out a party of militia to try to get upon their tracks.

From the examinations which were taken upon the estate, in the presence of myself and the Protector, it appeared that the insubordination which had been shown, had arisen in the driver's having impressed the rest of the gang with the belief that they were imposed upon by the manager, in respect to the portion of time which they ought to have for their own use. Some of them, and particularly some of the women, I understood had conducted themselves with much violence, even to the extent of threatening the Commandant when they were called in from the field to be remonstrated with.

The Commandant, finding it impossible to enforce his authority in the condition of excitement in which they then were, proceeded to a military post which was not far distant, and brought some few troops back with him; on seeing the approach of these, and along with them a man who is frequently employed, I understand, in the inflicting of punishments, the greater part of the adult slaves ran away into the woods, or hid themselves among the canes.

Only one man and one woman had come back while I remained at the estate; the others, as I expected, proceeded to Port d'Espagne to make their statement to the Protector. I had them sent back to the estate, and directed three Magistrates to investigate the matter in the presence of the Protector, who went down for the purpose.

It appeared from the examinations which were taken by the Magistrates, that the driver had been the instigator of the others; he and two others of the most prominent were sentenced to corporal punishment, and two of the most unruly of the women to the tread mill; but it was concerted that the driver should be the only man severely punished; one of the others was very slightly punished, the third forgiven; and I suppose the women have likewise been forgiven, as they are not come up to the tread-mill.

One of the causes of their murmuring was, that they had been compelled to work in gang on their provision grounds, instead of each individual being allowed his portion. It had been divided after being a little advanced in cultivation; but this was not satisfactory, as they like to have their grounds distinctly separated, and each to be left to his own way of acting in this respect.

I also understand there was some grumbling on the part of the slaves about throwing grass to the mules, but the particulars of this have not yet reached me.

The manager, whom I understand to be a man of good character, had only been lately come among them; and it often happens that on occasions of change the endeavours on both sides to find out how far they can go, the one in exacting labour, the other in endeavouring to avoid being overburthened with it, will, at the beginning, produce a difference of opinion which, like the case in question, may go to too great a length when a determined or turbulent character takes the lead.

I have no complaints of insubordination from any other part of the Island,
except

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except the vague and general one of the male slaves being sullen and the women insolent.

On the well-managed estates I hear of no such complaints, but on the contrary, that the slaves are conducting themselves with the greatest propriety.

I have, &c.

(signed) *Lewis Grant.*

DEMERARA AND BERBICE.

— No. 1. —

COPY of a DESPATCH from Major-General Sir *B. D'Urban* to
Secretary Sir *G. Murray*, &c. &c. &c.

King's House, Demerara,
20th April 1830.

Sir,

I AVAIL myself of a fast sailing ship about to sail, to write to you upon the subject of your Despatches of the 4th and 18th February and 4th March, of the present year; because although it will be yet some days before I shall be enabled to transmit to you my public and detailed Report upon all the proceedings had thereon, with the documents belonging to it, yet as the whole is essentially arranged and concluded, I think it will be satisfactory to you to receive this information early.

The Order in Council, with a Proclamation supplying subordinate Rules upon certain points of the Order, will be ready for promulgation next week. In the latter I have carefully kept in view the instructions of the Despatch of 4th February; 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 purpose.

I have been very glad to find in the conclusion of the Despatch of 4th February, a sanction for re-enacting portions of the Colonial Ordinance of 1825 (with its Amendment of 1829); for without such a power, I am bound to say to you, (always with the utmost respect and deference for the Order in Council) that the latter would have left the slave, in many points most essential to his health, welfare, comfort and protection, in a much less favourable position than had been already secured to him by the existing law. You will not fail to be immediately aware of this, if you will refer to the 8th, 10th, 13th, 14th, (with its amendments of 1829,) 21st, 22d, 23d, 24th, 25th and 28th Clauses of the Colonial Ordinance of 1825; for you will perceive that these provisions are the true safeguard of the slave's condition, and no part of them has been preserved, nor any equivalent for them substituted, in the Order in Council. Independent of the importance of these provisions to the well-being and protection of the slaves, I could not have contemplated the promulgation of the Order in Council unaccompanied by a simultaneous re-enactment of these Clauses, without serious apprehensions for the tranquillity of the Colony. For nothing can be more keenly observant than the slaves are of all that affects their interests; and when they should have found themselves at once deprived of these established rights and benefits, which they had enjoyed for more than four years, the effects of which they had learned, and the value of which they are fully aware of, the probable result among them would have been (as was unfortunately the case a few years ago) a suspicion that His Majesty's Government had intended advantages to them which had been suppressed by that of the Colony.

I need not dwell upon the possible consequences of such a suspicion upon the general spirit of the Slave Population, and I could not but regard it with anxious solicitude.

I convened the Court of Policy, therefore, and brought this important subject under their consideration; and I am happy to state, that (notwithstanding some feeling of irritation, natural perhaps in the Colony, upon the knowledge of the compulsory Manumission Provision of the Order in Council,) I found the Colonial Members of the Court in an excellent temper, perfectly disposed to re-enact

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AND BERBICE.

*Vide Papers presented to
Parliament, 16 July 1830,
No. 676.*

re-enact the Clauses of the old Ordinance to which I have adverted, and they have re-enacted them accordingly; adding to and amending the 22d and 23d Clauses, so as, I think, to meet the object of the Despatch 18th February; with regard to which latter points, it is just I should say, that these amendments had been already contemplated long before the arrival of the Despatch, and a Committee formed at the last ordinary Sessions of the Court, to bring up a draft of them at the next ordinary Sessions in the end of this month.

These re-enactments, therefore, will come into simultaneous operation with the provisions of the Order in Council.

When I had received and considered the Despatch 4th March, I became aware that it would have been impracticable to exchange with Lieutenant-Governor Beard, the communications necessary for the prescribed assimilation, at a distance, or by any other means than that of personal conference, in time for the publication of the Order in Council. And as the absolute necessity for my remaining with the Court of Policy (for the purpose above-mentioned) made it impossible for me to go to Berbice, I wrote to Governor Beard, requesting him to come hither, which he has accordingly done, and I think there will be little difficulty in sufficiently assimilating the Proclamations and re-enactments. With regard to the latter indeed, the Berbice Ordinance was framed upon that of Demerara, so that their Clauses to be renewed are respectively identical, and even bear the same numbers. Berbice, therefore, has only to re-enact the corresponding Clauses to make these provisions in each Colony similar. With respect to the Proclamation, so far as I can see, they also admit of being identical.

Governor Beard's coming hither has had this advantage over my having gone to Berbice, that by that means we have both the advantage of Mr. President Wray's assistance.

In the course of a few days I shall have the honour to report to you conclusively, transmitting all the necessary documents.

I have, &c.

(signed) *B. D'Urban.*

— No. 2. —

COPY of a DESPATCH from Secretary Sir *G. Murray* to Sir *B. D'Urban*, &c. &c. &c.

Sir,

Downing-street, 21 June 1830.

I HAVE had the honour to receive your Despatch, dated the 20th of April last, reporting the measures which have been adopted by you, in concurrence with the Court of Policy of Demerara, for supplying certain omissions which you have noticed in the Order of His Majesty in Council of the 2d February last. I have had very great satisfaction in learning the wise and conciliatory spirit by which you report the Court of Policy to have been governed on this occasion.

His Majesty's Government were entirely aware of those omissions, and fully conscious of their importance; and the Clause under the authority of which you have been enabled to supply them, was not an accidental addition to the Order, but was considered as one of its essential and most important provisions. In legislating for six Colonies so remote from each other, and presenting so many important contrasts in their internal economy, it was deemed impossible to introduce with safety any regulations on the subjects of provisions, clothing, medical attendance, coroner's inquests, and the daily duration of labour, until additional information on these topics had been procured.

It was deemed more convenient to leave the regulation of these matters, in the first instance, to the local authorities; and I am not surprised, however much I am gratified, to find that this method of proceeding has been attended with so much success in the important Colony under your government.

I have, &c.

(signed) *G. Murray.*

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AND BERBICE.

— No. 3. —

COPY of a DESPATCH from Sir *B. D'Urban* to Secretary Sir *G. Murray*,
&c. &c. &c.

King's House, Demerara,
20th September 1830.

Sir,

IN acknowledging, on the 20th April last, the honour of your Despatch of the 4th of February, I had occasion to observe that in re-enacting the 22d and 23d Clauses of the Colonial Act of 1825, for the melioration of the slave condition, they would have been so amended as effectually to meet the objects which that Despatch had principally in view; and I trust that this will have appeared in the 5th and 6th Clauses of the Colonial Act of April of the present year, transmitted to you with my Despatch of the 1st of May last.

Upon re-considering your Despatch, however, I have thought it right to direct the Protector to make due inquiry upon those points which you had desired should be referred for the opinion of medical practitioners; and I herewith send the result, to which I am not aware that I can add any thing with utility.

I have, &c.

(signed)

B. D'Urban.

Enclosure 1, in No. 3.

Office of Protector of Slaves, Demerara,
16th September 1830.

Sir,

THE period of labour of slaves in the field and about the buildings has been recently fixed by a Colonial enactment, and is described in the 5th Clause of the "Act to continue in force certain Clauses of an Ordinance for the religious Instruction of Slaves" in the Colony; consequently your Excellency, in requiring a Report from me with relation to the Despatch of the Right Honourable Secretary of State for the Colonies received on the 4th April last, has necessarily limited the extent of it, because one of the points of inquiry is, as I have just said, defined by law.

With respect to the others, viz. whether the quantum of labour exacted is unfriendly to health, and whether the food supplied is sufficient to sustain the health and strength of the labourer, I have the honour, in obedience to the commands contained in the Despatch above mentioned, to submit the accompanying Opinions of two skilful medical practitioners.

The annual cost price of clothing for a field negro is about *f.27*, or *£.1. 18. 7.* sterling.

I have, &c.

(signed)

A. W. Young,

To his Excellency
Sir *Benj^a D'Urban*, Lieut.-Governor,
&c. &c. &c.

Protector of Slaves.

Enclosure 2, in No. 3.

Sir,

18th August 1830.

I HAD the honour of receiving your communication of the 9th instant, on the subject of the treatment of the slaves in this Colony in regard to labour and sustenance as affecting their health and strength; in reply to which I may truly say that I have had full opportunity of observing the effects of it on both for a great many years, both in town and country, and can safely bear testimony to the greatest humanity having been exercised towards the slaves, with regard to the degree of labour required of them, and in furnishing them with the means of support; which latter the fertility of the Colony enabled the planters to do with great facility, and allowed them, at the same time, to dispense with any degree of labour that would have been at all injurious to their health, for which they always manifested the utmost solicitude, both for the prevention and the cure of their diseases. As I resided in the Colony twenty years during the continuance of the Slave Trade, I had full opportunity of witnessing the humanity displayed by the planters in training the negroes, gradually, from a state of complete barbarism to their present comparatively improved state, and in inuring them by degrees to habits of industry, which

was

was no easy task. During that period, the East coast, as far as Berbice, was peopled almost altogether with savages from Africa, at an immense expense to the planters and profit to the British African traders. During so long a residence in this Colony, it would have been hardly possible not to have drawn a comparison betwixt the state of the labouring classes in Europe, and that of the labouring classes in this Colony, emphatically called slaves, and not to have put the question to myself, whether it would be possible for the planters to give their slaves less for their labour than the employers in Europe give their free labourers, and have them in a state fit for labour. The reply to which question could not be otherwise than in the negative.

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AND BERBICE.

I have, &c.

(signed) *John Waddell.*

To Colonel Young,
Protector of Slaves.

Enclosure 3, in No. 3.

Sir,

Demerara, 4th September 1830.

I HAVE received your Letter of the 9th ultimo, desiring my opinion on two points therein submitted to me, originating in a Despatch received by his Excellency Sir Benjamin D'Urban from the Right Honourable the Secretary of State for the Colonies; namely, whether, and "Firstly," there is reason to conclude that the labour usually exacted of plantation slaves is unfriendly to their health; and, "Secondly," "how far the food supplied is sufficient to sustain the health and strength of the labourer."

It may not be inapplicable to the subject, since it may lead to your understanding my Answer to the first Query better, to state briefly the quantum of labour that is required of a healthy prime negro man per diem, than at once by giving a matter-of-fact opinion thereon.

For that purpose, then, I shall instance the labour required of him in shovel work, such as ditching, draining and forming cane banks, which is considered, and it certainly is, the hardest labour on any plantation. The maximum of labour, therefore, exacted of a person of this description in ditching, is to excavate about 600 cubic feet of earth, and no more. The trenches or ditches on plantations, whether for navigation or drainage, are generally made 12 feet at top and 8 feet at bottom. Thus, a labourer such as I have mentioned gets a task to be performed in the course of the day of such a trench 12 feet long by 5 feet deep. This is the rule by which shovel work is exacted throughout the Colony; for although the trenches may vary in their dimensions, still it makes no difference to the labourer, as the extent of trench (be it large or be it small), drain or cane bank, is always calculated by the number of cubic feet corresponding with the contents of a 12 foot trench, as already described, or 600 cubic feet per diem.

Young and elderly people when employed at such work have a task proportionably less, and suited to their strength.

The nature of the soil being purely alluvial, without the least trace of stone, gravel or other hard substance, the facility with which such work is performed may easily be comprehended; and that it seldom occupies the labourer more than two-thirds of the day, taking the average of a gang on an estate, is certain.

With regard to the second question, it may be answered more directly; as the physical strength and appearance of the Black Population amply prove that their food is not only abundant, but wholesome.

After a residence in the Colony of upwards of 20 years, during which period I have had constant opportunity of judging of the questions submitted to me, experience warrants me in coming to the conclusion, and enables me freely to declare, and to give it as my most unqualified opinion, that there is no reason to conclude that the labour usually exacted of plantation slaves is unfriendly to their health, but, on the contrary, the labour is moderate, is performed with ease, and without oppression; and moreover, that they are abundantly supplied with food, wholesome and nutritious, and well adapted to sustain the health and strength of the labourer.

I have, &c.

(signed) *Michael M'Turk, M. D.*

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AND BERBICE.

— No. 4. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *B. D'Urban*,
&c. &c. &c.

Sir,

Downing-street, 20th April 1831.

I HAVE received your Despatch of the 20th September 1830, transmitting the opinions of two medical practitioners in Demerara, in answer to the inquiries directed by my predecessor on the 18th of February 1830, as to the food, clothing and labour of slaves. Although I acknowledge with satisfaction the report of these gentlemen as to the general good condition of the slaves in Demerara, I cannot consider such a report as sufficiently answering the inquiries directed by Sir G. Murray's Despatch. On a reference to that Despatch, you will observe that Sir G. Murray stated, in considerable detail, the points upon which he required information, both in regard to the labour and to the food and clothing of the slaves. You will have the goodness therefore to reconsider that Despatch with a view to a fuller report; and you will desire the Protector to institute the inquiries therein directed, respecting the nocturnal labour of slaves, and the amount and quality of food supplied to them.

I have, &c.

(signed) GODERICH.

— No. 5. —

COPY of a DESPATCH from Lieutenant-Governor *Beard* to
Secretary Sir *G. Murray*, &c. &c. &c.

Sir,

Berbice, 30th October 1830.

I HAD the honour to receive your Despatch, dated the 18th February last, on the 24th May, after His Majesty's Order in Council of the 2d February, for consolidating the several Slave Ordinances passed in the Crown Colonies, had been duly proclaimed and acted upon in Berbice.

I gave the Deputy Protector of Slaves early instructions to furnish me with the fullest information on the several topics to which your Despatch adverts, and I now have the honour to transmit that officer's Report. Respecting the labour exacted from plantation slaves, I beg leave to refer to the recent Act passed in the Colony, and published at the same time with His Majesty's Order in Council of 2d February, defining and regulating the hours for labour.

Food of the most wholesome and nutritious description is at all times supplied to the slave in abundance.

All proprietors are by law bound to supply their slaves with clothing, but there is not, that I am aware of, any specific law which defines any particular quantity of clothing so to be furnished, or at what time in the year the distribution should take place, and therefore, as the Deputy Protector states, there is much diversity on this subject; some proprietors giving a far more liberal allowance of clothing to their slaves than others. I submit that it would be advisable to pass some Colonial enactment on this subject, regulating the quantity of clothing to be supplied by all proprietors alike to their slaves, and the time in the year when such distribution should take place.

I also take leave to suggest the necessity of compelling the Fiscal, under a penalty for omitting to do so, to visit every estate within one month after the time has elapsed for such distribution of clothing, and to report faithfully to the Governor that such clothing has been distributed according to law; and also on the state of the provision grounds, and the general state and condition of the Slave Population in the several districts; and as the Fiscal of Berbice is a sugar planter and slave proprietor, I would further suggest that he be required to make his report on these subjects to the Governor on oath.

I also have the honour to transmit the opinions of the most skilful medical practitioners in the Colony on the points referred to them.

I have, &c.

(signed) *H. Beard*.

Enclosure 1, in No. 5.

Deputy Protector's Office, Berbice,
September 1830.

DEMERARA
AND BERBICE.

Sir,

IN compliance with your Excellency's communication, directing me to furnish information relative to the labour, food and clothing of plantation slaves in Berbice, I have the honour to lay before you the enclosed Answers to the Questions proposed by the Right Honourable Sir George Murray in his Despatch of the 18th February 1830.

It is scarcely possible to describe the labour performed by plantation slaves with perfect accuracy, because much depends upon whether the soil be stiff or loamy, the weather, and, in clearing and weeding land, the obstacles the labourer may meet with; I have therefore, to prevent confusion, given the mean in each case; supposing the slave to have no particular advantage arising from accidental circumstances to assist him, nor, on the other hand, to meet with any extraordinary difficulty, to impede his work. I think your Excellency will find the remarks I submit, to be as nearly as it is possible correct.

I have, &c.

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

(signed) *Charles Bird*,
Deputy Protector of Slaves.

Enclosure 2, in No. 5.

Article 1.

WHAT is the amount of a plantation slave's labour?

Trenching.—Only able men are employed at this work, the task for each is to dig 12 feet of a trench, 12 feet broad at the top, and 6 at the bottom, the depth 5 feet; thus a slave digs and throws from the trench 540 feet of solid earth.

Planting canes.—To plant one row from 50 to 60 roods in length; grass banking, from 50 to 60 roods; trashing or stripping canes, 140 roods.

Weeding and moulding canes the first time after they are planted, 80 to 90 roods. The task for each weeding increases progressively after the first.

Cutting and carrying canes, depends upon the luxuriance of their growth, and whether they have been previously stripped or trashed.

Coffee-planting.—If the plants are carried to the spot where the people are at work, the average task is to plant 100 trees per diem.

Cleaning coffee with logie.—This is generally done by women; the usual task is to clean two boxes, holding together 80 pounds of fine coffee.

Weeding grass upon a coffee estate.—Able slaves weed, where there are no sand-koker trees, and the grass consequently heavy, 80 roods of a bed 8 feet in breadth; where there are luxuriant sand-koker trees, and the grass proportionably light, 80 roods of a bed 12 feet in width.

Plantains.—To dig 100 holes for plantain stools per diem; if the stools are ready at the spot, to place them in the holes properly, forms another day's task.

Cotton.—Planting cotton varies much according to the soil, and the distance of the rows from each other, but the average is to plant four rows of 75 roods each.

Trimming cotton.—To trim a bed 75 roods in length and 3 in breadth.

Weeding.—Three men to each bed of similar dimensions.

Picking cotton, varies from 20 to 100 lbs. per diem.

Cleaning cotton, depends altogether upon the filth which may have to be separated from it.

Ginning cotton, is almost exclusively performed by machinery, and the slaves have only to feed the rollers, in which occupation the aged and sickly are generally employed.

Article

DEMERARA
AND BERBICE.

Article 2.

What hour of the morning the daily task commences, and at what hour it usually finishes in the evening; what is the ordinary length of the interval of rest allowed during the day, and whether that interval is encroached upon by the performance of any duty for the owner?

The hours for labour are fixed by law, as follows: For field work, from six in the morning until six in the evening, and not longer, with two hours allowed to them during that period, for rest and meals, under a penalty of twenty pounds. For slaves about the buildings, employed in preserving and manufacturing the crops, eight hours of rest, six of which to be between sunset and sunrise, under a like penalty of twenty pounds, the whole without interruption, or liability to perform service for the master.

Article 3.

To what extent labour is required at night; how many nights or parts of nights in the week the same slave is usually employed, and during what period of the year nocturnal labour is in use?

Upon sugar estates, the work of the boiling-house may be said to commence between five and six o'clock in the morning, and to cease at ten, or the latest at eleven at night. There are two sets of boiler-men to each set of coppers; these men work alternately, one day in the boiling-house, and the rest in the field.

The sugar-mill begins to work at from three to four o'clock in the morning, and ceases at seven or eight o'clock in the evening. It generally comes to the turn of each slave employed about the mill in carrying the canes and removing the refuse, which is called megass, to perform such duty one night out of five; but this depends upon the number of slaves upon the plantation, whose labour can be made available in that manner.

Upon coffee estates pulping is sometimes, but very rarely, required to be done at night, and never lasts beyond nine o'clock.

It can scarcely be said that in this Colony nocturnal labour is in use more at one period of the year than another, because the sugar planters arrange it so that a portion of the crop may be gathered each month.

If a difference to any material extent occurs, it is in the dry season, which usually begins in August, and lasts until December.

Article 4.

What is the average amount, weight and quality of food allowed to plantation slaves?

An adult receives two bunches of plantains, and two pounds of salt fish per week. The parents of children who are in the creole-house do not receive allowance for such children, because they are whilst there taken care of, and fed by nurses, who apply daily to the manager for plantains, rice, sugar, and other articles proper for the food of children. As soon as children arrive at an age to be employed in light work, they receive half the allowance for adults. At about fourteen years of age both boys and girls receive the full allowance given to adults; this depends, however, in a great measure, upon the growth and general capability of the slave.

The average weight of a bunch of plantains, with the skin on, is 44 lbs.; when peeled and ready for cooking, 27 lbs.

Rum, tobacco, salt pork and beef, &c. are occasionally distributed to the slaves; but such distribution depends entirely upon the will of the proprietor, and forms no part of the allowance which the slave is by law entitled to.

Article 5.

Clothing.—No existing law upon this subject is at all explicit, with regard to the quantity and articles of clothing to be provided for each slave; and the consequence is that scarcely two estates, if they belong to different proprietors, receive the same, either as regards the total amount of value, or the articles of clothing.

I found so much difficulty in arriving at any degree of accuracy on this subject, that Returns were called for from those having the charge of slaves, stating the quantity distributed in the years 1828 and 1829. Copies of three of them will be found annexed, No. 1 being a specimen of the most liberal, and Nos. 2 & 3, the reverse. The current prices in the Colony of the articles of clothing therein specified, will also be found separately.

DEMERARA
AND BERBICE.

Enclosure 3, in No. 5.

No. 1.

DISTRIBUTION of NEGRO CLOTHING on Plantation *Anna Clementia*, the Property of *J. F. Ebner* and *A. Vombergh*, of Amsterdam.

1828.

To Divers and Head-men, each.

1 jacket, *f.*10. 10.; 1 hat, *f.*5; 6 ells Osnaburghs, *f.*3; 6 ells check, *f.*5. 2.; 6 ells white cotton, *f.*4; 10 fish-hooks, 10*st.*; looking-glass, *f.*1; knife, *f.*1; 1 comb, 10*st.*; thread and needles, *f.*1 - - - - - (£.2. 4.) *f.*32. 2.

To Field Men, each, also Invalids.

1 jacket, *f.*8; 1 hat, *f.*2. 10.; 5 ells Osnaburghs, *f.*2. 10.; 4 ells check, *f.*3. 8.; 4 ells white cotton, *f.*3; fish-hook, 5*st.*; 1 looking-glass, *f.*1; 1 knife, 15*st.*; comb, 10*st.*; thread and needles, 10*st.* - - - - - (£.1. 11.) *f.*22. 8.

To Field Women, each, including Invalids.

1 jacket, *f.*8; hat, *f.*2. 10.; 6 ells Osnaburghs, *f.*3; 5 ells check, *f.*4. 5.; 1 looking-glass, *f.*1; knife, 15*st.*; 1 comb, 10*st.*; needles and thread, 10*st.*; scissors, *f.*1; needle-case, 10*st.*; beads, *f.*1 - - - - - (£.1. 10. 10.) *f.*23. 0.

Head-women and House Servants, each.

1 jacket, *f.*8; hat, *f.*2. 10.; 6 ells Osnaburghs, *f.*3; 5 ells printed calico, *f.*5; 6 ells check, *f.*5. 2.; 1 looking-glass, *f.*1; knife, 15*st.*; comb, 15*st.*; needles and thread, *f.*1; needle-case, 10*st.* - - - - - (£.1. 18.) *f.*27. 12.

Boys, each.

1 jacket, *f.*5; hat, *f.*2; 3 ells Salempores, *f.*1. 10.; 3 ells Osnaburghs, *f.*1. 10.; 3 ells check, *f.*2. 11, fish-hooks, 5*st.*; looking-glass, 15*st.*; knife, 10*st.*; comb, 10*st.* - - - - - (£.1.) *f.*14. 10.

To Girls, each.

A hat, *f.*2; 4 ells Osnaburghs, *f.*2; 4 ells check, *f.*3. 8.; knife, 10*st.*; looking-glass, 10*st.*; comb, 10*st.*; needles and thread, 5*st.*; sugar, 15*st.*; beads, *f.*1 - - - - - (16*s.*) *f.*11. 18.

To Infants, each.

2 ells Osnaburghs, *f.*1. 10.; 3 ells check, *f.*2. 11.; 3 ells Salempores, *f.*1. 10.; beads, 10*st.* - - - - - (8*s.* 10*d.*) *f.* 6. 1.

(signed) *G. P. Van-Holst*,
Manager and Attorney.

1829.

Very near the same.

DEMERARA
AND BERBICE.

No. 2.

RETURN of CLOTHING served to the Gang of Plantation *Overyssel*, in the Year 1829.

Each Man and Working Boy.

A hat, 2s.; jacket, 6s.; 2 caps, 1s. 2d. - - - - £.0. 9. 2.

Each Woman and Working Girl.

A hat, 2s.; wrapper, 5s.; linen petticoat, 3s.; woollen petticoat,
4s. - - - - - £.0. 14. 0.

Male and Female Children.

Each two frocks, 2s. 6d. each - - - - - £.0. 5. 0.

In this year the Gang got a similar allowance, at similar prices.

(signed) *James Culley.*

No. 3.

RETURN of CLOTHING served to the Gang of Plantation *Utile & Paisible*, in the Year 1829.

Each Man and Working Boy.

A hat, f.2; jacket, f.7; 2 caps, f.2 - - - - (15s.) f.11. 0.

Each Woman and Working Girl.

A hat, f.2; a wrapper, f.6; 2 petticoats, f.6 - - - - (£.1.) f.14. 0.

Each Male Child.

Cloth for two shirts - - - - - (5s. 6d.) f. 4. 0.

Each Female Child.

Cloth for two shifts or frocks - - - - - (5s. 6d.) f. 4. 0.

In this year the Gang got the same.

Berbice, 7th July 1830. (signed) *James Culley.*

THE following are the PRICES at which NEGRO CLOTHING may be purchased in *Berbice*.

For tradesmen's jackets	-	-	f.9.	0.	0.
- common lined do.	-	-	6.	10.	0.
- unlined - - do.	-	-	4.	10.	0.
- tradesmen's hats	-	-	6.	0.	0.
- common - - do.	-	-	2.	0.	0.
- Osnaburghs	-	-	0.	10.	0. per yard.
- check	-	-	0.	17.	8.
- white cotton	-	-	0.	10.	0.
- fish-hooks	-	-	9.	0.	0. per hundred.
- looking-glass	-	-	0.	15.	0.
- combs	-	-	0.	10.	0.
- knife	-	-	0.	10.	0.
- razors	-	-	0.	10.	0.
- scissors	-	-	0.	10.	0.
- coloured calicoes	-	-	1.	0.	0. per yard.
- Salempores	-	-	0.	15.	0.
- men's caps	-	-	1.	10.	0.
- women's wrappers	-	-	5.	10.	0.
- do. - unlined	-	-	4.	10.	0.
- petticoats	-	-	4.	0.	0.

Enclosure 4, in No. 5.

Berbice, Oct. 8th, 1830.

DEMERARA
AND BERBICE.

Sir,
IN answer to your Letter of the 5th instant, I beg leave to state that, as far as my knowledge extends, the labour usually exacted from plantation slaves, which is in a great measure regulated by law, is not at all unfriendly to their health; and the food allowed plantation slaves, male and female, adults and children respectively, is fully sufficient to sustain them in health and strength.

I have, &c.

To Charles Bird, Esq.
Gov^r's Sec^y.

(signed) *A. R. Hollingsworth*, M. D.

Enclosure 5, in No. 5.

Berbice, Oct. 20th, 1830.

Sir,
I HAD the honour to receive a document transmitted through you a few days ago from his Excellency the Lieutenant-Governor, desiring to know "whether there is reason to conclude that the labour usually exacted of plantation slaves is unfriendly to their health," and "how far the food allowed to plantation slaves, male and female, adults and children respectively, is sufficient to sustain the health and strength of the labourer."

In reply, I beg here to state my having resided during the period of three years on a coffee plantation, and during the last two years in Canje, on a sugar plantation, where I must have had an opportunity of seeing a good deal of the general treatment of slaves; and I must candidly affirm, to the best of my knowledge and belief, never during that period have I witnessed a single case where hard labour could have been assigned as a just cause for the production of disease or indisposition.

I have no hesitation in stating, that both the quality and quantity of food allowed on the different estates under my charge, is quite sufficient for the support of the health and strength of the labourer.

I have, &c.

To Charles Bird, Esq.
Gov^t Sec^y.

(signed) *Jno. M'Intosh*, Surgeon.

Enclosure 6, in No. 5.

Alness, Oct. 26th, 1830.

Sir,
THE pressure of professional duty has prevented me from replying so early as I could have wished to the Queries transmitted by you.

In reference to the first Question, "Whether I consider the quantity of labour usually exacted from plantation slaves to be unfriendly to their health," after seven years' experience in this Colony, during which period I have never known a single instance in which I considered the death of any slave to have arisen from excessive labour; therefore to this question I must distinctly answer, that I do not consider the quantity of labour usually exacted from plantation slaves to be unfriendly to their health, for these reasons, that there is not an estate with which I am acquainted but can produce slaves as aged and nearly in proportion to the same number of individuals in the warmer latitudes of Europe. Indeed I personally know, on every estate for which I practise, negroes whom I would consider to be seventy and upwards, eighty years of age; and instances of these very advanced ages are by no means rare; but from the uncertainty which must arise from their births not being registered, it is no easy matter to ascertain the exact period with accuracy. The question will naturally arise, if such be actually the fact, why do not the negro population increase in the same ratio that the inhabitants of Europe do? It is well known that during the continuance of the Slave Trade it was the custom to make up the cargoes in the proportion of two-thirds males and one-third females, and a natural consequence has been a decreasing population from year to year; but this decrease will be gradually diminishing, and when the sexes are on a par, I have no doubt but the increase in this Colony will keep pace with

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AND BERBICE.

with any in the West Indies. This is not the only evil arising from this cause; it has also powerfully contributed to that promiscuous intercourse between the sexes which always proves unfavourable to fecundity, and also been a fertile source of punishment, as the Returns will show, in the planters endeavouring to oppose it. Another cause which has contributed much to lessen the increase of population in these Colonies, and which may be said to be almost endemic to the West Indies, is the frequency of *Trismus nasantium* or the locked jaw of infants, and *Trambiesia* or yaws; these two diseases every year carrying off great numbers of children; and though the average mortality among all classes above two years seldom exceeds two per cent. per annum on this coast, yet I am convinced these, with other causes, will always prevent us from increasing in the same high ratio as Europe. It is not an easy matter to compare the quantity of labour performed by a labourer at home and that of a slave in this Colony, from the different system of agriculture followed here; but so far as I am capable of judging, the former generally performs one-third more per diem than the latter; and it has always been one of the main objects of the planter so to apportion the task that it will be executed without difficulty by the more weakly of the gang.

To conclude, on the first query, there can be no doubt that regular habits and labour in moderation are conducive to longevity, and these objects can never be attained but by a system of strict, yet moderate, discipline.

In reply to the second query, "How far the food allowed to plantation adult male and female slaves and their children respectively, is sufficient to sustain the health and strength of the labourers?" the allowance of vegetable food usually given to male and female adult slaves is two bunches of plantains; these will weigh in gross about 100lbs., and afford one-third of that weight of wholesome farinaceous food, only inferior to the wheaten flour; this, with ochros, yams and eddoes, which are, on every well-managed estate, in abundance, forms the usual food of the slaves, and will afford 9, 5 or 6 lbs. per diem, and which I should think was an ample supply. To children under fifteen years of age, half the adult allowance is usually given, and on sugar estates, they generally have a pound or two of sugar, or a couple of pints of molasses, for the younger children. The quantity of animal food given weekly to each adult, male and female, is usually two pounds of dried Newfoundland cod-fish, and on holidays a four pound piece of beef or pork; this, with (on sugar estates) a glass or two of rum and a head of tobacco, forms the allowance generally given in this Colony. The amount of animal food allowed by the owners may appear small; but on this coast, the sea and trenches of the different estates teem with an abundance of excellent fish, which may be, and are, taken in considerable quantities, so as even to become an article of traffic among the slaves. The industrious also have, of their own raising, considerable quantities of feathered stock, consisting of fowls, ducks, guinea birds and turkeys, also hogs and goats, which they either dispose of or use themselves. In short, the Slave Population of this Colony are in possession of many comforts which the free labourer of Europe cannot attain.

I regret that my time will not allow of my entering more fully into this subject, and

I am, &c.

(signed) *Will. Richardson,*

Licentiate of the R. C. S., Edinb.

To Chas. Bird, Esq.
Government Secretary, Berbice.

Enclosure 7, in No. 5.

Sir,

West Coast, Berbice, October 28, 1830.

In compliance with the request contained in your communication of the 6th instant, relating to a Despatch received by his Excellency the Lieutenant-Governor, from the Colonial Secretary of State, I now reply to the Questions therein.

First, With respect to the labour usually exacted of plantation slaves, I have not observed it injurious to their health, either in reducing their physical strength, or inducing local disease.

Secondly,

Secondly, With regard to food. The slaves, male and female, adults and children, are regularly supplied with good provisions fully sufficient to sustain their health and strength, as their appearance indicates. Indeed, many of the diseases of children appear to be caused by the excessive quantity of food the parents give them. DEMERARA AND BERBICE.

I have the honour to be,

(signed) *G. Haring,*

Member of the Royal College of Surgeons, London.

To Chas. Bird, Esq.
Governor's Secretary, Berbice.

Enclosure 8, in No. 5.

Sir,

Berbice, October 30, 1830.

IN answer to your Letter of the 6th instant, we take leave to observe, that we have been in extensive practice for many years, and, as far as our observation extends, are of opinion, that the labour exacted from plantation slaves is not in any way unfriendly to their health, and that the quantity of food allowed to male and female adults and children is fully sufficient to sustain their health and strength.

We have, &c.

(signed) *John & Ja^s Beresford,*

Surgeons.

To Chas. Bird, Esq.
Governor's Secretary.

— No. 6. —

COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*,
&c. &c. &c.

King's House, Demerara,
14th February 1831.

My Lord,

I HAVE been very much embarrassed by the contents of Sir George Murray's Despatch of the 13th of November last, which has placed me in the painful position of having to choose between two evils,—that of delaying to carry into effect the late Secretary of State's Instructions, therein transmitted, until I can have made a reference to your Lordship; or that of inflicting what I know would be a positive evil upon the Colony under my government, without the possibility of any adequate (I may say of any) resulting benefit.

I have availed myself of the advantage of consulting hereon with Mr. President Wray (which indeed for many reasons was necessary), who entirely concurs in my view of the case, and in the expediency of the course I am adopting; and earnestly hope that in having chosen the first of the two evils to which I have above adverted, (especially as I am not aware that any wrong or inconvenience can arise from the delay), your Lordship will be of opinion with me, that I have chosen the least.

Sir George Murray's Despatch consists of two divisions; the first, occupying from the beginning to the 8th paragraph inclusive, relates to certain Clauses of a Colonial Act passed by me in the Court of Policy in April last year, for re-enacting several provisions of the former Colonial Ordinance of 1825, most essential to the welfare of the Slave Population, which had been left unprovided for by the Order in Council of the 2d February 1830. To these the Despatch objects, directing a repeal of the Act, and its re-enactment. The second division, occupying from the 9th paragraph inclusive to the end, relates to certain Clauses of a Proclamation which I had issued at the same period, supplementary to that Order in Council. To these the Despatch objects, directing a revocation of the Proclamation, and its re-proclamation after revision.

I annex Observations upon these Divisions of the Despatch respectively, containing the view which local experience and mature consideration of the subject of each paragraph have led me to take; to these I pray your Lordship's patient attention, and I feel that in waiting for your answer, before giving publicity to the contents of this Despatch, or commencing to act upon it,

I am

DEMERARA
AND BERBICE.

I am pursuing the safest course with regard to a question fraught with difficulties, and not unattended with danger.

It is of the most vital importance to the peace and security of the Colony, to avoid, as far as it is possible, the repetition of changes in, and the promulgation of new, systems for the management of the slaves; every succeeding one which has yet taken place has produced much agitation and excitement, creating a feverish state of restlessness, and of vague expectation of further changes, not only dangerous to the public tranquillity, but very prejudicial to the slaves themselves (as well as to their masters), because while they are under its influence, they cannot settle to their common work and occupations, but become idle and negligent, requiring increased coercion to keep them to their proper and ordinary labour, to their own annoyance, at once, and engendering ill-feeling between the servant and master.

At present, the agitation consequent upon the last publications has subsided; the slaves are become accustomed to and acquainted with the new system, and their minds are quiet and contented; and indeed the laws as they now exist afford them ample protection, and abundantly provide for their well-being in all that is practicable. I cannot, therefore, but earnestly deprecate any *unnecessary* source of renewed excitement. Now I think your Lordship will readily be aware, when you shall have read my Observations upon the First Division of Sir George Murray's Despatch, that whether the Court of Policy, under all the circumstances, might be brought to re-enact this Act, is more than doubtful. I hold it certain that they would not; and in that case the discussion of the subject would not only be useless, but much worse, since it would, of itself, infallibly cause again much excitement in the Slave Population. The Clauses objected to by Sir George Murray (framed upon the Trinidad enactments, which had been proposed as a model) were all approved of by Lord Bathurst, and made law by His Majesty's commands. In my opinion they are perfectly efficient for their objects, and they have been found so in five years of practical experience. My counsel, therefore, would be (and I am bound to give it frankly) not to make uncalled-for changes in them, at the risk of much inconvenience; but if your Lordship should, after reading my Observations thereon and reconsidering this serious matter, determine that there is adequate cause for a change in all or any of them, then I would suggest, with all deference, the expediency of letting me receive the Act, amended as your Lordship shall judge necessary in the shape of an Order in Council. One sensation only among the people will so be occasioned, instead of several; and indeed I am certain, from what the gentlemen of the Court of Policy let fall upon the last occasion of bringing the question before them, that they would prefer this mode of settling it, to having it again proposed for their further proceeding upon it; now, too, that they have, with no little reason, looked upon it as concluded. But supposing that it were so proposed, and that they were inclined (which is against all probability) to enter upon it anew, with a view to obviate the points which Sir George Murray has considered objectionable, the same delay must still take place in giving operation to the result of their proceedings (attended by the public feeling to which I have adverted), because, after so many changes, I should feel it imperative upon me to endeavour that this might, at least, be the last, by sending home their re-enactments for approval before I caused them to be published.

For all these reasons (and to me they appear powerful ones) I have decided, as I have already said, to lay my Observations upon the whole before your Lordship, and await your commands; the contents of Sir George Murray's Despatch remaining, in the mean time, unknown in this country.

Having come to this conclusion with regard to the "Re-enactments," the same principle, "of having, if possible, but one, and that, as far as may be, a final promulgation of any new change in the existing system," influences me, upon the subject of the Second Division of Sir George Murray's Despatch, "the re-proclamation;" aware as I am, with respect to this point also, that neither material wrong nor any inconvenience can result from the delay. It is true that this measure does not depend, like the other, upon any second party, and that I can of myself re-proclaim the Proclamation, after revising and endeavouring to alter it as Sir George Murray has directed; but in the doing so, I could scarcely hope that, so altered to the best of my ability, it would be found admissible at home; because the present Proclamation having been (as
I have

I have said) framed and prepared by Mr. President Wray, whose professional eminence is unquestionable, and who brought to the task the experience of a ten years' residence in the Colony, and as it has after all met with even legal and technical objections at home, how could I expect that my alterations would be found perfect? and if they were not so, the result would necessarily be another revocation, and again a re-proclamation; thus multiplying indefinitely the sources of agitation and excitement among the negro population, which I see so much cause to deprecate. For these reasons I have come to the conclusion to withhold, for the present, any re-proclamation, transmitting alike my Observations upon each paragraph of the Second Division of Sir George Murray's Despatch; after a due consideration of which, I will request of your Lordship to let a Proclamation be framed, containing such alterations as you may judge to be absolutely indispensable, and sent out to me, together with an Order in Council for the re-enactments (if indeed you shall think a change in them necessary), in order that I may then publish them both together, and at length feel some security that there are to be (for some time at any rate) no further changes; and that so, instead of renewing successive causes of agitation, there may be only one, with some prospect of stability for the future. I may safely pledge myself to your Lordship, that the caution in this matter, which I have ventured thus to urge, is any thing but unnecessary; and I throw myself with confidence upon your Lordship's kindness for an indulgent consideration of the course herein, which I have held it my imperative duty to pursue.

I have, &c.

(signed) B. D'Urban.

Enclosure in No. 6.

No. 1.—OBSERVATIONS upon FIRST DIVISION, being from the Beginning to the 8th Paragraph inclusive.

1st. WITH regard to the first part of this paragraph, which relates to these "Re-enactments," I will here only observe, that they are verbatim the same with those which (having been framed upon the principles of the Trinidad Order and Proclamation, but improved for the benefit of the slaves), after Lord Bathurst's mature consideration, had received The King's approval, and were accordingly commanded to be passed and promulgated as a law by his Lordship's Despatch of 9th February 1825. Re-enactments.

2d. It is stated here by Sir George Murray, that "the Preamble of the Act in question is erroneous, inasmuch as the sanction for re-enactment is not given by his Despatch of the 4th February 1830; and that it was in the Order in Council alone that such a permission could properly be given." Preamble.

It is not, however, pointed out *in what part* of the Order in Council such a sanction is given; and after a careful reperusal and reconsideration of it with Mr. President Wray, (whose professional acuteness should especially qualify him for such a search) we are compelled to come to the conclusion, that if the Order in Council contains that sanction, we are unable to find it.

This very difficulty had occasioned us much embarrassment when the Order in Council arrived in the Colony; for when we had read it, although we were necessarily impressed with its deficiency in some of the most important provisions for the welfare and protection of the slaves, which had been provided for by the old Colonial Ordinance of 1825, yet we could not then, any more than now, discover in the Order in Council, any authority for supplying these provisions; the supplementary powers given to the Governor by proclamation, being confined to certain specific heads. Aware, at the same time, of the absolute necessity for supplying these deficiencies, we determined to avail ourselves of the last Clause* of Sir George Murray's Despatch of the 4th February, as a sanction for re-enactments; and but for that Clause, we should have found ourselves altogether powerless to do so. The Governor of Berbice, (President Beard, also a lawyer,) when he came to Demerara, and conferred with us, was unable, as well as Mr. President Wray, to discover any sanction for re-enactment in the *Order in Council*, but was satisfied, like ourselves, to avail himself of the sanction given in the Despatch.

* Viz. "You will understand that no objection exists to the re-enactments of such provisions, provided they are in no respect at variance or inconsistent with any of the provisions of the Order itself."

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In my Despatch to Sir George Murray of the 20th April 1830, and again in my official Despatch of the 1st May following (with its Enclosures), I entered fully into the difficulty, stating explicitly that I had availed myself of the "concluding Clause of the Despatch," for that authority to re-enact which I could not find in the Order in Council; and Sir George Murray, in his Despatch in answer of the 21st June, appears to me to assent to this conclusion. When, on the 15th April, I accordingly brought the Order in Council and Despatch under the consideration of the Court of Policy, and proposed the re-enactment of the Clauses of the old Ordinance to supply the omissions of the Order in Council, the difficulty which had embarrassed Mr. President Wray and me did not fail to suggest itself to the Court. They were willing to re-enact, but doubtful of their powers to do so; and one of the Colonial Members, well known as an acute and accomplished lawyer, stated explicitly, that he could find no such sanction in the Order in Council; and when he at length yielded to my suggestion that the last Clause of the Despatch conveyed the requisite authority, he considered it absolutely necessary that the Preamble of the re-enactments should recite expressly the authority under which they were made (that is, the Despatch,) and it was so framed accordingly. All this considered, it is obvious, that if Mr. President Wray and myself, who have now again searched the Order in Council with an anxious wish to find there the authority for re-enacting, have not been able to do so, the Court and the Colonial Lawyer above alluded to, who were before diffident of their sufficient sanction to re-enact, will not be more likely to discover it now; and as Sir George Murray now declares, that "his authority can alone be looked for in the Order in Council, and not at all in the Despatch," they will thereupon consider themselves altogether without due sanction to re-enact; and the consequence is as certain as it is natural; they will not attempt to revise the Preamble, and the re-enactment will fall to the ground *in limine*, upon this objection, without going farther. It is needless to add, that *without the Court I cannot re-enact*.

2nd Clause of Re-enactments.
Permission to go to church.

3d. I cannot discover that the 2d Clause, here thought deficient, has ever been construed into a warrant to prevent a slave going to church; but it would be very practicable and easy to introduce into it a penalty against the manager, upon a complaint made and substantiated before the Protector, for having refused such permission; although how far it may be judicious to presuppose such a refusal before it has ever been known to occur, may well be questionable.

Also 2nd Clause,
"issuing weekly Pro-
visions before
8 A. M. Sunday
Morning."

4th. The whole of this had been approved by Lord Bathurst in the Ordinance of 1825. It is a provision very beneficial to the slaves themselves, as by obliging them to appear on the Sunday morning, it prevents them going off upon various pursuits on Saturday night, and not appearing again until Monday morning; a practice very detrimental, as well to their health as to their morals; beneficial to the public, because the practice so prevented always tends to disorders, and to the owners, as ensuring regularity, and preservative of the health of the slaves. It detains the slave no later than eight o'clock, and allows him full time afterwards throughout the day for any purposes of religion or recreation. It has been found very beneficial in practice, and is, I think, very expedient and necessary.

Clause 10th.
"Re-enactments.
Certificates."

5th. This Clause in the Ordinance of 1825, here re-enacted, was introduced at the especial recommendation of Lord Bathurst, following the 35th and 36th Articles of the Trinidad Order in Council, and its utility has been amply confirmed by experience, acting too as a powerful inducement to moral and religious good conduct, as the only mode of acquiring a certificate. All slave evidence is admitted, but, like other evidence, the Court must weigh its respective value; and such a certificate is a *prima facie* credential, and enables the Court to appreciate more precisely the value of evidence, when in the same cause there may be opposing slave testimony, by giving, *cæteris paribus*, the greater weight to that of the slave having such a certificate. However, it can be omitted if it be so thought fit.

Clause 11th.
"Delay in Punish-
ments."

6th. If this Clause be repealed, it follows that the whip must be again brought into the field, which it was thought, and justly so, by Lord Bathurst, most essential to prevent; as his Lordship rightly judged that the whole of this Clause (which followed the 11th and 12th of the Trinidad Order, but was more precise and effectual) was the best safeguard against hasty and passionate punishments, and the abuse of power, by bringing all corporal punishment to be inflicted, after twenty-four hours had elapsed, at the buildings, where the process

process must of necessity be public, open and known to all persons about the estate. I can have no doubt that in practice it is the slave's best safeguard against tyranny and caprice.

I apprehend that there is a penalty in the 12th Clause upon any mode of punishment not specified in this Act "not exceeding £.50, nor less than £.20."

"Penalty."

7th. The 27th, 28th, 29th and 30th Clauses of the Order in Council make the recording of all punishments so imperative that it was thought unnecessary, and indeed a supererogation, to repeat it in a minor Act.

Clause 12th. Re-enactments "Recording Punishments." Repetition.

The words "for each offence, nor shall more than one of these modes of punishment," were thought to have been sufficiently explicit and precise; and certainly they have been found efficient in the practical effect of the Ordinance of 1825, from which they are taken.

This whole Clause, taken from the Ordinance of 1825, was copied from the Trinidad Proclamation of 23d June 1824, following the 1st and 2d Articles, with one or two restrictions added for the better protection of the slaves; and the provision objected to with regard to the Fiscal's intervention followed the 3d Article of that Proclamation, vesting however the power in a safe and more responsible authority.

"The Fiscal's Intervention."

The Fiscals, to whom this power is entrusted, are officers of great responsibility and importance; the First Fiscal has the care of the police of the town, and may find it necessary to punish for breaches of the peace, by his summary investigation, cases not of sufficient weight to be brought before a Court of Justice; also, bush negroes; cases of absolute and continued refusal to work; violent conduct and language, for the purpose of exciting other negroes to refuse, &c.; which may be beyond the control of domestic punishment, and yet not be such offences as are cognizable by a Court of Justice, as a violation of any law, but arising out of the claim of the master on the obedience and labour of the slave, or in other words, out of the nature of slavery itself.

He uses the tread-mill as a punishment, as recommended by Lord Bathurst, particularly as a punishment proper for females. It may be remarked also, that the 72d Clause of the Order in Council gives Fiscals power to punish for malevolent or culpable complaints. By the Fiscal's Report hereon annexed, it is obvious that the conclusion of the 12th Clause objected to in this passage of the Despatch, cannot be expunged without unHINGING the frame of society. It may be apprehended that Sir George Murray could not have adverted to the law and immemorial custom of the Colony; a departure from which would be as injurious to the slave as it would be destructive of all order, and could not fail to involve the Colony in perilous confusion.

(L.)

8th. Nor am I aware what provision can be made in this country for recovering the small fines imposed in the Order in Council with the "ease and promptitude" which appear to be contemplated by this passage of the Despatch. The Act of May 1829 was passed chiefly with a view to facilitate the recovery of small penalties, which the dilatory and expensive process of the Dutch Law rendered generally a dead letter.

15th Clause. "Re-enactments. Recovery of small Fines."

The Court sits four times a year, and if a person be convicted under this Act, he is liable to be further burthened with costs. The Fiscal (the Public Prosecutor) could scarcely be a Judge summarily in the complaint of the Protector of Slaves; and to place this summary power in the hands of the Deputy Fiscal would lead in some instances to abuse, but would have a more probable tendency to render the Act, as it relates to small penalties, nugatory.

This Act has reference to the rules prescribed by a Court of Justice, and no description of the process could be safely made otherwise than by embodying the whole verbatim* in Slave Act, if it be so desired.

"More precise description than reference to the Act."
• (X.) annexed.

In concluding these Observations upon this part of the Despatch relating to the "Re-enactments," I have only to repeat, that the Court of Policy may repeal them as Sir George Murray directs; but I do not believe that they will at all re-enact them afterwards. Under the influence of the arguments which I urged to them, as in the enclosed Minute, and with much good feeling, at once for the welfare of the slaves and the public tranquillity, they re-enacted these Clauses in April 1830; but I do not think that they could be induced now to do any thing further, or to deal anew with the subject at all, in the way of legislation. Their Protest, entered upon the Minutes, may, I know, from what passed at the time, be taken as an intimation to that effect; and besides, it must be remembered, that in the Despatch of the 21st of June, the Court

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have received the express approbation and praise of Sir George Murray, for the very Re-enactments which, in that of November following, he disapproves, and orders to be repealed and re-enacted anew. This cannot fail to be regarded by them as an inconsistency, which they will deeply feel, and which will doubtless add to their disinclination to proceed at all further in the matter.

(signed) B. D.

Enclosure in No. 6.

No. 2.—OBSERVATIONS upon the SECOND DIVISION of the PROCLAMATION, being from the 9th Paragraph inclusive to the End.

9th. I WILL here observe, that Mr. President Wray framed this Proclamation, (after we had concurred in the principles of it,) whose sound legal judgment is so well known, that it would be superfluous for me to dwell upon it, and who has had ten years' experience in the Colony.

" Insertion of Clauses of the Order at length."

It was considered, that as the Proclamation immediately followed the Order in Council, (upon the same sheet even,) a reference to each Clause of the Order by number, in the Proclamation, would answer every purpose, and that an insertion of the whole of each Clause would have been at once inconvenient and useless. Of course, however, this alteration can easily be made, if it be really thought necessary.

1st Paragraph of the Proclamation.
8th Clause of the Order in Council.
" Power of Protector to administer an Oath."

This power was given by the Ordinance of 1825. It was approved by His Majesty, and promulgated as law accordingly, by the Instructions conveyed in Lord Bathurst's Despatch of 9th July 1825. It is a power which has been found practically useful, by an experience of five years, and its withdrawal would unquestionably be to the prejudice of the interests of the slave; nevertheless, it can of course very easily be omitted in the Proclamation, if it be so thought fit.

Upon the 2d Paragraph of the Proclamation with relation to 15th Clause of the Order in Council.
" Butchers' Shops."

11th. This was to provide for a shop in a market, with reference to Clause 15 of the Order in Council, as connected with Clause 13. Has the Order legally established this rule? If not, (which had appeared to me to be the case) these shops would have been prohibited, as I had endeavoured to explain in my Despatch of the 1st May 1830.

Upon the 4th Paragraph of the Proclamation with relation to the 20th ultimo of the Order in Council.
" Definition of Works of Necessity."

12th.—1st. I pray that this definition may be again read and considered. After the most careful reconsideration by Mr. President Wray and myself, we are compelled to acknowledge that we are unable to define the works with more precision. It is the same description which was set forth in the Ordinance of 1825, which, after several revisions, received His Majesty's approval in Lord Bathurst's Despatch of the 25th February 1826, and which, in five years' practice, has not, that I am aware, led to any confusion or misunderstanding.

" Upon the Slaves' free agency in Sunday Labour."

2d. This is the only point upon which I took upon myself the responsibility of being silent in my Proclamation, (it was directed by the Despatch of 4th February, but not set forth in the Order in Council,) until I should have referred it home, for reasons which I gave at length in my Despatch of 1st May 1830, to which I request reference, and which still appear forcible to me.

It can of course be readily now proclaimed, if it be judged indispensable.

And the occasional " Work upon Sugar, Coffee and Cotton Estates."

3d. That certain labour on sugar, coffee and cotton estates, on a Sunday, may sometimes be absolutely necessary, I can have no doubt; and the regulations for these in the Proclamation conform precisely to the system admitted by Lord Bathurst's Despatch of 25th February 1826, as it stood in the Ordinance of 1825, but observing that payment is now made a *sine quâ non* in every case.

Upon 5th Paragraph of the Proclamation, 25th Clause of the Order in Council.
" The Punishment of Women."

13th. I request hereon to refer to my Observations under the 7th Paragraph, 1st Division, of Sir George Murray's Despatch, upon the 12th Clause of the " Re-enactments," which all equally apply to this paragraph.

These punishments are from the Ordinance of 1825, following those of the Trinidad Proclamation, but with added restrictions in favour of the slaves, approved by His Majesty and ordered to be promulgated as law by Lord Bathurst's Despatch of 9th July 1825; and they have stood the test (as I have stated in my Despatch of 1st May 1830) of several years' practical experience, without cause of objection.

14th. This

14th. This has also been explained in my Observations under the 7th Paragraph (1st Division) upon the 12th Clause of the "Re-enactments," where it is shown, that to do away the Fiscal's power of punishments is impracticable. Upon the 6th Paragraph of the Proclamation. "Fiscal's Intervention."

15th. This diminution of remuneration can easily be made; but Mr. President Wray's object was to secure respectable appraisers for the slaves' benefit. It is possible that such may be procured *gratis*; but if there be *any* payment in this Colony, where the value of money is so little, the remuneration proposed by Sir George Murray, it may be apprehended, will be no adequate inducement to the task. Upon the 7th Paragraph of the Proclamation, 66th Clause of the Order in Council. "Remuneration to Appraisers."

These fees to the patent office of the Marshal, and to the President's Secretary, can of course be done away with. "Fees to Marshal and President's Secretary."

16th. It had appeared to Mr. President Wray and to me, that the 77th Clause of the Order in Council invested the Governor with the power of this arrangement, and that in this instance it was a salutary execution of this power. It is very easy to do this Clause away, if it be thought fit. Upon 16th Paragraph of the Proclamation, 77th Clause of the Order in Council. "Judicial Arrangement."

(signed) B. D.

Enclosure in No. 6.

(Z.)

MEMORANDUM by the Under-signed FIRST FISCAL of the Colony of *Demerara* and *Essequibo*, upon an Observation of His Majesty's Secretary of State for the Colonies, the Observation being as follows; viz.

"By the 12th Clause of the Enactment of April 1830, the Fiscal is authorized to inflict a greater punishment upon a slave than may lawfully be inflicted by the domestic authority of the master-owner. Why must this be? Why recognize a class of offences at once too grave for the domestic forum and too light for the judicial tribunals; offences which are to be punished by the magistrates, without being previously defined by the law?"

THE question now submitted is of such vital importance to the well-being of the community as it here exists, that the discussion even must be approached with extreme caution. In every well-regulated society some tribunals are established for the preservation of good order, and the cognizance of offences which are not deemed worthy the attention of the higher tribunals. The power here alluded to is not a new power; the Act is only declaratory, and recognizes in express terms that authority which has been vested in and exercised by the Fiscal since the earliest institutions of the country. It is by no means correct to conclude, that because the offences here alluded to are not, or may not be, defined in terms, they are not recognized by law: on the contrary, they militate against the general principle of duty which the law expressly recognizes and enjoins from the slave to the master; or to speak more generally, from the inferiors to the superiors.

No doubt can for a moment be entertained of the reciprocal duties between the respective parties. The master is by law bound and compelled to afford to the slave every requisite support; and the slave is in turn bound not only not to break through, but to maintain, the domestic tie by which he is connected to his master. In support of this mutual relationship, various regulations have frequently been made to check any undue exercise of authority on the one part, and to support proper obedience on the other. Whatever may be the extent of an offence committed by the slave, the power of the master is strictly limited. He cannot in any manner, or under any pretext whatsoever, exceed it: if the offence be supposed to merit greater punishment than is entrusted to the master, he cannot be the judge; his only resource is an application to the Fiscal; and thus the slave is secured against any undue domestic severity or angry feeling. This functionary is empowered to extend the ordinary modes of domestic punishment, or to adjudge labour on the treadmill to a certain extent, or, should the offence be of great magnitude, prosecutes before the Court of Justice. This latter is, however, seldom adopted except in cases of magnitude, as many and many offences which in England,

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or even in this country, with regard to persons of free condition, are visited with exemplary punishment, are not so punished as against slaves. This intermediate tribunal, while it acts as a restraint, also supports by the promptitude of its exercise the authority of the master, and as a necessary consequence, good in general. The offences vary, but may generally be classed under the attempt to break the domestic tie. Evasion of labour, practised as it is in a variety of forms, and attended with aggravating circumstances of violence or otherwise, certainly is the principal. We also witness injuries to properties, petty theft and other misconduct. Cases frequently occur, not only of one but of many slaves, and particularly females, refusing to work: the owner or party in control can in such case direct a confinement, either solitary or otherwise; still the slave refuses to work, either wholly or in part. If the confinement be continued for a lengthened period the health of the slave may be injured, and even if it be enforced, still the owner cannot enforce the performance of the labour. He cannot, as in other countries where free labour is employed, discharge his recusant workmen and employ others, but must conduct his labour as he may be best able by his refractory people. If there be not a resource from which he can obtain relief, not only slaves must suffer in this particular instance, but the whole fabric of society as it here exists is placed in jeopardy. The slave will not submit to an authority which he finds insufficient to restrain him. Any delay in working such an occurrence will tend to confirm the slave in his belief, or to express it in their own language, "*You can do me nothing.*" The example will spread like a contagion, not only among the fellow labourers, but amongst the neighbouring properties; and if it be not checked with a timely, I might add an immediate, hand, the safety of seventy thousand people is placed in hazard.

Look now to the remedy.

As the law at present stands, the owner applies to the Fiscal; the slave is removed from the scene where his conduct has been witnessed; a few days must elapse, and a few days only, before the offence can be submitted to the consideration of another; the angry feelings of the parties have no effect; the matter is considered (it is hoped it may be asserted with impartiality), and if the charge be substantiated, a few days' labour on the tread-mill generally reduces an offender to contrition and obedience. Even in these instances, and particularly as regards females, every precaution is adopted to communicate to the other slaves, who are occasionally admitted to witness the labour of the mill awarded against an offender, thus acting upon the principle, *Ut poena ad paucos, metus ad omnes superveniat.*

If reference were required to the Court of Justice, the benefits resulting from a prompt notice of these petty offences would be lost. The Court holds its Criminal Sessions four times in every year, pursuant to the Orders in Council. There are two modes of proceeding, one by imprisonment, with or without bail, and the other by personal citation. The latter would be quite ineffectual for the purpose of bringing slaves into Court, as they can only be summoned through the medium of the owner. If the offence committed by the slave required greater punishment than the law authorizes the master to inflict, and which is now compensated (generally speaking) by a few days' labour on the tread-mill, and the process of imprisonment is commenced, no means can be adopted for his bail. The master or accuser will not be bound in a recognition for the appearance of the accused slave, who, in the mean time, must submit to preliminary imprisonment, exceeding, in all probability, the extent of his offence. The slave, if imprisoned, is unjustly treated. If the slave be allowed to go at large previous to the trial, I have already pointed out the consequences of delay; once remove from them a knowledge of powers prompt to act, or even create in the minds of the Slave Population a doubt of its existence by the delay in exercising it, and the well-being of the society here is endangered. It is to check any act of insubordination in the outset, to retain good order, and to prevent the incalculable effects of bad example, that an appeal has been established to authority. I observe even the 7²d Clause of His Majesty's Order in Council recognizes a power in a magistrate to award a punishment for a particular offence. The power now under consideration has been vested and exercised since the earliest settlement of the Colony. It is now, and has always been, known to both master and servant. Its principle has

has been acknowledged from a time of which memory runneth not to the contrary. It protects both slave and master, and may fairly be considered as a regulation fraught with no mischief, and productive of much practical utility.

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(signed) *Charles Herbert*, First Fiscal.

Demerara, May 28th, 1831.

Enclosure in No. 6.

(X.)

ORDER IN COUNCIL, AND RULES OF COURT.

PROCLAMATION,

By his Excellency Major-Gen. Sir *Benjamin D'Urban*, Knight Commander of the Most Honourable Military Order of the Demerara and Essequibo, 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 *Demerara* and *Essequibo*, its Dependencies, &c. &c. &c.

(L. s.)

B. D'Urban.

WHEREAS I have received from His Majesty's Government the following Order of His Majesty in Council; the same is hereby published for general information:—

(Copy.)

At the Court at *Windsor*, 15th of December 1828:
Present, THE KING'S MOST EXCELLENT MAJESTY in Council.

WHEREAS it is necessary to regulate the proceedings upon Appeals brought before His Majesty in Council from the decisions of the Supreme Court of Civil and Criminal Justice of His Majesty's United Colony of *Demerara* and *Essequibo*. His Majesty is therefore pleased, by the advice of His Privy Council, to order, and it is hereby Ordered accordingly, That whenever and so often as any final Judgment or Sentence shall be given or pronounced, or any Rule or Order, having the effect of a definitive Judgment or Sentence, shall be made by the said Supreme Court of the said United Colony, in any Civil Suit or Action there depending, it shall be lawful for any Party or Parties to the said Suit or Action to appeal to His Majesty in His Privy Council, from any such Judgment, Sentence, Rule or Order, in case the same shall have been given, pronounced or made for or in respect of any sum or matter at issue of or above the amount or value of 500*l.* sterling; or in case such Judgment, Sentence, Rule or Order shall involve directly or indirectly any claim or demand to or question respecting any property or civil right amounting to or of the value of 500*l.* sterling; or in case such Judgment, Sentence, Rule or Order shall decide, or directly or indirectly involve, the title of any person or persons to freedom: Provided always, and it is hereby further Ordered, That before any such Appeals shall be so brought, the person or persons aggrieved by any such Judgment, Sentence, Rule or Order, of the said Supreme Court, shall, within one calendar month next after the same shall have been given, pronounced or made, make application to the said Court for leave to appeal therefrom to His Majesty in His Privy Council; and in case such leave to appeal shall be prayed by the Party or Parties who is or are directed to pay any sum of money or perform any act or duty, the said Supreme Court is hereby empowered either to direct that the Judgment, Sentence, Rule or Order appealed from, shall be carried into execution, or that the execution thereof shall be suspended pending the said Appeal, as to the said Court may in each case appear to be most consistent with real and substantial justice; and in case the said Supreme Court shall direct such Judgment, Sentence, Rule or Order to be carried into execution, the person or persons in whose favour the same shall be given, shall, before the execution thereof, enter into good and sufficient security, to be approved by the said Supreme Court, for the due performance of such Order as His Majesty shall think fit to make thereupon; or in case the said Supreme Court shall direct

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direct the execution of any Judgment, Sentence, Rule or Order to be suspended, pending the said Appeal, the person or persons against whom the same shall have been given, pronounced or made, shall in like manner, and before any order for the suspension of such execution be made, enter into good and sufficient security, to be approved by the said Supreme Court, for the due performance of such Order as His Majesty shall think fit to make thereupon ; and in all cases the Party or Parties Appellant shall also enter into securities to the satisfaction of the said Court for the prosecution of the Appeal, and for the payment of all such costs as may be awarded by His Majesty, to the Party or Parties Respondent ; and if such last-mentioned security shall be entered into within three calendar months from the date of such Petition for leave to appeal, then, and not otherwise, the Party or Parties Appellant shall be at liberty to prefer and prosecute his or their Appeal to His Majesty in His Privy Council in such manner and under such rules as are observed in Appeals made to His Majesty from His Plantations or Colonies : And it is further Ordered, That pending the proceedings aforesaid for obtaining leave to appeal, the said Court shall and is hereby authorized to make such Order as may be just respecting the intermediate execution or suspension of any such Judgment, Sentence, Rule or Order : Provided nevertheless, That nothing herein contained extends or shall be construed to extend to limit or restrain the full and undoubted power and authority of His Majesty in His Privy Council, upon the humble Petition of any person or persons aggrieved by any Judgment, Sentence, Rule or Order of the said Supreme Court, to admit his, her or their Appeal therefrom, upon such other terms and upon and subject to such other limitations and regulations as to His Majesty shall seem meet, and to reverse, correct or vary such Judgment, Sentence, Rule or Order, as shall be just. And it is further Ordered, That in all cases of Appeal allowed by the said Supreme Court or by His Majesty, the said Court shall certify and transmit to His Majesty in His Privy Council, a true and exact Copy of all the Evidence, Proceedings, Judgments or Orders had or made in any such Cause so appealed, so far as the same have relation to the matter of appeal, and Copies to be certified under the seal of the Secretary of the said Court : And it is hereby further Ordered, That the said Supreme Court shall in all cases of Appeal to His Majesty in Council conform to and execute such Judgments and Orders as His Majesty shall think fit to make in the premises, in such manner as any original Judgment, Order or Rule of the said Supreme Court of the said United Colony would or ought to have been executed.

And for the prevention of abuses in the administration of the Criminal Law in the said United Colony, it is hereby Ordered, That four times at the least in each and every year, and oftener if need be, Criminal Sessions shall be held of the said Court, for the trial of all persons in custody within any of the prisons or public gaols of the said Colony, or at large on bail, charged with any crimes or offences cognizable in the said Supreme Court ; and the Governor and Lieutenant Governor for the time being of the said Colony shall, by proclamation from time to time, appoint the times and places at which such Criminal Sessions as aforesaid shall be holden, and which times shall in no case be distant more than four clear calendar months from each other. And it is hereby further Ordered, That the First Fiscal of the said Colony shall, on the first day of every such Criminal Sessions, in open Court, deliver to the said Court a List of all persons either in or out of custody, against whom any process shall have been commenced for any crimes or offences by them committed, specifying the names of all such accused persons, the nature of the offences with which they are respectively charged, the time at which each such offence is supposed to have been committed, with the state of the proceedings in each case ; and all Gaolers and others having the care and keeping of any persons in custody upon any criminal charge, whether under sentence or before trial, shall, on the first day of every such Criminal Session, in open Court, deliver to the said Court a List of all such persons, distinguishing, as accurately as may be, their names, ages and sexes, with the dates of their respective commitments, and the authority under which every such prisoner was so committed, and the crime with which he or she stands charged ; and every such Gaoler and other person as aforesaid shall bring and produce in open Court each and every person so in his custody upon any criminal charge, upon whom sentence has not been pronounced.

pronounced. And it is hereby further Ordered, That if any person, who on the first day of any such Criminal Sessions shall appear to be remaining in actual custody to take his or her trial, shall, by himself or his counsel in open Court, pray then and there to be put upon his trial, the said Court shall and is hereby required, before the termination of such Criminal Sessions, either to proceed to the trial of any such person, or to discharge him or her upon bail to appear and answer any such charge as shall at any time thereafter be preferred against him or her: Provided nevertheless, That if it shall be made to appear to the satisfaction of the Court, that any material witness for the prosecution could not be produced at such Sessions, it shall be lawful for the said Court either to discharge such prisoner upon bail as aforesaid, or to remand him or her for trial at the next ensuing Criminal Sessions; but if any prisoner, being a second time produced before the said Court, shall in open Court pray then and there to be put upon his or her trial, the said Court shall and is hereby required, before the termination of such Criminal Sessions, either to proceed to the trial of such accused person, or to discharge him or her upon bail, any absence of witnesses for the prosecution notwithstanding.

And it is hereby further Ordered, That the President and Members of the said Court of Civil and Criminal Justice shall, and they are hereby authorized and required, with all convenient speed, to make and prescribe such Rules as may to them appear best adapted for the improvement of the forms of pleading and proceeding upon criminal trials within the said Colony; and which Rules, being approved by the Governor or Lieutenant-Governor for the time being, and Court of Policy, shall continue in full force and operation within the said Colony, and shall be binding upon all His Majesty's subjects there, unless the same should at any time be disallowed by His Majesty.

And it is hereby further Ordered, That upon the trial of any criminal action or prosecution in the said Court, the evidence of all witnesses either for or against the person or persons accused, shall be delivered *viva voce* by the witnesses in open Court, in the presence of such accused person or persons, or her or their advocates or agents; and such witnesses shall, in open Court, be liable to cross-examination, and no written deposition of any witness shall henceforward be admitted by the said Court, on the trial of any criminal action or prosecution, excepting only in those cases in which, by the law and practice in England, the written deposition of a witness may be admitted by any Court in the trial of any indictment for any treason or felony.

And it is further Ordered, That all laws and usages heretofore in force within the said United Colony, which are in anywise repugnant to or inconsistent with the provisions of this present Order, shall be and the same are hereby Repealed.

And it is further Ordered, That this present Order shall take effect and be in force within the said United Colony, upon and from the 1st day of July 1829, or on such earlier day as the Governor or Lieutenant Governor for the time being shall by his Proclamation appoint.

And the Right Honourable Sir George Murray, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(signed) C. Greville.

Given under my hand and Seal of Office, at the King's House in George Town, this 12th day of May 1829, and in the tenth year of His Majesty's Reign.

GOD SAVE THE KING.

By His Excellency's Command.

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

DEMERARA
AND BERBICE.

PROCLAMATION,

By his Excellency Major-Gen. 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 Demerara and Essequibo, its Dependencies, &c. &c. &c.

(L. s.)

B. D'Urban.

By virtue of the powers vested in me, by an Order of His Most Excellent Majesty in Council, bearing date the 15th December 1828, I hereby appoint, pursuant to the provisions thereof, the 18th day of May 1829 to be the day upon and from which the said Order in Council shall take effect and be in force.

Given under my hand and Seal of Office, at the King's House in George Town, this 12th day of May 1829, and in the tenth year of His Majesty's Reign.

GOD SAVE THE KING.

By His Excellency's Command,

T. C. Hammill,

Assist. Gov. Sec.

RULES prescribed by the PRESIDENT and MEMBERS of the COURT of CIVIL and CRIMINAL JUSTICE, and approved by the LIEUTENANT-GOVERNOR and COURT of POLICY, pursuant to an Order in Council bearing date the 15th December 1828.

WHENEVER any person accused of murder, robbery, or other heinous offence, or of any violent assault, shall be apprehended and lodged in the Colony Gaol by the Fiscal, or other competent authority, the First Fiscal shall, within forty-eight hours thereafter, petition the President for confirmation of the commitment, stating such circumstances of suspicion or proof as have then come to his knowledge, and shall, if the commitment be confirmed, with all convenient speed, proceed to the further investigation of the charge; and if he see reason to institute criminal proceedings, shall petition the President as heretofore for leave to do so; and if leave be granted, shall immediately deliver to the Gaoler a statement in writing of the crime with which such person stands charged.

The Fiscal shall be at liberty, either before or after he has petitioned for confirmation of the commitment or for leave to institute criminal proceedings, to examine the prisoner—having previously explained that he is not compellable to answer any questions which may be put to him—and to take down in writing any statement voluntarily made by him; and such written statement, if it is signed by the prisoner after having been distinctly read over to him, shall be admissible evidence against him: Provided always, that any voluntary statement or confession of the prisoner, made at any time to any person, may be verbally proved at the trial of such prisoner.

The Fiscal shall in cases of prosecutions *ex carcere*, eight days at the least before the trial of a prisoner at any Criminal Session, cause to be delivered to such prisoner a copy of such indictment as is about to be preferred against him at such Session; and shall also ascertain whether such prisoner is provided with Counsel; and in case he is not, the Fiscal shall apply to the President to appoint Counsel to defend him.

Any charge preferred by the Fiscal for such minor crimes and offences as are prosecuted in the form termed Personal Citation, shall, as heretofore, in the first instance be brought before the President by petition, containing in general terms the nature of the accusation, and praying for leave to prosecute the same; and if leave be granted, a copy of the said petition and order shall be served by the Marshal on the party accused, citing him fourteen days at the least previously to the next ensuing Criminal Session, to appear in person on the first and following days of such Session, to plead to the said charge.

Previously to any trial at such Criminal Session, the Fiscal shall deliver to the Secretary a copy of each indictment intended to be preferred by him at such Session, whether against prisoners or persons under citation; and the

Secretary

Secretary shall enter the same in a book, to be kept by him for that purpose; and such indictment shall be signed in such book by the Fiscal, before any party shall be called upon to plead thereto; and such indictment shall contain such a description of the offence, in words of ordinary use, that the accused may clearly know what crime it is which he is called upon to answer; setting forth in words at length the time and place at which the crime is alleged to have been committed, with such reasonable accuracy as may be necessary to enable the accused to enter on his defence; and no sentence on any indictment, whether after finding of the Court or by confession, default or otherwise, shall be stayed for want of the averment of any matter unnecessary to be proved, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the preferring of the indictment, or on any impossible day, or on a day that never happened.

The indictment shall then be read by the Secretary, and the accused asked whether he pleads guilty to the indictment, or not guilty. If the accused plead guilty, the Secretary shall thereupon enter the plea in the said book at the foot of the indictment.

If the accused plead not guilty or refuse to plead, the Secretary shall in like manner enter the plea of not guilty at the foot of the indictment, when the Court will proceed with the trial. If the accused under personal citation do not appear and plead, or after having appeared and pleaded, do not appear again at any time during the proceedings, or at the sentence, when summoned by the Fiscal, he shall be liable to apprehension in the same manner as heretofore.

Under the plea of not guilty, all matters either of fact or of law may be urged in favour of the accused.

After the indictment shall have been read and the plea entered (if not guilty), the Fiscal shall proceed to state his case, and to call his witnesses in support of the charge; each witness before examination shall take the following oath, to be administered by the Secretary:—

“The evidence you shall give on this trial shall be the truth, the whole truth, and nothing but the truth; so help you God.”

The Fiscal shall then proceed to examine his witnesses, who may all be cross-examined by the accused or his counsel, and thereafter re-examined by the Fiscal. When the case is closed on the part of the prosecution, the accused or his counsel shall be heard in his defence, and may thereafter examine witnesses, who shall be sworn, cross-examined, and re-examined in like manner as the witnesses in support of the charge.

When the case on the part of the accused is closed, the Fiscal shall be heard in reply. The Court shall have full power and authority during any part of the proceedings, or after the case has been closed on both sides, to call up and examine any witness who shall have been produced before the Court in the course of the trial.

The President shall then in open Court, in the presence of the accused, sum up the evidence from his notes, making such observations thereon as to him may appear necessary.

The Court shall thereafter proceed with closed doors to consider whether the accused is guilty or not guilty, voting in the manner that is usual in civil causes; with this exception, that if the votes are equal, the accused shall be found not guilty.

After the Court shall have come to a decision, the Secretary shall enter on the indictment, under the plea, the finding of the Court in the following form, “The Court finds the accused Guilty,” or “The Court finds the accused Not Guilty,” as the case may require. If the finding of the Court is, that the accused is guilty, the Secretary shall enter under such finding such sentence as the Court shall direct, and sentence shall be passed by the President in open Court during the Session at which the criminal has been tried, and shall be carried into execution at such time and place thereafter as the Court shall appoint; and the indictment and all the proceedings as herein directed to be entered in the said book shall be publicly read as heretofore at the time and place of the execution of each criminal sentence.

In cases commencing by personal citation, where the sentence of the Court either

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either with or without any other punishment, condemns the party to a fine or costs, or both fine and costs, the Court may condemn such party to be imprisoned until fine or costs or fine and costs be paid, or if it see fit may order the same to be levied in the same manner as any sum of money and costs are levied in a civil suit by the ordinary manner of proceeding. Provided also, that these Rules shall not extend to any criminal proceeding *ex carcere*, in which claim and demand has been already filed, or to any case of personal citation, in which citation has been already served, but such cases shall, notwithstanding these Rules, be concluded, and sentence passed and executed therein, according to the manner of proceeding heretofore in force and used in these Colonies.

The following shall be the Form of Indictment used, adding thereto as many counts as may be necessary:—

“ The First Fiscal or Acting First Fiscal giveth the Court here to understand and be informed, that _____ of _____ within the jurisdiction of these Colonies, did on the _____ of _____ in the year of our Lord _____ [state the offence] against the peace of our Sovereign Lord the King, his Crown and dignity.”

If on or after conclusion of the trial of any accused person, the Court is of opinion that the indictment is so defective that no sentence finding the accused guilty can be founded thereon, the Fiscal shall, if the Court so direct, prefer another indictment at the same Criminal Session; and if on the trial of any accused person it shall appear to the Court that such person is not guilty of the offence charged, but according to the evidence given ought to be tried for some minor offence, the Court shall (if it see fit) publicly direct an indictment to be entered by the Fiscal at the same Criminal Session for such minor offence, to which such accused person shall plead when called on at such Criminal Session without further notice.

And in order to the taking of previous informations in cases of a criminal nature by the respective Fiscals and Deputy Fiscals, and to enforce the attendance of witnesses to give evidence on the trials before the Honourable Court at Criminal Sessions, the Fiscal or Deputy Fiscal shall, in order to taking such previous informations, or procuring the attendance of witnesses for the prosecution, summon any person to appear before him as a witness, at some fixed place, within twenty-four hours, or such further time as shall be expressed in the summons, then and there to give such information as may be within the knowledge of such person touching the matter specified in such summons; and in case the person so summoned shall neglect to attend at the time and place mentioned in such summons, or in case he shall appear, but refuse to give evidence, then the Fiscal shall be at liberty to prosecute such person at the next Criminal Sessions thereafter, and on due proof of the service of such summons, and such neglect or refusal, the person so neglecting to attend, or refusing to give evidence, shall be subject to such fine as the Court in its discretion may direct.

But in case the person whose attendance is so required be a slave, then and in that case the summons so to be issued shall be served on the owner or other person having charge of such slave, or at his dwelling-house, who shall cause such slave to attend according to the said summons; and in case of the non-attendance of the slave thus required, at the time and place appointed, and it shall appear to the Fiscal that such non-attendance has been caused by the hindrance or wilful neglect of such owner or other person having charge of such slave, such owner or person having charge of such slave so hindering such slave from attending, or wilfully neglecting to cause such attendance, shall be liable to be prosecuted and punished in like manner as is hereinbefore provided where persons not slaves neglect to attend.

And in cases wherein the parties shall appear and give their evidence on the matter in question, and the Fiscal or Deputy Fiscal taking the same shall be of opinion that such evidence will be material on the trial of the offender, then, in order to ensure the attendance of such witnesses to give evidence on such trial before the Honourable Court at Criminal Sessions, it shall and may be lawful for the Fiscal or Deputy Fiscal who may have taken such previous information, to take a Recognizance from such person in such amount as to the Fiscal or Deputy Fiscal may appear right, and in the Form No. 1, if such person be of free condition; and in case such person be a slave, then, if it shall appear advisable to the Fiscal or Deputy Fiscal to take a Recognizance for the appearance

appearance of such slave from the owner or other person having charge of such slave, he shall summon such owner or other person having charge of such slave to appear before him and enter into a Recognizance, in the Form No. 2; and in case such owner or other person having charge of such slave shall neglect to appear, he shall be liable to be prosecuted and punished as hereinbefore provided where persons not slaves neglect to attend. And every person so summoned and appearing before the Fiscal, and required to enter into the Recognizance No. 1, or the Recognizance No. 2, as the case may be, shall be obliged to sign the same, subject to a penalty of six thousand guilders in case of refusal so to do.

And all such Recognizances, when duly signed before such Fiscal or Deputy Fiscal, shall be taken and considered to be legal and binding in the same manner as if taken before a notary-public and witnesses, and the same shall be returned into Court at its ensuing Criminal Sessions by the said Fiscal.

And for procuring the attendance in proceedings *ex carcere* of witnesses whose examination before the trial may not be necessary, or witnesses on behalf of the prisoner, the like penalties shall apply to persons of free condition neglecting to attend when summoned to appear at the trial; and to owners or other persons having charge of slaves hindering them from attending or wilfully neglecting to cause them to attend at such trial, as is provided hereinbefore in cases where previous informations are necessary; and the Fiscal shall summon on behalf of the prisoner all witnesses whom the prisoner's Counsel shall certify to him under his hand to be necessary for the defence.

In cases of prosecution by personal citation, all witnesses, whether for the prosecution or the defence, shall be cited through the Marshal, at the expense in the first instance of the party requiring their attendance, subject to such sentence as the Court shall ultimately give respecting costs; and any witnesses so cited, neglecting to attend, shall be liable to be prosecuted and fined at the discretion of the Court.

And as by the change made in the manner of proceeding by the above Rules it becomes necessary to provide a Tariff for the payment of the Secretary for the new duties, in lieu of other duties which cease, which he is now called on to perform, and which are not provided for in the present Tariff;

The following are declared to be the Charges hereafter to be allowed on each Trial:—

Entering an Indictment	-	-	-	-	f. 66
Reading ditto	-	-	-	-	44
Entering Plea	-	-	-	-	44
Swearing each Witness	-	-	-	-	6
Entering Finding	-	-	-	-	44
Entering Sentence	-	-	-	-	66
And for Reading at each Criminal Session, the Governor's Proclamation for holding the same	-	-	-	-	110

Finally, in all questions of form which may arise on criminal trials, which are not herein provided for, the Court shall follow as near as is possible the practice which would be adopted by a criminal Court in England under similar circumstances.

RECOGNIZANCE, No. 1.

KNOW all men by these Presents, That I, *A. B.*, of, &c. declare to bind myself to his Honour the First Fiscal for the time being, to appear in a certain criminal process now pending or about to be instituted against

at the next ensuing Criminal Session of the Honourable Court of Criminal and Civil Justice of these Colonies, and there to give evidence as to the matter in question, at such precise day or days as may be duly notified to me, under a penalty of

further declaring to bind my person and property to the said Fiscal for the payment of the said sum of _____ in case of my non-appearance: hereby under renunciation of all pleas and exceptions known in law which might tend to invalidate the same.

Witness my hand, &c.

RECOGNIZANCE, No. 2.

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Know all men by these Presents, That I, A. B., of, &c. declare to bind myself to his Honour the First Fiscal for the time being, for the appearance of the slave before the Honourable the Court of Justice of these Colonies at the next ensuing Criminal Session of the said Court, as a witness in certain criminal proceedings now pending or about to be instituted by the said First Fiscal against at such precise day or days as may be duly notified to me, under a penalty of in case of the non-appearance of the said witness; and in case it shall appear to the said Fiscal that I hindered or wilfully neglected to cause the said slave to attend, hereby binding my person and property to the said First Fiscal for the payment of the said sum of under renunciation of all pleas and exceptions known in law which might tend to invalidate the same.

Witness my hand, &c.

Thus done and approved at the Adjourned Assembly of the Honourable the Court of Policy of Demerara and Essequibo, held this 12th day of May 1829, and ordered to be printed and published to serve for general information.

By Command of the Court,
Charles Wilday, Jt. Dep. Col. Sec.

Enclosure in No. 6.

[1829.

AN ACT for altering the LAW of EVIDENCE in CRIMINAL CASES.

PUBLICATION,

By his Excellency Major-General Sir *Benjamin D'Urban*, Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant-Governor in and over the Colony and Dependent Districts of Demerara and Essequibo, Commander-in-Chief, &c. &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 the introduction of *vivâ voce* testimony into Criminal Trials, and the rules prescribed for the conducting of prosecutions, have reduced the practice in such cases to a very close similarity to the practice in English Courts of Justice; and it has therefore become expedient that the same principles and laws of evidence in force in English Courts of Justice should be introduced and prevail in Criminal Trials in these Colonies;—

1.
Law of Evidence on
Criminal Trials, the
same as in England.

Be it therefore Enacted, That on all trials by indictment before the Court of Justice of these Colonies, the same principles and laws of evidence which are at present or which shall hereafter be in use on Criminal Trials before Courts of Justice in England, and no other, shall hereafter be in force and used on Criminal Trials in these Colonies.

2.
Proviso with respect
to the Slave Act,
Sections 31 & 32.

Provided always, That nothing herein contained shall affect or alter the thirty-first or thirty-second Sections of the Act for the Religious Instruction of Slaves, regarding Slave Testimony.

And that no ignorance may be pretended of this Act, these Presents shall be published and sent round for general information.

Thus done and enacted at our Adjourned Assembly, held at the Colony House on the 12th day of May 1829, and ordered to be printed and published by special direction, at a Court held at Camp House this 19th day of May following.

(signed) *B. D'Urban*.

By Command of the Court,
Charles Wilday, Joint Dep. Col. Sec.

Enclosure in No. 6.

[1829.

DEMERARA
AND BERBICE.

AN ACT for the more speedy Enforcement of PECUNIARY PENALTIES.

PUBLICATION,

By his Excellency Major-General Sir *Benjamin D'Urban*, Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant-Governor in and over the Colony and Dependent Districts of *Demerara* and *Essequibo*, Commander-in-Chief, &c. &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 :

WHEREAS it is necessary to adopt a more speedy and efficacious manner of proceeding for the enforcement of pecuniary penalties, which are now usually proceeded for by action instituted by the Fiscal in the ordinary form of Civil Suits :

Preamble.

Be it therefore Enacted, That it shall and may be lawful for the First Fiscal, whenever he has obtained information of the commitment of any act or acts which renders any person or persons liable to the payment of any penalty or penalties, by virtue of or under the authority of any law now in force or which may hereafter be in force in these Colonies, or under the Rules for Criminal Trials, to proceed to prove the liability of such person or persons, and to enforce the payment of such penalty or penalties by indictment before the Court of Justice, to be tried in the same form and manner as that now in use in criminal cases : and indictments preferred under this Act shall be entered in a book separate from that kept by the Secretary for proceedings under other criminal cases : Provided however, That nothing in this Act contained shall extend to supersede or interfere with the process of summary execution in any cases in which that power has by law or custom been vested in any Board or Public Officer, nor to any prosecution under the Act for the Religious Instruction of Slaves.

CLAUSE FIRST.
The First Fiscal to proceed to recover Penalties by Indictment.

Provided always, That the said Fiscal shall, fourteen days at the least before the holding of any Criminal Session, serve through the Marshal (or cause to be delivered to the party or parties) a copy of any indictment which he means to prefer under this Act.

CLAUSE SECOND.
Copy of Indictment to be served 14 days at the least before Session.

And be it further Enacted, That it shall be lawful for the person or persons against whom such indictment shall be preferred, to deliver in their plea in writing by themselves or by the hands of Counsel ; and if after due notice, proved to the satisfaction of the Court, such person or persons do not appear by themselves or by Counsel, or appearing do not by themselves or by Counsel plead, the Court is hereby authorized to direct the plea of Not Guilty to be entered, and shall proceed with the trial, and enter such sentence as it judges right, and in the same manner as it would have done if such person or persons had pleaded to such indictment : Provided always, That any sentence under this Act shall be read in open Court by the Secretary, as in civil cases, and not passed by the President of the Court of Justice.

CLAUSE THIRD.
May plead in Writing, in Person, or by Counsel.
Provision in case no Plea put in.

And be it further Enacted, That witnesses for the prosecution and for the defence, in indictments under this Act, shall be summoned in the manner laid down in cases of personal citation, under the Rules for Criminal Proceedings prescribed by the President and Members of the Court of Civil and Criminal Justice, and approved by the Lieutenant-Governor and Court of Policy : and any disobedience thereto shall be attended with the like penalties, except that such penalties shall not in any case under this Act be greater than twice the sum for which the indictment has been preferred, on account of which the witness has been summoned.

CLAUSE FOURTH.
Provision for procuring attendance of Witnesses.

And be it further Enacted, That it shall be lawful for the Fiscal to proceed to enforce the payment of any fine and costs, for which sentence may have been given by the Court, in the same manner as any sentence in a civil suit is at present enforced by the ordinary manner of proceeding.

CLAUSE FIFTH.
Sentence to be enforced by ordinary Process.

And be it further Enacted, That the Secretary shall be allowed, on each indictment under this Act, one half of the charges allowed in other criminal prosecutions.

CLAUSE SIXTH.
Tariff of Fees.

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AND BERBICE.

And that no ignorance may be pretended of this Act, these Presents shall be printed, published, and sent round for general information.

Thus done and enacted at our Adjourned Assembly, held at the Colony House on the 12th day of May 1829, and ordered to be printed and published by special direction, at a Court held at Camp House this 19th day of May following.

(signed) *B. D'Urban.*

By Command of the Court.

Charles Wilday, Joint Dep. Col. Sec.

Enclosure in No. 6.

(No. 1.)

EXTRACT from the MINUTES of the PROCEEDINGS of the Honourable the COURT OF POLICY of the Colony and Dependent Districts of (L. s.) *Demerara and Essequibo* at an Extraordinary Assembly held at the Colony House, George Town, Demerara, Thursday the 15th of April 1830.

(After Prayers.)

HIS Excellency the Lieutenant-Governor, addressing the Court, said, That he had been under the necessity of convening them in this extraordinary Session, to make them acquainted with an important communication which he had received from His Majesty's Government, and to avail himself of their counsel and assistance in carrying the object of that communication into execution in the safest as well as most effectual manner.

It was contained in an Order of His Majesty in Council, with a Despatch from the Secretary of State for the Colonies, elucidating and explaining that Order, which would be read to the Court by the Secretary, and which would put them in possession of the matter, (these having been accordingly read by the Secretary.)

HIS Excellency the Lieutenant-Governor continued : The Court would have perceived by some of the Clauses of the Order in Council, that there were certain supplementary provisions which he was empowered and commanded to supply by proclamation ; of these there are three only which seemed to require any observation from him.

The first of these was that arising from the 16th Clause of the Order, respecting markets. The Court would have observed, that he was instructed in the Secretary of State's Despatch to consult as far as possible the convenience of proprietors as to the day of the week and hours of the day for holding the market, to be substituted for that of Sunday, and that as proprietors, therefore, he requested their opinion thereon, and would be guided by it in his Proclamation.

(It was considered by the Gentlemen of the Court, that Saturday, from one till five, would be the most convenient day, and period of the day, for the purpose.) And his Excellency the Lieutenant-Governor said, that he would insert them accordingly in his Proclamation.

HIS Excellency the Lieutenant-Governor continued, That the second point upon which he thought it expedient to observe, was that arising from the 20th Clause of the Order, concerning Sunday labour, whereon, in defining, as he was commanded to do, the "works of necessity," he should adhere as closely as the terms of the Order would allow him to the definition of such works in the 9th Clause of the Ordinance of 1825, framed by this Court, because he was not aware that he could devise a better or a more precise one.

The Court, however, would not have failed to observe, that by the Order, and by the corresponding instructions, the rule of *payment for all Sunday labour* was made imperative.

There was another condition laid down in the Despatch, upon which he would incur the responsibility of leaving it out of the Proclamation until he should have the further commands of His Majesty's Government. It was that which set forth, that "the free consent of the slave would be requisite to the power of employing him on any Sunday work ;" and this responsibility he ventured upon, because he could not but foresee in the operation of such a condition, "serious and irreparable injury to property and good order."

The

The third point upon which he would remark, was that growing out of the 25th Clause of the Order, and related to the punishments for female slaves in lieu of whipping. DEMERARA
AND BERBICE.

The punishments which he proposed to establish by his Proclamation, would be the same as those in the 14th Clause of the Ordinance of 1825, with its Amendment of 1829, both passed by this Court, because he looked upon them as the best which could be adopted.

His Excellency the Lieutenant-Governor continued, That it would doubtless be but too apparent to the experience of the Gentlemen of the Court, that the Order in Council, (speaking of it always with humble deference), together with any Proclamations which it empowered him to make in reinforcement of it, would be found inefficient for the due management, comfort and protection of the Slave Population. The only remedy that it was practicable to find for this inefficiency, would be the re-enactment (as authorized by the Secretary of State's Despatch) of such portions of the Ordinance of 1825, and Amendment of 1829, as might apply to the circumstances. These, he would say generally, were, the 8th, 10th, 13th, 14th, (with its Amendments of 1829) 21st, 22d, 23d, 24th, 25th, 28th and 31st Clauses. He could not doubt that when the Court reflected upon the important points of slave management, health and protection, which these wise and salutary Clauses involved, and so eminently tended to secure, and which the Order in Council had altogether omitted, they would see the expediency, indeed necessity, of re-enacting them, so that they might continue to be in effect simultaneously with the operation of the Order.

His Excellency the Lieutenant-Governor continued, That independent of the real desire which he well knew actuated them all, for the welfare and due protection of the slaves from abuses of any sort, he considered the re-enactment of those Clauses simultaneously with the promulgation of the Order, to be essentially necessary to the tranquillity of the Colony.

The Court well knew how keenly observant the slaves were of all that affected their interests; what then would be their feelings when they found themselves at once deprived of established rights and benefits which they had enjoyed for more than four years, the effects of which were so advantageous to them, and the value of which they were so well aware of; and when they should find themselves left, as they would be in that case, in a much less favourable condition under the "New Consolidated Act" (always speaking of it with the utmost respect and deference), than they had been before under the previously existing Ordinance? The probable result would be, upon their parts a suspicion (as had been unfortunately the case with them once before), that His Majesty's Government had intended benefits to them which had been suppressed by that of the Colony.

The result of such a suspicion upon the general temper of the slaves throughout the Colony, might lead to consequences which they were bound to regard with anxious solicitude, and to avert by the timely precaution of re-enactment which he had now recommended.

The Court, after returning thanks to his Excellency the Lieutenant-Governor, agreed, on the proposition of his Honour Mr. President Wray, to appoint his Honour George Bagot, and the Honourable F. P. Van Berckel, a Committee, including himself, to consider and to report to the Court of Policy, what Clauses of the Ordinance for the Religious Instruction of Slaves, repealed by His Majesty's Order in Council of the 2d February ultimo, it may be advisable or necessary to re-enact.

The Court then agreed to adjourn until Saturday the 17th instant, then to meet at the hour of eleven o'clock.

A true Extract.

(signed) *Charles Wilday*, Dep. Sec.

Mem. —The result was the re-enactment of all the proposed Clauses, and the amendments of two of them, to the increased benefit of the slaves.

(signed) *B. D.*

Enclosure in No. 6.

(No. 2.)

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EXTRACT from the MINUTES of the PROCEEDINGS of the Honourable the COURT OF POLICY of the Colony and Dependent Districts of (L. s.) *Demerara and Essequibo*, at an Extraordinary Assembly, continued by adjournment, held at the Colony House, George Town, Demerara, Saturday the 17th of April 1830.

(After Prayers.)

THE Committee appointed to consider and report to this Court, what Clauses of the Ordinance for the Religious Instruction of Slaves repealed by His Majesty in Council by an Order dated the 2d February last, now brought up a draft of those Clauses, &c.

The Colonial Members then, after permission granted, begged leave to move, previous to passing the present Act, That they considered it their duty, in this stage of the proceeding, to give notice that they, individually and collectively, desired that there should be entered upon the Minutes of this day's proceedings their solemn protest against the provisions of the Order in Council of 2d February last, and also against all responsibility or consequences that can or may arise by reason of the same, reserving to themselves the right of entering such solemn protest in this Minute before the resumption thereof.

Fiat Insertio.

We deem it our duty to enter our most solemn protest against the Clause in the Order in Council respecting compulsory emancipation, as a manifest violation of the right by which we acquired, and the tenure by which we hold, our property in the slaves that are now in our possession; and which we have uniformly opposed in every deliberation of the Court of Policy since it was first proposed by His Majesty's Government, and which has been accompanied by the reasons which we have deemed sufficiently cogent for such opposition, and to which reasons we refer and fully adhere.

(signed) *C. A. Van Grovestins.*
James Johnstone.
Evan Fraser.

Received and entered in this Minute this day,
agreeably to the Resolution made by them.

(signed) *Charles Wilday, Dep. Secy.*

Court of Policy, April 27th, 1830.

A true Extract.

(signed) *Charles Wilday, Dep. Secy.*

Enclosure in No. 6.

(No. 3.)

EXTRACT from the MINUTES of the PROCEEDINGS of the Honourable the COURT OF POLICY of the Colony and Dependent Districts of (L. s.) *Demerara and Essequibo*, at its Ordinary Assembly, held at the Colony House, George Town, Demerara, Tuesday the 27th of April 1830.

(After Prayers.)

THE Secretary brought up the Minutes of the Court's Proceedings of the 17th instant, which were ordered to be read.

After the reading thereof, the Honourable Member F. P. Van Berckel rose, and addressed the Court in the following terms :

That every thing relating to the Order in Council of 2d February 1830 being now brought to a conclusion, as far as this Court had any thing to do with it, he begged leave to enter on the Minutes the following Declaration.

That he well knows that an Order issued by His Majesty in Council, whatever be the provisions of it, when proclaimed by his Excellency the Lieutenant-Governor, becomes the supreme law of the land, to which implicit obedience is due from every one of His Majesty's subjects in the Colony; yet that it appears to him that the reasons formerly given by this Court, and humbly submitted to His Majesty's Government, which forbade them, in the conscientious

scientious discharge of their duty, to enact what is commonly called "the Compulsory Manumission Clause," so far from having lost any weight, have been fully confirmed by the evidence of highly creditable witnesses before the Lords of the Privy Council. That consequently he cannot but deeply lament that His Majesty has been advised to disregard the earnest representations humbly and dutifully made by this Court as to the baneful consequences which must result to proprietors of all classes, and affect the general interests of the Colony, if the (so called) Compulsory Manumission Clause was to form a part of the Slave Code, which was intended to protect the rights of the proprietors as well as those belonging to slaves.

That, impressed as he is with a conviction of the injurious consequences which must arise to the masters, so far as their rights of property are immediately concerned, to the slaves, as far as their comfort and happiness will probably be affected in a serious degree, and to both masters and slaves in their relative situations, from a disunion of their mutual interests and a destruction of all kind feelings towards each other, and the consequent danger of insubordination and disorder again usurping the place of quiet and good order, which at this moment has been in a great measure re-established, after the mistaken notions and the effervescence created in the minds of the slaves by the publication of the Slave Ordinance of 1825 had nearly vanished and somewhat settled in more orderly conduct; he cannot, consistently with his so often expressed sentiments, which remain unaltered, and what he conceives to be a proper sense of duty, omit to record these his feelings and serious apprehensions, lest his silent and dutiful submission to His Majesty's will might be construed into an acquiescence in a principle which he has uniformly resisted, or a culpable indifference for the welfare of this Colony and the interests of his fellow Colonists, of whatever class, station or colour.

He sincerely prays that his gloomy forebodings may never be verified; but should it unfortunately be otherwise, and should distress befall the Colony in consequence of the new measures established by the Order in Council, he then shall have only to lament what he has zealously though fruitlessly endeavoured to avert.

The Honourable Member having concluded, the Colonial Members requested leave to superadd to the expressions of their Honourable Colleague, their perfect coincidence in the sentiments he had declared in his address, in which they begged leave most cordially to join.

The Minute of the 17th instant was then approved, confirmed and signed, &c.

A true Extract.

(signed)

Charles Wilday,

Dep. Secy.

—No. 7.—

COPY of a DESPATCH from Viscount *Goderich* to Sir *B. D'Urban*, &c. &c. &c.

Sir,

Downing-street, 2d June 1831.

I HAVE the honour to acknowledge the receipt of your Despatch dated the 14th February last, commenting on Sir G. Murray's Despatch of the 13th November 1830, respecting the Supplementary Enactments which were promulgated in Demerara, to give effect to His Majesty's Order in Council of the 2d February 1830.

Before I proceed to notice the more particular observations to which you have called my attention, I deem it necessary to advert to one general topic which occupies a very prominent place in your Despatch and in the Documents which it encloses: I allude to the reference which you have so repeatedly made to the supposed contradiction between the opinions expressed by Sir George Murray in the year 1830, and the views taken of the same subject by Lord Bathurst, in his Despatch of the 9th July 1825. You appear to consider this difference of judgment as irreconcilable, and as having placed the local Government under a serious and embarrassing difficulty. You will give me credit for fully appreciating the arduous nature of the duty which has devolved upon you, in executing the successive instructions of His Majesty's Government respecting the Law of Slavery in Demerara. Nor can it be necessary to assure you, that every representation

which

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which you may have to make on that subject will be met with the most deliberate and respectful attention. It is not from any failure in that feeling that I express my conviction that the inconsistency which you are disposed to attribute to my predecessors in this office does not really exist.

You must be well aware, that in the progress of the discussions which have so long occupied this Department on the subject of negro slavery, the views of His Majesty's Government have been developed gradually; nor do I find in the long series of that correspondence any intimation that any particular recommendations which have hitherto been issued from this country were to be regarded as final and conclusive. In a reform avowedly progressive, opinions may have been advanced at one time which were not previously propounded, without affording ground for the imputation of any uncertainty or change of purpose.

But it is more material to call your attention to the fact, that Lord Bathurst's Despatch of the 9th July 1825, which you contrast with the language of Sir George Murray in 1830, declared in the most explicit terms, that the law to which it referred was not accepted as a permanent settlement of the great question in discussion between His Majesty's Government and the Colonial Authorities. The following are his Lordship's words: "Although the law you have transmitted will remain imperfect until some important additions shall have been made to it, I have much pleasure in acknowledging that a great advance has now been made towards forming such a Code for the government of slaves as may receive His Majesty's approbation." Thus, then, the confirmation of the Act of the Court of Policy was qualified by an avowal of the necessity of further improvements; and that law was commended, not as being in itself complete, but merely as an advance towards a better system.

I have dwelt on this topic the more at length, because it is highly important to a correct understanding of the present state of the general question. The Ministers of the Crown cannot admit that they are precluded by any thing which has passed, from insisting on such further measures as the welfare of the Slave Population, and of the Colony at large, may appear to them to demand. On the other hand, they are fully sensible of the urgent importance of abstaining from every interference which could agitate the minds of a class of society, at once formidable from their numbers, and liable to the illusions which in every state of society are engendered by extreme ignorance. Except with a view to some unequivocal and momentous advantage, they will never be disposed to interfere at all.

Proceeding to the other topics noticed in your Despatch, I am disposed to acknowledge that your remarks on the introductory expressions in Sir George Murray's Despatch are not ill-founded. The Order in Council of the 2d of February 1830 does not, I think, contain in express terms any sanction for the re-enactment of any part of the Act of the Court of Policy which it repealed. Still there is not in the Order any provision prohibiting the revival of Colonial Enactments consistent with those of The King in Council; and the concluding expression, though very much a matter of form, may yet probably be deemed sufficient to impart to the explanatory Despatch of the Secretary of State an authority which might otherwise have been more controvertible. I do not perceive, however, that any practical question depends upon the correctness of Sir George Murray's expressions, and it is therefore scarcely necessary or desirable to pursue this inquiry any further.

Had the law which you transmitted been entirely silent on the subject of the absence of slaves from their plantations on Sundays, I should agree with you that it would be injudicious to presuppose an improper refusal to permit their attendance at Divine Service; especially since you state that no such case has ever been known to occur. But when a general rule was promulgated, laying down the prohibition in the largest and most unqualified terms, the necessity would seem to have arisen for obviating an abuse with which language so comprehensive might otherwise have been pregnant.

The delivery of the weekly allowances to slaves on Sunday morning is justified on grounds to which I am unable to subscribe. If a muster of the slaves for this purpose has the beneficial effect of preventing a protracted and injurious absence from home, between the evening of Saturday and the morning of the following Monday, it is not intelligible why a general muster unaccompanied with this business should not have the same salutary result. It may be true that these operations will terminate at the hour of eight, although the risk of their being prolonged beyond that time is sufficiently evident. But I know not with what propriety any desecration of the day of rest can be sanctioned by positive law in any Christian country,

country, unless an evident necessity can be truly alleged. No human institutions can abrogate, either wholly or in part, a law of which the Divine authority must be recognized, alike in countries where slavery prevails and where it is unknown; nor are there wanting in this Office proofs that the practice of assembling the slaves to receive their provisions on Sunday morning has practically led to much inconvenience, and to a serious encroachment on that repose which they so eminently need.

It would be vain to deny, that since the year 1825, His Majesty's Government have seen cause to modify their opinions on the subject of Slave Evidence. In deference to the doubts of others, which they were anxious to respect, they at that time rendered the admissibility of such a witness dependent on his having obtained such a certificate as you have mentioned. It is due to the Legislatures of Grenada, Tobago, Nevis and St. Vincent's, to acknowledge that they have given their authority in favour of a more just and enlarged view of this subject; and in declaring that no witness should be rejected on account of his servile condition, His Majesty in Council was anticipated by one, and followed by others, of the Colonial Assemblies. You remark that the prospect of obtaining certificates of this nature is a powerful inducement to good conduct. It should, however, be remembered, on the other hand, that by establishing such a distinction, an unmerited stigma will be cast on the conduct of those slaves for the religious instruction of whom no adequate provision is made; and these, I fear, are a large proportion of the whole. It may be true, that the certificate will assist the Court in estimating the credit of the witness who produces it; but on the other hand, the absence of such certificates will derogate unjustly from the claims of many more. An uncertificated slave will necessarily appear in Court under an unfair prejudice. At last the certificate can establish nothing beyond the simple fact, that the proposed witness knows what an oath means; a fact to be much more readily and completely ascertained by the Court itself examining him in the usual manner on the subject. For these reasons I concur with Sir George Murray in deprecating any encroachment on the broad and simple principle established by the Royal Order in Council.

There is no difference in your own opinion and in that expressed by Sir George Murray, respecting the suspension of the domestic punishments of slaves for a certain interval after the commission of the crime. That enactment was never disapproved by His Majesty's Government, although in deference to the remonstrances of other Colonies they omitted it in the Order of 1830. It is very satisfactory to find that your own judgment and that of the Court of Policy of Demerara coincide in this respect so entirely with those which have always been maintained in this country, in opposition to high Colonial authorities.

Your remark that the Act of the Court of Policy denounces a punishment against persons inflicting on their slaves any *mode* of punishment not sanctioned by that Act, is scarcely an answer to Sir George Murray's observation, that by omitting to fix the interval which must intervene between successive punishments, it had omitted to take due security against their too frequent occurrence. It was the *frequency*, not the *mode*, of the punishment which was in question.

Respecting the propriety of an express provision for recording the punishments substituted for whipping, you differ from Sir George Murray only in the greater confidence with which you maintain the opinion expressed by him, that such an enactment is not strictly necessary.

I concur with you in attaching great importance to the question discussed by Sir George Murray respecting the powers of summary punishment vested in the Fiscals. Neither do I differ from you (nor do I see any reason to suppose that Sir George Murray would have differed from you) in thinking it indispensable that, in certain cases, a power of summary conviction and punishment ought to be vested in those magistrates. Such is the conclusion to which alone, as it seems to me, your own arguments and those of Mr. Herbert on this subject tend. The real objection urged by Sir George Murray to the Act of the Court of Policy remains, as I think, not only unrefuted, but unnoticed. Why should the Magistracy in any country be armed with the power of punishing as criminal, offences which the Legislature has not attempted to define? The distinction between domestic and forensic discipline is probably recognized in every country, scarcely excepting the most uncivilized. Parents and teachers are necessarily left to punish the faults of children according to their own discretion; the power being restricted by the law only so far as is requisite for the prevention of excessive severity. The owner of slaves in his character of *Paterfamilias* possesses the same powers. The law presumes that they

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will be exercised under the control of feelings which afford some security against their abuse. I do not here inquire how far sound policy justifies the delegation of this power to the owner, nor how far the analogy can accurately be drawn out between his authority and that of a father of a family; I am simply stating the fact, that such is the principle on which the law is founded. There is no pretence for transferring this principle to the case of the Fiscal. He stands towards the slave in no relation whatever but that of a judge; and it is essential to that character to act upon fixed rules, and in the execution of the previously declared will of the Legislature. If it be said, that the offences incident to the relation in which a slave stands to his owner or to the State are so many and peculiar as to refuse any previous definition, the answer is, first, that the difficulty of defining such faults with absolute exactness is no good reason against approaching to such exactness as closely as the case will admit; and secondly, that in Jamaica and in almost every other British Slave Colony, this precise difficulty has been encountered and overcome. The various Acts of Assembly have established a *Code Noir*, of which the administration is chiefly confided to the magistracy; and in which is to be found a minute enumeration of the crimes they are to punish, and of the nature and extent of the punishments which they are, in each case, authorized to inflict. I cannot suppose that what has so often been successfully attempted elsewhere is, in Demerara alone, impracticable. Without controverting any principle maintained by yourself or by Mr. Herbert, I must abide by my predecessor's opinion, that no man, be he slave or free, should be punished *by the Magistrate* for any action against which the penalty of the law has not been previously denounced, and that to establish the opposite practice is to confound the distinctions of guilt and innocence, which for every object of good government it is so necessary to maintain. It is not indeed without some difficulty that I can persuade myself of the necessity of reasoning to prove, that no British subject should be liable to conviction and unlimited punishment for any act which the private judgment of a single magistrate may regard as criminal.

Your opinion, that the provision which is at present made by law in Demerara for the prompt recovery of penalties is sufficient to ensure the effective execution of the law for the protection of slaves, is, I regret to say, scarcely supported by the evidence to be found in the Reports of the Protector, or consistent with the statements which I have recently received from that officer. It is in no light degree to the inefficacy of the present law on that subject, that Colonel Young refers in vindication of the practice of compromising questions which, under a better system, he would have brought under the notice of the Courts in a regular manner.

The reasons you assign for not incorporating into the Act of the Court of Policy the rules by which the mode of recovering penalties is regulated, appear to me satisfactory.

I do not perceive that you controvert Sir George Murray's opinion, that the powers committed by the Order in Council to the Governor were not such as to enable him to delegate to the Protector authority to administer oaths.

The fifteenth Section of the Order having authorized the sale of fresh meat between the hours of Divine Worship on Sunday, I cannot think that it was necessary that the Governor should by his Proclamation permit the keeping open of butchers' shops in the *market-place* on that day. It is true that the preceding Section (No. 13) prohibited the sale of goods in the market, but I conceive that with reference to this and the other enumerated articles, if sold at the proper hours, the exception was co-extensive with the rule. If, however, the Order required a contrary interpretation, I yet cannot understand of what force or value this part of the Proclamation would be. If any repugnancy exists between the two instruments, the Judges must of course enforce the law as it is laid down in the Order; and it is precisely to avoid any such unseemly conflict between the authority of His Majesty and that of the local Government, that I am disposed to deprecate the assumption by the Governor of any powers which the Order has not clearly confided to him.

After giving the utmost attention to your remarks on the subject of Sunday labour, I must subscribe to Sir George Murray's opinion, that the words employed to describe such labour as may be exacted are no definition at all. To ascertain whether a particular work is lawful or unlawful, the owner of the slave is to inquire whether it is "of the same general nature, and referrible to the same general principle," as that of the cases specially enumerated and described. Now, the "principle" to which alone those cases can be referred is, that being works of necessity, they are not within reach of the rule which forbids all labour on the first day of the week

week. Therefore the definition and the terms to be defined are nearly, if not quite, identical. A work of necessity is declared to be any work referrible to the "principle" of necessity. Though, as you state, no misunderstanding may have arisen on the subject, yet it would seem scarcely possible that any one should distinctly apprehend what is permitted and what prohibited. It was precisely to clear up that ambiguity that the Governor was called upon to declare in detail what are those particular operations which the plea of necessity is to justify.

I have nothing to add to Sir George Murray's remarks on the impossibility of sanctioning by law a systematic invasion of the repose of Sunday by any kind of agricultural or manufacturing labour, exacted from the slave as a duty which he is bound to perform. If in the exercise of his own free will it is his pleasure so to work for wages, there may be sufficient reasons why the law should not, for the present at least, interfere to prevent such a practice. But there are certain fundamental rules, the obligation of which does not rest on any human authority, and which it is not within the scope of any human authority to supersede. Amongst these, no member of the Established Church of England will doubt that the law which demands abstinence from labour on Sunday is to be numbered; and though, as I have already admitted, exceptions are to be made for cases of necessity, yet the exception would swallow up the rule itself, if it were extended to transactions forming part of the general and permanent system of rural economy. In no country can this religious precept be observed without some sacrifice of immediate interest; and I can readily believe that the suspension on Sunday of the manufacture of sugar may be attended with some present loss to the planter. But as the gathering in of the harvests in this kingdom, even in the most precarious seasons, is invariably suspended on the day of rest, no unreasonable demand is made on the West India proprietor, by requiring him to yield a similar obedience to the general rule; nor can I persuade myself that, upon an enlarged view of the subject, the planter will find that in this case there is any real opposition between the dictates of duty and his own permanent secular interest.

For these reasons I must decline to consider this question as open to discussion on the ground of apparent expediency, but must adhere to my predecessor's opinion, that no slave must be compelled, on any terms, to engage on Sunday in the ordinary labours of the field or of the mill.

To Sir George Murray's objection to the rule which allows the confinement of women in the stocks during the night or during the noontime hours of rest, nothing is opposed but the remark, that no cause of objection has arisen during some years of practical experience. I confess that I regard it as much too clear for argument, that a female who works all day at tasks which in other countries are usually confined to men, should be allowed to recruit her strength by uninterrupted repose during the hours set apart for rest and sleep. In this kingdom no person, male or female, who for the greatest offences is subjected to the most severe prison discipline, is ever denied this respite from fatigue.

The vindication of the extraordinary charges on the appraisement of a slave with a view to his manumission, amounting in some cases even to £. 30, is rested on the necessity of obtaining "respectable" appraisers, and on the supposed impossibility of obtaining such assistance on more moderate terms. To myself it appears that the claim to "respectability" would not much be supported by any person who could participate in receiving such a sum as this, as the price of such a service rendered to a slave, who must pay it from the laborious savings of a long life. I cannot bring myself to attribute to any gentleman in the Colony such a want of the ordinary feelings of good nature and benevolence, as this apology would ascribe to them collectively. In this kingdom appraisements are made every day gratuitously by jurors, who are withdrawn for that purpose from their ordinary avocations, and frequently with no little sacrifice of their own comfort and emoluments. I know not why the inhabitants of Demerara should shrink from the discharge of less onerous duties on the same terms. The fees allowed to the Marshal and to the President's Secretary are not vindicated at all, and are, I think, quite indefensible.

I do not perceive that any reason is assigned for disputing the accuracy of Sir George Murray's opinion, that the limitation of prosecutions by a term of twelve months, was, on the part of the Governor, the assumption of an authority with which The King in Council had not invested him. I am happy to acknowledge the weight due to Mr. Wray's judgment on questions of this nature, but I cannot defer even to his opinion, in ignorance of the grounds upon which it may have been formed.

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Although I have thus followed your various Observations on the subject of the laws recently promulgated in Demerara, it is not my intention at present to reiterate the Instructions conveyed to you by Sir George Murray in his Despatch of the 13th November last. Anxious to save the Colony every unnecessary excitement, His Majesty is graciously pleased to authorize you to suspend the execution of those Instructions; not indeed, as I have already explained, from any doubt of their propriety, but because the advantage which might be anticipated from an amendment of the Act of the Court of Policy and of your Proclamation, would not compensate for the mischiefs which might follow from the further agitation of the subject. That evil indeed must have been encountered, had it not been the intention of His Majesty shortly to promulgate anew the Order of February 1830, with certain additions and amendments. For the present it is not my intention to enlarge upon the nature and motives of that design. It is enough to say, that many of the topics of the present discussion will be embraced and merged in that general measure.

For the present I confine myself to the single topic of the reduction of the expenses of appraisements in the case of slaves about to be manumitted. As this is a regulation of which the effect may be deeply and irreparably injurious to any persons who may be at present proceeding to assert their freedom by this process, you will immediately carry into execution so much of Sir George Murray's Instructions as relates to that particular topic. Low as the rate of remuneration will be to the appraisers to be employed, I cannot doubt that gentlemen will not be wanting who will cheerfully undertake the performance of that duty from motives of benevolence and public spirit, not deeming the value of their time and services depreciated, when they bear in mind that the rate of payment has reference exclusively to the ability of the parties who are to sustain the charge, and not at all to the value of the labour to be performed.

I have, &c.

(signed) GODERICH.

BRITISH GUIANA.

— No. 8. —

EXTRACT of a DESPATCH from Sir *Benj. D'Urban* to Viscount *Goderich*, dated British Guiana, 13 December 1831.

BRITISH
GUIANA.

“ I LOST no time, after having promulgated the Order in Council of the 20th June, in assembling the Court of Policy for the passing of such enactments as were immediately necessary for giving effect to the new system of judicature thereby established.”

(British Guiana, 1831.)

AN ORDINANCE to provide a sufficient Number of ASSESSORS to be associated with the Judges of the Supreme Court of Criminal Justice of *British Guiana*.

ORDINANCE ENACTED

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, Governor and Commander-in-Chief, and Vice-Admiral in and over the Colony of *British Guiana*, &c. &c. &c., with the Advice and Consent of the Court of Policy thereof.

To all to whom these Presents shall or may come, Greeting: BE IT KNOWN :

Preamble.

WHEREAS by an Order made and passed by His Majesty in Council, bearing date the 20th day of June 1831, it was amongst other matters provided, that Three Assessors should be associated with the Three Judges upon the trial of any person or persons in either of the Supreme Courts of the Colony, for any crime or offence; such Assessors to be entitled to deliberate and vote with such Judges upon the final judgment to be pronounced in every such criminal case :

And

And whereas it was further provided, that Assessors shall be liable to be challenged on such and like grounds as may be alleged as lawful ground of challenge against any Petit Juror impanelled for the trial of any indictment in England :

And whereas the number of persons to be elected, chosen and appointed to serve as Assessors, must be sufficient to provide for cases of challenge held to be valid.

1st. Be it therefore Enacted, That there shall be, for the Supreme Criminal Court of Demerara and Essequibo, a number of Twelve Assessors, and for the Supreme Criminal Court of Berbice a like number of Twelve Assessors.

2d. Be it further Enacted, That the right to elect Assessors is and shall be vested in the College of Kiezers of British Guiana, and that in the exercise of this right the College shall be bound to make a double nomination of persons for the office of Assessor, to be transmitted through the hands of his Excellency the Governor to the Judges of the Supreme Court, and that it shall be lawful for the said Judges to select one of the persons nominated to serve as an Assessor; and the like form shall be observed on each and every occasion of a vacancy occurring in the complement of the said Assessors for the said Courts respectively.

3d. Be it further Enacted, That notification shall be sent by the Secretary of the Court of Justice to each person who shall be selected in manner aforesaid, and in case of any person who shall have been selected for an Assessor refusing to accept the office, or neglecting to signify his acceptance by written communication, delivered to the Secretary aforesaid, within fourteen days from the date of notification, such person shall be liable to a fine of One thousand five hundred Guilders, in behalf of the Colony; and the Judges of the Supreme Court shall certify to the Governor and Court of Policy that such fine has been incurred; whereupon, unless good and valid reasons for such non-acceptance or neglect be shown, to the satisfaction of the Governor and Court of Policy, the said Court shall order and direct the Colonial Receiver to proceed for the fine according to law.

4th. Be it further Enacted, That each and every person who shall be selected in manner aforesaid to serve as an Assessor, shall, within the period of one week from the expiration of the term of fourteen days allowed to signify his acceptance of office, and whose acceptance shall have been notified to the Secretary, or within such period of fourteen days, if he shall have accepted the office and desires to be sworn, appear before His Excellency the Governor, the Chief Justice, or one of the Puisne Judges of the Supreme Court, and take and subscribe the following Oath :

“ You shall faithfully and truly discharge the duties of an Assessor in the Supreme Court of Criminal Justice for Demerara and Essequibo (or for Berbice, as the case may be), and shall deliberate and vote on the final judgment to be passed in all criminal trials on which you may sit, without partiality, favour or affection. So help you God.”

After which his appointment shall be publicly notified in the Royal Gazette of the Colony; his Excellency the Governor, or one of the Judges, being nevertheless empowered to extend the time for taking such oath, if sufficient reasons be alleged to either of them to grant such extension of time.

5th. And be it further Enacted, That the Puisne Judges of the Supreme Court shall have the same power to administer oaths in all cases, civil and criminal, as the presiding Judge of the Court of Justice, styled under the said Order in Council the Chief Justice, now has and heretofore had.

6th. Be it further Enacted, That it shall be the duty of each and every Assessor to attend the sittings of each Session of the Supreme Criminal Court; those Assessors who are appointed for the Supreme Court of Demerara and Essequibo to attend the sittings to be held in George Town, and those Assessors appointed for the Supreme Court of Berbice to attend the sittings to be held in New Amsterdam, respectively; and the Proclamations of his Excellency the Governor for the time being in the Royal Gazette of British Guiana, appointing the time of holding such Sessions respectively, shall be due and sufficient notice to all such Assessors.

7th. Be it further Enacted, That previous to the bringing up of any person for trial, the names of all the Assessors who may be in office, for the time being, in the aforesaid jurisdictions respectively, written on similar pieces of paper, shall be placed in a box by the Secretary of the Supreme Courts respectively, to be drawn therefrom in succession by the Second Puisne Judge; and after Three Assessors are found, to whom there is no legal ground of challenge or objection, the trial shall proceed.

8th. Be it further Enacted, That if any person, who, having been appointed an Assessor, and whose name having been drawn as already prescribed in Clause 7, shall

Number of Assessors
in the respective
Courts.

Mode of Election
and Selection.

Notification of Selection,
and Fine of Non-
acceptance of Office.

Mode of Recovery.

Period for taking the
Oath of Office.

Form of Oath.

Power given to the
Governor and Judges
to extend the time of
taking the Oath.

Power in the Puisne
Judges to administer
Oaths.

Duty of Assessors to
attend the Courts on
being summoned by
Proclamation.

Mode of selecting
Assessors on each
trial.

Fine for declining to
serve as Assessor on
any trial, or for neg-
lect of duty.

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shall not be present to answer thereto, or shall decline to sit as an Assessor on any such trial, he shall be liable to a fine of One hundred Guilders, unless good and sufficient cause be shown, to the satisfaction of the Judges, that such Assessor is absent from unavoidable cause, or has good reason for declining to sit on such trial; and the Judges shall, when they see fit, certify to the Governor that such fine or fines has or have been incurred; and his Excellency shall thereupon grant authority to the Colonial Receiver to proceed by summary execution for the said fine or fines.

Mode of enforcing
each Fine.

Term of Service of
each Assessor.

At end of period of
exemption liable to
be re-elected.

9th. And be it further Enacted, That each Assessor shall be liable to serve two years, and until the Session is closed in which such two years may expire, should the same take place during any such Session; and after having served for such period of two years, shall not be compellable to accept the office of Assessor, until after the expiration of two years from the end of such service; but a person elected as Assessor, and who may have paid the fine, or vacated the office previous to the expiration of his term of service, shall be liable to be re-elected and to serve at the expiration of one year from the date of such previous election.

And that no ignorance may be pretended of the several Orders contained in this Ordinance, these Presents shall be published, affixed and sent round for general information.

Thus done and enacted at our Ordinary Assembly, continued by adjournment, held at the Court House, George Town, Demerara, this 5th day of December 1831, and published on the 6th following.

(signed) *B. D'Urban.*

By Command of the Court,
Charles Wilday, Dep. Col. Secretary.

— No. 9. —

COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*,
&c. &c. &c.

King's House, British Guiana,
31st December 1831.

My Lord,

I HAVE the honour to transmit herewith, humbly praying His Majesty's gracious approval and confirmation of it, an Ordinance which I have recently passed, with the advice and consent of the Court of Policy.

The Preamble of this Ordinance will, I think, sufficiently explain the necessity for its enactment.

I have, &c.

(signed) *B. D'Urban.*

Enclosure in No. 9.

(British Guiana, 1831.)

AN ORDINANCE for assimilating the Manner of Proceeding for the Recovery of the FINES and PENALTIES provided in the Slave Ordinances in the United Colony of *Demerara* and *Essequibo*, and of *Berbice* respectively.

ORDINANCE ENACTED

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, Governor and Commander-in-Chief, and Vice-Admiral in and over the Colony of *British Guiana*, with the Advice and Consent of the Court of Policy thereof.

To all to whom these Presents shall or may come, Greeting: BE IT KNOWN:

WHEREAS an Act was passed by the Lieutenant-Governor and Council of the Government of the Colony of *Berbice* on the 27th day of April 1830, intituled, "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

And whereas the said Act having been continued in force by an Ordinance passed on the 2d day of December 1831, by the Governor and Court of Policy of British Guiana, it is expedient to assimilate the manner of proceeding for the recovery of the Fines and Penalties provided in the aforesaid Act of the Lieutenant-Governor and Council of Government of Berbice, passed on the 27th day of April 1830, to the manner of proceeding for recovering the Fines and Penalties provided in an Ordinance passed by the Lieutenant-Governor and the Court of Policy of the United Colony of Demerara and Essequibo, on the 17th day of April 1830, 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:"

And whereas it was enacted in part of the 12th Clause of the aforesaid Act of the Lieutenant-Governor, and the Council of Government of the Colony of Berbice, as follows:—

And it is hereby further Ordered, That the Protector of Slaves shall proceed for the recovery of Fines and 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. Clause 1st.

And it is hereby further Ordered, That the Protector of Slaves shall institute all proceedings 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 the Assistant Protector of Slaves 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.

Be it and it is hereby Enacted, That so much of the 12th Clause of the said Act of the Lieutenant-Governor and Council of Government of the Colony of Berbice, passed on the 27th day of April 1830, as has hereinbefore been cited, shall be Repealed, and so much of the said 12th Clause of the aforesaid Act is hereby repealed, revoked, and annulled accordingly. Clause 2d.

And be it further Enacted, That the Protector of Slaves of British Guiana, or the Assistant Protector of Slaves of British Guiana for the district of Berbice, shall institute all proceedings under the aforesaid Act, passed by the Lieutenant-Governor and the Council of Government of the Colony of Berbice, on the 27th day of April 1830, in the name of some person duly authorized thereto by the Chief Justice of the Supreme Court of British Guiana, and the same shall be conducted by such person; 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 said Protector of Slaves of British Guiana, the Assistant Protector of Slaves of British Guiana for the district of Berbice, and the other Assistant Protectors of Slaves for the district of Berbice, shall have the like powers as the Fiscal and Deputy Fiscals, to procure evidence, and enforce the attendance of witnesses. Clause 3d.

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

Thus done and enacted at an Ordinary Assembly, continued by adjournment, held at the Colony House, George Town, Demerara, this 21st day of December 1831, and published the 22d following.

By Command of the Court. (signed) B. D'Urban.
(signed) Charles Wilday, Dep. Col. Sec.

— No. 10. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *B. D'Urban*,
&c. &c. &c.

Sir,
I HAVE received your Despatch dated the 31st of December last, transmitting an Ordinance passed by yourself, with the advice and consent of the Court of Policy of British Guiana, on the 21st of the same month, respecting the manner
733. Downing-street, 22d March 1832.

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of proceeding for the recovery of Fines and Penalties under the Slave Ordinances of Demerara and Berbice respectively. It is unnecessary for His Majesty to make any order on the subject of this Ordinance, since it has been abrogated by His Majesty's Order in Council of the 2d of November last.

I have, &c.

(signed) GODERICH.

— No. 11. —

COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*, &c. &c. &c.King's House, British Guiana,
7th February 1832.

My Lord,

THE Enclosure of my Despatch of the 13th of last month, will have in some measure prepared your Lordship for a most unwilling reception here of the late Order in Council, but not perhaps for the extravagant feeling of discontent, ill-humour and despondency which it has created, and which has even exceeded what I had expected, who have been enabled by mere observation to form some judgment of the public spirit as it has existed since the month of July last.

The general antipathy to this Order in Council, which seems to have prevailed from the instant it was known, has been studiously aggravated by the instigations of the party of which it has been my duty to speak to your Lordship in my Despatches of August, September and October, and it now reigns to an excess which will, I apprehend, interpose very serious obstacles for some time to come, at any rate, to its fair operation; nor can I doubt that those who lead the public feeling in this matter have sufficient ingenuity to invent all sorts of impediments to its progress.

For this end, in the first instance, several Protests have been prepared, and are now industriously circulating through the different districts of Demerara and Essequibo, to receive the signatures of all descriptions of people, which will so be numerous enough.

I cannot yet anticipate in what precise way the due effects of the Order may be met and parried; various means may be used to contribute to this end; and there is, I need not observe to your Lordship, an inert strength in a community (and especially one constituted and circumstanced like this) of sullen purpose to defeat an object, which, if it be resorted to with any degree of constancy and combination, is ever difficult to deal with.

If I were to hazard a conjecture, however, upon this point, I should say that two leading means which may be resorted to for giving efficiency to the above principle, will be,

1st. The avoiding, evading, or refusing to levy taxes for the necessary disbursements of the Colonial Administration.

2d. A combination among the Colonial Assessors in the Criminal Courts to defeat all prosecutions for the protection of the slaves, by finding the defendants "Not Guilty," which would be effectual, since, upon the facts of the case, the votes of the three Assessors are equivalent to those of the three professional Judges, the Chief Justice, unfortunately, not being vested with a casting vote.

The other day, in the Court of Policy, a measure was resorted to by the Colonial Members, which I regard as the forerunner of opening the *first* of these operations at the fountain-head. The result of the first Protector's cases which will come on to be tried (in a few days hence) will enable me to see my way better as to the *second*.

The Court of Policy of the end of January in every year, after devoting a few days to the arrangement of the ordinary current business of the preceding quarter, always proceeds to go, with the Governor, into the consideration of the Annual Estimate, the basis upon which the taxes of the year are to be determined, and their levy is then provided by an annual Ordinance. Various reasons of convenience, sickness of several Members, &c. have sometimes occasioned this latter duty to be delayed till late in February, or it has perhaps, though rarely, been the beginning of March; and such a delay is of no consequence, because there is still time to conclude the financial arrangement before the end of the first quarter of the new year, which is sufficient for its purpose.

Upon this occasion, when the ordinary business of the quarter had been settled, and one or two necessary Ordinances passed, one of the Colonial Members, in

in the name of the rest, requested permission to read the document which is the Enclosure No. 1. The delay of six months, therein demanded, having had in view, probably, two objects; the embarrassing of the public service for the present, and in the first instance; and in the next, the gaining time to hear the result of the mission of their deputation (Messrs. Rose & Smith).

To this I was obliged to object, as in No. 2, which contains my reasons for doing so, I hope so fully as to make it unnecessary for me to occupy your Lordship by any amplification of them. You will observe that, in conclusion, I acceded to as long an adjournment as could reasonably be asked for, and as would still leave enough of the month of March disposable for the financial arrangements of the year.

And to this I was mainly induced by the hope (in which, however, I may probably be disappointed) that in six weeks the present excitement might have in some measure subsided, and a better temper succeeded. If this should not be, I cannot shut my eyes to the probable result; nor ought I to conceal it from your Lordship, that neither the Colonial Members of the Court will assist in framing the Estimate, nor the financial representatives in assessing the taxes. It cannot be denied that such a proceeding would be very embarrassing. I hope it may not occur; but as I think it at least possible, I request your Lordship's early instructions in such a case.

It has been indeed somewhat unlucky that the Order in Council arrived immediately before the period of the financial meeting of the year of the 2d of January, otherwise the supplies would have been already voted for the current year, and time left for tempers to cool before the same meeting of the next.

The "substantial relief" adverted to in the Representation of the Colonial Members, is that held out by your Lordship's Despatch of the 10th of December, which I had communicated to the Court of Policy (for the especial information of the Colonial Members) as soon as I received it, and which I have since published in the Government Gazette, in the hope of its tending perhaps to generate a better feeling.

I have, &c.

(signed) *B. D'Urban.*

Enclosure 1, in No. 11.

Court of Policy, 3d February 1832.

Read by the Colonial Member Mr. *Croal*, in the name of himself and his colleagues, who had affixed their names to it, and placed on the Records of the Court. (The Berbice Member not present.)

THE Colonial Members of the Court of Policy, with deep concern, feel themselves called upon, in behalf of the planters and others, to announce to his Excellency in Court, that very great distress prevails in the Colony at present; that in addition to other grievous calamities affecting its prosperity, the planters have at present to contend with difficulties arising from a dearth of provision; the recent gales of wind have in a great measure destroyed the staple article of good plantains, and a scarcity of dry provisions as substitutes prevails to such a degree, that they are with the utmost difficulty procured in small quantities at a time; the Colony is thrown into the utmost confusion by the recent publication of the Order in Council of 2d November 1831, and the Managers are paralyzed, and know not in what manner to take off the crops on the ground without ruin to the cultivation, which must be neglected under the operation of the Order.

The Colonial Members therefore propose to his Excellency to postpone the meeting of the combined Court for six months, by which time the evils afflicting the Colony may either be surmounted or partially remedied, or their effects have become manifest to the discernment of all parties. Moreover the Colonists will have ascertained whether the proposed measure of Government for their substantial relief be such as to enable them to contend with difficulties which at the present moment it is awful to contemplate; and the Court will, after the proposed lapse of time, be in possession of such a knowledge of the Colonial resources as to enable it to judge whether the public burthen can be sustained on a scale adequate to the administration of the Colonial Government in its various necessary departments.

At

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At the present moment, it would be groping in the dark to attempt a calculation of these resources.

The Colonial Members trust for the co-operation of the Official Members in this matter; and although the inconvenience which the delay may occasion to them may be felt, yet it cannot but be allowed that the present exigency is one of an unparalleled nature, and, as such, requires it to be met with a liberality of feeling which they feel confident will be shown by those gentlemen on the occasion.

(signed) *Jr^o Croal.* *Ja^s Johnstone.*
J. Frankland. *Jos. Van Berckel.*

31st January 1832.

Enclosure 2, in No. 11.

Court of Policy, 3d February 1832.

Read by the Governor in reply to No. 1, and placed on the Records of the Court.

1. I AM, as it must be well known, ever ready to follow the suggestions of the Colonial Members of this Council in all that I consistently can, and especially in all such points and details of Colonial Affairs as their experience may have made them more conversant in than myself.

The present proposal, however, involves a question of general policy, upon which I must claim the right of exercising my own judgment.

2. The measure proposed would be a direct contravention of one of the most important and salutary provisions of the Colonial Constitution,—“The providing for the indispensable expenditure of the year at a fixed and regular period.” This alone must form a powerful objection to it, even if its results could be as beneficial as they would be unquestionably otherwise.

As I view them, they would go to subvert order and good government, and to destroy all public credit and good faith.

3. I deeply regret, therefore, that it should have been thought expedient thus to urge this measure, to which I am alike forbidden to consent by my duty to The King and to the Colony.

4. I am at a loss to discover in what way it could by possibility operate to the benefit of the Colony (since after causing, as it infallibly must, great confusion and distress, it would but accumulate an arrear to be made good hereafter), but it is easy to see how it must operate to its injury.

The administration of Government, civil and judicial, must stop under its influence, for want of means and instruments to carry them on; many public servants must be left without bread and without resources, and the execution of their offices must consequently cease; private as well as public creditors would remain unpaid, and feel no security for payment; a great additional mass of misery and destitution would be introduced into the Colony; all order in the public system would be at an end, and the credit of the Colony (perhaps) irretrievably destroyed.

5. As to the “substantial relief” held out by His Majesty’s Government under certain conditions, whatever that may be, all claim to its benefits on the part of this Colony would obviously be forfeited by this proceeding, since the Order in Council of November would thereby virtually be prevented from being “in force and operation.”

6. There would appear, too, as little justice in the grounds adduced for such a proceeding, so far as the Order in Council is, concerned, as advantage in its adoption, for the Colonial taxes to be raised to meet the estimate for the service of the present year, are to be assessed and levied upon the produce and the property of the last.* Admitting, therefore, for the sake of argument, that the Order in Council should (as has been predicted of it before it has been tried) have the effect of diminishing the profits and the means of the present year, it can have had none upon those of the last, which had passed away before it came into action.

7. Without dwelling further upon the inutility, the injustice, and the self-evident mischiefs of this measure, it is of such a nature, that (I repeat it) I cannot accede to it, with any regard to public order, to my duty to the Colony, or to His Majesty.

8. The Estimate for the services of the year *must* therefore come to be considered at a proper period, and then duly proceeded with, in which process all possible economy

* The King’s Taxes upon those of 1820.

economy must be observed, but which cannot be suffered to lie over for such a length of time as has been proposed.

9. Adverting, however, to the wish * expressed by Mr. Van Berckel, at the breaking up of the Court on the 17th January, "that after transacting the specific business for which the Court has now met, an adjournment of *a few weeks* might take place before the consideration of the Estimate of the year," and desirous to meet that wish, as far as it is practicable to do so without great prejudice to the public service, I will adjourn the Court for six weeks; in short, until Tuesday the 13th of March next, upon which day it will meet for the arrangement and consideration of the Estimate of the year.

3d February 1832.

(signed) *B. D'Urban.*

* This wish he grounded upon the agitation of mind, occasioned by the late Order in Council, which he said now pervaded the Colonial Members, and rendered them unfit for the task at present.

— No. 12. —

COPY of a DESPATCH from Sir *B. D'Urban*, to Viscount *Goderich*,
&c. &c. &c.

King's House, British Guiana,
18th February 1832.

My Lord,

WITH reference to my Despatch of the 7th instant, I have the honour to transmit to your Lordship a Copy of the Protests therein adverted to; of these, as your Lordship will perceive, five were circulated at the same time, for the more speedy collection of signatures, and they are signed by persons of all descriptions; every one, I believe, in short, who has the possession of or a share or reversion in slaves; if indeed it has not been signed by some who have none at all.

Upon this document it is needless that I should comment further.

I have, &c.
(signed) *B. D'Urban.*

Enclosure in No. 12.

RECEIVED these five original Protests through the hands of Edward Bishop and George Rainy, Esquires, this 11th day of February 1832.

(signed) *Charles Wilday*, Dep. Col. Sec.

DEMERARA AND ESSEQUEBO.

WE, the Undersigned Proprietors or Representatives of the several Plantations set opposite our names respectively, and owners of slaves in this Colony, do hereby solemnly declare each for himself, That we consider the Order in Council dated the 2d of November 1831, and published in the Royal Gazette of this Colony, on the 12th day of this present month of January 1832, by his Excellency the Governor of British Guiana, purporting to alter and modify the relations heretofore existing between the slaves in this Colony and their lawful owners, and the rights under which we have lawfully possessed and enjoyed the services of our slaves, to be wholly ruinous to the just interests of each of us the said persons, and to be a direct violation of the sacred rights of private property; rights which were and are sacred by law, and ought to be inviolable.

We declare, that the necessary effects of the said Order will be to inflict an irreparable and extensive injury on all the agricultural and other interests of this Colony, will lead to the rapid decay of its sugar plantations in particular, and will inevitably cause the speedy ruin of a large proportion of the present proprietors, which the Undersigned are prepared to prove.

Wherefore each of the Undersigned for himself declares to protest most solemnly against all authorities and parties whatsoever concerned in promulgating and enforcing the said Order, for all the injurious and destructive consequences to arise to each and all of us from its promulgation and enforcement.

We protest against it as being a direct infringement of the fundamental laws of this Colony, under which we acquired and hold the property now invaded, and also as being in contravention of the express and solemn pledge of the inviolability of private property and rights, in carrying into effect the improvement of the condition of the slaves, which was contained in the unanimous Resolutions of both Houses of Parliament relating to that subject.

We

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We protest against being considered as acquiescing in, or voluntarily submitting to, its unjust, vexatious and oppressive exactions and restrictions, by any obedience which under an overruling necessity we may yield to its provisions. And we severally demand and claim full compensation and indemnity for the loss and injury inflicted on our respective properties, by the present and all previous Orders emanating from the same authority, according to the value of the said properties previously to their deterioration by the repeated and pernicious Orders of His Majesty's Government, respecting the supposed amelioration of the condition of the Slave Population of the Colony.

And as it is extremely inconvenient for all of us, the Undersigned, to appear personally at the Colonial Secretary's Office, for the purpose of executing this present Protest personally at the said Office; We do each of us hereby especially authorize and empower any two of the following individuals, viz. Edward Bishop, Charles Bean, George Rainy, James Johnstone, N. M. Manget, C. Revers, Joseph Beete, to appear before the Deputy Colonial Secretary, or any of the sworn Clerks in the Colonial Secretary's Office officiating as notaries, to execute a Protest of the tenor and to the effect hereinbefore contained, in name and on behalf of all and each of us the Undersigned, and to cause the same to be duly intimated to his Excellency the Governor.

January 1832.

572 Signatures.

— No. 13. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *B. D'Urban*,
&c. &c. &c.

Sir,

Downing-street, 27th April 1832.

I HAVE received your Despatches, dated the 7th and 18th of February, relating to the proceedings, in British Guiana, which followed upon the promulgation of His Majesty's Order in Council of the 2d of November last. Reference is indeed made in those Despatches to other topics connected with the constitution and civil Government of the Colony, to which I propose to advert on a future occasion.

I fully perceive and acknowledge the force of the difficulty by which you represent the execution of the Order in Council to be impeded. It is perfectly true that without any open breach of the peace, and even without an illegal conspiracy, an entire population acting in concert may by their mere inert strength defeat every attempt to enforce obedience. Yet His Majesty's Government could not, on grounds so general as these, revoke or suspend the operation of a law of so much importance, and which underwent so careful an inquiry before its actual adoption. I have already explained the general reasons which would also render any such change of purpose peculiarly objectionable at the present moment.

Of the two most effective modes by which you conceive the law may be counteracted, the first is, that of a refusal to levy taxes for the necessary disbursements of the Colonial Administration. Your Report sufficiently proves that unnecessary and studied delays had taken place in providing for the exigencies of the public service. In rejecting the demand for the postponement for a further period of six months of all meetings of the Court of Policy to deliberate on financial affairs, you acted with becoming firmness, and I am gratified to perceive the conciliatory tone in which you announced that determination. I expect shortly to receive your Report of the proceedings at the Session which you appointed to take place on the 13th of March last, when I trust the Members of the Court will be found to have been actuated by a different spirit than that which they had previously manifested. If however your apprehensions should have been realized to their full extent, the consequences must, I apprehend, be highly inconvenient, if not dangerous, to the safety of the Colony. The distress which may be inflicted on the public officers by the withholding of their incomes, will in all probability be followed by sufferings far more extensive and irreparable. It would be premature, however, to pursue any further a discussion resting upon a mere hypothesis. For the present, therefore, I limit myself to the remark, that upon proof of a contumacious refusal, on the part of the Court of Policy, to grant the necessary supplies for the public service, it would become the duty of His Majesty's Government to take the necessary measures for repairing the effects of so lamentable an error; and from that duty, however painful, they would not be found to shrink.

You

You further state your apprehensions that the Order in Council of the 2d of November last would be defeated by the refusal of the Assessors of the Court of Justice to concur in the conviction of any persons who might be prosecuted before them for a breach of its provisions. Remembering that the duty of the Assessors is performed under the solemn sanction of an oath, and that they are gentlemen of the first consideration in the Colony, I cannot permit myself to yield to this alarm. I am aware indeed that on assuming the office, the Assessors entered a protest against any inference which might be drawn from their consenting to act under an Order of His Majesty in Council, respecting the general validity of such Orders. Without digressing into a discussion of the grounds of His Majesty's legislative authority, it is for the present purpose sufficient to observe, that under that authority the Assessors have taken their seats in the Court, have proceeded to convict various persons accused of different crimes, and have not even hesitated to concur in pronouncing sentence of death. Each of them has sworn "that he will faithfully and truly discharge the duties of an Assessor;" an oath prescribed not by the Order in Council, but by the Ordinance of the Court of Policy, No. 6, of the year 1831.

The "duties of an Assessor" are by the Order in Council limited to the deliberation and voting with the Judges upon the final judgment to be pronounced in criminal cases; it being by the same Order declared, that questions of law arising upon such trials are to be reserved for the consideration of the Judges; and that such questions shall be adjudged and decided by such Judges alone and without the concurrence or interference of such Assessors therein. If, therefore, the Assessors should really refuse to convict any person prosecuted under the Order in Council of the 2d of November, against whom sufficient evidence could be produced, they would contract the guilt of perjury, and would be deservedly branded as infamous. I trust, however, that you will, ere now, have found that your anticipations of the possibility of the successful exertion of such means of defeating the operation of the law, will not have been realized; and you will have received from actual experience, conclusive proof, that no political motive, no private interest, could seduce gentlemen of their rank and education into the wilful commission of a crime which should expel them from the society of all honest men, and subject them to the most degrading punishment. I will abstain, therefore, from adverting to the measures which in such an exigency it would be necessary to adopt to prevent denial of justice to His Majesty's subjects.

I approve your having published my Despatch of the 1st of October last; although it would have been more convenient if some particular passages essential to a correct understanding of the whole had not been omitted.

With reference to Messrs. Smith & Rose, the delegates from various of the inhabitants of British Guiana, I shall best place you in possession of the present state of that affair, by the enclosed copies of the Correspondence which has taken place between those gentlemen and this department.

I have received and read the Protest transmitted in your Despatch of the 18th of February, with all the attention due to any opinion expressed by so large a number and so important a class of the Colonists upon the public interests of the Colonial society at large; and I trust that it will not be attributed to any failure of respect to remonstrants if I confine my answer to their complaint within very narrow limits. In truth, any discussion of mere abstract principles in an official correspondence is generally misplaced and inconvenient; yet beyond the assertion of such principles the Protest does not advance. I shall content myself therefore with observing, that His Majesty's Government have never attempted to deny, nor sought to bring into controversy, the proprietary title of the owner to his slaves. It has been asserted only, that between property in inanimate matter, and property in human beings, there are inherent distinctions which I had presumed to be universally admitted, and to which all legislation on the subject must necessarily bend, and that the object of all laws respecting slavery should be the ultimate substitution of hired service for compulsory labour. If these principles be denied, a further discussion of the subject would be attended with no hope of agreement, and with no prospect of any real advantage. If, on the other hand, they are admitted to be just, the controversy will shrink into a much narrower compass than the authors of this Protest would seem to suppose.

I have, &c.

(signed)

GODERICH.

See Letters, Nos. 25 to 32.

—No. 14.—

BRITISH
GUIANA.COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*,
&c. &c. &c.King's House, British Guiana,
20th February 1832.

My Lord,

HAVING become aware that the Proclamation which I had issued on the 12th of January last, transmitted to your Lordship in my Despatch of the 13th of January, required amendment, inasmuch as,—

- 1st. "Eating dirt," although inserted among the "offences" in consequence of its not unfrequent recurrence in the Protector's Records, is, I am since well assured, a *disease* irresistibly creating that propensity.
- 2d. No specific penalty was attached to the punishing female slaves on a Sunday.
- 3d. The hours constituting "Sunday" were not sufficiently defined.

I have amended the said Proclamation by the enclosed supplementary one, which I humbly hope may meet with His Majesty's gracious approbation.

I have, &c.

(signed) *B. D'Urban*.

Enclosure in No. 14.

P R O C L A M A T I O N,

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, Governor and Commander-in-Chief in and over the Colony of *British Guiana*, Vice-Admiral, &c. &c. &c.

WHEREAS by a certain Proclamation by me issued on the 12th day of January last, in conformity to the 40th Clause of His Majesty's Order in Council of the 2d November 1831, the practice of "EATING DIRT" is specified as an offence, and a certain punishment defined in correction thereof:

And whereas it has been sufficiently established that the said practice is in itself a disease: Now I do hereby order and direct, That the act of "EATING DIRT" shall not be deemed an offence, and that the punishment thereof as prescribed by the said Proclamation shall be and the same is Disallowed.

And whereas it is provided in the said Proclamation, that no manager is authorized to inflict any punishment on any female slave on any Sunday throughout the year, I do hereby FURTHER order and direct, That any manager so inflicting any punishment on any female slave on any Sunday throughout the year shall incur and be liable to a penalty of 10*l.* for every such punishment so inflicted over and above any other penalty or penalties to which he may be liable under the said Proclamation.

And for the purposes of this Order, the Sunday shall be understood to commence at the hour of six in the morning of Sunday, and to terminate at the hour of six on the morning of Monday next succeeding.

Given under my hand and Seal of Office, at the King's House, in George Town, Demerara, British Guiana, this 14th day of February 1832, and in the third year of His Majesty's reign.

G O D S A V E T H E K I N G.

By his Excellency's Command.

(signed) *W. J. D'Urban*,

Gov' Secretary.

A true Copy.

J. C. Hammill, A. G. Secy.Presented to Parliament,
15 March 1832.

— No. 15. —

COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*,
&c. &c. &c.

BRITISH
GUIANA.

King's House, British Guiana,
2d March 1832.

My Lord,

I HAVE the honour herewith to transmit a Colonial Ordinance passed yesterday, with the advice and consent of the Court of Policy, for defining offences of slaves punishable by magistrates, according to the intention of your Lordship's Despatch of the 6th November last, the principle of which it has been endeavoured to adhere to as nearly as circumstances permit.

It appears to me that the powers of the country magistrates (Deputy Fiscals in the district of Demerara and Essequibo, and Civil Magistrates in that of Berbice) have been restricted to what is absolutely necessary for the preservation of public peace and good order, in a population so widely distributed (and in many situations so isolated) as it is in this country.

No corporal punishment can be inflicted but by the sanction of one of the three Fiscals of the respective districts, and the maximum of their power to award is thirty-nine stripes. The maximum of confinement vested in the country magistrates is fourteen days, the exercise of which, too, will always be checked by the consequent loss of the labour of the party, and these must be in every case reported (transmitting the examinations) to the Fiscal of the district.

I cannot doubt that this will be found a very salutary and useful Ordinance, or that it was one of urgent necessity, and I humbly trust to its receiving His Majesty's gracious approval.

I have, &c.

(signed) *B. D'Urban*.

Enclosure in No. 15.

British Guiana, 1832.

AN ORDINANCE

To define OFFENCES committed by SLAVES, and to establish a SUMMARY JURISDICTION for the Punishment thereof.

ORDINANCE ENACTED

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, Governor, and Commander-in-Chief and Vice-Admiral in and over the Colony of *British Guiana*, &c. &c. &c., with the Advice and Consent of the Court of Policy thereof.

To all to whom these Presents shall or may come, Greeting: BE IT KNOWN:

WHEREAS it is necessary to restrain and correct certain offences committed by slaves, and fraught with danger to the general peace and good order of the Colony, and it is also necessary that the said offences should be defined as clearly as possible: Preamble.

1. Be it and it is hereby Enacted, That whenever any slave shall commit any of the offences hereinafter pointed out and defined, it shall be lawful for the owner or party having charge or control of such slave, or for any other party having cause of complaint against such slave for or on account of any such offence, to apply unto the respective Fiscals or Deputy Fiscals in the district of Demerara and Essequibo, or Civil Magistrates in the district of Berbice, setting forth the nature of the offence and the time when the same was committed or supposed to have been committed, and they are respectively hereby authorized and empowered to take cognizance thereof; and in case the slave against whom a complaint is preferred shall, in the judgment of the said respective Fiscals or Deputy Fiscals in the district of Demerara and Essequibo, or Fiscal or Civil Magistrates in the district of Berbice, be deemed guilty of the offence wherewith he or she stands charged, the said respective Fiscals or Deputy Fiscals in the district of Demerara and Essequibo, or Fiscal or Civil Magistrates in the district of Berbice, shall be and they are respectively hereby authorized to order and award a punishment against such slave, not exceeding

Fiscals, Deputy Fiscals, or Civil Magistrates to take cognizance of certain Offences committed by Slaves.

Nature and extent of Punishment.

exceeding thirty-nine lashes with a whip or a cat-of-nine-tails (this peculiar punishment being limited to male slaves only), and imprisonment in the Colonial Gaol or other place of confinement previously approved by a duly licensed medical practitioner, for a term not exceeding one calendar month, either or both, and with or without labour on the tread-mill, as the case may require, or by solitary confinement in the Colonial Gaol or such duly authorized place as aforesaid, for a space not exceeding fourteen successive days; the offender in every case of confinement to be supplied with a sufficient quantity of farinaceous food at least once in every twelve hours, and with a proper allowance of good water.

Deputy Fiscals or Civil Magistrates to refer proceedings to the Fiscal for approval.

Provided that in all cases when any other punishment than that of confinement for fourteen successive days in manner aforesaid may be awarded by any Deputy Fiscal or Civil Magistrate, the same shall not be inflicted until authorized by one of the said Fiscals; and until such authority be obtained or a commutation of the punishment be directed by one of the said Fiscals, it shall be lawful for the said Deputy Fiscals or Civil Magistrates to authorize the keeping of the slave in a safe place of custody or by confinement in the bed-stocks.

Proceedings to be in writing.

2. And be it further Enacted, That the said Deputy Fiscals or Civil Magistrates shall be bound, and they are hereby required in all cases wherein they respectively award any punishment, to take notes of the examinations in writing, and transmit the same to the First Fiscal or Fiscal of the district; and for the purposes of this Act the said Deputy Fiscals and Civil Magistrates shall be and they are hereby authorized to take such examinations on oath.

Power to examine on Oath.

Offences defined.

3. And that no doubt may exist as to the nature of the Offences; Be it and it is hereby further Enacted, That the same shall be and are hereby declared to be as follows; (that is to say) neglect of work or duty, whether from obstinacy, determination or idleness, combination not to work or perform a reasonable portion of labour, and to yield obedience to proper orders at all times, or to comply with orders given in cases of emergency specified by law, creating a disturbance or riot, violence of language or gesture to those in authority over them, violence to any person by language, ill-usage or actual assault, indecency of conduct when in confinement or ordered into confinement, insubordination, resistance to the infliction of any punishment awarded, aiding or assisting to prevent the same being carried into effect, refusing to obey an order to carry or aid in carrying the same into effect, inducing or persuading or offering resistance to authority, refusal to obey orders, killing; cutting, chopping or ill-treating animals.

Neglect of person or depravity of habit; inflicting a wound or causing an artificial sore; wilful neglect of sores; practising or pretending to Obeah.

Injury to property; wilfully injuring growing crops or produce, whether in process of manufacture or manufactured; wilful injury to machinery or property in and about the buildings; wilful injury to punts, boats or craft of other description, tradesmen, boilers, boatmen and others charged with particular trusts; wilfully neglecting and injuring their immediate charge; wilful injury to property generally, whether of sluices, dams, bridges, provision grounds and other matters which can be legally considered property; or endangering property by fire.

Wantonly trespassing on premises, or entering upon lands or into buildings without permission from the owner or occupier thereof.

Selling or bartering their allowance of clothing and provisions without permission of owner or person in authority over them.

Ill-usage and carelessness of their clothing, provisions and tools, or improperly making away with either.

Theft, whether accompanied by effraction or otherwise, principals as well as accessories.

Running away, whether accompanied by any act of insubordination herein defined or theft; living by plunder or as bush negroes; or attempting to leave the Colony, or enticing or persuading others to do so; absenting themselves from the estate or premises (after 8 o'clock) at night without permission; harbouring runaways; intoxication; gambling in or out of houses; holding meetings or dances without lawful permission, or for being present thereat without permission.

Galloping of horses through the streets, riding or driving furiously, and for not keeping on the proper side of the road.

Crowding on the public roads, streets, bridges or stellings, to the obstruction of passengers or annoyance of the neighbours; committing nuisances; carrying fire-arms without a pass from the owner or person in authority over them, or being accompanied by such person; carrying weapons or bludgeons on the roads, streets

or elsewhere, cutlasses for agricultural purposes excepted during the day, and weapons for the use of watchmen by day and night.

Firing guns, crackers or squibs, or wantonly occasioning alarms.

Trafficking in sugar, rum, melasses, coffee, cocoa or plantains without a pass from some person in authority over them.

Refusing to work for hire according to the Act regulating the conduct of registered carts, drivers and porters.

And whereas there have been various enactments by the Governor and Court of Policy of Demerara and Essequibo, or of Essequibo and Demerara, and the Governor and Court of Policy, or Governor and Council of Government of Berbice, whereby slaves have been made liable to corporal punishments or to punishment by imprisonment by order of the respective Fiscals, from which free persons are exempted in consequence of the offences being such as could not otherwise be punished in regard to slaves, and which in the case of persons of free condition are punishable by fines :

4. Be it further Enacted, That nothing herein contained shall extend or be construed to extend to abridge or alter any of the powers which the respective Fiscals or persons acting under their authority at present possess under any of the aforesaid Acts or existing Laws of this Colony.

Not to affect the power conferred on the Fiscals by any existing or special law.

5. And be it further Enacted, That if upon the investigation of a complaint against a slave, the offence wherewith he or she is charged shall appear to the respective Fiscals, Deputy Fiscals or Civil Magistrates aforesaid to deserve a greater punishment than is awarded by the present enactments, it shall be the duty of the said respective Fiscals, Deputy Fiscals or Civil Magistrates to submit the said complaint to the First Fiscal, in order that the same may be dealt with in the same manner as criminal offences in general.

Offences deserving greater punishment to be referred to the First Fiscal.

And that no ignorance may be pretended of the several Orders contained in this Ordinance, these Presents shall be published, affixed and sent round for general information.

Thus done and enacted at our Extraordinary Assembly held at the Colony House, George Town, Demerara, this 1st day of March 1832, and published the same day.

(signed) *B. D'Urban.*

A true Copy.

Charles Wilday, Dep. Col. Secy.

By Command of the Court.

(signed) *Charles Wilday*, Dep. Col. Secy. (L. s.)

— No. 16. —

COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*, &c. &c. &c.

My Lord, King's House, British Guiana, 12th March 1832.

WITH reference to my Despatches of the 7th & 18th of last month, and of August and September of last year, I have the honour herewith to transmit a Letter containing certain Resolutions drawn up at a Meeting of Inhabitants of Berbice held on the 31st January last, and which their Committee have since circulated in printed pamphlets.

It appeared to me necessary to refer these documents to the Law Officer of the Crown for his opinion thereon, which is herewith transmitted. But as your Lordship will perceive, ten of the twelve Assessors of Berbice have signed these Resolutions; so that if an indictable offence has been committed, it would seem that there is no Criminal Court in the Colony, under the present constitution of it, upon which I can call for a decision, and this I may add is the opinion of the Chief Justice.

In the 6th Resolution this Meeting has even gone further (as your Lordship will observe) than that of Demerara of last year, reported in my Despatch of the 12th of September; and with reference to that Despatch, and having in view all the other proceedings tending to the same object, which have continued here from July last to the present period, in open and unqualified defiance of His Majesty's rights to legislate for the Colony by Orders in Council (and consequently of the whole

No. 1.

No. 2.

No. 3.

BRITISH
GUIANA.

whole existing Slave Protection Laws), it is my duty again to entreat your Lordship that speedy measures may be taken for a conclusive settlement of this great question, and for a consequent repression of these seditious courses, without which the Colony can never cease to be in a state of confusion and disorder.

I have, &c.

(signed) *B. D'Urban.*

Enclosure 1, in No. 16.

Sir,

Berbice, 8th February 1832.

HAVING been named a Committee at a large meeting of the planters, merchants and other inhabitants of the district of the Colony, held at New Amsterdam on the 31st January last, for the purpose of communicating certain Resolutions then unanimously agreed to, to the several Members of the Court of Policy and Financial Representatives; we have the honour to transmit your Excellency the enclosed Copy of these Resolutions.

His Excellency Maj.-Gen Sir B. D'Urban,
K. C. B., R. G. O., and K. T. S.,
Governor of Demerara.

(signed) *Tho^s B. Winter.*
John Alves.
Geo. Laing.
And^m Gallaway.

At a General Meeting of the Planters and other Inhabitants of *Berbice*, held in New Amsterdam this day, for the purpose of taking into consideration the Order of The King in Council, dated 2d November last.

JOHN ROSS, Esq. in the Chair.

It was unanimously Resolved,

1. THAT it is the opinion of this Meeting, that Orders of The King in Council and Proclamations of the Governor, without the sanction of the Court of Policy, legally constituted, neither have nor ought to have the force and effect of law in this Colony, and that they are utterly at variance with the privileges of the inhabitants as British subjects, and with their chartered rights as capitulants.
2. That the Order in Council of the 2d November last, recently proclaimed in this Colony, contains provisions, which, carried into effect, can produce no other result than the ruin of the Colonists, without conferring any real benefit upon the slaves.
3. That it is therefore absolutely necessary, that every lawful means be immediately adopted by the inhabitants to protect their rights from infringement, and their properties from impending ruin and destruction.
4. That it is the opinion of this Meeting that the inhabitants of this Colony, while they remain unshaken in their loyalty and attachment to the person of our Gracious Sovereign, would be fully justified in disobeying all Orders in Council attempted to be imposed upon them as laws, without the sanction of the Colonial Legislature, but that they are from the necessity of their situation compelled to submit to the strong arm of power, even when illegally raised for their destruction.
5. That in the present impoverished state of the Colonists, whose public burthens are already grievously oppressive, the heavy additional taxation and expenses which must necessarily be imposed on them by the operation of the present Order in Council would be altogether intolerable.
6. That it is the opinion of this Meeting, that public burthens or taxes can be legally imposed on the inhabitants of this Colony by the Governor in conjunction with the Court of Policy and Financial Representatives only; and the Meeting hereby declare their determination to resist the payment of any taxes attempted to be levied by any other authority.
7. That this Meeting therefore look with the utmost confidence to the Members of the Court of Policy and Financial Representatives to protect the rights and properties of their fellow Colonists at the present alarming crisis by every means in their power, and particularly by withholding their consent to the levy of any taxes
whatever

whatever, until the grievances complained of are redressed, and a distinct recognition is made by His Majesty's Government of the inviolability of their property without adequate compensation.

8. That while they protest against the validity of Orders in Council, and more especially against the oppressive provisions of the Order of November last, they distinctly aver that they are friendly to any rational measures for the amelioration of the Slave Population; that great improvement in the condition of their slaves has already taken place; and that they shall cheerfully conform to whatever further regulations may be prescribed by the Colonial Legislature, in accordance with the Parliamentary Resolutions moved by Mr. Canning in 1823.

9. That a copy of these Resolutions be transmitted to each of the Members of the Court of Policy and Financial Representatives, and be inserted in the Barbadoes newspapers: And that Mr. John Alves, Mr. George Laing, Mr. T. B. Winter and Mr. Andrew Gallaway be appointed a Committee for that purpose.

New Amsterdam, Berbice, }
the 31st day of January 183 . }

John Ross, Chairman,
And 181 other Signatures.

The Chairman having left the Chair, the Thanks of the Meeting were unanimously voted to him for his able and impartial conduct in the Chair.

(signed) T. B. Winter.

Enclosure 2, in No. 16.

(Private.)

MEMORANDUM.

THE Meeting which produced the Resolutions enclosed in the annexed Letter, from four Gentlemen as a committee of that Meeting, was held without any previous intimation to or permission from the Governor of the Colony.

Upon this, and upon the position in which the subscribers have placed themselves (legally) by these Resolutions, especially the 4th, 5th, 6th and 7th paragraphs of them, Mr. Herbert's opinion is requested.

27th February 1832.

(signed) B. D'Urban.

To his Honour Charles Herbert, First Fiscal.

I AM of opinion that the Resolutions above referred to cannot in reason bear any other construction than that of a tendency to injure and subvert the established Government of the Colony, or to use the words of Voel in his Commentaries, when speaking of the crime of *Læsæ Majestatis*, "*in perniciem et subversionem Rei-publicæ.*"

The Meeting is also illegal, as held without the sanction of the Executive. In Holland such meetings have been denounced as seditious by various Placaats, and are called tumultuous agitations, by which, under pretext of redress of grievances, an attempt is made to effect a change in the measures of Government.

The Resolutions having been reduced into writing, and a copy transmitted to the Executive by four persons who have taken a part in these measures, I conceive that these four, together with the Chairman, are principally answerable to the law of *Læsæ Majestatis*.

(signed) Charles Herbert,
First Fiscal, R. O.

March 4th, 1832, Demerara.

Enclosure 3, in No. 16.

LIST of ASSESSORS selected by the Judges of the Supreme Criminal Court of *British Guiana*, for the District of Berbice.

Charles Kyte, Esq.
John Alves, Esq.
T. B. Winter, Esq.
Charles Matheson, Esq.
J. S. Usher, Esq.
William Ross, Esq.

John Ross, Esq.
F. Sharwenbrecker, Esq.
Genit Prass, Esq.
James Fraser, Esq.
Murdock Jaffery, Esq.
Wollft, Kater, Esq.

30th December 1831.

— No. 17. —

BRITISH
GUIANA.COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*,
&c. &c. &c.King's House, British Guiana,
12th March 1832.

My Lord,

WITH reference to my Despatches of the 7th of February, I have the honour herewith to transmit to your Lordship some documents detailing circumstances attending two recent trials for the protection of slaves in the Criminal Court of the District of Demerara and Essequibo.

Of these the first contains the Minutes, Notes of Evidence, Indictments and Sentences therein; the second, a Report in explanation from the Protector of Slaves; and the third, a Memorial addressed to me by the Assessors of the district. I think that the contents of these documents are such as to render it unnecessary for me to occupy your Lordship's time by any comment or remark upon the matter. Your Lordship will not, I am sure, fail to observe the declaration of Mr. Anderson, one of the Assessors upon the Bench, in the first trial of the 18th February, (Enclosure 1.) Minute (A.); the concurrence of the three professional Judges in the propriety of the course adopted by the Protector and his Council, on the 20th February, (Enclosure 1.) Minute (B.); and the reasons for a verdict of "Not Guilty" adduced by two of the Assessors, (Messrs. Simpson and Urquhart) in the Explanation subjoined to the Memorial (Enclosure 3.)

I have, &c.

(signed) *B. D'Urban*.

Enclosure 1, in No. 17.

Sir,

Presidency, February 29th, 1832.

I REGRET to say, that it is again my painful duty to apprise your Excellency, that the Court of Criminal Justice is adjourned, leaving still untried several of the prosecutions for violations of the Slave Ordinances, which stood over on the 11th of July of last year, in consequence of some of the Members of the Court refusing to act.

The Notes of two Cases, and Extract Minutes which accompany this, will inform your Excellency of the circumstances which have led to this result.

To His Excellency
Sir Benjamin D'Urban, K.C.B.

I have, &c.
(signed) *Cha' Wray*.

EXTRACT from the MINUTES of the PROCEEDINGS in the Honourable the Supreme Court of CRIMINAL JUSTICE of *Demerara* and *Essequibo*, at its Sessions, held at the Court House, George Town, Demerara, Monday the 13th February 1832.

(After Prayers.)

There was read, &c.

THE Court was then opened, and silence having been proclaimed by the Marshal, the Secretary proceeded to read the Governor's Proclamation, dated the 10th January, for the holding of the present Session.

The Assessors elected, and who had severally taken the Oath required by Law; (being in attendance), then entered the Court; and John M'Lean, Esquire, in the name and behalf of the Assessors now in Court, handed to the Secretary a paper, which the Assessors desired to be presented to the Judges of the Supreme Court, and entered on the Minutes, and further requested that a Copy thereof be delivered to them.

His Honour the Chief Justice, after receiving and reading the said Paper, which was presented to him by the Secretary, said, that the paper just handed to him contained matter with which a Court of Law could not deal, further than to lay it before his Excellency the Governor.

That

That with reference to both requests, his Honour the Chief Justice said, he saw no objection thereto; and the Court ordered the Paper to be entered on this Minute when now brought up for resumption.

BRITISH
GUIANA.

A true Extract.

(signed) *J. M. M'Gusty,*
Swⁿ Cl.

MINUTES of the Honourable the Supreme Court of CRIMINAL JUSTICE of *Demerara* and *Essequibo*, at its Session, held at the Court House, George Town, Demerara, Saturday the 18th February 1832.

(After Prayers.)

ON the conclusion of the Fiscal's Calendar, the Protector of Slaves, by the Crown Advocate, placed on the Table of the Court the List of Indictments issued by him.

The Court then first called the Case of

Samuel Wells Gordon, Crown Advocate, Plaintiff and Prosecutor,*versus**George Sanders*, an Inhabitant of this United Colony, Defendant.

This Cause being called and the evidence and arguments heard, the Court was closed; and previous to the votes being given as to the guilt of the Defendant, George Anderson, Esquire, stated, that whatever might be the evidence, he should vote Not Guilty. (A)

E. Bishop expressed some doubt as to the proof of the number of stripes inflicted, on which his Honour the Chief Justice remarked, that if that observation applied at all, it must be to the first count only, and not to the second, which says, that the punishment was inflicted without the presence of legal witnesses. Mr. Bishop then voted, Not Guilty. J. H. Albony, Esquire, simply voted, Not Guilty.

Was then called

Samuel Wells Gordon, Crown Advocate, Plaintiff and Prosecutor,*versus**George Sanders*, an Inhabitant of this United Colony, Defendant.

On the doors being closed, the Chief Justice directed the Secretary to take the votes of the Assessors, who thereupon voted, Not Guilty.

A true Copy.

(signed) *J. M. M'Gusty,*

MINUTES of the Honourable the Supreme Court of CRIMINAL JUSTICE of *Demerara* and *Essequibo*, at its Session, held at the Court House, George Town, Demerara, Monday the 20th February 1832.

(After Prayers.)

THE Assessors having entered the Court Hall (Mr. Albony absent), Mr. Gordon, Crown Advocate, addressed the Court in the following words:

" May it please your Honours,

" Upon a calm and deliberate review of the proceedings had in this Honourable Court on Saturday last, in the two cases of misdemeanours prosecuted by me against George Sanders, and the two verdicts of ' Not Guilty ' then recorded; I am instructed by the Protector of Slaves to say, that it is not his intention that I should proceed any further with the remaining cases on my list for the present. So far as depends upon myself, then, I have only to pray the Court to adjourn."

His Honour the Chief Justice, after consulting with the other Judges, said:

" I am sorry the Court is obliged to concur in the propriety of this application." (B)

BRITISH
GUIANA.

The Judges then adjourned this Session of the Court until Monday the 30th of April next.

The Marshal of the Court in attendance then proclaimed the adjournment of this Session until Monday the 30th April, and the Court broke up.

A true Copy.

(signed) *J. M. M'Gusty, Swⁿ Clerk.*

INDICTMENT made and delivered to the Honourable the COURT
(L. s.) of CRIMINAL JUSTICE of the United Colony of *Demerara* and
Criminal Justice, *Essequibo*: On the part of Samuel Wells Gordon, Crown Advo-
18th of February cate, Plaintiff and Prosecutor, *versus* George Sanders, an
1832. Inhabitant of this United Colony, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, that George Sanders, residing on Plantation Unity, Mahaica District, within the jurisdiction of this United Colony of Demerara and Essequibo, did, about eight o'clock in the evening of a certain day in or about the month of February of the present year of our Lord 1831, on the said Plantation Unity, within the jurisdiction of the said United Colony of Demerara and Essequibo, illegally punish the slave Derrick, registered in the year of our Lord 1829 as being then eighteen years of age, belonging to him the said George Sanders, and being then and there under his the said George Sanders' control, for some offence or offences alleged by him to have been committed, by directing or authorizing the said slave Derrick to be flogged or scourged with tamarind rods, to an extent exceeding twenty-five lashes or stripes, which punishment was accordingly inflicted on the body of the said slave Derrick, in his the said George Sanders' presence, within the period of twenty-four hours, against the peace of our Sovereign Lord the King, his Crown and dignity.

The Crown Advocate giveth the Court further to understand and be informed, that the said defendant, George Sanders, residing on Plantation Unity, Mahaica District, within the jurisdiction of this United Colony of Demerara and Essequibo, did, on a certain day in or about the month of February of the present year of our Lord 1831, at the said Plantation Unity, within the jurisdiction of said United Colony of Demerara and Essequibo, illegally punish, or direct or authorize him, the said slave Derrick, to be punished, the said slave Derrick being then and there under his management or control, by flogging or scourging him, the said slave Derrick, with tamarind rods; which punishment was accordingly then and there inflicted on the body of the said slave Derrick, without the presence of any person of free condition, besides himself, the said George Sanders, or of six adult slaves, to witness the said punishment of the said slave Derrick, against the peace of our Sovereign Lord the King, his Crown and Dignity.

(signed) *S. W. Gordon, C. Adv^{te}.*

The Defendant pleaded Not Guilty.

A majority of the total number of the Judges and Assessors present not having voted in favour of the judgment of Guilty, the Court ordered the Secretary to enter, "The Court finds the Defendant Not Guilty."

His Honour the Chief Justice	-	-	-	Guilty.
His Honour J. W. Willis, 1st P. Judge	-	-	-	Guilty.
His Honour S. Ferebrace, 2d ditto	-	-	-	Guilty.
J. H. Albony, Esq.	-	-	-	Not Guilty.
Edward Bishop, Esq.	-	-	-	Not Guilty.
George Anderson, Esq.	-	-	-	Not Guilty.

Thus done at the First Session of the Supreme Court of Criminal Justice, held at George Town, Demerara, this 18th day of February 1832.

(signed) <i>Ch^r Wray, C. J.</i>	<i>J. H. Albony.</i>
<i>John Walpole Willis, J.</i>	<i>E. Bishop, jun.</i>
<i>Samuel Ferebrace, J.</i>	<i>G. Anderson.</i>

By the Court.

(signed) *J. M. M'Gusty, Swⁿ Cl^k.*

A true Copy.

(signed) *Charles Wilday, Dep. Col. Sec.*

EXTRACT from the NOTE BOOK of his Honour the Chief Justice of the Supreme Court of the Colony of *Demerara and Essequibo*, in *British Guiana*, Saturday, the 18th February 1832.

“ S. W. Gordon v. G. Sanders.

“ *Objection.*—Mr. Bishop an alien, as born here before the Colony passed to the Crown. He had taken the oath of allegiance, and was an officer in the Militia.

“ We held the objection invalid.

“ *Derrick.*—I lived, in the early part of last year, in Mahaica, on the Unity. No manager there, but master was on the estate and told us what to do. Dr. Sanders was my master; I minded my master's horse; my master punished me the beginning of last year; he gave me a little punish; it was at Unity. I complained to the Protector. I was working the ox in the cart; he told me I must go and bring down some shell. I went to fetch shell; I tied the ox under a tree with a rope; the ox broke the rope and got away; I could not find the ox; the Doctor found fault with me, and said if I did not get shell, he would know what to do with me; I bring as much shell as I could. Next day I got the ox, and began to work the cart again; when I was coming with some shell, I met my master; he told me his stirrups were not clean; he told me to go home, I did so; I met a little girl, she went with me to get shells. My master came home afterwards, and laid hold of me, and said how came you to take this girl to get shells; I told him she had said he had ordered her. When I got home, he put me in the stocks, because I took this girl to go for the shells; that night he came to me and flogged me in the stocks; he called a man to flog me, by name Jack Thomas; he came, and was ordered by my master to flog me; he told Jack Thomas he must give me fifty lashes with a tamarind whip. I was then in the stocks; Jack Thomas gave me them; I did not count them; I cannot say if my master counted them; he gave me more than twenty-five, I am certain of that; I was licked on the back; I did not count them, because I was in the stocks. No one was there but me and master and Jack Thomas; the stocks are underneath the dwelling-house. I belong to Dr. Sanders.

“ *Cross-examined.*—Only me and Molly servants in the house at that time. I know Petronella; she is my sister; sometimes master puts her in the house, but not often; she was working in the field aback. Franky was in the house too; she was a house servant; when I went for the shells I left her in the yard; master did not order me to take Molly with me for the shells. Franky had charge of the house more than Molly when my master was out; I heard my master order her that day to wash bottles. I told Colonel Young my master had given me one hundred lashes. I know the store was broken open four or five times, some rum and shrub was lost, the cask half empty when I went to look at it; some hogs and stock also were missed. I remember a mare being sick; I did not ride her, never, my master was in town when the black mare was sick, she was sick when he came back. I have heard my master say five silver spoons were lost. Jack Thomas, and Franky, and Kate, and Louisa, and Petronella, two others, Cudjo and Apollo, were coming to town, but did not; with me to town, when I made my complaint to the Protector; we all agreed to come together; Apollo told me he was coming to town. My wife is Franky. Nobody told me to come to town; I did not talk to Cudjo about my coming to town; on the road, we did not talk about what we were coming to tell the Protector, not a word; we did not ask master's leave to come to town; I did not know they were going to the Protector; I did not tell nobody I was going to the Protector; when we came to town we went first together to Cudjo's mother's house; Franky was with me there. I know Mr. Thomas Rodgers; I met him down on the Water-side Street the same day; we were then all together going to the gaol; the Protector had given us a pass to go there; Mr. Rodgers spoke to the others, I did not hear what he said. From Cudjo's mother we went to the Protector's; we stopped, as near as I can tell, about a week in town, and I lived in the gaol; the Protector sent us there. Mr. Rodgers did not recommend me to go back to my master, and I never told any body he did so. I am no relation of Molly's; half-sister Petronella is not whole sister to me. My master did not punish any body for the losses, but he looked to Franky for them, and Apollo for the hogs. I know Mr. Day, he lives in town; I was ordered to take a horse of his from Unity to Porter's Hope; I rode him to town; I brought
a letter

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a letter from my master to town; Mr. Day told me to take the horse to Porter's Hope; he was at the Unity; I was not in Lacy's Town that day; I did not gallop him through Lacy's Town; I went on the horse same day to Porter's Hope, left the horse there, and walked home; I did not tell my master I had rode the horse to town; my master flogged me for this at home; I deserved it.

Re-Cross-examined.—I got the letter in the morning at three o'clock; the afternoon before, Mr. Day had said he wanted some one to take the horse to Porter's Hope; my master ordered me to come back that day; Unity is a few miles from Mahaica.

By the Court.—I was flogged in the stocks about eight o'clock; I suppose Molly is about thirteen or fourteen, or fifteen.

Jack Thomas.—I belong to Dr. Sanders; I usually live at Unity; I was living there last year, about this time of the year; I am sometimes employed in the field; I never act as driver; I know Derrick, my master's negro; I was sent for by my master to flog Derrick; I went to him; Derrick was in the stocks under the house at Unity; my master gave me a tamarind whip, and told me I must give Derrick about fifty lashes; it was a tamarind rod; I did not take pains to reckon them; when my master said I was to stop, I stopped; I know the difference between twenty-five and fifty; I gave him more than twenty-five, I cannot tell how many more; I think I gave him about forty, but am sure I gave him more than twenty-five; no one was there but me and Derrick and my master; I saw no one else.

Cross-examined.—I came to town to make a complaint to the Protector; it was about the middle of last year; it was very soon after I flogged Derrick; the tamarind rod was of little twigs cut off a tamarind tree; Franky, Derrick, Kate, Petronella, Louisa and Molly came to town with me; they all belong to Dr. Sanders; we came to town to complain that master did not feed us; the others came with same complaint; they did not tell me so, but I heard them before the Protector. Before we left the place we did not talk about our complaint, or about going together, but we set off together, and each had our own complaint. We did not ask master's permission, or tell him we were coming; we did not stop on the road. When we got to town we went to the Protector's. I know my master's store has been broken open; he said there was something lost; some liquor; Kate gave a man named William leave to break open the store; they gave me some liquor, and I drank it; I heard a complaint made of stock being lost. I know my master is a doctor; he does not go very far to his practice; he is out very often; often away all day; we stopped in town about eight days.

By the Court.—It was one night about eight o'clock I flogged Derrick.

Canty (for Defendant.)

"I said, on Mr. Canty proposing to dispute the validity of Orders in Council, 'We are of opinion, that as we sit under the authority of an Order in Council, we cannot hear the validity of such Orders disputed.' And we accordingly refused to hear him on the subject. Mr. Bishop, one of the Assessors on this trial, stated, 'The present Order in Council, under which the Assessors are associated, is with the especial advice and consent of the Court of Policy thereof, which does not appear the case with the Order in Council under which this prosecution is framed.' Mr. Albony, another Assessor, stated, that he considered he sat here as much under the law of the Court of Policy as under the authority of the Order in Council.

"The Judges, however, added, that although they had permitted these statements to be made, they considered them totally irregular, as the Assessors cannot interfere in points of law.

E. J. Henery.—I am acquainted with Dr. Sanders; I have known him for a number of years; I have ever considered him a man of humanity.

Prosecution on 22d article of Order in Council.

"I summed up."

"Votes equal—Defendant Not Guilty."

A true Extract.

(signed)

Charles Wilday,

Dep. Col. Secy.

(L. S.)
Criminal Session,
18th of February 1832.

INDICTMENT made and delivered to the Honourable the COURT of CRIMINAL JUSTICE of the United Colony of *Demerara* and *Essequebo*, on the part of *Samuel Wells Gordon*, Crown Advocate, Plaintiff and Prosecutor, v. *George Sanders*, an Inhabitant of this United Colony, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, that *George Sanders*, residing on Plantation Unity, Mahaica district, within the jurisdiction of this United Colony of *Demerara* and *Essequebo*, did, on a certain day in or about the month of February, of the present year of our Lord 1831, illegally punish the female slave *Petronella*, registered in the year of our Lord 1829, as being then thirty-two years of age, and belonging to his minor children, *William*, *Sarah*, *Georgiana*, *Maria* and *John*, at Plantation Unity aforesaid, within the jurisdiction of the said United Colony of *Demerara* and *Essequebo*, such slave *Petronella* being then under his management or control, by directing and authorizing her the said female slave *Petronella* to be flogged or scourged with tamarind rods, which flogging or scourging was accordingly effected on the body of the said female slave in his presence, against the peace of our Sovereign Lord the King, his Crown and dignity.

(signed) *S. W. Gordon*, C. Adv^{te}.

The Defendant pleaded Not Guilty.

A majority of the total number of the Judges and Assessors present not having voted in favour of the judgment of Guilty, the Court ordered the Secretary to enter, "The Court finds the Defendant Not Guilty."

His Honour the Chief Justice	-	-	-	-	Guilty.
His Honour J. W. Willis, 1st P. Judge	-	-	-	-	Guilty.
His Honour S. Ferebrace, 2d P. Judge	-	-	-	-	Guilty.
Walter Urquhart, Esquire	-	-	-	-	Not Guilty.
Alex. Simpson, Esquire	-	-	-	-	Not Guilty.
Thomas Mewburn, Esquire	-	-	-	-	Not Guilty.

Thus done at the first Session of the Supreme Court of Criminal Justice, held at the Court House, George Town, Demerara, 18th of February 1832.

(signed) *Chas Wray*, C. J.
Jr^o W. Willis, J.
Sam^l Ferebrace, J.
W. Urquhart.
A. Simpson.
Th^s Mewburn.

By the Court.

(signed) *J. M. McGusty*,
Sw^a Cl^k.

A true Copy.

(signed) *Charles Willday*, Dep. Col. Sec.

EXTRACT from the NOTE BOOK of His Honour the CHIEF JUSTICE of the SUPREME COURT of the COLONY of *Demerara* and *Essequebo* in *British Guiana*. Saturday the 18th February 1832.

"*S. W. Gordon*, Crown Advocate, v. *G. Sanders*."

"*Petronella*.—I lived at Unity last year; I was there about the beginning of last year, about this time of the year; I belong to Dr. Sanders; there is no manager on the estate but Dr. Sanders' self; there were twenty negroes at first, but some of them are dead; sometimes I plant victuals and sometimes I cut firewood; I had a reason to complain of my master some time last year; he punished me then; it was about this time of the year, at Unity; I made a complaint to the Protector; he flogged me with a bunch of tamarind rods; he made a man named Bob lick me; Bob is run away; after I came to town Bob was sent for, and he ran away; master sent for him; my master had told me to get shovel to dig trench; I said, 'After you put me in confinement I have no shovel, but I will get one from some of my friends;' I did not get the shovel; I went and cleaned the trench with my cutlass and hoe; all the women on Unity work shovel; my master told me next day.

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day, 'If you don't get a shovel I will shovel you back;' I did not get one; he afterwards ordered me to be flogged; Bob did not flog me sufficiently, and he licked Bob, because he did not flog me enough; he flogged Bob at the same time Bob was flogging me; after he flogged me he put me in confinement for two weeks, and the week I came to town made three weeks; Franky was there, Jack Thomas, Bob and my master; Louisa was there also; no one else; he made me hoist up my coats, and tied three sticks in the ground and tied me down.

"*Cross-examined.*—I have belong to Dr. Sanders; I cannot say now long; I have had five children, four of them are dead; I have belonged to him since I was young till now; I know my master is a doctor; he goes a good deal about to practice on different estates; he is sometimes away all day; sometimes two days; even to three days; when he went out, whoever was left in the house had to take care of it; when I was with child I was left in the house; I remember the store being broken open; master said the liquor was lost in the house; I don't know the store was broken more times than one; when the store was broken, I was in the house; I know Jack Thomas; I don't know he drank any of my master's rum or shrub; Franky sent me out one night to see who was breaking the store; I know Cudjo; I did not see Jack Thomas or Cudjo that night drinking my master's liquor; I did smell liquor in the house; the bar was broken down, and the bars were laying loose about the store; my master was sick in bed at this time; I never heard of the loss of any silver spoons; I once ran away, and my master gave me occasion; once only; I never ran away in the bush from any body else before I belonged to Dr. Sanders; I was taken a prisoner in the bush in Mr. Heyliger's time; I belonged to Dr. Sanders at that time; I had not a husband at that time; I knew a man, Frank, belonging to Dr. Hudson; Frank was in the bush with five of us; they took Frank after they took me; they hung Frank, I saw him hung; nobody else was hung; they hung him because he killed the white people; the Fiscal flogged me; I cannot tell the number of licks, because I was flogged at home at my own place; they flogged me because I was a runaway; we all were in the bush, but I went away whilst the white people were killed; they did not tell me what they were going to do; I did not see the white people's bodies after they were killed; Frances was in the bush, and some Bee-hive women; my master punished me on account of the liquor.

"*Re-examined.*—The time I was caught in the bush was the time I ran away; I was a young woman then, I had not had a child; when the store was broken, I went and told Franky; I had nothing to do with the breaking the store.

"*By the Court* (at request of Defendant's Counsel).—I was sent to Docfour to work, but sent back because I had a young child. Once he sent me to the John; they would take no women, only men, and I was sent back. I went to the Nabacles, and my child died; and they sent me home to Greenfield; I went, but was not sent back.

"*Jack Thomas.*—I belong to Dr. Sanders, and live at Unity; I know Petronella; she belongs to Dr. Sanders; I was not there when she was punished; I did not see her flogged.

"*Franky.*—I live with Dr. Sanders at Craig Mill; I lived also at Unity; I was there about this time last year. I know Petronella, she belongs to Unity; I have seen her punished; about the time I speak of, master punished her; Bob inflicted the punishment; I did not hear my master order Bob to do so; my master was standing by at the time; I saw Bob flog Petronella; he flogged her with tamarind rods; she was tied down, and flogged on her shoulders; cannot recollect who was there; Derrick was there at the time Petronella was getting flogged; Bob tied her down; she got a severe flogging. My master was the manager of the place; we had no other manager; Petronella was one of the negroes of the estate under his management; I did not hear my master find any fault with Bob for flogging her; my master say, Bob was not flogging her; Bob was striking her then; I understood him to mean he was not flogging her hard enough.

"*Canty.*—My master is a doctor; he goes out a good deal; he is sometimes absent a whole day. I have made a complaint against my master to the Protector, and came to town to make it; Derrick, Petronella, Louisa, Kate, Cudjo and I all came to town together. I cannot tell that Petronella ever sold any rum on my master's place; I was always in the house; I know of the store being broken open two or three times; I know of his losing silver spoons, and his stock from about the yard.

"*Derrick.*

" *Derrick*.—I belong to Dr. Sanders; I live at Unity; I know Petronella; she was living on Unity about this time last year; I did not see her punished particular; I was in the stocks; I heard somebody hollowing out in the yard; I heard Petronella's voice; she was close to the door-mouth, but I did not see her; there were two doors between me and where my sister was; they were shut; I heard the tamarind whip going; I saw her back when I came out of the stocks; I was in half a week before I saw her; her back had marks of flogging on it; she was walking when I saw them.

" *Cross-examined*.—Petronella came to town when I did to make a complaint; I don't recollect how long after she was punished; I don't think it was quite a month; several of us came together, but we made no agreement to do so; we all left Unity at the same time, and all came into the town at the same time, but one, Cudjo, who was taken up on the road and sent back; we got to town about three in the afternoon; on the road we did not talk together what we were going to do; Petronella is my sister; Franky is my wife; I am not married by parson; I never agreed with the rest of the people to come and make a complaint to the Protector.

" *Louisa*.—(Rejected by the Court.)

" *Canty* (for Defendant).—The evidence contradictory; first witness not credible, being in the bush with Frank; others not, because they say they did not talk together. *Derrick* could not distinguish the tamarind whip from any other, because two shut doors between him and them.

" Tamarind twigs are not within the meaning of the Order.

" *I summed up*:—

" The first witness might require confirmation by reason of her having been with Frank in the bush.

" That Franky confirmed her, and although I am not so good a judge of negroes as the Assessors, I had never seen a negro witness more clear and intelligent than Franky.

" That if *Derrick* could not be sure of what he heard because of the doors, he clearly proved Petronella had been flogged, for he saw the marks on her back half a week afterwards."

Three Judges voted Guilty.
Three Assessors voted Not Guilty.
Sentence Not Guilty.

A true Extract.

Charles Wilday, Dep. Col. Sec.

Enclosure 2, in No. 17.

Office of Protector of Slaves,
7th March 1832.

Sir,

HEREWITH I have the honour to transmit to your Excellency a List of the cases instituted by the Crown Advocate in my behalf as Protector of Slaves, which that gentleman was instructed to prosecute at the late session of the Supreme Court of Criminal Justice, commenced on the 13th ultimo, and adjourned on the 20th idem.

The cases numbered 1 and 2 were tried on the 18th ultimo; in each of them a verdict of "Not Guilty" was recorded, the three Judges having voted for the conviction of the Defendant, and the three Assessors finding a verdict of "Not Guilty."

In respectfully referring your Excellency to the precisely accurate Notes of his Honour the Chief Justice in the two prosecutions adverted to, and requesting your careful examination of the two Indictments, I am led to believe it will appear not only that the cases were completely sustained, but that the testimony (particularly in the second trial) would have supported a charge of a much graver nature than was preferred. Indeed I will beg to observe, that the Crown Advocate, concurrently with myself, had fully anticipated the great difficulty of getting a conviction from the Court under actual circumstances, and with that feeling, the expediency of framing all the Indictments in the Protector's cases with great caution and moderation had been studiously considered.

The Protest, which the Assessors commenced their labours by requesting the Chief Justice to note on the Minutes of the Court, is in the knowledge of your Excellency, and I can have no hesitation in admitting that this instrument, combinedly executed, disposed me to consider the verdicts they should give in the first

cases to be prosecuted by the Crown Advocate, on behalf of the Protector of Slaves with scrupulous attention. It is neither my duty nor my inclination to discuss the propriety of that act upon political grounds, but it may be right to say a few words upon the light in which it occurred to me, considered with relation to its bearing on the particular cases I was connected with.

I could not divest myself of the recollection that there never had been any manifestation of a disposition to dispute the jurisdiction of the Court, under the authority of an Order of The King in Council, till it came to be used for the trial of offences against the Slave Amelioration Code promulgated by His Majesty's Government. With no intention of personal disrespect to the Assessors, therefore, I must observe, that the united expression of their sentiments of denial on this occasion did not seem to afford any satisfactory proof of that dispassionate state of feeling so essentially necessary to ensure a rigidly impartial discharge of their duties on the trial of persons for breaches of that legislation, peculiarly the object and origin of all the exceptions which have been taken. In fact, in repeating that the Protest induced me to regard the subsequent conduct of the Assessors with the greatest possible attention, I owe it to myself to express my conviction that, in our relative situations, such a temper of watchfulness upon my part was in strict conformity with all those principles of law and justice which were to be applied to the consideration of their verdicts, coming to the performance of their duties as jurymen, under circumstances so strikingly distinctive of political disinclination to vindicate the disputed law, under which most of the Protector's cases were laid. The two very next on the list were prosecutions against the *same person* for misdemeanours under the Order in Council; and I could not venture to incur the heavy responsibility of submitting any other matter against that individual before that Court, until I had received your Excellency's commands to do so. The remaining cases on the list were, comparatively speaking, light and unimportant; and certainly if conviction could not be had upon such evidence as had been adduced in the two first trials, it appeared to be hopeless to advance one step farther.

The Indictments were distinct, the testimony complete, and the law precise.

Here were no vague matters of guilt or innocence submitted to the decision of the Assessors, without any standard of reference to advert to; the simple questions to be determined, were, whether they believed the evidence supported *certain distinctly alleged breaches* of the law, or not?

Granting, however, that the six Assessors in those two trials returned a verdict of "Not Guilty," absolutely because their opinions of the evidence carried them conscientiously to such a conclusion, (and certainly this is an admission of a more extensive nature than I have it in my power to sustain by indisputable proof) then, at all events, it is impossible to resist the inference that their preceptions were so obscured, and their judgments so warped by their prejudices, that they could not contemplate these matters in a state of mind proper for their just disposal.

The luminous charges of his Honour the Chief Justice in both these cases, and the unanimous votes of the three Judges, are unanswerable proofs of the *legal tendency* of the evidence to establish the guilt of the accused; and keeping in view all the considerations I have touched upon, and looking at the result of the two first trials, I will frankly declare to your Excellency, that to proceed seemed to me to be submitting to the judgment of a Court, the moiety of which (it is using a measured form of expression to say) could not determine upon the Indictment preferred by the application of the evidence adduced.

It was much relied upon in the defence in these two cases, that there was a conspiracy upon the part of the witnesses against their master; and this circumstance was strenuously insisted upon, because they all came together to the Protector's office to complain. The tone of the cross-examination by the Counsel of the accused, was exactly calculated to lead the witnesses to believe that if it could be established they had conversed together on their journey to town, upon the subject of their intended complaint to the Protector, the conspiracy would be clearly manifest.

The Protector's office however was precisely the place these people ought to have come to, and the fact that they did not choose to admit they had spoken together of their grievances on the way to town (supposing for a moment they did so, which has never been proved) will probably occur to your Excellency, to be a much less important point for the just appreciation of these two cases, than the failure of all attempt to show that those grievances had not existed to the utmost extent complained of.

Another point much depended upon was the bad character of the witnesses. I apprehend, it will appear to your Excellency, that the obvious mission of the Court was to try the Defendant, not to judge the witnesses; if, however, there had been any evidence of a contradictory nature, it is not intended to be disputed that satisfactory proof of the bad character of these people might have tended to shake their testimony. But is there to be found in the Notes of either trial, one word of direct evidence against the whole extent of the charges? Surely, in the absence of distinct proof on our side, it would not have been considered admissible to argue, that certain specific allegations against the Defendant were extremely probable, because there was no reason to believe he was in general a very patient master. Specific allegations, we might then have been justly and indignantly told, were to be supported or rebutted by specific testimony, and not by vague analogous surmise.

I do not propose to contend, that the bad conduct of the persons punished, on the particular occasions of the infliction, and their generally discreditable characters (supposing such circumstances to be clearly proved) would not have furnished a reasonable ground for an extenuation of the sentence on Mr. Sanders; but such considerations afford no explanation of a verdict declaring that he was "Not Guilty" of a specific breach of the law, *distinctly proved*.

To determine whether the law was violated or not, was the first duty of the Assessors; to measure the sentence is another.

With reference to a Memorial addressed to your Excellency by the Assessors, which you had the goodness to permit me to examine, I perceive it is positively asserted, that there was no intention upon their parts to adopt any other than the obvious and just course of deciding all the Protector's cases according to a conscientious view of the proof they rested upon.

Before I proceed to make a few remarks upon that paper, I will beg to observe, that I should not have alluded to it at all, if I had not felt that its principal object was, to satisfy your Excellency that the declining to proceed with the Protector's cases was an instance of unjustifiable precipitation on the part of that officer.

This is a serious imputation, and I venture to hope your Excellency will permit me to show that it is not very clearly sustained.

It is not my intention to dispute the assertion above referred to, contained in the Memorial of the Assessors; but as documents have been annexed, (assumed to be indisputably corroborative of it) I must be permitted to remark, that they by no means plainly lead to the inference these gentlemen have drawn from them.

The declaration, I repeat, may be perfectly faithful, but it is not happily or conclusively proved by the tenor of the papers exhibited.

Mr. William Grant was not to be prosecuted for a breach of an *Order* of The King in Council, but for a breach of an Ordinance of the Court of Policy. I have never heard there was the least reason to suppose any disposition existed to doubt or reject the authority of that Court. If, however, such a feeling ever has found a place in your Excellency's mind, there can be little doubt the certificate of Mr. Grant, and the declaration of the two Assessors, will entirely remove it. But this is the extent of what these papers prove; and I do not apprehend that any proof to such a point was in any degree necessary.

The Protest, signed by all the Assessors, against the validity of an Order in Council as law in this Colony, is an instrument to which it is more natural to refer for satisfactory evidence of the state of feeling with regard to cases laid under that law. I cannot refrain from observing, that the declaration of the two Assessors, and the certificate of a Defendant, that he was advised by them to abandon the defence of a case laid under an Ordinance of the Court of Policy, do not tend to weaken the force of a presumption, showing the possibility that some intention did exist to draw a distinction between cases of persons to be tried for breaches of the disputed Order of The King in Council, and those of persons to be tried for violations of the more respected Ordinance of the Court of Policy.

I do not positively insist that such was the fact, because I cannot positively prove it, but neither have the Assessors distinctly avowed, or left room to infer, that there never was any such feeling or intention.

It appears that two of these gentlemen (who might have been called on to sit upon his trial) counselled, and efficaciously counselled, Mr. Grant not to proceed.

I am not prepared to say that this species of communication between parties so situated was unjustifiable, though it certainly is not usual; but at least if it were

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not considered wrong to advise one defendant to desist, it does not seem impossible that it may as little have been felt to be improper to suggest to another that it would be well to persist.

It is said in the Memorial, that so far from there being any improper combination among the Assessors, hardly any two of them entertained similar opinions upon the course to be prosecuted.

I have no means of knowing the character of all the variety of opinion which was expressed by these gentlemen, and I am sorry to hear any difference existed, for I am sure it will seem to your Excellency that the one only safe opinion to act upon, (it is to be hoped that finally it was frankly and unanimously adopted) was to administer the law with impartial justice, according to the tenor of their oaths.

In making these observations, I beg most seriously to assure your Excellency that I have no intention to impugn the conduct of the Assessors.

My principal object is to prove that I did not form any opinions perfectly without reason, and I will confess, too, (as accusation has been unsparingly used on the other side against the witnesses) I have been influenced in making these remarks by a desire to show that there is not more room to infer a conspiracy upon the part of the witnesses against Mr. Sanders, than there might be found to deduce the existence of some species of combination between the Assessors themselves, or between the Assessors and the Defendants.

Accusation or insinuation of every description which cannot be supported by proof is to be deprecated, and perhaps there is no more palpable mode of exposing its impropriety than by showing that it may be used as extensively and speciously on the one side as the other.

It is a painful source of reflection, that since the Order in Council of 1830 has been promulgated in this Colony, no case of offence against a slave has arrived at conviction before the Supreme Court of Criminal Justice.

A reference to the Notes of the first case tried, that of Mr. R. M. Jones, in the month of July last, and now to the notes in the cases against Mr. George Sanders, will not lead to the conclusion that these failures are attributable to any defect in the proof against the parties.

It is not my province to search for the causes of these defects, but I certainly could not venture to continue to reply, on the vindication of the Slave Amelioration Laws by the Supreme Court of Justice, in its present shape, without being honoured with your Excellency's instructions to that effect.

It would have been infatuation to suppose that the slaves were careless observers of the proceedings of the Court; and I humbly trust your Excellency will be of opinion, that the best and surest means of maintaining them in a state of peaceful obedience to the proprietary, is to impress them with the firm belief that the intentions of His Majesty's Government in promulgating laws for the amelioration of their condition are profoundly sincere, and that those laws are completely executed.

Under present circumstances, I considered that my principal means of support in the protection of the Slave Population could not be counted upon; and giving to the whole subject the most deliberate and anxious attention, I strongly felt it was my duty respectfully to state to your Excellency, that it seemed to me to be neither becoming nor safe to subject the just administration of the laws to further experiment.

I take this opportunity to assure your Excellency that I have upon this and every other occasion, since I have been in the Colony, received the most cordial assistance from the Crown Advocate in the discharge of my duties; and I beg to add, that he entirely concurred with me in the futility of proceeding further with my cases for the present.

I earnestly hope your Excellency will be satisfied with this exposition of the feelings and motives which induced me to submit the opinions I respectfully urged on the occasion of the late adjournment of the Court of Justice.

With sentiments of perfect truth and respect, I have, &c.

(signed) *Charles Elliot,*
Protector of Slaves.

Major-General
Sir Benjamin D'Urban, &c. &c. &c.

A true Copy.

(signed) *J. C. Hammill,*
A. G. S.

LIST of CASES under Prosecution at the instance of the CROWN ADVOCATE, remitted by the PROTECTOR of SLAVES, standing for Trial at the Criminal Session of the SUPREME COURT of JUSTICE on the 13th February 1832.

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PLAINTIFF and PROSECUTOR.	DEFENDANT.	INDICTMENTS.
No. 1. The Crown Advocate.	G. Sanders -	<p>For having illegally flogged the slave man Derrick, his property, to an extent beyond 25 lashes, within a period of 24 hours.</p> <p>2d Count. For having punished such slave without the presence of the required witnesses. Such acts constituting a misdemeanour under the 22d Clause of the Order in Council of the 2d February 1830.</p>
No. 2. The same	the same - -	<p>For having scourged the woman slave Petronella with rods.</p> <p>Misdemeanour under the same Clause.</p>
No. 3. The same	the same - -	<p>For having scourged the woman slave Franky, under his charge.</p> <p>Misdemeanour under the 22d Clause of the Order in Council of the 2d February 1830.</p>
No. 4. The same	the same - -	<p>For having scourged the woman slave Molly, under his charge.</p> <p>Misdemeanour under the same Clause.</p>
No. 5. The same	W ^m Odwin -	<p>For having scourged the woman slave Jacominky, his property.</p> <p>Misdemeanour under the same Clause.</p>
No. 6. The same	the same - -	<p>For having scourged the woman slave Abigail, his property.</p> <p>Misdemeanour under same Clause.</p>
No. 7. The same	James Hunter -	<p>For having illegally scourged the male negro Gwashey, under his charge, whilst the wounds and laceration caused by a previously recent flogging were unhealed.</p> <p>Misdemeanour under the 22d Clause of the same Order in Council.</p>
No. 8. The same	D. T. Malloney -	<p>For having wilfully omitted to employ a legally qualified medical practitioner to attend the sick on his Plantation Turkeyn.</p> <p>For a penalty of 40<i>l.</i> sterling, under the 6th Clause of the Act of the Governor and Court of Policy of the 17th April 1830.</p>
No. 9. The same	J. T. Osborne -	<p>For illegally confining the female slave Maria, belonging to Plantation Covent-Garden, under his charge, in the house-stocks of that estate, during the hours of the night.</p> <p>Penalty not exceeding 50<i>l.</i> sterling, or less than 10<i>l.</i> sterling, under the 5th Clause of the Proclamation of the Lieutenant-Governor of the 29th April 1830.</p>

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PLAINTIFF and PROSECUTOR.	DEFENDANT.	INDICTMENTS.
No. 10. The Crown Advocate.	J. T. Osborne -	For having illegally punished the slave Jeannette, in the same manner as the last. The same penalty.
No. 11. The same	John Hart -	For having illegally punished the male slave, Solomon, belonging to Plantation Turkeyn, by placing his hands in the stocks, the hands being in a state of tume- faction at the time, to his, the slave's, serious wrong and injury. For a penalty at the discretion of the Court, under the 11th Clause of the Order in Council of the 2d February 1830.
No. 12. The same	W ^m Carberry -	For having illegally employed the slave Mary Ann, the property of Elizabeth Sebastiani, without the knowledge or consent of the owner. Penalty of 40 <i>l.</i> sterling, under the 8th Clause of the Act of the Governor and Court of Policy of the 17th April.
<p>The Protector of Slaves represented to his Excellency the Governor, that he did not think this was a case for prosecution by him ; but his Excellency was of opinion, that as it was the <i>last</i> case of the kind which could come before the Protector, (the Order in Council of November 2d 1831 having arrived and being in force) that it would be better to pursue the course laid down in the repealed Ordinance for the prosecution of such matters, than to leave it in an undetermined state.</p> <p>(signed) <i>Charles Elliot,</i> Protector of Slaves.</p>		
No. 13. The same	W ^m Grant -	For having punished the slave Edward, his property, by placing him in handcuffs, and afterwards confining him in a room, and tying his hands to a beam over his head, for the night. Penalty of 50 <i>l.</i> or not less than 10 <i>l.</i> sterling, under the 12th Clause of the Act of the Governor and Court of Policy of 17th April 1830.
<p>The full penalty of 50<i>l.</i> having been paid into the hands of the Protector of Slaves, on Monday the 13th of February 1832, and paid over by him to the hands of M. J. Retemeyer, the Colonial Receiver, on Monday the 15th idem, the Protector instructed the Crown Advocate not to call this case.</p> <p>(signed) <i>Charles Elliot,</i> Protector of Slaves.</p>		
<p>(signed) <i>S. W. Gordon.</i> C. Ad. <i>Charles Elliot,</i> Protector of Slaves.</p>		

Enclosure 3, in No. 17.

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To 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, Governor and Commander-in-Chief in and over the Colony of *British Guiana*, &c. &c.

THE MEMORIAL of the undersigned Assessors, appointed under and by virtue of an Ordinance of his said Excellency, with the advice and consent of the Court of Policy, entitled, "An Ordinance to provide a sufficient number of Assessors to be associated with the Judges of the Supreme Court of Criminal Justice of British Guiana;"

Respectfully Showeth,

That your Memorialists having been duly appointed Assessors, to be associated with the Judges of the Supreme Court of Criminal Justice of Demerara and Essequibo in all prosecutions brought before that Court, did, on the 13th of the present month of February 1832, assemble at the Session of the said Court, held in George Town, Demerara, for the purpose of discharging the duties of the offices to which they had been appointed.

That your Memorialists continued from day to day to discharge their duties, and on several occasions had the satisfaction of hearing it admitted and observed by the Judges, that your Memorialists' intimate knowledge of the negro character gave to them a decided advantage in determining the degree of credit to be attached to the evidence of such persons.

That a train of prosecutions designated "the Fiscal's Causes," having been heard or determined, or otherwise disposed of, on Saturday the 18th instant, two certain prosecutions at the instance of Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, *versus* George Sanders, an Inhabitant of this Colony, were brought under the cognizance of the Court.

That the indictment in the first prosecution contained two counts. By the first of these, the said George Sanders was charged with having directed and authorized the slave Derrick, his property, to be flogged or scourged with tamarind rods, to an extent exceeding twenty-five stripes or lashes, and which punishment was inflicted within the period of twenty-four hours. By the second count, the said George Sanders was charged with having inflicted the aforesaid punishment on the slave Derrick, without the presence of any person of free condition besides himself the said George Sanders, or of six adult slaves to witness the said punishment.

Upon this trial the lots fell upon your Memorialists, James Hill Albony, Edward Bishop, jun., and George Anderson, who thereupon took their seats accordingly.

That in support of the charges contained in the indictment were produced two witnesses, Derrick, upon whom the punishment was said to have been inflicted, and Jack Thomas, the person said to have inflicted the punishment. Both these witnesses swore to a punishment having been inflicted on Derrick, but neither of them could swear as to the number of stripes, although it is admitted that both swore that more than twenty-five stripes were inflicted. Upon the cross-examination of both these witnesses they were proved to have been, and to be, such profligate and abandoned characters as to be in the opinion of the Assessors totally unworthy of any the slightest credit. It was also elicited by the cross-examination, that no less than five persons, among whom were the two witnesses Derrick and Jack Thomas, all slaves of George Sanders, came to town together, a distance of twenty miles from the place of their abode, with the intention of complaining to the Protector; that they had remained together ever since; that they were all connected by ties of blood or otherwise, except the man Jack Thomas; and yet these witnesses positively and distinctly swore that they had never spoken a word to each other on the road or otherwise about the Protector, or the object of their visit to him.

It cannot be supposed that each Assessor should take the notes of trials before him as fully as the Judges, who are enjoined to do so for the purpose of being sent home; but one of your petitioners, Edward Bishop, did take notes of the evidence on this trial, copy of which is herewith submitted, and which notes are sufficiently full to show the character of the witnesses as above stated, and their unworthiness of credit.

By the indictment on the second prosecution, the said George Sanders was charged with having illegally punished the female slave Petronella, by directing and authorizing

authorizing her to be flogged or scourged with tamarind rods, and which flogging or scourging was accordingly effected on the body of the said female slave in his presence. The Assessors upon whom the lots fell to sit upon this second trial were Alexander Simpson, Walter Urquhart and Thomas Mewburn.

The witnesses in support of this second prosecution were the woman Petronella, the boy Derrick before mentioned, and who was her brother, Franky the wife or reputed wife of Derrick, and the man Jack Thomas.

These witnesses, with the exception of the man Jack Thomas, who proved nothing, gave their testimony in so loose and contradictory a manner, as to convince not only those of your Memorialists who sat as Assessors on this trial, but many others of the Assessors, that they were unworthy of belief; particularly as it was evident that the whole five, except the man Jack Thomas, were connected with each other, and that he, the only one unconnected, although he was proved to have been on the estate and about the buildings at the time the punishment was said to have been inflicted, being called upon, swore that he had not seen or known any thing of the matter.

Your Memorialists refer particularly to the characters of the witnesses here mentioned. One of them, Petronella, has been since the year 1817 or 1818 a noted character; she was in that year connected with the murders of the two white men, and, to such an extent did she and the other women present on that occasion carry their savage brutality and ungovernable ferocity, dismembered their unfortunate victims, and actually chewed in their mouths those parts which delicacy prevents your Memorialists from naming. One of the Assessors who sat on this trial, Alexander Simpson, remembers to have seen the woman Petronella punished, in virtue of a sentence of the Criminal Court, for her participation in the murder.

By referring to the Notes of the Judges, it will be found that this woman, who was said to have received the punishment, swore that her clothes had been taken up before she was flogged, thereby implying that she had been flogged on her bottom; in this she was directly contradicted by Franky, who swore that the flogging had been inflicted on Petronella's shoulders.

Derrick swore that he knew Petronella was flogged with tamarind rods; yet, in his cross-examination, he admitted that at the time Petronella was said to have been flogged he was in the stocks; that the stocks were in an inner room of a house; and that between him and the spot where he supposed the punishment to have been inflicted were two doors, both of which were at the time closed and locked. Independently of which, the character of this witness has been abundantly exposed on the trial immediately preceding, and which will be apparent from the Judge's Notes.

Petronella swore, that she had never heard of her master's store having been broken open more than once. In this she was contradicted by Franky, her sister-in-law, who swore, that her master's store had been broken open three times; and that on every occasion Petronella and herself had been employed and were about the house. It was proved incontestibly that their master's store had been broken open several times and plundered to a very serious extent; and even Jack Thomas, though not proved to have been actually engaged in the house-breaking, was nevertheless proved to have participated in the effects of that robbery, and to have drunk the liquor or spirits which had been stolen.

There was no proof, indeed no allegation, that any marks or symptoms of being flogged had been exhibited by Petronella to the Protector at the time she lodged her complaint; although in her evidence she distinctly swore that a large bundle of tamarind rods, and by signs she attempted to convey an idea that the bunch of rods must have been two feet in diameter, and therefore containing many hundreds, had been worn out in the operation of flogging her; if this were true, she must have received many thousand stripes, the marks of which must have remained.

It occurred also to the Assessors as being a remarkable circumstance, that although many other slaves were in and about the buildings and premises of George Sanders, yet that no other witnesses should be produced on the trials except those already described, as strongly connected with each other, and among whom, as the Assessors who sat on the trials verily believed, there existed a conspiracy against their master.

Having stated the grounds upon which each of the Assessors who sat maintains that he returned his vote of "Not Guilty" on the trials, your Memorialists will now call the attention of your Excellency to the proceedings of Monday, the 20th instant.

On Saturday, after the disposal of the second case, the Court was adjourned to Monday the 20th instant. On the Court being opened on the Monday, all the Assessors in office were present, with the exception of James Hill Albony, absent from illness. The Chief Judge, evidently labouring under considerable irritation and want of temper, inquired if there were any more cases of the Fiscal. After a pause of a few minutes the question was answered in the negative. The Crown Advocate was then directed to proceed with the cases of the Protector, upon which he read a paper to the following effect: "I have been ordered by the Protector to state, that after having taken a review of the proceedings of last Saturday in the cases of Dr. Sanders, he does not think fit to go on with the other cases at present."

The Chief Judge then said, "Well, Mr. Gordon, what is to be done?" The Crown Advocate answered, "As far as I am concerned, to adjourn the Court." On which the Judge remarked, "In consequence of the verdicts on the two last cases on Saturday being Not Guilty, I am sorry that I must concur in your opinion, and therefore I do adjourn the Court until the 30th of April."

Immediately upon the adjournment being declared, the Senior Assessor, John M'Lean, requested to be allowed to address the Chief Judge; but his Honour abruptly observed, that "the Court was already adjourned, and that he could not then listen to him." To this the said Assessor replied, "Then I think the Assessors are treated with great injustice."

It cannot be denied that the manner in which the Protector has thought proper to postpone his suits and interrupt the proceedings of the Court of Criminal Justice; the reasons assigned by the Crown Advocate for not proceeding; the concurrence therein by the Chief Justice; the unceremonious dismissal of the Assessors from Court, without an opportunity of explanation being afforded them; have cast a strong imputation on their characters; an imputation of the Assessors being men so lost to every sense of the sacred obligation of an oath as to have been resolved to vote "Not Guilty" on every case brought before them by the Protector, whether proved or not. Against such an imputation, or any inference likened to it, each of the Assessors declares in the most unqualified manner, that in every case brought before him, whether at the instance of the Fiscal or Protector, he has been actuated in the discharge of his duty by the dictates of his conscience only, and that he has decided exclusively under the guidance of his conscience, or rather the conviction produced upon his mind by the evidence adduced.

To believe the imputation or inference above stated, must necessarily imply a belief in the pre-existence among the Assessors of a conspiracy to throw out every case brought before them at the instance or suit of the Protector of Slaves.

Your Memorialists, denying the pre-existence or existence at any time of such a conspiracy, cannot but discern that such imputation or inference must be the result of the circumstances detailed, and therefore take leave to state certain facts which must disprove such imputation or inference, and hold them exonerated in the opinion of every unbiassed and unprejudiced person.

Your Memorialists do admit that several conversations touching the laws promulgated with regard to the Slave Population were had by and amongst them; but so far from any general conclusion being arrived at by them, there were no two of your Memorialists who thought alike, not only upon minor matters, but even upon the most important points.

As a proof of this, your Memorialists state, and submit documents in support of such statement, that a Mr. William Grant, who had been served with an indictment at the instance of the Protector for a pecuniary penalty of 50*l.* sterling for a breach of the Slave Ordinance, applied to three of your Memorialists, Alexander Simpson, and Thomas Mewburn (who employ the said William Grant as engineer on their estates) and Walter Urquhart for advice. He applied to them at different times, and at several places, without letting the one know that he had applied to the other; they all respectively advised him to pay the fine, which he did. The receipt of the Protector of Slaves for the fine and the certificate of Mr. Grant are herewith laid over.

Had there been any such collusion on the part of the Assessors as that imputed or inferred, was it likely that Alexander Simpson, Thomas Mewburn, and Walter Urquhart, severally and at different times, and without the one knowing the advice the other had given, would have advised the said William Grant to submit to the penalty or fine, and pay the sum of 50*l.* sterling, a matter of serious inconvenience to him,

him, if either had laboured under an impression that by contrary advice the said William Grant would have saved his fine?

Some of your Memorialists, in the conversations alluded to, had admitted and declared their complete recognition of the Order in Council, in as far as it had been recognized by the Act of your Excellency and the Honourable Court of Policy of the 17th April 1830, and published on the 29th following, subject to the rights of your Memorialists and Colonists in general to try by all legal means the question which had arisen in this Colony, and which your Memorialists respectfully maintain had not been yet determined; it was in virtue of such recognition that your Memorialists thought proper to have their protest recorded, and which protest is merely against their acts being construed into a waiver of the rights of the Colonists to have legally tried and determined the *Veratam quæstionem*.

Your Excellency must be reminded, that the Order in Council last published has not been published sufficiently long to have given rise to any question under it being likely to have been brought before your Memorialists during the last Session of the Criminal Court; and recognizing, as they did, the previous law, *sub modo*, your Memorialists confidently ask, What object could they have had in view for combination or collusion so imputed to them as aforesaid, and to rescue themselves from which they now submit this their explanation of their conduct?

In laying this statement before your Excellency, they have in view two objects:—

1st. To show that the votes of the six Assessors who sat on the trials herein mentioned, were given in accordance with their received notions of the Evidence produced, and not in reference to any legal or political question.

2dly. To disprove the pre-existence, or existence at any time, of any combination among your Memorialists.

Your Memorialists trust, that in thus approaching your Excellency, they act only under the influence of feelings belonging to men of character and high standing in the community.

Many of them have been residents in the Colony for upwards of thirty years, and the shortest duration of the residence of any one of them is not less than nine years. They respectfully assume, that it was in consequence of their characters that they were elected by their fellow Colonists, selected by the Judge of the Court of Criminal Justice, and appointed by your Excellency to fill the office, in the discharge of the duties of which the circumstances herein stated have unhappily occurred.

They have felt themselves obliged, though hastily, to lay before your Excellency this Memorial; and in doing this, each for himself, individually, doth solemnly attest, that as the averments herein contained are applicable to himself, the same are true. All which is respectfully submitted.

(signed)

John M'Lean.

B. J. Hopkinson.

U. J. F. Bach.

W. Urquhart.

Henry Halket.

E. Bishop, Jun.

Thomas Mewburn.

A. Simpson.

J. H. Albony.

George Anderson.

Court House, 18th February 1832.

CASE of the Slave *Derrick*, belonging to *George Sanders*, who was indicted for having inflicted corporal punishment exceeding twenty-five lashes, and such in absence of sufficient Witnesses.

The EVIDENCE taken by one of the Assessors, *E. Bishop, jun.*

Derrick; Examined by the Crown Advocate.

MY master lives on the estate; no other manager; I mean Dr. Sanders; I am employed minding master's horses; master gave me in the beginning of last year a *little punishment*; I then made a complaint to the Protector; don't recollect when; flogged me another time; I was working the ox in the cart; master told me to bring some shells; tied the ox to a tree; the ox broke loose and got away; I went to get a rope, returned, but could not find the ox; master said, if I did not bring the shells in time, he would do something to me; next day I got the ox and worked the cart again; when I was coming with some shells I met my master; he said his stirrups were not clean, and ordered me to go home; a girl, Molly, went with me

to get shells; my master returned and met us; he said 'How do you come to take the girl with you?' I answered, she had said he had ordered it; when I got home he put me into the stocks because I took the girl with me; he came to me that night, and called a man to flog me in the stocks; this man's name is Jack Thomas, who flogged me; master told Jack Thomas to give me fifty with tamarind whip; *I did not count them*; I can't say my master counted them; he gave me more than twenty-five; I could not count them because *I was in the stocks*; nobody else but master and Jack Thomas were present; the stocks are under the dwelling-house; I belong to Dr. Sanders.

Cross-examined by the Defendant's Counsel.

No other servants in the house but me and Molly, a little girl; I know Petronella, she is my sister; she is sometime sent by master in the house, not always; she was, when I went for shells, working in the field aback; Franky *was in the house too*; she is a house servant; I left Franky in the yard when I went for shells; master did not tell me to take Molly with me; Franky has charge of the house, and not Molly; I heard my master order her that day to wash bottles; I told Colonel Young (the Protector) my master had given me *one hundred lashes, next morning*; I knew the house was broken open four or five times; some rum and shrub was lost on that occasion, also some hogs and stock were missing; I heard master say five silver spoons were lost; Franky, Jack Thomas, Kate and Louisa and Petronella went with me to the Protector; two others, Cudjo and Apollo, likewise; but they returned; we all agreed to go together. My wife is Franky; nobody told me, and I did not tell any body that I was going to town; we all came together; we did not say a word on the road about the Protector; we did not ask master's leave to go to town; I did not know the others were going to complain to the Protector, and I did not tell any one of them; when we went to town, we came to Cudjo's house to get a drink of water; Franky was with us; knows Mr. Thomas Rodgers; met him in town at the Water-street side-street*; we were then all together going to the gaol; the Protector gave us a pass; Mr. T. Rogers spoke to the others, not to me. When we left Cudjo's mother's house we went straight to the Protector's; we stopped about a week in town, which we lived in the gaol; the Protector sent us; I am no relation to Molly; Petronella is a half sister; one mother, but two fathers. *My master did not punish any one for the articles lost and stolen*; he looked to Franky for them, and Apollo for the hogs. I know Mr. Day, he lives in town; I was ordered to take a horse of his from Plantation Unity to Porter's-hope; I afterwards rode the horse to town, then back to Porter's-hope the same day with a letter; master did not tell me to ride the horse, for which I was flogged, and which I deserved.

* Sic in orig.

By the Crown Advocate for the Prosecution. By the Chief Judge.—I got the letter at three o'clock in the morning; my master ordered me to come back that day; Unity is a few miles from Mahdica.

By the Chief Judge.—I was flogged about eight o'clock at night in the stocks; Molly is about sixteen years.

Jack Thomas; Examined by the Crown Advocate.

I am a slave of Dr. Sanders; live at the Unity, where I was about this time; am sometimes employed in the field; never act as driver; knew Derrick; was sent by my master to flog Derrick; went to master; Derrick was in the stocks under the house; master gave me a tamarind whip, and told me to give him (Derrick) about fifty lashes; it was a rod; gave him fifty lashes, when my master said I was to stop; I did not reckon them; I know the difference between twenty-five and fifty; gave him more than five-and-twenty; I think about forty; nobody else present; I saw no one else.

Cross-examined by Counsel for the Defendant.

Came to town to make complaint to the Protector about the middle last year; soon after I flogged Derrick; used the little twigs of a tamarind tree; Franky, Derrick, Petronella, Kate, and Molly and Louisa all belong to Dr. Sanders; I went to town to complain that master did not feed us; the others went *for the same complaint*; *they did not tell me so, but I heard it at the Protector's*; we never talked about what we came for; we did not agree before about our complaint; but we went together; I did not ask my master's permission, nor tell him; we did not stop any where; but went straight to the Protector in town; I knew of the store-room having been broke open; *heard* master say he had lost some liquor; Kate gave

a man,

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a man, William, leave to break open the store; *they gave me some, and I drank it*; know nothing about the stock being lost, but heard of it; know my master to be a doctor; he does not go very far to his practice; he is out very often, and often away all day; I believe we were in town about eight days.

By the Crown Advocate.—Flogged him (Derrick) one night about eight o'clock.

J. Henery, the Printer.

I have for many years been acquainted with Dr. Sanders; I have ever considered him a man of humanity.

With such contradictory and profligate evidence leagued against their master, whom I do not recollect ever having seen before, combined with upwards of thirty years' experience of the negro character, I could come to no other conclusion but that the infliction altogether was extremely doubtful, particularly when so many other slaves were about the house under which the stocks were situated; and expressed my sentiments openly in Court to that effect. So serious a doubt existing in my mind, I could not give a verdict conscientiously in favour of the prosecutor.

George Town, }
22d February 1832. }

(signed) *E. Bishop*, Assessor.

RECEIVED from Mr. William Grant, engineer, residing on Plantation Chateau Margo, in the parish of St. Paul's, the sum of 700 guilders, or 50*l.* sterling, being the full amount of a fine incurred by him for illegally punishing the slave "Edward," belonging to him, on or about the 13th day of July 1831, in contravention of part of the 12th Article of the Ordinance of his Excellency the Lieutenant Governor and the Honourable the Court of Policy, dated on the 7th day of April 1830.

(signed) *Charles Elliot*,
Protector of Slaves.

George Town, Demerara, }
February 15th, 1832. }

Chateau Margo, 20th February 1832.

I HEREBY certify, That I was cited at the instance of the Protector of Slaves, to appear before the Court of Criminal Justice of Demerara and Essequibo, for having illegally punished a slave, named Edward; and that I consulted Alexander Simpson and Walter Urquhart, esquires, as to the line of conduct I should adopt in my defence, when these gentlemen separately, and at different times, advised me to pay the fine demanded, namely, 50*l.* sterling, and not to appear before the Court, as it was most probable from the facts that I stated to them, I should be condemned by a sentence of the Court to pay that sum, with costs.

(signed) *William Grant*.

THE woman Petronella, the complainant, is known to one of the Assessors as a most profligate character, he having been present when she was punished by the Fiscal for being associated with others in the murder of two white men; by her testimony the punishment which Doctor Sanders is charged with having inflicted on her was on the buttocks, while the other evidence, the woman Franky, declares, that it was on the shoulders, and contradicts in many instances the evidence of Petronella; they both agree that they have been employed about Dr. Sanders' house, and the one states that she knows that his storehouse has been broken into once, while the other admits that it has been broken open and plundered three times. The boy Derrick states, that at the time Petronella was punished, he was shut up in a house, and there was two doors between him and the place where the woman was punished, and no window in the room, yet he knew and could swear that the instruments by which she was so punished were tamarind switches.

The witnesses positively and severally state on their oaths, that they left Plantation Unity together, for the purpose of going to town to complain to the Protector against their master, and that although they had travelled 20 miles together, no one of the party had the least conversation with the other as to the object of their journey to town, nor after their arrival in town, although they waited on the Protector in a body.

The

The man Jack Tom, although he admits that he was on the estate at the time the punishment was said to be inflicted on Petronella, yet declares he knows nothing about it. The person who was said to have inflicted the punishment was not produced.

From my knowledge of the negro character and a mature deliberation of the whole matter, I came to the conclusion that a conspiracy was formed by the whole of the evidences produced against Dr. Sanders, and that it had been agreed, "I will swear for you, and you for me;" all of them being profligate characters, and from the nature of their own admission, a strong presumption exists that they have been aiding and assisting in the several burglaries committed on the premises of Dr. Sanders. The inclination of my mind is, that some punishment might have been inflicted by Dr. Sanders on the woman, but as to what the nature or extent of that punishment might have been, it is quite impossible to come to any conclusion, or in what manner it was inflicted, or in what part of the body. And under these circumstances my mind directed to me, that the defendant was entitled to an acquittal, as, under the circumstances of his being found guilty where such a doubt remained, the sentence might be more than commensurate to the offence. It is here necessary to remark the relationship of these witnesses, viz. that Derrick was the brother of Petronella, and that Franky was the wife of Derrick.

(signed) *A. Simpson.*
W. Urquhart.

(C.)

— No. 18. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *B. D'Urban*,
&c. &c. &c.

Sir,

Downing-street, 8th June 1832.

I HAVE received your Despatch of the 12th of March last, enclosing various Documents, connected with the recent trials in the Criminal Court of Demerara and Essequibo, of persons charged with cruelty to slaves.

In my Despatch of the 27th of April, written long before the Report of these trials had reached me, I expressed my confident persuasion, that no gentlemen who might be called to act as Assessors would be found capable of the heinous guilt of deliberately violating a solemn judicial oath, whatever might be the strength or the character of his political opinions. It is with sincere satisfaction that I find myself supported in that conviction by the Documents which you have now transmitted to me. However much I may myself be disposed to doubt the accuracy of the conclusions drawn by the Assessors from the evidence before them, and strongly as I may be inclined to think that the Judges formed the more sound inference from that testimony, yet I acknowledge, in the most unequivocal terms, that the opinions of the King's Executive Government upon such a question are entitled to no more weight than would be due to their judgment as private and individual members of society. It is not within their competency to decide, nor is it their duty to inquire, whether a verdict acquitting an accused party was, or was not, supported by the evidence.

If indeed there had been ground to justify the opinion that the evidence had been disregarded, and that the Assessors had pronounced their verdict under the influence of any previous determination to defeat the law, a case would then have arisen demanding the prompt interference of His Majesty, who is no less compelled by duty than prompted by inclination to take effectual methods to maintain the supremacy of the law, and to secure an impartial administration of justice to every class of his subjects. The Assessors however reject, and not without the indignation becoming conscious innocence, the imputation of having considered anything except the proper weight and effect of the testimony before them; and they have entered into an elaborate investigation of that evidence, to show that their verdict was dictated not only by an impartial spirit of justice, but by an enlightened and sound view of the real effect of the depositions. It is enough for me to say, that their reasoning, whether accurate or otherwise, carries with it sufficient weight to repel altogether the injurious supposition that the verdict was the result of a pre-conceived decision to acquit the accused. Assuming, for the sake of argument, that the Assessors reasoned ill, I cannot recognise in such errors of judgment any ground which would demand or justify His Majesty's interference.

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Yet I do not condemn the determination of the Protector to withdraw his remaining indictments. On the contrary, he seems to me to have acted, on that occasion, with perfect propriety and sound discretion. The remarkable contrast between the conclusions of the Judges and those of the Assessors, connected as it was with the avowed unpopularity of the law, and with the general avowal throughout the Colony, and by the Assessors themselves, of opinions hostile to His Majesty's right of legislation, could scarcely fail to excite in the Protector's mind a sense of alarm and distrust. Nor were there wanting other circumstances to confirm those misgivings. I find, with no less surprise than regret, that two of the Assessors permitted a person under prosecution to enter into private communications with them as to the course which he ought to follow, and that they even offered him advice on that subject, in deference to which he subsequently acted. The novelty of the trust may help to explain, but certainly cannot justify, so indecorous a proceeding. It were a task altogether superfluous to show, by any argument, how much the springs of justice must be poisoned by the habit, should it unhappily prevail, of private communication between parties accused and the members of that very limited body whence their judges are to be drawn, on the very subject of the charges preferred against them. I further learn, from the Documents before me, that Mr. Anderson, one of the Assessors, stated publicly from the Bench, that "whatever might be the evidence, he would vote 'Not Guilty.'" In the utter impropriety, I might almost say the extravagance, of such language, I perceive some explanation of the motives which suggested it. No man in possession of his sober reason could mean to make a deliberate declaration that he proposed to commit perjury, and the words, if so understood, would, of course, have been regarded by the Judges as a conclusive bar to Mr. Anderson's assisting on the trial. I can, therefore, suppose them only to have been used as a splenetic, though ill-judged and unbecoming, affirmation of a legal opinion, which the speaker himself regarded as irrelevant to the immediate question awaiting his decision.

Under all the circumstances of the case, you will direct the Protector to proceed to the trial of his other cases. Should he not be satisfied with the decision of them, you will call upon the Judges to report to you their opinion, whether the evidence was such as to justify a fair and reasonable doubt, or whether, on the other hand, the verdict was in direct and irreconcilable contradiction to the evidence. Upon receiving their Report, it will remain for His Majesty's Government to take the necessary measures for securing a due administration of justice in the Colony.

I have, &c.

(signed) GODERICH.

— No. 19. —

COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

King's House, British Guiana,
11th April 1832.

WITH reference to the concluding paragraph of my Despatch of the 13th of January last, and to the Enclosure No. 3 of that Despatch, especially referred to therein, I have the honour to report to your Lordship, that at the first succeeding meeting of the Court of Policy on the 17th of January, the Colonial Members had desired to place upon the Records of the Court the Observations in the Enclosure No. 1, which they have followed, during the recent sitting of the Court, by what is contained in the Enclosure No. 2.

Upon which I am not aware that I can usefully offer any remark, further than to refer your Lordship to my Despatches of the 7th February and of the 7th instant.

Your Lordship will see, that in the declaration with which these gentlemen have prefaced their Observations upon the Order in Council of the 2d of November last, they have adopted the doctrine of the invalidity of Orders in Council altogether as maintained by the Colonial Judges in July last, and by the subsequent resolutions of the meeting of Inhabitants which were the subjects of my Despatches of August, September and October last, and more lately by the Assessors in the Courts of Criminal Justice and by other bodies, transmitted in my Despatches of the present year;

year; and that they also profess to rely upon the unauthorized and annulled proceedings of the self-constituted administration of 1795, adverted to in that part of my Despatch of the 27th January last which especially relates to its Enclosure No. 1.

I have, &c.

(signed) *B. D'Urban.*

P. S. An extreme pressure of business in the office of the Secretary of the Court of Policy, has made it impossible for him to have furnished me earlier with the Enclosures for this Despatch.

B. D.

Enclosure 1, in No. 19.

EXTRACT from the MINUTES of the PROCEEDINGS of the Honourable the COURT of POLICY of the Colony and Dependent Districts of *British Guiana*, at its Ordinary Assembly, continued by Adjournment, held at the Colony House, George Town, Demerara, Tuesday, the 17th of January 1832.

(After Prayers.)

THE Colonial Members present then respectfully requested his Excellency the Governor to grant them leave to place on the Minutes of this day's proceedings, a short note, expressive of their opinion collectively, as to the Order of His Majesty in Council of the 2d November last. And his Excellency the Governor having read the Paper laid over by the Honourable Member, John Croal, in behalf of himself and the other Colonial Members present, granted the leave requested, and said Paper was then ordered to be inserted in the Minutes, being as follows:

" The Colonial Members of this Court beg leave to state to his Excellency the Governor, that they view the Order in Council of 2d November 1831, as one of most injurious tendency to the interests of the Colony; that it infringes on the right of property, and is calculated, if acted on, in its present shape, to involve the country in much confusion and insubordination to lawful authority. They therefore wish to bring forward their objections to the measure, in their capacity of Members of this Court, that his Excellency may be enabled to take them into consideration, and forward them with such remarks thereon, as may be requisite for giving His Majesty's Government a proper view of the evils of which the Colonists complain, and which, if suffered to exist, must involve their properties in ruin. A detail of these objections is now in train for being brought forward, and will be produced as soon as the Colonial Members have time to complete them.

(signed) *James Johnstone.*
F. P. Van Berckel.
Jno Croal.
Th^r Frankland.

A true Extract.

(L.s.) (signed) *Charles Wilday*, Dep. Col. Sec.

Enclosure 2, in No. 19.

EXTRACT from the MINUTES of the PROCEEDINGS of the Honourable the COURT of POLICY of the Colony and Dependent Districts of *British Guiana*, at its Ordinary Assembly, continued by Adjournment, held at the Court House, George Town, Demerara, Friday, the 16th of March 1832.

(After Prayers.)

" THE Honourable John Croal then rose, and requested leave to lay over, conformably to the notice entered by the Colonial Members on the Minutes of the 17th January last, the Declaration of the Colonial Members of this Court on the Order of Council of the 2d November 1831; and leave having been given, the Honourable Member then read the said Document, which was of the following contents:

" *F. I.*

" The reading of the preceding Declaration, &c. having been finished, the Colonial Members requested his Excellency the Governor to allow the same to

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be entered on the Minutes of this day's proceedings; and that his Excellency would be pleased to take an early opportunity of forwarding a copy of this Paper to His Majesty's Government.

" His Excellency the Governor expressed his consent to the Paper just read (and containing the declarations of the Honourable the Colonial Members) being entered on the Minutes. His Excellency was further pleased to state, that the latter part of the request made by the Colonial Members should also be complied with, and the Papers forwarded to His Majesty's Government as soon as they could be prepared."

A true Extract.

(signed) *Charles Willday*, Dep. Col. Sec.

DECLARATION of the COLONIAL MEMBERS of the Honourable COURT of POLICY of *British Guiana*, delivered in Court to His Excellency Major-General Sir *Benjamin D'Urban*, K. C. B., &c. &c. &c., Governor, &c. &c. &c.

THE Colonial Members of the Court of Policy, in the discharge of the duty they owed to themselves and fellow Colonists, by whose suffrages they had been elected, and the important trust of watching over and protecting their interests to the utmost of their power, having come to the knowledge that an Order of His Majesty in Council, dated 2d November 1831, was on the eve of being published by his Excellency the Governor, did on the 10th ultimo address His Excellency to the effect:—

" That his Excellency might be pleased to stay the publication of such Order in Council, and afford to the Colonists an opportunity of demonstrating to His Majesty its ruinous tendency to every interest of the community."

But his Excellency having stated, in reply to the Deputation which waited on him, that the orders he had received on the subject were peremptory, and precluded the possibility of delaying the publication, the respectful representation of the Colonial Members on this matter of vital importance was unsuccessful, and the publication thereafter took place, unsanctioned by the Court of Policy, and without the Order in Council being at all communicated to the Court, notwithstanding the rights and privileges guaranteed to the Court by the Articles of Capitulation, and even so recently recognized by His Majesty, in the Royal Commission bearing date 4th March 1831, in the following passage :

" And we do further grant, direct and appoint, that the form of Civil Government heretofore by law established in the said United Colony of Demerara and Essequibo, shall be and the same is hereby established in and throughout the said Colony of British Guiana; and that all such bodies politic or corporate as have heretofore lawfully existed in the said United Colony of Demerara and Essequibo, shall in like manner exist in and throughout the said Colony of British Guiana, and shall in and throughout the said Colony have, exercise and enjoy all such powers and authorities as have heretofore been lawfully had, exercised and enjoyed by them respectively in the said United Colony of Demerara and Essequibo."

It therefore became the duty of the undersigned, on the first day the Court of Policy met after such Order had been officially promulgated by his Excellency's authority, to declare in Court their views and objections to the Order in Council of 2d November 1831, requesting his Excellency to receive and enter on the Minutes such brief declaration in the mean time, until a detail of their observations could be drawn up.

The Colonial Members lament, that after the many proofs afforded by the Court of Policy of Demerara and Essequibo of its alacrity to meet the wishes of His Majesty's Government, and the repeated acknowledgments of His Majesty's Ministers to that effect, it should have been deemed necessary to deprive his Excellency of the power of giving them an opportunity of saying one word in defence of their rights as British subjects, and in protection of their property and that of their constituents, in time to save the Colony from the effects of a mode of legislation calculated to bring this Court into contempt in the minds of the slaves, and to subvert that veneration for it without the existence of which the peace and good government of the Colony cannot be maintained.

Whatever may have been the powers which the Home Government possessed while the Settlements were under the dominion of the Dutch, it is clear that they were

were never exerted to the destruction of the property of the Colonists. On the contrary, it is proved by the public records, that the Local Government, from its institution, which was coeval with the existence of the Colony, was vested with and exercised the power of internal legislation for its peace, order and good government.

That the Colonists possessed the right of deputing an equal number of Members to the Court to the number of the Dutch West India Company's Servants appointed to that body; and the duties of the Colonial Members are expressly declared by an Act of the Committee of Ten of the year 1776, and explanation of 1788, to be those of watching over and protecting the interests of the Colonists; the Director General by his instructions being enjoined to assemble the Court on every occasion of importance to the interests of the Colonists, whether for the promulgation of the Laws, Ordinances and Regulations, or for the enactment or publication of any new Orders.

Words can have no meaning, if these salutary instructions were not intended to afford the Colonists an opportunity of giving their advice to prevent injury occurring to the Colony by reason of any external interference.

Differences had frequently arisen between the Home Government (Dutch West India Company) and the Colonists; and the latter, in the year 1786, appealed to the sovereign authority of their High Mightinesses, who by a Decree of the 27th August 1788, adopted the plan of redress which had been prepared by the Colonists, and humbly submitted to their High Mightinesses for approbation, which being obtained by the above-mentioned Decree, was published and made law on the 26th May and 4th June 1789, as appears by the Minutes of those dates in the archives of the Court. The Home Government did not however cease until 1792, when its Charter expired, and the States General subsequently assumed the protection of the Colony; the Constitution of 1788 remaining in force, and *ex officio* Members continuing their seats in the Court of Policy, balanced by an equal number appointed by the Colonists in conformity with the plan of redress.

In the year 1793 a conference took place between the Director-General Van Grovestins and the Colonial Authorities, which he had required, in conformity with his instructions, to meet him on the subject of certain financial rights, which such Colonial Authorities were by their High Mightinesses declared to be entitled to. The result, however, of such conference was unsatisfactory, as the intentions of the Sovereign Authority, although clearly expressed, were thwarted by the conduct of the Director General.

In the year 1795, when the Governor suddenly left the Colony, a Provisional Government was instituted, consisting of the parties on whom it constitutionally devolved,* which forthwith adopted the Regulations suggested by the Sovereign, and passed resolutions to that effect, as per minutes and publications of the Court.

* Members of the
Court of Policy.

The financial arrangements thus established (by following up in their true spirit and meaning the instructions to the Director General) were in existence at the time of the surrender of the Colony in 1796 to the British forces under General White.

On the 26th April 1796 his Excellency Governor Beaujon (who had been continued in the government), by a proclamation, thought proper to declare the proceedings of the Provisional Government on the aforesaid point null and void, and the rights which had been acquired (to wit, an effectual control over taxation and expenditure) under said Provisional Government, founded on the instructions aforesaid, were thus placed in abeyance until the restoration of the Colony to the Dutch in 1802, when his Excellency Governor Meertens by proclamation declared, that the form of the civil government was continued as it existed before the capitulation to the British forces in 1796; consequently Governor Beaujon's proclamation became null and void, and the Colonists were again invested with and entitled to the benefit of the declared intentions of the Sovereign, as interpreted and determined by the Provisional Government, of which the Governor-General Meertens had been at the time a member as one of the Counsellors of Policy.

The financial regulations which had been so made by the Provisional Government, it is admitted, were found in some respect to be inconvenient in practice, and future alterations were in consequence made in the organization of the Board of Finance; but without frustrating the declared intentions of the Sovereign, such alterations cannot be extended or construed to deprive the Colonists of a fair control over the taxation and expenditure of the Colony at the combined meeting of the Court of Policy with the financial representatives. A reference to this subject is

necessary,

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necessary, as even the financial rights of the Colonists appear not to be perfectly understood by the British Government, which has violated them, both in the face of the capitulation, and contrary to a special Act of Parliament.

The favourable disposition which had been ever manifested by the States General towards the Colonists, and the desire which that power had shown to give them a fair share of the Colonial representation in every department, particularly in regard to their internal laws and regulations, (especially in what concerned the slaves, as may be seen on reference to an Ordinance of 1st October 1784, published by order of the Governor and Court of Policy, March 1785; a case in point, bearing on the same subject as the present Order in Council,) naturally induced the Governor General and Court of Policy to stipulate for those advantages being continued by having the Court, by a solemn contract of capitulation, acknowledged to be the *law-making power*, which it had virtually become under the Dutch dominion. In what other manner could the laws and usages of the Colony be guaranteed? They did not stipulate for the introduction of any new laws, but for the enjoyment of those of which they were already in possession. We admit the doctrine of Lord Goderich so far, that there are certain fundamental laws of the new Sovereign in matters of trade and navigation, which must attach to the transition from the government of one power to that of another; but these are foreign to the point at issue, which is confined to the existence of the internal laws of the Colony and the powers of that body to legislate internally, in conformity with the right it had exercised for near a century, and which were exclusively guaranteed to it by the solemn compact of capitulation, which makes it the law-making and not a law-making power.

Declaring therefore, according to our conception of right and wrong, (a conclusion which, if it wanted proof, has been confirmed by the interpretation which has been given to the Act of Capitulation for upwards of twenty years by the British Government itself,) that the Court of Policy is the only source from which laws binding on the Colonists can legally emanate on the internal regulations embraced by the Order in Council of 2d November 1831, both on the ground of sound policy and strict justice, and under reservation of all the legal, constitutional and inherent rights of the Colonists, and humbly but distinctly objecting to any reservation of right on the part of His Majesty in Council expressed in any instrument whatever;

The Colonial Members now proceed to detail their observations on what appears to them to be the most objectionable Clauses of the said Order, passing over many points of minor import.

“ Clauses 2 to 4 direct that there shall be in each Colony as many Assistant Protectors, and with such salaries, as His Majesty may be pleased to appoint.”

The introduction of Assistant Protectors with salaries is a new institution, and would be an intolerable burden on the Colony; the duties have been performed hitherto by resident proprietors and other respectable inhabitants without emolument. We here beg leave to remark on an observation of Lord Goderich, in his Lordship's Despatch of the 5th November, contained in paragraph 6, viz.:

“ I trust that the increased expense of a few Assistant Protectors will be abundantly provided for by the savings already made and which remain to be made in other departments; but the charges necessarily incurred for the protection of the slaves are the very first and highest of all the claims on the Colonial revenue; and in whatever direction parsimony must be practised, His Majesty's Government cannot consent to the exercise of it in this; whatever property exists or has existed in the Colonies, is the direct fruit of the labour of the slaves; that this labour has never received its due compensation is a matter of absolute certainty.”

Thus his Lordship justifies the establishment of this new institution of Assistant Protectors with salaries.

1stly. “ On the ground that salaries will be forthcoming from the savings already made and to be made.”

With the nature of those savings we have never been made acquainted, and as far as we can judge from what is passing under our eyes at the present epoch, we are impressed with a conviction that disappointment will result from his Lordship's calculations on this head.

2dly. “ On the necessity of affording protection to the slaves by having the duties performed by officers *with salaries*, and that such protection is the highest claim on the Colonial revenue.”

That the slave has a high claim for protection on the master, we admit; but that the

the master should be burdened with payment to an officer for affording a protection which he himself is both by duty and by interest impelled to afford, is a hardship. It is notorious that the duties paid on sugar exceed the residue of the gross sales, and that out of the latter the whole expense of production, Colonial taxation, freight, and maintenance of the planter's property has to be defrayed. If, therefore, such a new institution is forced on the Colony without our consent, it is but reasonable that the salaries should be paid out of the excessive portion of the fruits of the slaves' labour and the proprietors' capital, which the Government draws, and not out of the mite which falls to the share of the unfortunate planter.

3dly. "On the ground that all property existing in the Colonies is the direct fruit of the labour of the slaves, and that such labour has never received its due reward."

This position is untenable in argument, and contrary to fact. The slaves' labour would be of no value without the capital invested in lands, buildings and machinery, to say nothing of the guiding skill of the planter in its application; and there would be as little demand for slaves if these were wanting as there would be for seamen if there were no ships.

We assert that the slaves of this Colony derive from the produce of the estates on which they labour a greater proportion of the revenue thereof than the proprietor receives on his invested capital in lands, buildings, craft and machinery; and therefore it is obvious that the cost of the necessaries furnished to them is more than tantamount to wages at the highest point.

We merely, however, give this statement to show the distressed condition to which the planters are reduced; the sums invested in the purchase of slaves under the sanction of law, are as much capital as any other portion of their property, and, under the fostering care of good government, ought to produce to them a fair return; but this is not now the case. The price which slaves still fetch in the Colony is owing to labour in agriculture not being otherwise attainable, and consequently must be procured at a partial sacrifice on the part of the planter, to avoid the total loss of his estate.

The lands, buildings, machinery and other dead stock of a sugar estate, are deemed to be equal to one-half of its total value. Thus an estate with 200 slaves is valued at 40,000*l.*

	£.	s.	d.
One-half, being no more than the actual cost of establishing	20,000	-	-
Such an estate ought to produce 230 hhds. sugar, which at the present prices net about 10 <i>l.</i> per hhd. } Duty 24 <i>f.</i> per cent, yielding to Government about 17 <i>l.</i> per hhd.	2,300	-	-
20,000 gallons melasses, at 7 <i>d.</i> - - - - -	583	6	8
The duty on rum prohibits distillation.			
Deduct expenses, which at the lowest rate, including expenses on slaves, will be } 600 - -	2,833	6	8
Expenses of slaves in food, clothing, medical attendance, exclusive of luxuries of sugar, rum, melasses, (lodging not included, being considered part of the invested capital) as taken from an average of the expenses of an estate of this magnitude - - - - - } 1,493 10 -	2,093	10	-
Balance - -	789	16	8

Out of which balance the planter must occasionally defray the expense of renewal of machinery, buildings, craft, &c. occasioned by wear and tear; so that in fact little or nothing will be left to him at the end of five or six years. Nothing therefore but a very great reduction of duty on his produce can relieve the planter. It should be borne in mind that all these consequences are pressing on a person who has invested 40,000*l.* capital, under the sanction of law, which ought to protect him; but the Government has now reduced him to the comparative state of a master workman, for its exclusive benefit.

Thus the slaves receive nearly double what is left to the proprietor.

Is there any other proprietor in the dominions of the British Empire reduced to such a state as this exhibits?

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Or is there any capital invested in any other portion of them, which yields so much to the resources of the State? And does the West India planter deserve to be the proscribed and insulted being which the Order in Council of 2d November 1831 makes him?

The office of Assistant Protectors ought in our opinion to be continued as heretofore without salaries; and there is no doubt, with some further powers than were given to them by the former regulations, the duties would be properly and satisfactorily performed, and the Government saved from a very great expense.

It may here be proper to observe, that throughout this Document, we have occasionally used and will continue the use of the legally authorised term of Colonists in mentioning the free population: it is an appellation which they alone have a just and legal claim to; they alone constitute the burghers of the Colony, and the term is that by which they have always been designated during two centuries of *usage*, by every sovereign under whose dominion they have been placed. We presume to differ with his Lordship, and cannot admit the doctrine that the slaves are entitled to this distinctive appellation, any more than the Roman slaves were entitled to that of Roman citizens.

Clause 8, as far as regards the Assistant Protectors is objectionable, as it excludes every person owning slaves from that office. It draws a line of distinction between the officers of Government and the proprietors, tending to the degradation of the latter in the minds of their slaves, as subversive of all respect, and places the proprietary body in a state of suspicion and distrust, which must engender feelings of hatred and contempt against them, sooner or later to lead to scenes of open rebellion and bloodshed.

Clause 10. The same objection applies.

Clause 11. This Clause would be quite unobjectionable if it had been so worded that the Protector or Assistant Protector of Slaves should in the first instance apply to the owner, manager or other person in authority on the property, stating why and wherefore he wished to enter any house or hut, and that he should be accompanied by witnesses, either free persons or slaves; but an unlimited power of ingress to the buildings on any property, without assigning a reason to some persons in authority, may be abused, and is certainly calculated to diminish the respect in which it is absolutely necessary every such person in authority should be held. The necessity of visiting must necessarily imply previous complaint on the part of some one or more of the slaves, or information, which ought in either case to be openly disclosed by such Protector or Assistant Protector at the time of visiting.

Clause 19. This article empowers the Protector or Assistant Protector to commit to the common gaol any witness for refusing to answer any question that may be put to him, without any regard to the nature of the question, and whether it be such a one as would, if answered, commit or implicate the witness, or be otherwise improper or illegal to be put; a point which ought not to be left to the decision of the Protector, but to some tribunal of justice, without whose fiat no commitment to gaol ought to issue on mesne process. By the laws of this land, evidence is compelled by a civil process termed *Gyzling*, or civil arrest, which is continued for a limited time; after the expiration of which, if the witness refuse to answer questions declared to be proper and legal, he is sent to prison until he complies. Under this Clause a person of the highest rank and attainments in the community, well versed in the laws of evidence, and competent to judge of the propriety of questions, may be sent to the common gaol by a Protector, and a stigma for ever be cast upon his character. The law of the land should not be departed from, and an adherence to it is absolutely necessary for the protection of society.

Clause 20 empowers the Chief Justice to release persons improperly sent to gaol by the Protector; but it only comes into operation after an injustice has been perpetrated, which by an adherence to the law of the land could not have occurred.

Clause 21 states what shall be considered a due service of a Summons, namely, either a service on the person, or by leaving a Summons at the usual place of abode.

When penalties, and even incarceration, are made the consequences of default of attendance, every Summons ought to be personal; for otherwise an individual, by being absent from home, may become subject to arrest, and even to imprisonment, before he has the slightest warning or knowledge of the Summons. A very imperfect knowledge of the localities and various avocations of residents of this country,

country, is quite sufficient to demonstrate the injustice of such a course of proceeding, and the necessity of adhering to the present law of the land, as stated in our observations in Clause 19.

Clause 26 confers the power of acting as Coroner on the Protector and Assistant Protectors.

This duty has hitherto been performed by the Fiscals, Deputy Fiscals or Members of the Court of Justice, assisted by one or more medical men. The execution of the duties of Coroner in the manner practised in England, would be fraught with difficulty and delay, if not altogether impossible, without producing any advantage.

The Assistant Protector might be afforded an opportunity to attend at any inquest on the body of a slave, which we conceive would answer every purpose; but the attendance of a Coroner's Jury would be harassing to the Colonists any where, except on inquests held in town.

No inconvenience has been found to result from the former practice, which we believe will be admitted to have answered effectually for the furtherance of justice.

Clause 35 specifies the works of necessity in which slaves may be employed on a Sunday, and ought certainly to have included the following:

Labour performed by nurses and attendants in hospitals, and persons having charge of young children.

Labour performed in the interment of the dead.

Watchmen, stock-keepers, persons having charge of boats and other craft. And for hire the following:

Repairing and cleansing machinery in crop-time;—turning of coffee to prevent fermentation;—picking of coffee on occasions when it becomes necessary to prevent it being lost or injured by the state of the weather. This kind of labour is permitted and practised in the Mother Country, for the preservation of crops during the harvest, when it is indispensably requisite; and the frequency of heavy rain in this Colony often renders it necessary to secure the crop.

Clause 37. The whole of the infractions of this Clause are declared to be misdemeanours, many of which would be too trivial to bring before the Supreme Court of Justice, and might once be recovered by the Fiscal or other magistrate, if after a summary investigation (in which the accused should be permitted to prove provocation in justification of his conduct) such Fiscal or other magistrate should be of opinion that the infraction demanded any fine; for instance, the most trifling assault, such as a slight slap or push, or other petty matter, which in no way inflicted the least bodily injury on the person of a provoking female slave, is certainly not an offence which demands such a grave proceeding as to arraign her owner or other person before the Supreme Criminal Court, and would be much better disposed of by a magistrate, who might, if he saw fit, be empowered to levy a small fine, which, if unsubmitted to by the accused party, might then be brought before a higher tribunal of justice: but whilst the Clause comprehends, under the head of misdemeanour, every possible degree of offence which can be committed on the person of a female slave, magisterial power is excluded; and to remedy this, a classification of offences, and attendant penalties, should be made, and only those of the gravest description be made to amount to misdemeanours to be brought before the Supreme Court; but the Order in Council fetters Colonial legislation in this respect.

There is another part of this Clause which would subject any individual to be tried for a misdemeanour at the caprice of any Protector who might choose to question the master's judgment in awarding punishment for an offence; where the power in the master's hands is so limited, it is surely unnecessary to subject him to have the exercise of that power questioned on a difference of opinion between him and a Protector.

The condition is most oppressive, and cannot be justified on any reasonable ground; whilst it is objectionable as opening a door to persecution at the caprice of men confessedly under the influence of Government.

Clause 75. Compulsory manumission.

This subject has already been so clearly defined in the proceedings which have taken place thereon, that we have no new objection to offer, but still maintain the claims of the proprietors to indemnification for the losses which may eventually be entailed on them by the proceedings which violated their vested rights.

Clause 80. This article provides that no manumission of slaves shall be admitted to enrolment, if it be proved that within five years preceding the application such slave has been convicted in due course of law of any robbery or theft. Now it is

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well known that slaves are seldom brought to trial for robbery or theft committed on their master's property, or on that of their fellows, but are usually punished by their masters or managers or the Fiscals for such offences; and such is still the practice within this Colony. It would therefore be in vain to look for convictions in "due course of law," particularly in cases of petty larceny; the proof of robbery or theft ought therefore to rest on the oath of one or more competent witnesses to the satisfaction of the Judge; otherwise a door to freedom will be opened to the most worthless characters, who, aware that nothing but a conviction in Court can operate as a bar to their attainment of it, might, by a succession of petty thefts, accumulate the means of purchasing themselves, and be induced to practise the system, in the knowledge of the master's unwillingness to prosecute to a conviction, which could lead, perhaps, to the entire deprivation of the future services of his slave.

Clause 88. The quantity of flour, corn, meal or yams, specified in this Clause, is far beyond what any human being can consume; and although Lord Goderich quotes the Gaol Regulations of Jamaica in justification of the Order, we cannot help coming to the conclusion that some mistake has arisen in the matter. Perhaps this excessive quantity was intended to afford the gaoler a perquisite of office, for it cannot be accounted for on any other rational ground. If flour was given in lieu of plantains in the quantity specified, it would take nearly the whole of the net proceeds of all the produce of British Guiana to pay for it, as will be made obvious by the calculations given in the Appendix. The planters have no objection to fix a fair and full allowance of provisions for their slaves, but they contend that the scale specified in this Clause is enormous, and the quantity cannot possibly be consumed by the negro.

Clause 89. The penalties by this article are given to the slave; the effect may be to induce him to enrich himself by false accusations against his manager. It will operate as a premium for perjury; and if a number of evil-disposed slaves conspire together, they will at any time be able to outswear the few whites or free persons employed on an estate, and thus effect the ruin, by penalties, of any manager they may take a dislike to. There is besides no limitation of time within which such complaints are to be brought; and accusations might be preferred after a manager had left the property on which the infraction is stated to have been committed, and after all means of falsifying such accusation are out of his power either by the death or absence of his witnesses; or the records of his management being out of his possession, it also operates as an inducement to the slave to withhold his complaints (if even well-founded) until the penalties accumulate to a degree equivalent to a great portion of his value, which complaint, if made in due time, might have been corrected by the interposition of a proprietor, strictly and conscientiously desirous of complying with all lawful regulations, and to afford his slaves all that they were entitled to receive and enjoy.

Clauses 90 & 91 prescribe the hours of labour in agricultural and manufacturing operations. These Clauses are the most objectionable in the whole of the Order, and are not less irksome to the slaves than injurious to the master; and whilst they confiscate more than one half of his property, they absolutely entail harassing obligations on the slaves; no discretionary power is vested in the master to commute the hours of remissions from labour in the field; and in manufacturing operations the mode is so defined, that to obtain nine hours of labour with one set of people the mill must be at a stand for three hours out of the twelve. He cannot bring people from the field for the relief of the persons employed about the works, as the hours of remission in both cases clash with each other; but even if such a mode was permitted, it would be impracticable in execution; many of the persons employed about the works have seldom or never been at any other duty; they are skilled in the operations by long experience, while the field people are only fitted for a few of the duties of manufacturing. Under the old system, the hours of labour in the field were convenient to the slaves, and all necessary remissions were adapted to their wants and feelings; seldom in the field before seven o'clock in the morning, and having two hours of remission at the time most convenient to themselves, (if they did not choose to take the regular two hours' remission from eleven to one o'clock, as constantly defined by the ringing of the bell for this purpose,) they performed their tasks either sooner or latter as suited their own circumstances for the day. The advantages to the slaves were these, that they had time in the morning to put their houses in order and do several small offices for themselves; and if they were at their work by seven o'clock, they had ample time between that hour and the

the period of bell-ringing at eleven o'clock to make up the deficiency of labour. Some of them would often prepare their breakfast previous to going to the field, whilst others would take their provisions and utensils with them to cook it at eleven o'clock; in neither case did many of them avail themselves of the opportunity afforded to them to return to their houses, and a great proportion resumed labour without compulsion by twelve o'clock, or as soon as they had taken their breakfast, and thus finished their tasks by three or four o'clock, and had the rest of the day to themselves. Those who rested the full time allowed them by law, of course took a longer time to finish their work; but field-labour always ceased at six o'clock in the evening.

The accompanying details show that under the old system the employment of persons in the manufacturing department was such, that the process, although necessarily constant in some of the occupations, did not entail continuous labour on them individually, and that the remissions which the various operations afforded, although not simultaneous, rendered the duties preferable in their estimation to labour in the field; why then encumber the planter with regulations which, without adding to the comfort of the slave, must have the effect of cutting off one-half of his production? thus reducing to beggary many who formerly, under every disadvantage of bad prices, heavy expenses and taxation, were still able to contend with their difficulties.

Nothing is more easy than to demonstrate to a person on the spot the superiority of the old system in this Colony over that prescribed by the Order in Council, both as regards the interest of the master and the comfort of the slave; but it is difficult to bring it home to the understanding of those who are quite unacquainted with the mode of sugar manufacture from the raw juice, and the nature of the labour performed. A few of the occupations are admitted to be laborious, whilst others scarcely deserve the name of labour, though essential to the routine of the process. The more laborious parts were provided for by frequent reliefs, whilst the others did not require it; a decided superiority over the stipulations of the Order, which authorizes six hours of continuous labour in every department. The reliefs and remissions adapted to the various occupations gave the slaves plenty of time to eat their meals, which are always prepared for those at work about the buildings.

The ruinous effects of the Order in Council to the planter must be manifest, when to keep his mill at work from five o'clock in the morning to six o'clock in the evening, the requisite time for it to be in operation (making allowance for the necessary time of stoppage to wash down) to take off his crop (in this Colony), he is reduced to the necessity of employing a double number of persons about the works, to comply with the stipulations of the Order. It is true, that with such double number, he may comply with the Order in Council, and continue manufacture for eighteen hours; but this is a bad system, and frustrates the object which the planters of this Colony have long kept in view, the avoiding of night-work as far as possible. No expense of machinery to attain this desideratum has been spared, but if the Order is to be rigidly enforced, night-work cannot be obviated to save the present crops on the ground, whilst the withdrawing of so many additional people from the field must prove ruinous to the future cultivation.

In the manufacturing department, we contend, that the labour performed by the slaves is by no means excessive; that it is nearly all carried on under cover in well-ventilated buildings, where the temperature is many degrees under that of refining houses in England and Scotland; and that no alteration, therefore, from the old system of taking off the crop with one set of hands for the day can take place without enormous loss to the planter; but a law may be passed to limit the operations of the mill from five o'clock in the morning to six o'clock at night, which would ensure the boiling never being protracted beyond nine o'clock at night, and generally to end at eight o'clock.

In the field, the hours of labour should be fixed from six o'clock in the morning to six o'clock in the evening, each slave being entitled to three hours of remission from labour out of the twelve, to be regulated between master and slave; such an arrangement will be generally satisfactory to and preferred by the slaves to a regulation which compels them to be at work in the field by six o'clock in the morning on every occasion, and puts it out of the master's power to make any commutement to suit their convenience.

The restriction to six hours of agricultural labour from the Creole boys and girls will tell heavily on the planter, as a great proportion of the weeding of young canes

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canes at certain seasons of the year is done by them; meals are cooked twice a day for those boys and girls, and the occupation with the small hoes given to them for the purpose is far from being laborious; they are at present cheerful and contented with their lot, but any new system which will check their habits of industry must operate to their own and master's injury. Three hours' cessation from their light labour is certainly sufficient for every purpose. It may be proper to remark, with reference to labour in the field, that the negro is seldom or ever inclined to eat his breakfast before eleven o'clock in the forenoon; he protracts (from inclination) his principal meal to a late hour; and the cheerful sounds from a negro yard, whilst the slaves are at their suppers, bespeak any thing but dissatisfaction with their condition, or a proof of their labour having been unsuited to their physical strength. But there are ways and means of making any people discontented; and when persons are told that they are oppressed, they are in time wrought into a belief that such is the case. Much has been done to affect the minds of the Slave Population in this way; and their remaining so quiet in this Colony under the attempts so openly practised to excite them by the Anti-Colonial party in the Mother Country, is a convincing proof that their state is not what it is so falsely and unblushingly asserted to be.

Clause 97. This Clause would not be objected to, were it not that shoes are introduced, which are quite unnecessary, and would entail a heavy expense on the master. It is true that the Protector is authorized to commute; but still the master is burdened with the additional expense, which he is unable to afford. The reason given by Lord Goderich does not apply; there are no venomous snakes in the cultivated parts of this Colony; and it may now be said to be almost as effectually cleared of venomous snakes as Britain is of wolves. There is not a stone to bruise the feet on any estate, and shoes are only worn by a few domestics and head people. It has been the custom to furnish blankets every other year, and this supply is found to be sufficient; so much so, that with negroes who take common care of their articles, blankets are found to accumulate. The Order, by prescribing shoes and an additional blanket, operates oppressively on the master; but the blanket would be given without murmur if the shoes were abandoned as of no use whatever to the slaves.

Clause 99. The application of these penalties is as objectionable, as per Statement, *sub* Clause 89.

Clause 100. This Clause prescribes, that on Good Friday the whole of the Slave Population shall be at liberty to go to church. Now it is well known that Good Friday is not observed as a holiday by the Dutch and Scotch churches, and there are many of the inhabitants who belong to those establishments in this Colony, even whole parishes.

The constant practice has been to give Easter Monday as a holiday; and this being fixed by old custom, it is better to adhere to it than to substitute another day, as all parties are satisfied with the old arrangement, which ought not to be disturbed.

Clause 102. The exceptions specified in this Clause should be extended to persons having charge of provision grounds and stock, sluices, craft and as attendants in hospitals and nurseries.

Clause 104 prescribes regulations for medical men and the keeping of journals.

It is well known that instead of medical practitioners only visiting an estate once a fortnight, they are required to do so every other day, and by some every day, and often twice or thrice in a day. An hospital journal is kept, in which the prescription for every patient, medical treatment, diet, &c. are set down; and it is the invariable custom when a slave is fit for work, for the medical practitioner to write "Work," or "Light Work," or "Air," or "Exercise," &c. opposite the name. An overseer is assigned to attend the hospital, to distribute the medicines, and to see that the nurses perform their duty.

The journal so kept is the property of the estate, and there can be no objection to the production of an extract from it, in any case of complaint; but the requisition ought to be made to the owner, manager or person in authority on the estate; and an extract made from the journal, touching the specific case, under oath if required, ought to be sufficient, without removing the journal from its legitimate place of deposit. There can be no mistake in the hospital journal, but there may be mistakes arising from the medical practitioner trusting to his memory, to enter up in his own, and every such case would lead to great trouble and inconvenience to explain the discrepancy, which might also involve the manager or overseer in expense. The Order, instead of specifying that a requisition is to issue in consequence of a specific complaint

complaint or information, gives to the Protector a latitude which may be exerted with inquisitorial power against any man who may be unjustly calumniated by his slave or his neighbour.

Clause 107. The severity of this Clause shows the necessity for not comprehending trifling offences under the head of misdemeanours, thereby taking them out of the jurisdiction of a Magistrate or Fiscal, who should dispose of petty assaults by levying fines adapted to their specific nature.

Clause 110 prescribes that fines for infractions not amounting to a misdemeanour shall be recovered before any one of the Judges of the Supreme Court, or Judge or Judge Surrogate of any Court of Vice-Admiralty.

The Colonists cannot surrender their rights as British subjects to be tried before a jury for any infraction, the penalties attached to which involve loss of property or imprisonment. Without meaning the least disparagement to the present gentlemen in office, they conceive that judges appointed by and dependent on the will and pleasure of the Crown, are *de facto* incompetent to adjudge them to suffer any such penalty or imprisonment, and that such a course is illegal, and contrary to the rights of the Colonists, both as capitulants and as British subjects. In their Courts of Criminal and Civil Justice, as existing at the date of the Royal Commission, and ever since the Colony existed, the Colonists had in effect a jury, and any alteration in this body is an infringement on their rights. The severity of this Clause shows the necessity of a personal service only being considered due service both on the party complained against, and on the witnesses. *Vide Observations, 21.*

The introduction of the Judge of a Vice-Admiralty Court for the purposes detailed in this Order, is indeed most extraordinary; and it is certainly a violation of the rights of the Colonists to introduce a Judge of a Court whose jurisdiction is by the laws of England confined to matters of trade, revenue and navigation, into society for any other purpose.

Clause 116. We refer to our observations on misdemeanours, *sub* Clause 37.

Clause 117. By this Clause, the powers vested in Governors and Judges are subversive of the rights of the Colonial Legislature. We maintain that the Sovereign cannot delegate to his representative the power to make laws by a simple Proclamation of his own. The Proclamation of his Excellency Sir Benjamin D'Urban with regard to female slaves, in effect deprives the master of all powers of coercing them to labour, and the Sunday would seem to be set apart as a day on which every species of offence may be committed with impunity. We are aware that his Excellency has only followed his instructions in this respect, but it is lamentable to see such philanthropic schemes carried to so mischievous an extent; the master's authority cannot with safety be so circumscribed, or subordination on the sabbath-day is at end; the most horrible outrages will be committed on estates, and the manager be reduced to the situation of being a passive spectator.

Clause 120. This Clause directs that no Colonial law repugnant to this Order is to be of any validity, nor to be carried into effect by the Judges, unless first confirmed by His Majesty in Council.

Now, inasmuch as we are ready to co-operate in the framing of such a Colonial Slave Code as may be both beneficial to the slave and consistent with a due regard to the interests of private property, in conformity with Resolutions of both Houses of Parliament, and are by His Majesty's Royal Commission and the rights possessed by this Court under the capitulation fully authorized to do so; we hereby declare our opinion and conviction, that such a Slave Code as will release the Colony from the operation of the Order in Council of 2d November 1831, is the only mode by which anarchy, confusion and ruin can be averted.

We therefore tender our advice to your Excellency to lose no time in sanctioning the introduction of a Bill, for the purpose that the same may be passed and transmitted without delay for His Majesty's approbation.

But we most solemnly object and protest against any Orders in Council or Proclamations which are contrary to the spirit of the Resolutions of both Houses of Parliament, and which violate the rights of the Colonists, being forced upon the Colony as law, without the concurrence of this Court, as constituting the internal legislative power.

(signed) *Ja^s Johnstone.* *Tho^s Frankland.*
F. P. Van Berchel. *Jn^o Cameron.*
Jn^o Croal.

George Town, Demerara, }
February, 1832. }

A true Copy.

Charles Wilday, Dep. Col. Secy.

APPENDIX.

NUMBER of SLAVES employed on a **SUGAR ESTATE** in the Manufacturing Department, and in cutting and transporting Canes to the Mill, and removing the Trash after the Juice is expressed, during the time of reaping the Crops, which may be estimated at 120 and 180 Days in the Year, according to the size of the Estate.

Fire-man for the engine :

Puts fire in sufficient time in the morning to get the steam up by five o'clock, in order that the boiling may commence at 6 o'clock. This man has plenty of leisure time to eat his victuals, which are prepared for him; he sits down a great portion of the day, as the furnace does not require an incessant supply of fuel, particularly when burning coals or hard wood.

The engines in general use are condensing ones, and worked at a low pressure. When the steam is let off, that the mill may cease, to be washed down, he is perfectly idle, and is always relieved on other occasions when he wishes to go any where by one of the mill-feeders, under the direction of the engineer. There are several hands on an estate accustomed to this occupation, who take it by turns at intervals of one, two or three days; but if left to their own choice they prefer the labour to work in the field. The extreme time which this man may be said to be in attendance, and labouring, does not exceed ten hours in any case; but with the relief which he occasionally gets from the mill-feeder or one of the punt men, and sometimes the engineer himself, his time of labour seldom amounts to so much.

Engineer :

The engineer is simply a superintendent, and has no labour to perform, unless an accident happens to the machinery. His business is to oil the engine and mill, and set the same in motion, and he is usually assisted by a boy, whom he is bringing up to the profession; he generally has a room in the engine house, and has plenty of leisure time to refresh himself in any way he pleases, but must necessarily be in the way while the machinery is at work.

Clarifier-men :

Firemen, two. One clarifier only can be filled at a time, and there being two firemen to four clarifiers, they spell each other. The supply of fuel is put into the furnace very gradually, as the process of clarifying is slow, and therefore the labour is not incessant. The contents of a clarifier require about 25 to 30 minutes to be sufficiently heated and cracked for being discharged into the coppers.

Attendants on Clarifiers, 3 :

A superintendent of the clarifiers is on the wall, and his business is simply to watch the right time of ebullition, and to draw off the liquors into the coppers by turning a cock when the separation of sediment or filth is effected; one or two boys are allowed to wash out the clarifiers with water each time they are emptied. The water is conveyed into the vessels by pipes or gutters, and requires no manual labour; so that this duty is not laborious.

Boilers, 11, and Fire-men, 2 and 3 :

Including a head man, who is simply a superintendent, and only occasionally gives a hand, like a master workman. Six boilers must always be on the wall; but in order to make the work easy, ten are usually assigned to the duty; so that they may repeatedly quit the work, as they have occasion to leave, either to eat or otherwise; but although six men could keep the liquor perfectly clean, say three to each set of coppers, and do the work by remaining incessantly on the wall for the time specified in the Order in Council, yet the old system is preferable, as being less laborious, and is much more satisfactory to the slaves.

The system pursued on a sugar estate is to have the engine set to work at five o'clock in the morning; the mill stops for an hour or an hour and a half generally at mid-day to be washed down, to prevent acidity; and the day's work of the mill, except on extraordinary occasions, when an accident to the machinery may have happened during the day, finishes at sunset or six o'clock. There is a cook to prepare victuals for the people employed about the works, and on most estates the food so provided is over and above the weekly allowance. Thus the cessation which takes place at the time of the mill being washed down (when the engine is of course stopped) is not interrupted by any case of the slaves being obliged to cook their own victuals.

victuals. An extra hand or two beyond the number absolutely requisite to keep the mill in canes is always assigned, which affords an opportunity for one or two to break off at a time whenever they wish to take refreshment, which is ready cooked for them and open to them without restriction at such intervals. For the sake of system the mill-gang is changed daily or every other day; but nine-tenths of the people so employed prefer the work to labour in the field.

When sugar is manufactured with one set of coppers only, as is the case on several estates of small size and machinery in proportion, two firemen are employed, who relieve each other every strike, or every hour, as may be agreed upon. When two sets of coppers are at work three firemen are generally allowed, who by relieving each other, as under mentioned, only labour ten hours each, even when boiling is protracted to nine o'clock; viz.

From 6 o'clock			A.	B.	C.			
to	}	A. and B.	-	-	-	1	1	0
7								
8	-	C. and A.	-	-	-	1	0	1
9	-	B. and C.	-	-	-	0	1	1
10	-	B. and A.	-	-	-	1	1	0
11	-	A. and C.	-	-	-	1	0	1
12	-	B. and C.	-	-	-	0	1	1
1	-	A. and B.	-	-	-	1	1	0
2	-	A. and C.	-	-	-	1	0	1
3	-	C. and B.	-	-	-	0	1	1
4	-	A. and B.	-	-	-	1	1	0
5	-	A. and C.	-	-	-	1	0	1
6	-	C. and B.	-	-	-	0	1	1
7	-	A. and B.	-	-	-	1	1	0
8	-	A. and C.	-	-	-	1	0	1
9	-	C. and B.	-	-	-	0	1	1
						10	10	10

On some estates however the practice is found to answer better by putting an extra boiler-man to each set of coppers, and letting the boiler-men take it by turns to make fire. This certainly gives the boilers an interest in getting the work done, sooner, as the sooner the liquor is boiled off, which of course depends principally on the briskness of the fire, the sooner the boiling-house will be shut at night.

In the boiling process, the skimming or cleansing of the liquor is confined to three of the coppers, for when the liquor has arrived at the first copper where the sugar is made, and the second copper which supplies the first, there is no filth to skim: thus three men only at a time can find employment in skimming, even while there is filth rising on the liquor, and that ceases to appear in 15 or 20 minutes after the liquor is received into the boilers; it is then 15 or 20 minutes more before being charged forward towards the first boiler (or tache) the emptied vessels are again filled to be skimmed and charged forward, as before; therefore three men could positively have performed the whole process, and not be much more than two-thirds of the time employed.

However, instead of three, there are five men to each set of coppers, and a head man, in all eleven, to perform the labour that six could have done without being harassed; and this affords to each several opportunities in the course of the day of leaving the boiling-house.

Cane-carriers, 12 :

Ten persons are sufficient to do the work, but twelve are put to it, that one or two may break off at a time for refreshment, or otherwise. The whole rest for an hour or an hour and a half when the mill is washing down; so that they actually seldom work above ten hours in the day, as the time of such rest and respites, which they take by turns, to eat their prepared victuals, may fairly be estimated to take up the remainder of the day.

Mill-feeders, 2 :

Two are assigned to this work, and they occasionally break off, one at a time, to rest or to eat their prepared victuals; they have both the hour or hour and a half cessation besides, when the mill stops to be washed down; the work is by no means laborious,

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laborious, as it is only to guide the canes from the feeding board into the mill rollers.

It may further be added, that the engineer, occasionally, of his own accord, lends a hand to assist in feeding up the mill if it works briskly, and feels a pride in doing so.

Megass-carriers, 12 (who break off in the same manner as the Cane-carriers):

On properties where machinery is used, and railways have been constructed at a great expense, in some instances at a cost of 1,000*l.* sterling, four persons, or even less, are sufficient, and there is little or no labour required; the engine does the work, all except the hurling of the trucks, and even that is done by the engine in some instances, according to the construction of the railway, some of which are on inclined planes; so that the people have only to loosen the pins which fasten the sides of the carts, to let the trash fall into the body of the megass logie, the railway being laid along the upper beams of the building.

Engaged about the Liquor-pump or Wheel, and to wash down the Mill, 1 :

This person's duty is very easy; he has to sit down idle the greater part of the day, and merely pulls out a fibre of the cane occasionally from amongst the liquor, washes the mill and liquor-box now and then with temper lime, to guard against acidity until the mill can be thoroughly cleansed at the regular stoppage, which takes place about mid-day.

Fuel-carriers and Airers :

This work is light, and is usually performed by the young Creoles; the fuel consists of the dry megass, or trash, of the cane, which may be compared to shavings in lightness; the number varies according to the number on an estate; but on occasions when the Creole gang is small, adults are employed instead of them; it takes about ten to fifteen adults to perform this species of labour, which is so very light, and suited to the activity of young people, that it is always given to the young Creoles in preference to field labour, when such can possibly be done.

Packers of Megass in the Logie, 2 :

Their occupation is like that of stackers of hay, and they have plenty of time to rest, and to eat, as their labour is not continuous, and take it at their pleasure.

RECAPITULATION.

Fire-man for the Engine	-	-	-	-	-	-	1
Engineer	-	-	-	-	-	-	1
Clarifier-men; to wit,							
Fire-men	-	-	-	-	-	-	2
Attendants on Clarifiers, two of whom are boys							3
							<hr/> 5
Boilers, including Beadman	-	-	-	-	-	-	11
Fire-men	-	-	-	-	-	-	2 & 3
Cane-carriers	-	-	-	-	-	-	12
Mill-feeders	-	-	-	-	-	-	2
Megass-carriers	-	-	-	-	-	-	12
Fuel-carriers and Airers	-	-	-	-	-	-	10 & 15
(or, if Creoles, the whole gang.)							
Packers of Megass in Logie	-	-	-	-	-	-	2
Engaged about the Liquor-pump and Wheel	-	-	-	-	-	-	1
Engineer's Attendant (generally a youth bringing up to the profession)	-	-	-	-	-	-	1
Superintendents of the out-door work	-	-	-	-	-	-	2
Cooks for People about Buildings, and Creoles	-	-	-	-	-	-	3
							<hr/> 71
In this Department	-	-	-	-	-	-	TOTAL - - 71

DISTILLERY.

Fire-men :

One to each still; two stills are generally at work when distillation is carried on; the process is slow, and the fireman has plenty of time to rest, to walk about, and eat his victuals at any time he likes; each still runs twice a day, and an interruption of

of at least two hours takes place between the time of emptying and charging the still afresh. Distillation commences at six to seven o'clock in the morning, and is seldom protracted beyond five o'clock in the afternoon, and never extends beyond six o'clock.

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Mixing Cistern :

One person is employed at this, who has simply to proportion the quantities of melasses, skimmings and water, and to turn the cocks to discharge two of the ingredients, say skimmings and water. This labour is not continuous, if it deserves to be called labour at all.

Engaged at the Pumps of the Melasses and mixing Cisterns, 2 :

This labour is not continuous, and they have plenty of time to refresh themselves whilst the ingredients are being stirred up by the person having charge of the mixing cistern. It may here be proper to remark, that the latter person has nothing whatever to do until the respective portions of melasses and water reach up to certain marks in the cistern which guide the fair proportions; and the pump-men being accustomed to these stop for a time, if the person having charge of the mixing cistern should be absent for the moment.

Superintendents of the Liquor Vats :

This person has merely to watch the fermentation of the liquor in the vats, and to turn the discharging cocks when the stills are required to be filled; also to shift the gutters from vat to vat when the mixed-up liquor is being pumped up from the mixing cistern.

The Can Room :

This person has only to watch when the cans are filled from the discharging worm, and to shift the cans when filled with rum; he has plenty of time to eat the victuals, either in the cane-room or when he pleases, when the stills are run off.

Head Distiller :

This man has a general charge of the stills, liquor vats and mixing cistern; and shifts about and lends a hand as occasion may require.

Engaged at the Pumps for the Water Tank, 2 :

These men relieve each other in the manner pointed out under the head of Fire-men to the Coppers. On some estates windmills or machinery do the work when in operation; but it sometimes happens that distillation is carrying on when the machinery is not at work, in which case manual labour must be resorted to.

Fuel Carriers, 1 :

The usual practice is to accumulate a quantity of wood or coal in front and close to the furnace, to be handy for the fireman; but if the billets are large, this man is employed in splitting them with an axe; he also has plenty of time to rest, and generally does so sometimes for three hours at one time.

RECAPITULATION OF DISTILLERY.

Fire-men, two stills - - - - -	2
At the mixing cistern - - - - -	1
At the pump - - - - -	2
Superintendent at liquor vats - - - - -	1
Can Room - - - - -	1
Head Distiller - - - - -	1
Engaged at the pumps for the water tank - - - - -	2
Fuel-carrier - - - - -	1
Distillery Department - - - - -	TOTAL - - - - -
	<u>11</u>

LABOUR consequent in taking off the CROP :

To keep the mill employed when making sugar :

Cane-cutters and carriers - - - - -	66
Punt-men - - - - -	10
Superintendent - - - - -	1
Water-carrier for the cane-cutters - - - - -	1
Superintendent of cane-cutting gang - - - - -	1
Cook for the gang - - - - -	1 & 2
	<u>80</u>

It sometimes happens that the number of cane-cutters must be either increased or decreased, according to the quantity of canes. But in order to keep the mill supplied for the time specified, the foregoing number is very seldom diminished, and oftener increased. Several estates whose gangs are small in number, are

reduced

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reduced to the necessity of cutting canes on one day and grinding the next ; and the very largest estates are often reduced to the necessity of stopping grinding, from their inability to furnish a sufficient number of adults to relieve the fields of the cane trash and continue manufacturing operations at the same time.

GENERAL RECAPITULATION of the Number of Slaves employed in manufacture of the Crops on a Sugar Estate, and in the cutting and transporting of the Canes when the taking off the Crop is in full operation.

In manufacturing and about buildings - - - -	71
In the distillery - - - - -	11
Cutting and transporting canes and attendants on the gang -	80
	<u>162</u>

Out of a gang of 400 and 500 negroes, a double number of people to work, according to the stipulations of the Order in Council, could not be furnished. When the number of tradesmen, boatmen, pregnant women, invalids, children, proportion of sick in hospital, watchmen, cattle-minders, &c. are taken into calculation thus, it is impossible to carry on the work of a sugar estate to any advantage under the restrictions of the Order, and ruin must follow the enforcement of a compliance therewith.

The undersigned practical Planters having perused the foregoing details, declare them to be a fair exposition of the mode of conducting the manufacture, and cutting and transporting of canes to the mill, as practised on sugar estates in this Colony, when the gang is of sufficient strength to permit all the manufacturing departments being in full operation at one time.

When estates are only using one set of coppers, the numbers in the several departments must of course be decreased in proportion ; but an estate using two sets cannot do with less than the number specified, and properties of magnitude must necessarily have two sets at work to take off the crop.

(signed) *And^w Jackson* *A. Mackae.*
John Ross. *Griffin Bascome.*
Edw^d Bishop, jun.

NOTE, with reference to Clause 88, relative to flour as a substitute for plantains.

A flour barrel by gauge contains 28 gallons, equal to 224 pints.

Assumed population of British Guiana, 90,000 Slaves :

Of whom not exceeding 10 years of age, there are about - - - 18,000.	
72,000 slaves, at 21 pints weekly, is - - - -	1,512,000
18,000 under 10 years of age, at 10½ pints - - -	189,000
TOTAL Weekly Allowance - - -	<u>1,701,000</u>

Is equal to 7,593 barrels weekly, or 394,836 barrels annually, at 30 <i>f.</i> per barrel, would cost the planter 11,845,080 <i>f.</i> , at 14 <i>f.</i> per £. - - - £.	846,077 2 10
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CROPS of *British Guiana*, as returned for 1831.

97,050,196 lbs. sugar, at 1,500 lbs. net each to a hogs-head, 64,700 lbs. at 9 <i>l.</i> per hogshead of that weight -	£.	<i>s.</i>	<i>d.</i>
4,162,864 gallons rum, at 8 <i>d.</i> - - - - -	582,300	-	-
3,140,149 ,, melasses, at 6 <i>d.</i> - - - - -	138,762	2	8
2,825,070 lbs. coffee, at 8 <i>d.</i> - - - - -	78,503	14	6
834,123 ,, cotton, at 5 <i>d.</i> - - - - -	94,169	-	-
	17,377	11	3
	£.	911,112	8 5
Cost of Flour as above - - -	846,077	2	10
DIFFERENCE - - - £.	65,035	5	7

only, between the gross revenue and cost of flour, which does not amount to the sum of taxation levied on the Colonists within the Colony for the payment of salaries of the public officers and the maintenance of the Colonial establishments ; the whole of which depend upon the success of agriculture for support.

Demerara, February 1832.

EXTRACT from the ARTICLES of CAPITULATION of *Essequebo* and *Demerara*.

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Article 1st. Proposed by the Governor General and other authorities of the Colony:

“The laws and usages of the Colony shall remain in force and be respected; the mode of taxation now in use be adhered to; and the inhabitants shall enjoy the public exercise of their religion in the same manner as before the capitulation. No new establishments shall be introduced without the consent of the Court of Policy as the legislature of the Colony.

“The constituted authorities and public officers, whether in the civil, law or church establishments, as well as the members of the respective courts (except the Governor General) shall be continued in their respective offices and situations, until His Majesty’s pleasure shall be known.”

Answer, *Granted*.

EXTRACT from the SUMMONS sent in to the Governor and other Authorities of *Berbice* by the Officers commanding His Britannic Majesty’s Land and Sea Forces, which clearly show the footing on which they intended that Colony, as well as *Essequebo* and *Demerara*, to be placed by their Surrender to His Majesty’s arms: any attempt to waver from the true intent and meaning of those solemn compacts, more especially after a lapse of so many years, must be viewed as nothing less than a breach of national faith, if persevered in.

SUMMONS.

“This is to demand from you, the Governor and Court of Policy, and the Commanders of the land and sea forces, in the Colony of *Berbice*, to surrender the said Colony to His Britannic Majesty’s forces under our command, and to place the same under His Britannic Majesty’s Government: in which case the laws and usages of the Colony shall remain in force and be respected; the present mode of taxation shall be adhered to, and the inhabitants be allowed the public exercise of their religion as heretofore. No new institutions shall be introduced without the consent of the Court of Policy, as the legislative authority of the Colony.

“The public functionaries, &c. &c., except the Governor, shall retain their situations until His Majesty’s pleasure shall be known, excepting those who may have embraced French principles, &c. &c. &c.

“Should these liberal proposals (*which in fact offer to the inhabitants of the Colony a free participation in the great privileges enjoyed by His Britannic Majesty’s subjects*) be rejected, the Governor and Court of Policy, and all others concerned, will be answerable for the consequences, as in that case the land and sea forces will make an immediate attack, against which all resistance will be fruitless.”

ANSWER.

The sovereignty of the Colony, with the forts, posts, artillery, &c. will be surrendered to His Britannic Majesty’s forces, *on the capitulation offered, with the following additional Articles:*

From No. 1 to 22; which last, as a rider to the foregoing Summons, is worth mention.

Article 22. “Should hereafter any question arise concerning the true meaning of the present Capitulation, the interpretation of the same shall be always given in favour of Colonists.”

A true Copy.

(L. s.)

Charles Wilday, Dep. Col. Secy.

—No. 20.—

COPY of a DESPATCH from Sir *B. D’Urban* to Viscount *Goderich*, &c. &c. &c.

King’s House, British Guiana,
30th April 1832.

My Lord,

WITH reference to my Despatch of the 12th March, and to a Report from the Protector of Slaves, which was its Enclosure No. 2, I have the honour herewith to transmit a subsequent communication from the ten Colonial Assessors, whose Memorial was the Enclosure No. 3 of that Despatch.

The

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The style and temper of this document might perhaps have occasioned me some scruple in placing it before your Lordship. It appears to me, however, upon reflection, better not to withhold it, and I send it therefore, without any further remark, which indeed I think would be superfluous.

I have, &c.

(signed)

B. D'Urban.

Enclosure in No. 20.

Sir,

Demerara, 25th April 1832.

THE Letter of the Protector of Slaves to your Excellency, dated 7th March, of which we have been favoured with a Copy, would impress upon us the belief that this officer considers that he has a right to exercise an influence over the Court of Criminal Justice, and officially to censure its proceedings at pleasure. In the present instance, that his anger has been pointed against the Assessors only, is so far fortunate, that its consequence can have no effect upon them, more than to raise their indignation at the gratuitous nature of the attack; but if the principle be once admitted, that the Protector sits in Court with the watchfulness he has characterised, and with the authority he has assumed to exercise, he may on other occasions impugn the conduct of the Judges probably to their worldly detriment, should their votes not be given in accordance to the will of the Government or the taste of their agent.

Protesting against any such authority over a Court of Justice, whether delegated or assumed, and against the right of any man to impugn our verdict, we must observe on the Protector's delicate charge of combination that on the ordinary motives of human nature, such combinations may be more naturally supposed to exist on that side of the Court dependent altogether upon the Government, and perhaps on the good report of the Protector, rather than on the side of independent men, influenced neither by hope of preferment nor by the dread of losing their places.

His access to or possession of the Chief Judge's Notes, (which appear to have accompanied his Letter,) compared with the refusal which the Assessors have experienced from the Chief Judge, of a sight, in presence of the Registrar, of the original Minutes of their own proceedings, warrants the assertion of unfairness and partiality. Coupled with so extraordinary and *ex parte* a proceeding, the Protector's possession of a copy of the Assessors' Memorial on the subject of the Chief Judge's conduct to them, (a document with which we consider we had nothing to do) has convinced us that this officer has assumed to exercise a controlling power or influence over the Court but little in accordance with the principles of law and justice. In no other view can we account for his conduct in making so gratuitous and uncalled-for an attack upon the Assessors.

He appears to be well pleased with his performance, and with the peculiar felicity with which he has imagined or conjured up assertions, arguments and objections, for the mere purpose of refutation by the weight of his own verbosity.

Leaving him to the full enjoyment of self gratulation on his imaginative powers, we offer only a few remarks on the principles he has professed, and beg to draw your Excellency's attention to a few little circumstances which to us appear extraordinary, as proceeding from a gentleman of such "precise accuracy," and "professing sentiments of perfect truth."

That the Protector, "concurrently with the Crown Advocate, had anticipated great difficulty in getting a conviction from the Court under actual circumstances," (to use his own words) is very probable indeed.

They were doubtless both of them well aware of the character of their own witnesses; "and with that feeling, the expediency of framing all the indictments in the Protector's cases with great caution and moderation, had been studiously considered."

Before a new Court, it would appear the Protector reckoned on a new rule of evidence, viz. that his witnesses were only to tell just what "they chose to admit," and no more. That they were conscious of the weakness of their cases, not even to be reminded by the aggravated feelings of "great caution and moderation," in framing all the "indictments," is put beyond all doubt by the fact, not to be overlooked or forgotten, though it may not appear in the precisely accurate Notes of his

his Honour the Chief Judge, that they found it necessary to bring an idiot, and they did bring an idiot, into the witness box, to sustain and bolster up their case. What the idiot might have been induced to "choose to admit" we know not, as the Court would not permit the examination; but we presume that the privilege of the Protector's witnesses, of deposing only what they might "choose to admit," must have been specially relied on in the idiot's expected deposition, to which some portion of the "study, caution and moderation" had doubtless been previously applied, as one of the "principal means of support" to be counted upon in the protection of the Slave Population in this instance.

We must here remark, that the 10th Clause of the Act of the Court of Policy, dated 17th April 1830, contains certain very necessary provisions for the more readily ascertaining, by certificates of clergymen, the probable credibility or character of negro evidence. The Protector, in his anxiety to bring to trial all but his own witnesses, either was unable to procure the requisite certificates, or, in his great "caution and moderation," overlooked the necessity for them; perhaps from the knowledge of the fact, that one of his principal witnesses had been implicated in a horrible murder, (as she admitted under her cross-examination) for which she received an adequate punishment.

The Protector's assertion, that the "obvious mission of the Court was to try the defendant, not to judge the witnesses," is "obviously" incorrect. In every case, witnesses before a Court of Justice are in a manner upon their trial as to the truth or falsehood of their depositions, and are judged not by their looks and demeanour, as to the "perfect truth" and precise accuracy of their "specific testimony." Hence the necessity of cross-examinations and the expediency of study, great "caution and moderation" in the conducting them.

Without observing here upon the Protector's "desire to show" that there existed a combination amongst the Assessors fully as much as a conspiracy amongst his witnesses, more than to thank him for the courtesy and good taste of the remark, we beg to make a few short quotations from Blackstone's Commentaries, (if men unlearned in the law may be allowed to use such authority) in contradiction of the extraordinary principles of evidence so "luminously" laid down by the learned Protector:—

"All witnesses, of whatever religion or country, are to be received and examined, except such as are *infamous*, or such as are interested in the event of the cause; all others are *competent* witnesses, though the Jury *from other circumstances will judge of their credibility*. Challenges *propter delictum* are for some crime or misdemeanour; as for the conviction of treason, felony, or for some infamous offence, he hath received judgment of the pillory, whipt or stigmatized. The oath administered to the witness is not only that what he deposes shall be true, but that he shall also depose the *whole truth*, so that he is not to conceal any part of what he knows, whether interrogated particularly to that point or not."—Volume 3d.

These authorities are certainly not "indisputably corroborative" of the Protector's doctrines of evidence; nor do we think he will again, in face of the last quotation, venture much to insist upon what his witnesses may or may not "choose to admit," or to justify the fact (which we thank him for admitting) that "they did not choose to admit" they had spoken together of their grievances on the way to town.

That the Protector should have undertaken to give the character of "precise accuracy" to the Notes of the Chief Justice, we should ascribe to his scrupulous attention to the rigidly important discharge of his duties and personal observation of the Chief Judge throughout the whole of the trials, had we not his own confession, (*backed by the fact that he was not present during the whole of the trials*) that his temper of watchfulness, in strict conformity with his principles of law and justice, was too much occupied by "the greatest possible attention" with which he found it necessary to observe the conduct of the Assessors, to give much of his observation to the conduct of the Chief Judge. The expression we consider to be merely complimentary from one functionary to another in the same cause, as coming from a man so intensely occupied, *and who was not present for a considerable period of the trials*.

In further illustration of the "precise accuracy" of the Protector's remarks, we beg to refer your Excellency to the dates of the indictments against Dr. Sanders, the only cases of any importance, the others being "*light and unimportant*."

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The date of the Marshal's serving copies of these indictments is 16th June 1831, previous to which period "precise accuracy" will carry the framing of the originals.

These indictments (the only important ones) were to have been instituted before our old Constitutional Court of Justice, before the moving of any political or judicial question as to Orders in Council. With this reference to dates, therefore, and "*actual circumstances*," we transcribe the following passage of the Protector's Letter :

" Indeed I will beg to observe that the Crown Advocate, concurrently with myself, had fully anticipated the great difficulty of getting a conviction from the Court under actual circumstances ; and with that feeling the expediency of framing all the indictments in the Protector's cases with great caution and moderation had been studiously considered." These four important indictments (the only important ones) *were therefore framed previously TO THE 16TH JUNE 1831, in anticipation of the actual circumstances, and the entirely new Court of February 1832!!!!*

The remaining light and unimportant cases must have consumed, we imagine, the greatest portion of the midnight oil ; not inconsistent with perfect truth, is perfect candour. The Protector's expression, that " most of his cases were laid under the Order in Council," clearly implies that some of them were not so laid, and therefore under the Ordinance of the Court of Policy. Of these light and unimportant cases, some of which, by the Protector's authority, we say, were not laid under the Order in Council, we have made a comparison with the indictments confessedly so " studiously and cautiously laid under the Order."

Referring them to your Excellency, we ask, where is the difference? To our comprehension they differ only in the names of the parties, the nominal offences and the dates of their service.

The distinctions would seem to exist only in the volition of the Protector.

As peculiarly illustrative of this assertion, we herewith lay over the copy of the Indictment against William Grant, whose case the Protector has declared was not laid under the Order in Council, but positively under an Ordinance of the Court of Policy. *Mutatis mutandis*, it is word for word the same as the studious indictments against Sanders under the Order in Council.

By what Ordinance of the Court of Policy he will justify the fine of 50*l.* levied upon Grant without trial, we are hardly aware.

Of the object of the Protector in keeping back from the Court his *light and unimportant cases not laid under the Order in Council, but under an Ordinance of the Court of Policy*, we have not been informed ; but we think it was his duty to have brought forward all his cases in conformity with his citations at a session of Oyer and Terminer, specially held under proclamation.

If his reasons be worth any thing as regards his cases laid under the Order in Council, they are totally inapplicable, by his own showing, to those laid under " the *more respected Ordinance* of the Court of Policy." Conviction was his aim, the want of which he so pathetically deplored in the four cases only which have ever been brought forward since July 1831 to February 1832. That he doubted not of conviction under the Ordinance of the Court of Policy, the whole tenor of his letter shows.

As regards these cases, therefore, laid under the Ordinance of the Court of Policy, he has adduced no reason why he did not proceed with them ; and we are justified in asserting that he has therefore, in all such cases at least, adjourned the Court upon *light and unimportant grounds*.

We solicit your Excellency to call on the Protector to discriminate the differences in his indictments, and to state specifically which of them are laid under the Order in Council, and which under the Ordinance of the Court of Policy ; seeing that the difference is not apparent from any thing set forth in the indictments themselves.

To adjourn a court of criminal justice at the dictum or will of an official prosecutor ; to keep a prosecution pending at will over a party from session to session ; to cite a party to " appear on the first and following days of the next ensuing Criminal Session to be held at the Court House, George Town, on the 4th July 1831, there and then" to plead to the indictments preferred ; to send the party back again because the Court did not suit the Protector ; upon these same indictments to proceed before a new Court not then thought of ; again to send the party back during pleasure without cause duly and lawfully shown, and without consent of the party indicted, but merely because an acquittal had previously taken place on a similar case, are anomalies in the administration of justice unprecedented in the history of British jurisprudence,

prudence, and directly contrary to the laws of this Colony. We are sorry to observe that the Protector has referred to your Excellency in two passages of his Letter, as to the authority to which he appeals to direct and sanction such unconstitutional and odious measures.

In this instance we recognise the court martial and the Judge Advocate's appeal to the Commander in Chief, rather than proceedings applicable to the verdict of a jury and to the jurisdiction of a civil court. The naval habits of the Protector may have induced this course of action; but a man of such erudite legal pretensions ought to have remembered, that a civil court of justice is entirely out of the control of the Executive, whose functions only commence after those of the court have ceased, in the noble exercise of mercy upon its sentences. If but a small portion of his "temper of watchfulness" had been applied to the study of the law, or the observance of its administration, he would have found innumerable instances of the verdict of a jury in opposition to the dictum of a judge and to the pleasure of the Government; but he would in vain have looked for the breaking up of a court of justice, and the postponement of trials after service of indictments, upon the mere circumstance of the acquittal of the accused upon one of his *qui tam* actions. He would have found that although a verdict of guilty may, under circumstances, be admitted as a ground for a new trial, in no instance whatever has a verdict of acquittal ever been so applied. But on the contrary, in every such case, upon similar indictments similarly sustained, an abandonment of the suit has invariably been the consequence of a verdict in favour of the accused. It is to be observed, that the acts against the defendant were all charged to have been committed about the same time and place, and that, according to the laws of this Colony, the whole of such acts should have constituted but one arraignment; yet have they been divided into four separate and distinct indictments! For what purpose, but the oppression of the individual by the *quadruple multiplication of the law charges still allowed to exist!* The same witnesses in each indictment—one for the other! Each indictment, therefore, was a new trial! Each bore the same date of the service by the Marshal upon the defendant, 16th June 1831. Two sessions have since been held, at which the defendant has been put to the expense of attending with his witnesses. Two of these subdivided arraignments have been at length heard; an acquittal has been pronounced upon them; and this acquittal is asserted in open Court as the reason of the breaking up of the Court, and the postponement of the remaining two subdivisions of the charge! Fifty pounds sterling upon each of the subdivided indictments will fall far short of the expenses to which these oppressive and arbitrary proceedings must subject the defendant, even upon acquittal in all the four.

We admire the laconic modesty exhibited in the following broad assertions, all unsupported by fact but the first. The ancient oracles would have been less positive, but could not have been more authoritative!—"The indictments were distinct, the testimony complete, and the law precise."

With regard to the completeness of the testimony, the jury, according to Blackstone, is the best and only judge; a doctrine borne out completely (if there could be a doubt of it) by the 70th Clause of the Protector's own "precise law." With regard to the precision of the law, we have the authority of the learned Protector himself, who in the indictments herewith laid over, which (word for word) are the copy of the other, *mutatis mutandis*, as regards only times, parties and the *modus operandi*, has not set forth, in such studied, cautious and moderate terms, the law violated; yet he has declared the indictment against Sanders was laid under an Order in Council, and the one against Grant under an Ordinance of the Court of Policy. Where is this remarkable precision thus applicable to two laws? Not from any thing set forth in the indictments themselves, for there is not a word either about Order in Council or Ordinance of the Court of Policy.

We say that the law is both vague and uncertain, which at the will of a prosecutor may be applied to similar indictments in the way only that he pleases to interpret.

In the first place, we take an indictment against Sanders, and then the indictment against Grant. We ask, where is the difference distinctive of the Order in Council, and the Ordinance of the Court of Policy?

In the next place, we take his light and "unimportant cases," most of which were "studiously," but with "caution and moderation" laid under the Order, "but some of them with equal study, caution and moderation," not under the Order, but under the Ordinance, and ask the same question, where is the difference in the
indictments,

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indictments, distinctive of one case being under the Order in Council, and the other under the Ordinance of the Court of Policy.

We have already allowed the "distinctiveness" of his indictments, the only one of his assertions approximating to "precise accuracy and perfect truth."

But on the subject of "*distinct indictments*" we beg leave to put the Protector in mind of the sentiments and opinions of Lord Goderich, who in his Circular Despatch to the Governors of the ceded Colonies, dated 14th November 1831, after deprecating "*any formidable delay or expense in the recovery of fines and penalties,*" hath thus expressed himself: "The necessity of commencing Fiscal actions or criminal prosecutions before the regular tribunals on *each infraction of the law,* however inconsiderable, has done more to defeat its provisions than all other circumstances combined."

The "delay and expense" have been "formidable" indeed!!! The splitting of indictments on each "infraction of the law," we again repeat, is in our opinion contrary to the practice and principles of the Dutch law here prevailing.

We now beg to offer a few remarks upon the Protector's assertions respecting the Assessors' Protest; "which instrument," he says, "combinedly executed," disposed him to consider their verdicts with "scrupulous attention." The Protector's scruples we cannot discover in the unmeasured accusations of "combination and conspiracy" which he has given vent to, against the Assessors, and the parallel he has so gracefully drawn between them and his amiable witnesses. Each attack is preceded by a declaration of deference and respect very much in direct proportion to the virulence of the charge it ushers in.

This "combinedly executed" protest was made by the Assessors, as it strictly imports, previously to their accepting the office that had been assigned them, to prevent their accepting this office being construed in any manner into a waiver of their constitutional rights, and for no other purpose whatever.

The very act of protest to preserve their constitutional rights, clearly and indisputably indicates that the Assessors went to the performance of their duties with a determination conscientiously to fulfil those specific duties, and not to defeat them. In any other point of view the protest was useless and silly. In the view of conspiracy and combination ascribed to them by the Protector, the protest was altogether a work of supererogation; but as formally declaratory that their acts in the duty they had sworn to perform as Assessors should not be taken to be a waiver of their rights which constitutionally they had claimed, there is reason in this "combinedly executed instrument," and direct proof that as they had accepted the office, they swore duly to execute it, without prejudice to their constitutionally asserted claims. It would have been an act of madness in the Assessors to have "combinedly executed" this protest, and in the Chief Judge to have entered it on his "precisely accurate Notes;" if it could have borne the construction given by the Protector, a "conspiracy and combination" to defeat the ends of justice entered into by those who had sworn as Assessors to administer justice, and noted on the minutes of the Court by the presiding Judge. The "combination and conspiracy" ought to have been found out before the Court proceeded to pass sentence of death on the verdict of the same conspiring Assessors. The protest of the Assessors merely said, "We will do our duty as Assessors under the oath we have taken, but without prejudice to the claim we have asserted; we will act, but our acting shall not be construed as a waiver of our asserted right." We are at a loss to know in what possible way the protest can bear upon the combination, or the combination upon the protest; they are each destructive of the other in any rational way of considering the import of the protest, or the rational bearing upon each other of the protest and asserted conspiracy to defeat it. We protested that we would do the duty sub-cautioned, and then, according to the Protector, conspired not to do it.

We recognize in the Protector's Letter certain expressions peculiarly calculated for the purpose of making certain impressions in certain latitudes. The assertion that "it would have been infatuation to suppose that the slaves were careless observers of the proceedings of the Court; the peaceful obedience to the proprietary," as the result of the firm belief in the "*profoundly sincere* intentions of the Government," and the *complete execution* of the laws, are expressions we remember to have heard much about the time of the abolition of our constitutional Court of Justice; and we cannot but think they have now been drawn forth from the Protector's common-place book on the present occasion, as favourable to the

the expression in kindred terms of the sympathy of his remarks with the profound and "luminous" sagacity of the Observations.

The Protector's lamentations on the paucity of convictions since the promulgation of the Order of 1830, are too ridiculous to dwell upon; since only four indictments in this considerable space of time have been preferred.

The rareness of crime, and consequent lightness of the calendar, are always made subjects of congratulation to the country by the Judges of England; but here, with a new Protector and his new rule of evidence, before a new Court, and under a new law, we have the Protector's official tears, that in nearly two years' time only four indictments have been brought forward, and those unconvicted.

On the "luminous charge of the Chief Judge," we take the liberty to state, that he passed over with very little, if any, remark, the important circumstances that came out in what the witnesses "chose to admit," in their cross-examination, respecting their taciturnity, in their 25 miles' journey in company to town, of the object of their pursuit.

About two years ago, a trial was held before the Court of Criminal Justice and Mr. President Wray, in the case of Mathusen *against* Rhodie. On the cross-examination of two witnesses, a similar contradiction came out, contrary to all probability, of the journeying of these witnesses to town a considerable distance in the same route, without a word passing upon the occurrence that took them to town. Mr. President Wray, in his "luminous" charge on *that occasion*, dwelt strongly on the improbability of the circumstance, and the consequent impugning of the testimony; but these were white men; and there was no Protector to control the Court.

Requesting your Excellency to forward to the Colonial Office this our answer to the Protector's charges, we have to apologize for the length to which it has been necessary to go, in bringing his assertions to the test of "precise accuracy" and "perfect truth." We have every wish charitably to appreciate the motives of this gentleman in his uncalled-for attack upon us, and, in this spirit, regret that a hasty zeal or distempered imagination should have prompted him to the expression of such sentiments, opinions and assertions, as those with which he has thought proper so gratuitously to assail us.

We have, &c.

(signed)	<i>John M'Lean.</i>	<i>J. H. Albony.</i>
	<i>E. Bishop, Jun.</i>	<i>A. Simpson.</i>
	<i>W. Urquhart.</i>	<i>G. Anderson.</i>
	<i>U. J. F. Bach.</i>	<i>B. Hopkinson.</i>
	<i>Henry Halket.</i>	<i>W. Urquhart.</i>
	<i>Tho' Mewburn.</i>	

INDICTMENT made and delivered to the Honourable COURT of CRIMINAL JUSTICE of the United Colony of *Demerara* and *Essequibo*; on the part of *Samuel Wells Gordon*, Crown Advocate, Plaintiff and Prosecutor, *versus* *George Sanders*, an Inhabitant of this United Colony, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, that *George Sanders*, residing on Plantation Unity, Mahaica District, within the jurisdiction of this United Colony of *Demerara* and *Essequibo*, did, on a certain day in or about the month of February of the present year of our Lord 1831, illegally punish the female slave *Petronella*, being then under his management or control, by directing and authorizing her, the said female slave *Petronella*, to be flogged or scourged with tamarind rods; which flogging or scourging was accordingly effected on the body of the said female slave in his presence, against the peace of our Sovereign Lord the King, his Crown and dignity.

(signed) *S. W. Gordon*, Crown Advocate.

True Copy.

(signed) *J. O. Wight*, Marshal.

BRITISH
GUIANA.

INDICTMENT made and delivered to the Honourable the COURT of CRIMINAL JUSTICE of the United Colony of *Demerara* and *Essequibo*; on the part of *Samuel Wells Gordon*, Crown Advocate, Plaintiff and Prosecutor, *versus George Sanders*, an Inhabitant of this United Colony, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, that *George Sanders*, residing on Plantation Unity, Mahaica District, within the jurisdiction of this United Colony of *Demerara* and *Essequibo*, did, on a certain day in or about the month of February of the present year of our Lord 1831, illegally punish the female slave *Molly*, registered in the year of our Lord 1829 as being then twelve and a half years of age, and belonging to his minor children, *William*, *Sarah*, *Georgiana*, *Maria* and *John*, and which said slave was then under his the said *George Sanders*' management or control, by directing or authorizing her, the said slave *Molly*, to be flogged or scourged with tamarind rods; which punishment was accordingly inflicted on the person of the said slave *Molly*, in his presence, at or upon the said Plantation Unity, within the jurisdiction of this United Colony, against the peace of our Sovereign Lord the King, his Crown and dignity.

(signed) *S. W. Gordon*, Crown Advocate.

True Copy.

(signed) *J. O. Wight*, Marshal.

INDICTMENT made and delivered to the Honourable the COURT of CRIMINAL JUSTICE of the United Colony of *Demerara* and *Essequibo*; on the part of *Samuel Wells Gordon*, Crown Advocate, Plaintiff and Prosecutor, *versus George Sanders*, an Inhabitant of this United Colony, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, that *George Sanders*, residing on Plantation Unity, Mahaica District, within the jurisdiction of this United Colony of *Demerara* and *Essequibo*, did, on a certain day in or about the month of February of the present year of our Lord 1831, illegally punish the female slave *Franky*, registered in the year of our Lord 1829 as being then 37 years of age, and belonging to his minor children, *William*, *Sarah*, *Georgiana*, *Maria* and *John*, and which said slave was then under his the said *George Sanders*' management or control, by directing or authorizing her, the said slave *Franky*, to be flogged or scourged with tamarind rods; which punishment was accordingly inflicted on the body of the said slave *Franky* in his presence, at the said Plantation Unity, within the jurisdiction of this United Colony of *Demerara* and *Essequibo*, against the peace of our Sovereign Lord the King, his Crown and dignity.

(signed) *S. W. Gordon*, Crown Advocate.

True Copy.

(signed) *J. O. Wight*, Marshal.

INDICTMENT made and delivered to the Honourable the COURT of CRIMINAL JUSTICE of the United Colony of *Demerara* and *Essequibo*; on the part of *Samuel Wells Gordon*, Crown Advocate, Plaintiff and Prosecutor, *versus George Sanders*, an Inhabitant of this United Colony, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, that *George Sanders*, residing on Plantation Unity, Mahaica District, within the jurisdiction of this United Colony of *Demerara* and *Essequibo*, did, about eight o'clock in the evening of a certain day, in or about the month of February, of the present year of our Lord 1831, on the Plantation Unity, within the jurisdiction of the said United Colony of *Demerara* and *Essequibo*, illegally punish the slave *Derick*, registered in the year of our Lord 1829 as being then 18 years of age, belonging to him the said *George Sanders*, and being then and there under his the said *George Sanders*' control, for some offence or offences alleged by him to have been committed, by directing or authorizing the said slave *Derick* to be flogged or scourged with tamarind rods, to an extent exceeding 25 lashes or stripes; which punishment was accordingly inflicted on the body of the said slave *Derick*, in his the said *George Sanders*' presence, within the period of 24 hours, against the peace of our Sovereign Lord the King, his Crown and dignity.

The

The Crown Advocate giveth the Court further to understand and be informed, that the said Defendant, George Sanders, residing on Plantation Unity, Mahaica District, within the jurisdiction of this United Colony of Demerara and Essequibo, did, on a certain day in or about the month of February of the present year of our Lord 1831, at the said Plantation Unity, within the jurisdiction of the said United Colony of Demerara and Essequibo, illegally punish or direct, or authorized him the said slave Derick to be punished, the said slave Derick being then and there under his management or control, by flogging or scourging him the said slave Derick with tamarind rods; which punishment was accordingly then and there inflicted on the body of said slave Derick, without the presence of any person of free condition besides himself the said George Sanders, or of six adult slaves, to witness the said punishment of the said slave Derick, against the peace of our Sovereign Lord the King, his Crown and dignity.

(signed) *S. W. Gordon.*

Crown Advocate.

A true Copy.

(signed) *J. O. Wight, Marshal.*

BRITISH GUIANA, }
TO WIT. } IN the SUPREME COURT of *Demerara and Essequibo.*

INDICTMENT on the part of *Samuel Wells Gordon*, Crown Advocate, Plaintiff and Prosecutor, *versus William Grant*, Engineer, Owner of the Slave *Edward*, and Inhabitant of Demerara, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, that *William Grant*, an engineer, owner of the male negro slave *Edward*, residing on Plantation Chateau Margot, in the parish of St. Paul and district of Demerara and Essequibo, within the jurisdiction of this Colony, did, on or about the night of the 13th day of July, in the year of our Lord 1831, at the said Plantation Chateau Margot, in the parish and district aforesaid, within the jurisdiction of this Colony, after placing the hands of the said male negro slave *Edward* in handcuffs, illegally further punish the said male negro slave *Edward*, by confining in a room or store commonly appropriated to the keeping of tools and lumber, and then and there tying him, the said male negro slave, by the hands up to certain beams in the said room, by a rope or ropes, for the period of nine hours or thereabouts, against the peace of our Sovereign Lord the King, his Crown and dignity.

(signed) *S. W. Gordon,*

Crown Advocate.

True Copy.

(signed) *Hugo de Groot, Marshal.*

(ON HIS MAJESTY'S SERVICE.)

George Town, Office of Protector of Slaves,
February 12th, 1832.

Sir,

HEREWITH I have the honour to forward the proceedings had by me on a complaint preferred at this Office, on the 14th July last, by the slave *Edward*, belonging to Mr. W. Grant, engineer.

I have to request you will be pleased to institute the necessary proceedings of the prosecution of the aforesaid Mr. *William Grant*, at the next Sessions of the Criminal Court of Justice of this Colony.

I have, &c.

S. W. Gordon, Esq.,
Crown Advocate.

(signed) *Charles Elliot,*
Protector of Slaves.

True Copy.

(signed) *Hugo de Groot, Marshal.*

AT the request and instance of *Samuel Wells Gordon*, Crown Advocate, Plaintiff and Prosecutor, I, the undersigned Marshal, do hereby summon *William Grant*, engineer, owner of the slave *Edward*, and inhabitant of Demerara, to appear before the Honourable the Supreme Court of Criminal Justice of Demerara and Essequibo, at their Session, to be held at the Court House, George Town, at ten o'clock A. M., on the 13th and following days of February next, in order to plead to the indictment to be preferred against him, whereof copy is annexed, on pain as the law directs.

Demerara and Essequibo, this 26th February 1832.

(signed) *J. R. Dempster, Marshal.*

—No. 21.—

BRITISH
GUIANA.COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*,
&c. &c. &c.King's House, British Guiana,
4th May 1832.

My Lord,

WITH reference to my Despatches of the 12th of March and of the 30th of April last, I have the honour to transmit herewith a Letter to me, with its Enclosure, from the Chief Justice of the Colony, by which your Lordship will be made aware that the ten Assessors adverted to in those Despatches, upon the assembling of the last Quarterly Criminal Court of Justice, (duly held on the 30th of last month, according to the provisions of the Criminal Code, under my Proclamation, No. 2) absented themselves *in a body* from the sitting of the Court, and thereby at once arrested the operation of the criminal laws; for although two other Assessors (elected since the ten in question, and no party to their proceedings) attended in their places, as three Assessors are necessary for every trial, there were not sufficient for the purpose. Referring your Lordship to the Chief Justice's Letter and Address, with those of the two other Judges, at the conclusion of the proceedings, I shall abstain from any observations thereon, since they would be superfluous.

The ostensible reason given by these gentlemen for this secession is, that "they consider themselves aggrieved by the opinion of the Court, as expressed by the Chief Justice at the close of the sitting on the 20th February," (see Enclosure No. 1 of my Despatch of 12th March,) "which they complain of as an aspersion of their characters."

Whether they have any just grounds for such a complaint, your Lordship will judge by a reference to that opinion of the Court; but supposing it (for the sake of argument) to contain any stigma upon the reputation of the six Assessors who sat at the two trials on that occasion, it could obviously have nothing to do with the four others, who did not sit at all, but who, notwithstanding, have joined those six in this extraordinary measure.

The cause assigned, therefore, I cannot regard as the real one, which I apprehend must be looked for in the prevailing spirit to which I have adverted in my former Despatches, and which prompts all those under its influence to throw every impediment in the way of His Majesty Government, whether civil or judicial, unless the demands of the deputies sent to England be conceded.

By the 7th and 8th Clauses of the enclosed Ordinance for the establishment of Assessors (already sent to your Lordship for His Majesty's gracious approval, in my Despatch of the 13th of December last,) these gentlemen will have respectively incurred fines for absence upon nineteen causes, which will amount to about 120*l.* from each person; and for recovering these I have directed proceedings, according to the power vested in me by the 8th Clause. Whether this, and the apprehension of its recurrence, may render them more amenable when another Criminal Court shall be proclaimed and held, may be matter of doubt; if not, I must take measures for a new election of Assessors, and then it will still remain to be proved how *they* will proceed, when the time for fulfilling their duty arrives.

Your Lordship will readily perceive the weight of this new embarrassment of the public service (in addition to those which I have recently had occasion to report,) and the cause for apprehension which it furnishes as to the *future efficiency of the system of "Assessors,"* and it will be useless, therefore, to occupy your time now by dwelling further on the subject.

I have, &c.

(signed) *B. D'Urban.*

Enclosure 1, in No. 21.

British Guiana, Presidency. George Town,
2d May 1832.

Sir,

It is with great regret that I have the honour to inform your Excellency, that the Session of the Court of Criminal Justice terminated on Monday, the day appointed by your Excellency for its being held, without having tried any prisoner.

Nineteen Indictments were brought on for trial, but on no one of them did more than two out of the twelve Assessors appear.

The

The prisoners have by this, under the law of the Colony, acquired the right to be discharged on bail. Some, I am aware, will not be able to find bail; but I shall not feel myself justified in detaining in custody any prisoner, whatever may be the offence with which he is charged, unless I can ascertain some definite period at which he may with certainty be brought to trial.

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GUIANA.

I have, &c.
(signed) *Cha^s Wray*, Chief Justice.

To His Excellency Sir Benjamin D'Urban, K. C. B.
Governor, British Guiana.

MINUTES of the PROCEEDINGS of the Honourable the SUPREME COURT of CRIMINAL JUSTICE for the District of *Demerara* and *Essequibo*, held at the Court House, George Town, Demerara.

Monday, 30th of April 1832.

THE Judges having taken their seats, the Assessors were summoned to come into Court; and James Matthews, esq. the only Assessor present, entered, and took his seat accordingly.

Prayers being read, the Court was then opened; and the Marshal having proclaimed silence, the Proclamation of his Excellency the Governor, dated the 14th instant, for holding the present Session, was read by the Secretary; and afterwards Robert Waterton, esq., another of the Assessors, entered the Court.

His Honour the First Fiscal, before entering on the Causes contained in his Calendar, stated, that he had summoned, by edict, John Tulloh Osborne to answer on the indictment filed against him, and called at the Session held on the 17th day of February 1832, when the said John Tulloh Osborne was declared absent.

The Marshal thereupon again called the aforesaid John Tulloh Osborne, who did not appear.

His Honour the First Fiscal then signified, that he was ready to proceed with the trial of the several Causes on the Calendar.—Was called—

Charles Herbert, First Fiscal, R. O. versus *James Spencer*.

The prisoner, James Spencer, was brought up, and placed at the bar.

The box containing the names of the twelve Assessors being then presented to his Honour the Second Puisne Judge, the first name drawn was Walter Urquhart, esq., who was not present to answer thereto. The nine names following were then drawn in succession, and none of the parties were present to answer thereto:—John M'Lean, U. J. F. Bach, H. Halket, B. J. Hopkinson, Edward Bishop, George Anderson, Alexander Simpson, Thomas Mewburn, and J. H. Albony, esquires. Robert Waterton and James Matthews, esquires, appearing thereupon, answered to their names. Case of Robert.

The Court finding that only two Assessors appeared, could not proceed on the first indictment against the prisoner at the bar.—Was then called—

Charles Herbert, First Fiscal, R. O. versus *James Spencer*.

The prisoner remaining at the bar, the names of the Assessors were again drawn in succession, and the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and Thomas Mewburn, Edward Bishop, Henry Halket, Walter Urquhart, John M'Lean, George Anderson, J. H. Albony, U. J. F. Bach, Alexander Simpson, B. J. Hopkinson, were not present to answer thereto. Case of Henry.

The Court finding that only two Assessors appeared, could not proceed on this second indictment against the prisoner at the bar.—Was then called—

Charles Herbert, First Fiscal, R. O. versus *James Spencer*.

The prisoner remaining at the bar, the names of the Assessors were again drawn in succession, and the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and J. H. Albony, Edward Bishop, Walter Urquhart, John M'Lean, Alexander Simpson, U. J. F. Bach, Thomas Mewburn, B. J. Hopkinson, Henry Halket, George Anderson, esquires, were not present to answer thereto. Case of John.

The Court finding that only two Assessors appeared, could not proceed on this third indictment against the prisoner at the bar.—Was then called—

Charles

Charles Herbert, First Fiscal, R. O. versus James Spencer.

Case of John Smart.

The prisoner remaining at the bar, the names of the Assessors were again drawn in succession, and the result was as follows:—James Matthews and Robert Waterton, esquires, were present, and answered thereto; and Henry Halket, J. H. Albony, Edward Bishop, George Anderson, B. J. Hopkinson, Thomas Mewburn, U. J. F. Bach, Walter Urquhart, Alexander Simpson, John M'Lean, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on this fourth indictment against the prisoner at the bar.—Was then called—

Charles Herbert, First Fiscal, R. O. versus James Spencer.

Case of Wellington.

The prisoner remaining at the bar, the names of the Assessors were again drawn in succession, and the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and George Anderson, Alexander Simpson, B. J. Hopkinson, John M'Lean, W. Urquhart, Henry Halket, Edward Bishop, U. J. F. Bach, J. H. Albony, Thomas Mewburn, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on this fifth indictment against the prisoner at the bar. The prisoner was removed.—Was called—

Charles Herbert, First Fiscal, R. O. versus Richard and Tom Jeems.

The prisoners were placed at the bar; the names of the Assessors having been again drawn in succession, the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and Henry Halket, George Anderson, Thomas Mewburn, Walter Urquhart, J. H. Albony, Edward Bishop, U. J. F. Bach, John M'Lean, B. J. Hopkinson, Alexander Simpson, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on the indictment against the prisoners at the bar. The prisoners were removed.—Was then called—

Charles Herbert, First Fiscal, R. O. versus Joseph Garnett.

The prisoner was placed at the bar; the names of the Assessors were again drawn in succession, and the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and J. H. Albony, Walter Urquhart, B. J. Hopkinson, U. J. F. Bach, Henry Halket, Alexander Simpson, John M'Lean, Thomas Mewburn, Edward Bishop, George Anderson, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on the indictment against the prisoner at the bar. The prisoner was removed.—Was then called—

Charles Herbert, First Fiscal, R. O. versus William ———.

The prisoner was placed at the bar; the names of the Assessors were again drawn in succession, and the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and Henry Halket, Thomas Mewburn, Alexander Simpson, Walter Urquhart, J. H. Albony, B. J. Hopkinson, John M'Lean, U. J. F. Bach, George Anderson, Edward Bishop, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on the indictment against the prisoner at the bar. The prisoner was removed.—Was called—

Charles Herbert, First Fiscal, R. O. versus Colin ———.

The prisoner was placed at the bar; the names of the Assessors were again drawn in succession, and the result was as follows:—James Matthews and Robert Waterton, esquires, were present, and answered thereto; and B. J. Hopkinson, Walter Urquhart, U. J. F. Bach, Alexander Simpson, J. H. Albony, John M'Lean, Henry Halket, George Anderson, Edward Bishop, Thomas Mewburn, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on the indictment against the prisoner at the bar. The prisoner was removed.

On the motion of his Honour the First Fiscal, the prisoner, James Fraser, was discharged.—Was called—

Charles Herbert, First Fiscal, R. O. versus David Pitkethly and Henrietta Pitkethly, now deceased.

The defendant, David Pitkethly, appeared in Court; the names of the Assessors were again drawn in succession, and the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and Walter Urquhart, Henry Halket, U. J. F. Bach, John M'Lean, J. H. Albony, Thomas Mewburn, Alexander Simpson, B. J. Hopkinson, George Anderson, Edward Bishop, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on this first indictment against the appearing defendant.—Was then called—

Charles Herbert, First Fiscal, R. O. versus David Pitkethly and Henrietta Pitkethly, since deceased.

The defendant, David Pitkethly, being present, the names of the Assessors were again drawn in succession, and the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and John M'Lean, U. J. F. Bach, Edward Bishop, J. H. Albony, Walter Urquhart, George Anderson, Henry Halket, Thomas Mewburn, B. J. Hopkinson, Alexander Simpson, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on this second indictment against the appearing defendant. The defendant, David Pitkethly, retired.—Was called—

Charles Herbert, First Fiscal, R. O. versus Mary Somerville.

The defendant appeared in Court; the names of the Assessors were again drawn in succession, and the result was as follows:—James Matthews and Robert Waterton, esquires, were present, and answered thereto; and Alexander Simpson, Thomas Mewburn, John M'Lean, B. J. Hopkinson, George Anderson, J. H. Albony, Edward Bishop, Walter Urquhart, U. J. F. Bach, Henry Halket, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed on the indictment against the defendant. The defendant, Mary Somerville, then retired.—Was called—

Charles Herbert, First Fiscal, R. O. versus Samuel Solomons.

The accused was called three several times into Court by the Marshal; did not answer or appear.—Was called—

Charles Herbert, First Fiscal, R. O. versus Henry Dickson.

Mr. Canty, for the defendant, filed certificate on oath of the ill state of health of the said Henry Dickson, and moved that his trial should stand over to next session.

Agreed to by the Court.

His Honour the Fiscal stated that his Calendar was now gone through.

The Protector of Slaves, by the Crown Advocate, then proceeded to call the suits entered before the Court in his behalf.—Was called—

Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, versus William Odwin, proprietor of Plantation Philadelphia, in the parish of St. Luke, and district of Demerara and Essequibo, defendant.

The defendant appeared in Court; the names of the Assessors were again drawn in succession, and the result was as follows:—Robert Waterton and James Matthews, esquires, were present, and answered thereto; and Henry Halket, George Anderson, Walter Urquhart, Thomas Mewburn, Alexander Simpson, B. J. Hopkinson, John M'Lean, U. J. F. Bach, J. H. Albony, Edward Bishop, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed with this first indictment against the defendant.—Was called—

Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, versus William Odwin, proprietor of Plantation Philadelphia, in the parish of St. Luke, and district of Demerara and Essequibo, defendant.

The defendant being present, the names of the Assessors were again drawn in succession, and the result was as follows:—James Matthews and Robert Waterton, esquires,

Personal citation;
case of assault on
G. Sterling.

Personal citation;
case of assault on
J. B. Addis.

Personal citation.

Personal citation.

Personal citation.

Case of Abigail.

Case of Jacominky.

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esquires, were present, and answered thereto; and Edward Bishop, John M'Lean, U. J. F. Bach, B. J. Hopkinson, Alexander Simpson, Walter Urquhart, Thomas Mewburn, J. H. Albony, Henry Halket, George Anderson, esquires, were not present to answer thereto.

The Court finding that only two Assessors appeared, could not proceed with this second indictment against the defendant. The defendant, William Odwin, retired.—Was called—

Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, versus *George Sanders*, an inhabitant of this United Colony, defendant.

Case of Franky.

The defendant, George Sanders, appeared in Court; the names of the Assessors were again drawn in succession, and the result was as follows:—James Matthews and Robert Waterton, esquires, were present, and answered thereto; and J. H. Albony, Alexander Simpson, John M'Lean, Edward Bishop, George Anderson, U. J. F. Bach, Henry Halket, Thomas Mewburn, B. J. Hopkinson, Walter Urquhart, esquires, were not present to answer thereto.

The Court noticing that only two Assessors appeared, could not proceed with this first indictment against the appearing defendant.—Was called—

Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, versus *George Sanders*, an inhabitant of this United Colony, defendant.

Case of Molly.

The defendant being in Court, the names of the Assessors were again drawn in succession, and the result was as follows:—R. Waterton and James Matthews, esquires, were present, and answered thereto; and Walter Urquhart, B. J. Hopkinson, Edward Bishop, J. M'Lean, J. H. Albony, Thomas Mewburn, Alexander Simpson, U. J. F. Bach, Henry Halket, George Anderson, esquires, were not present to answer thereto.

The Court noticing that only two Assessors appeared, could not proceed with this second indictment against the appearing defendant. The defendant, George Sanders, retired.—Was called—

Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, versus *John Thomas Osborn*, manager of Plantation Covent Garden, in the parish of St. Matthew, within the jurisdiction of this United Colony of Demerara and Essequibo, defendant.

Personal citation;
case of Maria.

Mr. Downie appeared on behalf of the defendant; the names of the Assessors were again drawn in succession, and the result was as follows:—James Matthews and Robert Waterton, esquires, were present, and answered thereto. Henry Halket, Edward Bishop, Alexander Simpson, B. J. Hopkinson, George Anderson, U. J. F. Bach, J. H. Albony, Thomas Mewburn, J. M'Lean, W. Urquhart, esquires, were not present to answer thereto.

The Court noticing that only two Assessors appeared, could not proceed with this first indictment against the defendant.—Was called—

Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, versus *John Tulloh Osborne*, late manager of Plantation Covent Garden, in the parish of St. Matthew, in the district of Demerara and Essequibo, within the jurisdiction of this Colony, defendant.

Case of Jeanett.

Mr. Downie appeared for the defendant, the names of the Assessors were again drawn in succession, and the result was as follows:—James Matthews and Robert Waterton, esquires, were present, and answered thereto; and Henry Halket, John M'Lean, Thomas Mewburn, A. Simpson, George Anderson, Edward Bishop, B. J. Hopkinson, J. H. Albony, Walter Urquhart, U. J. F. Bach, esquires, were not present to answer thereto.

The Court noticing that only two Assessors appeared, could not proceed with this second indictment against the defendant.—Was called—

Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, versus *William Carberry*, merchant, and inhabitant of this Colony, defendant.

The defendant, William Carberry, having appeared in Court, the names of the Assessors were again drawn in succession, and the result was as follows:—James Matthews and Robert Waterton, esquires, were present, and answered thereto; and B. J. Hopkinson, Walter Urquhart, Thomas Mewburn, Henry Halket, George Anderson, John M'Lean, U. J. F. Bach, Alexander Simpson, J. H. Albony, Edward Bishop, esquires, were not present to answer thereto.

The Court noticing that only two Assessors appeared; could not proceed with the indictment against the defendant. The defendant, William Carberry, retired.

The Crown Advocate then stated, that his only remaining case was one against Daniel Thomas Molloney, who had died since the service of the indictment on him.

The Court having thus gone through the form of drawing the names of the Assessors for the trials of the respective causes (nineteen in number), as before set forth, his Honour the Chief Justice then read the following Observations:—

“ I regret to say, that during my long experience in Courts of Law, both here and in the Mother Country, I have never witnessed so singular an exhibition as that presented to public view on this day. The Criminal Court has assembled under a proclamation of his Excellency the Governor, dated and published on the 14th of April, fifteen days ago, and ten of the Assessors are absent, thereby preventing the powers of the Criminal Court from being carried into effect, so far as relates to the trial and punishment of offenders.

“ These gentlemen were selected under the authority of an Act of the Governor and Court of Policy of December 1831, and have each of them individually taken the oath prescribed by that Act faithfully and truly to discharge the duties of an Assessor. If they have agreed together to adopt this line of conduct; if they are blind to or careless of its evil effects on the minds of the ill-disposed, and the consequent danger to the community; it is at any rate much to be lamented that they had not, by timely notice of their intentions to the Judges of the Court, attempted at least to avoid such an open display of their determination. The public prosecutor has been permitted to arrange his cases and summon his witnesses. The witnesses have obeyed his summons, at a great loss of time and at great expense, either to themselves or to the Colony. The prisoners have, in like manner, been left to suppose they would be tried.

“ The Court of Criminal Justice has been allowed to assemble; and if, as I before stated, this arises from any preconcerted arrangement of these Assessors, I cannot but deeply regret that they have adopted so ill-advised a course. Whether, however, it arises from arrangement or from fortuitous individual circumstances, the laws have placed the Court in a situation which has relieved it from any difficulty as to its conduct by leaving it no option.

“ The Order in Council of the 12th of May 1829, says ‘ And it is hereby further ordered, that if any person, who on the first day of any such Criminal Sessions shall appear to be remaining in actual custody to take his or her trial, shall by himself or his counsel in open Court, pray then and there to be put upon his trial, the said Court shall, and is hereby required, before the termination of such Criminal Sessions, either to proceed to the trial of any such person, or to discharge him or her upon bail to appear and answer any such charge as shall at any time thereafter be preferred against him or her; provided, nevertheless, that if it shall be made to appear to the satisfaction of the Court, that any material witness for the prosecution could not be produced at such sessions, it shall be lawful for the said Court either to discharge such prisoner upon bail as aforesaid, or to remand him or her for trial at the next ensuing Criminal Sessions; but if any prisoner, being a second time produced before the Court, shall in open Court pray then and there to be put upon his or her trial, the said Court shall and is hereby required, before the termination of such Criminal Sessions, either to proceed to the trial of such accused person, or to discharge him or her upon bail, any absence of witnesses for the prosecution notwithstanding.’

“ Each criminal has thus a right to be either tried or let out on bail in every instance, except that of the absence of a material witness for the prosecution; in the event of that occurrence, then and then only has the Court the power either to bail or to remand the prisoner to the next Session. The Court of Criminal Justice, which, by the Order in Council of 20th June 1831, consists of three Judges and no more, has now assembled, and is complete for all purposes (and they are many) save that of trial: each prisoner has acquired the right of calling on the Assessors to afford him that trial to which he is now entitled.

“ The Court has, therefore, been bound to attempt to obtain for every prisoner a trial at this present Session, by calling each Assessor by name in each prosecution. This having failed, it now becomes the duty of the Court to consider the amount of bail which may be required in the respective cases; and the Court may perhaps be further called upon in the prosecution for minor offences to discharge the accused altogether. This is a grievous and dangerous state of affairs in a

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community consisting, as this does, of such various classes of inhabitants ; and the more so as it is liable to be misunderstood. To prevent or remove any such misunderstanding is my principal object in making these observations. Some prisoners may now be let out on bail, and others may perhaps escape ; but let not any one imagine for a moment that crime can therefore be committed with impunity. My own powers as Chief Justice, and those of the whole Court, are in no way suspended or affected by this occurrence.

“ The person who now may violate the law is as certain to be punished as if these trials had proceeded regularly ; and the public may rest assured that the effectual operation of the criminal laws against all classes of offenders cannot remain long suspended.”

His Honour directing these Observations to be placed on this day's Minute.

His Honour was then followed by the First Puisne Judge, J. W. Willis, who then read the following Remarks, entering them at the same time on the Minute :—

“ The Chief Justice having so fully delivered his sentiments, for myself, I shall only say, no one regrets more than I do this temporary suspension of the administration of criminal justice (so far as regards the trial of offenders) within this district. But this interruption cannot be of long duration, for punishment, though deferred, must still await the guilty ; and the great end of all government is public security. I therefore concur in the proceedings which this Court, in pursuance of the laws of the Colony, however painful the duty, feels itself bound to adopt.”

His Honour the Second Puisne Judge also read and entered on the Minutes the following observations :—

“ I am sorry to be obliged to concur in the observations made by his Honour the Chief Justice, on the mischief likely to arise from any interruption in the proceedings of the Criminal Court. Whatever tends to impede the business of a Court, whether of criminal or civil justice, is to be deprecated as the most serious injury which can possibly happen to a community. As a Judge, I lament this interruption, and as a Colonist, as one who from long residence may call the Colony his native place, I deeply feel for the consequences which such interruption is but too likely to produce. The course which has been adopted of calling the several indictments, is one rendered imperative by the law of the Colony, and one to which the parties accused had an undoubted right, in order that they might avail themselves of the benefits secured to them. Whatever steps are requisite to support the dignity of the law will always meet my support.”

His Honour the Chief Justice then said the Court postponed the trial of the causes called up this day until the next Criminal Session, of which due notice would be given by his Excellency the Governor.

The Marshal then, by command of the Court, proclaimed with the usual solemnity that the present Session was closed and terminated.

A true Copy.

Charles Wilday, (L.s.)

Dep. Col. Secy.

Enclosure 2, in No. 21.

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, Governor and Commander-in-
Chief, and Vice-Admiral in and over the Colony
of *British Guiana*, &c. &c. &c.

British Guiana.

(L. s.)

(signed) *B. D'Urban.*

ALL persons are hereby required to take notice, that a Criminal Session of the Honourable the Supreme Court of Justice of Demerara and Essequibo will be held on Monday the 30th instant and following days, at ten o'clock in the forenoon, in the Court House in George Town, for the trial of all such persons as may be brought

brought before it; also of all indictments preferred under personal citation, and all indictments for the recovery of pecuniary penalties.

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Given under my hand and Seal of Office at the King's House in George Town, British Guiana, this 14th of April 1832, and in the third year of His Majesty's reign.

GOD SAVE THE KING.

By his Excellency's Command.
(signed) *W. J. D'Urban, Gov^t Sec^y.*

A true Copy.
(signed) *W. J. D'Urban, Gov^t Sec^y.*

— No. 22. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *B. D'Urban*,
&c. &c. &c.

Sir, Downin^g-street, 1st August 1832.

I HAVE received your Despatches dated the 30th of April last and the 4th of May last.

I am not disposed to make any remark upon the communication to yourself from the ten Colonial Assessors, enclosed in the first of those Despatches. In my Despatch of the 8th of June, I have already conveyed to you my opinion respecting the conduct of the Protector of Slaves, on the occasion to which the Assessors refer. I find no cause to retract or to qualify that opinion, nor shall I suffer myself to be diverted into an unprofitable discussion of the question. The sneers with which it is the pleasure of the Assessors to assail a very zealous, intelligent and meritorious public servant, will certainly produce no impression to his prejudice in the minds of His Majesty's Government, whether in this country or in the Colony; and I fully believe that Captain Elliot is a man of too much firmness to be deterred for a single moment from the prosecution of his duty by contumelious language, whatever may be the station of those who condescend to employ it. I shall cautiously abstain from the needless use of every expression which might aggravate that irritation to which the Assessors appear, unfortunately, to have yielded themselves in this instance.

I have laid before His Majesty the Ordinance No. 6, transmitted in your Despatch of the 4th of May, entitled, "An Ordinance to provide a sufficient number of Assessors, to be associated with the Judges of the Supreme Court of Criminal Justice of British Guiana;" and I am commanded to signify to you His Majesty's confirmation of that Ordinance. I avail myself of this opportunity of acknowledging the receipt of the duplicate of your Despatch of the 13th of December last, which enclosed a copy of the same Ordinance, and of an Ordinance numbered 5, now become obsolete, which continued in force for four months; the Laws of Evidence and certain Rules of Criminal Practice; with the copy of a Proclamation issued by yourself on the 7th of December 1831, for giving effect to the above-mentioned Ordinance, numbered 6. That Proclamation His Majesty has also been graciously pleased to approve.

I have read with much concern your report of the refusal of the Assessors to attend the Court of Justice. My regret is enhanced by the consideration that each of those gentlemen had taken an oath that he would "faithfully and truly discharge the duties of an Assessor;" an oath imposed not by His Majesty in Council, but by an Ordinance of the Governor and Court of Policy. I make no imputation on the conduct of those gentlemen, as having been at variance with the religious obligation which they had thus contracted. I must assume that they acted in conformity with their own sense of their duty, although I confess myself unable to understand by what train of reasoning an undertaking on oath to discharge the duties of an office can be reconciled with a peremptory refusal to discharge them. I entirely approve your decision to levy the fines on the defaulters, and I trust that the business of the Court will be resumed, without the painful necessity arising of making such changes in its constitution as may prevent a similar denial of justice in future. Should any such exigency occur, His Majesty's Government will not be found wanting to the

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the duties of so painful an occasion. To secure for The King's subjects a prompt administration of justice, is one of their most indispensable obligations; and anxiously as I deprecate any further innovations upon the judicial system of the Colony, there is no alternative which is not to be preferred to that of acquiescing in proceedings which directly tend to the subversion of all order, and which place the safety of society in constant jeopardy.

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

(signed) GODERICH.

— No. 23. —

COPY of a DESPATCH from Sir *B. D'Urban* to Viscount *Goderich*,
&c. &c. &c.

My Lord, King's House, British Guiana, 30th May 1832.

I HAVE the honour herewith to transmit a Correspondence which I have lately had with the Chief Justice of the Colony and the Protector of Slaves, respecting the "Courts of Requests," directed by the 63d Clause of His Majesty's Order in Council of the 2d November 1831.

By these papers your Lordship will be aware of the difficulty (impracticability indeed) which would have attended the establishment of such Courts, but they will also show that they are no longer necessary, now that an Ordinance has been passed to constitute inferior Civil Courts of Justice.

I should have transmitted this Correspondence to your Lordship earlier, but that I have been in constant expectation of passing the Ordinance for inferior Courts, (so important to this question) which had been several times defeated by the Colonial Members of the Court of Policy, but in which I have now at length succeeded.

I have, &c.

(signed) *B. D'Urban*.

Enclosure 1, in No. 23.

Sir, King's House, 1st March 1832.

I REQUEST to communicate to your Honour, that having given my best attention to the 63d Clause of His Majesty's Order in Council of the 2d November 1831, I am utterly at a loss to devise any means for supplying the Commissioners or Commissioner of the Courts of Requests therein contemplated.

The clergymen of the different parishes are the only gentlemen of whom I could avail myself for this purpose, and there may be doubts whether such a duty can fairly be demanded of them; whether it be consistent with their sacred functions; and whether they could perform it without neglecting them.

To your Honour, who is well acquainted with the local circumstances of this extensive Colony, the difficulty I have stated will, I am sure, be obvious; (you will observe too, that the Order in Council makes no mention of any remuneration for the performance of such a duty,) and I will request you to let me have the advantage of any observations which may suggest themselves to your better judgment hereon.

His Honour Charles Wray,
Chief Justice of British Guiana, &c. &c.

(signed) *B. D'Urban*.

Enclosure 2, in No. 23.

Sir, Presidency, 20th March 1832.

I SHOULD have returned an earlier answer to your Excellency's communication respecting the 63d Clause of His Majesty's Order in Council of the 2d November 1831, had I not been induced to delay doing so by the expectation that Petty Courts would ere this have been established by the Court of Policy. Your Excellency is aware of the manner in which that expectation has been foiled. It is, however, certain the measure cannot be long delayed and the rules which I have prepared,
and

and the very unexpensive rate at which suits will be conducted in the Petty Court, will afford the slave every protection.

I agree with your Excellency, that it will be difficult to procure efficient Commissioners for Courts of Requests in this extensive Colony, and it would be equally so to find proper persons for the execution of the necessary process; but I am happy to add, that the Protector of Slaves (Captain Elliot,) agrees with me in opinion, that the rights of the slave will be fully secured by the Petty Court.

He does not know of any action ever having been brought by slave against slave, and my order *pro Deo*, can always be obtained for a slave against a free man.

To his Excellency
Sir Benj. D'Urban, K.C.B.

(signed) Charles Wray.

Enclosure 3, in No. 23.

Office of Protector of Slaves,
24th March 1832.

Sir,

IN conformity with your Excellency's commands, I will beg to submit a few observations on the 63d Clause of His Majesty's Order in Council, bearing date the 2d day of November 1831.

The necessity for the establishment of a Court of Requests, pressing as it formerly was, seems to me to be obviated by the power vested in your Excellency and the Court of Policy (in the Order of His Majesty in Council, bearing date the 20th June 1831) to constitute an Inferior Civil Court, having jurisdiction in any case in which the sum or matter in dispute shall not exceed 20*l.* sterling.

I believe it is intended this Court should sit once in every month. This arrangement, in point of frequency, would afford all necessary facility for the recovery of debts due to slaves; and it is not desirable that the persons whom it may be necessary to sue in this respect, should be liable to the charge of less costs than would attend the unsuccessful issue of an opposition in the Inferior Civil Court.

In the almost daily course of my duty, I have hitherto found that my own interference is sufficient to recover the trifling claims of slaves, which are usually the cause of disputes between themselves and the lower classes of free persons. In the event, however, of unsuccessful interference of such a nature, or if the amount of the claim should be large and a question of interest arise, or if any circumstance should appear to require the interposition of the authority of a Court, a petition to his Honour the Chief Justice from the Protector, for an order for a *pro Deo* prosecution in the Inferior Civil Court, (or in the Supreme Civil Court, if the amount of the claim should exceed the jurisdiction of the Inferior) will always be granted.

In the 59th Clause of the Order of the 2d November, it is directed that no person being in a state of slavery shall be deemed to be incompetent to bring, maintain, prosecute or defend any action in any Court of Justice, for or in respect of any property, excepting only such as is specially prohibited.

It appears to be an object of great importance that society in this country should be habituated by all possible means to the sense that the disability of the slaves is confined to certain defined rights of the master, and certain distinctly specified exceptions in the law, and that in all other respects he stands precisely on the footing of any other of His Majesty's subjects. With great deference, I will venture to remark that as far as it may be practicable to do so, it would be very advantageous to avoid the erection of tribunals having merely jurisdiction for the adjudication of the claims of slaves. The same Courts as are open to the rest of the community should be resorted to, the same process pursued, and it is much to be wished that the same causes should operate to prevent the necessity of litigation on their parts, as may be thought to produce similar effects amongst the lower classes of the free portion of the community. For work performed on their own account, or for the sale of goods belonging to themselves, it would be beneficial that the slaves should be led to require immediate remuneration or payment, upon the ground that the arrangement of any disputes arising from delay may be attended not only with some little difficulty, but with the possibility of some little expense.

With respect to the adjustment of claims upon the part of one slave against another, I believe that no necessity for the establishment of any Court can exist. These disputes are generally of such a nature, and have reference to so small an amount of property, that they may be readily and satisfactorily arranged by the arbitration and authority of those persons charged with the domestic police of the estates,

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estates. If, however, a case of this kind should present itself, having respect to a considerable amount of property or marked by any peculiarity of circumstance, I believe I am justified in saying that there is nothing in the law to prevent one slave from suing another. The utmost that could be done by any Court, either of Requests or otherwise, would be to levy on the property of the debtor slave, and this result can be had by recourse to the ordinary tribunals of the Colony.

With great respect,

I have, &c.

His Excellency Major-General
Sir Benjamin D'Urban, K.C.B. &c. &c.

(signed)

Charles Elliot,
Protector of Slaves.

—No. 24.—

COPY of a DESPATCH from Viscount *Goderich* to Sir *B. D'Urban*,
&c. &c. &c.

Sir,

Downing-street, 2d August 1832.

I HAVE received your Despatch, dated the 30th of May last, reporting the reasons which have induced you to abstain from carrying into execution so much of His Majesty's Order in Council of the 2d of November last, as relates to the erection of Courts of Request for the trial of petty suits in which slaves may be concerned. I entirely subscribe to your opinion upon that subject, and approve the course which you have pursued. Having at length succeeded in inducing the Court of Policy to concur in the erection of petty tribunals for all classes of the King's subjects, the necessity for erecting similar courts for the convenience of a particular class is at an end. I acknowledge the justice and force of Captain Elliot's observations, that slaves should be as much as possible discouraged from giving or taking credit in their petty dealings, and that sound policy requires rather the abolition than the multiplication of those distinctions, by which they learn to regard themselves, and by which others are taught to regard them, as separated from the general mass of society. The erection of Courts of Requests for slaves was the subject of a protracted correspondence with Mr. Beard, when Lieutenant Governor of Berbice; and the necessity of some tribunal of that nature, with a view to the efficacy of the law for protecting the property of slaves, was fully established. Hence a clause to that effect was introduced into the late Order in Council. It certainly supposes the absence in the Colony of tribunals of this kind, open to all classes. Where they exist, it would be superfluous to call that part of the Order into action, and therefore it may very properly be left dormant in British Guiana.

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

(signed) GODERICH.

—No. 25.—

COPY of a LETTER from Messrs. *Douglas & Meertens & Rose* to Visc. *Goderich*,
&c. &c. &c.

My Lord,

George Town, Demerara, 16th July 1831.

IN a letter of the length to which this will extend, we deem it necessary to premise to your Lordship, that we are Members of the Court of Criminal and Civil Justice of the United Colony of Demerara and Essequibo, of which Courts Charles Wray, esquire, barrister-at-law, is president.

Mr. President Wray has not unfrequently, when in Court, alluded to his corresponding with the department of Government over which your Lordship presides, and we presume that on the present occasion he will not forego his privilege to place before your Lordship his conduct in a light most favourable to himself. We too, my Lord, have interests at stake and characters to lose, and are therefore anxious that your Lordship should not be abused by an *ex parte* or partial statement.

As Members of the Courts of Justice, upon our being thereto appointed, we severally took an oath of the following tenor: "I promise and swear, under my allegiance to His Britannic Majesty, as Sovereign of this country, that I will faithfully conform myself to the Laws, Ordinances, Regulations and Resolutions, in
force

force in these Colonies ; that I will sincerely, and to the best of my knowledge and abilities, administer justice, and that I will do whatever a good and faithful counsellor of justice is bound to do. So help me God."

Your Lordship cannot fail to remark that by this oath we are constituted judges of both law and fact.

So appointed, and compelled to act without remuneration, on pain in case of refusal of incurring and paying a fine of 3,000*l.*, we contend, that a fair, honest and conscientious discharge of our duties ought to have secured us from threats and insult.

Mr. Wray, however, has by his conduct clearly shown, that he conceived his province to be, not only to reason with and advise us upon matters of difficulty upon which he, as being legally educated, might be consulted and referred to by us, but that he had the power to command our votes upon political occasions, and thus to hold on trust for us, to be used at his discretion, the consciences which we had severally pledged by oath to administer justice.

Referring your Lordship to the nature of our appointment and oath, we affirm that we are bound to form and express our opinions of the law in all cases brought before us as judges.

With these prefatory remarks we now submit to your Lordship our case.

On the sixth of July present, at a Session of the Honourable Court of Criminal Justice, was brought before the Court for trial the case of Samuel Wells Gordon, Crown Advocate, plaintiff and prosecutor, *versus* John Petrie, an inhabitant of this Colony.

The indictment (copy of which is annexed) being read, the defendant pleaded Not Guilty.

Your Lordship is here referred to the rule of Court annexed, which declares, that "under the plea of Not Guilty, all matters, either of fact or of law, may be urged in favour of the accused ;" and to a right understanding of the case, it is necessary to explain, that the Court of Criminal Justice, under the direction of Mr. Wray, has refused to receive any other plea, and has clung to this general issue with such tenacity, as to compel a defendant who wished to plead to the jurisdiction, to waive his special plea, and to urge his arguments against the jurisdiction under the general issue of Not Guilty. Under this plea also has the Court allowed a defendant to give evidence of a misnomer, which being proved, the indictment was quashed and the defendant discharged.

The plea of Not Guilty having been recorded, the Crown Advocate briefly stated to the Court, that this was a prosecution under the Order in Council of the 2d February 1830, and the Governor's Proclamation thereon of the 29th April 1831 ; that the offence with which the defendant was charged was that of having confined a female slave in the hands and feet stocks for a period exceeding six hours ; and therefore called his witnesses to prove the charge.

We will not detail to your Lordship the evidence elicited by the examination and cross-examination of the witnesses, as the same is irrelevant to our case.

Upon the evidence for the prosecution being closed, the day was far advanced, and the Court was adjourned until the following morning.

On the following morning, the 7th instant, the case was resumed, and the defendant's Counsel took three grounds of defence.

First, That the Order in Council of 2d February 1830, and his Excellency's Proclamation thereon, were not valid at law in this Colony, not being the acts of the Court of Policy, as the legislature of the Colony, according to the guarantee contained in the Articles of Capitulation of 1803.

Secondly, That the indictment was informal and insufficient.

Thirdly, That the evidence did not prove the guilt of the defendant.

We cannot pretend to afford your Lordship a report of the arguments used in support of these several positions, but we take it to be sufficient to state, that we were convinced that the defendant was entitled to a sentence of acquittal on the first ground.

The Counsel for the prosecution being called upon to reply, declared that the line of defence adopted had come on him so unexpectedly that he trusted to the Court's indulgence to grant him time until the next day.

The next day being the 8th, the case was closed.

The foregoing is, we are aware, dry detail, wholly uninteresting to any but those who have been actors in the scene and sufferers in the consequences ; but it has been necessary to state all that we have, to bring your Lordship to the point at which we have

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have arrived; we mean the conduct of Mr. President Wray, both with open and with closed doors.

Mr. Wray commenced by reading his notes of the evidence, and continued to do so in a quick and hurried manner until he had gone through the whole. He then commented, in harsh terms, on such parts as he conceived unfavourable to the defendant, using all his ingenuity to draw inferences and arrive at conclusions wholly unfounded; and studiously omitting every defensive point. So marked was this partiality and prejudice against the defendant, that we are convinced it did not escape the notice of every well-informed person in Court, and there are, we have no doubt, many gentlemen of the highest respectability who, if called upon, could not but confirm this statement. He then proceeded to notice the objections taken by the defendant's Counsel, premising that he considered the first Clause in Articles of Capitulation sufficiently decisive of the question; he produced and read in open Court an opinion committed to writing before he had heard the answer of the Crown Advocate, and the reply of the defendant's Counsel to that answer. The doors of the Court were then closed. The Members being called upon for their opinions, the defendant was found Not Guilty. Upon what grounds the other three Colonial Members of the Court formed their opinions we pretend not to say, but our votes were given upon the reasons already stated, as also that we considered the defendant guiltless.

It is necessary here to recur back, and to inform your Lordship that upon the doors being closed, another Member, J. A. D. Koolhaas, esq. coincided with us in opinion respecting the illegality of the Order in Council, and thus we formed a majority; that for a long time he persevered in that opinion; and that it was not until the President openly and broadly declared, that unless the Court came to the conclusion of the Order in Council being law, he should feel himself bound forthwith to proceed to the Governor, and lay the matter before him; and that martial law should be proclaimed, and the red flag flying within two hours from that time. Immediately after this, and not till after this, did the honourable gentleman just mentioned change his opinion, and agree with his Honour the President.

To this part of his Honour the President's conduct we take leave to call your Lordship's particular attention. It is unnecessary, however, to do more, for we are convinced that no language of ours can add force to the impressions your Lordship will have received upon learning the fact, that a British Judge can be found, who, failing to convince by his power of ratiocination, hesitated not to obtain converts to his opinions, and that against a defendant, by a threat of all others the most improper and illegal.

In the authentic extracts of these proceedings herewith sent, your Lordship will observe that the President's observations or arguments are included. These have been placed upon the Minutes by his Honour since the adjournment of the Court. In this first extract, his Honour is made to say, "Soon after the doors of the Court-hall were closed, I found that a majority of the Court intended to deny the validity of the law on which this indictment was founded. I informed them that I did not feel myself justified in putting that question to the vote, as I considered the law to be indisputable; and in fact they would be voting on the propriety of the Court of Policy's conduct, over which they had no jurisdiction;" and in the second extract, "I said, I conceived that question had been set at rest on Friday; that I had not felt myself justified in putting it to the vote."

The assertion, that the question of the legality of the Order in Council was not put to the vote, included in the passages, is unequivocally denied by us. We affirm that that question was put to the vote, and that it was voted upon and carried against his Honour, until the Honourable Member, J. A. D. Koolhaas, was induced to leave us and vote with the President, not in consequence of his change of opinion, but for the convenience of the public, as was stated by his Honour the President.

The defendant was acquitted by the Court, we protesting and reserving upon the Minutes our right to enter the reasons of such protest against the opinion of the President and the other three Members, upon the law.

On the Court being opened for the pronunciation of the sentence, his Honour stated that the Court had found the law good (how could the Court have found the law good unless the question of its invalidity had been put to the vote?) and the indictment sufficient. He then directed the Secretary to read the sentence.

The statements of his Honour, as to the sufficiency of the law and the indictments, formed no part of the recorded sentence, which was merely, "The Court finds the defendant, John Petrie, Not Guilty."

On the Monday following the 11th, the Court again assembled, and we then caused to be entered upon the Minutes the extension of our protest, as reserved on the 8th; copy of which we submit.

On this occasion, the President denied that he had used the language or words attributed to him in the protest that he had, was asserted by us; and upon one of us remarking, that if he had not used the very words, the substance at least was correctly noted, he admitted it to be so.

The next Cause called was that of S. W. Gordon, Crown Advocate, plaintiff and prosecutor, *versus* R. M. Jones.

In this case the Counsel for the defendant stated, that the objections which had been taken in the case against Petrie, it was their intention to urge also in this. His Honour observed, that the question having been already determined, the Court would not entertain any other argument.—Mr. Douglas expressed his dissent.—His Honour then said, the Court had, by an unanimous vote upon the facts, admitted the law, and therefore it was not open for the Court to receive fresh arguments, which would go directly to destroy the sentence which had been already pronounced.—Mr. Rose hereupon begged leave to differ with his Honour, as he had said “No.”—The President then asked, “Does the honourable Member mean to deny that he voted?”—Mr. Rose answered, “No, I do not mean to deny that I voted, but I affirm that I stated the reasons of my voting; I voted on all the three counts, meaning the three grounds, and expressly stated that my first reason was, that I did not consider the Order in Council law.”—The President replied, “Then I must have misunderstood the honourable Member.”

After some further interruptions, Counsel were allowed to proceed with the arguments, and the case concluded; the question of guilty or not guilty was taken into consideration by the Court. For what then took place, we refer your Lordship to the second Extract. We have no hesitation in saying, that we would have voted on the second trial, could we in doing so have lost sight of that opinion which we had recorded, and which was unchanged. We considered, moreover, that we had not, by our vote on the first case, acknowledged the validity of the Order in Council as law, inasmuch as we had stated our denial of the law to be one of the grounds upon which we had voted for the acquittal of the first defendant.

It will be apparent that if our vote of “Not Guilty” was attempted to be construed by the President into an admission of the law; any vote given by us would, after such an explanation, have been considered doubly binding. With all deference, we submit that it was the duty of the President, when he saw us differing from him on the first trial, to have pointed out to us the danger we ran of committing ourselves; but, so far from this, he suffered us, ignorant of the forms of law, unwarily to record our votes, and then used such record as the means of entrapping us. So situated, we had no alternative but the one we adopted, which was, to decline voting at all in a matter in which it was obvious any and every vote, according to his Honour’s reasoning, would be held a contravention of that opinion, which, under the sacred obligation of our oaths, we had given and caused to be recorded.

The foregoing statements might have been highly coloured, by entering into a detail of the violence exhibited by Mr. Wray in this matter; but our object was simply to vindicate our own character, and to state such facts as seemed sufficient for that purpose, and capable of being fully proved.

We are, &c.

(signed)

James Douglas.

J. Meertens.

Peter Rose.

Enclosure in No. 25.

INDICTMENT made and delivered to the honourable the Court of Criminal Justice of the United Colony of *Demerara* and *Essequibo*, on the part of Samuel Wells Gordon, Crown Advocate, Plaintiff and Prosecutor, *versus* John Petrie, manager of plantation Runiweld, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, That John Petrie, manager of plantation Runiweld, did, on or about the third day of June in the present year of our Lord One thousand eight hundred and thirty-one, at plantation Runiweld aforesaid, situate within the parish of Saint Matthew within this

BRITISH
GUIANA.

United Colony of Demerara and Essequibo, illegally direct or authorize the punishment of the female slave Clementina, belonging to said plantation and there under his control, by confining her in the hands and feet stocks at or upon the said plantation Runiweld; which punishment was accordingly under such his authority inflicted on the person of said female slave Clementina, for a period exceeding six hours, against the peace of our Sovereign Lord the King, His Crown and dignity.

S. W. Gordon, Crown Advocate.

The defendant, John Petrie, by his counsel, pleaded "Not Guilty."

The Court finds the defendant, John Petrie, "Not Guilty."

Ninth Criminal Session, held at the Court House, George Town, Demerara, this eighth day of July One thousand eight hundred and thirty-one.

(A true copy)

Quod attestor

Charles Wilday, Dep. Secy.

EXTRACT from the NOTE BOOK of his Honour *Charles Wray*, President of the Honourable Court of Criminal Justice of the Colonies of Demerara and Essequibo. Wednesday, 6th July 1831.

Crown Advocate *versus* Petrie.

Gordon.—CONFINEMENT of a FEMALE for more than six hours.

CLEMENTINA (a slave; understands oath.) I live at Runiweld, and work there; I was put in hands and feet stocks on a Friday morning; cannot say how many weeks ago, it is so long since; it is since the last holidays; (I believe it was in the holiday month;) the bell rang in the morning; I was going to the field with my basket and cutlass; I wished to work with another gang, and went to look for the manager; I went to the dwelling-house, then to the boiling-house, when I was told he was on the dam, and then went to the dam; it is as far as from here to that house, from the manager's house to the dam; the manager's house is as far as that house from the boiling-house; when I got to the dam, the manager told the driver to take me to the stocks; Mr. Petrie is the manager's name; the driver took me to Mr. White, who is the boiling-house bass; he told Mr. White, manager say he must put my both feet and hands in the stocks; I was then put in the stocks; they are at the top of the boiling-house; they were in the middle of the room, and Mr. White and the driver pushed them into a corner and gave me a bench to sit upon; they ring the bell at five o'clock; I don't know how long it took before I was put in the stocks; the manager had not gone to breakfast; it was too soon for eat; I staid in the stocks till it was quite dark; Mr. White came then and took my hands and one foot out, and left one foot in the stocks; I remained there till morning five o'clock; Mr. White brought a light when he took me out.

Cross-examined.—Petrie told the driver he must take me to put me in both hand and feet stocks; he told the driver he must take me to the overseer; I did not hear him tell the driver how long I was to be kept in the stocks; I was close up to the driver; I did not hear the manager say I was to be put in for six hours; I did not hear the manager tell the driver if I would not go to work then he was to take me to the overseer, nor any thing of that kind.

By the Court.—Canal was between me and the driver, when the manager spoke to him; it was a punt trench.

James Wright.—I am overseer of Runiweld; I know Clementina, and had occasion to punish her only once; that I have had so, I put her in the hands and feet stocks on the estate; she had done something wrong in the field, and was sent to me by the manager; I was desired to do so, and did; both hands and feet; it was near nine o'clock in the morning, as near as I can judge; it was on a Friday morning in June last, early in June; I took two hands and one foot out at nearly three o'clock that afternoon; I did not take her entirely out of the stocks, I was not authorized to do so; I took the left leg out; I did not take her out of the stocks finally; she remained till next morning.

Cross-examined.—Have resided ten months on Runiweld; I am senior overseer; Mr. Petrie was manager all the time; he has repeatedly given me caution to adhere strictly

strictly to the Slave Laws; there is a copy of the Slave Laws in the punishment record book, which is open to the manager and overseers; I put her in by Petrie's orders, brought to me by the negro Sancho, head driver; his words were, to put the woman in the hands and feet stocks; he did not say any specific time; the manager had not been in the habit of confining the people in the hand and feet stocks, beyond the time allowed by law; the manager never authorized me to do so; when I took the hands and feet out, the manager was not at home; I went over to inform him, but he was not there; the manager was not there, and I could not take out on my own authority; in the absence of the manager, I was not authorized to take out the other foot; I did not see the manager till the next morning; I do not know if the manager remained off the estate all night; I did not go to look for him that afternoon; my business would not allow me to leave the boiling-house; I did not think of sending a boy to the manager; I do not know if he dined at home that day; one overseer is always in the boiling-house, and never leaves it till relieved; as soon as one has ate his dinner, he relieves the other; the manager was not informed by me of my having left Clementina's leg in the stocks that night; I cannot remember having seen the manager in the boiling-house that night.

By the Court.—I never was told to take any one out of the stocks when the manager was away; I had no authority to take a person out of stocks when the manager was away; the manager never told me not to take a person out of the stocks in his absence; I did not, because I thought the manager would be vexed if I should let her out; sometimes I enter the punishment in the record book, and sometimes the manager.

Goodluck.]—I belong to Runiweld; I work in field, and am a boiler. I know Clementina; driver brought her to the boiling-house. I saw them put Clementina in the hand and foot stocks; Mr. Wright put her in; I saw Mr. Wright take her out; it was light; he left one foot in.

Cross-examined.—I never tell any one I saw Clementina that night before grass was thrown.

Sanders, a slave.]—Clementina is my child; I remember her being in the stocks; I found her there one morning; it was seven o'clock in the morning; she was in the hand and foot stocks; both the hands and feet were in at eight o'clock when they threw the grass; she had one foot in the stocks about five o'clock; I carried plantains, and Mr. Wright loosed her hands and put them back; at eight he let them out. I am sick nurse; it is my business to carry plantains to persons in the stocks.

A true Copy,

Charles Wilday, Dep. Sec^y.

EXTRACT from the NOTE BOOK of his Honour *Charles Wray*, President of the Honourable Court of Criminal Justice of the Colonies of *Demerara* and *Esessequebo*.

Thursday, 7th July 1831.

THE Counsel for the Defendant were then heard, and the case postponed until the following day, at the request of the Crown Advocate. At the conclusion of the Defendant's argument,

The witness, James Wright, was recalled, and the following questions put to him by the Court:—

I have no authority, when the manager is on the estate, to put a person into the hand and feet stocks; I have never received any directions to do so when the manager is off the estate, nor do I do it if a person refuses to work, when the manager is off the estate; I put him in the sick-house till the manager comes; if he does not come for two or three days, I let it stand; the manager gave me strict orders never to put any one in the stocks without his orders; I never did put any one in the stocks without the manager's express orders, he told me never to put any one in the stocks without reporting it to me; I have done so.

A true Copy,

Charles Wilday, Dep. Sec^y.

EXTRACT from the NOTE BOOK of his Honour *Charles Wray*, President of the Honourable Court of Criminal Justice of the Colonies of *Demerara* and *Essequibo*.

Friday, 8th July 1831.

Crown Advocate *v.* Petrie.

Mr. Gordon, Crown Advocate.

I SUMMED up the evidence (in substance.) The girl spoke from circumstances, as to the time she was put in, which appeared to be at the usual hour of commencing morning work. If she was not put in till nine, it might easily have been shown where she was from seven to nine.

The mother confirms the girl's statement; Wrong, the overseer, leaves the six hours doubtful. But I considered this question as immaterial, for the continuance of one foot in the stocks was in the reasonable as well as literal construction of the fifth section of the Governor's Proclamation, the same as if the hands and feet had remained in; and then it is certain the girl remained in the stocks all day and the following night. Question was, whether he by any illegal order was the cause of this punishment being inflicted. It is a general order without any limit, sent to a man who, although never expressly told, as he swears, either way to take or not to take a person out of the stocks whom the manager had ordered in, had in some manner received the impression that he had no authority to do so, and did not in this instance, because he thought the manager would be vexed if he did. The overseer had been six months on the estate; and from what but experience do men form their impressions?

The woman being ordered in, Defendant took no further notice of the matter, but left her there.

If from his general system of management this unlimited order would produce the effect it did, it was an illegal order, and the Court ought to find him guilty. I said I entertained no doubt that the Government of Holland had, before the Capitulation, exercised in a similar manner the powers now exercised by His Majesty, but I did not think it necessary to go into that question, as there were other grounds and principles on which I felt certain this power was properly exercised by the Crown. Indeed, the Order of 1784, referred to by the Counsel of Defendant, was an Order of the Prince of Orange and the Council of Ten, and not confirmed or published by the Court of Policy, and yet was good law. I then read from notes, as follows, commenting as I went on. The first Order, which is quoted by the Counsel for the Defendant, "forbids any punishments to be inflicted which are not used in England." This in itself is a change of the Law of the Colony, and shows the construction put on the first Clause of the Capitulation at that time, in 1821, by His Majesty's Government in England; and I have no reason for supposing that the Court of Policy then considered that construction wrong. That Acts of Parliament have been made relating to this Colony, does not in any manner affect the power of the Crown also to make laws by Order in Council. That this construction has been put on the Capitulation by the Crown, appears by the exercise of the authority in the issuing of Orders in Council. The Order of 1821, and the Order in Council abolishing a Board of Poor's Fund and creating another, clearly show this, the construction and Opinion of His Majesty's law advisers. The Court of Policy have recognized this Board, inspect its accounts annually, and the Court of Justice constantly applies fines to its use; the forms of Court under which we now sit are made by an Order in Council; it is said this Order is good, because the King can erect Courts in England. But that has long since ceased (Blackstone,) and the Crown, if it have the power of creating a Court here, has the power derived only from the same source and authority as that by which it passes any other Orders in Council. But this Order does not even erect a Court, it changes the fundamental laws of the land, it destroys the mode and process of trial, and entirely upsets testimony by deposition, and puts in its stead *viva voce* evidence. It further directs rules to be prescribed, not by the Court of Justice, as is customary, not as laws to be made by the Court of Policy, but it undertakes to order the union of the powers of those two bodies for that purpose. What view did those bodies take of the powers of the Crown? The Court of Justice proceeded to frame rules as directed, the Court of Policy to approve of them, as they state in their publication "pursuant to an Order in Council, &c. bearing date, &c.;" the Court of Policy published them so headed, the Court of Justice acted on them; they tried persons for capital offences,

offences, they condemned them to death. This has continued upwards of two years; no Counsel on behalf of any prisoner has been heard to object to the illegality of the whole proceeding (until yesterday,) and two unfortunate culprits, without a voice or a doubt expressed in their favour, have under this law suffered the punishment of death. It is plain from this, that the King's Government, and the Courts of Policy and Justice, have, up to this period, construed the Capitulation as admitting this power of the Crown. Then comes the Order in Council on which the present Indictment rests, that has been in force since the 29th April 1830. In the same manner as before, we find the Court of Policy recognising fully the power of the Crown, passing enactments subsidiary to and referring to the Order in Council, and publishing them as laws. Can this Court, then, in defiance of its own acts, of its own solemn administration of the Criminal Laws, under an Order in Council, come to the extraordinary conclusion, that it has all the time been disposing of the life and liberty of His Majesty's subjects without any authority? But has this Court the power to determine that the construction put on the Capitulation by the Court of Policy is wrong; and that it ought never to have recognised or passed laws in obedience to or in furtherance of Orders in Council issued by the Crown? It is a jurisdiction to which this Court can have no pretence; in my judgment, they cannot discuss or consider the legality of the conduct of the Court of Policy, and that the effect of a majority of votes of the Court, should they unfortunately be to that purport, would not in any manner influence the validity of the laws, it would simply be, that the Court of Justice would determine that it would not put them into operation. *Note.* Although I used the word "votes" in the last paragraph, it is clear I intended "opinions."

Soon after the doors of the Court-hall were closed, I found that a majority of the Court intended to deny the validity of the law on which this Indictment was founded. I informed them, that I did not feel myself justified in putting that question to the vote, as I considered the law to be indisputable, and that in fact they would be voting on the propriety of the Court of Policy's conduct, over which they had no jurisdiction. They then declared they should protest against the law; which I said I considered equivalent to refusing to carry the laws into operation, and that its immediate effect would be to prevent my proceeding with the trial of any more of the criminals, as the process of that Court was also founded on an Order in Council. As I found them still inclined to persevere, I urged the impolicy of the measure in their admitting and acting on a law which simplified criminal trials, and under which executions had taken place, and denying the validity of another law which restrained the power of the master over the slave, both laws having an Order in Council as their foundation. This argument not having effect, and finding that four members (a majority) were about to protest, I expressed my regret at the conclusion to which they had arrived, as I conceived it placed me in the position of not having a Court which would administer the criminal law; that I had not yet had an opportunity of consulting with the Governor on the subject, but that I could not foresee any plan which he could adopt to protect their lives and properties in such an emergency, but that of immediately proclaiming martial law. I then left the chair, and several of the members consulted together; when one of them declared he should not protest, forming thus a majority in favour of the law. The Court then proceeded to consider the different objections to the form of the Indictment, and overruled them all. The case was then considered on the evidence, when five members found the Defendant not guilty. I, and one member, found him guilty, and he was, of course, acquitted.

(A true Copy.)

Charles Wilday,
Dep. Secy.

Ninth Criminal Session, Demerara and Essequibo.

EXTRACT from the NOTE BOOK of the Secretary of the
COURT OF CRIMINAL JUSTICE.

" Friday, 8th July 1831.

" *Samuel Wells Gordon*, Crown Advocate, versus *John Petrie*.

" THE Court being cleared and the doors closed, the following Members declared to protest against the admission of the Order in Council dated the 17th February
733. 1830.

BRITISH
GUYANA.

1830, and the Proclamation of the Governor of the 29th April 1830, as law in this Colony.

Peter Rose.
Jacobus Meertens.
James Douglas.

“ The Court agreed the Indictment was correct in form ; the Secretary then proceeded to take the votes of the Members on the Finding of the Court.

“ *Guilty.*
William Wilkinson.
The President.

“ *Not Guilty.*
Peter Rose.
Ja^r Douglas.
J. H. D. Koolhaas.
W^m Wheeler.
Jacobus Meertens.”

A true copy,

Charles Wilday, Dep. Secy.

Monday, 11th July 1831.

THE following Protest and Observations were this day placed on record by the permission of his Honour the President.

(Fiat insertio.)

“ Criminal Court. “ Court House, Demerara, 8th July 1831.”

“ *Samuel Wells Gordon, Crown Advocate, versus John Petrie.*

“ PROTEST of the undersigned Members of the honourable Court of Justice, against the admission of the Order of The King in Council, dated the 17th February 1830, and the Proclamation of the Governor, of the 29th April 1830, as *Law in this Colony.*

“ 1st, Because an Order in Council is a violation of the Articles of Capitulation, and therefore not law in this Colony, unless published and promulgated by the Governor and Court of Policy, being the Legislature of the Colony as guaranteed by the Articles of Capitulation.

“ 2d, Because the Court of Policy has not published and promulgated the Order in Council of the 17th February 1830 ; therefore it is not the law of this Colony, His Majesty having been pleased, at the cession of the Colony (in 1815) to Great Britain, to confirm by treaty the laws of the Colony as guaranteed by the Articles of Capitulation, wherein it is expressly stipulated that the Court of Policy is the Legislature of this Colony. The inhabitants were parties to the Capitulation by their representatives, the Members of the Court of Policy. The King having confirmed the Articles of Capitulation, He cannot revoke that confirmation. The Articles of Capitulation are, therefore, the charter of the rights of the inhabitants of this Colony, of which rights they cannot be deprived, except by their own free consent.

“ 3d, Because, consequently, the Court of Policy itself has not the power of delegating its legislative powers to any individual or other body, without the previous sanction and consent of the Colony at large.

“ 4th, Because the Court of Policy has not the power, tacitly or expressly, to declare that to be law, which has emanated from an individual or body not clothed with legislative powers.

“ 5th, Because his Excellency the Governor alone has not the power of issuing proclamations affecting the personal liberty and property of the inhabitants of this Colony.

“ 6th, Because, by the concluding Article of the Capitulation it is declared, that all doubts which may arise as to the intent and meaning of the Capitulation, are to be interpreted in favour of the Colony ; and therefore, the attempt to make either an Order in Council or a Governor's Proclamation law in this Colony, is a direct violation of a solemn compact, ratified and confirmed during the reigns of George the Third and George the Fourth.

7th, Because the decision on this point has been obtained by the use of improper means. A majority of the Court having, in the first instance, declared the Order in Council and the Governor's Proclamation not to be law, his Honour the President made use of the following illegal and unconstitutional language, viz.—

“ There

“ There is no longer any court in this Colony, either civil or criminal ; and it will therefore be my duty to report the same to the Governor immediately, as I see no mode of punishing for murder or burning, unless the Governor proclaims martial law ;” which language we can view in no other light than that of a threat, to intimidate and influence the members of this court in the due and conscientious discharge of their duty, and which, in our opinion, produced that effect on the honourable member J. H. D. Koolhaas, who after such threat withdrew the vote which he had previously given against the Order in Council and Governor’s Proclamation, and voted with his Honour the President, thereby converting the previous majority into a minority. We do therefore, for the reasons aforesaid, most solemnly protest against an Order in Council or a Governor’s Proclamation being received as law in this Court.

“ James Douglas.
J. Meertens.
Peter Rose.”

A true copy,
Charles Wilday, Dep. Secy.

Demerara and Essequibo.

Monday the 11th July 1831.

Criminal Court.

Samuel Wells Gordon versus John Petrie.

THE Protest of the three Honourable Members, James Douglas, Jacobus Meertens, and Peter Rose, having been read,—

The Honourable J. H. D. Koolhaas desired to have it placed on the Minutes of the present proceeding, that he had not been induced to withdraw from his intention to join in the Protest for the reasons assigned therein, but for others of a very different nature.

(signed) J. H. D. Koolhaas.

(A true Copy)
Charles Wilday, Depy Secy.

Ninth Criminal Session.

Monday the 11th July 1831.

In the matter of *S. W. Gordon*, Crown Advocate, versus *John Petrie*.

HIS Honour the President stated, that as the three Members, in their Protest, had thought proper to place words as his on record, which were not truly stated, he thought it right to read to the Court an Extract from a Note containing the substance of his opinion, which Note he made immediately after quitting Court, and which Extract he thinks it right to place on the Proceedings, although not materially differing in effect from that of the words alleged in the Protest to have been used by him.

HIS Honour said that his Note, after containing the preceding detail of the day, went on as follows :

“ I expressed my regret at the conclusion to which they had arrived, as I conceived it placed me in the position of not having a Court which would administer the criminal law.

“ That I had not yet had an opportunity of consulting with the Governor on the subject, but that I could not foresee any plan which he could adopt to protect their lives and properties in such an emergency, but that of immediately proclaiming martial law.”

HIS Honour added, that although he had not had, as above stated, an opportunity of consulting with the Governor, yet being aware that it was the intention of His Excellency to go into the country on Friday last on military business, he had on that morning written to request him to stay in town until the question under discussion should be determined ; and just before he came into Court on that day, he received a Note from the Governor, containing the following expression ; which he would read (being the conclusion of a sentence :)

—“ Since the laws will be suspended, and in that case I see no alternative but to substitute martial law, for under some control we must be, or the whole Colony will fall to pieces.”

BRITISH
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His Honour said, that being in possession of this information, he should not have been justified in keeping secret from them the consequences which might possibly follow their refusal to acknowledge the validity of the Order in Council.

The Secretary was ordered by the President to place these his observations on the Record.

By command,

(signed) *Ch' Wilday, Dep^y Sec^y.*

(L. S.)
Ninth Criminal Session,
11th July 1831.

INDICTMENT preferred to the Honourable the COURT of CRIMINAL JUSTICE of the United Colony of *Demerara and Essequibo*, on the part of *Samuel Wells Gordon*, Crown Advocate, Plaintiff and Prosecutor, versus *Richard Michael Jones*, late constituted Attorney of the Proprietor or Proprietors of Plantation *Vertrowen*, situate in the Island of *Leguan*, within the jurisdiction of these Colonies, Defendant.

THE Crown Advocate giveth the Court here to understand and be informed, That *Richard Michael Jones*, of the Island of *Leguan*, within the jurisdiction of these Colonies, the constituted Attorney of the Proprietor or Proprietors of Plantation *Vertrowen*, in the said Island, did, on a certain day in or about the latter part of the month of January or in the early part of the month of February, of the present year of our Lord 1831, on the said Plantation *Vertrowen*, within the jurisdiction of this United Colony of *Demerara and Essequibo*, illegally direct and authorize the slave *Cambridge*, a driver on such plantation, to flog, whip or scourge, with a whip or similar instrument, the slave *Stephen*, belonging to the said Plantation, for some offence alleged by him to have been committed, to an extent exceeding 25 lashes within the period of 24 hours, which the said slave *Cambridge* then and there accordingly effected on the body of the said slave *Stephen*, against the peace of our Sovereign Lord the King, his Crown and dignity.

S. W. Gordon, C. Adv^e.

The Defendant, *R. M. Jones*, pleaded Not Guilty.

A true Copy,

Quod attestor,

Charles Wilday, Dep^y Sec^y.

EXTRACT from the NOTE BOOK of his Honour *Charles Wray*, President of the Honourable Court of Criminal Justice of the Colonies of *Demerara and Essequibo*.

Monday, 11th July 1831.

Crown Advocate v. *R. M. Jones*.—Gordon.

THE Offence charged is a Misdemeanor under the Order in Council.

Stephen.

James Wrong.]—I am a manager at the commencement of this year; I was employed on *Vertrowen*; I was there a manager the latter part of January and beginning February; I knew a negro named *Stephen* belonging to that plantation; he was punished the 1st of February; *Mr. Jones*, as attorney of the proprietor of the estate, ordered the punishment; I knew him in that capacity. I was present; no other person was present but the driver that flogged him, and *Mr. Jones*. Driver's name is *Cambridge*; he ordered *Cambridge* to give the man *Stephen* a few stripes with a double whip; I cannot say the number ordered; I did not reckon; *Cambridge* gave the man a few stripes with the double whip, and in consequence of the man *Stephen* giving *Mr. Jones* impertinence, he ordered twenty-five lashes with the long whip. *Cambridge* gave him the twenty-five lashes; the flogging by the long whip followed immediately that by the double whip.

Cross-examined.—I was employed there first on the 1st November 1830. I know nothing of the character of the gang before that time. Since I have been there, the gang has been very unruly; about a month after the punishment had been inflicted on *Stephen*, a number of the negroes absented themselves; seven or eight negroes

negroes were absent from the estate at the time Stephen was punished; some of those had been absent about four weeks at that time. I sent people after them several times, and they brought in none; I mentioned that to defendant; he sent two negroes out to catch runaways; Stephen was one sent; he went in obedience to the order, and was absent about a week. The double whip is a milder punishment than the long whip, it does not cut the skin; when the man was punishing the negro with the double whip, he answered Mr. Jones abruptly, and was impertinent also. There were negroes about the building, but not standing exactly at the place where the punishment was; there were no negroes present as witnesses; I acted as a witness on that occasion, and therefore superseded the necessity of having slave witnesses; I cannot say the negroes about the yard heard the impertinence, they were not attending to it, they were attending to their business; they might have seen and heard, for what I know. I cannot say the conduct of Stephen was such as to have had a bad effect upon the gang in general, had it been witnessed by them. The offence attributed to Stephen on his first punishment, was telling a lie; Stephen told Mr. Jones he had caught two men; he accused Stephen in my presence, of having told him a lie concerning these two men; Mr. Jones told him he had offered him a reward for each negro he had brought home; he said he had promised him a dollar for each person Stephen should bring home; he accused him in my presence, of having claimed the dollar without having merited it. Stephen insisted that he had caught them. Stephen is a very bad negro; he ran away several times since I have been on the estate.

Stephen (a slave, understands an oath).—I live at Vertrowen in Leguan; I was punished after Christmas; it was in this year; Mr. Jones punished me; Cambridge, the driver, flogged me; the attorney, Mr. Jones, ordered him; Mr. Jones told Cambridge to lick me with the double whip, and he did so; he gave me 25 lashes with the double whip; I can count 25. After that, Mr. Jones ordered him to take the long whip, and Mr. Jones said he was to give me 25 with that; Cambridge gave me them; he flogged me close to the sick-house on the estate; the manager, and an overseer named Simson, was present; I am sure of that; only negro present was Cambridge. I know what I was flogged for; people was run away, and Mr. Jones sent me to look for them; he gave me a pass; I went and came back, and got none; he promised me a dollar for each one I should take; I went out a second time, and I caught one man, his name was Quashy, I caught him myself, and brought him home. I took him to Success; the manager took Quashy from me, and put him in the stocks; I did not get a dollar for him. I went out again and did not catch any, but heard one man was at Blenheim; and I went there, and they give him up to me; I took him to Success, and the manager took possession of him; I did not get a dollar for him. I took up one again at Bellfield, named Primus. I passed by Bellfield, and had told the negroes on that estate, if they saw Primus to take him up; I was there the same time they caught him; I took possession of him from the negroes, and carried him to the manager of Bellfield, to be locked up that night; he was so, and I took him to Success in the morning; I did not get a dollar for that. I had then another pass for Sunday and Monday, and to come home on Tuesday. I did not catch any that time. I went to Mr. Jones at Success, and told him; they tied me at Success, and sent me to Vertrowen. When Cambridge was flogging me, I say nothing, but beg Mr. Jones to forgive me; there were two men out, and he flogged me for not catching them when I went out the last time. When you flog with the double whip, the blood settles under the skin; I would rather be flogged with the long whip.

Cross-examined.—When I caught Primus, I took him to Mr. Jones; I did not see Mr. Wrong nor Mr. Jones; I saw Mr. Jones Sunday after; he sent me with no message to Mr. Wrong; he did not tell me to go ask Mr. Wrong for the two dollars; when Mr. Jones had me down, he said he had promised me a dollar; I answered, I don't see none; he did not tell me I had been telling lie. I caught Quashy near the New Road early in the morning. Mr. Jones did not lick me for the lie, but for not bringing in the two negroes.

Cambridge (a slave, understands an oath).—I am foreman on Vertrowen in Leguan; I know negro Stephen; I was on the estate after Christmas; I recollect punishing Stephen; it was after Easter; the attorney, Mr. Jones, ordered me. He told me to flog him; I laid him down first, and took the whip double, and flogged him with that; he did not tell me how many lashes with the double whip; I did not count the number; when a man is ordered to be flogged, I understand 25 lashes; I cannot say whether I gave him 25 lashes with the double whip or not.

Mr.

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Mr. Wrong told me to stop flogging him with the double whip. Mr. Jones then told me to take the long whip, and told me to give Stephen 25 lashes, and I did so. He was flogged before the sick-house door at Vertrowen. Stephen had ran away before; he was not punished this time for that, and he was forgiven for that running away; he came home of himself. This time he was punished, and was sent to look for runaway negroes, and he did not bring them home; he had brought one before, belonging to Vertrowen, his name was Quashy; he brought him from Blenheim; he had not brought any other negroes before that. I have heard Mr. Jones promise, if he brought any negroes, he would give him a dollar for each; I have not seen my master give him the dollar; he have never brought any fair play. I know Primus; he had run away. I heard Mr. Jones tell him to bring all the negroes he caught to Success. I recommended Stephen to Mr. Jones, as the best man to catch runaway negroes, as a trusty man; I had a good opinion of him, and thought he would do his duty. Whilst I was flogging Stephen, Mr. Jones said he had promised him a dollar a head for each negro he should catch. Stephen said he could not help it; he could not get no more than one. This flogging took place at same time; immediately after I flogged him with one whip, I flogged him with another.

Cross-examined.—When I was called to flog Stephen, no one else was called but myself; before Mr. Jones flogged Stephen, he told me what he was going to flog him for; he told him he had sent him to get runaway, and he did not bring any but one; Mr. Jones said that Stephen say he took up two people, and he did not. these people were took up at Blenheim, and that Stephen had only carried him to Success; he said to Stephen, he had told him a lie; he said he flogged him for telling him the lie, and that he was rude to him, and that was the reason he flog him too; I mean the rude by telling lie; he told me to flog him with the double whip, to lick him light, and not hurt him; I gave him about twenty-five lashes with the double whip; I did not count them; the double whip is the worst kind of flogging; when I flog with the long whip, it cuts, with the double whip it does not. I recommended Stephen to Mr. Jones, because I thought him a trustworthy valuable man; Stephen had not run away before Mr. Wrong came to the estate; after that, he did; Stephen then was away about a week; Stephen never ran away but that one time; Stephen was a good man, a strong man, and I trust him to come back, and I recommended him; I thought as Stephen had ran away, he would know where the people were; nothing else made me think he would know where the people were; I never had talk with him about the runaway people; Stephen never told me, if his master sent him to catch them, he should be able to do so; I cannot tell whether the people on Vertrowen were working good, but the manager found fault, and said they were not working good; I am about the buildings, don't follow people in the field, but sometimes the manager sends me to the field, if any thing happens to the driver; not often. I remember the Megas Logie being burnt down at Vertrowen; one of them was burnt quite down; it happened about four o'clock in the morning; they were not making sugar at the time of the fire, but were to begin the Monday after; there was not so much megas in the logie; we generally dry it before it is put in the logie; there were six long ranges of megas outside in long stacks; and two of the heaps on the outside got burnt, and four saved, because we tried to out the fire all we could do; I can't tell how the fire got into the logie that time. The attorney and manager have lately found great deal of fault with the Vertrowen negroes; I have known Mr. Jones a long time; he is very good to the people, according as we behave; if the people behave well, he is a very good master; he has a school upon his own plantation Success, all the little negroes attend regular; he told me if any the Vertrowen little negroes liked to go there on a Sunday, they might; their mother must take them; he said any of the negroes belonging to the estate might come if they wished it; he meant the big as well as the little people. The Vertrowen people are well clothed, well fed, and well taken care of; we don't want in nothing of that, except when they stop the allowance if any one commits a fault, the allowance of that person; if the whole gang say they wo'nt work, we stop half the allowance, half the allowance of fish and rum; the manager stops it; if in fault one Sunday, they stop one Sunday allowance; I never complained to Mr. Jones of the stoppages.

Re-examined.—Stephen say what negroes he brought home he carried to Success; I know Bellefield.

On the opening of the case by the Defendant's Counsel, they proposed to raise the same objection as had been taken on Friday, that the Order in Council of the

2d February 1830 was not law in this Colony; I said, I conceived that question had been set at rest on Friday, that I have not felt myself justified in putting it to the vote; but as only three Members of the Court had protested against it, and the opinion of the whole was taken on the objections to the Indictment, which was declared good, and every member voted on the simple fact of Guilty or Not Guilty on the Evidence, and on the Indictment founded on the law in question, I said, I thought the members who had taken the advantage of voting Not Guilty under the law on Friday, could not declare themselves to day incapable, under the same law, of voting at all; for that would amount to this, that they could say not guilty, but might refuse to say guilty. A member, Mr. Rose, said he had given his vote "Not Guilty," in consequence of the law being invalid; I observed, I would not dispute the truth of the member's word, but declared that I never heard it, nor could I have done so, for I would not have received it as a vote upon the Evidence, but should have considered it as a refusal to vote at all.

I said I would hear the Counsel, but they must not expect that I should again explain my opinion on what I conceived finally settled.

I then took down the following Objections of Defendant's Counsel: "I contend that the Order in Council which is here brought forward, of the 2d of February 1830, is not law in this Colony, not having been made and published by the Court of Policy, as the Legislature of this Colony, agreeably to the Articles of Capitulation of the 19th September 1803."

They then argued the law of the case, and stated themselves to be so satisfied of their strength on that, that they should not observe on the Evidence. At the conclusion of the argument of Counsel, I said, I shall not further enter into the discussion of a question, which I conceive fully settled after solemn and able argument, and acted upon by the Court for the acquittal of a defendant.

I then summed up, and said, If the Court believed the evidence of the witnesses, which I saw no reason to doubt, being also defendant's own people, the Court could not do otherwise than find him guilty.

On the doors being closed, I urged (in substance) that the Court had declared it holds the law to be valid; the Court considered the form of the Indictment on Friday, and held it to be good. On the indictment framed on this Statute, the members who had protested against its validity, afterwards voted; they exercised this privilege, by judging on the evidence and giving their votes of "Not guilty," not on the ground of the invalidity of the law, (for that point was first settled) but that the evidence was not sufficient to justify a finding of Guilty. On Friday a member protests; but as a majority thinks the law good, he takes advantage of that opinion, acts on the order, and votes on the evidence. On Friday he can vote an acquittal. On Monday he cannot convict under the same law. Three members then refused to vote; when I directed the doors of the Court Hall to be opened, and stated as follows: I cannot pass a sentence in this case; there are three members of the Court who decline voting, and I therefore have not a sufficiency left to enable us to say either Guilty or Not guilty.

(A true Copy)

Charles Wilday, Dep. Secy.

NINTH CRIMINAL SESSION.

Demerara and Essequibo.

EXTRACT from the NOTE BOOK of the Secretary of the
COURT OF CRIMINAL JUSTICE, &c.

Monday the 11th July 1831.

Samuel Wells Gordon, Crown Advocate, *versus* Richard Michael Jones.

AFTER the Court was cleared, the honourable Member, Peter Rose, declared to protest in this case as far as related to the first six articles of his protest in the last case.

The President asked Mr. Rose, whether under his protest he intended to vote with regard to the guilt or innocence of the defendant? the honourable Member replied, "I do not acknowledge the Order in Council under which the defendant is tried, to be law in this Colony, therefore I cannot find him guilty."

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His Honour the President then asked, whether he claimed the right of voting on the guilt or innocence of the party.

The honourable Member, Mr. Rose, replied, "I refer to my former answer."

The Secretary then took the votes of the Members on the Finding of the Court, Guilty.

J. A. D. Koolhaas.
William Wheeler.

W^m Wilkinson.
The President.

Peter Rose said, "I decline voting, for the reasons assigned in answer to the first question put to me by his Honour the President."

Jacobus Meertens declared that he cannot vote on this question.

James Douglas declines voting, not acknowledging the validity of the law.

The Court having been opened, and the public admitted,

The President said, "I cannot pass a Sentence in this case; there are three Members of the Court who decline voting, and I therefore have not sufficient members left to enable us to say either Guilty or Not guilty."

A true Copy,

Charles Wilday,
Dep. Secy.

—No. 26.—

COPY of a LETTER from Messrs. *Rose* and *Smith*, to Viscount *Goderich*, &c. &c. &c.

My Lord,

Ryder-street, 1st March 1832.

WITH reference to what passed at our interview on Saturday last, and in compliance with your Lordship's request, we now submit in writing, a sketch of some of the principal Grievances under which the Colonists of Demerara and Essequibo are suffering, and by which they have at last been driven to the necessity of appointing a deputation, to lay these grievances before His Majesty's Government.

They had borne with patience the evils which have oppressed the West Indies in general; they had readily submitted to great and costly sacrifices, to meet the wishes of Government and forward its views; and they had trusted that a day would come when that Government, duly appreciating these sacrifices and patient line of conduct, would extend to them the protection so richly merited, and grant redress of all their grievances. But, to their dismay, they found that in place of redress, their few remaining rights were to be torn from them, and their most cherished and valued institutions were to be destroyed. They were to be stripped of the right of legislating for themselves on those matters on which they were the only parties competent to legislate, matters of internal polity; they were to be deprived of all controul over the money which they themselves contributed for the public benefit; they were to be restricted in the franchise; they were to lose their Colonial Courts of Justice; and in this age, when ancient disqualifications as to all other classes of society are abolished, a new species was to be created as against them, and they were to be declared incapable of holding a judicial situation. They alone, of all other classes of men in His Majesty's dominions, though yielding to none in sincere and loyal attachment to his Royal Person, were to be branded and stigmatized as unworthy of being judges, solely because they are owners of a certain kind of property once peculiarly cherished by the British Parliament. Measures to produce such effects they were satisfied never could have emanated from His Majesty's Government but under some strong misrepresentations of the truth; and they determined therefore to send home a deputation of their own body, to bring their grievances under His Majesty's most gracious consideration.

The first point to which they would claim attention is the right of legislating for themselves on all matters of internal polity, a right which they possess both as British subjects and by virtue of the Articles of Capitulation under which the Colonies surrendered to His Majesty's arms. We shall not in the present instance attempt to enter into any defence of their claim on a point so clear, but we cannot help adverting to the irresistible argument in its favour, furnished by late events, so fully proving the wisdom and equity of the rule. In July 1831, an Order in Council was published, abolishing the Courts of Justice then subsisting in the Colony, and directing others to be established in their stead; but the Judges who were to compose the new Court, were not then in the country, or even in the West Indies.

Independent

Independent of which, it was, for other reasons, physically impossible that the details of the Order should be carried into effect. Yet by its very publication the Colony was deprived of its Courts. But what was still more extraordinary, one month before the publication of this Order, and consequently before it ever had, or could have come into operation, it had actually been suspended by another Order in Council issued in this country and bearing date the 20th June. This second Order was not published in the Colony till the 22d November 1831; and for the whole intermediate period, from the 21st July to the 22d November, this large and valuable Colony was without a Court of Justice, or any legal tribunal whatever, either for the protection of property or the punishment of crime; exhibiting the unprecedented spectacle, of a community enjoying all the institutions necessary for conducting the affairs of civilized society, stripped in one instant of all these advantages, reduced to a state of anarchy, and that by an act not of an hostile power, but of the Government to which allegiance had been sworn, and from which protection was due; an Act framed by that Government, not with the intent to injure, but to benefit the Colony. Nothing surely can point out more strongly the good sense on which the claim of the Colony rests, or demonstrate more clearly the impossibility of the Mother Country legislating for a community 4,000 miles distant. Nor can we conceive the claim of the Colonists to control their finances, resting as it does both on established right from the earliest period of their history, and on its own self-evident justice and reasonableness, to require more than to be stated, in order to be at once admitted by His Majesty's Government, in accordance with the principles of the British Constitution.

The franchise, the right of voting for Keizers, the Colonists readily concede was, in the infancy of the Settlement, restricted to persons having twenty-five slaves; but regulations of this kind, applicable to a settlement consisting of a few planters receiving their supplies from ship-masters and other transient traders, would be utterly inapplicable to a community where the planters form but one class of a society, which comprises amongst its members a large body of merchants and many of the learned professions. To disqualify these latter classes because they are not proprietors of twenty-five slaves, and for that reason alone to exclude them from any voice in the Government, whatever their wealth, their talents, or their station in life may be, whatever may be their possessions in land or buildings in the Colony, or however great their contributions to the public purse, would be an act in itself so unjust, that it never could receive the deliberate sanction of the British Government, certainly not of the Ministry who now guide the councils of their Sovereign.

As regards the Court of Justice, the Colonists feel that it is a stigma wholly unmerited, to deprive them of a seat in that body.

They appeal to the records of the Colony to prove the unimpeachable integrity of their old Court; they appeal to the fact, that in more instances than one the opinion of the colonial members of the Court, in opposition to that of the Professional Judge, has been confirmed by His Majesty in Council; and they unite in praying the restoration of an institution, so well adapted to the wants of the community, and so revered and cherished. The nature of this communication prevents us from entering into details; but it would be very easy to show how impossible it is for a Court composed only of three lawyers sent out from this country, to administer a foreign law amongst a people, of whose manners, customs, and mode of transacting business they were wholly ignorant; how impossible it is for such a Court to conduct the judicial business of a large and trading Colony, without the aid of Colonial Members or the intervention of a Jury; how unjust, that a man, tried perhaps for his life, should be deprived of the Jury, or any equivalent institution!

But, whilst the Colonists urge the re-establishment of their courts of justice, they claim not infallibility for the institution; and to evince their readiness to meet the wishes of His Majesty's Government, they would, notwithstanding the impoverished state of the country, consent to an addition of three Judges, men of legal education, to be appointed by His Majesty; that is, in all, three professional Judges for Demerara and Essequibo, and one for Berbice.

On these points, which refer more particularly to the constitution of the Colony, the right of legislation, the control of the finances, the franchise, and the re-establishment of their courts and institutions, the Colonists are aware the law would secure to them ample redress; but they have ever anxiously desired not to stand in opposition to His Majesty's Government, and they would willingly accept as a *hoon*

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from His Majesty's grace, what they might have demanded as a *right* from his justice. We have, therefore, sketched out the heads of a plan of redress, which if embodied in a new charter to the Colony, would remove many of the evils which are so rapidly destroying its best interests, would restore tranquillity to the country in general, and place it in that state of peace and security, which we are satisfied is the great object of His Majesty's Government.

The Court of Policy of Demerara and Essequibo, as your Lordship is well aware, consisted of eight members, four official and four colonial, the number established in 1789, when the Colony was just beginning to grow into some consideration and to attract the notice of the Mother Country; but which of necessity is very inadequate to its present maturity and importance; since the period referred to, other interests have arisen, which were then unknown in the Colony; mercantile establishments have been formed; the trades, the arts and sciences incident to a large community, have been extensively cultivated. It is therefore highly necessary that the Court should keep pace with the Colony, and that it should be established on a basis sufficiently extensive, to afford scope for including a fair average expression of the sentiments and representation of the interests of the community for which it is to legislate. For this purpose, the number of Colonial Members should, they conceive, be increased to ten, more especially if the Court is henceforward to be the Court of British Guiana; the Governor, and at least ten other members, should be required to form a Court for the dispatch of business; this Court to originate and make all laws for the internal government of the Colony, subject to His Majesty's allowing or disallowing the same; any member to be at liberty to submit to the Court, for deliberation and decision, any Bill or Motion, after notice and leave had; the question of granting or refusing such leave to be decided as all other questions, by the majority of the votes of the members present. For the reasons above alleged for the increase of the Members of the Court of Policy, the Financial Representatives ought also to be increased, say to nine, chosen as formerly, by the inhabitants (individuals or firms) possessing 25 slaves, or paying tax on an income of 10,000 guilders and upwards. The Financial Representatives, of whom not less than six to be present, to sit with the Court of Policy in a combined Court, for the purpose of taxation; each member of the combined Court to have an equal vote; no tax or other burthen to be laid on the Colonists, except by this combined Court, which should deliberate on all matters of finance, discuss the Estimate item by item, and fix both the amount to be raised and the mode of raising it; the King's chest to be consolidated with the Colonial.

The Keizers might remain at their present number, seven, chosen as formerly, by the inhabitants (individuals or firms) possessing 25 slaves, or paying tax on an income of 10,000 guilders and upwards. The term of service to be limited to five years, but the members who have served to be immediately re-eligible. In accordance with ancient practice, a Financial Representative may hold the office of Keizer, and *vice versa*; but no person actually filling a judicial situation, whether appointed by His Majesty or elected by the Keizers as a colonial member of the Court of Justice, to be eligible to the office of Keizer or Financial Representative, or to a seat in the Court of Policy, either as an ex-officio or a colonial member. The Keizers, in a meeting of not less than five of them, to elect as formerly the colonial members of the Courts of Justice and Policy, nominating such persons as from their station, respectability, talents, property and residence in the Colony, they may, on oath, deem best qualified to discharge those important duties, without reference to the particular district in which the property of the party elected may be situated. The qualification of a colonial member of the Court of Policy to be as now, the possession of a plantation in the Colony; or as regards three seats in the Court, the paying tax on an income of not less than 20,000 guilders, coupled with a residence of seven years in the Colony.

The Court of Justice to consist of eleven members for Demerara and Essequibo, namely, the President and two puisne Judges, nominated by His Majesty, and eight colonial members, chosen as formerly by the Keizers; for Berbice, also of eleven members, namely, the President and one of the puisne Judges of Demerara, the puisne Judge of Berbice, and eight colonial members; the President, two puisne Judges, and at least four colonial members to form a Court, which should sit once every three months in each Colony.

One puisne Judge to hold the Roll Court every fortnight, and to discharge the duties now performed by the President, granting arrests, &c. &c.

One puisne Judge and two colonial members to hold the Commissary Court every month.

The rules for proceeding to be drawn up by the Court of Justice, and submitted to the Court of Policy ; if approved, to be made law by the latter Court.

The Deputy Fiscals in each district, or other appointed magistrates, to hold courts for the recovery of debts under one hundred guilders, and for the trial of minor offences, with authority to inflict punishments by imprisonment not exceeding the month, or fine not exceeding one hundred guilders, or by whipping. Three Magistrates to form a Court.

Many of these regulations are, of course, matter of detail, which cannot be included in a Charter, but we thought it advisable to state them here, in order that instructions might be sent out to the Governor to introduce into the Court of Policy Bills embracing these objects.

The Colonists also complain of the exorbitant fees of the public offices, as at present regulated in the Colony, and they require the Tables to be revised, and new ones formed by the combined Court, on more equitable principles ; the remodelling of any of the existing offices to be effected by the Court of Policy. As regards those public officers who have fixed salaries, the Colonists, desirous of proving their readiness to give Government every fair support, would disclaim all interference with the salaries of the Governor or Lieutenant-Governor, the President, the Puisne Judges, Fiscals, and the Protector of Slaves, unless with the previous sanction of His Majesty's Ministers ; they would only stipulate that their salaries should now be adjusted to the circumstances of the times, on a scale to be approved by His Majesty. The salaries of other public officers, to be revised by the combined Court, with reference to the diminished expense of living in the Colony and the impoverished resources of the inhabitants.

These are the only points of the Constitution of the Colony which we have deemed necessary to bring at present under your Lordship's notice. But, before we conclude, we must advert to another subject, of vital importance. The measures of Government, and the proceedings and discussions in Parliament, have naturally and unavoidably occasioned a very feverish and dangerous excitement in the minds of the Slaves, and have produced a very extensive and deeply rooted insubordination and resistance to authority ; they, in many instances, refusing to work, and in others persisting in not doing the fourth part of the regulated and moderate task assigned. The result of this state of things has not only entailed grievous loss on the proprietors, but also has produced a panic in the minds of the capitalists in this country connected with the West Indies, utterly subversive of its credit, and ruinous to the holders of such property.

The Colonists therefore would urge on His Majesty's Government, the justice and reasonableness of a guarantee being given by the British Government, that due compensation shall be provided for indemnifying parties concerned, for any loss, destruction or deterioration of property that may be thus occasioned ; such a guarantee being indispensable for restoring any degree of credit to West India property, and for saving its holders from entire ruin. The Colonists also claim reimbursement of the heavy expenses incurred during martial law in 1823, amounting to not less than 520,000 guilders, and which on no principle of equity or justice should be borne by the Colony. The Inhabitants of Demerara and Essequibo complain, in common with the other West India Colonists, of the oppressive duties on their staple productions, sugar and rum, and of the mode of levying the duty on sugar, by which a duty is paid on a larger quantity than is actually delivered from the warehouse.

In conclusion, My Lord, we have to request that you will give to the matters now brought under your notice a favourable consideration, and that you will grant us an interview as soon as may be convenient.

We have, &c.

(signed)

Peter Rose,

J. L. Smith, jun.

COPY of a LETTER from Viscount *Howick* to Messrs. *Rose* and *Smith*,
&c. &c. &c.

Gentlemen,

Downing-street, 17th March 1832.

I HAVE received the directions of Viscount Goderich to acknowledge the receipt of your joint Letter, dated the 1st inst. calling his Lordship's attention to various measures which you state to be desired by the persons who have deputed you to proceed from Demerara to this Kingdom. In that Letter, Lord Goderich observes the following passage:—"On those points which refer more particularly to the Constitution of the Colony, the right of legislation, the control of the finances, the franchise, and the re-establishment of their Courts and institutions, the Colonists are aware the law would secure to them ample redress; but they have ever anxiously desired not to stand in opposition to His Majesty's Government, and they would willingly accept as a boon from His Majesty's grace what they might have demanded as a *right* from His justice."

From these expressions, it is evident that you, and those of the Colonists of Demerara whom you are authorized to represent, consider that some of the recent acts of his Majesty's Government, in reference to that Settlement, are contrary to law. Until this question be satisfactorily cleared and disposed of, Lord Goderich does not perceive how it would be possible for him to enter upon the discussion of any other. It is the first duty and the most earnest desire of the Ministers of the Crown to make the law the rule of their conduct; and if you can show that it has been violated, and that the claims which you make might, as you have expressed it, "be demanded as a right," all further deliberation becomes superfluous and unmeaning. Your assertion of this strict legal right is the more impressive, because Lord Goderich understands that Mr. Smith is an advocate enjoying a high professional reputation in the Colony, and of course, therefore, that gentleman would not lightly have hazarded such an opinion. His Lordship is further informed that you have now been resident for several weeks in this kingdom, during which period you have doubtless availed yourselves of the opportunity of confirming your own judgment on the question of legal right, by that of some of the many eminent lawyers to whom it has been in your power to refer. Such a statement, thus deliberately made after such opportunities of inquiry, must of course therefore arrest the most serious attention of the Secretary of State. Its importance is greatly increased by the fact, which must be so intimately known to you, that several of the late Members of the Court of Justice (of whom Mr. Rose is understood to be one) solemnly delivered from the bench their opinion, that legislative Orders made by His Majesty in Council were of no validity within the United Colony of Demerara and Essequibo.

Under these circumstances, Lord Goderich directs me to desire that you will have the goodness, with the least possible delay, to state in writing for his information, what are those precise legal rights which you conceive to have been violated, with the grounds of your opinion. His Lordship is especially anxious to learn the exact reasons on which an exclusive legislative authority in all the internal concerns of the Colony is claimed for the Court of Policy, and how far you conceive that the usage, as it existed before and after the Capitulation, or the terms of that instrument, support such a pretension. Assuming that you have obtained legal opinions on this question, Lord Goderich is convinced that in the spirit of frankness which the importance of the occasion and the magnitude of the interests at stake alike require, you will place him in possession of any such opinions. But until this preliminary question be adjusted, it would seem impossible to proceed further; for, if His Majesty's right to establish the alterations which have already been made should be disproved, it is not intelligible how He could lawfully make those other alterations which you have suggested; for, even although your own particular constituents might not be disposed to dispute the Royal authority, if exercised in the manner they desire, other inhabitants of the Colony might again agitate that question. The exact measure of the Royal Prerogative must, of course, be ascertained, before it can be exerted in any form or for any purpose.

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

(signed) *Howick.*

— No. 28. —

BRITISH
GUIANA.COPY of a LETTER from Messrs *Rose* and *Smith* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

5 Ryder-Street, March 27th, 1832.

THE Letter which we had the honour of receiving from Lord Howick, bearing date the 17th instant, did not reach us till the evening of the 21st, which must account for the delay in our reply.

His Lordship seems anxious to impress us with a sense of the responsibility we have incurred, by asserting the legislative rights of the Court of Policy. It is a responsibility from which we do not shrink. The claim has not been lightly made, nor will it lightly be abandoned: on the contrary, the Colonists conceive it to be founded on those great principles of justice and equity which must ever decide claims of this nature, and they are prepared to maintain it in every constitutional manner. But before we proceed further, it is necessary to recall to your Lordship's recollection, that we distinctly stated to you at the Colonial Office, on the 25th February, that our first and great grievance was the invasion, by Orders in Council, of the legislative rights of the Court of Policy, and that from this various evils had arisen, some of which we then proceeded to mention; that at a subsequent period in the interview we further stated, we were not prepared to go into detail, as we had expected the conference would in all probability be limited to the question of legislative rights.

Had your Lordship then objected to enter on any other question until this was disposed of, we should of course have confined our Letter to that single point; but, on the contrary, your Lordship suggested that we should state in writing all the points we wished to have discussed, and that you would then be ready to receive us and enter on the discussion. In strict compliance with this suggestion, we wrote your Lordship, setting forth the principal heads of the grievances affecting the Colony, with the full understanding on our minds, that we were to be admitted to discuss these matters with your Lordship at your earliest convenience; nor can we conceive such discussion to be either superfluous or unmeaning, so long at least as our claim is not fully admitted.

When we addressed your Lordship, we were well aware that the existing institutions of the Colony could not be altered by His Majesty's authority alone; but we were also aware, that it was perfectly within the scope of His Majesty's power to effect alterations, with the consent and on the request of the Colonists: we therefore, as the duly constituted representatives of the Colonists, asked not indeed for a new Constitution, but merely for such modifications in the existing institutions of the Colony, as might be necessary to meet its altered state, its increase in magnitude and importance; and the suggestion of a new charter was thrown out in the purest spirit of conciliation, to avoid the difficulties which must arise from a declaration that the acts of the Government were illegal.

These difficulties, as it seemed to us, would at once be got over by His Majesty granting, on our petition, a Charter, clearly recognizing our rights, and thus putting an end to all the evils which had arisen from calling them in question; an exercise of the Royal prerogative which, surely, is perfectly intelligible, strictly constitutional, and in every respect worthy of our most gracious Sovereign.

Having premised this much, we shall now address ourselves to the main subject, to Lord Howick's Letter.

Were we doubtful of the goodness of our cause, we might in all fairness hold it a sufficient answer, to refer your Lordship to the Order in Council dated the 18th December 1824, in which it is fully admitted that the Court of Policy had all along exercised, and was then in the possession and full exercise of legislative rights. The Order indeed less correctly states, that the acts of the Court of Policy had never been transmitted for His Majesty's approbation, and had not been confirmed or allowed by Him; and it adds, that doubts had arisen whether the Lieutenant Governor and Court of Policy were competent, and had lawful authority to enact such resolutions, acts and ordinances as relate to, and profess to regulate the general and more important concerns of the United Colony; but, throughout the whole, it admits clearly the important fact, that for a long series of years the Court of Policy had exercised full legislative powers. In the acknowledged possession, then, of these powers, it is not for us to prove our case. The onus lies on those who now attempt to disturb us in the possession we have so long enjoyed. We have no doubts on the subject. It is His Majesty's Ministers alone

who doubt, and we might fairly leave it to them to show that these doubts are well founded, or that they are justified in now denying that which they had unequivocally admitted for a period of not less than one and twenty years, and which they had uniformly acted on during all that time, in a matter so grave and so important as the government of a large and valuable Colony. We are however quite willing to enter on the merits of our case, and we will therefore state briefly the principal points on which we rest. But we feel that in the present posture of affairs, when we are ignorant what course His Majesty's Government is to adopt, we would not be justified in laying before your Lordship the papers submitted by us to counsel, particularly as they embrace matter not referred to in Lord Howick's Communication or our Letter.

Your Lordship requires us to state what are those precise legal rights which we conceive to have been violated, with the grounds of our opinion, and also the exact reasons on which an exclusive legislative authority in all the internal concerns of the Colony is claimed for the Court of Policy, and how far we conceive that the usage, as it existed before and after the Capitulation, on the terms of that instrument, support such a pretension. The rights which we conceive to have been violated, are the rights of the inhabitants to have a Colonial Legislature, to hold an effectual control over the finances of the Colony and its public expenditure, and to preserve their ancient institutions unchanged, unless change be made with their consent. These rights we conceive to have been violated by the Orders in Council and other measures of His Majesty's Government, published and proclaimed as law in the Colony without the direct sanction and authority of the Court of Policy.

The Court of Policy was evidently, from its first institution, a deliberative assembly, composed of members partly appointed by the Government of the Mother Country, and partly chosen by the Colonists. The freedom of its deliberations is proved, not only by its frequently refusing to carry into effect the instructions sent to the Governor from the Mother Country, but by the fact, that when, in 1784, an attempt was made by the party in the Mother Country to assume the entire administration of the Colony, the plan devised for that purpose was to turn the Colonial members out, and in their place to substitute nominees of the Government.

The plan was defeated by the Colonists, who instantly appealed to the States General, and obtained the re-establishment of the elective section of their Court.

That this Court possessed also legislative rights, is sufficiently proved by the numerous Laws and Ordinances which it passed. It is true, that during the unhappy period to which we have referred, from 1784 to 1789, many attempts may have been made to infringe on the rights of the inhabitants; but from this last date, and the time of the Colonies being taken over by their High Mightinesses, up to the date of the first Order in Council in 1824, a period exceeding the third of a century, there is not, to the best of our knowledge, an instance of the publication of any law, or any thing professing to have the force of law in the Colony, except what was published by the Court of Policy, and under its sanction and authority.

Another decisive proof of the legislative power of the Court of Policy is, that all taxes were levied by its authority alone, at least up to the time when, in order to give the Colonists a still more effectual control over the finances, in accordance with the wishes of the Government in the Mother Country, distinctly expressed to that effect, a Board of Financial Representatives, chosen by the Colonists from their own body, was established, and admitted to a participation in this important branch of the legislature. The power of taxation, originally vested in the Court of Policy, will not, we suppose, be controverted; and we will here only add, that during the period of Anarchy in 1784, and following years, no taxes were paid by the Colonists, on the ground, that the Court of Policy of that day, consisting as it did of nominees of Government, was not legally constituted, and therefore could not levy taxes.

But the Colonists in the present instance contend that, even had the usage before the Capitulation been otherwise, it could not affect their rights to a Colonial Legislature, to the control of the finances and the preservation of their institutions—all which are so fully secured to them by the terms of the Capitulation.

In reading that instrument, it must never be forgotten that the Capitulation was not a mere military arrangement, that it was not a capitulation proposed by one military commander to another; but that it was a solemn compact, containing the terms on which the inhabitants of the Colony were willing to become British subjects, and on which they were received into His Majesty's allegiance and under His protection.

protection. The instrument bears on the face of it, that the terms were proposed by the Governor and Court of Policy of the Colonies of Essequibo and Demerara, and the commanding officers of the sea and land forces of the Batavian Republic in said Colonies, to the Commanders in chief of His Britannic Majesty's sea and land forces off Demerara; that they were accepted and granted by the Commanders of His Majesty's forces, and that the Deed was signed by the Colonial Members of the Court of Policy, the representatives of the inhabitants.

The Colonists therefore maintain, that they are parties to this Deed, contracting parties, and as such fully entitled to all the benefits thence arising. Their rights are clearly recognized throughout the whole instrument; they are kept totally distinct from the rights of the garrison; and in the fourteenth article it is expressly stipulated, that should any difficulties arise in consequence of any dubious expressions occurring in the Capitulation, the same should be explained or construed in the sense most favourable to the Colony or the Batavian garrison.

With these principles to guide us in reading the Capitulation, and looking fairly to its spirit and tenor, it will, we trust, be no difficult task to establish the point we contend for.

In the English copy, the first sentence of the first article runs thus: "The laws and usages of the Colony shall remain in force and be respected; the mode of taxation now in use be adhered to; and the inhabitants shall enjoy the public exercise of their religion, in the same manner as before the Capitulation. No new establishments shall be introduced without the consent of the Court of Policy, as the Legislature of the Colony." In the Dutch it is perhaps still more freely expressed: "The laws, religion and customs, as also the mode of taxation, shall be maintained, exercised and observed, as had place before the capitulation; and no new institutions shall be introduced, unless with the full approbation of the Court of Policy, as constituting the law-making power of the Colony." Nothing can be stronger than these last words, "constituting the law-making power of the Colony."

The Capitulation was ratified by His Majesty; in the Speech from the Throne to Parliament, the conduct of the commanding officers was noticed in terms of commendation; the Capitulation was duly published in the London Gazette; and what renders all other argument unnecessary, the Capitulation was acted on. The inhabitants took the oath of allegiance to His Majesty, and became entitled to all the privileges of British subjects. Admitting, then, for argument sake, the full extent of the legislative rights claimed for His Majesty over conquests, rights not easily reconciled with the abhorrence so universally and freely expressed of arbitrary and despotic power, yet admitting them for argument sake, it surely is and must be possible for the King to preclude himself from the exercise of these legislative rights. It surely is and must be possible for the royal prerogative to limit itself; and whether this be done at the moment of surrender, in a few short words, or subsequently, in a more formal charter, can never in any way alter or affect the question.

In one point of view, indeed, the Capitulation is stronger than a charter;—a charter may be granted from the mere liberality of the Sovereign; but here, the Capitulation was a positive and actual contract for a valuable consideration,—the surrender of the Colony, the persons and properties of the inhabitants. A capitulation is, in truth, a most solemn deed; and its terms, as Lord Mansfield forcibly puts it, are sacred and inviolable, according to their true intent and meaning. All that remains, then, for us, is to ascertain this true intent and meaning, to see how the article was understood by the contracting parties themselves at the time, and how it has been interpreted by subsequent usage.

And here the case of the Colonists seems unanswerable; for it is a fact which cannot be disputed, that from the very day of the capitulation, in September 1803 to the year 1824, all legislation for the Colony emanated exclusively from the Court of Policy; in several cases even at the express suggestion of His Majesty's Government. For instance, the Act for establishing a registration of slaves, which was originally suggested by that Government, and which the Colonial Authorities were urged to pass as a measure of state importance. The Act was passed, and with its various subsequent modifications derived all its legal sanction and effect from colonial enactment. This enactment, then, being a proceeding earnestly and advisedly inculcated by the King's Government, conclusively proves the recognition by the Sovereign of the legislative rights and powers of the Court of Policy; not merely a tacit and constructive recognition, by permitting their exercise, but a spontaneous,

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spontaneous, formal, direct and full recognition, by suggesting and urging that exercise. Nay more, the sincerity and readiness shown by the Court of Policy for and on behalf of the inhabitants of the Colony, in speedily meeting the wishes of the Mother Country by so willing an adoption of that measure, was most graciously acknowledged by His Royal Highness the Prince Regent.

Other instances of like nature might be alleged. But in a matter of so grave a nature as the exercise of legislative right, this full, ample, deliberate recognition of the right by the highest Authority in the state must surely be sufficient. Were further argument necessary, the Colonists would refer to the very nature of the matters contained in this first sentence of the Capitulation—their laws, religion and customs. It cannot for one moment be supposed their religion was to be at the will of their future monarch, alterable at his pleasure; and yet it is united in one and the same stipulation with their laws, their institutions, and the legislative rights of their Court of Policy.

But in the foregoing statement we have done injustice to our cause, by fixing the period of the actual interference of His Majesty's Government so early as 1824; for in reality the first positive invasion of the legislative rights of the Court of Policy was not until 1830; the first, at least, which could possibly be met by the Colony, or which was at all likely to attract public attention; and the Colonists did accordingly meet that on the very first opportunity which offered. We contend, therefore, My Lord, that the Court of Policy is the legislature of the Colony, guaranteed as such by the Capitulation, recognized and admitted by His Majesty, confirmed and strengthened by long continued usage. That consequently, to publish as law in the Colony any Order in Council, or Instructions from the Secretary of State, without the express and direct sanction and under the express and direct authority of the Court of Policy, is a violation of the Capitulation, a violation of one of the most solemn compacts which could be entered into, alike injurious to the true honour of the Crown, and ruinous to the interests of the Colony. In the words of our fellow Colonists, "not only was the express stipulation in regard to the legislative power of the Court of Policy, proposed on the part of the Colonists, and accepted and granted on the part of His Majesty, as the primary consideration of their surrender; but it was contained in the same sentence, breathed with the same words that guaranteed the future security of their property, the future observance of their laws, and the future exercise of their religion; identifying one with the other, every thing sacred in human institutions in the civilized world."

We are aware that more, much more might have been said in support of our claims under the Articles of Capitulation, but we trust enough has been said to satisfy your Lordship that the claims are well founded, based on every principle of law, justice and equity, and that by these terms of Capitulation His Majesty has effectually precluded Himself from the exercise of the royal prerogative in any other manner than that in which it is constitutionally applicable to every part of the British Dominions. All further argument therefore may be reserved, until we have the honour of seeing your Lordship.

We have, &c.

(signed)

Peter Rose.
J. L. Smith, jun.

— No. 29. —

COPY of a LETTER from Viscount *Howick* to Messrs *Rose* and *Smith*,
&c. &c. &c.

Gentlemen,

Downing-street, 11th April 1832.

I AM directed by Viscount *Goderich* to acknowledge the receipt of your Letter dated the 27th ult. With reference to your statement, that "his Lordship seems anxious to impress you with a sense of the responsibility you have incurred, by asserting the legislative rights of the Court of Policy," Lord *Goderich* directs me to state, that he has never entertained nor intended to intimate any wish of that nature; nor can he now understand what is the responsibility to which you thus refer. But your present unequivocal assertion, that the recent Orders of His Majesty in Council have no legal validity, inevitably precludes the possibility of all further discussion, until that question of law shall have received a judicial decision. It is impossible to negotiate respecting the Measures which you have suggested, so long as the limits of His

His Majesty's authority are in dispute. You state indeed, that the changes which you propose, may be lawfully made with the consent of the inhabitants. But even if this principle were admitted, it would yet remain to inquire in what form, and under what authority, that consent is to be given. The Colony at large contains upwards of 100,000 persons. By what proportion of that number you have been delegated to act, his Lordship has no means of ascertaining; certainly not by the whole, and probably not by more than a small numerical minority. Consequently, to treat with you respecting arrangements which, if you are accurate, His Majesty has no power to make without the consent of the inhabitants at large, would be to enter into a negotiation without any prospect whatever of reaching a definite result.

Relying upon the high legal authorities under whose sanction His Majesty's legislative powers over the Colony of British Guiana have been exercised, and fully aware that within the King's dominion there can be no legal right which is not capable of being asserted, even against His Majesty with effect, in the appropriate mode of proceeding prescribed by law, Lord Goderich has in conclusion only to express his hope that the persons for whom you act will, with such promptitude as the occasion may admit, proceed to execute the intention you ascribe to them, by "maintaining in every constitutional manner those rights which they conceive to have been violated."

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

(signed) *Howick.*

— No. 30. —

COPY of a LETTER from Mr. *Rose* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

5, Ryder-street, 10th April 1832.

It is with reluctance that we intrude on your Lordship's valuable time, but we are assured your Lordship will acquit us of any improper importunity when we refer to the nature and importance of our business, and to your Lordship's own promise at the interview with which you honoured us, so far back as the 25th February last. Your Lordship that day requested us to prepare a statement in writing, of the principal points we wished to have discussed; and you added, that as soon as you were furnished with that statement, you would be ready to receive us. We accordingly drew up on the 1st March, and laid before your Lordship, the statement required. On the 21st March we received from Lord Howick a Letter, bearing date the 17th, calling for explanation on one particular point. This explanation we gave on the 27th March, but we have not since then been honoured with any communication from your Lordship.

The matters which we have had the honour to bring under your Lordship's consideration, we believe to be of as grave a nature and of as much importance as any that can engage your Lordship's official attention; every day adds to the difficulties and distresses of the Colony, and we must therefore earnestly entreat your Lordship not to delay further the interview which has been so long promised.

We have, &c.

(signed) *Peter Rose.*

— No. 31. —

COPY of a LETTER from Messrs. *Rose* and *Smith* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

5, Ryder-street, 12th April 1832.

We had the honour of addressing to your Lordship, on the 10th instant, a Letter, to which we most respectfully and most earnestly crave your Lordship's attention.

We have, since then, received instructions from Charles Bean, George Rainy, Andrew Jackson, Thomas Barry, Thomas Blake, William Fraser, and Cresswell Spencer, esquires, of Demerara, on the subject of a Memorial and Petition to His Majesty,

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Majesty, delivered by them to His Excellency the Governor of British Guiana, in December last, in order to its being transmitted to your Lordship to be laid before the King. We therefore have now respectfully to request your Lordship will be pleased to inform us if this Memorial and Petition has reached your Lordship; and we would further solicit your Lordship's indulgence to communicate to us any answer which His Majesty may have been graciously pleased to grant on the Prayer of this Memorial and Petition.

We have, &c.

(signed) *Peter Rose,
J. L. Smith, Jr.*

— No. 32. —

COPY of a LETTER from Viscount *Howick* to Messrs. *Rose* and *Smith*,
&c. &c. &c.

Gentlemen,

Downing-street, 17th April 1832.

I AM directed by Viscount *Goderich* to acknowledge the receipt of your Letter of the 12th instant, and to acquaint you in reply, that the Memorial to which you therein allude, does not appear to have been received from the Governor of British Guiana.

I have, &c.

(signed) *Howick.*

S T. L U C I A.

— No. 1. —

COPY of a DESPATCH from Viscount *Goderich* to the Acting Governor of
St. Lucia, &c. &c. &c.

Sir,

Downing-street, 1st August 1831.

ST. LUCIA.

IN the Minutes of the Evidence taken before Major-General *Farquharson*, upon the investigation into which Sir *George Murray* directed him to enter, is contained a deposition made by Mr. *Donald Shaw*, the manager of the estate called *Grand Ance*. From that Deposition I extract the following passages :

“ One of these complaints of the negroes against me was, that they had worked in the crop 1829, from twelve at night until twelve the next night. This I admitted was the case once or twice, or perhaps three times, but very rarely and upon extraordinary occasions, when canes lying at the works from accidents happening to the mill or the coppers, or from calm, which would not allow the mill to work to grind canes, it being a windmill; but when they were so employed, that they were fed from the house, and had never less than six hours of sleep each night of two, and the entire of the third night. But that the only cause for the negroes being so worked, was, that they refused to change the spells at noon, and which they even refused in the last crop, 1830, in consequence of which I could do no night-work at all in the last crop later than seven o'clock.”

Being asked, “ Do we understand you to say that the slaves rested and worked as follows: six hours they rested, then worked 24 hours; that they then rested six hours and worked twelve hours, and then had twelve hours rest; so that in 60 hours they had 24 of rest.” He answers, “ No; there were 29 hours of rest given to the negroes out of every 72, mentioning the hours given them in the day-time.”

Question. “ Did this apply to the whole gang?”—Answer. “ No; there were only eight women who were employed at the mill.”

Question.

Question. "Do these women keep spells and take only their turn of labour equally with the rest of the gang?"—*Answer.* "The same women are never two days following; there are three spells, eight in each."

Question. "Was the mode you adopted in apportioning the hours of work and of rest, the usual mode on the estate, or was it resorted to as a measure of necessity only?"—*Answer.* "It was the usual mode of working on the estate in former times, and before I came to it, and the slaves have the greatest aversion to their noon time being lost, by changing spell at noon after coming from the field; and on the occasion of my endeavouring to force them to do so, as it was the law of the Island, they flatly said Mr. Jeremie never said so, that it was myself advised them to do so, through mischief, in order to make them lose their noon-time; which words, with the names of the women who spoke them, I told the Visiting Commissioners in March 1830."

Question. "What do you mean by changing the spell at noon?"—*Answer.* "Those who have been in the mill since midnight or two o'clock in the morning, to be replaced by the same number who were working in the field on the forenoon."

Question. "What would have been the effect of changing the spell at noon, as regards the hours of sleep?"—*Answer.* "The only effect would be that they would have by the present regulations the same hours of sleep by eight each night, in place of twelve one night and six each of the other two."

Question. "That is, that they would have eight hours for rest out of the 24?"—*Answer.* "Yes."

Question. "But this they objecting to, the other apportionment of labour was made?"—*Answer.* "Yes."

Question. "Was it possible, without a great sacrifice of property, to make any other apportionment of labour during that crop?"—*Answer.* "None, excepting that which they refused, to save the estates property, as sometimes the canes will spoil by being neglected a few hours, when the juice begins to turn."

Question. "How often did it occur during the crop of 1829, that that portion of the negroes keeping spell wrought for 24 hours successively, except their noon-time?"—*Answer.* "I cannot say exactly; it was very seldom, I do not think more than four times."

Question. "What was the number of slaves employed keeping spell?"—*Answer.* "Twenty-four from the mill, and from twelve to fifteen about the boiling-house; sometimes less when men were sick; divided into three spells."

Question. "How many of those were employed during the night?"—*Answer.* "On these occasions the mill-spell began a considerable time before the men had occasion to come to the boiling-house, as there would be no liquor for them to boil; then the mill-spell began to work sometimes two or three hours before them."

Question. "At what hour does the spell commence at night, and how are the spells divided on these extra occasions?"—*Answer.* "Sometimes they began at two o'clock in the morning, as for instance on Monday morning, when canes were at the mill from the preceding week, from accidents happening to the mill or to the coppers, and continued on these extra occasions, unless they could finish the canes sooner, until midnight."

Question. "Had you previously to making this apportionment consulted with any and what professional gentleman?"—*Answer.* "I submitted it to the Commissary, Mr. Varrin, who told me that was the way they were accustomed to work, and I would have the greatest difficulty to make them change it; that I would be obliged to bring them all to Castries."

Question. "What is the character of the gang on the Grand Ance Estate?"—*Answer.* "Very bad."

Question. "Who was the President of the Visiting Commission in March 1830?"—*Answer.* "I cannot exactly say; it was composed of Dr. Robinson, Mr. Vitalis, and Mr. Busted."

Question. "Did you mention the circumstance, of the slaves having stated they considered the changing the spells at noon as your act, and done to vex them, to Mr. Busted?"—*Answer.* "It was to Dr. Robinson I spoke at the time; I am not sure Mr. Busted heard the words; but we had no private conversation, and his answer was, that I should be justified in making them work sixteen hours in twenty-four."

Question. "Respecting the twenty-four hours labour that you did admit, on the investigation in February 1830, to have taken place occasionally, I beg you will detail to me the work and rest of one week when that extraordinary labour was used,

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used, commencing on Monday morning, and ending on Saturday night?"—*Answer*. "It is impossible for me to answer that exactly, as that extra labour never continued for a week in succession, and never lasted at one time more than two nights."

Question. "During the crop alluded to, how often did the same persons work for twenty-four hours at a time without rest?"—*Answer*. "I have already said three or four times, with probably an interval of five or six weeks between each time."

Question. "During the grinding time of that year, what were generally the number of hours of labour and of rest during the twenty-four hours?"—*Answer*. In my opinion, one time with another, it could not be more than fourteen or fifteen hours labour."

I have transcribed the preceding examination at length; but after much consideration I find myself unable to reconcile the different answers with each other, or to reduce the whole to one consistent statement. Some facts, however, are sufficiently clear, and they are such as no man can contemplate without shame and indignation.

Thus Mr. Shaw admits without reserve, that on three or four occasions he compelled the unhappy slaves on his plantation to labour during one crop time for twenty-four consecutive hours; such is the voluntary admission of this person, made upon his oath, and unaccompanied with a solitary expression of remorse for such brutal inhumanity. It is with the utmost astonishment I find that such an acknowledgment was not followed by an instant order for the prosecution of the delinquent.

I have no reason to suppose that to this hour any measure has been taken for the punishment of the criminal, or for the prevention of similar offences.

In the next place, I observe that Mr. Shaw states, that in his opinion, one time with another, during the grinding time of 1830, the slaves were not required to perform more than fourteen or fifteen hours labour. Although I know not how to reconcile this assertion with Shaw's former statements, yet, supposing it to be true, it is quite enough to justify the most severe reprobation. That any portion of the King's subjects should be compelled to perform such tasks as this, by the influence of no other motive than the dread of punishment, would scarcely have been credible on any lighter testimony than that which is before me. No distinction of sexes is alleged to have been made, and the helpless women who are said to belong to this gang seem to have partaken with the adult males in this destructive labour. If any proof of the fact were wanting, the elaborate Reports made to this Department by Major Moody, as Commissioner of Inquiry into the state of the apprenticed negroes, would sufficiently establish the conclusion, that, under a tropical sun, persons in a state of slavery, and unsupported by the hope of wages, have the most extreme indisposition to labour at all, with a craving for repose wholly unknown to the inhabitants of more temperate climates. To exact fifteen hours daily labour of such persons, in such a climate, must therefore be attended with a measure of suffering which it is painful even to contemplate at a distance.

Mr. Shaw attributes, as I understand him, to Dr. Robinson, or to Mr. Busted, the declaration, that he would be justified in making his slaves work sixteen hours in twenty-four. I do not and cannot believe that either of those gentlemen, acting as they did in an official capacity, ever hazarded such a statement. On the contrary, I have reason to know that no man can have expressed more lively indignation than Mr. Busted at the cruel exaction of labour from the slaves on this very plantation.

It would seem to be maintained by Mr. Shaw, that the law of the Colony did not secure to the slaves more than eight hours repose in the twenty-four. In this construction of the local Ordinances on the subject I cannot concur. If, however, such should be the prevalent opinion, it should instantly receive the most authoritative contradiction.

I am to enjoin you in the most earnest terms, that you do without delay instruct the Public Prosecutor to take the most effective measures for bringing Mr. Shaw to trial for the inhumanity which he has thus openly avowed, and that you report to me all the proceedings, including the evidence, on his prosecution.

If Mr. Shaw holds any public office at the pleasure of the Crown, you will remove him from it.

In the evidence of Mr. Du Bocage, it is stated that Mr. Ferguson is a part owner of the Grand Ance Estate. Another witness, Mr. Taillason, describes him as connected

connected with the same property by large advances of money and supplies. You will call upon Mr. Ferguson to explain when he first became acquainted with the cruel conduct of Shaw; in what manner he has employed either his authority or his influence for the removal of Shaw from the management, and for the prevention of similar offences hereafter. If Mr. Ferguson shall fail to give such explanations as shall satisfactorily absolve him from all participation in the offences of Shaw, and from all guilty indifference respecting them, you will intimate to him, that until His Majesty's pleasure is known, he is suspended from his situation of Member of the Council of Government.

If it be true that Mr. Varrin, the commissary, was really made acquainted by Shaw with his treatment of these negroes, or was otherwise apprised of the fact, and took no measures for the punishment or prevention of such offences, you will immediately remove Mr. Varrin from his office, unless he shall satisfactorily account for his inaction.

You will explain to me, when you yourself first learnt the facts to which I have been adverting, and what measures may have been already taken by you to prevent the recurrence of such oppression.

You will immediately convene the Council of Government, and cite before yourself and them, all persons capable of explaining, in the most satisfactory manner, what is the ordinary rate of labour exacted of the slaves throughout the Colony, both in and out of crop-time. For this purpose you will not examine the planters or their agents merely, but you will call before you any persons, who, having themselves been in a state of slavery, may be able to state the result of their own experience; and you will examine on the subject some of the most intelligent slaves themselves, taking care on the one hand to avoid whatever might occasion unnecessary excitement, and on the other hand to prevent the exercise of any undue influence on the minds of any such witnesses. The subject earnestly demands, and must receive, a thorough investigation. You will transmit a complete transcript of all the proceedings and evidence to me.

If the slaves on a plantation are employed from six o'clock in the morning till six in the evening, with intervals of one hour for breakfast and two for dinner, totally unbroken by picking grass or any other compulsory labour whatever, the planter will have nine hours of daily labour: more than this the human constitution is unequal to bear, especially when the labourer is deprived of the moral supports by which the exertions of free men are sustained, and when his toil is to be performed between the tropics, even this reduced exertion is much more than can safely be exacted, except of persons in the full maturity of their strength. The sickly, the aged and the young, and women in a state of pregnancy, would be unequal to the habitual performance of such a daily task.

I confidently hope to transmit to you in a short time an Order of the King in Council, proceeding on these principles. In the meantime, if the law of the Island be supposed to sanction a greater measure of labour, you will propose to the Council the immediate enactment of a Law founded on the principles which I have thus laid down. Practices such as are admitted by Mr. Shaw cannot be prolonged a single day, without involving in guilt the Government by which they are tolerated, as well as the individual agents in them.

I am not insensible to the present difficulties with which a diminution of the labour of the slaves would be attended; and I am well aware that the manufacturing and agricultural processes of a West Indian plantation cannot be conducted upon the present system, without demands on the strength of the slaves which far exceed those which a due regard for their health would prescribe. Still less am I a stranger to the unhappy distress in which the West Indian body is, and has long since been involved. But the first and paramount consideration of all, is that of justice and humanity; and the calculation of probable consequences, however formidable, cannot be placed in competition with the sacred duty of rescuing the slaves from such toils as Mr. Shaw exacted from them, by which human life must be abridged and rendered miserable as surely, though not so speedily, as by any more direct methods of destroying it.

I have, &c.

(signed) GODERICH.

ST. LUCIA.

—No. 2.—

COPY of a DESPATCH from Lieutenant-Colonel *Bozon* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Lucia, 29th August 1831.

I HAVE the honor to forward two Orders in Council, of the 1st instant, which I trust will meet with your Lordship's approbation.

I have, &c.

(signed *M. A. Bozon*.)

Enclosure 1. in No. 2.

ORDER IN COUNCIL,

Defining the method of paying the Expenses of safe Custody and Prosecution in cases of Complaints made by Slaves, which are not established, or which are proved to be malicious and unfounded.

Mark Anthony Bozon.

WHEREAS it frequently happens that Slaves prefer complaints to the Protector of Slaves, which, upon legal investigation, they cannot establish, or which are proved to be malicious or unfounded: And whereas the owners or proprietors of such slaves have hitherto not only lost the time and labour of such slaves, but have had to pay the expenses of the safe custody of such slaves, as well as the expenses attendant upon the investigation of such complaints;

His Excellency Mark Anthony Bozon, Lieutenant-Colonel administering the Government, taking into consideration the hardship of such cases upon the owners or proprietors of slaves, by and with the advice of the Privy Council, is pleased to order, That in future the following regulations shall be observed:

1. When a slave prefers a complaint through the assistance of the Protector, or otherwise, against his owner, or any free person, if the same shall not be established, any expenses which may be incurred by means of the safe custody of such slave, in the gaol or other place of security, pending the investigation of such complaint, or which may be incurred by means of any judicial proceeding connected with such complaint, shall be paid, not by the owner of such slave, but out of the public treasury of the Colony.

2. On any complaint which is proved to be malicious or unfounded, it shall be the duty of the Judge before whom such complaint is made, to inquire whether the slave making such complaint is possessed of any property; and if it be found that he is possessed of property, the Judge shall order that such expenses be paid out of such property, and if such property shall be insufficient for the entire payment of such expenses, then shall the balance thereof be paid out of the public treasury.

3. All Public Officers connected with such safe custody shall reduce all expenses hereinbefore contemplated to the lowest equitable scale.

4. The bill of such expenses shall be taxed and certified as correct and just by the Judge of the Court in which such complaint may be preferred, and then be delivered to the Protector of Slaves, who shall cause all such bills to be laid before His Excellency the Governor, on the first of every month, with a recommendation of the payment or levy thereof, when they shall appear to him to be unobjectionable; and if in his discretion he shall think fit, the Protector of Slaves may refer the same to the First President of the Royal Court for summary revision, previously to recommending payment or levy thereof to His Excellency the Governor; and the same shall not be paid, or the property of any such slave be sold, until His Excellency the Governor shall give directions to that effect; nevertheless, such property of any such slave may be kept in the safe custody of the owner, master or manager of such slave, in the meantime.

4. Provided always, that nothing in this Order contained shall be construed as affecting or preventing the punishment to be awarded under the 7^d clause of the Consolidated

Consolidated Slave Law of this Island, against such slaves as may be found guilty of making complaints originating in some malevolent or culpable motive.

ST. LUCIA.

Done and passed in Council before His Excellency Lieutenant-Colonel Mark Anthony Bozon, commanding His Majesty's Forces and administering the Civil Government, this 1st day of August in the second year of His Majesty's reign, and in the year of our Lord 1831.

By His Excellency's Command,

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

Enclosure 2. in No. 2.

ORDER IN COUNCIL,

Prescribing the Treatment of Slave Evidences.

Mark Anthony Bozon.

WHEREAS great inconvenience has been experienced by the owners or masters of slaves, from the confinement of slaves to give evidence pending the investigation of causes and complaints, in which the evidence of such slaves is required; and for the want of some certain and defined method of treating slaves in such cases, independently of the bad example and degradation of moral feeling likely to result from such confinement;

His Excellency Mark Anthony Bozon, Lieutenant-Colonel administering the Government, taking the premises into consideration, by and with the advice of the Privy Council, is pleased to order,

1. That in future the owner or master of any slave required as a witness in any case, shall have due notice thereof from the proper party, and shall be bound to produce such slave to give evidence at the time and place required, under a penalty of 100 livres, unless some valid reason be given by or on behalf of the master or owner for not producing such slave.

2. That upon any witness not being so produced, the case in which such witness may be required is to stand over until the witness shall be brought by compulsory means; and the witness may then, as a matter of necessity, be imprisoned until the investigation or trial shall take place.

3. That any owner or master, or any free person, who shall either tamper with any such slave witness, or cause him to be so tampered with, or shall deter or attempt to deter any such slave witness from giving evidence, shall be liable to a penalty of 200 livres, and to be further punished by law for such criminal offence; and that any male slave offending in like manner shall be liable to corporal punishment and imprisonment, or either, at the discretion of the Court; and that any female slave so offending, shall be liable to solitary confinement, and such other confinement, or either, as the Court may direct.

4. Provided always, That all Judges, the Protector of Slaves, and all public prosecutors, may at all times direct the imprisonment of a slave witness, according to their discretion, when they shall have good reason to apprehend that the ends of justice will be defeated by the absence of such witness at the time of trial; and that this discretion may be used more especially in capital or other cases of importance.

Done and passed in Council before His Excellency Lieutenant-Colonel Mark Anthony Bozon, commanding His Majesty's Forces and administering the Civil Government, this first day of August in the second year of His Majesty's reign, and in the year of our Lord 1831.

By His Excellency's Command,

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

ST. LUCIA.

— No. 3. —

COPY of a DESPATCH from Colonel *Mallet* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Lucia, 1st October 1831.

I BEG leave to enclose, for your Lordship's consideration, an Address from three Members of the Privy Council, presented to me previous to the Investigation, which is now going actively forward. I think it right to forward this to your Lordship without delay, although there is not time by the present opportunity to make those remarks which I shall have the honour of laying before your Lordship by the next packet.

I have, &c.

(signed)

*J. W. Mallet,*Col^l 86th Reg^tAdmin^g the Gov^t.

Enclosure in No. 3.

To His Excellency Colonel *Mallet*, c.B. administering the Government of
Saint Lucia, &c. &c. &c.

THE Undersigned, Members of His Majesty's Privy Council in the Island of Saint Lucia, having been called upon by His Excellency the acting Governor, Colonel Mallet, to sanction or disapprove of the draft of a law prepared by his Honour the First President Musson, for the purpose of diminishing still farther the labour of the slaves in this Island; and His Excellency having submitted to the consideration of the Undersigned an Extract from the Despatch of the Right honourable Secretary of State for the Colonies, on the subject, as the only document on which the said draft of a law is founded; We hereby declare, that after an attentive perusal of this Extract, and after taking into our serious and mature consideration the subject which gave rise generally to the Despatch of the Right honourable Secretary of State, as Members of the Privy Council, bound to give our conscientious and best opinions on all matters of vital importance to the interests of the Colony and of the British Empire at large, we cannot conscientiously sanction the proposed law; and on the contrary, are of opinion that, in the present state of the Slave Population in this Island, it is a measure quite unnecessary and uncalled for on the strictest principles of humanity; and presuming that this our assertion will be amply borne out in the inquiry to be instituted for that purpose before the Privy Council, agreeably to the direction in the Despatch of the Right honourable Secretary of State now under consideration, we are bound to go further, and to declare, that any further diminution or abridgment of the daily labour of the slave in this Colony is an interference with the rights of the private property of His Majesty's subjects in this Colony, which cannot be persisted in with justice towards the proprietors of estates in this island, except on the principle of compensation for such diminution or abridgment of the daily labour of the slaves.

In taking into consideration the object of His Majesty's Principal Secretary of State for the Colonies, with regard to the better treatment of the slaves in this Island, it is necessary to reflect back upon the origin or cause of the present Despatch; and it will appear evident that it proceeds upon an erroneous impression, created by an inquiry into the conduct of one individual who is accused of cruelty; and although the Undersigned neither wish to call in question the correctness of such accusation, nor to approve and screen the conduct of any slave owner who may be justly accused of cruelty towards his slaves, or of any infringement whatever of the existing laws, yet it would be, in the opinion of the Undersigned, a most harsh and unheard-of step, to proceed to condemn and punish a whole community for the faults of one individual, without giving that community an opportunity of justifying themselves, as is pointed out by the Despatch in question.

The Undersigned are therefore of opinion, that until this inquiry is gone through with, it is quite unnecessary and uncalled for to make any change whatever in the existing Slave Laws of this Island, and that this view of the case embraces the spirit and meaning of the Despatch.

As this matter is one of vital importance to the interests of the community of this Island at large, as well to that of the slave owner as to that of the slave himself, the Undersigned beg leave to state the following facts, which may have the effect

effect of elucidating the matter more amply to Your Excellency and to his Honour the First President (neither of whom can be supposed to be acquainted with the practical operation of cultivating a sugar plantation, nor with that of the manufacturing of the article,) by which you will perceive it is hoped that the principles of humanity are in neither case outraged on those estates in this Island which are conducted according to the existing laws of the Island.

Those conducted upon other principles, of course, are amenable to the laws; and if the laws are not enforced, it is not the fault of the laws, but of those whose duty it is to see them enforced.

1st. According to the existing laws, strong effective slaves on sugar plantations are required, out of crop, which is about six months of the year, to commence work at day-light in the morning and to cease at sun-set (which in this latitude is on an average from six o'clock in the morning till six in the evening,) having half an hour for breakfast and two hours for dinner, that is, from twelve till two o'clock.

The law intended these two hours to be devoted by the slave to repose himself during the heat of the sultry sun; but what is the manner in which he really does employ these two hours? It is, in working and cultivating his own garden; and so well does he employ his time during that interval intended for rest, that he scarcely requires to work in his garden during the Monday, which, out of crop, is wholly allowed him for that purpose, but spends it, together with his Sunday, in rest and amusement.

This fact will appear less striking when it is considered that during the hours of labour the slave in this Island has now no stimulus whatever to exertion, the whip and every other badge of authority being disused in the field, and the quantity of work he performs being left in a great measure to his own discretion also. It is now well ascertained that the produce of a sugar plantation has been diminished by about one-fourth generally throughout the Island, since the establishment of these laws.

These facts can be easily proved; and do they not clearly establish, that the principles of humanity are fully respected and adhered to in the field labour of slaves out of crop?

Nurses, pregnant women, and weak and infirm slaves, are not required to do the work of effective male and female slaves, but are provided for otherwise by the laws: and sick slaves are well provided for in hospital with all necessary food and medical attendance.

2d. During the other six months, which is termed the crop season, but of which only four months, on an average, is employed in manufacturing sugar, the slaves employed in the mill-spell, who are always effective people, which happens, in the four months, every other day on some estates, and every third day only on others, may be required to work for sixteen hours on a stretch, allowing them abundance of time for their meals, &c.; but, like all other manufactures, the laborious part of which is executed by machinery, the labour of feeding the mill and boiling the sugar is the lightest of all work done on a sugar estate, and requires a continuance of time and slight attention, but no labour of the body like that of field-work, and which work is performed under shelter from both sun and rain. Indeed, it is considered by the slaves themselves rather in the light of an amusement than in that of serious work; and as a proof of this, it will be easy to establish an evidence before the Privy Council, on the Inquiry, that the slaves themselves, in many instances on large estates, prefer, and have besought the manager to continue the same spell all the sixteen hours at work within the same twenty-four hours, rather than change the spell at mid-day. When proof is given of this, surely it will clearly show that the principles of humanity are fully respected and attended to, and that no interference whatever is, even in this particular, required. Any interference with the present order of things must destroy altogether the manufacture of sugar in all small plantations, which in this Island comprehends two-thirds of the Colony, and render all sugar plantations totally unproductive, without in the smallest degree benefiting the slave or adding to his comforts.

3d. The Undersigned feel confident that on the Inquiry it will be fairly established, by the testimony of medical men, and of the free persons who have themselves been slaves employed on sugar plantations, that the present work required of slaves, both in and out of crop, is far short of what their physical powers might reasonably be expected to perform, even in this climate; and that the time secured to them by law for the purpose of raising ground provisions for themselves, is not only amply sufficient for that purpose, but so ample that an industrious slave may very easily acquire

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acquire sufficient property to purchase his freedom in a few years without any extraordinary exertion.

They have no taxes to pay, and every dollar they earn can be appropriated exclusively to the purchase of their freedom. In the article of logwood alone, an occupation exclusively carried on by them, a sum of no less than sixteen thousand Spanish dollars is annually paid to them in this very limited community.

The increase by births of the slave population, since the establishment of the existing laws, sufficiently proves also that every necessary comfort is fully secured to them since the establishment of these laws.

4th. In the present state of things, sugar plantations barely pay their annual expenditure, and if the labour of the slaves were further abridged, and things continue in their present state, they must cease to meet even the annual expenditure, and consequently the owners will no longer command the means necessary to pay for those comforts which the present law secures to the slave, viz. that of being fed, clothed and being provided with medical attendance, and all other conveniences during sickness.

Ruin to the owner would, and must necessarily immediately ensue, as is invariably the case when experiments are stretched beyond the bounds of moderation, and justice to any party is lost sight of.

5th. His Honour the late First President, in establishing the existing slave laws, most distinctly declared, both verbally and in writing, that in accepting these laws and carrying them into full execution in this Colony, the object of His Majesty's Government and the ends of justice and humanity would be fully attained, and that no farther concessions would be demanded of the owners of plantations in this island. And subsequently, in a discussion in Parliament respecting the measures to be adopted by His Majesty's Government, for carrying into effect the amelioration of the condition of the slaves in the chartered Colonies, Lord Howick, in referring to an Address which had been presented by a numerous body of planters, merchants and other inhabitants of this island, distinctly declared that it was a measure under the consideration of His Majesty Government, to admit into the home market at a diminished or lower rate of duty the productions of those Colonies which had introduced the measures of amelioration; and under these circumstances, the Undersigned do conceive that the inhabitants of this Colony have a just right and ground to expect that no further interference will be attempted with the existing slave laws, without the most ample inquiry be first instituted, and proof shown of the necessity of some change being required, which the Undersigned do conceive and declare, in their opinion, does not exist.

Finally, the Undersigned being thoroughly convinced of the truth of the preceding statements, and feeling the great responsibility of their situation, at once as members of His Majesty's Privy Council and as members of the community, to watch over the general interests and welfare of which they conceive themselves more especially called to the Council Board, hereby beg leave most respectfully to declare to Your Excellency their opinion of the present most important subject. And first, as members of His Majesty's Privy Council in this Island, they do counsel and advise Your Excellency to suspend the execution of any law whatever, which has for its object the diminution or abridgment of the labour of the slaves in this Island, as being uncalled for by any dictates of humanity, until such time as Your Excellency shall have communicated again with the Right honourable the Secretary of State for the Colonies on the subject: And secondly, as members of the community, the Undersigned feel bound, as honest men, in justice to themselves and to the British capitalists, solemnly to protest against any further interference with the labour of slaves in this Island, on the part of the British Government, until such time as His Majesty's Ministers shall have adopted some measure for reimbursing the Proprietors of estates in this Island, and their creditors, at least some portion of the extensive capital they have embarked in this Colony in plantations, on the faith of the British Nation continuing to act towards its subjects in all parts of the Empire on principles of justice; that the property of His Majesty's subjects in the British West India Colonies should be held as sacred and inviolable as any other property in the British dominions, and that no sacrifice of it for the supposed good of the whole can be made with justice, unless such loss of individual property shall first be paid for to the individuals, out of funds raised upon the British Empire as a whole, for the supposed good of whom such sacrifice is deemed necessary and advisable.

Mich. Jackson.

Peter Muter.

— *Philip.*

Saint Lucia, 27th September 1831.

COPY of a DESPATCH from Colonel *Mallet* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Lucia, 29th October 1831.

I HAD the honour to forward by the ship "Cuba," on the 28th of last month, an Address presented to me by three of the Privy Councillors of the Island of St. Lucia, on the execution of your Lordship's instructions contained in your Despatch of the 1st of August, directing me immediately to commence an Inquiry as to the quantity of labour exacted from the slaves, in and out of crop time, in the colony; and to propose a law, if necessary, by which not more than nine hours of compulsory labour in the twenty-four should be exacted from the slaves. This Address was signed by the Honourables M. Jackson, P. Muter, and — Philip; which circumstance rendered it impossible that any proposed law, conforming to your Lordship's wishes on the subject, should pass the Council. I immediately commenced the investigation directed by your Lordship, which, as well as we have been able, has been carried on and brought to a conclusion. Mr. Jackson being compelled to proceed to Barbadoes on urgent business, occasioned by loss of property in the late hurricane, and the general weak state of health of Mr. Philip, left the investigation to be carried on by his Honour the First President, Mr. Muter, and myself. The result of this investigation ought to convince every feeling mind, of the necessity of an immediate reformation in the law of this Colony, respecting the working of slaves.

In consequence of facts arising out of this investigation, which I have the honour to forward to your Lordship, I have directed the immediate prosecution of Mr. Martelli, planter and owner of La Ressource estate, and also the manager of Point estate, the former on his own confession and that of his overseer, that he worked the slaves from eighteen to twenty-four hours consecutively during crop time, in the year 1830; the latter on the evidence of the overseer and one slave of the estate, who deposed, that the slaves on that estate were worked during last crop time eighteen and twenty-four hours consecutively. These trials are directed to be immediately brought on, and the result, with the proceeding, shall be forwarded to your Lordship.

On perusing the evidence, it will be seen that the law of the Colony is universally understood not to secure to the field slave more than six hours consecutive rest, and two other hours in the twenty-four, during crop time. The latest Supplementary Order in Council on this subject, issued by Major-General Farquharson, and framed by Mr. Jeremie, says:—"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." This clause of the law is very loose and undefined. The evidence of Mr. Palmer and Mr. Affleck states that Mr. Jeremie told them, that the construction of the law was, that the slaves might be worked during crop time sixteen hours every day, and no more. I have in every possible way contradicted this construction of the law; and when I am again able to form a Council, I shall press upon the members the necessity of a new law, in which must be more particularly defined "extraordinary occasions of forced crops;" and the necessity of working the slaves on extraordinary occasions of forced crops, should be decided upon by some other person than the proprietor or manager himself. It will appear to your Lordship that the evidence on this investigation is greatly at variance with the opinions and statements of the Members of Council in question, and if they should still adhere to their conclusions, which it appears to me were rather precipitately expressed when compared with the evidence, I shall issue a provisional Order on the principle laid down by your Lordship, to operate until your Lordship's further pleasure is known, with a view to prevent that permission, which was meant only for extraordinary occasions, from being converted into general abuse.

I have, &c.

(signed)

T. W. Mallet, Col^l,

Administering the Government.

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Enclosure in No. 4.

MINUTES of the PROCEEDINGS of a PRIVY COUNCIL held on the 29th of September 1831, by adjournment, for the purpose of entering into an Inquiry, ordered by the Right Honourable the Secretary of State for the Colonies, to ascertain the ordinary rate of Labour exacted from Slaves, in Saint Lucia, in and out of Crop time.

Present,

His Excellency Colonel Mallet, c.B. the Officer
administering the Government.
His Honour the First President.
The Honourable M. Jackson.
The Honourable P. Muter.
The Honourable A. Philip.

THE last Minutes of the Council were read, approved of, and confirmed. His Excellency and Honourable Members then proceeded to the examination of witnesses.

FIRST EVIDENCE sworn—The Honourable *Peter Muter*.

Be pleased to state your name, occupation, and place of residence?—Peter Muter, a Member of Council; residing occasionally on Roseau estate and in Castries, planter.

Do you manage the estate which you have named?—I superintend the management of it occasionally.

What number of slaves are there on that estate?—About 290.

What quantity of produce is made on that estate, on an average?—About 250 hogsheads of sugar, of thirty-eight inch truss, and the usual proportion of rum and molasses.

As explanatory of this answer, will you proceed to state what is the understood weight of a hogshead of sugar, such as you describe, and what is the usual proportion of rum and molasses which you speak of?—The hogshead of sugar nets, by the King's beam at home, about 1,325 lbs.; and I should think 250 hogsheads of sugar would give about 10,000 gallons of molasses, and 5,000 gallons of rum, proof 25.

What machinery is used upon this estate for the manufacture of these articles?—A steam-engine of ten-horse power, and two sets of sugar boilers.

Is the estate of which you speak very complete in its appointments?—Yes, very much so; the establishment of the boiling-house, curing-house, still-house and mill-house, with the engine, must have cost at least 15,000*l.* sterling.

During what hours, and in what manner, are the slaves upon this estate worked, out of crop time?—The effective male and female slaves are called to the field at six o'clock in the morning, where they remain until eight, at which time they take breakfast in half an hour or three quarters; at that time they recommence work, and continue until twelve, when they have two hours allowed to rest themselves and dine; at two o'clock, or a little after two, they go to work, and continue from that until six; which allows them, out of crop, fifteen and a half hours time to themselves out of 24, at the least, besides the whole of Sunday and Monday, and the entire of the festivals pointed out in the Slave Law, which are seven in number in the year.

Are these intervals between the labouring hours for the estate entirely unbroken in upon by picking grass, or any other compulsory labour?—Certainly, there is not the smallest interference with their time.

In point of fact, in what manner are the slaves employed in the intervals from labour which you speak of, during each working day, and upon the Sundays, Mondays, and festivals?—At breakfast time the negroes sit down to rest themselves, taking their breakfast; at noon, they proceed directly from the field to their own grounds, where I imagine they work about one hour for themselves, and they return with their baskets filled with yams, plaintains and different things, to cook for their dinner, which they take before they go to the field. Numbers go to church on Sundays; most of them, on Mondays, are in their gardens, and some few go to market; and they all make a point of going to church on festivals.

Usually, do these slaves perform any labour, either before six in the morning or after six in the evening, for their own benefit, or otherwise?—The slaves on the Roseau estate never rise before half-past five o'clock in the morning; consequently between that and six they can do nothing for themselves; and in the evening, they proceed

proceed to their dwellings directly after the list is called, when they prepare their supper, which appears to be their principal meal; after which they go to bed about ten o'clock, without doing any work for the estate after six o'clock.

Is any difference made between the labour of males and females?—All rather severe work, such as ditching and cutting of wood, is performed by the strong male slaves, never by the women, who labour in common with the men in the fields, but are generally put to the lighter work.

In what manner are the aged, the children, and the infirm, employed?—The aged and infirm are required to do no work; the children about the age of twelve or thirteen, are furnished with small light hoes, and are employed in weeding and light work.

Have they particular hours for work?—The lists are called of the effective people first, and after that is finished, they assemble the small people, call the list, and put them to work.

In what manner are pregnant women treated on this estate?—After the third month of pregnancy they do not work for the proprietors.

To show what necessity there may be for the labour of slaves during their leisure hours to procure necessaries for support and comfort, will you be pleased to state what allowances, either as prescribed by law, or otherwise, are made to the slaves upon Roseau estate?—On the Roseau estate they get their salt fish regularly according to law, and whenever they require rum or molasses I always give it to them; their clothing, according to law, consisting of woollen jacket, trowsers, shirts, and a hat or cap, for the men, and woollen wrapper osnaburgh, shifts, petticoats, and a hat or cap, for the women, twice a year. The women always get a blanket when they lie in, if applied for. The nurses are not required to go out until after the expiration of six weeks from the time of lying in; and the children, about fifty in number, get a dressed breakfast every forenoon at eleven o'clock, consisting either of bread made of wheat flour, or of boiled corn flour, or mairice or rice with molasses and water, these children having also received their allowance of fish.

Would you be pleased to speak more especially now as to the labour performed by slaves upon Roseau estate in crop time?—In crop time the negroes are required to rise, the people employed about the mill, about five o'clock, and to continue until six at night, stopping the mill at eight for them to take breakfast, and at twelve to take dinner; the people in the boiling-house commence about six, and continue until about eight, or nine, or ten o'clock at night, getting the same time for meals.

What time is allowed to the slaves in crop time for their meals?—The people employed about the mill have an hour for breakfast and an hour for dinner; those in the boiling-house, as their work is exceedingly light, take their breakfast and dinner, in the boiling-house, at any hour they choose; but those people who work until eight, nine, or ten o'clock at night, are not required to perform such labour every night, but perhaps every second or third night.

What period of the year does crop time occupy, and at what season of the year does it take place?—The period termed the crop season commences in January, and ends on the 30th of June; of that time, about four months are occupied in making sugar, on the Roseau estate.

Are you not the proprietor of, or are you not interested in several other estates?—Besides Roseau estate, I am half interested in the Souffriere estate, with one hundred and fifty slaves; and of the Praslin estate, with one hundred and forty; also in the Troumassin estate, with one hundred and fifty slaves; and the Pearl estate, with one hundred and forty; and I am attorney for Canelle estate, with about two hundred and forty slaves.

Have you a control over the management of these estates?—The persons who manage these properties are chiefly appointed by myself, and they are instructed positively to conform to the existing laws with respect to the treatment of the slaves, and the slaves are instructed to report to me if they should deviate from them in the smallest degree, and I have had no complaint, excepting one from Canelle, and the slaves were found to be wrong; it arose from mistake, by the commissary not having received notice of the day allowed them being changed by law from Saturday to Monday.

To the best of your knowledge and belief, do the hours for the labour of the slaves upon these estates differ in any manner from those which you have described

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upon Roseau estate, or is their general management different from that of Roseau?—As I before observed, the different managers are directed to conform themselves to the law; and out of crop, with the exception of rising a little earlier on the windward estates, which are more dry and healthy, there is no material difference.

SECOND EVIDENCE SWORN.—*H. M'Leod, Esq.*

Be pleased to state your name, occupation, and place of residence? Henry M'Leod, Assistant Protector of Slaves of the first district, residing in Castries.

Have you a knowledge of the ordinary rate of labour exacted from slaves in and out of crop time, on any one or more estates in this island?—I have been frequently on the Marquis estate, where there are upwards of three hundred slaves, and I have seen the slaves out of crop time go to the field about a quarter before six o'clock, and they had all their half hour for breakfast, and their two hours for dinner, and they left off at sunset; and I have also been there in crop time, when the slaves have gone to work in the morning, at the same time for breakfast also; I cannot say as to noon time, but I believe they had the same time for dinner as out of crop, except those about the works; and the field people, I believe, left off about sunset, but cannot say positively as to those at the works. To my knowledge, the slaves brought a complaint against the manager for working them too late at night, which was dismissed. I was upon the Roseau estate during the last crop, and I am certain the slaves did not turn out before six o'clock, and I believe they had the regular time for breakfast and dinner, and I think they left off work at sunset, but I am not perfectly certain.

THIRD EVIDENCE SWORN.—*John Goodman, Esq.* Assistant Protector of Slaves.

Be pleased to state your name, occupation, and place of residence?—John Goodman, a mercantile man, and Assistant Protector of the slaves of the second district, and acting for the third district now; and I reside in Souffriere.

Have you any knowledge of the ordinary rate of labour exacted from slaves in and out of crop time, on any one or more estates in this island?—There is not a regular task exacted from the slaves; generally out of crop time, the negroes are called out at daylight and are at work about sunrise, and leave off work at sunset, having their breakfast and noon time, half an hour for breakfast, and two hours at noon; but they take rather more generally; in crop time, the mill is put to work from four to five in the morning, but in good weather generally at four, when a few people are then employed; the balance of the gang, those who are not employed in the mill, come out at daylight, when they are employed cutting canes, and various other ways about the works preparatory to putting the fires. Those who are not employed about the mill and coppers, which cannot be stopped, have their regular hours for breakfast and dinner as out of crop, but the negroes attending the mill and coppers do not have their regular hours for breakfast and dinner, but are allowed the time necessary to take their meals when they like in the works; there are always more persons than are necessary for continuous work, so as to give some an opportunity of taking their meals and rest when others work, so as to prevent a stoppage of the process, which would be attended with the greatest inconvenience and positive loss. The mill, which begins earlier than the coppers in the morning, generally stops between five and six in the evening, when the mill gang and those working in the field are dismissed, and the boiling continues generally speaking from eight to nine o'clock, but on a great many estates they finish at seven, which closes the day's labour. The casking of sugar requires to be done at a precise time, which requires men to work sometimes at four o'clock in the morning, when the mill begins, and is done by the tradesmen who have light labour during the day, and it requires very few men. The men so employed at the works on one day as not to have time for their gardens upon that day, have it the next, as they are changed and work in spell. This is the general practice, with some slight deviation of the different estates in the island with which I am acquainted.

Question by Mr. Muter.]—How many hours out of twenty-four do you consider the effective people to work for their owners, out of crop?—I conceive that the best disciplined gangs, in fine weather, work about nine hours; there are many gangs do not work that time, in consequence of the length of time in turning out after being summoned by the bell, and in wet weather a great part of the time is allowed to shelter themselves, in heavy rains.

How many hours out of the twenty-four do you consider that the effective people work for their owners, in crop time?—The negroes, when not employed about the works, work about the same number of hours in and out of crop; those employed about the works every other day, work a greater number of hours, I should conceive ten to eleven hours.

Question by Mr. Muter.]—How many days do you conceive the people are actually employed in making sugar?—From ninety to a hundred days during the year.

FOURTH EVIDENCE SWORN.—*William Muter, Esq.* Member of the Royal Court.

Be pleased to state your name, occupation, and place of residence?—*William Muter, Member of the Royal Court, and a merchant, residing in Castries, and part proprietor of several estates, Attorney for the Marquis, and Sequestrator for the Reunion, Belvieu, and Volette estates.*

Do you occasionally reside upon any or either of those estates?—Sometimes I spend a day or two on the Marquis estate, and sometimes a day or two upon the Pearl and Roseau estates.

Have you a knowledge of the ordinary rate of labour exacted from the slaves upon those estates, in and out of crop time?—Out of crop-time, on the Marquis estate, I have generally seen the slaves going to work so as to be in the field by about six o'clock in the morning, and I think generally rather after than before that hour. I used to have repeated complaints from the manager of the Marquis estate, about the slaves turning out to work in the morning much after the hours fixed by law, and frequently found his complaints on this head to be well founded. On the Roseau and the Pearl estates I have generally found the slaves to turn out so as to be in the field to work most commonly after six o'clock in the morning. They have, on all these estates, half an hour for breakfast and two for dinner, and the work of the field is finished on all about sun-set; but the negroes are generally detained, to answer to their names on the lists, to throw grass, and say prayers.

From the time they leave the field, how long are they detained throwing the grass?—I think from half an hour to one hour, according to circumstances; when the weather is wet, they get under shelter.

Proceed to state as to crop-time?—During the crop-time the slaves employed in the field labour are worked about the same time as out of crop, with the same hours for breakfast and dinner; those employed in the mill-spell, or the manufacturing of sugar, on the Marquis estate, during the crop of 1830, were, I think, called to work about three o'clock in the morning, and continued to work for about sixteen hours from that time, having plenty of time during these sixteen hours for their meals, &c. I think upon one occasion the manager of the estate, at my suggestion, adopted, for a short time, the plan of changing the spell at mid-day, so that the slaves employed in the spell should not be worked beyond eight hours on a stretch; and, as far as I can remember, the slaves themselves told the manager they preferred to have the spells of sixteen hours continuance at a time to the eight-hour spells, as by that means these spells of sixteen hours came only once in every three days; and I believe, in consequence of this preference of the slaves, the manager adopted the old plan of sixteen-hour spells. For this year, I believe he has adopted the plan of the eight-hour spells. On the Roseau and Pearl estates I am not acquainted with the spells.

By Mr. Muter.]—What number of slaves are there on the Marquis estate?—Nearly three hundred.

By Mr. Muter.]—What quantity of sugar has the Marquis estate produced for the last three years, on an average?—Two hundred and thirty hogsheads of 38-inch truss.

By Mr. Muter.]—When manufacturing sugar, and the people are raised at three o'clock in the morning, and continue to work for sixteen hours, how many hogsheads are manufactured in that period?—On an average three hogsheads, in favourable weather.

By Mr. Muter.]—At that rate, how many days are they employed in manufacturing sugar during the crop time?—About eighty days.

His Excellency.]—What is the average of sickness on an estate of three hundred slaves, worked for sixteen hours daily during crop time, and the usual sickness out of crop time?—I have no immediate means of ascertaining the average, but it is generally considered that the slaves are more healthy during crop time than out of

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crop ; and I consider the labour of the slaves employed in the mill-spells and sugar-works lightest and easiest of all work done on a sugar plantation, except that of the negro employed in making fire for the coppers.

Which do you reckon the more healthy season in St. Lucia, from the 1st of January to the 30th June, or from the 1st July to the 31st December?—From the 1st January to the 30th June, which is the crop time.

Do you attribute the healthiness of the people during that time rather to the nature of their occupations, such as you have described in crop time, or to the healthiness of the season?—I attribute it partly to both.

When the slaves on the Marquis estate are required to perform spells of sixteen hours, how often does it occur to the same slaves to perform such labour?—Once in three days to perform the continuous spell of sixteen hours.

And upon the other two days what labour do they perform?—The usual field labour ; but the slaves who are worked in the spell of sixteen hours in one day are not required to turn out on the next until two hours, more or less, after the others.

As explanatory of the last answer, may I ask at what precise hour such slaves are required to turn out?—Generally about eight o'clock.

When the slaves on Marquis estate are required to perform spells of eight hours, how often does it occur to the same slaves to perform these latter-mentioned spells?—Twice every three days.

What labour is required of such slaves upon the third day?—I cannot say, but the manager will be more competent to answer this question.

His Excellency.—What is meant by throwing grass?—It is usual for slaves in this Island, on coming to say prayers and answer to their names, to bring with them a bundle of grass for the use of the stock upon the plantation ; which grass I believe is cut by themselves, out of crop, and consists of cane-tops ready cut in crop time.

[Adjourned until 12 o'clock to-morrow.]

Friday, September 30, re-assembled.

FIFTH WITNESS sworn—Mr. *Becclievre*, Manager of Grand Ance estate.

WILL you be pleased to state your name, occupation, and place of residence?—Prosper de *Becclievre*, manager of Grand Ance estate, and residing on that estate.

According to your knowledge, what is the ordinary rate of labour exacted from the slaves on that estate, and any other estates with which you may be acquainted, in and out of crop?—From six in the morning to six in the evening, or from sunrise to sunset most generally, on Grand Ance estate, when the weather is fine, with half an hour for breakfast and two full hours for dinner, out of crop time. In crop time, most generally, those employed in the mill rise at half past four, and remain till six in the evening ; those employed in the boiling-house turn out at half past five, and continue until eight in the evening. Very often they get a full half hour for breakfast, because the mill occasionally stops, as it does in all other places ; and for dinner what time they can pick up when the coppers stop, which they do occasionally, or while another is skimming for him who eats ; sometimes the overseers take their place while eating.

What number of negroes have you?—Ninety-four negroes. They are now very orderly, and do their work heartily, with two or three exceptions ; under this labour they are satisfied.

Is this the same estate which Mr. Donald Shaw managed previous to your going on it?—Yes.

Proceed with any information you may have as to the treatment on other estates on which you have been?—I have been on the Grand Ance estate seven months, during which the treatment has been such as I have represented ; for six years I managed the Pearl estate and the Union for fourteen months, and I always had the same system on these estates as on Grand Ance. Those not employed in the manufacture are worked *in* the same as *out of* crop.

By Mr. Muter.—How many hogsheads of sugar have you made this crop on the Grand Ance estate?—Fifty-two hogsheads of thirty-two inch truss.

By Mr. Muter.—How many hogsheads of sugar do you generally make each day?—Five or six a week.

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By Mr. Muter.—How many days during crop are you employed making sugar?—About 120 days; I mean 120 days employed for taking off a crop of sugar generally.

SIXTH WITNESS sworn.—*Dr. Robinson.*

Will you be pleased to state your name, occupation, and place of residence?—Robert Robinson, surgeon, proprietor of a coffee estate, and Curator of vacant Successions, and Medical Reporter to the Courts resident in Castries.

Have you a knowledge of the ordinary rate of labour exacted from slaves in and out of crop time, on any or more estates in this Island?—Yes; in 1830 I was named a Commissioner for visiting the estates in the northern district of this Island. One of the principal instructions given to the Commission was to inquire into the quantity of labour exacted from the slaves, and particularly to inquire whether the regulations of the existing ordinances were complied with. Upon that occasion we (the Commissioners) found that, with three exceptions, every sugar estate in the district adhered strictly to the regulations; which were, that the slaves out of crop worked upon an average not more than nine and a half hours out of twenty-four, allowing for the meals.

When you say not more than nine and a half hours, do you mean that they worked on an average out of crop time not more than nine and a half for the benefit of the proprietors, without reference to any labour which they might perform for their own support?—Any labour that a slave performed upon an estate beyond what is exacted by his master is entirely voluntary, because by law he is entitled to a day of the week besides his Sunday, which is amply or more than sufficient for the cultivation of his provision ground.

Then am I to understand that the nine and a half hours of labour of which you speak, out of crop time, is exclusively for the benefit of the proprietor?—Not by any means, because a portion of the labour is necessarily dedicated to the planting of provisions for their use, building and repairing their houses, the whole of which is performed in the hours appropriated for the benefit of the master.

Am I, then, to understand that the nine and a half hours of labour of which you speak is performed within the hours in which by law the master may compel the work of his slave?—Yes, between sun-rise and sun-set, and within or without the intervals of time allotted to the slave for his own use; without in the slightest degree interfering with his half hour for breakfast and his two hours for dinner.

Would you now proceed to state the result of your experience as to the rate of labour required from slaves during crop time?—During the time the slaves are employed in the manufacture of sugar, constant attention is required during the continuation of the process, and my inquiries as Commissioner went to prove that the hours of labour were from four in the morning till eight at night, on those estates where the spells were not changed within the twenty-four hours; but that these hours require only the actual attendance of the slaves so employed for fourteen or fourteen and a half hours, the spell being divided into two gangs, one employed about the mill, the other in the boiling-house, and one of the necessary consequences of the process of this manufacture is, that the mill is required to furnish a certain quantity of liquor before the boiler-men are called upon, and it also results that the mill ceases to work at least two hours before the boiler-men are discharged, and when the mill ceases the mill-gang are discharged. With respect to the larger estates, where the spells are changed, the hours for commencing work are the same; but by changing the spell at noon, the persons who come to work are those who have been employed in out-door work during the morning, and they are required to continue in the boiling-house till ten at night, having commenced the out-work only after day-light, that arrangement subjecting them to the same hours of labour as upon the other estates where they do not change the spell. This is the case on very few estates, and it was found the negroes preferred not to change.

Was it, then, the result of your inquiry, that the average rate of labour performed by slaves in crop time was from fourteen to fourteen and a half hours during the twenty-four?—Yes, but when employed in the manufacture of sugar only

Does this remark, as to the rate of labour, apply to the old or the new law?—The arrangement was made under the old Ordinance; but I have reason to know that the same system prevails in fact under the new law, from it not being generally known that the alteration had been made as to the difference of hours.

With reference to the three estates of which you have spoken as not complying strictly with the law in existence at the time of which you speak, by which eight hours

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hours of consecutive rest was allowed to the slave, will you be pleased to explain in what respect, or from what causes, the rate or times of labour differed on those estates from the others visited by the Commission?—From a misconception on the part of some of the French planters, arising, I believe, from the omission of a word in the French translation, they conceived that they were bound to give the slaves employed in the manufacture of sugar eight hours out of the twenty-four; they divided their spells, to carry on the manufacture during the night, under the following arrangement: The first spell being called into the mill at midnight, were relieved at two o'clock *p.m.* by another spell, which continued till midnight, so that that spell had but six hours consecutive rest, having had two hours to make the eight of rest, which they conceived to be the law, as I have now stated. I must observe, that this only took place on three large estates, where the number of people were such, that it was only every third day that the mill-spell were deprived of their night's rest; but, since that period, the practice is discontinued.

In the performance of your duty as a Commissioner, although as you have stated, in point of fact, that the slave is called upon in crop time to perform labour from fourteen to fourteen and a half hours out of twenty-four, did you construe that law to mean that the slave might be worked, at the option of the planter, for sixteen hours out of the twenty-four?—Certainly, that the slave employed in the manufacture of sugar might be so employed.

You have stated that you have reason to know that the same system is now continued which you have explained, under which the slave, in fact, is called upon in crop time to perform fourteen to fourteen and a half hours labour out of twenty-four; do you understand that the present law, which reads, "That the slave must, upon extraordinary occasions of forced crops, have six hours of consecutive rest out of twenty-four, besides two hours for meals and rest;" do you understand, I ask, the law to be construed by planters to the same effect as the old law was, according to the system explained by you as existing upon the three estates in question?—The law as it exists at present, is what was supposed to be the law in the case of the three estates to which I allude; but the general practice is that founded on the explanation given by the last visiting Commissions.

But I ask simply with reference to the construction of, not as to the practice under, the present law, whether it be understood that the slave might, according to the option of the planter, be employed for sixteen hours out of the twenty four?—I do not think the law is generally so read, for it is only within a few days that my own attention was drawn to that alteration in the law.

Do you attend the estates as a surgeon?—Yes.

Will you have the goodness to state what is the average of sick, in and out of crop time, on any estate or estates which you attend?—Without reference to the books of the estates, I cannot state the average number of sick on any estate; but I do not consider any particular season of the year greatly to influence the health of the negroes; they are subject to epidemics, which are common to all seasons of the year.

By His Excellency.]—In your observation, have the negroes who have been worked during crop time in the sugar houses, suffered from that cause in sickness more than at other periods?—Certainly not; it is universally allowed that the slaves employed in the manufacture of sugar are more healthy.

Would you rather say that the time included between the 1st of January and 30th of June, or that between the 1st July and 31st December, is the more healthy in St. Lucia?—During the fifteen years that I have inhabited St. Lucia, I have known as much sickness prevail amongst the negroes in the first six months of the year as the last.

Comparatively speaking, are the plantation slaves or the white inhabitants of St. Lucia the more healthy during the first six months of the year?—The white inhabitants are subject to the influences of climate in the autumnal season, which do not affect the black population, and consequently that is usually the most sickly season with the white inhabitants.

Do you infer, then, from this view of the question, or from any other, that the white inhabitants are more healthy during the first six months of the year, or during the last?—That they are more healthy during the first six months.

During what season of the year do you apprehend that epidemics or other destructive diseases are most prevalent among the slaves?—I have already stated that these epidemics are common to all seasons; but the two most destructive epidemics

epidemics I have witnessed in St. Lucia among the slaves, were in the months of January, February and March.

By Mr. Muter.—As a medical man visiting estates, and having had an opportunity of observing the work performed by slaves in and out of crop, on sugar plantations, do you consider that the time they are required to work out of crop, to wit, nine and a half hours, and fourteen and a half hours occasionally during crop time, under the existing law, is likely to over fatigue them or to injure their health?—As Medical Reporter to the Courts, it very frequently occurs that I am called upon to examine slaves, and to report upon their physical capacity to perform the work required from a slave under the existing law, and I can conscientiously declare that in no instance have I ever witnessed any bodily suffering produced by the exaction of the labour authorized by law; these applications being made more frequently by the proprietor than by the Protector of Slaves.

By His Excellency.—Supposing that construction of the existing law to prevail, which would allow the exaction of sixteen hours labour from a slave during the twenty-four, instead of that which you state in your experience to be the practice under this law, should you say that the former degree of labour would be more than with safety could be exacted consistently with the bodily powers of the slave, and a due regard to the preservation of his health and the usual period of human life, or the contrary?—No, I do not; and this opinion was given by me upon the occasion of passing this law, and after the most careful examination of the subject, as I do not consider the employment of slaves in the manufacture of sugar as a labour that can in any way be injurious to their health, or contribute to shorten the duration of human life.

Are you enabled at present to say whether the proportion of sickness throughout the year be greater among plantation slaves, domestic slaves, or slaves employed as tradesmen?—I think among a given number of adult slaves there will be found to be less sickness among the agriculturists than any other class of the population.

Do I understand you to mean that your answer refers only to adult slaves, in answer to the question put, and not to those who have not arrived at full years and maturity of strength?—By adults, I would distinguish between those who are able to take care of themselves, and the children who require to be looked after; as I conceive that much of the decrease of the slave population on the estates is attributable to ignorance or negligence on the part of the slave mother; and yet I do not consider the mortality among the infants of plantation slaves greater than that which takes place among the lower classes in England.

SEVENTH WITNESS sworn.—*Louis de Brettes, Esq. of Gros Ilet.*

Will you be pleased to state your name, occupation, and place of residence?—Louis de Brettes, planter, residing upon the Cap Estate, quarter of Gros Ilet.

Will you state what knowledge you have of the ordinary rate of labour exacted from the slaves upon that estate, in and out of crop time?—Out of crop time they are worked from six to eight in the morning; they have half an hour for breakfast, and work till noon; from two hours to two and a half for dinner, and work till sun-down. In crop time, the people about the mill commence sometimes at midnight, sometimes at one and sometimes at two o'clock; it depends upon the quantity of canes. The people about the coppers commence from three to three and a half hours later. The spells work for twelve hours; if from twelve at night, to twelve at day; and if they commence so late as two, they stop at twelve o'clock that day, being the fixed hour for changing the spell, during the meantime taking their meals, for which they are relieved when at work; they have then two hours, after which they go to work with the field people, and leave off at sun-down; they perform this work twice in three days, that is, on every third day. The second and third gangs are worked in rotation, the same way.

Whilst the first gang is at work at the mill, in what manner are the other people worked?—In the same manner, and for the same number of hours, as out of crop.

EIGHTH WITNESS sworn.—*George Birrell, Esq.*

Be pleased to state your name, occupation, and place of residence?—My name is George Birrell, Procureur General of the Royal Court of Saint Lucia, and ex-officio Protector of Slaves, residing in Castries.

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Have you a knowledge of the ordinary rate of labour exacted from the slaves in and out of crop time, on any one or more estates in this Island?—My knowledge on that subject is not very practical; when I filled the office of Curator of Vacant Successions, I had an estate belonging to the succession of Mr. M'Cullom under my official charge, and, visiting it occasionally, I had opportunities of seeing the negroes proceed to work. In the morning they were seldom or never in the field, to my knowledge, before six o'clock, on account of the great humidity of the valley, and the prejudicial effect on the negroes until the sun arose. I allude particularly to field labour, both in and out of crop. Aware of this unhealthy quality of the estate, I desired the manager, Mr. John Miller, not to order their attendance in the field before six o'clock, at which hour they almost invariably had all assembled and commenced. On almost every occasion they repaired to the fields without any means of coercion, and from being a complete patch-work and hitherto unruly gang, they became one of the best behaved at that time; and as Protector of Slaves, I can now affirm the same, there being hardly six estate punishments in the year among a gang of one hundred and five negroes, and no complaint on either side. They worked until noon, with the usual interval for breakfast; they had the two hours from twelve to two, and quitted the field at sun-set. As to the work in crop time, in the works, I cannot particularize it, but I never heard any complaints or any grumbling.

From your experience as Protector of Slaves, are you enabled to state whether slaves on estates in this Island are commonly worked in the manner which the law prescribes, or otherwise?—My experience as Protector must depend on complaints of over-working. I have had two or three complaints of over-working, but only one of them was proved, and that was out of crop, and the proprietor was fined twenty pounds sterling.

In entertaining the complaint of a slave for being over worked, what hours for work, in and out of crop time, do you take for your guide?—Out of crop time, I refer to the Ordinance, which requires the slave to be in the field at half past five, and to continue working till noon, with the exception of the half hour for breakfast, when they have two hours for rest, and to repair again to the field at two o'clock, and continue working till sun-set; but I carefully mark the exceptions as to pregnant women, and nurses, and women with six children. In crop time, field labour is the same; but in the boiling house, if a slave is worked sixteen hours out of twenty-four, I should hesitate to receive his complaint. I do not consider the distribution of the six hours and the two hours as falling under my cognizance, provided they have *bonâ fide* received eight hours out of twenty-four, but those six and two hours at separate intervals.

Have you deduced for your guidance any rule under the law, on entertaining the complaint of a slave, by which to determine the manner in which spells or spell-gangs are to be divided?—No, I have laid down no rule; but if slaves come with a complaint of being worked over the sixteen hours, I should then send the complaint to be determined before the Court. On the subject of spells or watches, I have not a very clear understanding; and I do not very rightly apprehend the meaning of Section 6, of the second Supplementary Ordinance, as to slaves being "worked at night only on extraordinary occasions of forced crops, that they shall be then distributed in spells, or watches."

May I ask if you have affixed any particular meaning for your guidance in entertaining the complaints of slaves to the following words in the Section which you have cited, namely, "extraordinary occasions of forced crops," in their connexion with the other parts of the Section cited?—I read the Act literally, and the only meaning I affix to these words quoted, is, that it means the sugar-making season; I do not know what "forced crops" mean. In the present state of the law, much is left to the discretion of the planter himself.

But to draw your attention more particularly to the connexion of these words with the other parts of the Section to which I allude, allow me to ask you what you conceive to be the meaning attached to the words "on extraordinary occasions of forced crops," occurring as they do; thus, "when slaves are employed in manufacturing labour, they shall only be worked at night on extraordinary occasions of forced crops;" do you conceive that as connected with the words "when slaves are employed in manufacturing labour," the other words, "on extraordinary occasions of forced crops," can mean the same thing as the simple expression "manufacturing labour," or do you conceive that it means extraordinary occasions of or during that manufacturing labour?—The expression "manufacturing labour" is modified by the
more

more specific terms of "extraordinary occasions" and "forced crops," which it is impossible not to observe, but which, as I have said in a former answer, I do not clearly understand, from a limited knowledge of a sugar plantation.

[Adjourned until 10 o'clock to-morrow.]

Saturday, October 1st. Re-assembled: when Mr. Birrell proceeded thus, in continuation of his answer of yesterday:—"I have never had any complaint from slaves on that point, nor my particular attention called to it from any other circumstance; and if such complaint had been made, I should have endeavoured to clear up my doubts by consulting the public officers. However, on referring to Article 4th of the first Supplementary Ordinance regulating Sunday work, it declares that 'slaves may be employed in grinding and boiling off the canes and juice remaining over from the preceding evening.' This last expression elucidated some of the doubts which I had previously entertained, in my examination of yesterday, for it is obvious that the Ordinance contemplates a cessation from night-work during crop time, on ordinary occasions."

NINTH WITNESS sworn.—*W. Wasbrough.*

Be pleased to state your name, occupation, and place of residence?—William Richard Wasbrough, manager of the Diamond Estate, property of Madam Alexander, widow, Quarter Souffriere, on which estate I reside.

Be pleased to state what knowledge you have of the ordinary rate of labour exacted from the slaves on that estate, in and out of crop time?—Out of crop time they come out a little before six; they do not get into the field, unless adjoining the yard, before six; they work until half past eight, at which time the bell is rung for breakfast, and at nine the bell is rung, but they are never in the field until a quarter after; from the time of their assembling, they work until half past eleven, at which time the bell is rung for them to take their dinner. At two o'clock they turn out with a bundle of grass, collected during the two and a half hours, which I conceive to be a half hour's work, then they work till sunset. As the sun sets, the bell rings for prayers, and they then go home, and nothing more is required of them. In crop time, if the weather is fine and the canes require cutting, the mill-gang come out between three and four in the morning, and the remainder at six o'clock, as usual, to cut canes; or if the field is near, a little before six, at which time the boilers, and the others required about the manufactory, have been at work half an hour or an hour; they cut canes until half past eight o'clock, at which time they take breakfast; at nine o'clock the bell is rung to re-assemble, and the field people work the same as out of crop, taking home a bundle of cane-tops, and not having the additional half hour at dinner time. The people employed about the manufactory (the mill and boiling-house) are always two or three more than are indispensably necessary, from the inability of giving them the stated times for dinner and breakfast, to enable them to dismiss one at a time to go out and get their meals, as the process could not be stopped without the greatest detriment to the owners. The mill begins from three to four hours before the boiling-house, and stops the same time before, so that both are employed from fourteen to sixteen hours at the utmost; but when I say sixteen hours, it is upon very extraordinary occasions, but never beyond that; those people are seldom beyond a third of the efficient persons, so that it occasions each to work only every third day, unless on extraordinary occasions of sickness and runaways; they frequently finish at three or four, and sometimes at six, seven, eight or nine, but this depends on the hour they commence. The carriers, or mule conductors, cannot have a stated time, but they have their meals given them when it can be procured.

His Excellency.]—How many hogsheads did you make last crop?—Thirty-four of thirty-eight inch truss.

Mr. Muter.]—How many hogsheads do you make in a day?—One on an average, if it is fair and the weather permits.

Mr. Muter.]—How many days are the people actually employed in making sugar?—I cannot say, never having kept an account; but the crop made this year was not half a crop, nor will it pay the expences of the estate, to my knowledge.

Mr Muter.]—How many negroes on the estate?—I think ninety-four.

TENTH WITNESS sworn.—*Louis*, a Slave, and Driver on the Grand Ance estate.

State your name, occupation and place of residence?—My name is Louis, a slave, and driver on the Grand Ance estate.

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State what hours the slaves work, out of crop, on Grand Ance estate?—They commence at six, and finish at six; two hours for dinner and half an hour for breakfast, with Sunday and Monday for ourselves.

In crop?—In crop time, when there is not a good breeze, we commence at four o'clock, so as to be a little in advance, but when good wind at six, and finish at eight o'clock at night; we stop the mill a little for breakfast and dinner, but when the mill is brisk, some are feeding the mill while others take their meals.

Do you allude especially to the mill-gang now?—Yes.

How are the others worked, that are not at the mill?—They get up at six and work till noon, with the time for breakfast, and the same as out of crop.

How are the spells changed?—Every other day.

Mr. Muter.]—Do you get every Sunday and every second Monday?—In crop time, we get every Sunday and every second Monday.

Mr. Muter.]—How do the slaves employ themselves from twelve until two o'clock?—They work in their own gardens, and a little before two go and eat their dinner.

Mr. Muter.]—Were you on the estate before the whip was disused in the field? Yes.

Mr. Muter.]—Do you find the people do as much work now as before it was disused?—Just as well without the whip, they do just as much as they did before, and when we used the whip the negroes were always in the habit of running away, but now there is more work done on the estate.

Mr. Jackson.]—What do you do on Sundays?—Those who choose go to church, others work about their houses, others dance and amuse themselves.

Mr. Jackson.]—What do you do on Monday?—On Monday we work all day in our grounds, till evening, when we bring home a bundle of grass.

ELEVENTH WITNESS sworn.—*F. S. Tisnes, Esq.*

Be pleased to state your name, occupation, and place of residence?—Fabian Sebastian Tisnes, a coffee planter, residing on my estate, Now Repose, in the quarter of Souffriere.

Will you be pleased to state what knowledge you have of the ordinary labour exacted from slaves on that estate, or any other coffee plantations with which you are acquainted, in and out of crop time?—Conformably to the Ordinance, I order my driver to call out the gang at six in the morning, nevertheless I wish to observe that they take at least a quarter of an hour before they get to work, and when the coffee fields are far off it takes half an hour before they commence work; when the places of work are at a distance, the slaves are in the habit of carrying their breakfast with them, not exactly into the fields, but leave it in small huts contiguous to the fields, where they retire for the purpose of eating it. At the time for breakfast they are allowed half an hour, and it is necessary to observe that they are often ten minutes more before they return to work. At noon they stop work, and though two hours are then allowed them to repose, they never so use them, but go to their gardens to cultivate them. The shell is blown at two o'clock, and they proceed direct from their own gardens to the field. The negroes eat a great deal for breakfast, and it is not the general practice to dine at noon, they pick up fruit in their gardens, and after returning from work, supper is their chief meal; they leave the field at six o'clock. With the coffee planters, the system is pretty much the same throughout the year, and the work is light, they go into their houses on their return, and then go to prayers, after which they do as they please, having brought in a bundle of grass, which they collect near their houses. I would observe, that about nine months of the year, to the middle of September, are out of crop time, and during that time they have both Sundays and Mondays. In crop, they are seldom required to work later than nine o'clock, after the following manner: they leave the field, as ordinarily, at six o'clock; they are divided into two gangs, one of them is required from seven until nine, turning the coffee; the same gang are required to turn out at four in the morning until six, to wash the coffee; during this time the other gang are at rest; and the other gang are worked the next day, in the same manner, while the first gang repose. It is the custom in crop time to hire labour, to assist.

TWELFTH WITNESS sworn.—*A. Prepin, Esq.*

Be pleased to state your name, occupation, and place of residence?—Pierre August Prepin, Manager of the Pearl estate, Quarter of Souffriere, and Commissary Commandant

Commandant of said Quarter, and residing on that estate, the property of my father.

Will you be pleased to state your knowledge of the ordinary rate of labour exacted from the slaves on that estate, in and out of crop time?—Out of crop time we call the gang at half past five, and they begin to work at six, continue to work until half past eight, when they have their half hour, continue till noon, when they have two hours, and continue till six o'clock, or sunset; they have always their Sundays and Mondays; they are allowed half an hour, twenty minutes, or three quarters of an hour, according to the distance, before noon, for cutting grass, and they throw it when they answer their names at the two o'clock call. In crop time, the field people work in the same manner as out of crop, and those employed in the works do no other duty; the mill-spell commences from three to four o'clock, and ends at five or six o'clock; the boilers commence two hours after the mill gang, and continue two hours later. From the nature of the people, I find it more convenient to grind every other day. I have two complete mill gangs, but not two complete gangs for boiling the sugars, so that the same persons are only employed in grinding every fourth day; I have always a spare man to relieve those employed in mill work, when at meals.

By Mr. Jackson.]—Do the slaves attend church as frequently and regularly as they did before the Sunday market was disallowed?—No, they do not go at all now.

Would you allow me to ask you to what circumstance you attribute that?—They have no longer the same inducement as if the market was on Sunday; on Sunday they went to sell their commodities, and then went to church; but now the market is on Monday, when there is no church.

Am I to understand from this answer, that the church and the market are near each other, and that Sunday being formerly the market day, they took occasion, after going to market, to go to church?—Yes.

By Mr. Muter.]—How many negroes on your estate?—One hundred and nineteen.

Mr. Muter.]—How many hogsheads of sugar did you make this year?—Seventy-two.

Mr. Muter.]—How many a day?—Two per day; the making the crop occupied thirty-six in manufacture of the sugar; but it is necessary to observe that they were occupied, in the intervals between these days, at work in the field.

Mr. Muter.]—When you commenced to make sugar, would it injure the quality of the sugar if you stopped the progress of the process before you finished the two hogsheads?—Yes.

You have said, in answer to a question put by Mr. Muter, that thirty-six days were employed in the manufacture of seventy-two hogsheads of sugar, and that the intervals between these days were employed in cutting canes; will you oblige me by stating what were the intervals between the days on which you were accustomed to grind, or how many hours or days labour it was necessary to employ for cutting canes for the grinding, previously to the commencement of the manufacture?—The intervals between the days of manufacture, according to the distance of the canes, were one day, one and a half to two days, which were employed in cutting canes for supplying the mill.

By Mr. Muter.]—During the crop seasons, when the negroes of your estate are not actually employed in manufacturing sugar, are they only required to work the same number of hours in twenty-four as they do out of crop season?—Yes; the number of hours they are required to work is the same as out of crop, when not actually employed in manufacturing sugar.

THIRTEENTH WITNESS SWORN—*Louis Lacour, Esq.*

Be pleased to state your name, occupation, and place of residence?—Louis Lacour, planter, and proprietor of Perron estate in L'Ance, Roseau Quarter of Castries; at present residing in the town of Souffriere.

Have you a knowledge of the ordinary rate of labour exacted from slaves, in and out of crop time, on this or any other estate in this island?—The negroes go out sometimes at six, and sometimes at half past six in the morning (they are in the quarter very headstrong, and cannot sometimes be got out until much later to work) and work until eight o'clock; they are allowed half an hour for breakfast; if they are at work near their houses, they go to their houses, and it is seldom they do otherwise than eat their breakfast in their houses, the canes being in the neighbourhood of them; at nine they go to work, and work till twelve, with the exception of

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of the nurses, who leave the field at eleven; they rest two hours, and sometimes two hours and a half, and they work from that till sun-down; the nurses go but at three, and return half an hour before the rest of the gang; but in crop time, ordinarily, they put the mill about at half past four or five o'clock; the spell is changed at twelve o'clock, when the other spell goes to the mill, and continues till six, seven, or eight o'clock, according to the supply; sometimes the mill stops at four, and the boilers go on till seven; the boilers of course commence their work in the morning later, and the first gang, after leaving their work at twelve, go to the field with the rest at two o'clock, and continue till sun-set. Each spell is worked in turn after the same manner, and those not employed in the manufacture are employed in the same manner as out of crop. The spells are required to perform the labour, as described, once in two days.

Adjourned until 11 on Monday.

Monday, October 3d.

FOURTEENTH WITNESS sworn.—*Clement Inge, Esq.*

Be pleased to state your name, occupation, and place of residence?—Clement Inge, planter, Commissary Commandant of the quarter of Gros Ilet, residing upon my estate, Beau Sejour, near Gros Ilet.

Be pleased to state your knowledge of the ordinary rate of labour exacted from slaves upon your estate in and out of crop time?—They commence, out of crop time, at six o'clock in the morning, and labour until noon, with the interval of half an hour for breakfast; afterwards from two o'clock till six. In crop, I never commence before six. The spells are changed at mid-day. Sometimes they finish boiling at eight, sometimes at ten, and sometimes they are obliged to continue till twelve. I have three spells; the first spell, relieved at twelve, have two hours to rest, and then go to the field and labour until six; the second spell work from twelve at noon for the remainder, till the work is finished (from ten to twelve) and then go to sleep; they rest from that until six or half past six, and then proceed to work in the field, as on ordinary working days; and the third spell is worked the same as the first. The longest time they are worked is twelve hours, and that comes once in three days; the third spell having worked like the first, from six in the morning until twelve in the day, they are relieved by the first spell, who work from twelve in the day until the work is finished, as before stated; the first spell having been engaged from six in the morning until twelve, the time of changing spells, and having their entire night's rest: but this spell, it should be observed, as it is a cattle-mill, which can easily be stopped, have ordinarily nearly an hour's entire cessation from labour, to take their meals.

How long does the crop time last, which requires this labour?—Ordinarily I commence in January and continue till the month of June; but there are many intervals when the grinding of sugar is not going on, and during these intervals the people are employed for the same number of hours as out of crop; the number of days actually employed in manufacturing sugar being about seventy-four for my crop; averaging a hogshead a day.

Mr. Muter.]—How many negroes have you?—One hundred and eighteen.

FIFTEENTH WITNESS sworn.—*Gabriel Leuger, Esq.*

Be pleased to state your name, occupation, and place of residence?—Gabriel Leuger, proprietor of the estate of Ance Galet, Commissary Commandant of the quarter of Ance la Baye, and Member of the Royal Court, residing on my estate of Ance Galet.

Will you be pleased to state your knowledge of the ordinary rate of labour exacted from slaves on your estate, in and out of crop time?—Out of crop time I never begin before six, and it is often seven before the people get to work; they continue to work until eight o'clock, when they have half an hour for breakfast, but they generally take twenty minutes more before they begin again; they then labour till noon, rest till two, when they again blow the spell; but the negroes generally take twenty minutes more before they begin work, then they continue till six o'clock or sun-down. In the interval allowed after twelve, some go to their huts to rest, but the most industrious work in their gardens or cut log-wood, or go to fish, on their own account.

account. In crop time they (the mill spell) commonly commence at four o'clock in the morning (they are divided into two spells), and continue until six in the evening; during that time there is no change of spell. The people in the mill are twice as numerous as required, which enables them to sit down and rest themselves occasionally, and take their meals; and in the boiling-house there are three more than are required, so that they can take their meals and rest themselves in like manner. The mill ordinarily stops at six, but the boilers, who commence two or three hours later in the morning, consequently continue till seven or eight, or perhaps sometimes, but very rarely, till nine o'clock; the persons who understand and do their duty properly, would ordinarily finish at seven. I might very well have three spells, but both myself and the people prefer but two, as it comes so light upon them; and under this system they are always singing and making merry, which I like to see. The persons not employed in the manufactory are employed the same as out of crop; those employed in cutting canes in crop time on my estate, employ the interval afternoon in the same manner as out of crop.

By Mr. Muter.]—How many slaves upon the estate?—Seventy-seven.

By Mr. Muter.]—How many hogsheads of sugar did you make this year?—Eighty hogsheads of thirty-four inch truss.

By Mr. Muter.]—How many hogsheads per day?—One and a half per day, working on an average of fourteen hours.

By Mr. Muter.]—How many days are you making your crop?—About sixty to sixty-five days; but it depends on the water, as mine is a water-mill.

By Mr. Muter.]—If you were limited to twelve hours to taking off the crop and the process of manufacture, would the sugar be injured, or could it be taken off in that time?—The quantity of the sugar would be injured, and it would be impossible to take off the crop; if even the fire-men were to stop for a few minutes in furnishing fuel, the sugar would be injured.

But you do not mean to say, I presume, from this answer, that any thing more than a sufficient quantity of consecutive labour is required to perfect the process of sugar-making, whether that labour be made of one, two, three or more spells?—I do not see that there would be any difference, provided there was a sufficient supply of consecutive labour.

Which do you think would be the most efficient labour, that of persons who are not tired, or that of persons who are?—Those who are not, of course.

SIXTEENTH WITNESS SWORN.—*Bitte Mertelli, Esq.*

BE pleased to state your name, occupation and place of residence?—*Bitte Mertelli*, planter, residing on my estate of *La Resource*, in the quarter of *Dennery*.

Be pleased to state your knowledge of the ordinary rate of labour exacted from slaves on your estate, in and out of crop time?—Out of crop time the spell is blown at five o'clock, and the people are in the field at six; that is always the case.

Are then the negro-houses at a great distance from the field?—Some are close at hand; others much further off.

What is the distance of the furthest?—About as far as *Madam Drouilliet*; about a mile; they go to breakfast at eight o'clock; they are allowed the usual time for breakfast, half an hour. The nurses go to their houses to suckle their children, and then return; they work till twelve, and are then allowed two hours for dinner; they then go to work and continue till six o'clock or sunset.

Is there any exception as to nurses in the hours of labour on your estate?—They go to the field generally in the morning an hour later, and are allowed to be less punctual at the other hours.

State the rate of labour in crop time?—If the spell commences at six in the morning of *Tuesday*, they continue till midnight; this happens when I have a sufficiency of canes ready to go on with.

Mr. Muter.]—What hours of repose and for repast have the negroes so employed, from six A.M. to twelve at night?—The slaves are perfectly pleased during crop time, and are relieved by others to take their meals.

In what manner do the slaves take their meals during these eighteen hours?—There are two or three persons employed in carrying the megass (cane trash); these persons relieve the others at the mill while they go and get their breakfast; when so relieved, they go to the huts and bring down their own meals and those of others, which they eat in the boiling-house.

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Mr. Muter.]—When the mill commences at six A.M. when does it stop, or is it going all day?—In such case, if I have canes sufficient, the mill goes all day.

Be pleased to proceed, and state the number of spells which you have, and other matters respecting the labour in crop time?—I have three spells; I commence with first as if to-day at six o'clock in the morning, and work until twelve at night, in the manner above stated. The second spell commences relieving the first at twelve at night, and continues until twelve the next night; as soon as the second leaves off, the third spell commences, and commencing at twelve at night, would be relieved at five or six in the next evening. This first gang now commencing at six in the evening, work till midnight, when they are relieved by the second gang; they then continue to work on till prayer time or six o'clock; the third gang then commences and continues till midnight, when it is relieved by the first, which continues until five or six the next evening; the second commences then and continues till midnight, then relieved by the third, which continues till six the next evening. This is the routine of work on my estate.

Before this Witness was required to answer further questions at the desire of the First President, the foregoing evidence, as to the rate of labour in crop time, was read over, to give the Witness a fair opportunity of ascertaining its correctness, after which the Witness was ordered to withdraw.

The Witness was again called in, and desired to state in what particulars, if any, the foregoing statements might be incorrect; and that part of the evidence relating to the rate of labour in crop time was again deliberately read in French by the interpreter: when the evidence having been read down to these words, "The second spell commences relieving the first at twelve at night, and continues until twelve o'clock the next night," the Witness said he was in error in this statement; and that so commencing, this spell would continue to work until five or six, or prayer time the next evening. This being read to the Witness, he said he had no other observations to make upon this point, but that the negroes were never worked more than eighteen hours in succession. The Witness then proceeded, that the second spell so commencing at midnight would work on till five, six, or prayer time next evening; that they would then be relieved by the third spell, who worked till midnight; the first spell then works from midnight until five, six, or prayer time next evening; then they are relieved by the second spell, which continues from six in the evening till midnight; and are then relieved by the third spell, and work till five, six, or prayer time next evening; the first spell relieve them and work till midnight.

Am I then clearly to understand from you that the persons employed in the manufacture of sugar are divided into three spells, which are worked alternate times for eighteen and six hours?—Yes.

In what manner, and during what hours, are the slaves employed in crop time who are not thus actually employed in the manufacture of sugar?—From six o'clock in the morning to six o'clock in the evening.

What hours have these people in crop time for their meals?—They have two hours for dinner and half an hour for breakfast, and sometimes they do not go to work until twenty minutes after two.

Mr. Muter.]—How many negroes on the estate?—Eighty-two.

Mr. Muter.]—How many hogsheads of sugar did you make this year, and their weight?—One hundred and forty of one thousand pounds net weight, which is thirty-two inch truss.

Mr. Muter.]—How many do you make in the twenty-four hours?—Two hogsheads, with a water-mill which is scantily supplied with water.

How many days do you take to manufacture that quantity?—Seventy days my mill is at work for that purpose.

Am I to understand that you mean seventy times twenty-four hours?—Yes, night and day.

The evidence of this Witness having concluded, he was admonished by his Excellency and by the First President that he had broken the law in working his slaves at any time for eighteen consecutive hours. The law was read and explained to him from the Sixth Section of the Second Supplementary Ordinance to the Slave Law, which is, "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,

circumstance, have six hours' consecutive rest, and two hours' additional, within the twenty-four;" whereby he was told to understand that he had only a right by law to work the slaves at night on these extraordinary occasions of forced crops, and not continually, because the time of working might be within that season called crop time; and that any deviation from law as to the six hours' consecutive rest and two additional in the twenty-four, would assuredly bring down prosecutions upon him. And he was also especially admonished by his Excellency to observe the Fourth Section of the First Supplementary Ordinance, as explaining the intention of the law, it being therein said, "That work might be allowed on Sundays in grinding and boiling off the canes and juice remaining over from the preceding evening;" which word "evening" explains the contemplation of the law in ordinary cases.

SEVENTEENTH WITNESS SWORN.—*Francis Taggart*, Esq. Sworn Interpreter.

YOU are Sworn Interpreter to the Government and the Court?—Yes.

IN the Sixth Section of the Second Supplementary Ordinance in the Slave Law occur the following words:—"When slaves are employed in manufacturing labour they shall only be worked at night on extraordinary occasions of forced crops." In the translation now laid before you of these words into French, will you explain the precise meaning which you understand to be conveyed by them?—I find that to be a correct translation; and I conceive the expression "forced crops" to mean those in which extraordinary labour is to be used for the purpose of completing them.

DO you then conceive every crop is a forced crop?—No.

IS there any thing in the translation here given which could lead you to suppose that the words "travaux extraordinaires dans les occasions de récoltes forcées" apply to every crop, rather than to extraordinary occasions of forced crops?—I conceive it is a literal translation of the original.

EIGHTEENTH WITNESS SWORN.—*Allery de la Thuilleire*, Esq.

BE pleased to state your name, occupation and place of residence?—*Allery de la Thuilleire*, planter, proprietor of the Anee Mahot Estate, quarter of Souffriere, residing on that estate.

BE pleased to state your knowledge of the ordinary rate of labour exacted from slaves on your estate, in and out of crop time?—Out of crop time the law exacts that they shall turn out at half-past five, but it is generally near seven before they actually set to work; they work on till nine o'clock, and then have half an hour for breakfast; the shell blows at twelve, when they leave the field, and again at two, but it is generally three, or half-past three, before they return to work; they work on till sunset; they generally go to cut grass at sunset, when sometimes they bring a small quantity and sometimes they do not. In crop time I commonly commence in January and finish in June. I begin to cut canes on the Tuesday or Wednesday; the next day I begin to put the mill about, about four, five, or six o'clock, which stops at six o'clock that evening; and the boilers, who commence later, go on till seven or eight o'clock. I work by spells, which are two; in the morning until twelve, and the second until they finish in the evening; and so it continues while I am grinding. Those who are not employed actually in the manufacture are employed as out of crop, with their requisite hours for rest and meals. Formerly, with the same number of negroes, I made a hundred thousand weight of sugar, and now I only make from forty to forty-five thousand weight.

Mr. Muter.]—Do you find any difference in the work done during the same number of hours of labour since the abolition of the whip from the driver's hands?—Of one half less.

Mr. Muter.]—How do they appropriate their two hours in the mid-day?—They go out and rob their neighbours; they keep no gardens, with the exception of three or four.

[Adjourned until 11 o'clock to-morrow.]

Tuesday, October 4th, 1831.

EIGHTEENTH WITNESS SWORN.—*Charles Palmer*, Esq.

BE pleased to state your name, occupation and place of residence?—*Charles Murray Palmer*, manager of the Marquis Estate, Commissary Commandant, quarter of Dauphin, and resident on the estate.

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Be pleased to state your knowledge of the ordinary rate of labour exacted from slaves on the Marquis Estate, in and out of crop time?—Out of crop we endeavour to get the people out at half past five; but, in fact, they are not assembled at six. In place of half an hour they take three quarters for breakfast; in place of two hours, which by the bell-ring is exactly allowed them, they take two and a half, and leave off at sunset, after which nothing is done; the grass is generally ready when they are returning, which they bring with them.

Mr. Muter.]—How do they employ themselves during the two hours at noon?—They generally go to their gardens, and sometimes carry logwood, and sometimes fish in the river. In crop we divide them in spells of sixteen hours, in case we require it, but seldom or ever they require to work for sixteen hours, but they are so divided in case they may be required. [Mr. Palmer here produced his scale of labour in crop time, headed “Extent of time when each spell may be required to work, for 1831,” which is appended to the conclusion of this inquiry.] This spelling was made for extraordinary occasions, and the sixteen hours were only exacted in cases of necessity. We commence at no particular hour, but take care not to exceed sixteen hours. It was President Jeremie’s directions to me, in the presence of Mr. Afflick, the proprietor, that I may work the people sixteen hours; and declared, that if the strike was on the fire, I was subject to be severely fined, to an amount of 500*l.* sterling, if I kept them five minutes longer. In the presence of Mr. Afflick, I asked the meaning of forced crops, and Mr. Jeremie told me, that all crop time was forced crops. The negroes were in great disorder when I undertook the care of the estate, and I had the task of bringing the new laws into operation, which had not been previously in operation. I wished to have worked the people sixteen hours, but the attorney, Mr. W. Muter, was against it; and he made inquiry of Mr. Jeremie on the subject previous to my inquiry. According to my table I could commence at any hour after twelve, but we commonly commence at two, three, or four o’clock; if we could not get the strike out, and when necessity required it, we would commence at two; and supposing we commence at two, three or four, and change at twelve at noon, when we always change, then get their noon time, and work four hours after until sunset. We have three spells. [Mr. Palmer here produced another paper, which was the rule by which the spells were worked; it is as follows :

“ To be observed by all employed on Marquis, relating to the sixteen hour spells :

“ When emergency demands it, with the exception of Saturday night.

“ No work of any kind to be carried on in the buildings from ten o’clock to twelve at night.

“ *1st Spell.*

“ Commences at twelve or after at night, and work in the manufacturing labour until twelve o’clock at noon; take their noon of two hours, and work from two to six in the field labour; twelve hours manufacturing; four, field; sixteen.

“ *2d Spell.*

“ Commences in the field at six o’clock, and repairs to relieve 1st spell at noon; works at manufacturing labour until ten o’clock, when, as above, no work can be exacted on any consideration; six hours field, ten manufacturing.

“ *3d Spell.*

“ Commences, if required, as 1st spell, and work accordingly, and so on one after the other.”

(signed) “ *Cha’ M. Palmer.*”]

It may be proper to observe, that this is the largest estate in the Island; we have two hundred and ninety-seven slaves; being a large estate, it is necessary to spell them in this manner, otherwise the crops could not be got off. If I could so work the gang, all other estates may do the same. I had a trial before the Court, arising from slaves taking two hours in the morning, which they were not entitled, out of the sixteen, and the Court gave judgment in my favour, that I may work sixteen hours; I think the trial took place in April or May of this year, and I had before the Court the same Tables I now produce.

A Minute was here directed to be made by his Excellency for the production of the Record of the case above alluded to, to be annexed to these proceedings.

Mr.

Mr. Muter.—What quantity of sugar did you make this year, and how many do you make each day?—Two hundred and thirty-one hogsheads of sugar, of 38 inch truss; but the general quantity which the estate used to make was 250 to the same size, and we make three a day, which occupied upon an average about eighty-five days, allowing for broken days and accidents; it must be fully that; but this will more correctly appear from the Records of the estate, which were kept by another individual, and which I will send in, as I cannot now speak positively.

NINETEENTH WITNESS SWORN.—*Noel Andrew*, a Slave and Driver on Rosseau Estate.

STATE your name, and employments and residence?—Noel Andrew, a slave and driver on the Rosseau Estate, property of the Honourable P. Muter.

State your knowledge of the ordinary rate of labour exacted from the slaves on the Rosseau Estate, in and out of crop?—They commence out of crop ordinarily at half-past six if the weather is bad, but in good weather at six regularly; we have a great deal of bad weather; the estate is situated in a low damp valley; at half-past eight they have their half hour for breakfast, return to work at nine, and work till twelve; two hours exactly given for dinner, and they leave off from five to half-past five; the people then arrive with their grass exactly at six; the nurses go out at seven; they return with the other people to breakfast, and remain in three quarters of an hour later, being until a quarter before ten; they return at eleven; they go out at two with the other people, and return at five; they are not required to bring grass; as soon as the pregnant women are one month with child they do no work; in crop time the spell gang goes out at five o'clock in the morning, and the mill goes round at six; they stop till half-past nine, when they get breakfast in the mill-house; they have even an hour for breakfast [*literal words of Witness*]; the mill stops at one o'clock, and they get their dinner from one to half-past two; but the coppers do not of course stop, because the making of sugar would not permit it; the whole works are shut up and closed at eight o'clock.

Mr. Muter.—How do the negroes employ themselves at noon time?—Some go and work for themselves, others are lazy.

Mr. Muter.—How do they dispose of their Sundays and Mondays?—On Sundays some go to church, and some remain at home; on Mondays the industrious who have any thing for sale go to market, and those who have nothing remain at home; some go to their gardens, but the lazy ones never do.

Mr. Muter.—Since the whip was abolished, what difference does it make?—I do not see much difference; it is the greatest hardship to the driver not having the power.

Mr. Muter.—Does it make any difference in the quantity of labour?—They do not perform the same quantity of work.

Mr. Muter.—Since the abolition of whip, has the crop diminished?—Since the new law, they do not make so much by one fourth.

TWENTIETH EVIDENCE.—*John Richardson*, Esq.

BE pleased to state your name, occupation and place of residence?—John Richardson, manager of Tone Estate, Commissary Commandant of the quarter of Praslin, and resident on the estate.

Be pleased to state your knowledge of the ordinary rate of labour exacted from slaves on this estate, in and out of crop time?—Out of crop we never commence labour until sunrise, and we continue until eight o'clock, when the slaves have half an hour for breakfast; they then commence and continue till noon; they then have two hours at noon, commence again at two, and finally break off at sunset, when prayers are said, and they return to their houses; they bring a small quantity of grass, but it is more matter of form than otherwise. In crop time the same field labour for those in the field as out of crop time. The gang is divided into three spells; the spell is raised from three to four, and about four the mill goes to work; the boiling people never commence boiling until daylight; the spell is changed at noon. This spell has two hours at noon to go to their gardens or their houses, as they please, and then go to the field. The second spell take the mill at noon, and continue at it until nine o'clock, having been previously occupied in field labour as out of crop time. The mill often stops before nine, frequently at eight, but all work is stopped at nine. When the mill is about, the average labour when employed in manufacture is from

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fourteen to fifteen hours labour. Each spell thus works from twenty-five to thirty days during the crop.

Mr. Muter.]—Could it be done in less time without injuring the sugar?—It could not, the process could not be stopped without injuring the sugar.

What in your estimation is the correct meaning of “forced crops?”—I should suppose it means from any accident which may occur upon an estate which would cause the labour to be forced.

TWENTY-FIRST EVIDENCE sworn.—*Pierre Louis*, a Slave, Head Boiler-man on Rosseau Estate.

WHAT are you?—I am a slave, and head boiler-man on the Rosseau Estate; my name is Pierre Louis.

State the labour performed by the slaves in and out of crop on the Rosseau estate?—Out of crop, when it rains, the people go when the sun is high; do not measure by the clock; they go to breakfast at half-past eight, at nine they turn out again, work till twelve, rest till two, then commence work; but though the shell blows at two, it is generally half-past before they go to work. Work till half-past five; at six they call the list and bring with them the grass, and are then dismissed; they do no more work. In crop time the spell is raised at five, and the mill is put round at six. It is sometimes seven o'clock before we begin to boil; there are three spells of the mill gang, and four spells of the boilers, and six spells of the persons who supply the fire, it being the hardest, and is done by the stoutest people. The mill stops at six, sometimes before; the coppers stop at eight o'clock, but the crop cannot be made at this rate; master says we must work this way, but we cannot make off the crop at this rate; there is too much time given. We stop the mill for breakfast, we stop it for dinner, and we stop it entirely at six. Master makes us take too much time; if the persons all work well they may do all their work at four in the mill, but some work well and some are idle and will not work. For my own part, I would prefer to put the mill round at three and continue till ten, and get the crop soon off; there is no complaint; all have breakfast, dinner, rum, salt-fish, flour and every thing we want; after the crop is off, I have all my time to myself, all the Sunday and all the Monday.

[Adjourned till Thursday at 11 o'clock.]

October 6th, 1831, Thursday.

TWENTY-SECOND EVIDENCE sworn.—*St. Romaine Laporte*, Esq.

BE pleased to state your name, occupation and place of residence?—John Marie St. Romaine Laporte, planter, Lieutenant-Colonel, commanding Southern Battalion of Militia, Commissary Commandant in the quarter of View Forte, proprietor of Tourney Estate, residing on my estate.

Be pleased to state your knowledge of the ordinary rate of labour exacted from the slaves on that estate in and out of crop time?—Out of crop, from sunrise to sunset, giving half an hour, but they generally take an hour, for breakfast, and two hours, but they generally take two and a half, for dinner, as it takes them some time before they arrive at their work. In crop, I must state mine is a windmill; consequently I can only grind when there is good wind. I commence at four in the morning, and if the wind is good, continue until nine, and change spell at noon; but it often happens, for want of wind, that I cannot grind; at night this, however, in a great measure depends on the winds. Sometimes we commence later than four, and continue later than nine. I have 180 slaves and four spells; they work but for a short time on my estate, as I only make two hogsheads in the day; I only make 171 in the season. The average being two or two and a half of thirty-six inch truss per day; they are not consequently required to work in the manufactory of sugar more than 85 days during the six months of crop time. Each slave would be only required to perform the spell labour for about 42 days; ordinarily each spell performs about eight hours of spell labour in the twenty-four, and four hours of field. Those not employed in spell are employed to work the same in as out of crop.

Mr. Muter.]—Do you find the people now do as much as they did before the Slave Law?—No, and to prove it, my negroes have increased 25 since the year 1824, and in place of making from 350 to 370, which I then did, of

1,000 lbs.

1,000 lbs. weight, I now, with the increased number, make from 230 to 240 of 1,000 lbs. weight.

To what cause do you attribute this reduction?—To the nonchalance of the negroes.

Are they employed for fewer hours?—No; the giving the Mondays now is only an alteration from the Saturdays, which they previously had.

In the Slave Law occur the following words:—Section 6. “ Est ordonné, que lorsque les esclaves seront employés aux travaux de manufacture, ils ne seront forcés de travailler la nuit que pour travaux extraordinaires, dans l’occasion des récoltes forcées.” What do you understand, as a planter, to be the meaning of the words, “ ils ne seront forcés de travailler la nuit que pour travaux extraordinaires, dans l’occasion des récoltes forcées?”—In my case all the crops are forced, as I have often quantities of canes lying before the mill.

Do you mean to say that on your estate, extraordinary occasions of forced crops frequently arise, or that such extraordinary occasions can continue without remission from the commencement to the end of crop time?—I consider all my crops forced, for there are times that I cannot grind for three or four weeks together, and in consequence of which I lose a great many canes.

Am I to understand that it is only on these extraordinary occasions, from bad winds and the like, that you find it necessary to work the slaves during the night?—Yes.

Am I to understand that during the intervals of defect of wind, that the slaves are not employed in any night-work, but simply in the field and other ordinary labour?—Yes, they are only worked in these intervals save as out of crop.

Mr. Muter.—If you had plenty of wind, could you take off your crop in grinding and boiling without intermission from six to six?—No, impossible; and, besides, the little sugar they would make would be very bad if they were obliged to stop for meal-times, for they must in such case leave liquor in the coppers, which would spoil.

But although you state a greater length of time than from six in the morning to six in the evening to be necessary for the purpose of manufacturing sugar, do you suppose that the quality of sugar would be by any means deteriorated, or the quantity decreased, if carried on before the time you think necessary, by a sufficiency of continuous labour in three spells, instead of the two you now employ?—As to the quality, no difference would be made, but in quantity there would, as three spells would do more than two, that is to say, would go on faster.

TWENTY-THIRD WITNESS SWORN.—*Detchepare Minvielle.*

BE pleased to state your name, occupation and place of residence?—Detchepare Minvielle, proprietor and planter, residing on Beau Séjour, my coffee estate, in the quarter of Souffriere.

Be pleased to state your knowledge of the ordinary rate of labour exacted from slaves on this estate, in and out of crop time?—Out of crop time we ordinarily call out the slaves at half-past five, but they are seldom at work at six o’clock, or a quarter after. But if the place of labour is far off, it is as late as half-past six before they get to work. From half-past eight to nine they breakfast, but they never return to work till a quarter after nine, from the slow manner they return and the difficulty of getting them back. At noon they cease to labour for two hours; they seldom are at work till a quarter or half after two o’clock, from the difficulty of getting them out; they rest from labour at six o’clock, or sunset; they bring grass with them when coming from the field; they cut it after work, and bring it with them at prayer hour, after which they disperse.

How do your slaves employ themselves during the interval given them after twelve?—They labour extraordinarily hard in their gardens on their own account, and it is always a good half hour after two before they return to the plantation labour, when they are extremely fatigued, and work with very little exertion upon the estate.

How do they employ themselves on Sundays and Mondays?—On Sunday generally in their houses, or running about from one estate to another; they seldom go to town; on Mondays they labour hard in their own gardens generally, but some who are lazy, I am obliged to force them to work.

State in crop time?—There are some few, about nine, who arise so early as four o’clock, the rest, as usual, at six; they arrange the spells among themselves, so that those who rise early one morning, rest the next; the work goes on until eight

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in the evening, when all is concluded; those who work after six in the evening are not the same persons who work before six in the morning; so it is on my estate, where there is a large number of negroes. The crop is called three months, but the commencement and conclusion of the work is very light. In the two months of harder labour during crop time, the mill goes from seven to eight or half-past eight in the evening, generally to eight; and having a certain portion of work allotted to them, sometimes at two and sometimes at three they finish their work; but some who are more lazy will not stop work before four; this is the case with the whole gang; this method of work is all allotted to the slaves by their own choice; and when doing such work, they take their meals at such hours as they please during the progress of the work.

What is the strength of your gang?—From 140 to 150 negroes; formerly, when it belonged to another proprietor, it had but 45 negroes, and it made a larger crop than at present.

Mr. Muter.]—To what do you attribute this difference?—To the very small portion of labour I am able to obtain from the slaves.

Are you in the habit of hiring other negroes?—Yes, sometimes, during the height of the crop, when it is good.

Do you know whether it was the custom of your predecessor on your estate to hire labour to assist in crop?—I do not know the fact, but I believe it was the case, and that a large part of the crops I understood went to pay the negroes' hire.

Whether did your predecessor hire negroes for the year or only during crop?—I believe only during crop.

TWENTY-FOURTH WITNESS SWORN.—*Jacques Cenac.*

STATE your name, occupation and place of residence?—Jacques Cenac, free man, residing on and formerly a slave belonging to the Reunion Estate.

How long have you been free?—Five years; but I believe I have been free these thirty years ago; it was only established five years ago.

At what time do the slaves rise out of crop to go to the work?—At the general hour, daybreak, when it is light.

When does the bell ring?—About an hour before light the shell blows.

The Witness was asked several times to fix the time more correctly, but he always answered the same.

When did they discontinue work?—They work until sunset; they have half an hour for breakfast and two for dinner.

What time do they throw grass?—At half-past six o'clock.

By Mr. Muter.]—Is the grass cut between twelve and two o'clock?—No, they are not obliged to cut it at that hour, but some do to avoid cutting it in the evening.

What time are the people allowed to cut grass in?—Half an hour before the sun goes into the water.

At what hour is the throwing of the grass finished?—From six to half-past six.

Do the slaves go direct from the field?—No; they return to their houses, and afterwards go to throw the grass.

How do the negroes employ themselves from twelve till two?—They go to their gardens; those that do not choose to do so go to their houses.

In crop time how are they employed?—They ordinarily rise at four, as they have but little water, and work on until eight or nine o'clock; they commence boiling at breakfast time; the mill stops at six; it is the boilers that go on until eight or nine; they are relieved at the mill for a short time for breakfast, which is sent to them; they have two spells a day on the estate; spell changed at midday, twelve o'clock; when the first spell is relieved at twelve o'clock at noon, they go to their gardens, if they choose; at two they go to their field labour; they grind on an average three days a week, sometimes four, but the average is three.

Mr. Muter.]—Do they work now as well as before the laws were changed?—Equally as well.

[Adjourned until Friday next.

Friday, October 7th, 1831.—In consequence of Mr. Phillips' indisposition, the investigation is adjourned until next Monday, the 10th instant.

Re-assembled

Re-assembled, Wednesday, October 12th.

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TWENTY-FIFTH WITNESS sworn.—*William Afflick, Esq.*

WHETHER any and what conversation took place between Mr. Jeremie and yourself at any time in 1831, respecting the number of hours during which slaves might be worked in crop time?—I recollect calling on Mr. Jeremie in the end of February or beginning of March with Mr. Palmer, in consequence of a misunderstanding with the slaves respecting the time they were to work, when Mr. Jeremie stated, that the law allowed us to work the slaves sixteen hours, and no longer; he even added, that if there was a strike of sugar on the fire, we would not be justified in taking it off, or detaining the people to take it off, after the sixteen hours. I do not recollect any thing material in our conversation, except what I have now stated.

The First President here addressed the Witness, and explained to him, that, according to the construction to be put on the Local Ordinance, slaves might not be worked for sixteen hours during crop time, reading a paragraph from Lord Goderich's Despatch on that subject for his guidance; and stated, that at the conclusion of this inquiry some definite rule, deducible from the proper construction of the law, would probably be made public, but that in the meanwhile, as the present season was not in crop time, no injury could result to any parties from the want of such rule.

Mr. Muter.—From the conversation you had with Mr. Jeremie, in what manner and for what time did you conceive that you were authorized to work the slaves during the crop season for sixteen hours?—During that time in the manufacturing of sugar, if it was necessary.

TWENTY-SIXTH WITNESS sworn.—*Daddy Juir, Driver to Mr. Philips.*

STATE your name, occupation and residence?—Daddy Juir, driver on the L'Anse Canot Estate, the property of the Honourable A. Philip.

Out of crop time at what hour do the slaves upon the estate commence working, and how do they continue for the day?—At six o'clock in the morning they come out to go to the field; they work till six o'clock, or sun going down; sometimes we give them past half an hour; in general it passes the half hour from breakfast.

In what manner do you measure your time; have you a clock upon the estate?—We have a watch in the field, and I give the time when the shell is to be blown.

Proceed with the rest of your statement of work out of crop time?—After the time for breakfast they work on till twelve o'clock; we then give them for dinner till two o'clock; after two is over they come to work till six o'clock.

When do they throw grass?—At six o'clock they leave the field, and they come in at what time they will with the grass, and we blow the shell; we have a plantation of Guinea grass, and they fall back to it from the field they work in, and cut it in a very short time; it takes but a minute to cut off a bundle of it.

Now state how they work in crop time?—Commencing crop time we cut canes one day; at six o'clock to-morrow we put them in the mill.

When do the mill spell and boiling spell commence?—When we go at six and we leave off at six at night, the boiling spell begin at six and stay until eight; and if canes are plenty we go on so every day; and if the canes are finished we cut again as on the first day, and go on through the week as on the second, until they are finished.

How many spells have you?—Three.

When not working in spells, how do they work?—The same as the rest of the people.

In what manner do the people get their meals, employed in the mill and boiling-house?—The spells I put on this morning I change at noon, when they dine; and the spell which then go in, dine before they go in; boilers and all are changed this way.

How do they get their breakfast in the first spell?—They take their breakfast with them, and when the receiver is full, about eight o'clock, they stop the mill and eat their breakfast.

TWENTY-SEVENTH WITNESS sworn.—*Edward, Driver to Mr. Bitt Martelie.*

STATE your name, occupation and residence?—Edward, driver to Mr. Bitt Martelie's estate, quarter of Dennyry.

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Out of crop time, how are the slaves worked on that estate?—When crop is finished we go out at bon matin, [*by the expression bon matin, the Witness explained that he meant when it is broad daylight*]; as soon as the neighbouring shell blows they go to breakfast.

Does Mr. Lacorbiniere's shell blow at the time the neighbouring people go to breakfast?—Mr. Roche's blows at a different time; I go by Mr. Lacorbiniere's shell.

About what hour do you think it to be, or how high is the sun when Mr. Lacorbiniere's shell blows?—If the shell does not blow, when the negroes tell me it is time to go to breakfast, I allow them to go.

Can you form no idea at what time Mr. Lacorbiniere's shell usually blows for breakfast?—About eight o'clock for breakfast; when they have all eaten their breakfast, washed their faces, and lighted their pipes, they return to work; they then work until noon; then they have two hours and return to their work, and work on till half-past five o'clock; at six o'clock I blow the shell, and they come, throw grass and say prayers; I count their number and let them go.

Proceed to state in what manner the negroes are employed in crop time upon that estate, and first state how many spells you have?—I have in crop time three spells. On the Tuesday they commence in bon matin to cut canes, which they continue doing until breakfast time; after breakfast they cut till dinner time, from dinner until half-past five o'clock, and then they throw grass as usual; if there is not enough of canes cut upon that day, they do go to sleep, as usual, and commence the next morning the same way, until there is enough; when there is a sufficiency of canes cut, I put the mill about, at two o'clock afternoon.

The spell you put on at two o'clock at the mill, in what manner is it worked?—I work this spell until nine o'clock that night, when I bring the second spell to relieve them; this spell works until the next day at noon; I come on with the third spell at mid-day. I give them one hour to take their dinner; it is at one o'clock; with this spell I relieve the second spell; this third spell, before I relieve the second with them at one o'clock, as stated, has been working in the field from daylight until twelve o'clock. This third spell, put on at one o'clock in the day, continued to work on until *minuit*.

Mr. Muter.]—What do you mean or understand by *minuit*?—Nine or eleven, or before the first cock-crow, which the negroes call midnight.

Go on?—At midnight, when the third gang is taken off, I put on the first gang; they go on to work until one o'clock the next day.

Then what becomes of this first spell after one o'clock?—They go to dinner, and take about one hour and a half for dinner; after dinner they come to me to the field and work to half-past five, and throw grass as usual.

Am I to understand you that throughout the week you continue to work the spells in turn, from midnight to midday, and from midday to midnight?—Yes, certainly so; from midnight to midday, and from midday to midnight.

You have stated, that this first gang, of which you have been just speaking, take about one hour and a half for their dinner; say in what manner they are employed for this one hour and a half?—They cook their dinner and eat it, and then go to the field.

Am I to understand you then, that during the time you are making sugar the mill is kept continually going if possible?—Yes; but sometimes it happens that there are intervals of one, two or three weeks when it does not work at all, during which time they work in the field, and get their usual hours. We generally go on for three or four weeks without stopping, and then these intervals, "campos," occur.

[Adjourned until 10 A. M. on Friday next.

Monday, 24th October 1831, re-assembled.

Present, His Excellency Colonel Mallet, the First President.

TWENTY-EIGHTH WITNESS SWORN.—*Jean Louis*.

STATE your name, occupation and place of residence?—Jean Louis, a slave, and cooper, on the Point Estate, the property of Minors Leclair Dujon.

What is the ordinary rate of labour performed by the slaves on that estate in and out of crop?—Out of crop time, commence work at six in the morning and continue until six in the evening, having one hour for breakfast and two for dinner.

At what time do they throw grass on that estate?—At half-past seven o'clock.

What

What do they do immediately after six?—They do not do any thing.

When do they pick the grass?—At noon, and they throw it after prayers.

How do they employ themselves at the hours allowed for breakfast and dinner?—They do nothing but eat their breakfast, and at midday they cut their grass and go to their houses.

Do they labour for themselves in their gardens during these two hours?—Some go work for themselves, others go and rob the others.

Have they any other time besides their usual days and the two hours to work for themselves?—No, they have only their Sundays and Mondays.

How do they employ themselves for the most part on the Sundays and Mondays?—Some on Sundays work in their gardens, some go to church. On Monday, those who have any thing to sell go to market; those who have not, and are lazy, stay to rob those that are absent.

Proceed to state in what manner the slaves labour in crop time?—At the commencement of the crop, they begin early in the morning to cut canes, and cut until four o'clock, when, if there are canes enough cut, the mill is set to work; if there are not enough cut the first day, they continue to cut for two days.

Is your gang divided into spells?—Yes, they are divided into two spells.

How do they work?—If they begin to grind at four in the afternoon, the first spell works until midnight, when they are relieved by the second, which work till the midnight following, for twenty-four hours.

Do they leave the mill at all during these twenty-four hours?—No.

How do they take their meals during these twenty-four hours?—If they have children of their own, they bring them their meals to them; if not, when the mule boys change the mules, they profit by it to get the mule boys to bring them their meals.

When the second spell has thus completed their work at midnight, when do they commence again?—Early in the morning, at gun-fire.

Does the first then work as the second?—Yes, in the same way.

You have said that the second gang thus finishing their work at midnight, commence work at gun-fire in the morning; in what manner is this second gang worked during the next twenty-four hours?—They go to cut canes.

How long do they continue to work through the day?—Until breakfast time, which is about ten o'clock; at noon they leave the field; at two return, and work till six o'clock.

What do they do after six o'clock?—They bring their grass after six o'clock, and throw it after prayers.

And what do they do after that?—They retire to their houses, and at midnight relieve those at work in the spell, where they are worked till next midnight.

How many slaves on that estate?—About 150.

How many hogsheads of sugar was made last year?—Sometimes four hogsheads a week; it is a cattle mill, with very few mules.

During how many months do they so work?—Sometimes during seven months in crop.

Who is the manager of this estate?—Mr. St. Catherine Guesneau.

Are the owners resident in the country?—No, the heir is a little boy, who is in France.

Who is the attorney of the estate?—The manager is. Mr. William Muter was the attorney; but the estate was so much in his debt, that he would not continue to do business for them.

TWENTY-NINTH WITNESS SWORN.—*Joseph*, a Free Man on Point Estate.

STATE your name, occupation and place of abode?—Joseph Andrew, a free black man, overseer of the Point Estate, and resident on it.

State in what manner the slaves on this estate are worked in and out of crop?—Out of crop they begin at six in the morning, and work till twelve, when they have two hours for dinner; they have half an hour also for breakfast, at from eight to half-past eight; after the dinner hour, they return to the field and work till sunset.

At what time do they throw grass?—Six o'clock, half-past six o'clock or seven o'clock, according as they come in; some coming before, some coming late, when the shell is blown.

Proceed to state how they are worked in crop time, and in the first place state how many spells?—There are two spells; sometimes they cut canes for one or two

days

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days before they commence to grind, not having great strength on the estate ; they commence grinding at sunset with the first spell, which continues till midnight.

Has this first spell, which commences at six o'clock and grinds till midnight, been worked during the regular hours of the day in cutting canes?—The same as the rest.

When is the second spell put on?—At twelve at night, and continues till daylight.

Are you sure this is the course pursued?—Yes.

Do you belong to the same estate as the witness Jean Louis, just examined?—Yes.

You have said that the second spell relieves the first at midnight, and works till six in the morning ; what do they do when relieved?—They work in the field.

Do the whole of the two spells work together in the field?—Yes, they work together during the day, having their hours for breakfast and dinner.

When does the first spell commence again?—At six in the evening, and continues until midnight.

Are they then relieved in the same manner as the other?—Yes.

Am I to understand you that they are worked eighteen hours, with the exception of the hours for breakfast and dinner?—Yes, with the exception of breakfast and dinner hours.

Do they never work by day at the mill?—Very rarely.

When you do work by day, how are the slaves worked ; recollect, and be careful in your answer?—While one is employed by day at the mill, the other is in the field.

I wish you to explain particularly in what manner the spells are worked when you do ground by day?—The first commences at six in the morning and works till noon, during which time the other spell is cutting canes ; the first is then relieved by the second, and after the two hours for dinner they go out and cut canes ; the first spell is then at six P. M. again employed at the mill till twelve at night.

You have stated that the second gang relieves the first at noon ; what time, I ask, is given to this second gang to get their dinner, or for other purposes?—The second gang get their dinner before they relieve the first gang.

At what hour precisely does the second relieve the first?—At noon (*à midi*), when they come from the field ; but previously to going to relieve the first gang, they go and get their dinners at their houses.

What time are they allowed?—There is no specified time.

Am I to understand from you, that this first gang has upon such occasions only time enough allowed to get dinner in?—Yes, when they do work in the day-time, which is perhaps once in a week.

On these occasions is the mill going constantly night and day?—Yes, but this seldom occurs more than once a week.

When you take away the two hours from this gang, do you allow them other hours in lieu of them?—[*The account of the Witness here being confused and inconsistent, he was admonished to be correct, and to remember what he had previously said, namely, that the second gang relieved the first at twelve o'clock, having no certain time specified them for dinner, and that only so much time was allowed as was necessary for that meal. The Question was then repeated.*]—Yes.

And at what time do you give these two hours instead?—They blow the shell at ten o'clock A. M., two hours before noon, and it is again blown at two o'clock, afternoon.

Am I to understand from your last answer, that you give the first gang two hours or more after noon?—*In answer to this Question, the Witness replied, that he meant that it was the next day that he gave them four hours.*

Have you not stated that these occasions were always on Saturdays ; then is the next day Sunday to which you allude, in which you give them four hours?—No ; I do not mean on the Sunday, but on some other day.

On what day is it that it is usually given?—Some day that the mill is not working.

How many slaves on the estate?—About one hundred, not more.

What quantity of sugar do you make?—From 100 to 100 and 10,000 weight.

The Evidence having proceeded thus far, the Witness was admonished thus :—

Are you sure that the slaves upon this estate are not worked sometimes during crop, for twenty-four hours each spell ; such has been stated by the witness Jean Louis?—No, they do not work twenty-four hours.

Has

Has not one spell on some occasions been worked from midnight to midnight?—No, they have not strength to undergo that work.

How long have you been on the estate in your present occupation?—I was born on that estate.

Were you born free or a slave?—A slave.

When did you obtain your liberty, and by what means?—I purchased my liberty when Mr. Jeremie was here.

Was it within the present year?—It was about three years ago.

Have you had any conversation with any person on the subject of what you were to say here?—No, I went to my house in town and came here.

Have you a wife or children on that estate?—No.

Have you any relation there?—Yes, a cousin.

What was your occupation before you were made free?—First, a valet; afterwards, a driver.

Jean Louis recalled.]—The Evidence was confronted with the last Witness.

You have said in your evidence, that “ if they begin to grind at four o'clock in the afternoon, the first spell works until midnight, when they are relieved by the second, which works till the midnight following for twenty-four hours ;” is that the case?—Yes, I have said so.

And is this entirely true?—Yes, that is the old regime.

When did it last occur?—Last crop; they have always continued to do so.

The witnesses were confronted; *Jean Louis* asked of the last witness, *Joseph*, whether what he had stated was not true, as to the slaves being worked twenty-four hours?—*Joseph* answered, that it formerly was the case, but not now.

To Jean Louis.]—You are again asked in the presence of *Joseph*, when was the last time in which the slaves, or any part of them, were worked on this estate for twenty-four hours consecutively?—The last time was in the last crop, and whenever they cut canes, for they have not yet commenced this crop to grind.

Joseph, in continuation; *see Q.*]—What remuneration do you now receive?—Fifty dollars per annum.

Have you no garden or allowances?—I have an old garden.

On the evidence of this Witness being read over to him in order to ascertain its correctness, when he came to that part in which he had contradicted the evidence of *Jean Louis*, he said, that during the last crop the slaves had been worked for twenty-four hours consecutively.

He was then asked how many times did it occur?—The Witness first said, one time; but on the question being repeated several times, he said, that he meant once a week, and that was on the Saturdays.

In answer to the question, whether he meant to say that the slaves were only worked once a week for twenty-four hours, from midnight to midnight, he replied, that he meant that they were only worked once a week so, and that upon Saturday in the last crop.

This Witness was admonished as to the contradictory nature of his evidence, and directed to be less cruel in the working of his slaves in future. He replied that he did no more than many other managers, and that it was not he that commanded upon the estate, but Mr. Guesneau.

[Adjourned until to-morrow at 11 o'clock.]

Friday, October 25th.—EXAMINATION continued.

THIRTIETH WITNESS sworn.—*George Washington Busted*, Chief Secretary.

President, His Excellency Colonel Mallet.

The First President.

The Hon. Peter Muter.

Be pleased to state your name, occupation and place of residence?—My name is *George Washington Busted*; my occupation or situation is that of Chief Secretary to the Government of this Colony and Clerk of Council; I also hold Commissions as Chief Commissary Commandant, and as a Colonial Aide-de-camp with local rank as Colonel.

Have you any knowledge of the ordinary rate of labour exacted from plantation slaves in this Colony?—None from observation; I have made inquiries in many instances on that head.

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Have those inquiries been at the instance of Government, or otherwise?—I am not aware that they were, in a single instance, directed by Government; they in some cases arose from official duties.

The question put to you is simply that which you have heard answered by every other witness; will you therefore be pleased to state what knowledge you have of the ordinary rate of labour exacted from slaves in this Colony, upon any one or more estates, in and out of crop time?—I of course have no knowledge, in the term in which it applies to former witnesses, of the ordinary rate of labour exacted from slaves, as I am unconnected and unacquainted with the estates of the Colony; my knowledge therefore merely arises, as I stated, from inquiries which my situation enabled me to make, from the result of an investigation held under Major-General Farquharson, at Marquis Estate, and from my presiding over the Visiting Commission of 1830.

Will you be pleased to state what knowledge you have of the rate of labour exacted from plantation slaves in this Colony, upon any estate, be it the Marquis or any other?—I have, as I before stated, no actual knowledge of the rate of labour on any estate, the Marquis or other. On the inquiry referred to by me at Marquis, it appeared that labour (not as a general rate) was exacted from the slaves then to an inhuman extent, (in the Grand Ance gang) twenty-four hours in succession; I was never on an estate in the Island except on official duty.

Have you visited any other estate than the Marquis for the purpose of inquiring into complaints made?—No.

Did you visit this estate, the Marquis, for the purpose of reporting on complaints made, or for the purpose of redressing grievances?—I visited as Chief Secretary, accompanying his Excellency the officer administering the government, with whom all power, of course, vested.

At the time you visited the Marquis Estate, with his Excellency the officer administering the government, was it your opinion, delivered by you in your official capacity, that the slaves could be worked sixteen hours consecutively while manufacturing sugar?—The Governor and First President being there, I of course did not nor would not give an opinion.

Mr. Muter.]—By the Sixth Article of the Second Supplementary Ordinance to the Consolidated Slave Law, “it is ordered, 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;” do you apprehend that the proprietor is authorized, by that Article, to work the slaves the days he manufactured sugar during sixteen hours consecutively?—

Observation by the First President.]—The question being one of opinion, in the abstract is incorrect, and not a proper question in evidence; but I shall not object to its being put, as the object is to elicit truth, and probably will have that effect.

In answering the question, I can only reply so far as regards my view of the construction of that section, which is, that if a slave complained of being overworked by being employed sixteen hours consecutively, the master was bound to show that a necessity sufficient to justify it existed, and in doing that, that he was guilty of no violation of that law.

In the inquiry respecting the Grande Ance Estate, the following matter occurs in the evidence of Mr. Shaw: “Question to Mr. Shaw: Did you mention the circumstance of the slaves having stated, they considered the changing of the spells at noon as your act, and done to vex them, to Mr. Busted?—Answer: It was to Dr. Robinson I spoke at the time; I am not sure Mr. Busted heard the words; but we had no private conversation, and his answer was, that I should be justified in making them work sixteen hours in twenty-four.” The question which I ask upon this matter is, Was it your answer, that he should be justified in making slaves work sixteen hours in twenty-four; or did you concur in or give your sanction to that opinion for the government of the estate?—Nothing of the kind could possibly have occurred on the Grand Ance inquiry, which occurred at Marquis Estate in February, while the circumstance referred to now occurred in March, when visiting the Grande Ance Estate with the Commission. I gave to Mr. Shaw the instructions from the Governor, under which I acted, for him to read, and inquired from him if he had the Slave Law, to which he answered affirmatively; and I then told him, “Mr. Shaw, take the law for your guide, conform to it, and you cannot err; if you or the slaves violate it, you or they shall be punished.” As to the particular observation

observation referred as from Dr. Robinson, I have no knowledge or recollection of it; I am sure I did not hear it, if made, and consequently could neither have been concerned in giving any sanction to or dissent from it. The present law was not then in operation.

You have stated in your evidence this morning, as I understand it, that the master of a plantation slave would be justified, according to your opinion as a magistrate, in working slaves for sixteen hours consecutively, without being guilty of any violation of the law; the answer having been given to a question irregularly put. I only put this question, in order that it may be explained whether such be the opinion which you avow with reference to the regulation of slave labour?—In answer to the question referred to, and to the immediately preceding question, I now answer as I before answered, as to my view of the construction which to me that Section may bear.

Compared from the original entries, and found correct; the principal part of the last answer of the Chief Secretary being expunged "as irrelevant" by order of his Excellency.—Castries, November 12th 1831.

(signed) *George Washington Busteed*, Clerk of Council.

1831.—EXTENT of TIME wherein each Spell may be required to Work.

	MORNING.	NOON.	EVENING.	HOURS, TOTAL.
First:	Hours:	Hours:	Hours:	
Monday - -	12 works	- - -	4 field	16
Tuesday - -	6 field	2 works	8 works	16
Wednesday - -	6 field	- - -	4 field	10
Thursday - -	12 works	- - -	4 field	16
Friday - -	6 field	2 works	8 works	16
Saturday - -	6 field	- - -	4 field	10
Second:				
Monday - -	6 field	2 works	8 works	16
Tuesday - -	6 field	- - -	4 field	10
Wednesday - -	12 works	- - -	4 field	16
Thursday - -	6 field	2 works	8 works	16
Friday - -	6 field	- - -	4 field	10
Saturday - -	12 works	- - -	4 field	16
Third:				
Monday - -	6 field	- - -	4 field	10
Tuesday - -	12 works	- - -	4 field	16
Wednesday - -	6 field	2 works	8 works	16
Thursday - -	6 field	- - -	4 field	10
Friday - -	12 works	- - -	4 field	16
Saturday - -	6 field	2 works	8 works	16

By this, the Slaves will have in each week 10 hours field labour only for two days.

(A true Copy.)

George Washington Busteed,
Chief Secretary and Clerk of Council.

—No. 5.—

COPY of a DESPATCH from Viscount *Goderich* to the Acting Governor of *St. Lucia*.

Sir,

Downing-street, 2d January 1832.

I HAVE received your Despatch dated the 29th October, enclosing the examination taken before the Council of Government of *St. Lucia*, respecting the extent of the labour performed in that Colony by plantation slaves, either in the field or at the sugar works. I entirely concur with you in the view which you have taken as to the

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the results of the evidence adduced before yourself and the Council upon this occasion. It is, however, unnecessary to consider what practical measures are necessary to prevent the recurrence of those abuses which this investigation has brought to light, since the hours of labour have been limited by His Majesty's Order in Council of the 2d November to nine hours daily. If a justification of the Order were wanting, it would be abundantly supplied by the facts substantiated on this inquiry. It is proved beyond contradiction, that for the first six or seven months of every year, the slaves work sixteen hours daily for the profit of their owners, even upon those estates which are best managed; and that on some plantations they are worked for twenty-four hours consecutively, with such intervals for rest as throughout the whole six days would scarcely average more than five hours per diem. Such a statement as this I should certainly have rejected as fabulous and wholly unworthy of credit, had it not been substantiated by the unhesitating confession of the person by whom this excessive toil has been exacted. From June or July to December, the labours of the plantation on well-managed estates would seem to be performed by the gang in twelve hours, with two intervals of one hour and two hours for repose. To this extent His Majesty's Order in Council of the 2d November will therefore merely give the force and sanction of law to that which is represented as the existing and general practice. The Order, however, in having peremptorily interdicted all exaction of labour before, between or after the prescribed hours, will have greatly outrun the practice even during the second half of the year.

You acted with commendable decision in directing the immediate prosecution of the parties who acknowledged their having exacted eighteen and twenty-four hours' continuous labour; and I trust that the offenders will not escape the punishment so justly due to such an outrage on humanity. I observe with regret the name of Mr. William Muter, as the attorney to the Point Estate, on which the most revolting of these cases occurred. I presume that Mr. Muter is the brother of the gentleman of the same name who took so active a part in the conduct of this inquiry. Without attributing to that connexion the circumstance that Mr. William Muter was not examined respecting his share of the management of the Point Estate, I must greatly lament that omission, since it may be supposed by the public at large to have originated in feelings of partiality towards that gentleman. It would be superfluous for me to say, that I can entertain no such surmise as far as you are individually concerned. It is very probable that there may have been very sufficient grounds for this apparent oversight, which have not occurred to myself. I am, however, desirous to call your attention to the subject, in order that if the examination of Mr. W. Muter was really dispensed with without sufficient grounds, you may now afford him an opportunity of making those explanations which, under the circumstances of the case, seem necessary to the vindication of his own character.

I have, &c.

(signed)

GODERICH.

— No. 6. —

COPY of a DESPATCH from Lieutenant-Colonel *Carter* to Viscount *Goderich*, &c. &c. &c.

My Lord,

Government Office, St. Lucia, 24th Feb. 1832.

I HAVE made inquiries concerning the subject mentioned in the latter part of your Lordship's Despatch of 2d January last, respecting Mr. William Muter, and expressing your Lordship's wishes that the reason had appeared why that gentleman was not examined as to his share of the management of the Point Estate, inasmuch as the omission might be supposed by the public at large to have originated in partiality towards him. Mr. William Muter is, as your Lordship supposes, the brother of Mr. Peter Muter, in the Council, who took an active part in the inquiry.

The reasons your Lordship seemed inclined to anticipate, why inquiry upon that point was not made, appear, according to my present information, to be as follows: Mr. William Muter, being an extensive merchant, and having explained in his evidence that he sometimes spent a day or two upon the Marquis Estate, and sometimes a day or two on the Pearl and the Rosseau Estate, the residence of his brother, it was concluded, as the fact really is, that Mr. Muter's avocations as a merchant require that all his time should be devoted to them, and that the Point Estate

Estate was not conducted at all, as the fact really is, under the eye or management of Mr. Muter, who was merely in the habit of making infrequent visits to them for relaxation, from ordinary interest in their success, or curiosity, without taking any active part in their management.

I shall, however, submit the part in question of your Lordship's Despatch for Mr. Muter's perusal, and express to him my willingness to forward any explanation which he may think it proper to make, or even to afford him an opportunity, if he should wish for it, of making any such explanation by further evidence before the Council of Government; and in the event of his adopting the latter course, the result shall be laid before your Lordship as soon as possible.

I have, &c.

(signed) *J. Carter,*
L^t-Col^l Admin^s the Gov^t.

Enclosure 1, in No. 6.

Sir,

St. Lucia, 25th February 1832.

MR. J. M. STEPHENS transmitted to me yesterday afternoon, along with a Note from himself of same date, an Extract of a Despatch from my Lord Goderich, dated 2d January 1832; as also the following extract of your Excellency's reply thereto:

"The reasons your Lordship seemed inclined to anticipate why inquiry on that point was not made, appear, according to my present information, to be as follows: Mr. William Muter being an extensive merchant, and having explained in his evidence that he sometimes spent a day or two upon the Marquis Estate, &c. I shall however submit the part in question of your Lordship's Despatch to Mr. William Muter, and afford him an opportunity, if he should wish it, in writing, or by further evidence before the Council of Government; and in the event of his adopting the latter course, the result shall be laid before your Lordship as soon as possible."

From these extracts, it appears I have been represented as attorney to the Point Estate, in a recent inquiry conducted before the Privy Council of the Island, and that, in a case of supposed cruelty, which has been so pourtrayed as to induce his Lordship to do me an act of common justice by giving me an opportunity of explaining, to prevent the unfavourable impression which might probably be made on the public mind, by allowing such an unfounded assertion and misrepresentation of my conduct to go forth uncontradicted. I have the honour to inform your Excellency that I never was attorney to the Point Estate, and never had, at any time, the managers and overseers of that property under my control.

The Point Estate belongs to a minor, and the manager of the property is a Mr. Guesneau, jun., who is son to the guardian or curator of the child's property; and Mr. Guesneau, sen., the guardian, has all along resided in this Island since his appointment of curator.

On referring this matter to my brother, Mr. Peter Muter, who is the individual his Lordship designates as having taken so active a part in the conduct of the inquiry in question, "for an explanation how he came to allow such an assertion respecting me to pass uncontradicted," he has written me the enclosed Letter, which I am persuaded will at once set this matter in its proper point of view, both in the eyes of his Lordship and of the public at large.

I have, &c.

To his Excellency Lieut.-Col. Carter, (signed) *William Muter.*
Administering the Government of St. Lucia.

Enclosure 2, in No. 6.

Dear Brother,

Saint Lucia, 24th Feb. 1832.

IN reply to your Note of this date, on the subject of the inquiry ordered by Government, and the examination of Jean Louis, a slave attached to the Point Estate, I beg leave distinctly to state, that I was not present when Jean Louis's evidence was taken; he was examined privately by Mr. Musson, the Chief Judge,

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in the presence of Colonel Mallet, and the Chief Secretary, Mr. Busted. When I returned from the country, the day following his examination, I requested that the deposition of Mr. Guesneau, fils, manager of the Point Estate, who I learned had been waiting in town for some days for that purpose, might also be taken; but to this Mr. Musson objected; and Colonel Mallet appearing to consider himself bound to follow the counsel of the Chief Judge in all these matters, I, of course, did not press my request. When the deposition of Jean Louis was read over at a subsequent meeting, I then observed to the parties present, Colonel Mallet and Mr. Musson, that Jean Louis was in error when he had represented you as having been at any time attorney to the Point Estate; but as it did not occur to me at the moment the importance it might be of to you, or the improper use that might be made of this mistake of Jean Louis, I did not require that my correction should be noted on the Records of the Council.

Mr. Jackson, however, entered a Protest against the evidence of Jean Louis as irregular, having been taken in the absence of all the Members of Council; and if the Standing Order of Government has been punctually observed at the Secretary's office, of transmitting home the Minutes of Council quarterly, that Protest must have reached the Colonial Department before this time.

I have, &c.

Mr. William Muter, Castries.

(signed)

Peter Muter.

— No. 7. —

COPY of a DESPATCH from Viscount *Goderich* to Major-General *Farquharson*, &c. &c. &c.

Sir,

Downing-street, 16th May 1832.

I HAVE received Lieutenant-Colonel Carter's Despatch, dated 24th February last, respecting the omission to examine Mr. W. Muter on the subject of the excessive labour exacted from slaves on the Point Estate, which was said to be under his management. The explanation which Colonel Bozon has transmitted of this circumstance is satisfactory.

I have, &c.

(signed)

GODERICH.

— No. 8. —

COPY of a DESPATCH from Colonel *Mallet* to Viscount *Goderich*, &c. &c. &c.

My Lord,

St. Lucia, 13th November 1831.

I HAVE the honour to forward your Lordship a Petition, signed by planters and others of the Island of St. Lucia, relative to the proposed new Slave Law, accompanied with complaints of the Petitioners, that the Acting Governor of this Island, and other acting public officers, have drawn their full salaries, although the Petitioners conceived, that by the regulations, dated Colonial Department, 12th August 1826, they were only entitled to one-half. The Petitioners are here, my Lord, under an error; for at all times, on the occasion of the death of a governor, the officer administering the government received the full salary of 2,500 *l.* per annum, and by the Schedule which accompanied your Lordship's Despatch of the 8th April 1830, of the officers of this Colony, it appears, that during the period in which General Blackwell was administering the government, the salary was increased 1,000 *l.* per annum, in the year of 1826. I am not aware of any other acting public officer in this Government at present.

I have, &c.

(signed)

*J. W. Mallet,*Colonel, Administering the Governm^t.

Enclosure in No. 8.

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TO the Right Honourable Lord Viscount *Goderich*, His Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

The humble Petition of the Undersigned Proprietors, Planters, Merchants, and other Inhabitants of the Island of *St. Lucia*.

Humbly Sheweth,

THAT the Petitioners embraced with the utmost alacrity and submission, the innovations proposed from time to time by His Majesty's Ministers, for ameliorating the condition of the slaves.

That no less than three changes in the Slave Laws were enforced in the short space of four years, each of which exceeded the preceding one in separating the slaves from the interests of their masters, in diminishing the revenue and value of properties, and not only abridging the hours of labour for slaves, but also depriving the masters of the means of imposing it on the hours specified, until a reduction of at least one fourth of the crops is now the result; and the net proceeds of this diminished quantity, at the ruinous prices of the late years, is hardly adequate for the maintenance of the slaves themselves, *as required by law*, and keeping the buildings in proper repair, which their agriculture absolutely requires.

That in the face of these disadvantages, new and unnecessary burdens were heaped upon the Petitioners, by creating and disposing of offices, and the imposing of taxes to pay salaries altogether out of proportion to the revenue of the Island; all tending to embarrass, distress, and ruin the agricultural and commercial interests of this unfortunate Colony, which, according to the Colonial Treasurer's accounts, audited to 30th June last, proves a debt against it of 6,336*l.* 14*s.* 8½*d.* sterling, exclusive of three sums, amounting to 1,540*l.* sterling, which cannot be available to the Colony for a considerable period. And, in addition to these grievances, your Petitioners have to complain, that the Acting Governors of this Island, and other acting public officers, have drawn their full salaries, although your Petitioners humbly conceived, that, by the Regulations, dated Colonial Department, 12th August 1826, they were only entitled to one half.

That under all these difficulties, the Petitioners invariably yielded to the views of Government to their utmost extent, in the hopes that Government would be satisfied with their submission, and that their daily encreasing distress would prevent it from demanding further concessions.

That these hopes were strengthened by an assurance, on the part of His Majesty's Servants in this Colony on the establishment of the Consolidated Slave Code in 1830, "that the Petitioners would not be required to receive any further innovations."

That notwithstanding these assurances, the Petitioners now see, with the utmost surprise and alarm, a proposal from the Right Honourable Secretary of State for the Colonies, to enact a law for abridging the hours of labour to nine hours out of every 24 all the year round, which would render the manufacture of sugar entirely impracticable, destroy all sugar properties, and reduce greatly the cultivation of coffee.

That the Local Ordinances, specifying eight hours to the slaves to rest, out of every twenty-four, only apply to that part of the gangs of estates that are employed in grinding canes and manufacturing sugar, which, on almost all estates, is never more than one-third of the effective disposable force, and even that only for a few months of the year. The Right Hon. Secretary must be ignorant that while one-third of the disposable force is so employed, the other two-thirds are exactly as his Lordship premises, with only half an hour's difference.

That the small portion of work now performed by slaves renders a further abridgment of time unnecessary, on the strictest principles of humanity, as sufficient time is already granted them for all the purposes of rest and comfort; and such a circumstance as that from which the Right Hon. Secretary infers the necessity of this ruinous measure, could only be occasioned by the disobedience or choice of the slaves themselves.

That the Petitioners, from their knowledge of the habits and disposition of the slaves, do consider it would be more consistent with humanity (while the slaves are not more enlightened than they are) to enforce the employing of the time, already accorded to them, more to their own advantage and instruction, than to add further opportunities

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opportunities to gratify their proneness to idleness, riot and vicious courses ; in proof of which the Petitioners have merely to refer to the great increase of crimes since the commencement of the Slave Codes in this Island, as is recorded on the proceedings of the Courts of Justice.

That any further exemption from labour being demanded by His Majesty's Ministers for the slaves, can only be regarded by the Petitioners as a ground to suspect the sincerity of their professions, and to establish, as a fact, that which the Petitioners would wish to be the last to have occasion to believe.

That the Petitioners, after entering so heartily into the views of Government for ameliorating the condition of the slaves, as far as possible for them to go, now hope that His Majesty's Ministers will desist from forcing upon them enactments which can only have the ruin of their properties for an object, as also the commerce of the Colony, without conferring any benefit on those in whose favour these enactments are said to be made.

That the Petitioners, after their patient suffering under the misfortunes brought upon them by a succession of encroachments on their rights and properties, now see themselves on the very brink of ruin and destruction.

Thus the Petitioners, now seeing no bounds to the encroachments of His Majesty's Ministers on their rights and properties, that they hold by a tenure equal in validity to any by which property can be acquired in Great Britain itself, and inviolate by the treaties of 1814 and 1815, are now driven and compelled to appeal to the justice of the British Nation; in faith of which, and induced by the direful prospect before them, they make the following proposal :

That the Petitioners offer to give up to His Majesty's Government all their properties in land, buildings and slaves, on compensation, *to be estimated as early as possible* by competent arbitrators, elected on the part of His Majesty's Government and the Petitioners:

That the Petitioners hope His Majesty's Ministers will see the humanity and justice of granting this compensation, as it can only be refused by a disposition evinced to sacrifice the properties of the Petitioners to chimerical theories, in violation of their ceded rights, and of the faith and honour of the British Nation, pledged for their protection :

That until this compensation be granted, the Petitioners do most solemnly protest against any further innovations in their Slave Laws, or interference in their constituted rights.

And the Petitioners, as in duty bound, will ever pray.

St. Lucia, 31st October 1831.

(signed) *R. Augier*, and 223 others.

— No. 9. —

COPY of a DESPATCH from Viscount *Goderich* to Colonel *Mallet*, &c. &c. &c.

Sir,

Downing-street, 11th January 1832.

I HAVE received your Despatch of the 13th of November, enclosing a Petition from Planters and others of the Colony under your government, remonstrating against further alterations in the Slave Laws, and against the receipt of full salary by officers provisionally in the government of the Island. You will now have received my Despatch of the 5th November 1831, enclosing His Majesty's Order in Council for amending the Slave Laws ; and as the grounds upon which His Majesty's Government are prepared to justify the Order, have been there set forth at great length, and in the fullest manner, I need not, on the present occasion, do more than refer the Petitioners to that communication. With respect to the amounts of salary overdrawn by the Acting Governors, you have also received my instructions ; and I rely upon your having taken immediate measures for obtaining repayment to the Colonial Treasury of all sums overdrawn. I have directed Major-General Farquharson to refund what has been overdrawn by him immediately on his arrival in the Colony. On some other subjects regarding the finances of the Colony, which are mentioned in the Memorial, I shall have occasion to address you in answer to communications in which they have been separately brought under my consideration.

I have the honour, &c.

(signed) *GODERICH*.

Presented to Parliament,
6 Dec. 1831.

— No. 10. —

ST. LUCIA.

EXTRACT of a DESPATCH from Lieut.-Colonel *Bozon* to Viscount *Goderich*, dated St. Lucia, 5th January 1832.

“ CONFORMABLY with the instructions of the Secretary of State, I have the honour to transmit the Copy of a Proclamation issued by me regarding the Order of The King in Council of the 2d of November last.”

Enclosure in No. 10.

Saint Lucia.

By his Excellency Lieutenant-Colonel *Mark Anthony Bozon*, Senior Officer administering the Government of the Island of *Saint Lucia*, &c. &c. &c.

Mark Anthony Bozon.

WHEREAS an Order of The King in Council, bearing date at the Court of Saint James the 2d day of November 1831, has been transmitted for promulgation in the Island of Saint Lucia, which relates to the condition of slaves in said Colony, and which requires that the same shall be made known within one calendar month after the same shall be received, and that the said Order in Council shall be in force in the said Colony on the expiration of fourteen days next after the date of such Proclamation, and not before :

Now I, Mark Anthony Bozon, Senior Officer administering the Government of the Island of Saint Lucia, do by this my Proclamation proclaim and make known the said Order of His Majesty in Council, bearing date the 2d day of November last; and the said Order will be in force in this Colony in fourteen days next after the date of this my Proclamation, of which all persons concerned are to take notice and govern themselves accordingly.

Given at the Government Office, Castries, the 24th day of December 1831.

By his Excellency's Command.

George Washington Busteed, Chief Secretary.

GOD SAVE THE KING.

— No. 11. —

COPY of a DESPATCH from Lieutenant-Colonel *Bozon* to Viscount *Goderich*, &c. &c. &c.

My Lord,

Saint Lucia, 5th January 1832.

I HAVE the honour of transmitting to your Lordship a Letter dated the 4th instant, and this day received, signed by thirteen Merchants of the town of Castries, to which I beg your Lordship's particular attention, under the present unusual and extraordinary distress of the Colony, as expressed by a Minute of Council of this day herewith transmitted.

I have, &c.

(signed) *M. A. Bozon*,

L^t-Col. Administering the Government.

Enclosure 1, in No. 11.

TO His Excellency Lieut.-Colonel *Mark Anthony Bozon*, Administering the Government, &c. &c. &c.

May it please Your Excellency,

THE undersigned Merchants, residing in the town of Castries, beg leave to expose to your Excellency, that they cannot supply the planters of this Island with the articles necessary for feeding and clothing the negroes, and for taking off the crops, in consequence of the laws promulgated limiting the hours of labour during the crop,

ST. LUCIA.

crop, being persuaded of the utter impossibility of the planters being able to make a sufficient quantity of produce to defray or pay for such expenses, however upright or honourable their desires or wishes may be, should this law be put in force; and the Undersigned do hereby declare, that they cannot supply any planter who has not the means of paying in money or produce, on the delivery of such goods or necessaries, unless your Excellency, on the part of the British Government, will guarantee to them full and perfect payment of all such supplies as planters generally require.

*William Muter.**Peter Smith.**James Macfarlane.**James MacGowan & Co.**T. Doussard.**Voten & Floissac.**John Dalby.**Louston.**Kennedy, Pattison & Co.**P. Pro. Robt Walker.**D. Ferguson & Co.**Jn^o Patterson.**Louis Aubert & Co.**Ch^r Glaudut.*

Castries, St. Lucia, 4th January 1832.

Enclosure 2, in No. 11.

EXTRACT from the MINUTES of the PRIVY COUNCIL, of 5th January 1832.

“ His Excellency then submitted a Letter he had just received from certain merchants of Castries to the Honourable Members, who unanimously recommended that his Excellency should transmit it to the Secretary of State, and recommend his particular attention to it, under the present unusual and extraordinary distress of the Colony.”

Castries, 6th January 1832.

A true Extract.

— No. 12. —

COPY of a DESPATCH from Lieutenant-Colonel *Carter* to Viscount *Goderich*, &c. &c. &c.Government Office, St. Lucia,
25th February 1832.

My Lord,

THE Despatches of my predecessor in office, Lieutenant-Colonel Bozon, have no doubt fully prepared your Lordship to expect great opposition to the Order in Council of the 2d of November, and to the judicial system accompanying those changes, which were absolutely necessary for carrying that Order fairly into effect. Perhaps, however, your Lordship may not be prepared to anticipate or contemplate the extent of the organization which is pursued under the system called “ passive resistance ” in this Colony. It becomes my duty to make the subject as clear as I can to your Lordship; to do so in the most ample manner would require a journal of every day and hour. It was stated to your Lordship that the earliest attempt was to paralyse the administration of criminal justice, by a general refusal to act as jurors or assessors in the Royal Court. It became necessary to have recourse to the notaries of the Court to fill up these offices; and nothing but the fear of their places would induce them to receive commissions as assessors; still protesting that it was only in obedience to Government orders, and not willingly, that they did accept offices which would deprive them of bread. The intimidation by which they were swayed in a country where embarrassments are almost universal, and the many attempts to excuse themselves, of which the Letters annexed (No. 1) may give some idea, left not even a childish hope that they would act at all, much less efficiently, whilst their numbers were not sufficient to secure against a challenge, and their qualifications were but in few instances such as justice would require in understanding both the French and English languages.

After every effort being made by myself and those more immediately connected with the Courts, I, on Monday last the 20th instant, pursuant to mature advice, proposed to the Council that assessors should be appointed, subject to a high penalty for not acting. The annexed (No. 2) Minutes of Council, since my arrival here, will show your Lordship that this measure was rejected by Mr. Jackson *in toto*; and by Mr. Muter, because he thought the matter had better stand over until

until the remonstrance, which he understood had been presented against the Slave Law, should be answered.

Thus, my Lord, it is permitted to parties to make complaints of what is effected by their partisans, who ought to be the supporters of Government, and the Executive is placed in the dilemma of seeing good government at an end, or of assuming all responsibility upon itself. Whilst I shall not shrink from that responsibility, I beg leave to request your Lordship's consideration as to what steps it may be (if even of a provisional nature) necessary to adopt to give efficiency to laws which are trampled in such a manner.

As consequent links in the chain, after thwarting the operation of public justice, the authority of the Protector of Slaves is defied, combinations for the most illegal purposes are framed, prosecutions and threats are used as the means of intimidating officers in the discharge of their duties, the Order in Council is boldly refused to be acted upon, and even the abuses in slave labour under the Order of 1830 are openly continued.

Thus, my Lord, by documents which will accompany a Report from the Protector of Slaves, it will be found that the planters refuse to obey his writs, under less pretences when they can avail, but, finally, whenever pressed to such a conclusion, by denying the authority of the law. This appears from the communications and documents respecting the case of M. de Brettes, M. Hardy du Bocage, and others, which will ultimately be laid before your Lordship. The refusal of M. du Bocage was accompanied by the most offensive contumely towards the Protector and the laws. From the case of Mr. Marchand it will appear to your Lordship, that a systematised refusal of obedience to the Protector's warrant was persisted in, notwithstanding that he was admonished by the Judge of the mistaken view which he had professed to have taken of the law.

The Protest of a number of persons left with the Protector of Slaves, and which will accompany the Report of that officer, is in open defiance of the King's Government, and accuses the Ministers of the Crown with dishonesty in the discharge of their duties; this has been laid before the Attorney General, and will be made a subject of prosecution.

With relation to the labour at present exacted, complaints from several quarters show, that on the Union, the Marquis, and the estate of Mr. Du Bocage, the law is openly defied, and even cruel exactions of labour will be shown if the complaints are proved. These estates are named as being extensive ones, but there is reason to believe that the system spreads very widely over the country.

The worst, because the most powerful, ramification of this opposition is, that which is found on the part of one or two active Members of the Council connected with the Colony. The Minutes of Council, and Letter annexed, will show the number of needless adjournments of Council at their instance, and the multiplied pretences by which business of the most urgent nature has been delayed. After much vexatious loss of time I procured the enactment, on the 20th instant, of a simple ordinance for regulating the duties of Commissaries' Commissioner, with such small concessions as will appear from the difference between that enactment and the original draft. This I believe was only procured by my expression of the necessity which I felt to act alone, if they would not act with me, under the provisions of the Royal Instructions. And your Lordship will feel some surprise, perhaps, that Mr. Jackson, as Member of Council, should urge the erasure of the words "in consequence of His Majesty's Orders in Council of the 20th of June and 2d of November last," from the preamble of this enactment, "because they did not admit those Orders to be law," although he was not willing that such a reason should appear upon the Council Minutes. I shall meet the Council again on Monday next, and if they should further delay the passing of those Ordinances for the want of which public justice is impeded, it will be my duty to consider what steps should be adopted to effect, as far as possible, obedience to the laws. I have in all matters conciliated as far as possible, and shall endeavour to do so, so long as such a course can be useful.

The Order for the days to be allowed to slaves has passed, and I believe with no great dissatisfaction, and will be forwarded by this packet. From the frequent delays which took place, in consequence of the non-attendance of the Council, it became necessary for me to pass it under the advice of the law officers of the Crown. It, however, received some amendment from Members of Council previously to its final promulgation.

ST. LUCIA.

The slaves, I am most happy in being able to state to your Lordship, are in a state of great quietness in the mass, notwithstanding some refusals to work on account of complaints; in such cases they have returned to work on promises of redress.

I cannot but attribute their quietness in a great measure to their assurance of the public officers doing their duty towards them, and from their having a knowledge of the days which have been allotted to them by law.

I have, &c.

(signed) *John Carter,*

Lt-Colonel, Admin^r the Gov^t.

Enclosure 1, in No. 12.

Monsieur le Secrétaire,

Soufriere, 12 Fevrier 1832.

J'AI reçu sous le même pli l'honneur de votre lettre en date du 11 du courant, m'annonçant l'envoi de ma commission d'Assesseur de la Cour Royale de cette Ile, de la part de son Excellence Mons^r le Gouverneur, la dite Commission d'Assesseur et le document y joint.

Je prie son Excellence d'agréer l'hommage de mon respect, et mes remerciemens pour l'honneur qu'elle a daignée me faire, en m'appellant de remplir les hautes fonctions d'Assesseur à la Cour Royale, et de me permettre en même tems de la supplier très respectueusement de prendre en juste considération les motifs que le respect que je lui porte, celui que je porte aux lois, à la société, à ma religion, me commandent de lui exposer, à fin d'être dispensé des fonctions d'Assesseur dans les poursuites et les jugemens des procédures criminelles.

Ces motifs sont,

Que je n'ai jamais étudié que les lois civiles, les seules nécessaires pour la profession de notaire :

Et que je n'ai jamais lu ni étudié les lois ni les formes de la procédure criminelle, dont la parfaite connaissance est indispenable à tout juge criminel pour savoir distinguer l'innocent du coupable; ainsi que je serais infiniment coupable moi-même si j'acceptais par un sentiment de vanité des hautes fonctions de juge criminel, n'étant pas capable de les remplir dignement. Dieu et les hommes ne me demanderaient-ils pas compte des conséquences terribles des jugemens auxquels j'aurais assisté? Que penserai de moi son Excellence elle-même si plus tard elle aurait à apprendre qu'un homme, qui peut-être un bon notaire, mais un fort mauvais assesseur, a trompé sa confiance en acceptant des fonctions pour lesquelles il était tout-à-fait inhabile; a eu la téméraire audace de sieger dans une Cour Royale parmi des Juges savans et éclairés, et là, quoique ignorant des lois et des formes de la procédure criminelle, a opiné sur le sort, la fortune ou la vie d'un accusé, coupable en apparence, mais innocent, et que sa voix l'ayant emporté a fait prononcer un arrêt de condamnation?

Ma religion, mon honneur, ma conscience me commandent de confesser à son Excellence mon entière ignorance des lois criminelles et des formes de la procédure; de la supplier respectueusement de revoquer ma nomination d'Assesseur de la Cour Royale, dans la poursuite et les jugemens des procédures criminelles, et de me permettre de ne pas accepter de telles fonctions, m'en jugeant tout-à-fait incapable.

J'ai l'honneur, &c.

J. M. Stephens, Esq.
Acting Secretary of Government.

(signé) *Robert de Rougemont.*

A son Excellence le Lieut.-Colonel *John Carter*, Administrant ad interim le Gouvernement de *St. Lucie*, &c. &c. &c.

L'HUMBLE sous-signé a l'honneur d'exposer à son Excellence qu'après de mûres reflexions, et convaincu que ses interêts personelles sont entièrement compromis en occupant la place de Juge Assesseur dont elle avait bien voulu l'honorer, la supplie de vouloir se procurer une personne disposée à le remplacer dans ces fonctions, et la prie de croire à son zèle et à son obéissance dans toute autre circonstance.

En accueillant ma démission son Excellence comblera mes désirs, et je ferai des vœux pour sa prospérité.

(signé) *Marwlas.*

Monsieur le Gouverneur,

Corinthe, ce 6 Fevrier 1832.

J'AI l'honneur d'accuser reception de la lettre par amendement de votre secrétaire du 4, qui me nomme Comm^{re} Command^t de mon quartier.

Je remercie son Excellence de l'honneur qu'elle me fait, mais je sens le besoin de faire connoître à votre Excellence que je suis un des signatures des protestations faites dans une Assemblée publique, contre les nouvelles lois que j'ai pensé être contraires à mes interêts, et je suis plus que persuadé que votre Excellence n'entendrait pas me mettre en contradiction avec moi-même en me nommant à une place qui aurait ces dernières lois pour base.

De plus tout, l'ordre judiciaire ayant été abrogé, et la place de Comm^{re} Command^t tenant entièrement à cet ordre, je ne comprends plus les devoirs de ma charge, et j'ai en consequence l'honneur de prier votre Excellence de me faire informer qu'elles sont les attributions qui y sont finalement attachées.

J'ai l'honneur, &c.

(signé) *S. De Longueville.*

Enclosure 2, in No. 12.

Council Chamber, 26 January 1832.

Present :

His Excellency Lieutenant-Colonel Bozon,

His Honour the Chief Justice,

and

Lieut.-Colonel John Carter, commanding 1st or Royal Regiment.

George Binell, Procureur-General, Acting Secretary, and Clerk of Council, being first duly sworn.

In consequence of the arrival of Lieutenant-Colonel John Carter, on whom the command devolved, the usual oaths were duly administered to him by the Chief Justice, as administering the government.

The Minutes of last Meeting were read and confirmed by his Excellency.

Lieutenant-Colonel Bozon submitted the subject relative to the late Chief Secretary, Mr. Busteed, which was received on Sunday last ; particular press of business having prevented his communicating it sooner, and then read letter from Mr. Busteed on the subject.

The Chief Justice stated the affair of Mr. Gordon's application for the arrest of Mr. Busteed.

Lieutenant-Colonel Bozon then presented the Despatch of 5 November, which was read accordingly. Mr. Busteed having avowed the paragraph by letter, Lieutenant-Colonel Bozon then read his Letter to Mr. Busteed, announcing the receipt of the Despatch, and likewise his proposed Letter to Lord Viscount Goderich.

Colonel Stephens being introduced and named as a fit person for the office of Acting Secretary, Clerk of Council, and Captain of the Tapion Battery, was sworn into office accordingly, and directed by his Excellency forthwith to take into his possession all documents relative to the office, and all Government property subject to be restored.

The Council was then adjourned to Monday the 30th instant.

Done and passed in Council, this 26th January 1832.

By his Excellency's Command.

J. M. Stephens,

Acting Secretary, &c.

ST. LUCIA.

Enclosure 3, in No. 12.

MINUTES of a PRIVY COUNCIL, held on Monday the 30th January 1832.

Present:—His Excellency Lieut.-Colonel Carter.
 His Honour the President.
 The Honourable M. Jackson.
 „ P. Muter.
 „ A. Philip.

ON the reading of the Minutes of the Council of 5th January, it was observed, that an error had crept in, respecting the nature of the Slave Law, and it was unanimously agreed by the Honourable Members present at that meeting, that the word “consideration” be erased. After which correction the following Protest was put in:

“The honourable Members, M. Jackson, P. Muter, and A. Philip, protest against the Slave Code of 2d of November last being put in force, as destructive of their fortunes, and rights as British subjects.”

The Minutes of the Council of 26th of January being read, the honourable Members, M. Jackson, P. Muter, and A. Philip, protest against that Meeting as illegal, and against the unconstitutional manner in which Lieutenant-Colonel Bozon has acted, in taking the advice and opinions of other individuals than the Members of the Council of Government on matters of vital importance to the Colony, such as issuing an illegal Proclamation, laying an embargo on the vessels in the harbour, and opening the letters of private individuals, and imprisoning their persons.

In consequence of the strong representations from all classes of the community, showing the unparalleled distresses of the country, his Excellency and the honourable Members unanimously agreed, that it would be expedient to repeal the Tax Ordinance for the year 1832, and place the taxation for this year in all respects upon the same footing as that of the year 1831; which was ordered to be published for general information.

It was further agreed, that the assessment of 5*s.* per head levied upon the plantation slaves, for extraordinary repairs of the roads of the 1st District, be rescinded.

Ordered, That the Commissaries Commandant are for the present to communicate with the Procureur-General in cases requiring advice, and connected with police, and that the usual supply of stationery be supplied to the Commissaries' Commandant.

Ordered by his Excellency, That Dr. Cavalier be confirmed in the appointment of Lieutenant Commanding for the quarter of Soufriere.

The Acting Secretary was directed to call upon the Commissaries Commandant for lists of those persons more immediately requiring relief, who were sufferers by the late hurricane.

Ordered, That information be obtained, and laid before his Excellency, as to the admission at Barbadoes of staves and salt provisions, with a view to their admission into the Colony, to meet its necessities.

The President moved, that his Excellency would be pleased to appoint Monday next for a meeting of Council, for the purpose of taking into consideration matters relating to the Orders in Council of 20th June and 2d of November.

Done and passed in Council, this 30th of January 1832.

By his Excellency's Command.

J. M. Stephens, Acting Secretary, &c.

MINUTES of the PRIVY COUNCIL, held on Monday the 20th February 1832.

Present:—His Excellency Lieut.-Colonel Carter.
 His Honour the First President.
 The Honourable M. Jackson.
 „ P. Muter.

MINUTES of last meeting read and confirmed.

It was resolved, that staves, hoops, salt provisions, tiles, lumber (all kinds), salt beef and pork, fish, (all sorts) tiles, be allowed to be imported duty free from this date until the 1st June.

The

The Bishop of Olympus' Letter was submitted by Mr. Jackson.

An Ordinance regulating the jurisdiction of Commissaries Commandant being submitted to the Council, Mr. Jackson objected to the reference made in the preamble, namely, "in consequence of the promulgation of His Majesty's Orders in Council of 20th June and 2d November last."

For the reference :

His Excellency the Governor.
His Honour the President.

Against it :

Honourable M. Jackson.
" P. Muter.

On the grounds of its being quite unnecessary, and extremely obnoxious to the inhabitants in the present state of excitement and alarm.

The Honourable M. Jackson and P. Muter expressed a wish that the jurisdiction of the Commissary Commandant be extended to the slave in civil cases, as relating to 3d Clause.

The Honourable M. Jackson and P. Muter objected to the 7th Clause, from the words "provided" to the conclusion "thereof," on the following reason, that the power of the Commissary Commandant should be limited to the extent of twenty-five lashes, with or without imprisonment, and hard labour, without appeal; the punishment to be inflicted summarily, knowing from experience that delay is attended with ruin to the planter, and, besides, defeating the object of correcting the delinquent, as well as weakening the authority of the Commissary.

In Clause 13, it was proposed by the Honourable M. Jackson and P. Muter, that the words "after Court" be erased.

15. Proposed by Messrs. Jackson and Muter, that instead of Clause 15, the Commissary should have a fee of ten per cent. upon all amounts recovered before them in civil actions, and a fee of ten livres in all criminal complaints made before them in which any free person shall be found guilty; and in case of dismissal by the party lodging the complaint, if a free person, with a view of checking the preferment of trivial complaints, which fees are to be appropriated as the Commissary Commandant may determine.

The President produced to the Council drafts of two other Ordinances, one for establishing a Court for the recovery of small debts, and a Police Court for St. Lucia; and the other regulating the Court of Requests for slaves in the Island of St. Lucia. He represented to his Excellency and the Council the necessity of the immediate provision for police, and urged the passing of such Ordinances without delay. To which it was objected by the Honourable M. Jackson and P. Muter, that without copies of such Ordinances for previous consideration, they could not enter upon the subjects, having been promised to be furnished with such at the last meeting, on Monday the 30th January, and as requested in Mr. Jackson's letter of 13th February to the Acting Secretary. The President observed, that there certainly was a mistake on the part of the honourable Member, Mr. Jackson, in stating that there was any promise regarding the supplying by him of a copy of a law, except the one in question, at the last meeting of Council, which copy has been supplied to Mr. Jackson through the Secretary. The President referred to his letter of the 10th February, as explaining the facts.

The President thereupon entered his solemn protest against the repeated delays which had taken place in the public business, having reference to the late Orders in Council, by the omissions on the part of Mr. Jackson to attend the Council, without sufficient reasons assigned, whereby great injury has been done to the public service, and in particular the administration of justice.

The President begged that his Excellency would be pleased to appoint to-morrow peremptorily, for the further consideration of the important business before the Council, and by no means to suffer a delay longer than the course of the present week, for the passing of the Ordinances in question.

Mr. Muter begged leave to ask Mr. Musson, whether Mr. Jackson had not decidedly stated repeatedly in Council, that he never would give his sanction to any law of importance, unless he had been previously provided with copies of the drafts, and been allowed ample time to consider them maturely.

The President declined submitting to interrogations on the part of Mr. Muter, which he conceived irrelevant to the matter at issue, inasmuch as Mr. Jackson's dictates were not to constitute the rules of his Excellency's conduct, or to govern the proceedings of the Council.

Mr. Jackson further observed, that the copy of the Ordinance sent to him was one for regulating the duties of the Commissaries, and not what he was led to expect,

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expect, and that his own affairs have prevented his attending the very frequent calls of the Council.

The President observed, that agreeably to the request made of him by the Council, he had prepared that Ordinance for it which he thought most necessary to come first into operation.

His Excellency the Governor having proposed to the Council to meet to-morrow, and some honourable Members not agreeing to do so, and Mr. Jackson not being able to name any day positively on which he could attend, his Excellency said, that he then must request the Chief Justice to meet him here to-morrow, to consider what was necessary to be done to avoid the further injurious effects which had been represented as having taken place.

The President stated that the necessary Rules and Regulations for the Court were in readiness on the part of the Judges, and only awaited the simple passing of the Ordinances in pursuance of the directions in the Orders in Council.

Done and passed in Council this 20th February 1832.

By his Excellency's Command.

J. M. Stephens, Acting Secretary.

MINUTES of a PRIVY COUNCIL held on the 21st February 1832.

Present:—His Excellency Lieut.-Colonel Carter.

His Honour the President.

Honourable M. Jackson.

„ P. Muter.

On the reconsideration of the Ordinance regulating the jurisdiction of Commissaries Commandant, the Order was finally passed, with such alterations as appear in the original draft.

Copies having yesterday been supplied to Mr. Jackson, of the other two copies of Ordinances brought before Council, the President proposed these Ordinance should now be considered, with a view to their passing.

The honourable Members M. Jackson and P. Muter, having requested time to consider of the measures, and represented the inconvenience of their attending before Monday next, with a view to the convenience of Members, it was proposed by the President to his Excellency, that that day be peremptorily appointed for the disposal of the said Ordinances; the Council to meet at 10 o'clock.

In pursuance of the object for which the adjournment of the Council especially took place yesterday, the President proposed, in consequence of the general refusal which had been made by the inhabitants of the Island to act as Assessors in the Royal Court, that an Ordinance should be passed, whereby all persons who might be appointed Assessors should be compelled to act as such under a high penalty. Mr. Jackson objected to the measure *in toto*. Mr. Muter thought the matter had better stand over until the remonstrance which he understood had been presented against the Slave Law should be answered.

Done and passed in Council this 21st February 1832.

By His Excellency's Command.

Sir,

Soufriere, 13th February 1832.

I RECEIVED your Letter of the 11th, requesting my attendance at the Council to be held on Wednesday next. I beg you would express my regret to his Excellency the Governor, that business of the utmost importance will prevent my attendance on that day; but if the matter to be deliberated upon be delayed a few days longer, say this day week, I shall be able to attend.

I am, &c.

J. M. Stephens, Esq.

(signed) *Mich. Jackson.*

P.S. If there are any other matters to be laid before the Council than the one you sent me, I request I may be furnished with copies.

Sir,

Castries, February 10, 1832.

The Acting Secretary, Colonel Stephens, has forwarded to me an Extract of a Letter from Mr. Jackson, on the subject of the Council appointed for Saturday next. Your Excellency will no doubt bear in mind, that at the Council Chamber on Monday last, which day was appointed for Council, and on which day Mr. Jackson did not attend, it was determined that the most convenient course would be that of having a meeting on Saturday next, and then laying before the Council the measures proposed, when, if necessary, Members might have such reasonable time as they might request for further consideration of the subject. This, the most convenient course, was, I believe, distinctly decided upon.

With a view, however, of leaving no further pretence for disappointment in a meeting of the Council, I will send in to the Secretary's office my draft of the Ordinance, which it appears to me most necessary to introduce first; and which, as such, I proposed by request of the Council. I have to request that your Excellency will be pleased to order a copy of it to be forwarded to each Member of the Council in the present instance. I would beg leave to suggest Monday next as the latest day for a meeting, after the many obstacles which have been seen against carrying these measures into effect.

First, as I understand, Mr. Jackson did not attend on Council on Monday last, from the want of a written notice, although the understanding was distinct that Members would meet. Now, at a late hour, Mr. Jackson seems to signify that he does not intend to come on Saturday, because he has not had a copy of the proposed Ordinance.

I only adopt a course thus inconvenient and new, especially under the severest necessity for despatch of business, and the distance of Mr. Jackson's residence in town, in consequence of supposing that what I said on the subject might be construed as a promise to have a copy sent to Mr. Jackson. I however protest against a course which might at all times be used to put a stop to public business, and which, indeed, only in a few very partial instances could be adopted.

His Excellency
Lieut.-Colonel Carter, &c. &c.

I have, &c.
(signed) *J. P. Musson.*

— No. 13. —

COPY of a DESPATCH from Lieutenant-Colonel *Carter* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

Government Office, St. Lucia, 25 February 1832.

I HAVE the honour of transmitting to your Lordship a Letter signed by eight gentlemen of this Island, remonstrating on the terms of the Order of Government promulgated by me, and which gives additional time during crop to such slaves as shall be maintained by the produce of ground appropriated to them by their owners. This trifling increase of time, over and above the forty days at least in forty successive weeks, has appeared to me a necessary and not unreasonable indulgence towards assisting the slaves in cultivating their garden, and raising and superintending their stock of provisions.

Several individuals seemed to entertain the idea, that the slave would be inconvenienced by being entirely deprived of the Monday during the twelve remaining weeks of the year; and in my presence, at the Council Chamber, I heard an influential merchant advance that these few additional days (every other Monday in crop time) were unimportant in the estimation of the planters, but would prove a great benefit to the slaves themselves. I accordingly, after consulting with the Law Officers and the Protector of Slaves, felt myself justified in adopting the humane and liberal course recommended by them as most advantageous to the slaves; and I have therefore ordered that six Mondays in crop time shall be set apart for the slaves possessing gardens, and that the customary holidays should be allowed as heretofore to all slaves.

It does not appear to me that any remarks upon this intemperate document, so similar to those already addressed to my predecessor, are called for on my part. The writers of that Letter having indulged in an improper attack on his Honour the Chief Justice, I felt it my duty previously to communicate the contents to that gentleman before I transmitted it to your Lordship, who, having just seen this

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Despatch, desires me to say, that the document in question does not, in his opinion, require any answer from him at present, except simply to remark that his opinion differs from that of the gentlemen who signed it, and he has no doubt that your Lordship's will in like manner. He has no objections, although it is indecorous in its terms, that it should be forwarded to your Lordship.

I think it as well to observe to your Lordship, that the Order which gives so much offence was not laid before the Council previously to adoption and promulgation, only because Council after repeated summonses would not attend for public business. A Copy of this Order I have the honour to enclose; and as I do not think it right that the Chief Justice should have the sole credit of this Order, I have to inform your Lordship it was not only issued under the advice of the Crown Officers and the Protector of Slaves, but subsequently received some amendment by Messrs. Jackson and Muter in the Council, which I thought it reasonable to adopt.

I have, &c.

(signed) J. Carter, Lt.-Col^l admin^g the Gov^t.

Enclosure 1, in No. 13.

Sir,

Castries, 25th February 1832.

KNOWING the liberal and humane sentiments entertained by your Excellency towards the unfortunate Colonists, it is painful to us to find you have been advised to issue an "Order of Government" supplementary to the Order of The King in Council of the 2d November, extending still further the work of spoliation, by attempting to rob the proprietor of another portion of his slaves' labour.

After the Protest and Declaration of the Inhabitants of this Colony, it was not our intention to have noticed any supplementary measures that might follow the promulgation of the Order itself; but the present document displays such internal evidence of its author, and is so worthy of being put in juxtaposition with the Order of the Governor in Council authorizing his Honour the Provisional First President to *consolidate* and *amend* the laws of the French monarchy, by which the inhabitants of this Colony are governed, that we cannot forego the opportunity of pointing out to my Lord Goderich the extraordinary capacity of the man to whom his Lordship has thought proper to confide the lives and fortunes of His Majesty's subjects, by appointing him Chief Justice of a Colony which His Majesty's Ministers, by an Order obtained from The King in Council, have just deprived of their only safeguard against oppression, "*their trial by jury.*"

The document before us commences by stating, "Whereas it is ordered by the 88th Section of His Majesty's Order in Council of the 2d of November last, that 'every slave for or in respect of whom any ground shall be so appropriated and set apart, (namely, according to the provisions of the said Order) shall in each year be allowed forty days, at least, for the cultivation thereof, so that from the commencement thereof, one Sunday, at the least, may intervene between every two successive days until the entire number of forty days shall be completed,'" &c.— Thus having cited the Order in Council to prove that the law is that the slaves shall have forty days in every year to work their grounds, it goes on to define and explain (and this in the form of an Order of Government) that the slaves to whom land is so given shall have fifty-three days in each year, besides Sundays; and that those slaves who shall receive the preposterous rations laid down by the Order of The King in Council shall have also the privilege of passing seven days of the year, besides Sundays, in idleness at the master's expense; whilst the only object for which a Proclamation is directed to be published is condensed into the four last lines fixing the market-day. Here then we have displayed the same ignorance and malignity that led to the illegal and absurd measures adopted by your Excellency's unfortunate predecessor, Lieut.-Colonel Bozon; for it will hardly be believed that the same Order of The King in Council from which the Section quoted in your Excellency's Order of Government is taken contains also the following one: "Section 120. And it is further ordered and declared, That no Law, Statute, Ordinance or Proclamation now or at any time heretofore in force within any of the said Colonies, or which shall hereafter by any Governor or local Legislature of any such Colony be made, enacted, ordained or promulgated, in so far as the same may or shall be in any way repugnant to or inconsistent with this present Order, shall be binding on His Majesty's subjects in such Colony, or be of any force, virtue or effect therein, or shall be recognized as legal or valid by any Court, Judge,

Judge, Justice or Magistrate within any such Colony, unless the same shall first have been approved or confirmed by His Majesty or his heirs and successors, with the advice of his or their Privy Council." And in the Circular Despatch of Viscount Goderich to the Governor of Trinidad, British Guiana, St. Lucia, &c. of the 14th November, we find the following confirmation of the intention of His Majesty's Ministers: "On collating the Order of the 2d November 1831 with that of the 2d February 1830, you will perceive that the last Order has in some instances determined absolutely matters which the preceding Order referred to the discretion of the Governor."—We beg leave to assure your Excellency, that in thus criticising a document bearing your Excellency's signature, we mean not the slightest disrespect to you, being perfectly aware that in this case you have only put your name to a paper purporting to be a legal instrument, drawn up by your responsible adviser. Requesting your Excellency will be pleased to forward this Remonstrance to His Majesty's Secretary of State,

We have, &c.

(signed)	<i>William Muter.</i>	<i>Peter Smith.</i>
	<i>James Macfarlane.</i>	<i>R. J. Robinson.</i>
	<i>Jn^o Patterson.</i>	<i>Jo^t Girard.</i>
	<i>Louis Aubert.</i>	<i>S. Williams.</i>

To His Excellency Lieut.-Col. Carter,
&c. &c. &c.

St. Lucia.

Enclosure 2, in No. 13.

ORDER OF GOVERNMENT,

Pointing out the Days which are to be allowed to Plantation Slaves in Saint Lucia, and fixing the Weekly Market Day, &c. &c. &c.

John Carter,
Lieut.-Col. administering the Government.

WHEREAS it is ordered by the 88th section of His Majesty's Order in Council of the 2d November last, that "every slave, for or in respect of whom any ground shall be so appropriated and set apart, (namely, according to the provisions of the said Order,) shall in each year be allowed forty days at least for the cultivation thereof, so that from the commencement thereof, one Sunday at least may intervene between every two successive days until the entire number of forty days shall be completed, and each of such forty days shall be understood to consist of twenty-four hours, commencing at the hour of six in the morning, and terminating at the hour of six in the next succeeding morning:"

And whereas it is expedient to define with certainty what days the slave may claim as his own, and that such days should be fixed with due regard to the necessities of and convenience of the planter in crop time: Now I, John Carter, Lieutenant-Colonel administering the Government, do hereby order and declare, That every such slave as above mentioned shall have every second Monday for himself during the first twelve weeks of crop time, commencing from the first Monday in February, and that for the remaining and ensuing forty weeks of the year, every such slave shall be entitled to and have every Monday for himself. It is at the same time hereby ordered and declared, That all Plantation Slaves shall be entitled to the Festivals hereinafter mentioned: namely, New Year's Day, Good Friday, Ascension Day, the Patronal Feast of the Quarter, the King's Birth-day, Christmas Day, and All Saints Day. It is further declared, That every day allowed to slaves by virtue of the said Order of His Majesty in Council, or by virtue of this Order, is to consist of twenty-four hours, in manner as hereinbefore mentioned. And further to remove doubts as to what days such Plantation Slaves may be entitled to, who receive the specified legal allowance of food according to the provisions of His Majesty's said Order in Council, it is hereby declared, that such slaves are entitled, exclusive of Sundays and their regular daily hours to the Festivals only, as they are hereinbefore enumerated. And it is hereby ordered and declared, That Monday shall henceforward be the Weekly Market-day for slaves, inasmuch as that day heretofore has been found to be the most convenient.

By His Excellency's Command.
J. M. Stephens, Acting Secretary.

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— No. 14. —

COPY of a DESPATCH from Major-General *Farquharson* to Viscount *Goderich*, &c. &c. &c.

My Lord,

St. Lucia, 26th March 1832.

I AM grieved at having to trouble your Lordship with the very unpleasant complaints contained in the enclosed Papers, to which the name of William Muter is subscribed, against several of the officers of Government, whose explanations are also enclosed.

I am mortified at finding slave-owners in general, and of all colours and grades, much more excited and discontented than I could have imagined previously to my landing.

Could I consider myself justified, under any pretence, in permitting the slaves to work for twelve hours, even during the present crop only, I am of opinion that it would allay the ferment among the proprietors without exciting the slaves; but in my humble judgment, both the letter and spirit of the Law of 2d November last and Circular of 17th of same month, addressed to the Governors of the Crown Colonies, forbid it.

I have suggested in my Letter to Mr. Muter of this date, the best remedy under existing circumstances I can imagine; but he has called upon me, and stated that all slave-owners have declined the measure.

I have, &c.

(signed) *J. A. Farquharson*, M.-G^l, Govr.

Enclosure in No. 14.

Sic orig.

Sir,

St. Lucia, 27* March 1832.

WE are charged by the Inhabitants of this Colony to transmit to your Excellency their formal Protest against the Order of The King in Council of the 2d November 1831, and Copies of their Appeal by petition to the three branches of the British Legislature for redress of their grievances.

In performing this public duty, it affords us, personally, much satisfaction to have an opportunity of expressing to your Excellency the firm conviction we entertain of your ability to discover the cause, and your humane disposition to remedy, to the extent of your power, the dreadful evils by which this Colony has been hurried to destruction.

Your Excellency sees before you the fruit of ten months' misgovernment in an impoverished population, an empty public chest, and a crowded gaol! We look to your Excellency as the saviour of the Colony; feeling confident that we shall not be disappointed, we will spare no pains to make proselytes to our opinion; and we think we can insure your Excellency that support from the Colony which we conceive you so justly merit.

We have, &c.

(signed) *William Muter*,

Chairman of the Standing Committee of St. Lucia.

R. G. Robinson, Vice Chairman.

To His Excellency
Major-Gen. Farquharson, Governor.

Sir,

Government Office, Castries, 26th March 1832.

I HAVE had under my most serious consideration the memorandum you presented to me, in company with several other gentlemen on the 23d instant, and have communicated on the subject with the several officers complained against, whose replies I have not yet received, but which I shall show to you upon their being delivered to me.

I have also considered, most seriously and deliberately, the proposal you have made of reducing the labour of plantation slaves during crop time to twelve hours per diem; but having perused with attention a paragraph in a Circular Despatch from Viscount Goderich to the Governors of the several Crown Colonies, under date of the 14th November 1831, I find myself pre-emptorily commanded to adhere to the Orders for carrying into complete execution His Majesty's Order in Council

of

of the 2d November last, and am positively prohibited from using my own discretion in any degree whatsoever.

Of this I was not fully aware at the time I last met you, and therefore shall be happy to see you at noon in the Council Chamber the day after to-morrow, and the gentlemen in attendance on the former occasion, in order to endeavour to make some arrangements with you regarding a compensation to the slaves for extra labour, should it be absolutely necessary.

I beg to call to your recollection, that by the second Supplementary Order, promulgated during my former administration, I fixed the price of labour at three livres per diem, in extraordinary cases, and that would amount to one livre for the extra three hours labour which you appear to deem necessary for the manufactory of the present crop.

This method I do most earnestly recommend for your adoption as the most salutary measure I can devise under the present, to me, distressing circumstances.

Be assured, that if I can prevail upon you to adopt this measure yourself, and to recommend the same course to the inhabitants generally, you will relieve me from the heaviest calamity with which I was ever visited.

In conclusion, I beg to call to your notice that His Majesty's Ministers have distinctly announced their intention of affording considerable fiscal relief to those Colonies which shall adopt the instructions contained in the Order in Council, which I have reason to hope will counterbalance the expense of purchasing the extra labour already specified.

William Muter, Esq.
&c. &c. &c.

I have, &c.

(signed) J. A. Farquharson,
M.-G^l, Gov^r.

ON Monday last a Court was opened, presided by Mallet Paret, Esq., before which numerous planters have been summoned.

Mr. Miller, manager of Mont D'Or Estates, has been fined 18*l.* sterling, upon pretence of having infringed the 88th Article of the Order in Council.

Mr. Allery has been fined 18*l.* sterling for the same reason, and 100*l.* sterling under pretence of having made ten of his slaves pick grass during their noon (or two hours), or to three months' imprisonment.

Amongst other of the planters who were under prosecution, some will be liable to fines exceeding 1,000*l.* sterling.

1. That the gaol is crowded with slaves, placed there illegally by the Protector of Slaves.

It is in this situation of the Colony that the Committee call upon his Excellency to stay these prosecutions, and to suspend the execution of the judgments rendered, until we can receive a reply from His Majesty's Government to our representations.

Such is the state of insubordination into which the slaves have been brought by the measures that have been adopted since the promulgation of the Order in Council, that of the small quantity of canes left by the hurricane, not one-third of the quantity of sugar has yet been manufactured with the corresponding period of the last year, and that unless his Excellency comes to their assistance, they will be compelled, however reluctantly, to close their manufactories.

2. Call his Excellency's attention to the last Proclamation, and our Letter to the Governor on the subject; allowing 53 days to the slaves instead of 40.

The state of the Slave Population in the country.

3. Call his attention to the fact, that the police, or permanent detachments of the Colony, instead of being employed in the service for which they were intended, in arresting the numerous runaway slaves, are almost exclusively employed by the Provost-Marshal in executing duties connected with his office, entirely independent of the police of the country.

4. The state of the Courts, and the extraordinary fact that the only Court in vigour is acting under rules and regulations not legally promulgated agreeably to the Order in Council of 20 June 1831.

Call his Excellency's particular attention to the conduct of the Protector, as stated in our remonstrances, and require that the negroes coming with complaints against their masters, after giving in their complaint, should be sent back immediately; 1st, Because the time the negroes remain in gaol is an unnecessary expense to the Colony, and that negroes lose their grounds; and that when the tradesmen, or

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several slaves are detained in gaol, it must be attended with heavy loss to the proprietor, who may be perfectly innocent of any offence against the law; and that the best of negroes may be corrupted by vicious communications.

5. Call his Excellency's attention to Mr. Jackson's case, who, through the ignorance of the Protector, has been brought before the Court of the Puisne Judge, when it was declared his case was not within the competency of the Court.

The Committee maintain the proposal already made to His Majesty's Government, and are prepared to restrict the labour of their slaves to 12 (twelve) hours out of the twenty-four, while they are employed during crop in the manufacture of sugar, and that these twelve hours *shall not be continuous* labour in the manufacture; and as it is impossible that on any estate the *mill work* and the *sugar boiling* can be so equally conducted that one or other is not occasionally stopped in the process, ample time is thus afforded to the slaves so employed to take refreshment during the eight hours of continuous labour, which by this arrangement will be required of them.

William Muter,

Chairman of the Standing Committee of St. Lucia.

St. Lucia, 23 March 1832.

Government House,

St. Lucia, 24th March 1832.

Sir,

IN a memorandum of alleged grievances presented to me yesterday by William Muter, esquire, of this Island, it is stated, that my attention is called "to the last Proclamation, allowing fifty-three days to the slaves instead of forty;"—secondly, "The state of the Courts, and the extraordinary fact that the only Court in vigour is acting under rules and regulations not legally promulgated agreeably to the Order in Council of 20th June 1831."

You will therefore be pleased to give me an explanation of the grounds which led to the fixing of fifty-three days :

And also whether the assertion regarding the Courts is correct.

I have, &c.

His Honour the Chief Justice,
&c. &c. &c.

J. A. Farquharson, M.-G^l, Gov^r.

Sir,

Chambers, March 27th, 1832.

I YESTERDAY had the honour of receiving your Excellency's Letter, dated March 24th, informing me, that your Excellency's attention has been called by a Memorandum of alleged grievances to two points, first, a late "Proclamation, allowing fifty-three days to the slaves instead of forty;" secondly, to "the state of the Courts, and the extraordinary fact that the only Court in vigour is acting under rules and regulations not legally promulgated according to the Order in Council of the 20th of June 1831."

In compliance with your Excellency's request that I should give an explanation of the facts which led to the fixing of fifty-three days; and also, that I should state whether the assertion regarding the Courts is correct; I have the honour to make the following reply.

Sec. 88. Cl. 15.

First. The statement is not correct that fifty-three days were allowed to the slaves *instead* of forty. It is declared by the Order in Council, that "every slave for and in respect of whom any ground shall be appropriated and set apart, shall, in each year, be allowed *forty days at the least* for the cultivation thereof in *forty successive weeks*, and forty days only have been allowed in those forty successive weeks. For the remaining twelve weeks of the year, which are in the midst of crop time, it was considered that less than one day's labour in a fortnight could not be sufficient to supply the slave with sustenance, in working for his master during the rest of the fortnight; and it is the same time which was allowed during crop time previously to the passing of the Order requiring forty days at least in forty successive weeks. The same festivals (to which generally the slaves are much attached) are allowed by the Order or Proclamation in question as were allowed by the Slave Law of 1830, with the addition of one (All Saints day) which it

it was customary to give, although this day was not formerly specified amongst the holidays allowed by the law.

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Secondly. It is not correct that the only Court in vigour is that for the trial of offences which do not amount to misdemeanor before a Judge of the Royal Court. The Manumission Court (being a Court which is held and regulated by the Chief Civil Judge alone) has been and still is in full activity. The Royal Court, as a Criminal Court, since the passing of the law to compel Assessors to sit under a penalty, is in full activity, and processes are going on therein for a sitting on the 10th of April. The Royal Court, as a Civil Court, has never ceased to be in activity since my installation in it, for all the usual and necessary processes of the Court; but no Court has assembled for the hearing of civil cases; and so far from there being any desire or urgency that it should sit, a very numerous signed petition was presented to His Excellency Colonel Mallet, desiring that no executions should issue out of the Courts for the space of a year after the hurricane; to which proposal he by no means acceded. It was always intended, however, that it should sit for civil business so soon as the criminal business could be disposed of. The Royal Court, as modified under the Order in Council of June 20th, was, and was declared to be, fully constituted for civil business at its sitting on the 10th of January, and the necessary proceedings for the despatch of business are going on daily in it. The Court of Requests is ready for business, but at Souffriere it could not hold its first appointed sitting, because the people of Souffriere would not let the Commissioner have a room in which to hold it, but gave him a promise of a warm reception when he should come again. The Court, for the recovery of debts under 20*l.* and for the establishment of a police court, have certainly been delayed in their operation by the determined opposition which they met in passing in the Council, as could not be wondered at when one of the members was the first on the list of signatures for organized opposition to the Orders in Council of June 20th and November 2d.

The activity of the Royal Court was delayed in like manner by the refusal of several of these very gentlemen who address your Excellency to sit as Assessors and by the refusal of some of the Council to pass a law to compel them to sit, under a penalty, which, being imposed, has in no instance been yet incurred.

To objections formerly made against the legality of the constitution of the Courts under the late Orders, answers have already been given. But for your Excellency's satisfaction I beg leave to state, that the Court lately opened, in which Mr. Mallet Paret presides, is legally constituted under the Order of November 2d, that its rules and regulations were duly framed by the Judges of the Royal Court, and assented to by his Excellency, and that they were duly enregistered at the Greffe. Sec. 110.
Sec. 113 & 114.

I have, &c.

(signed) *J. P. Musson*, Chief Justice.

His Excellency Major-General Farquharson,
&c. &c. &c.

Government Office,
St. Lucia, 24th March 1832.

Sir,

IN a memorandum of alleged grievances presented to me yesterday by William Muter, Esq. of this Island, it is, 1st. stated, that "the gaol is crowded with slaves, placed there illegally by the Protector of Slaves."

You will therefore be pleased to explain to me, with the least possible delay, the grounds upon which slaves who prefer complaints against their owners, are committed to prison, and in virtue of what law.

2d. My attention is likewise called to "Mr. Jackson's case, who, through the ignorance of the Protector, has been brought before the Court of the Puisne Judge, when it was declared his case was not within the competency of the Court."

Be pleased to explain this matter also.

I have, &c.

(signed) *J. A. Farquharson*, M.-G^l, Gov.

The Honourable S. V. Surtees,
Protector of Slaves, &c. &c. &c.

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Sir,

Protector of Slaves Office, 26th March 1832.

I HAD the honour of receiving only this afternoon your Excellency's letter, under date of the 24th instant, requesting me to give, with the least possible delay, the explanations requisite with reference to two charges brought against me in a letter addressed by Mr. William Muter to your Excellency.

The first states, that "the gaol is crowded with slaves, placed there illegally by the Protector of Slaves."

This charge has already been preferred against me to Colonels Bozon and Carter, successively; and on each occasion has immediately received from me an answer satisfactory to both those Acting Governors. I beg leave to report its substance.

In certain cases, the exercise of what I consider a sound discretion compels me to place complainants or witnesses under the protection of the gaoler, until their complaints be finally decided before a higher tribunal, or the causes in which their testimony is required be heard.

In so doing, I act under the tacit authority of established usage, as well as under the positive authority of two local Orders in Council, passed the 1st of August 1831.

I should add, that the persons so situated are placed under the care of the gaoler, simply because there is no hospital or workhouse in Castries; and that in the gaol regulations the following clause is found, with reference to their treatment:

"Slaves preferring complaints against their masters, or seized for their masters' debts, to be lodged in gaol for security's sake only, but shall not be mixed with other slave prisoners. They shall be made to assist in cleaning the gaol, and employed in any kind of work necessary in the interior of the edifice."

The next charge calls your Excellency's attention to "Mr. Jackson's case; who, through the ignorance of the Protector, has been brought before the Court of the Puisne Judge, when it was declared his case was not within the competency of the Court." The Protector's ignorance was displayed as follows. A slave of Mr. Jackson's left his estate to complain to me on the 8th of January, the day on which the new Order in Council came into general operation. The case was abstractedly within the competency of the Puisne Judge. On the first day in which there was any Court into which I could go, I filed eight complaints for trial. The Judge fixed a day for Mr. Jackson's case amongst others. Two days before the arrival of that day, the Judge, in specifying the amount of a progressive fine for which I sued Mr. Miller, laid down, that, in consequence of the date of enregistration in Court of the Order in Council, he could only take notice of it from the *fourteenth* of January, instead of the *eighth*.

Under these circumstances, when Mr. Jackson's case came on, in its turn, I non-suited myself ("*je me suis désisté de ma plainte devant ce tribunal,*") and told Mr. Jackson, that I should carry the complaint elsewhere as soon as I had a Court to go to.

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

I have, &c.

(signed) S. Villiers Surtees.

Sir,

Government Office, St. Lucia, 24th March 1832.

IN a memorandum of alleged grievances presented to me yesterday by William Muter, Esq. of this Island, my attention is called "to the fact, that the police or permanent detachments of the Colony, instead of being employed in the service for which they were intended in arresting the numerous runaway slaves, are almost exclusively employed by the Provost Marshal in executing duties connected with his office, entirely independent of the police of the country."

I therefore request that you will be pleased to give me an explanation of this matter.

I have, &c.

(signed) J. A. Farquharson,
M.-G^l, Gov^r.

To the Provost Marshal General,
&c. &c. &c.

Sir,

Marshal's Office, 24th March 1832.

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I HAVE the honour to transmit the Monthly Return of the Police, and by referring to the said Returns, the mode and manner in which the Police is generally employed has been stated therein, and regularly forwarded to the Government Office. The same has been observed with Returns of Runaways.

In answer to the paragraph contained in a writing from the Committee, I beg leave to state, that I never did employ the Police otherwise than fully authorized by law, or orders from Government. If runaways are numerous, it is more than I am aware of. The only Return received since 2d December 1831, is the one from Denney: 17th March instant, seven ditto. On the one from Castries, I made a remark in Monthly Return of 24th January last. "The only one received appears exaggerated, and I have reason to believe that the runaways are not denounced on their return to the Commissary Commandant. Therefore beg to suggest, that a Government Memorandum be issued to call for a List of Runaways from each slave proprietor of the actual number absent," which will prove that I have not lost sight of my duty.

I have, &c.

His Excellency Major-General Farquharson,
Governor and Commander-in-Chief,
&c. &c. &c.

J. Winkler.

MONTHLY RETURN of POLICE GUARD at *St. Lucia*, from 25th February to 24th March.

DISTRIBUTION.	Serjeant-Major.	Serjeants.	Archers.	TOTAL.	HOW EMPLOYED.	Serjeant-Major.	Serjeants.	Archers.	TOTAL.	REMARKS.
Castries -	1	1	7	9	Government Office -	1	-	1	2	February 25th. Corneau, Ga Ballies, Garçon Dacie, and Gedron Still, in the quarter of Soufriere, in search of runaways, and under the orders of the Commissary Commandant.
Ancelaraie -	-	-	-	-	Marshal's ditto -	-	1	-	1	
Soufriere -	-	-	2	2	Attorney-General's ditto	-	-	1	1	
La Borie -	-	-	1	1	Protector of Slaves ditto	-	-	1	1	
Vieuxfort -	-	-	1	1	Treasurer's ditto -	-	-	1	1	
Micond & Praslin	-	-	1	1	Wharf and Market -	-	-	1	1	
Dauphin -	-	-	1	1	Attending Courts -	-	-	1	1	
Gros Ilet -	-	-	1	1	Commissary Commandant.	-	-	1	1	
Northern District	-	-	-	-	Out-Stations to Commissaries.	-	-	7	7	
Southern District	-	-	-	-	Superintendent Quarters and Men.	-	-	-	-	
Sick -	-	-	1	1	In Search of Runaways	-	-	-	-	March 9th. Ga Ballie, Gedron, and Garçon Dacie, returned from Soufriere, brought up a prisoner to be tried as a criminal; Corneau left behind sick.
Wanting to complete.	-	1	2	3	Sick - - -	-	-	1	1	
Wanting to complete.	-	-	-	-	Wanting to complete	-	1	2	3	
TOTAL -	1	2	17	20	- - - -	1	2	17	20	

March 9th, Three.—Barbe, police-officer, died in the quarter of Ancelaraie, where he was stationed. The 19th, William Burke returned to his duty, and stationed at the Treasurer's Office, having been ill for some time back. Serjeant-Major Rome is in constant attendance every day upon his Honour the Chief Justice.

(signed) J. Winkler.

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— No. 15. —

COPY of a DESPATCH from Major-General *Farquharson* to Viscount *Goderich*,
&c. &c. &c.

My Lord,

St. Lucia, 30th April 1832.

HEREWITH I have the honour of transmitting to your Lordship a correspondence between certain persons of this Colony, styling themselves a Standing Committee, and myself, concerning the shutting of their sugar manufactories, convening meetings, and paying no taxes voluntarily, &c. &c. which requires no explanation from me.

I have, &c.

(signed) *J. A. Farquharson*, M.-G^l, Gov^r.

Enclosure in No. 15.

Sir,

Castries, 29th March 1832.

THE Committee have had under their serious consideration, your Excellency's reply to the Memorandum they submitted to you at the interview you honoured them with on the 23d instant, and they regret to be under the necessity of informing your Excellency, that in the painful situation in which they are placed, they are under the necessity of declaring their determination to close their sugar manufactories, to carry into full effect the resolution of the inhabitants not to pay, voluntarily, any taxes, and to resist, to the utmost extent of their power, the execution of the judgments rendered against them by any Court, for infractions of the Order of the King in Council of the 2d of November 1831; and although the Committee are vested with full powers to act, they consider it necessary to obtain the entire adhesion of their constituents to these final measures; they have consequently invited the inhabitant proprietors to assemble here on the 7th of April.

We have, &c.

(signed)	<i>William Muter.</i>	<i>J^h Girard.</i>
	<i>J. E. Chevallier, M. D.</i>	<i>S. Williams.</i>
	<i>C. De Brettes.</i>	<i>Lewis Aubert.</i>
	<i>Jr^o Patterson.</i>	<i>R. Augier.</i>
		<i>R. S. Robinson.</i>

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

Gentlemen,

Government Office, Castries, 30th March 1832.

THIS day I had the honour of receiving your letter of yesterday, conveying to me in the first place, "your regret that in the painful situation in which you are placed, you are under the necessity of declaring your determination to close your sugar manufactories."

This step might answer very well with such proprietors as possess unincumbered properties, and therefore I can see no good reason against the adopting such a measure; but to the proprietors of incumbered estates, I beg leave to recommend most earnestly, and with the greatest solicitude, that they refrain from adopting a course so very injurious to the interests of those who are deeply concerned in, and have been unconsulted upon, so vital a subject. Besides, the time is near at hand when you may expect a reply to the representations you have made to the mother country, which may prevent the necessity of adopting so injurious a system.

2d. "To carry into full effect the resolutions of the inhabitants not to pay, voluntarily, any taxes:"

With respect to taxes, I believe they do not become due until the 20th May next, which will afford both you and me some breathing time upon this secondary subject, which is dependent upon the effects of your former Resolution.

3rd. "To resist to the utmost extent of your power, the execution of the judgments rendered against you by any Court for infractions of the Order of the King in Council of 2d November 1831:"

On this point I am induced to be as lenient as possible. I am willing to suspend the levying of any fine incurred previously to this day, under the Order in Council of the 2d November 1831, on sufficient security being given for the payment, in
case

case I should not think fit to remit any portion of them, on receiving the Despatches which I daily expect, with reference to the first Petition laid before the Acting Governors on the subject of that Order.

4th. And lastly, "That you have invited the inhabitants, proprietors, to assemble here on the 7th April:"

I must request that you will reconsider this extraordinary and unprecedented measure, and weigh well the evident consequences which must result from a proceeding, in my humble opinion, so unwarrantable; for you ought not to expect from me to submit tamely to such an infringement of my prerogative.

I have, &c.

(signed) *J. A. Farquharson, M.-G¹, Gov^r.*

To William Muter, J. E. Chevallier, C. Debretts,
Jn^o Patterson, J. Girard, S. Williams, L. Aubert,
R. S. Robinson, and R. Augier, Esqrs.

Sir,

Castries, 2d April 1832.

THE Standing Committee of the Island have been honoured by your Excellency's reply to their communication of the 29th ult., and as they are most anxious to convince you of their personal esteem as well as their respect for your official character, they hasten to remove a misconception your Excellency labours under with respect to one passage in that communication.

The Committee, acting in behalf of the proprietary body of this Island, seeing the conduct of your subordinate officers is such as will certainly produce consequences the most deplorable, conceived it prudent to adopt the resolutions they had the honour of communicating to your Excellency; and at the same time invite the proprietary body, whom they represent, to come to Castries, to give their adhesion to those measures. Your Excellency will perceive that there is here no interference with your prerogative, this being no public meeting, to legalize whose proceedings the Governor's sanction is required. Your Excellency recommends most earnestly, and with the greatest solicitude, that those planters who have, from the various visitations of Providence (aided by the conduct pursued towards them by the mother country), been unable to free their properties from incumbrances, should refrain from adopting a course which you think so injurious to the interest of their creditors. Convinced of the deepest interest your Excellency takes in the welfare of all classes of this community, we have seriously considered your proffered advice; but we cannot perceive that opposition of interests, on the supposition of which your Excellency argues. Here it is not a question of saving a portion out of the wreck of our properties to be shared with our creditors, it is the annihilation of the whole we seek to avoid. We cannot manufacture sugar under the regulations of the Order in Council; to continue, therefore, will be still to contravene this iniquitous law, which your Excellency declares you cannot modify; neither can we see that the absent creditor has any right to complain of us, because we do not expose ourselves to be robbed of the whole fruit of our labour, or the alternative of being consigned to a gaol.

The inhabitants of this Colony have been greatly shocked by a transaction that took place the day preceding your Excellency's arrival in this Colony; and no man in it will voluntarily submit to be so treated.

Your Excellency has humanely stated your determination to be as lenient as possible, but the means proposed to effect it seem to us peculiarly harsh and exceptionable, because they depend on the extent of influence to be exercised by a faction, who are our bitterest enemies. And we still see a proprietor and his slaves incarcerated together, when your Excellency's will to exercise the most valuable branch of your prerogative is alone sufficient to remove this cruel oppression.

We have, &c.

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

[Signatures of the Committee.]

Gentlemen,

Government Office, St. Lucia, 2d April 1832.

I HAVE the honour of acknowledging your letter of this date, stating your determination of inviting the proprietary body you profess to represent to come to Castries, to give their adhesion to the measure proposed by you of shutting their
sugar

ST. LUCIA.

sugar manufactories on the 7th instant, and must therefore request that you will abstain from collecting in Castries or elsewhere in this Colony, either by invitation or otherwise, so respectable a body for so unprofitable a purpose; because it might be the means of creating intemperate discussions, and inflaming the minds of the assembly, which could not benefit the parties concerned, but on the contrary injure the cause you advocate; and also because a want of employment on the part of the slave population might lead to licentiousness, riot and general insubordination; and when habits of idleness are once contracted, there is always much difficulty in restoring the indolent to their former occupations and industry. Your wishes, however, may easily be effected by some less dangerous means.

With respect to the circumstance to which you have alluded as having occurred the day before my arrival, I regret extremely that it appears to me to have arisen from the unnecessary obstinacy of the parties who have suffered; as resistance to the laws on the one part must call into action coercive measures on the other.

I have endeavoured to mitigate the effects of that arrest by the liberation on bail of one of the two persons concerned, and regret that the elder rejected the advice of the keeper of the prison, to send his slaves to their labour upon his property, with the exception of two, to be retained as security to the Colony for the expenses incurred; and I shall feel greatly grieved and mortified should any thing occur to compel me to have recourse to similar measures.

I have, &c.

(signed) *J. A. Farquharson, M.-G^l, Gov^r.*

To William Muter, J. J. J. Alexander,
R. S. Robinson, J. Patterson, D. Ferguson,
L. Aubert, J. Dalby, J. Girard.

Sir,

Castries, 3d April 1832.

WE have the honour to acknowledge your Excellency's letter of yesterday's date. To convince you how much we desire to meet your views on every point possible, and prove how little intention to interfere with your Excellency's prerogative, if your Excellency will name an early day for a public meeting of the inhabitants of this Colony, we will recall our invitation to our constituents for Saturday next.

We beg to inform you, that the measures contemplated of closing our manufactories, is done expressly with a view to put a stop to that state of licentiousness, riot and insubordination, which already exists amongst our gangs, and to destroy those habits of idleness contracted by them, since the promulgation of the new Orders in Council.

Your Excellency states, our wishes may be easily effected by some less dangerous means. We should be most grateful to your Excellency to point out these means.

We have, &c.

His Excellency
Major-General Farquharson, Governor,
&c. &c. &c.

[Signatures of the Committee.]

Gentlemen,

Government Office, Castries, 5th April 1832.

I WAS not honoured with your letter of the 3d instant until too late yesterday evening to be enabled to reply.

I regret that it is not in my power to sanction the public meeting you propose to convene, for the reasons already given in my letter of 2d instant.

Nevertheless, with the powers you state to be invested by your constituents, I can see no difficulty you can have in inviting the planters to close their manufactories, and employing their slaves in opening the ground for the benefit of the next crop, in the same cautious manner you invited them to assemble in Castries for the discussion of this object, should you still be determined on pursuing such a measure.

I have, &c.

(signed) *J. A. Farquharson, M.-G^l, Gov^r,*

To William Muter, R. S. Robinson, J. E. Chevallier,
J. Patterson, J. P. Noel, S. Williams, D. Ferguson,
L. Aubert, and John Dalby, Esqrs.

Sir,

Castries, 26th April 1832.

ST. LUCIA.

I HAVE the honour to enclose a copy of a signed Declaration of the proprietors and others interested in Sugar Estates in this Island.

Your Excellency's indisposition has been the cause of the delay in communicating it to you.

I have, &c.

(signed) *William Muter*,
Chairman of the Standing Committee of St. Lucia.

To His Excellency
Major-General Farquharson, Governor,
&c. &c. &c.

THE Standing Committee of this Island having communicated to his Excellency the Governor, under date of the 29th ult., their determination to close their sugar manufactories, to carry into full effect the resolution of the inhabitants not to pay voluntarily any taxes, and to resist to the utmost extent of their power the execution of the judgments rendered against them by any Court, for infractions of the Order of the King in Council of the 2d November 1831:

We, the undersigned proprietors and others, interested in Sugar Estates of this Island of St. Lucia, in whose behalf the Committee have acted, do hereby fully confirm all the acts they have performed in that character, and we do give our full and entire adhesion to the above-recited Resolutions, and will carry them into immediate effect.

St. Lucia, 7th April 1832.

(signed by) Forty-eight Signatures.

Sir,

Council Chamber, St. Lucia, 1st May 1832.

REFERRING to my various communications with you upon the importance of manufacturing sugars at this crisis, I have now an additional reason for requesting that you will urge upon all the planters in this Colony the prudence of commencing this operation, upon the principle recommended by me, with vigour, the prices of sugars having risen in the London market the unprecedented sum of 10s. per hundred weight, as stated in last accounts.

I have, &c.

(signed) *J. A. Farquharson, M.-G^l, Gov^r.*

William Muter, Esq. &c. &c.

Sir,

Council Chamber, Castries, 27th April 1832.

I HAVE the honour of acknowledging your letter of yesterday, received this morning, accompanied by a Resolution subscribed by 150 of the Proprietors and Planters of this Colony, acquainting me that they have determined on shutting their boiling-houses, and of discontinuing to manufacture sugar, of which I must convey to you, for the information of those concerned, my serious disapprobation, for the following reasons:—

It is a maxim universally admitted, that of two evils the lesser ought to be chosen.

You state that, with nine hours' labour, you are unable to make sugar, and therefore, instead of trying a remedy, you decide on pursuing the extreme mode of discontinuing the manufacturing labours, to the great prejudice of the interests of all concerned, in my humble opinion, but especially of the creditors at home, of such estates as are involved. All concerned are, by this suspension, suffering the dry season to pass away, and the slaves and the rats to feast upon the ripe canes.

Whereas I do most earnestly recommend to all to endeavour to adopt the middle course, of employing the nine hours' labour allowed by the Ordinance, and of purchasing from the slaves the additional three hours which you say you require, until the pleasure of His Majesty's Government on this head can be received, a period which I would fain hope is at no great distance.

With an earnest request that my suggestion will be taken with favourable consideration by those concerned in this Colony.

I have, &c.

(signed) *J. A. Farquharson, M.-G^l, Gov^r.*

P. S. As regards the taxes, I will come to close quarters with you when they shall become due.

William Muter, Esq. &c. &c.

(signed) *J. A. F.*

ST. LUCIA.

Sir,

Castries, 2d May 1832.

OUR Chairman has submitted to us your communications of the 27th April and 1st May, and it is with feelings of deep regret we perceive that our various representations on the deplorable state of distress to which we are reduced have produced no effect on your Excellency's mind, and that you still urge us to adopt a line of conduct impracticable in our situation.

His Majesty's Government having thought proper to adopt measures tending to our utter destruction and spoliation, whilst we were subjected to the rule of men who were without responsibility, and whom chance had thrown into this Government, the inhabitants could not bring themselves to believe that their ruin was to be consummated; they therefore struggled against their fate; they set aside the provisions of the Order in Council of the 2d November, and manufactured sugar.

Your Excellency arrived in the Colony; the inhabitants hailed you as their saviour; they have been disappointed, and the executioners of the Law have been let loose upon them with the most unrelenting rigour. They have been dragged before pretended Courts of Law without knowing their offence; and, unheard, condemned to fines and imprisonment; their properties have been seized, even to their clothing, and their beds from under them; our slaves are fast approaching to a state of open revolt, and in this situation you urge us to *hire* the labour of our own slaves; whilst the only argument His Majesty's Secretary of State has deigned to use to justify this gross violation of our property is, his opinion that nine hours is the utmost extent to which the physical powers of man can be exerted in a tropical climate without shortening the duration of human life. We again repeat, Sir, that we have adopted the measure of closing our manufactories, because we cannot make sugar under the provisions of the Order of the King in Council; that our slaves are insubordinate and indolent; and as your Excellency has refused to give any assistance to put down this insubordination, unless the provisions of that Order of Council are obeyed, we have resolved to continue so to act until we receive a definitive answer from His Majesty's Government on the subject of these iniquitous laws, when we shall be fully prepared to adopt measures for our relief.

We have, &c.

(signed)

*W^m Muter.**Jos^h Girard.**John Dalby.**D. Ferguson.**J. E. Chevallier.**Louis Aubert.**J. Patterson.**S. Williams.**R. S. Robinson.*His Excellency the
Governor.

Sir,

Government Office, Castries, 3d May 1832.

LAST night I had the honour to receive the communication you transmitted to me in reply to my letters of 27th ultimo and 2d inst.

I shall not complain of its want of courtesy, but the general and exaggerated statement it contains, I shall advert to as far as I can understand them.

In the first place, the assertion you have been pleased to make in the first paragraph of your letter I deny.

Secondly, I shall not discuss the subject of your second paragraph, because I do not feel equal to; and secondly, if I were, I do not feel justified in doing so.

Thirdly, If you mean by your third clause that the laws are now in operation, that I admit; and if in the very extensive seizures of necessary wearing apparel you allude to the case of Mr. Donald Shaw alone (and if you do not, pray be more explicit), I have already, by memorial from that gentleman, suspended the execution.

Fourthly, I take leave to differ in opinion from you with respect to any danger to be apprehended from revolt of the slaves at present; and were they judiciously divided into spells, they would be enabled to manufacture sugar, and accomplish more work than the managers and overseers could superintend without unusual exertion.

You have done me ample injustice in stating that I have "refused to give any assistance in putting down *this insubordination* unless the provisions of the Order in Council are obeyed." In contradiction to this sweeping assertion, I refer you to the Honourable Peter Muter for information whether I did or did not, personally, make two very lengthy and minute investigations into complaints preferred by that gentleman's overseer and by himself against the insubordinate part of his slaves; and

and whether I did not adjudge and cause corporal punishment to be inflicted upon one of them; and further, whether that gentleman was or was not satisfied with my decision.

I must also call to your notice a Letter published by me in last Gazette, and repeated in the present, explaining to the slaves, or rather commanding Commandants of Quarters to explain to them, certain points not heretofore understood by the slaves, and threatening such of them as might be disobedient with the utmost severity of the law.

Lastly, I shall at all times remain fully prepared to adopt the measures necessary for the tranquillity of this Colony, be yours what they may.

I have, &c.

(signed) *J. A. Farquharson, M.-G^l, Gov^r.*

William Muter, Esq. &c. &c.

— No. 16. —

COPY of a DESPATCH from Viscount *Goderich* to Major-General *Farquharson*, &c. &c. &c.

Sir,

Downing-street, 5th July 1832.

I HAVE received your Despatches enumerated in the margin. I acknowledge and am about to answer these Despatches together, (although they embrace many subjects which have no very clear connexion with each other) because they all bear more or less directly upon the question of enforcing the recent laws for improving the condition of the slaves in St. Lucia.

You judged correctly that the power of altering the Royal Order in Council of the 2d of November last did not rest with yourself.

The complaint preferred by Mr. William Muter, in his Memorandum of the 23d of March, respecting the grant by a local Proclamation of thirteen days more time to the slaves than are allowed to them by the Order, appears to me to be well founded; nor do I think that the First President has made any sufficient defence of that measure. If no local authority can relieve the owner from the obligations imposed on him by the Order, it follows that there is a similar incapacity of changing the terms of that law in favour of the slave. His Majesty was advised to allow those slaves who are fed by provisions grown by themselves, forty days in each year for the cultivation of them. The additional thirteen days was a direct departure from that rule. The First President observes that the forty days would leave twelve weeks during crop time unprovided for. The answer is, that this consequence was distinctly foreseen and intended when the Order was framed. The hours of manufacturing labour during crop time being so much abridged from the former law or practice, it was thought not unreasonable that out of their new leisure the slaves should, during crop time, deduct the space necessary for the cultivation of their grounds. By adding further time for that purpose at the owner's expense, not only was an unwarranted encroachment made on the terms of the Order in Council, but His Majesty's Government were, to this extent, deprived of the means of vindicating the course of legislation pursued on the two important subjects of food and labour. His Majesty therefore is pleased to direct, that so much of the Proclamation in question as grants this additional time should be disallowed, and you will revoke it accordingly.

The Protector's vindication of himself from the charge of illegally placing slaves in gaol pending the investigation of their complaints, and to the further charge of having "ignorantly" brought Mr. Jackson's case before an incompetent tribunal, is complete; and shows with how little consideration the character and conduct of public officers are assailed under the influence of the prevailing excitement. The charge of ignorance is but too clearly retorted on the Judge, who maintained the opinion that a Royal Order has no validity in the Island previously to its registration in the local tribunals. This is a pretension which, when formerly advanced, was over-ruled in the most unequivocal manner, by the Judicial as well as the Executive Authorities in the Colony.

The charge that the Police or permanent detachments of the Colony are diverted by the Provost Marshal from their proper duty of arresting runaway slaves, to "duties connected with his office, entirely independent of the Police of the country," is repelled

26 March 1832;
30th April.

ST. LUCIA.

repelled by Major Winkler, in terms so peremptory and circumstantial, that I can only express my surprise and concern that such an accusation should have been hazarded against him.

I now approach the correspondence between yourself and the persons assuming to themselves the name of the Standing Committee of the inhabitants of St. Lucia. Even were I not fully aware of the zeal with which you are habitually animated for His Majesty's service, and on that account, prepared to place the most favourable construction on all your acts, I should consider you fully entitled to claim that advantage on an occasion of so much difficulty, as that to which your Despatch of the 30th of April refers. You will therefore have the goodness distinctly to understand, that in the remarks which I am about to make, it is entirely foreign from my purpose to intimate any disapprobation of your proceedings, or any distrust of your judgment.

In the Letter dated the 29th of March, signed by Mr. Muter and several other persons, I find a distinct announcement of a design, "not to pay voluntarily any taxes, and to resist to the utmost of their power the execution of the judgments rendered against them by any Court for infractions of the Order of the King in Council of the 2d of November 1831;" and a statement that in order "to obtain the entire adhesion of their constituents to these final measures, they had invited the proprietors to assemble at Castries on the 7th of April."

However fully I may enter into your views of the necessity of dealing leniently with the persons from whom this address proceeded, I am not satisfied that indulgence was not carried too far in the language held by you, in your Letter of the 30th of March. The expressions of Mr. Muter and his associates were in the highest degree seditious; and when addressed to the Governor of the Colony, at variance with common propriety and decorum. They announced a settled determination to oppose the law, and the existence of a direct conspiracy for that purpose, and a design to convene the proprietary body at large, in order to obtain their more distinct concurrence in these lawless proceedings. In your answer, no observation is made on the insult to the laws, and to yourself, as charged with the maintenance of them, which such language conveyed. On the contrary, in order to avert the threatened opposition to the execution of any judicial sentences, you entered into a negotiation to suspend the levying of fines, on obtaining security for the amount of them, if payment should ultimately be required. The question of paying taxes you postponed, as they were not then actually in arrear. The confidence in your zeal and judgment, which I have already expressed, induce me to suppose that you had sufficient motives for thus negotiating with the King's subjects, in order to prevent their perseverance in an open and avowed contempt of His Majesty's authority. If you were indeed reduced to that necessity, it can scarcely be too much regretted. I am, however, aware of no circumstance which will justify myself in advising His Majesty to enter into a treaty with any class of his subjects, to induce them to desist from a concerted and seditious opposition to the laws of the land. If any thing has been enacted contrary to a sound and enlightened policy, it is the duty of the legislative authority to review and to retract any such provisions. But if it be once admitted that a voluntary society like this Standing Committee, assuming to act in the name of one class of the inhabitants, may reduce the question of obedience or disobedience to a matter of negotiation, there would, I fear, be an end of all Government; and with the authority of the law, would be sacrificed all respect for the legislature. An implicit execution of the Order in Council, except where some actual impossibility can be truly pleaded in excuse, must be rendered by the Colonists, before the King can enter into any discussion with them for the amendment of it; and any direct infringement of the law, or illegal conspiracy to defeat its operation, can be properly encountered by nothing short of a direct appeal to the legal tribunals, and a rigid enforcement of any sentence which they may think proper to pronounce.

I am the rather inclined to doubt whether a more decisive tone might not have been properly adopted, respecting the threats addressed to you by Mr. Muter and his associates, when I perceive with what entire submission they received your very proper and uncompromising refusal to sanction the public meeting which it was proposed to convene in order to procure adhesions to their seditious resolutions. I find, indeed, that 148 names were subsequently attached to a declaration approving them. But the meeting itself, as I collect, did not take place.

The determination announced in the Letter of the 29th of March, and subsequently acted upon to close the sugar factories, was obviously taken in order to enlist, in opposition to the measures of Government, the mercantile body in this kingdom,

kingdom, by postponing remittances on account of their claims on the planters, and so teaching them to ascribe the deficiency to the inevitable operation of the Order in Council. The necessity of such a measure could scarcely be alleged with truth, except in cases where an extraordinary disproportion existed between the number of the slaves on an estate, and the quantity of produce usually drawn from their labour; since both in British Guiana and Trinidad the crops appear to have been gathered, and the process of manufacture seems to have been continued without interruption. I find in the correspondence of my predecessors with the officers successively administering the Government of St. Lucia, a protracted discussion of the necessity for improving the methods by which the seizure of immovable property, in satisfaction of judgments against the proprietor, is carried into effect; and it appears, that the draft of a law for rendering that process more effectual, was prepared by Mr. Jeremie, and transmitted by General Stewart in the month of April 1829. That draft was approved by his late Majesty, whose pleasure, that it should be finally enacted, was signified to General Stewart by Sir G. Murray, in July 1829, subject however to the remark, that the time for bringing the new law into operation must be limited to three years from its date, and not to six years, as originally proposed. That term of three years is now expired, and if the Ordinance was passed in the terms of the draft, and with the proposed amendment, the improvement of the law of Saisée réelle would, ere now, have taken effect. But I do not find in the subsequent correspondence any further reference to this subject. You will have the goodness to report to me without delay, whether Sir G. Murray's instructions were acted upon; if so, there is an end of the difficulty of which the creditors of the planters complain. If not, I shall be under the necessity of advising His Majesty, in pursuance of the design explained by Sir G. Murray in 1829, to take measures for amending the law of Saisée réelle in the manner proposed by my predecessor, and for giving immediate effect to that amendment.

You will acquaint the persons with whom you have been in communication upon these subjects in St. Lucia, that His Majesty's Government are not only ready to listen to any representations which may be made against any measures which may be adopted by His Majesty on their advice, but that they are grateful for all suggestions tending to the improvement or correction of any such measures; that at the same time, remonstrances conveyed in terms entirely remote from the respect due to the royal authority, and connected with the avowal of illegal measures and threats of a forcible resistance to the law, can be met only by a resolute enforcement of the penalties consequent upon such conduct; that on the present occasion His Majesty has not been advised to issue any instructions of that nature, because he is willing to make the most ample allowance for the errors into which any of the inhabitants of St. Lucia may have been betrayed, by the prevailing excitement in the island; and that if the proprietary body shall acquiesce in the provisions of the law, and exert themselves to carry it into effect, you are authorized to remit the pecuniary and other penalties hitherto incurred by the violation of its enactments.

I have, &c.

(signed) GODERICH.

— No. 17. —

COPY of a DESPATCH from Major-General *Farquharson* to Viscount *Goderich*, &c. &c. &c.

My Lord,

Government Office, St. Lucia, 1 May 1832.

I HAVE the honour to forward to your Lordship an Ordinance regulating the Court of Requests for slaves.

I have, &c.

(signed) *J. A. Farquharson*,
M.-G^l, Gov.

ST. LUCIA

Enclosure in No. 17.

AN ORDINANCE regulating the COURT of REQUESTS for SLAVES in the
Island of *St. Lucia*.

St. Lucia.

By his Excellency John Carter, Lieutenant-Colonel commanding His Majesty's Forces in the said Island, and administering the Civil Government thereof, &c. &c. &c.

(signed) *J. Carter*, Lt-Co^l adm^s the Gov^t.

1st. It is hereby ordered, by and with the advice of the Council of Government, and on the proposition of the President thereof, in pursuance of the provisions of the 63d section of His Majesty's Order in Council, bearing date the 2d day of November last, that "the Court of Requests for Slaves" in the said Island shall be holden for the first district of the said Island on the second and fourth Tuesday in every month at the town of Castries.

2d. The Court of Requests for the slaves for the second and third district shall be holden at the town of Souffriere, on the third Tuesday of every month, and on the following Wednesday, if it shall seem necessary to the Commissioner for despatch of business.

3d. The Courts held for the first district, and for the second and third districts respectively, shall try cases arising between parties living within such districts, provided that when the plaintiff shall reside in one jurisdiction, and the defendant in another, the case shall be tried in the jurisdiction in which the plaintiff resides.

The jurisdiction of such Courts, as to amount and description of property for which causes can be determined therein, is hereby declared to be finally settled and determined according to the said 63d section of His said Majesty's Order in Council, and in pursuance thereof, shall be and is hereby authorized to take cognizance, in a summary way, of all questions, claims and demands affecting the property of any slave or slaves, and not exceeding in any one case the amount or value of 10*l*. sterling, provided that no such Court as aforesaid shall hold jurisdiction, or take cognizance of any question involving the title to land, or the title of any alleged slave to his or her freedom, or the right of any toll or duty, or any question by the decision of which rights in future may be bound: And it is further ordered, that no appeal shall lie to any other Court, Judge or Magistrate from any judgment or sentence of any such Court of Requests, but that every such judgment or sentence, if relating to matters within the cognizance or jurisdiction of such Court of Requests, shall be final and conclusive.

Given under my hand and the seal of Government, at Castries, on the 2d day of March, in the second year of His Majesty's reign, and in the year of our Lord 1832.

By his Excellency's command.

M A U R I T I U S.

— No. 1. —

MAURITIUS.

COPY of a DESPATCH from Viscount *Goderich* to the
Honourable Sir *C. Colville*, &c. &c. &c.

Sir,

Downing-street, 24th June 1831.

I HAVE received your Despatch, dated the 7th of October last, enclosing two Proclamations, dated the 9th and the 22d of September last, for giving effect to His Majesty's Order in Council of the 2d of February 1830.

The first clause of the Proclamation of the 22d of September, provides that the sale of any perishable articles of diet, amongst which are included fish, poultry, and

and game, shall not be prohibited on Sunday, although the markets for such articles are to be closed during the hours of the parochial mass.

I do not inquire how far this regulation may or may not be beneficial in itself, it is sufficient for me to observe, that the Order in Council does not delegate to the Governor any power to establish a rule of this nature; and it is of great importance, that in executing the powers entrusted to him by His Majesty, the Governor should confine himself studiously to their exact limits.

The same objection applies to the third Article on the subject of Canteens.

The fifth section declares, "that although the law has forbidden the master to employ the slave in Sunday labour, it does not interdict the slaves from occupying or employing themselves as artisans, gardeners, workmen in the sugar mills, or otherwise, for their own private advantage, and the benefit of their families."

Here again I must remark that it is not within the province of the Governor to issue authoritative interpretations of the Order in Council. It belongs to the Judges, and to them alone, to ascertain what the Order means.

But further, the explanation which you have given appears to me very questionable, if not positively erroneous. The words of the 18th Clause of the Order are, "if any person shall compel, or shall by any means hire or induce any slave to perform or engage in any labour on any Sunday, except in the cases hereinafter excepted, the persons so offending shall incur, &c." I do not know how to reconcile this general prohibition with the authority which your Proclamation gives to the slaves to employ themselves on Sunday for their own advantage in the sugar mills or otherwise.

You were required by the 20th Clause of the Order in Council to define the meaning of the word "necessity," as used in reference to Sunday labour, by enumerating with all possible precision every description of work in which a slave may be compelled to engage on that day. It appears to me that the definition, if so it may be termed, which you have adopted leaves the subject in very nearly the same obscurity as before. A case of necessity is declared to arise when the Sunday labour of the slave is "urgently necessary," and when it is required "for the prevention of great and irreparable loss." But the word "urgently" scarcely aids the meaning at all, and the loss sustained by stopping the sugar works for twenty-four hours on any Sunday of the year may be both "great" and "irreparable." Yet it cannot be therefore meant that the mills shall always be worked on that day.

The right of compelling slaves to cut down crops, and to expose and carry sugar for drying on Sunday, is given in terms of such latitude as nearly to destroy all security for the real observance of the repose of that day.

The regulation which you have introduced, prohibiting the morning call of the plantation slaves before "sunfire," is not authorized by any part of His Majesty's Order in Council. Independently of this objection, I cannot but think that you have defined the right of the slave to repose in terms which can avail him but very little. What may be meant by the term of "sunfire" I do not exactly know. It would seem a very bad criterion of the arrival of the hours of labour. But even this restriction may be disregarded at the master's pleasure, provided only that he recompenses the slaves for the loss of their natural hours of rest. The Proclamation does not, however, explain what the amount or nature of the recompense is to be, nor how it is to be recovered. I fear that under such a law as this, the slaves would have no effective security whatever against being required to perform without reward any amount of nocturnal labour.

I perceive that there are many topics which the Order in Council has referred to the regulation of the Governor, respecting which your Proclamation is silent. It is probable that these have formed the subject of some distinct Proclamations which have not yet reached me.

Notwithstanding the preceding remarks, His Majesty will abstain for the present from issuing any instructions for the disallowance or even for the revision of this Proclamation. It is proposed shortly to promulgate anew the Order in Council itself, with such additions as were indicated in Sir George Murray's Despatch of the 17th of July last, with some other amendments which further experience has suggested. In the anticipation of this enactment, His Majesty's Government are unwilling to direct any subordinate and less important changes, being well convinced of the extreme impolicy of agitating the minds of the slaves and of their owners by any changes in the law, of which the advantage and even the necessity are not evident.

I have, &c.
(signed)

GODERICH.

MAURITIUS.

— No. 2. —

COPY of a DESPATCH from the Honourable Sir *C. Colville* to Viscount *Goderich*, &c. &c. &c.

My Lord,

Mauritius, 17th August 1831.

I HAVE now the honour to report the publication here of His Majesty's Order in Council, of 23d February of this year, on the 27th ultimo, and that it will have force of law in the Colony from the 25th instant.

In respectful allusion to the observations contained in your Lordship's Despatch of 28th February, forwarding that document, and in disapprobation of the Ordinance of the Governor in Council of this Island, No. 51, of 26th September 1829, and seemingly of our not having cancelled that Ordinance upon receipt of Sir George Murray's Despatch of the 8th May of that year, I beg to express my regret that the arguments adduced by myself and Council, in our Minutes of 28th and 30th December 1829, transmitted with my Despatch of the 3d January 1830, have not been thought sufficiently strong to excuse the delay which we took upon ourselves.

I feel it, besides, a duty to myself to point out the mistake which appears to me to exist, as to my being in possession of the wishes of His Majesty's Government, for the total suppression of the use of chains, when I enacted the Ordinance, No. 51.

The papers above alluded to, as also my Despatches to your Lordship's predecessor, of 12th October 1829 and 25th January 1830, having, it would seem, failed to explain the same; I have now the honour expressly to state, that when anxiously and, as I thought, meritoriously remedying what I had found defective in the Ordinance of my predecessor, I was in complete ignorance of such wishes; and without any suspicion, that, while I was working on a subject, than which few had given me more trouble to investigate, it was at the time liable to any, much less such pointed animadversion.

The given model for our melioration Ordinance, the Order of the King in Council of 10th March 1824, speaks not a word of chains; and the suppression of their use in the West Indies is a change that must have taken place since I left that country; but as I have had occasion to observe here to a naval friend, having property in Antigua, and who spoke to their discontinuance there. That Island is, I believe, like Barbadoes, without forests or mountains, or ravines, for slaves to run away to and seek shelter in; while it possesses a loyal and effective militia, an adequate rural magistracy and police, prisons and workhouses, for the early repression, if not prevention, of disorder and crime.

Most sincerely hoping that I may soon be enabled to report to your Lordship every beneficial result expected from the Order of His Majesty in Council, and to obviate any apprehended inconvenience from which I am now busily employed with my Council of Government, in forwarding such precautionary means as are within our competency. I do myself the honour to transmit, and to request your Lordship's perusal of a Copy of the Minutes and Resolutions of the Board of Council of the 6th ultimo.

I have, &c.

(signed) *Ch' Colville.*

 Enclosure in No. 2.

MINUTE of the PROCEEDINGS of COUNCIL of Wednesday, 6th July 1831.

Present,

His Excellency the Governor,
His Honour the Chief Judge,
The Officer, second in Command.

THE Governor laid before the Board an Order of the King in Council, bearing date the 23d of February 1831, prohibiting the use of chains, fetters, rings, and irons, as a means of domestic punishment among the Slave Population of this Colony.

His Excellency, in expressing his opinion that this Order should be made Law in the Colony as early as circumstances will possibly admit of, feels it at the same time to be necessary, for the prevention of alarm, that the promulgation of a measure contemplated with views of humanity, and correction alone of undue domestic discipline,

discipline, should be preceded by consideration of what will hereafter be the legality of the present practice, under the powers vested in the Chief Commissary of Police by the marronage laws now in existence, of the punishment by slight flagellation, subsequent application of chains, (of weight only sufficient to prevent escape) and work in repairing and cleaning the streets, to which captured maroons or runaway slaves are now subjected, whose offences, most frequently attended by theft or robbery, cannot in many cases be met by any thing like adequate correction on their master's establishments, by their authority or any other, short of a Court of Justice, held in Port Louis.

The Board will have the great advantage of the opinion of his Honour the Chief Judge, one of its Members, as to the competency or otherwise, of the police to enforce the present or amended system in respect of these offenders; should it be opposed to it, the Governor would beg to submit, if the Court of First Instance might not devote a small portion of one day in each week for the summary hearing and passing sentence in such cases of marronage as shall be brought before it, regularly stated and authenticated by the police department.

The Governor takes this opportunity of again laying before the Council some papers formerly circulated, for their information on the subject of the marronage, and the means of its repression, but which, under constant expectation of a notification of the Orders of His Majesty's Government, consequent on the recommendations of the Commissioners of Inquiry on the same, he has hitherto felt himself precluded from proposing any measure upon.

The Board will perceive, that these papers or memoirs are accompanied by the draft of fourteen articles for a contemplated Ordinance in Council. Supposing that the principle submitted in article seven may be deemed incompatible with that which has occasioned the Order of His Majesty in Council, now under consideration, it should not, his Excellency is of opinion, prevent the immediate adoption of articles 1, 2, 3, 4, 5, 6 and 14, competent judges having given such decided opinion on the good to be derived from them; while, in themselves, they have no interference with any principle which it requires care or delicacy to touch upon.

Of the proposal that the maroons shall receive their legally adjudged punishment, whatever that may be, upon the establishments of their masters, the Governor himself thinks favourably; chiefly on account of his agreeing in the opinion expressed of the injury done to the health and morals of young blacks, by the contagions, physical and moral, to be acquired in the bagné; and the loss of character and self-respect, attendant on public exposure in chains, employed in degrading work.

This evil, taken in a general sense, is hardly to be compensated by the utility the maroons are now of, as public scavengers, &c. But it is to be doubted, if along with the blacks condemned by the Courts for other high crimes, there would not still remain sufficient for all regularly required purposes of the kind, under the circumstance contemplated in article 12 of the draft, and the provisions of an Ordinance, fixing the scale of punishments to which marronage should be subjected, according to its repetition and attendant crimes; for a notorious offender in that way should, for the good of others, be made a public example of, not left to scour the country, to the loss and dread of not only the proprietors, but to that of the better circumstanced and disposed of their own class, or encouragement of others to follow the same vicious course.

(signed) *Charles Colville.*

IN the Minute which His Excellency has laid before the Council, he has been pleased to refer more particularly to the opinion of the Chief Judge, as to the effect which, in a legal point of view, His Majesty's Order in Council, of 23d February last, may have upon the use of chains as a mode of punishment for maroon slaves, under the existing laws of the Colony.

The Chief Judge, in answer to the appeal thus made to him, has expressed his opinion, 1st. That the words of the Order in Council are so general and comprehensive in their nature, that they must be construed to extend to the prohibition of the use of chains, in all cases but those which form the exceptions of the Order in Council itself, and consequently that it would be a violation of the spirit of His Majesty's Order to permit the further employment of chains, under the authority of any jurisdiction short of that of the Courts of Justice of the Colony. 2dly. That the transfer of jurisdiction from the police to the ordinary tribunals, in simple cases

MAURITIUS.

of marronage, would only be regarded as an evasion of the Order in Council, and an indirect encroachment upon its principle and spirit.

If this interpretation of the Order in Council be adopted as correct, it will become indispensably necessary, as his Excellency has suggested, to re-model the marronage laws, and the moment seems favourable for the introduction into this branch of our Colonial Jurisprudence of certain amendments, which appear to be called for both by the interest of the master and that of the slave. In the re-enactment of some of the provisions of the law concerning maroons, it may possibly be allowed to attach the punishment of chains to aggravated cases of desertion (such for example as a third offence), and leave the condemnation to the discretion of the ordinary Courts, taking into their consideration all the circumstances which may attenuate the offence.

Having dismissed this part of the subject, the Chief Judge, as the sole remaining member of the Council, which was called upon to deliberate on the Ordinance, No. 51, feels it incumbent on him, in justice to the other members of the Board, (one of whom is already beyond the reach of praise or censure) to observe, with reference to the remarks of the Secretary of State, that it would be most unjust to the feelings of the Council to infer, from their having wished to submit certain circumstances of local application to the consideration of His Majesty, that they in anywise dissented from the sentiments of humanity which have dictated the present measure. The Council has already considered (perhaps erroneously) that from its local knowledge of the situation of the Colony, and the state of public feeling, it might recommend even a temporizing measure, without being suspected of an intention to oppose His Majesty's wishes. But if considerations of policy are to be viewed in the light of a departure from right feeling; if the temporary maintenance of existing laws, from motives which it is not always possible for those at a distance to appreciate justly, is to be construed into an approbation of their original abstract principle; if the desire of conciliating the sometimes contradictory and opposing forces of interest and humanity is to be looked upon as a wish to perpetuate a system of abuse, the task of the Council will become fearfully responsible.

The resolution of Council, upon the passing of the Ordinance, No. 51, may have been ill expressed or misunderstood; but the Chief Judge can, from his recollection, affirm that the sentiments of his Excellency and the Council were far from being favourable to the use of chains as a permanent measure. Thinking, however, that the moment for their entire abolition was not so convenient, in the then feverish state of the Colony, as it might have been, had the measure been accompanied by those healing amendments in the law, which the Colony had been taught to look for from the Report of His Majesty's Commissioners, the Council agreed with his Excellency in the expediency of retaining, as a mere temporary provision, the modified use of chains, until His Majesty's decision should be obtained upon the question, whether the Ordinance should pass as an insulated enactment, or be placed alongside of other measures, from which the inhabitants of the Colony might understand that their interests had not been overlooked? There is no reason for concealing, that it was the wish of the Council to relieve the Government from an appearance of injustice, and to avoid giving any semblance of truth to an imputation, which had been more than insinuated, that whilst, on the one hand, every law by which the ancient prejudices of the Colonists might be outraged, and their means of subsistence rendered daily more precarious, was passed with considerable promptness; on the other hand, every measure which might have for its object the stability of their property, justice to their persons, and security to their families, was subjected to the danger and irritation of delay.

To this extent and no further the Council may be held obnoxious to the reproach of the Secretary of State; a reproach, of which it is by no means the intention of any one to complain, because the principle of it (though perhaps grounded in a mistaken view of other motives) is just and honourable, and in immediate consonance with the feelings of those who have to lament its severity.

If on this occasion it might be allowed to the Chief Judge, without appearing to resort to the language of protest or complaint, or in anywise to impugn the wisdom of His Majesty's Councils, but speaking with that unoffending boldness with which a confidence in His Majesty's justice must inspire every one of His subjects, he would most respectfully advert to the inutility or the invidiousness of the Council's being called upon to pronounce an opinion upon measures which have already been resolved upon at home. For, if the independent opinion of the members of

Council

Council coincide with that of His Majesty's Government, their concurrence is a mere formality, giving neither weight nor sanction to the measure; if, on the contrary, in the honest discharge of their duty, and in the exercise of that discretion which they are presumed to be invested with, they venture unfortunately to differ from superior wisdom, they then (as in the present case) expose themselves to the expression of His Majesty's disappointment or displeasure, which is the severest mortification, next to the reproaches of his own conscience, which a loyal subject can undergo.

(signed) *E. B. Blackburn.*

UPON the perusal of his Excellency's Minute, and the foregoing observations of the Chief Judge, it was resolved, that all the Papers relating to the Report of the Committee of Notables, assembled in the year 1829, to consider the state of the marronage laws, should be referred to the Chief Commissary of Police, for such observations as he may think proper to offer for the amendment of this branch of the law, and for giving to the suggestions of the Committee a practical execution: And further, that in order, if possible, to allow of the modification of the marronage laws to be made and published simultaneously with His Majesty's Order in Council, the promulgation of the latter should be deferred until the following Saturday, instead of appearing in the Gazette of this week.

(signed) *T. E. Viret,*

Assistant Secretary to Council.

(A true Copy.)

COPY of DESPATCH referred to in Sir *Charles Colville's* Despatch of 17th August 1831.

Sir,

Mauritius, 3d January 1830.

WITH reference to your Despatch of the 8th of May last, and in order that you should have the earliest information on the subject in question, I have the honour to inclose to you copies of the proceedings of myself and Council of this Colony, dated the 28th and 30th ultimo; and I respectfully hope that the decision come to, to await your orders before attempting any further change in the laws, applying the use of chains to the slave population, will be honoured with your approval.

I have also the honour to transmit a document from the office of the Chief Commissary of Police, showing the numbers and employment of the slaves working in chains under the superintendence of that department. While this tends to prove the impossibility of altering the Chain Laws before those for the capture and punishment of maroons are totally new modelled; it also shows (though I by no means advance the fact as one of any import in the general plan for the amelioration of the condition of the slaves,) the expenses which will fall upon His Majesty's Government, immediately and collaterally, on the adoption of the proposed measure. The first is, the hire of blacks for work now performed by those in chains, under the two engineers, military and civil; the police and hospitals; the second, that by the scavengers, and other work of a municipal nature, for which the taxes laid on by Ordinance, No. 56, in the presumption of a certain number of chained blacks being available for those purposes, will become inadequate.

An idea of the expense at which Government work can alone be done here by hired blacks will be learnt from the following fact:—On the Royal Engineer's advertisement for contracts for cleaning out the wet ditch of Fort Blanc, under the recent sanction of His Majesty's Boards of Treasury and Ordnance, the tenders given in varied from 800*l.* to 1,600*l.* sterling; a circumstance so disgusting, that being disposable at the time, I allotted to the purpose the blacks condemned under sentences of the tribunals, and who, to the amount of from twenty-one to twenty-four daily, from the 1st of August last, will, in a month or two more, have completed the job, at the cost to Government of but a small dram and a few ounces of salt meat to each per diem.

I have, &c.

The Right Honourable Sir George Murray,
&c. &c. &c.

(signed)

Cha^s Colville.

THE Board will recollect my having given them the perusal, immediately after its receipt by me here, of the Despatch of the Secretary of State of the 8th of May of this year, in which, among other things, the Order, No. 20, of December 1826, is particularly commented upon.

From those observations, it unfortunately appears, that, while we have been doing here what we thought the best for the remedy of the defects of that Ordinance as they had been brought to our notice, we have fallen short of the wishes of His Majesty's Government, who are not only desirous, but in fact order, that the use of chains and similar instruments of punishment be immediately and altogether interdicted, except when necessary to prevent the escape of persons committed for trial on heinous charges, or in the cases of persons sentenced by the Courts of First Instance or of Appeal.

Sensible as we may all be of the desirableness of such an eventual change gradually effected, I for one must candidly acknowledge that I see in that measure, if to be immediately and without modification introduced, much cause of alarm to the planters, if not of real danger to the Colony, restricted as the former are in other modes of enforcing the good conduct of their slaves, without a militia, and with a most insufficient Police.

The West India Islands, in which the Right Honourable Secretary of State says the abolition of the use of chains has been voluntarily introduced, must, I presume, be more happily circumstanced in those two respects; but in my ignorance that such was the case in any, or that the same was required of us here, it was from among the proposed substitution of other punishment for that of the flagellation of females, as they appear in the Papers laid before Parliament, that I myself adopted the third description of punishment laid down in art. 18 of our Ordinance, No. 43, of 7th February of this year.

Of the opinion held of that Ordinance by the King or his Minister, we are yet unacquainted; but my Letter to the Secretary of State, forwarding the report of the Protector of Slaves to the 24th of June, would more particularly draw his attention to the fact of the use of chains not being interdicted by the Amelioration Ordinance; while Ordinance, No. 51, forwarded in the month of October following, will have shown our earnestness to correct the evils, as far as we conceived ourselves called upon to do so.

Under these particulars and some others, which I shall adduce before I close this Minute, I beg leave to submit to the judgment of the Honourable Board, if we may not venture to solicit the indulgence of His Majesty's Government for our abstaining from acting further in this measure, until we are honoured with their commands in observation upon the documents I have alluded to.

I am myself disposed to entertain much confidence in the favourable consideration of the Right Honourable the Secretary of State for the Colonies, from his knowledge of my great disappointment in the delays which have attended his being enabled to grant me permission to make alterations in the Distillery and Canteen Laws, as well as in those for the repression of vagrancy and marronage, and for the better organization and payment of our Police establishment, all of which are imperiously demanded to prevent the present indiscipline of the slaves from becoming a source of evil, the prospect of which has been perhaps exaggerated in the minds of some, but is still entitled to serious consideration.

The Right Honourable Secretary of State, in the same Despatch says, "It has been stated upon authority entitled to great respect, that, in the streets of Port Louis, the slaves who are employed as scavengers are yoked together to carts, and exhibit a very offensive and humiliating spectacle;" it undoubtedly is one, that of men employed in such dirty work, more than half naked and in chains (partial nudity being however preferable, in such a climate, to a continuance in clothes so filthy); but I have never observed them otherwise attached to the carts, than as the Royal Artillery are in the dragging of heavy ordnance or stores, or barge-towers, firemen, or others, employed in moving weights by manual labour. Ordinance, No. 56, of last month, will however show that the dragging of the scavengers' carts is now done by mules, as the filling of them would also be by others than men in chains, compelled to work, were they attainable.

I now proceed to notice the further particulars I have said I proposed to adduce; the Returns from the Police Office show, that, of the 133 slaves working in chains,
in

in Port Louis, 98 are Maroons, serving out the term of punishment allotted to them.

In the proposition of the General Assembly of Notables, desired by me to give their opinion on the Marronage laws, it is particularly dwelt, that this detention of their slaves in the Bagne prisons of Port Louis, and their working and associating with characters as bad or worse than themselves, tends to the increase of the general depravity of the slave population. This is most highly probable, and deserving attention; and they recommend as a cure of this evil, at the same time that it will otherwise much benefit the masters interest, that immediately upon apprehension, Maroons should be returned to the estates of their masters, and there work out in chains (no heavier than to prevent escape) a proper term of punishment. To me, the alterations would appear highly desirable, but for the application of the chains, now so decidedly objected to by superior authority; and I am at a loss what punishment to propose in substitution for an offence generally attended by theft and plunder.

(signed) *Chas Colville.*

Redit, 28th December 1829.

EXTRACTS from the MINUTES of COUNCIL.

Wednesday, 30th December 1829.

THE Council having been favoured with the perusal of the Memoir which His Excellency has submitted to them, coincide in the expediency of awaiting the Answer of the Secretary of State to the Observations which His Excellency has been pleased to inform them he has transmitted to His Majesty's Government at home, on the subject of the Marronage Department, and the general use of chains. The motives by which the Council are more particularly influenced in acquiescing in the propriety of delaying the publication of the Ordinance alluded to by the Secretary of State, are—

First, That they are in daily expectation of the receipt of His Majesty's Orders with respect to the Ordinance No. 43.

Secondly, That by the modifications which have been introduced in the law, previously to the receipt of the Despatch of the Secretary of State, the use of chains is permitted, not so much as an instrument of punishment, but of security; enabling the master to restrain those slaves who are disposed to escape, and also to employ them in labour, instead of shutting them up in a close place of confinement, which might be injurious to their health.

Thirdly, That with respect to the Maroons, being as yet unacquainted with the views and intentions of His Majesty's Government, on the report which the Commissioners of Inquiry have stated that they have made on the subject, and in the present state of the Police Establishment, the Council would feel embarrassed as to the substitution of any other punishment or means of confinement, without remodelling the whole of the Marronage system, and thereby giving rise to much confusion and disorder in the Colony.

(signed) *W. N. Leitch*, Secretary to the Council.

Police Department, Port Louis, 2d January 1830.

F. E. Viret, Esq.
Private Secretary.

Sir,

I HAVE had the honour to receive your Memorandum of the 29th ult. requiring me to report upon the number of prisoners in charge of and at the disposal of this Department, and upon certain other points connected therewith; and I accordingly beg leave to report as follows, for His Excellency's information.

MAURITIUS.

Bagne Prison.

The prisoners confined in this prison are of the following description ; and to-day their numbers are, viz.

1st.—Male Blacks, condemned to chains by the tribunals -	28
2d.—Ditto - - by the police, for petty thefts and police offences - - - - -	6
3d.—Male Blacks, in chains at the request of the proprietors, for domestic and other offences - -	1
4th.—Male Blacks, in chains for marronage - - -	98
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5th.—Female slaves and apprentices ditto (not in chains) -	133 (chains.)
	22
6th.—Male apprentices, for marronage (not in chains) -	3
	<hr/>
Total - - - - -	158

The detailed distribution of their labour, this day, is as follows ; viz.

Condemned Blacks, for duty upon the military works under the Royal Engineer - - - - -	23
Ditto - - cooking for the prisoners - - - - -	2
Ditto - - convalescents and others, not sent to work, from slight indisposition, &c. - - - - -	3
Healthy Maroon and other male Blacks in chains, attached to the contractor's carts for cleaning the town - -	48
Ditto - - employed in digging a canal for placing pipes to convey water to the Bagne - - - - -	8
Male Maroon Blacks, at the police, for carrying sick to the hospital in case of accident, &c. or prisoners sick, incapable of walking - - - - -	6
Male Maroon Blacks, for supplying the Bagne, gendarmerie and police posts with water - - - - -	6
Old men, boys and apprentices (Maroons, not in chains) breaking stones - - - - -	11
Maroon Negresses ditto, with light hammers made for the purpose - - - - -	22
Attached to the carts for supplying the Bagne and police with stones to break - - - - -	8
Surplus formed into a gang, and employed in cleaning gutters, &c. - - - - -	21
	<hr/>
Total - - - - -	158

The number of prisoners is of course liable to daily variation, but more particularly the Maroons, whose numbers vary considerably ; and during certain months of the year they are more numerous than at others : the present may be considered as *high*.

His Excellency will perceive by the preceding detail, what may be considered as the *fixed* duties performed by the prisoners at the Bagne ; and that the only estimate that can be correctly formed of the work done is to be collected from the monthly returns of broken stones delivered, which for the last year are, from the Bagne, 2,415 cart loads, used for repairing the streets of Port Louis.

It may be desirable to observe, that I consider as the first and most important object the attaching to the contractor's carts for cleaning the town a sufficient number of Maroon blacks to sweep up and collect the filth, load and unload the carts, &c. I have found from experience that this duty is very imperfectly performed by two blacks attached to each cart, (say fifteen carts) and the numbers are consequently augmented when our means admit of it, but during some months of the year there are barely sufficient for that purpose. After the carts are manned, the surplus (when any) is formed into a band, and employed in cleaning out the ditches,

ditches, &c. about the town, to prevent the water from becoming stagnant, and other purposes connected with the cleanliness of the town.

Besides the duties stated in the preceding detail, and which may be considered as almost permanent, there are a variety of others; for example, the old men and boys sweep the bazar every day; the Maroon blacks have every night to empty the night tubs at the police, gend'armerie, (also to sweep the yard, &c.) Government House, main guard, Government Free-school, (water also in the day-time;) and when dead cattle float on shore from the vessels employed in the bullock trade (which is very frequently the case) the Maroon blacks are obliged to be employed in removing and burying them.

By the contract for cleaning the town, the contractor is compelled to remove all dead animals found *within the limits*, and he is paid for it when the owner is discovered (which is not often the case;) but on Sundays this is obliged to be done by the chained blacks, as the bodies cannot be allowed to remain in the streets till the following day.

During the rains, the gutters are frequently choked up, and they are obliged to be opened by means of the chained blacks; in that, the calls upon them are incessant.

The bodies of paupers who die in the town are taken to the burying ground at the expense of the Fabrique, and those from the Civil Hospital by the slaves attached thereto, and it does not often happen that the chained blacks are required for such a purpose; but they are so frequently and so suddenly called upon to convey sick to hospitals (not private patients) that it is necessary to have some always at hand for that purpose, as will be seen by the preceding detail of duties.

It may perhaps be right to observe here, that by the law, the blacks condemned by the tribunals are directed to be kept separate from the other prisoners, which is done as much as the nature of the building admits of. They are not chained together by the neck, two and two, as the other blacks, but have fetters similar to those used with convicts in Europe, but much lighter. Previous to their present employment under the Military Engineer (since 10th August last) they were employed (always separately) in cleaning out the ditches, &c. in the town, and other public works of that nature, and breaking stones. They cannot be occupied upon any work requiring much moment; and they are generally such desperate characters as to require great surveillance to prevent escape.

The Maroons and other blacks in chains for police offences, &c. are chained together by the neck, two and two; the chains are, however, light, and weighing only from three and a half to nine pounds (including the collars;) of the latter weight there are very few, and they are seldom used. It will be impossible to apply these prisoners to any work, except where there is an inclosure (without chains) as they would make their escape; indeed they now frequently do so, as it is.

I have already, in my Letter of the 14th August 1828, suggested their being employed in the yard in breaking stones, should it be determined to discontinue the chains; some substitute will, however, be necessary for the cleaning of the town, so long as by the contract the Government are engaged to furnish the hands necessary.

The prisoners detained in the police prisons are—

Police Prisons.

1st, Seamen of all descriptions, for desertion, insubordination; and who do not perform any labour whatever.

3d, Male and female Blacks, under accusation, previous to their being transferred to the civil prisons for trial by the tribunals.

3d, Male and female Blacks, arrested or under sentence by the police, for breach of police regulations, petty thefts, &c. not of a nature to go before the tribunals.

4th, Female ditto.

5th, Ditto, at the request of their owners, for domestic offences, kept in prison with or without labour, as the case may be. These prisoners are not in chains, and their labour consists of breaking stones; the quantity delivered during the last year being 1230 loads; there are however a large quantity at the police prison undelivered, being kept for a special purpose.

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The number of these prisoners varies daily; they may perhaps be averaged at about 50, and they cannot be applied to any labour out of the yard; they are to-day 57, viz.

Males under accusation before the tribunals	-	-	-	24
Females - - - ditto	-	-	-	5
Males under punishment for petty thefts, police offences, &c.				7
Female - - - ditto	-	-	-	1
Males, at the request of their owners, } for domestic offences, &c. - - }	-	-	-	18
Female - - - ditto	-	-	-	2
Total	-	-	-	57

The hours of labour, both at the Bagne and police prisons, are from six till eleven in the morning, and from one till five in the afternoon, Sundays excepted.

I have, &c.

(signed) *John Finnis,*
Chief Comm^r of Police.

— No. 3. —

COPY of a DESPATCH from Viscount *Goderich* to the Honourable *C. Colville*.

Sir,

Downing-street, 15 January 1832.

I HAVE received your Despatch, dated the 17th August last, acknowledging the receipt of His Majesty's Order in Council of the 23d February last, prohibiting the use of chains and irons in the punishment of slaves under the domestic authority of the owner.

I learn with sincere satisfaction that my Despatch of the 28th of February last, transmitting that Order, was written under one important misapprehension as to a matter of fact; I had supposed that Sir George Murray's Despatch of the 8th May 1829 had reached you before the promulgation of the Chain Ordinance, on the 26th September following; I now understand that this was not the case, and therefore gladly acknowledge that you are not obnoxious to the censure of having proposed the enactment of that law in opposition to the known and specific directions of His Majesty's Government. On the other hand, I am bound to remark that the anxious admonitions of my predecessor in office, on this subject, were addressed to you in vain. Sir George Murray's Despatch, of the 8th May 1829, specified to you, in terms the most emphatic, the desire of His Majesty's Government that the use of chains and irons in the domestic punishment of slaves should be prohibited by a local Ordinance, the enactment of which you were directed to propose to the Council of Government. A year and nine months elapsed from the date of these instructions, it still did not appear that they had ever been acted upon; His Majesty had therefore no alternative but to execute by His own authority the design which had been entrusted to your conduct. I readily acknowledge that in the government of distant dependencies, such exigencies may sometimes occur as to require and justify a considerable delay in carrying His Majesty's commands into effect; but in the present case there is no place for any such apology. You had received from Sir George Murray not a peremptory instruction, the grounds of which might be decorously assumed to have been mistaken, but a Despatch containing a full exposition not only of the wishes of the Government, but of the principles upon which those wishes proceeded. It was your opinion that Sir George Murray was mistaken in his views of this question, and no man would have been more ready than himself to acknowledge and to respect your right of exercising an independent judgment upon this and every other topic; but, freedom of opinion does not necessarily imply a corresponding freedom of action. It being evident that your judgment was irreconcilably opposed to that of the Ministers of the Crown, you must allow me to remark that, under such circumstances, it became your duty to yield, and theirs to assume the undivided responsibility of the measures which they had directed you to take.

You

You observe that the model proposed for your imitation was the Order of the King in Council, of 10th March 1824, in which Order you could find no prohibition of chains and irons; the answer is, that it was neither the real nor the professed object of that Order to prevent every species of injury to which a slave might be subjected. It is silent not only respecting the use of chains and irons, but respecting the murder or the torture of slaves. Can it thence be seriously inferred, that those crimes should pass with impunity? I must deliberately repeat Sir George Murray's declaration, that the rings, collars and chains, transmitted to him by the Commissioners of Inquiry at Mauritius, cannot with truth be described as any thing short of instruments of torture. They remain in this office a visible and irrefragable argument in favour of that change in the law which my predecessor directed you to propose, but which you did not think it advisable to recommend to the Council of Government.

You remark, that the case of Antigua, in which you find chains to have been abolished, has little in common with that of Mauritius; that it is an open country, with an effective militia, a rural magistracy, and police prisons. I am perfectly aware of these distinctions between Mauritius and Antigua, and admit them without reserve; it is indeed a comparison which it would never have occurred to me to make. But you will find, on inquiry, that the abolition of these instruments of punishment has taken place in Jamaica, Dominica, and St. Vincent's, in either of which fugitives may find shelter among the fastnesses as completely as in the Island under your government. The rural magistracy in these islands is scarcely, if at all, more effective than that of Mauritius. In the West Indies, the militia is seldom embodied, and is not employed in search of fugitives, except in cases of actual or impending insurrection. The force and direct application of the example which was drawn from the law of those Colonies, is therefore undeniable.

With reference to the Minute of Mr. Blackburn, which forms one of the Enclosures of your Despatch, I have to express my concurrence in that gentleman's opinion, that it would have been "a violation of the spirit of His Majesty's Order to permit the further employment of chains, under the authority of any jurisdiction short of that of the Courts of Justice of the Colony; and that the transfer of jurisdiction from the Police to the ordinary tribunals, in simple cases of marronage, could only have been regarded as an evasion of the Order in Council."

Mr. Blackburn proceeds to vindicate the Council of Mauritius collectively, and himself individually, from the charge of being insensible to those claims of humanity which dictated His Majesty's Order in Council of February last. Whatever difference of opinion upon the subject of the Order may subsist between Mr. Blackburn and myself, I cheerfully acknowledge and sincerely respect the spirit and feeling with which his dissent from my views are expressed. I accept the freedom of his remonstrance and the warmth of his self defence as a proof of the independence of his own character, and I may perhaps venture to regard that remonstrance as a not unmerited, though indirect, acknowledgment of the equity and candour to be expected from those to whom it is addressed. Mr. Blackburn judges rightly in supposing that the Ministers of the Crown deprecate no scrutiny into their measures, however severe, nor any condemnation of them, however pointed, so long as the discussion is conducted with that studied regard to propriety, which marks the style he has adopted on this occasion.

Divesting Mr. Blackburn's opinions of the circuitous terms in which his sense of what was due to his own station and to mine, has invested them, I understand him to complain, that in my Despatch of the 27th of February 1831, I was unjust to the Council of Mauritius, and to himself as one of its most considerable Members; that I was unapprised of the necessity, which their local knowledge detected, for resorting to "temporising measures;" that to accuse them of intentionally opposing His Majesty's wishes for having yielded to this necessity, was an unmerited reproach; that I withheld from them the credit which they were entitled to demand for integrity of purpose; that the language I have adopted renders their responsibility fearful and irksome; that I have misunderstood, and therefore misrepresented their meaning, by attributing to them a wish to render the use of chains and irons, as instruments of punishment, permanent; that their real intention was merely to postpone the abolition of them, until the introduction of those "healing amendments" in the law which the inhabitants had been taught to expect; that it was a prevalent, and not an unfounded opinion, in the Colony, that measures outraging the feelings of the Colonists and invading their property, were promptly adopted, and all beneficial measures dangerously delayed; that to call on the Council for opinions upon

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questions already decided, was at once to degrade them in the estimation of society, and to reduce their functions to an unmeaning ceremony, and to expose them to the risk of a reproach which it was impossible for them to obviate or foresee.

In the spirit of frankness of which Mr. Blackburn gives me the example, and with a plainness of language which his sense of propriety forbade him to employ, I have thus stated the accusation itself in unequivocal terms. It is no light charge, and ought not to pass without a distinct answer.

If Mr. Blackburn will refer to the Despatch on which he thus comments, he will find that I condemned the Ordinance of the Council, because it authorized the chaining together of women and boys at the age of fifteen, and the chaining of boys apart from each other, whatever might be their age; because it gave to the Protector the power, not of mitigating, but of aggravating, those punishments; because it permitted the use of two branches or iron spokes projecting from the iron neck collar, without attempting to regulate the form of the instruments which the slave was to wear; because it left the owner or manager to determine what offence would justify this punishment, and to decide, in each case, how long it should be endured. It is not my wish to deny that I did regard these enactments as discreditable to those from whom they proceeded. I should rejoice to be supplied with sufficient grounds for retracting that opinion, but I regret to say that Mr. Blackburn's Minute does not appear to me to furnish them. He rests the vindication of the law on the necessity which the local knowledge of the Council discovered for "temporising measures," and refers to the irritated feelings of the white inhabitants as the ground of that necessity. Admitting that necessity may justify a temporary submission to injustice, I cannot admit that it can ever justify an active participation in it. Mr. Blackburn, I am sure, will not require me to prove that it is in the highest degree unjust that any man should have the power of placing in chains and irons of any form, and for any length of time, women and children, who upon any ground may happen to incur his displeasure. The silence which he observes on that part of the subject, may be accepted as a sufficient proof that his sagacity could discover no valid defence for such legislation; and Mr. Blackburn is not of a temper, in the absence of good arguments, to resort to the use of fallacies.

I will not recriminate the imputation of ignorance of the state of Colonial society, or of the necessity for "temporising measures," which the First President casts upon His Majesty's Advisers on this occasion, but on that subject am content to refer to the Despatch which I addressed to yourself on the 5th November last, on transmitting to you His Majesty's Order in Council of the 2d November 1831. In the present case, Mr. Blackburn has scarcely attempted to dispel the ignorance under which he supposes His Majesty's Government to be labouring. I understand him to mean that there existed discontents, which it would have been dangerous to enhance by a more direct prohibition of chains and irons. If so, it had been far better to have left the whole subject unnoticed, than to promulgate such an Ordinance as that under consideration. If the times would not allow the enforcement of the claims of humanity and justice, it was at least unnecessary to pass a law in direct opposition to them. As to the reality of the danger, Mr. Blackburn must permit me to think that if he had been in possession of the knowledge which the records of the Office supply, he would have greatly underrated his alarm. The like forebodings of mischief are the invariable precursors of every measure taken for the mitigation of slavery, and these predictions have never been uttered but to be falsified by the event.

Mr. Blackburn is dissatisfied because credit was not given to the Council for the intention which he says they entertained of abolishing the use of chains and irons, so soon as the "healing measures" which the Colony expected from His Majesty's Government should have been adopted. That I did not attribute to them any such purpose is true, for I was not aware of its existence. Had the policy of the Council been explained to me, I should in February last have expressed the opinion which I at present entertain, that it did not belong to them thus to stimulate the activity of His Majesty's Government in favour of one class of the King's subjects, by the enactment of a law replete with injustice to another class; and that, leaving to those to whom it might belong, the responsibility for the delay of which complaint is made, the Council should have acquitted themselves of their own duty towards the slave population.

To the remonstrance against calling on the Council to deliberate upon questions already decided in principle, I answer, that no foundation exists in point of fact for such a charge. Had Sir George Murray's Despatch of May 1829 been before them,

them, they would have had the most distinct intimation, that if they thought proper to decline the enactment of a law for abolishing the use of chains and irons, it would be enacted by the King in Council. This was an open and even a courteous and respectful proceeding; it enabled them, were they so disposed, to acquire the credit of such an amendment of the law, and left them at perfect liberty, should such be their pleasure, to throw back the undivided responsibility of that measure on the Ministers of the Crown. But in fact, as you have now explained, the Council of Mauritius had not Sir George Murray's Despatch before them when they framed the Chain Ordinance; they were invited to deliberate upon the subject, not by the Ministers of the Crown, but by the Governor of the Colony; and if they acted in ignorance of the fixed decision of His Majesty's Government to abolish that mode of punishment, that ignorance is to be imputed, not to my predecessor and his colleagues, but to the accidents which delayed the arrival of his Despatch. I think it therefore neither reasonable nor just, to represent that the Council were betrayed into a humiliating position, and exposed to the risk of incurring a reproach of which they were not forewarned.

For the delay of which Mr. Blackburn complains, in the adoption of "healing measures," it belongs not to me, but to others, to account. The affairs of Mauritius engaged my most early and anxious attention, immediately on my receiving the Seals of this Department; and amidst a pressure of public business of unexampled urgency and importance, the affairs of that Colony have been kept steadfastly in view; and such concessions have been made to the reasonable wishes of the proprietary body as will, I doubt not, at once gratify their wishes and exceed their expectations.

I have thus given a direct answer to the remonstrance of the Chief Judge, at the expense of some time, and perhaps at the sacrifice of a privilege which, were I so disposed, I might assert, of reserving for His Majesty and the Parliament the defence of my official conduct; but I have judged it more conducive to the public welfare, and to a clear understanding with yourself of the principles by which His Majesty's Councils on this subject are guided, to waive all minor considerations of a personal kind, and thus explicitly to discuss the justice of the complaints, which, under the decorous veil of respectful language, Mr. Blackburn has preferred with feelings of dissatisfaction which it cannot have been his intention to disguise.

You will transmit to him a copy of this Despatch.

I have, &c.
(signed) GODERICH.

OBSERVATIONS OF WEST INDIA AGENTS.

THE Agents for West India Colonies possessing Legislatures have the honour respectfully to submit, for Viscount Goderich's serious consideration, the following Observations upon the Measures proposed by His Majesty's Ministers, in the House of Commons, on the 15th instant, to be submitted to Parliament, and to be enforced in the West Indies, under fiscal discriminating duties to be levied on Colonial produce imported into this country.

As those measures were considered by His Majesty's Government to be in conformity with and justified by the Resolutions of the House of Commons in 1823, it may be useful to refer to the latter.

"That it is expedient to adopt effectual and decisive measures for meliorating the condition of the slave population in His Majesty's Colonies.

"That through a determined and persevering, but at the same time judicious and temperate enforcement of such measures, this House looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of His Majesty's subjects.

"That this House is anxious for the accomplishment of this purpose at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the Colonies, and with a fair and equitable consideration of the interests of private property."

It should be recollected that the House of Commons did not require the concurrence of the House of Lords in these Resolutions until 1826; and they did not

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then make any addition to these Resolutions, or deviate from the policy to which they were intended to give effect.

The Resolutions proposed on the 15th instant to be submitted to Parliament, are as follow :—

“ That this House, in its Resolutions of the 15th May 1823, distinctly recognised the evils of Colonial Slavery, and the duty of taking such decisive measures for ameliorating the condition of the slave population in His Majesty’s Colonies, as might prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of His Majesty’s subjects.

“ 2d. That in those Colonies which are subject to the authority of His Majesty in Council, laws founded upon the principles thus laid down have improved the condition of the slave population.

“ 3d. That during the eight years which have elapsed since the date of the before-mentioned Resolutions of this House, the Legislative Councils and Assemblies of the other slave Colonies have been repeatedly urged by His Majesty’s Government to enact similar laws ; but that adequate measures have not been hitherto adopted by these Legislatures for giving effect to the Resolutions of this House, the recommendations of His Majesty’s Government, and the wishes of the British nation.

“ 4th. That in the Rate of Duties levied on the importation into this kingdom of produce raised by the labour of slaves, it is expedient that such distinctions be made as may operate in favour of those Colonies in which effect has or may be given to the Resolutions of this House and the recommendations of His Majesty’s Government.”

The proposed Resolutions are silent on the subject of Compensation, recognised in those of the 15th May 1823, as they regard the fair and equitable consideration of the interests of private property.

The Resolutions of the 15th May 1823, contain no declaratory Resolution whatever of the evils of Colonial Slavery.

No proofs have been adduced of the Orders in Council having improved the moral or physical condition of the slave population in the Crown Colonies ; on the contrary, it is stated that the effect in Berbice, for example, has been, by exciting unreasonable expectation in the slaves, to produce demoralization, and render in many cases an increase of punishments necessary.

The principle of levying discriminating Duties is unconstitutional, as it respects the rights of the Colonial Legislatures ; it is unjust, as it affects persons resident here who have claims on West India property in the Legislative Colonies, as mortgagees and annuitants, some of whom are widows, orphans and minors, and who can therefore neither control nor influence the proceedings of their Legislatures.

As proofs of the favourable disposition of the Legislatures towards the slave population, the Agents confidently refer to the Melioration Laws, passed as far back as in the year 1788, and up to the year 1823 ; subsequently to that period, laws have been enacted, embodying the recommendations contained in Lord Bathurst’s Circular Letter dated 9th July 1823, detailing the regulations of melioration contemplated by the Resolutions passed on the 15th May 1823, and in which regulations compulsory manumission was not included.

If Abstracts of these laws, under the heads specified in that Letter, had been laid before Parliament, accompanied by such Extracts from the Correspondence of the Secretary of State, as conveyed His Majesty’s approbation of them, as well as the explanations offered by the Colonial Legislatures, they would have established the complete justification of those Legislatures, and enabled the House of Commons to judge of the character of the Melioration Laws which they had enacted, and to ascertain how far they had complied with the recommendations of His Majesty.

If the Legislatures have not in all cases adopted the suggestions proposed, they have in some gone beyond those suggestions. In those cases in which they have not complied, they have assigned their reasons. Their local experience has enabled them to ascertain in what cases the suggestions were unnecessary, or inapplicable, or incompatible with the well-being of the slaves themselves, or with the safety of the Colonies, or with a fair and equitable consideration of the interests of private property.

When Mr. Canning, in the year 1824, communicated the contents of the Trinidad Order in Council to the House of Commons, he stated that it was to be viewed as
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an example by which the other Colonies were to be guided, allowing a sufficient time to elapse in order that it might be ascertained that its effects were not injurious to the interests of the parties concerned. The Order contained a clause enforcing compulsory manumission, namely, investing the slave with the power of purchasing himself, *in vito domino*, a principle recognised by the Colonial Law of Spain, at a period when that Colony carried on the Slave Trade.

When it was proposed to extend the Trinidad Order to Demerara and Berbice, the planters of the latter Colonies protested against the compulsory manumission clause. The question was heard before the Privy Council in 1827; the arguments against it remain unrefuted; but it was not until the 2d February 1830, that His Majesty's Government deemed it politic or safe to issue an Order in Council, extending this and other clauses to Demerara, and the rest of the Crown Colonies.

Even at the present time, the policy of certain of the provisions of this Order in Council is the subject of discussion between His Majesty's Governors of Colonies and His Secretary of State.

It seems therefore indispensable that the Legislatures, having entrusted to them the protection of the lives and fortunes of His Majesty's subjects in the Colonies, as well as the property of persons resident in this country, should act with due caution; "that they should proceed gradually, that they may proceed safely." Indeed they would have incurred just censure if they had proceeded to legislate on such doubtful points, involving such important interests committed to their charge; nor is it too much to claim for them some time for the purpose of watching the operation of these questionable measures, which had occupied the attention of the King's Government for seven years before they could venture to enact them, to which, even when enacted, objections have been urged by the Governors, and which have been and are injurious to the interests of those subjected to their operation.

No inquiry has been made, since the year 1789, into the character, disposition and habits of the Negro population, nor any official report laid before Parliament, so as to enable the Legislature or the country to form a competent judgment on the nature of the laws and regulations necessary to control and enforce labour in Slave Colonies.

Had this inquiry been instituted under the authority of the Crown, previously to the passing of the Resolutions of 1823, the conduct and character of the Colonial Legislatures, and of the Colonists, would have been duly appreciated by the Parliament and the people of this country, and they would have ceased to have been the objects of such unjust prejudices.

In vain the planters in this country repeatedly petitioned Parliament for inquiry, and pointed out the manner in which that inquiry might be fairly conducted. They have been condemned unheard.

These considerations were strongly urged by a Deputation consisting of Members of both Houses of Parliament, at a late interview with the Head of His Majesty's Government, and the Secretary of State for the Colonies.

The Agents feel themselves now called upon to advert to a proposition, not inserted in the Resolutions referred to, but communicated to the House of Commons by the Under Secretary of State for the Colonies, and required with others to be enacted under fiscal penalties, viz. that the slaves shall be permitted, *in vito domino*, to buy one or more days of exemption from labour in each week, until they should have purchased by instalments their entire freedom.

This regulation is stated to exist in Cuba, where the Slave Trade is still carried on.

The Governor of Demerara, in a Despatch dated the 1st May last, points out the pernicious effects of slaves being exempted from compulsory labour on a Sunday, in cases of necessity, when they receive the usual wages given to free persons for that labour which the regulation requires should be voluntary.

It need not be stated that far more extensive mischiefs must arise from this principle being extended to the exemption of slaves from labour on week days, when a refusal on the part of the partially-emancipated slaves would produce a general insubordination,

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insubordination, arrest the business of the estate, destroy the labour of the year, and produce incalculable injury to the proprietor, inasmuch as the master has no market to which he may resort in order to supply the loss of this labour.

It would have been extremely satisfactory if official documents had been laid before Parliament, proving that this measure had worked beneficially to the master and slave, in countries where the slave trade is not carried on, or even where it is carried on; and particularly the document signed by the Planters of St. Lucia, showing that the Order in Council, of the 2d February 1830, had been approved generally by the masters of slaves in that Colony.

However unpopular the system of colonization by means of slave labour may have become in these days, it cannot be too often repeated, that it was the act of Great Britain, and not the act of the Colonies; and whatever may have been the results, if any blame exist, it should not be visited on the planters.

The Agents contend, that it has been indisputably proved that the Legislatures have ever shown themselves disposed to adopt in good faith every wise and prudent suggestion, from whatever source it may have originated, for promoting the civilization and meliorating the condition of the slaves in the Colonies; and that they have succeeded, is abundantly proved by recorded evidence given by the bishops, clergy, naval and military officers, and other disinterested persons, who have been resident in or have visited the Colonies before or since the year 1823; nor will the Legislatures yield to any persons in this country in the anxiety felt by them prudently and safely to promote the best interests of the slave population, and conscientiously to enact such laws as may tend to their good government.

The doctrines adopted by a certain class of Political Economists, that Colonies are burthensome to the Mother Country, must naturally produce feelings of uneasiness and discontent in all the Colonies, when it is found that they are applied so as injuriously to affect the protection given to the produce of any. In like manner, a direct attack on the legislative privileges of any one of the Colonies, will be felt as an attack on all.

In respect to the Trade between Great Britain and the Colonies, the West Indians have always considered that the restrictions securing reciprocally the markets of the one for the produce and manufactures of the other, were equally beneficial to both; while colonial produce enjoys the benefit of protecting duties in the home market, the manufactures of Great Britain are equally protected in the Colonies; in addition to which, the Mother Country enjoys the monopoly of the navigation between them, which has tended much to preserve the political ascendancy, and the agricultural, manufacturing and commercial prosperity of the Mother Country, and the security of the Colonies.

The West India Colonies import into Great Britain annually, in British ships, about eight millions sterling; Great Britain exports to them four millions. The balance of four millions sterling is retained and spent here.

If the sugar thus imported from these Colonies were procured from Cuba and Brazil, the balance of four millions annually would go to enrich those countries.

Since the establishment of the British West Indies, the imports from thence have amounted to 430 millions; the merchandize exported thither has been 230 millions; leaving an excess of 200 millions thus added to the amount of the wealth and resources of the British Empire.

The West Indians rejoice that their fellow subjects at home have been relieved, since the Peace, from 30 millions of taxes; but they do complain that a heavy war tax on their staple has, contrary to good faith, been continued (with the trifling reduction of 3s. per cwt.) for upwards of fifteen years, during a period of distress the most urgent and overwhelming. A very considerable number of Planters have been compelled to sacrifice their properties by foreclosures for debts which have accrued within that period, a large portion of which has been incurred in providing for the comfort of their negroes. The measures adopted in this country have almost annihilated their credit, have produced a suspicious and unkind feeling from the slave towards his master, which must, at no remote period, lead to the destruction of the Colonies, and perhaps to the murder or extermination of the white population.

It has been shown how injurious such effects would be to the interests of Great Britain: the Agents, therefore, most respectfully warn His Majesty's Government against the adoption of the Resolutions proposed to be submitted to Parliament, and of the additional measures contemplated to be enforced in the Colonies; and while they solemnly protest, on the part of the Colonial Legislatures, against their being entertained, as infringing the constitutional rights of such Colonial Legislatures, and as aggravating, if possible, the distress and difficulties experienced by the Colonists, they most earnestly and anxiously entreat that His Majesty's Government will not submit these Resolutions to Parliament, nor carry into effect the additional Measures to which they have referred.

(signed)

William Burge, Agent for Jamaica,

J. P. Mayers, Agent for Barbadoes.

A. Browne, Agent for Antigua and
Montserrat.

W. Manning, Agent for Grenada.

J. Colquhoun, Agent for St. Vincent,
Dominica, St. Christopher, Nevis,
and the Virgin Islands.

London,
22d April 1831.

The Right Hon.
Viscount Goderich.
