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P A P E R S

PRESENTED TO PARLIAMENT, BY HIS MAJESTY'S
COMMAND,

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

FOR THE MELIORATION OF THE CONDITION OF

THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

WEST INDIES, ON THE CONTINENT OF SOUTH AMERICA,

THE CAPE OF GOOD HOPE,

AND AT THE MAURITIUS.

[In continuation of the Papers presented in the Month of March last.]

6th December, 1831.

BY AUTHORITY :

Printed by J. Hartnell, Fleet Street, London.

1831.

SCHEDULE.

- No. 1. Copy of a Despatch from the Earl of Belmore to Viscount Goderich, dated Jamaica, 21st February, 1831.
- No. 2. Copy of a Despatch from Viscount Goderich to the Earl of Belmore, dated Downing Street, 16th June, 1831.
- No. 3. Copy of a Despatch from Viscount Goderich to the Earl of Belmore, dated Downing Street, 1st September, 1831.
- No. 4. Copy of a Circular Despatch from Viscount Goderich to the Governors of Trinidad, British Guiana, St. Lucia, the Cape of Good Hope, and the Mauritius, dated Downing Street, 5th November, 1831, transmitting two Orders in Council of the 2d November, 1831.
- No. 5. Copy of a Circular Despatch from Viscount Goderich to ditto ditto, dated Downing Street, 14th November, 1831.
- No. 6. Copy of a Circular Despatch from Viscount Goderich to ditto ditto, dated Downing Street, 17th November, 1831.

P A P E R S
RESPECTING THE
S L A V E P O P U L A T I O N
IN THE
WEST INDIES,
&c. &c.

No. 1.

COPY of a DESPATCH from the Earl of *Belmore* to Viscount *Goderich*;
dated Jamaica, 21st February, 1831.

King's House, Jamaica,
21st February, 1831.

My Lord,

I HAVE the honor to transmit, for your Lordship's information, an authenticated Copy of an Act passed on the 19th Instant, entitled "An Act for the Government of Slaves."

I have, &c.

Right Honourable
Viscount *Goderich*,
&c. &c. &c.

(Signed) BELMORE.

An Act for the Government of Slaves.

[19th February, 1831.]

WHEREAS it is expedient that the laws now in force relating to slaves should be revised and consolidated, and other provisions be enacted to promote their religious and moral instruction, and by means whereof their general comfort and happiness may be increased, as far as is consistent with due order and subordination, and the well-being of this colony: May it therefore please your majesty that it may be enacted: Be it therefore enacted by the governor, council, and assembly of this your majesty's island of Jamaica, That, from and after the commencement of this act, an act, entitled "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," passed the nineteenth day of December, in the fifty-seventh year of the reign of his late majesty king George the

Preamble.

57 Geo. III.
cap. 25.

- 2 Geo. IV. Third ; also an act, entitled “ An act to amend the slave act,
cap. 16, by altering the mode of carrying into execution the sentence of
death on slaves,” passed the fourth day of December, in the
second year of the reign of his late majesty king George the
4 Geo. IV. Fourth ; also an act, entitled “ An act to take away clergy from
cap. 15, offenders in rape on slaves,” passed the eleventh day of Decem-
ber, in the fourth year of the reign of his late majesty king
5 Geo. IV. George the Fourth ; also an act, entitled “ An act for removing
cap. 21, impediments to the manumission of slaves by owners having
only a limited interest,” passed the eighteenth day of Decem-
ber, in the fifth year of the reign of his late majesty king
5 Geo. IV. George the Fourth ; also an act, entitled “ An act to prevent
cap. 22, levies on slaves on Saturday,” passed the eighteenth day of De-
cember, in the fifth year of the reign of his late majesty king
6 Geo. IV. George the Fourth ; and also an act, entitled “ An act to en-
cap. 19, able slaves to receive bequests of money or other personal estate,”
passed the twenty-first day of December, in the sixth year of
the reign of his late majesty king George the Fourth, shall be and
repealed. stand repealed, and the same are hereby repealed accordingly.

II. Whereas doubts may be entertained whether the act of
twenty-fifth George the Third, chapter eight, has been repealed
by any act or acts heretofore passed : In order to put an end to
such doubts, be it enacted by the authority aforesaid, That no-
thing in any act heretofore passed, or nothing in this act con-
tained, shall repeal the said mentioned act, but that the same
shall be in as full force and virtue as if the said several acts had
never been made.

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

IV. And be it further enacted by the authority aforesaid,
That it shall and may be lawful for any slave or slaves, who has
or have been baptized, who may be desirous of entering into the
holy state of matrimony, to apply to any clergyman of the es-
tablished church to solemnize such marriage, who is hereby re-
quired to perform the same without any fee or reward, if such
clergyman shall, upon examination of such slaves, consider
them to have a proper and adequate knowledge of the nature
and obligation of such a contract : Provided always, That no

25 Geo. III.
cap 8, de-
clared in
force.

Slaves to be
religiously
instructed,
and such
baptized as
can be made
sensible of a
duty to God
and the
Christian
faith.

Marriages
of slaves re-
gulated.

Proviso.

slaves shall be married by any clergyman without producing to such clergyman a permission in writing from his or her owner, or from the legal representative of his or her owner, for that purpose.

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

Families not to be separately sold when levied on.
Proviso.

VI. And be it further enacted by the authority aforesaid, That no free person or persons shall expose on a Sunday, after the hour of eleven o'clock in the forenoon, any goods or provisions for sale in any market, or in any shop or other places, under a penalty not exceeding five pounds for every offence, to be recovered in a summary manner before any two magistrates; and, if any slave do commit such offence, the goods so exposed to be forfeited, by order of any justice of the peace, for the benefit of the poor of the parish in which such offence is committed: Provided, That nothing herein shall extend to prevent the keeping open any druggist's shop, tavern, or lodging-house, or the sale of fresh meat and fresh fish or milk, on Sunday, such sale, however, not to take place in any town or place during the hours appointed for the celebration of divine service therein: Provided always, That sufficient notice be given in the market that the hour for closing it has arrived.

Sunday markets limited.

Proviso.

Proviso.

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

Slaves protected from levies on Saturday.

Slaves to be allowed one day in every fortnight, besides Sundays, except during crop, under penalty of 20*l*.

Proviso.

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

Slaves not to be employed on Sundays or other days without consent of owner.

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

Slaves exempted from labour on Sundays during crop, and working of mills regulated.

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

Negro-grounds to be inspected once every month.

XI. And be it enacted by the authority aforesaid, That every master, owner, or possessor of any slave or slaves, or his or her overseer or chief manager, shall, under the penalty of ten pounds for each neglect, cause the condition of the negro-grounds to be inspected once in every month at least, in order to see that the same are cultivated and kept up in a proper manner, of which oath shall be made, as in this act is hereafter directed: And

whereas in some parts of this island there may not be lands proper for the cultivation of provisions, or where, by reason of long continuance of dry weather or other casualty, the negro-grounds may be rendered unproductive: Then, and in that case, the masters, owners, or possessors do, by some other ways and means, make good an ample provision for all such slaves as they shall be possessed of, in order that they may be properly supported and maintained, under a penalty not exceeding twenty pounds.

Where there are not proper lands, proprietors to make good and ample provision for support of slaves.

XII. And be it further enacted by the authority aforesaid, That every master, owner, or possessor of slaves shall, once in every year, provide and give to each slave they shall be possessed of, proper and sufficient clothing, to be approved of by the justices and vestry of the parish where such master, owner, or possessor of such slave shall reside, under the penalty of five pounds for each slave for whom such clothing shall not be provided, to be recovered in a summary manner before three justices of the peace.

Proper clothing to be given to slaves annually, under penalty of 5*l.* for each slave for whom such is not provided.

XIII. And be it further enacted by the authority aforesaid, That every master, owner, proprietor, or possessor of slaves, his or her overseer or chief manager, at their giving in an account of their slaves and stock to the justices and vestry on the twenty-eighth day of March, in every year, or at the vestry which shall be held next after that day, shall, under a penalty not exceeding twenty pounds for every neglect, give in an account, on oath, of the nature and quantity of clothing actually served to each slave on such plantation, pen, or other settlement, for the approbation of the justices and vestry, as aforesaid, and shall likewise, at the same time, declare on oath that he has inspected, or caused to be inspected, the negro-grounds (where such negro-grounds are allotted) of such plantation, pen, or settlement, according to the directions of this act, and that every negro on the property has been allowed twenty-six days during the preceding twelve months as directed by the eighth clause of this act, and is sufficiently provided with grounds, or, where there are no negro-grounds, such ample provision as hereinbefore directed.

Yearly accounts to be given in of the provision made for, and clothing delivered to, slaves, of days allowed them, and of negro-grounds inspected, under penalty of 100*l.*

XIV. And whereas, by the usage of this island, slaves have always been permitted to possess personal property, and it is expedient that such laudable custom should be established by law: Be it therefore enacted by the authority aforesaid, That if any owner, possessor, or any other free person whatsoever, shall wilfully and unlawfully take away from any slave or slaves, or in any way deprive, or cause any slave or slaves to be deprived of, any species of personal property, by him, her, or them lawfully possessed, such person or persons shall forfeit and pay to such slaves the value of such property so taken away as aforesaid, the same to be recovered under the hands and seals of any three

Personal property of slaves protected.

- justices of the peace before whom the complaint shall be laid and the facts proved, which three justices of the peace shall have the power of summoning witnesses, who shall be bound to attend and give their testimony, under the penalty of five pounds :
Proviso. Provided nevertheless, That nothing in this act shall be construed or deemed to authorize any trespass, or to allow any slave or slaves to turn loose, or keep, on his owner's or other person's property, any horses, mares, mules, asses, cattle, sheep, hogs, or goats, without the consent of his owner or person in possession of such lands being first had and obtained :
Proviso. Provided always, and be it further enacted, That the said justices shall not have power to investigate any proceeding under the preceding clause unless the complaint be brought before them within twenty days of the alleged committal of the injury : And provided, That such justices shall not take cognizance of any claims made by slaves for property above twenty-five pounds value, but all claims for sums above that amount shall and may be recovered by the owner in the courts of this island, on behalf and for the use of such slave : But provided always, That nothing herein contained shall be deemed to authorize the institution of any suit at law or in equity for the recovery of any such claim by any slave in his own name or otherwise than in the name of his said owner.

- Bequests to slaves secured.** XV. Whereas it is expedient that the owners of slaves or other persons should have it in their power to reward the fidelity of slaves, or to make them a bequest for their services or good conduct : Be it therefore enacted by the authority aforesaid, That any pecuniary bequest or legacy of a chattel to a slave shall be deemed and considered to be a valid and legal bequest or legacy, and the executor or executors, or other representatives of the testator, shall be authorized to pay the amount of such legacy, or to deliver such chattel to such slave :
Proviso. Provided, That nothing herein contained shall be deemed to authorize the institution of any action or suit at law, or in equity, for the recovery of such legacy, or to make it necessary to make any slave or slaves a defendant or defendants to a suit in equity :
Proviso. But provided always, That the owner of such slave may institute any such suit or suits as he may conceive necessary for such slave's benefit, giving security for costs.

- Females having six children living, whether their own or adopted, are to be exempted from hard labour, and their owners from** XVI. And, in order that further encouragement may be given to the increase and protection of negro infants, be it further enacted by the authority aforesaid, That every female slave, who shall have six children living, or who, having raised from infancy, and during the period of nurture, a child or children of deceased mothers, and which shall continue to live with her as her adopted child or children, shall have of her own, and of such so raised and adopted child or children, six children living, shall be exempted from hard labour, and the owner or possessor of every

such female slave shall be exempted from all manner of taxes for such female slave, any thing in the act, commonly called the Poll-tax law, or any other of the tax laws of this island, passed or annually to be passed, to the contrary notwithstanding, and a deduction shall be made for all such female slaves from the taxes of such owner or possessor, by certificate of the justices and vestry: Provided nevertheless, That proof be given on oath, to the satisfaction of the said justices and vestry, not only that the requisite number of children, together with the mother, or adopted mother, are living, but also that the mother is exempted from hard labour, and is provided with the means of an easy and comfortable maintenance.

taxes for them, proof being given that the mother, or adoptive mother, and children, are living.

Proviso.

XVII. And be it further enacted by the authority aforesaid, That no master, owner, or possessor of any slave or slaves, whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall discard or turn away any such slave or slaves on account or by reason of such slave or slaves being rendered incapable of labour or service to such [master,] owner, or possessor, by means of sickness, age, or infirmity, nor wilfully permit any diseased slave to go at large and travel about; but every such master, owner, or possessor, as aforesaid, shall be, and he is hereby obliged to keep all such slave or slaves upon his, her, or their properties, and to find and provide him, her, or them with sufficient clothing and wholesome necessaries of life, and not suffer such slave or slaves to wander about, under the penalty of twenty pounds for every such offence, to be recovered by an action to be filed in the supreme court by the churchwardens of the parish in which such slave has been apprehended, such action to be triable in the county where the cause of action arose, with full costs out of purse, excepting where the party offending shall reside in the parish where the said offence shall be committed; and if in such parish there shall be a court of common pleas, then and in such case such penalty shall be recoverable in such court of common pleas by the churchwardens of the parish in which the offence shall be committed, such penalty, so recovered in either of the ways aforesaid, to be for the use of the said parish; and in the mean time, and until the said action shall be tried, any two justices of the peace, upon their own view, or upon the information of any free person upon oath, are hereby empowered and required to take up such wandering, sick, aged, infirm, or diseased slave or slaves, and to lodge him, her, or them in the nearest workhouse, there to be clothed and fed, but not worked, at the expense of the master, owner, or possessor, until such trial as aforesaid can be had; and after such action shall have been tried and judgment recovered against the defendant, he is hereby required, under the like penalty of twenty pounds, to be recoverable in like manner, with costs as aforesaid, to take such slave or slaves under his or her care, and

Possessors of slaves not to turn them away on account of infirmity, &c. but keep them on their properties, and provide for them, under penalty of 20*l*.

Mode of recovery.

Wandering slaves may be taken up and sent to the workhouse, to be supported until trial had, &c. &c.

Proviso.

to pay the fees incurred for the maintenance and support of such slave or slaves, and so on from time to time, until such owner or other person shall make provision for such slave or slaves: Provided, That before any action shall be brought for the recovery of the penalty hereby imposed, one month's notice in writing, under the hands of the churchwardens aforesaid, shall be given to the party offending, of the intention of such churchwardens to bring such action and, in case such owner or other person shall thereupon admit the said slave to be his property, remove him and relieve the parish of the burthen of such slave, and shall pay all costs of maintenance of the said slave up to the time, such owner or other person shall be entitled to give these last-mentioned facts in evidence under the general issue pleaded to such action if brought, and the same when proved shall be taken as a full answer to, and in bar to, the said action.

Justices and vestries to lay a tax for support of disabled slaves,

who are to be passed to the parishes where their former owners resided,

as are those free poor who have been manumized.

Vestries to make regulations for their accommodation.

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

dient; and the keeper of the workhouse in such parish, to which such slave or free person shall be sent by warrant from any other parish, shall be obliged to receive the same, under the penalty of twenty pounds.

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

Old or infirm slaves manumized to be allowed 10*l.* per annum.

XX. And whereas it sometimes happens that aged, infirm, or disabled slaves, belonging to the estates of insolvent debtors, remain in the custody of the provost-marshal of this island, or his deputies, without a possibility of the same being sold for the benefit of the creditors of such estates: Be it enacted by the authority aforesaid, That upon proof being made on oath, by any deputy-marshal, before any three magistrates of any of the parishes or precincts of this island, that any slave or slaves of the above description has or have been in his custody for more than six months thereto preceding, that such slave or slaves have been repeatedly put up to sale by public outcry, that no bidder has offered to purchase the same, and there is no probability of his or her being sold, it may and shall be lawful for the said three magistrates to make an order, under their hands and seals, for the removal of such slave or slaves to the parish, wherein the owner of such slave or slaves resided, at or immediately before the time when he or she took the benefit of the act for the relief of insolvent debtors, now in force, or hereafter to be in force, there to be maintained and provided for.

Disabled slaves, the property of insolvent debtors, in custody of provost-marshal, may be removed by order of three magistrates to the parish where their owner resided.

XXI. And it is hereby enacted, That such order being recorded in the office of the clerk of the peace of the parish or precinct, wherein the gaol of such deputy-marshal as aforesaid shall be situated, shall be deemed and taken, in all the courts of this island, as a complete and perfect acquittal of all demands, claims, suits, and actions of every kind, on or against such provost-marshal, or any of his deputies, as may or shall be made, instituted, or preferred by any person or persons whatsoever, on account or by reason of the removal of any such slave or slaves as aforesaid, out of his or their custody: Provided always, That if such slave should at any time thereafter recover and become saleable, it shall be the duty of the supervisor of the workhouse in which such slave is confined, to report the same to the provost-marshal-general, and thereupon the supreme

Such order being recorded in clerk of peace's office, provost-marshal and his deputies indemnified in acting under it.

Proviso.

court shall order such slave to be sold by the provost-marshal for the benefit of the insolvent's estate.

Field-slaves are to have half an hour for breakfast and two hours for dinner, and to work from five to seven, except during crop.

XXII. And be it further enacted, That every field-slave on any plantation or settlement shall, on work days, be allowed half an hour for breakfast, and two hours for dinner; and that no slaves shall be compelled to any manner of field-work upon the plantation before the hour of five in the morning or after the hour of seven at night, except during the time of crop, under the penalty not exceeding fifty pounds, to be recovered against the overseer or other person having the charge of such slaves.

Slaves to be allowed the holidays of Christmas and Easter, but they are not to have more than three successive days, and persons allowing them more holidays to forfeit 5*l*.

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

Slaves taking up runaways, or discovering their being harboured, are to be rewarded at discretion of a magistrate.

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

Persons wilfully killing slaves to suffer death.

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

Rape under ten years declared felony

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time after the commencement of this act, unlawfully and carnally know and abuse

any female slave under the age of ten years, every such unlawful and carnal knowledge shall be felony, and the offender thereof being duly convicted, shall suffer as a felon without benefit of clergy.

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

Rape to be punished by death.

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

No conviction, &c. of felony to extend to the corruption of blood, &c.

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

Punishment for mutilating, dismembering, or otherwise acting cruelly towards, or branding slaves, and manner of proceeding against offenders.

slaves belonged, to the use of the said parish, the said justices and vestry, in consideration thereof, paying to each of the said slave or slaves, so made free, the sum of ten pounds per annum for his or her maintenance and support during life.

Complaint of any of the before-mentioned mutilations, wanton punishment, &c. &c. to be made to a justice of the peace, and how he is to proceed in such cases.

Justice to certify complaint to the custos, who is directed to convene a special sessions to make inquiry, and, if found to be frivolous, to dismiss the complaint, and deliver complainant to his or her owner, or direct such punishment as may seem proper; but should complaint be well founded, parties are to be prosecuted.

XXX. And be it further enacted by the authority aforesaid, That in case any slave or slaves shall suffer any before-mentioned mutilations, or wanton punishment, or confinement, or branding, such slave or slaves, on his, her, or their application to any justice of the peace, the said justice of the peace shall be, and is hereby directed, required, and empowered, on view, or its appearing to his satisfaction that such mutilation or wanton punishment, or branding, have been really suffered, to send such slave or slaves to the parochial or nearest workhouse where such offence shall be committed, and such slave or slaves shall be there safely kept and carefully attended, but not worked, at the expence of such parish, until such time as the special sessions hereinafter mentioned shall meet; and such slave shall be kept separate and apart from slaves committed to such workhouse as runaways or criminals, in a place appropriated in such workhouse for that purpose: And the said justice of the peace, to whom such application shall have been made as aforesaid, is hereby required and directed forthwith to certify the nature of such application or complaint to the custos or senior magistrate in the parish or precinct wherein such workhouse shall be situate, whose duty it shall be, and he is hereby directed and required, to convene a special sessions, consisting of not less than three justices of the peace of such parish or precinct, which special sessions, when met, is hereby empowered and required to make further and full inquiry upon view, and by the examination of witnesses, into the commitment of the mutilation or punishment of such slave or slaves, and, if upon such examination, it shall appear to them that the complaint of such slave or slaves is frivolous or unfounded, it shall be lawful for them, and they are hereby required, to dismiss the complaint, and to direct such slave or slaves to be delivered over to his, her, or their owner or owners, or possessor, or his, her, or their legal representatives, or to direct such punishment by confinement to hard labour, or whipping, or both, as to them may seem proper; but if, upon such examination and inquiry as aforesaid, it shall appear to the satisfaction of the said justices that the complaint is well founded, they are hereby directed to lodge the examinations with the clerk of the crown or clerk of the peace, that the parties may be prosecuted according to law, and to bind over the said offenders and witnesses in a sum not exceeding fifty pounds, with securities, to appear at the grand or assize courts, or quarter sessions of the parish, and to remand the said slave or slaves to the workhouse, to be kept until such time as there shall be a legal meeting of the justices and vestry of such parish, which meeting the custos or chief magistrate is hereby required

to call as early as conveniently may be; and such justices and vestry, when met, are hereby appointed a council of protection of such slave or slaves, and are hereby directed and empowered, if they think proper, to make further inquiry into the commitment of the mutilation or punishment of such slave or slaves; and, if to them it shall appear proper, the said justices and vestry are hereby empowered and required to prosecute to effect such owner or owners, the expence of which prosecution shall be paid by the parish where such offence shall be committed; and in case the owner or owners of such slave or slaves shall appear capable of paying the costs and charges of such before-mentioned prosecution, the said justices and vestry are hereby empowered to commence a suit or suits against such owner or owners of such slave or slaves, and recover all costs and charges out of purse by them laid out and expended in such suit or suits; and the keeper of the workhouse, where such slave or slaves shall have been first committed, is hereby directed and required, upon due notice of the meeting of the said special sessions, or of the first meeting of the council of protection of the parish where the offence was committed, to produce such slave or slaves for the inspection and direction of such special sessions and council of protection, under the penalty of one hundred pounds for every neglect in not producing before such council of protection such slave or slaves.

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

Penalty of 10*l.* on magistrates and vestrymen for non-attendance.

XXXII. And be it further enacted by the authority aforesaid, That in case any justice of the peace shall receive any complaint or probable intelligence from any slave or otherwise, that any slave or slaves is or are so mutilated or cruelly punished, or is or are confined without sufficient support, or has been branded, it shall and may be lawful for such justice of the peace, and he is hereby empowered and required forthwith, to issue his warrant to any constable, ordering him immediately to proceed to the place where such slave or slaves are confined, and such slave or slaves to release and bring before such justice, who, on view or proof of the fact, is hereby authorized to send such slave or slaves to the workhouse for protection, there to be kept, but not worked, until inquiry shall be made into the fact according to law.

Justices, being informed that slaves are mutilated, cruelly punished, or confined without support, or branded, are to issue their warrants, in order that they may be brought before them.

XXXIII. And, in order to restrain arbitrary punishment, be

No slave to have more than ten lashes at a time for one offence, unless the owner, &c. or supervisor, &c. be present, nor more than thirty-nine on any account in one day, under penalty.

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

Punishments of slaves, after the commencement of this act, regulated.

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

their warrant for levying and sale of the same by sale of the goods and chattels of the offender.

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

No slave to be received in any workhouse for punishment without a written order, under penalty.

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

Slaves committed for punishment, or otherwise, not to be employed in the service of workhouse-keepers, without permission.

XXXVII. And be it further enacted by the authority aforesaid, That in case any justice or justices of the peace shall receive any complaint, or probable intelligence, from any slave or otherwise, that any slave or slaves has or have been improperly punished, contrary to the true intent and meaning of this act, it shall and may be lawful to and for such magistrate to associate two other of the magistrates of the said parish with him, and to inquire in a summary manner into such complaint; and if upon inquiry it shall be found that the complaint is true, it shall be the duty of the said magistrates, and they are hereby required, to proceed against the offender according to law; but, if it shall appear that such complaint was groundless, the said magistrates may punish such complainant, and [the] person giving information thereof, being a slave or slaves, by whipping, not exceeding thirty-nine lashes, or by confinement to hard labour in the workhouse for a space of time not exceeding one month.

Complaints of slaves being improperly punished to be inquired into summarily, and, if found to be true, offenders are to be proceeded against, but if groundless, complainants are to be punished.

XXXVIII. And be it further enacted by the authority aforesaid, That no person shall on any pretence whatsoever, punish any negro or other slave, whether his own property or otherwise, by fixing, or causing to be fixed, an iron or other collar round the neck of such slave, or by loading the body or limbs of such slave, for any offence whatsoever, with chains or weights of any kind, other than a light collar, without hooks, for one, and light collars and chains where there are more than one, and which collar or collars and chains shall not be affixed but by the

Penalty on persons putting iron collars, or weights or chains, on slaves, other than here designated.

direction in writing of a magistrate, under a penalty not less than five pounds, nor exceeding fifty pounds, to be recovered in a summary manner before any two or more justices of the peace of the parish or precinct where the offence shall be committed; and all and every the justices of the peace within this island are hereby authorized, directed, and required, under the penalty of one hundred pounds, on information and view, to order such collar or collars, chain or chains, irons or weights, to be immediately taken off from the slave or slaves wearing or bearing the same.

No slave to travel (unless to market) without a ticket, under a penalty of 40s. on the owner, &c. if he cannot prove he gave a ticket, or that the slave went without his consent.

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

If justices do not inflict this penalty they forfeit 5l.

Hiring of slaves in towns regulated.

XL. And whereas great inconveniencies have hitherto existed from possessors of slaves giving tickets, for the purpose of procuring employment in the several towns of this island: Be it enacted by the authority aforesaid, That from and after the commencement of this act, it shall be incumbent upon every possessor of any slave or slaves, when inclined to hire such slave or slaves in any other manner than by lease or for a shorter time than three months, to apply to the police officer or clerk of the peace in the several towns and parishes of this island, and there enter or record the name of such slave or

slaves to be so hired, and the said officer of police or clerk of the peace is hereby directed to grant such slave or slaves a ticket to authorize him, her, or them to hire themselves for any space of time, as the owner may require it, not exceeding three months, and any slave found working out in any of the towns or parishes of this island, without such ticket, shall, on conviction before any two justices, receive punishment by whipping not exceeding thirty lashes, and the owner or possessor of such slave so convicted, shall be summoned before any two justices of the peace of the parish or precinct where such owner or possessor resides, who, upon proof that the said slave or slaves were so working without such ticket with the knowledge of the said owner, shall be authorized, and they are hereby required, to inflict a penalty by fine on the said owner or possessor, not exceeding five pounds for each offence.

XLI. And whereas it is very dangerous to the peace and safety of this island to suffer slaves to continue as runaways, and it is absolutely necessary to declare and make known to the public what slaves shall be deemed such: Be it enacted by the authority aforesaid, That, from and after the commencement of this act, any slave or slaves, who shall be absent from his owner or employer without leave, for the space of five days, or who shall be found at the distance of eight miles from the house, plantation, or other settlement, to which such slave or slaves shall belong, without a ticket or other permit to pass, except as hereinbefore excepted, in going to and returning from market, shall be deemed a runaway.

Slaves absent five days, or found eight miles from home, without tickets, to be deemed runaways.

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

Slaves, who shall run away for a longer period than six months, to be punished as the court shall direct.

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

Punishment on those who continue absent for a shorter period than six months,

and on those who are incorrigible runaways.

victed thereof, shall be sentenced to be confined to hard labour, for such time as the court shall determine, or to be transported for life, as the court shall direct.

Slaves har-
bouring run-
aways to suf-
fer punish-
ment, not
extending to
life.

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

Punishment
for harbour-
ing or con-
cealing
slaves.

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

Proviso.

Justices may
grant war-
rants to
search for
runaways.

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

refused: Provided such warrant be executed by a lawful constable, or some free person, specially sworn as a constable for the purpose. Proviso.

XLVII. And whereas the more effectually to conceal runaway slaves, or prevent their being apprehended, tickets are given by ill-disposed persons of free condition: Be it therefore enacted by the authority aforesaid, That any free person, granting or giving a letter or ticket to enable any slave to absent himself or herself from his or her owner or possessor, shall be liable to be tried for the said offence before the supreme court of judicature, or in either of the courts of assize, or courts of quarter-sessions, in this island, where the offence shall be committed, and, on conviction, shall suffer such punishment by fine or imprisonment, or both, as the court in their discretion shall think proper to inflict, not extending to life. Punishment for granting false tickets.

XLVIII. And be it further enacted by the authority aforesaid, That any slave, or other person or persons whatsoever, who shall apprehend any runaway slave or slaves, shall, for every one so apprehended, be entitled to receive from the owner, employer, overseer, or manager of such slave or slaves, the sum of ten shillings, and no more, besides mile-money, at the rate of one shilling *per* mile for the first five miles, and sixpence *per* mile for every mile afterwards: Provided nevertheless, That nothing in this act contained shall be construed to extend to an allowance of the said sum of ten shillings and mile-money, in addition to the sum allowed to maroon negroes for apprehending runaways: And provided also, That it is not hereby intended to deprive the said maroons of their legal and established reward of forty shillings for each negro. Owner, &c. to pay 10s. and run-money for each runaway taken up.

Proviso.

Proviso.

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

L. And, to the end that the owners or possessors of runaway slaves may have a due knowledge where such slaves are confined, after their being apprehended and sent to any workhouse in this island, in order that such owners or possessors may apply for such slaves; Be it further enacted by the authority aforesaid, That, from and after the commencement of this Workhouse-keepers to

advertise weekly in each county paper all runaways in their possession, with full descriptions of them, under penalty of 10*l.* charging 3*s.* 4*d.* for each paper per month, which owners are to reimburse.

Advertising accounts to be paid annually by treasurers.

Slaves may be detained till all expences paid,

with 2*s.* 6*d.* in the pound on advances ; also 6*d.* per day for maintenance, 2*d.* per day for medical care where necessary, &c. ; which charges must be attested.

Owners of slaves committed under judgment excepted from payment of fees.

Slaves in confinement to have sufficient provisions,

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

LI. And be it further enacted by the authority aforesaid, That the keeper of every workhouse or gaol in this island shall, under the penalty of ten pounds for every neglect, provide and give to every slave confined in such workhouse or gaol a sufficient quantity of good and wholesome provisions daily ; that is

to say, not less than one quart of unground Guinea or Indian corn, or three pints of the flour or meal of either, or three pints of wheat flour, or eight full-grown plantains, or eight pounds of cocoes or yams, and also one herring or shad, or other salted provisions equal thereto, and shall also, under the like penalty, provide and supply every slave, confined as aforesaid, with good and sufficient clothing, where necessary.

under the penalty of 10%.

Rations for them ;

also clothing.

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

On a negro or other person, detained as a runaway, alleging himself to be free, custos to summon a special sessions to investigate the truth thereof.

Such person, if entitled to freedom, to be forthwith discharged; if a slave, remanded. Decision not to prejudice title.

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

No slaves detained as above to be sold until such investigation takes place.

Sale declared void.

Penalty on persons fraudulently purchasing slaves sold out of workhouses ;

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

and also on workhouse-keepers conniving thereat, &c. &c.

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

Four weeks' notice in the county papers to be given by workhouse-keepers of replevins, &c. brought against them for slaves in the workhouse.

LVI. And be it further enacted by the authority aforesaid, That from and after the commencement of this act every workhouse-keeper in this island, who shall have any action in replevin, *homine replegiando*, or ejectment, brought against him for any negro or other slave or slaves in his custody, shall, under a penalty for every offence, not less than five pounds, nor exceeding fifty pounds, as shall be inflicted by the judges of his majesty's supreme court of judicature or courts of assize in this island, immediately after he receives such replevin, *homine replegiando*, or ejectment, give notice in the several county newspapers of such action, and at whose suit it is brought, the name or names of such negro or other slave or slaves, together with his, her, or their mark or marks, and the best information he can get concerning the real owner of such slave or slaves, and shall continue such notice for four weeks

before the trial shall be had upon such replevin, *homine replegiando*, or ejectment, or such slave or slaves be taken out of the custody of such workhouse-keeper, the costs of which, and all other expences incurred, shall be paid to such workhouse-keeper by the person who recover such slave or slaves: And if any person or persons shall give notice to such workhouse-keeper of his, or her, or their intention to take the defence of any action so brought, such workhouse-keeper shall detain in his custody the slave or slaves, for or by whom such action shall be brought, until the trial of such action or order of the court thereon, under the penalty of one hundred pounds, unless the security offered in cases of *homine replegiando* shall justify, before a judge of the grand court or courts of assize, in such sum as such judge shall think proper, notice of such justification, and the time and place thereof, and the judge before whom the same is to be taken, being given to the person intending to take the defence of such action.

Expences to be paid by persons recovering
If any person give notice to workhouse-keepers of an intention to defend such actions, they must detain in custody the slaves in dispute until trial, under penalty of 100*l*.

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

No writ of *homine replegiando* to be issued without security being first given, &c.

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

Slaves attempting to depart this island, or assisting others in such attempts, may be punished at the discretion of the court.

punishment as the court shall think proper to direct, not extending to life.

If free people do so, they forfeit 300*l.* for each,

and may be imprisoned a year.

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

Accessaries may be proceeded against, though principals are not convicted.

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

If slaves, not authorized, travel with dog, &c. or hunt with instruments of death, punishment may be awarded by three justices.

LXI. And be it further enacted by the authority aforesaid, That no negro or other slave shall be allowed to travel the public roads with dogs, or cutlasses, or other offensive weapons, without a ticket from his owner, or to hunt any cattle, horses, mares, mules, or asses, in any part of this island, with lances, guns, cutlasses, or other instruments of death, unless in the company of his or their master, overseer, or some other free person, by him or them deputed, or by permission in writing; and if any negro or other slave shall offend, contrary to the true intent and meaning of this act, he, she, or they, being thereof convicted before three justices, shall suffer such punishment as they shall think proper to inflict, by whipping, not exceeding thirty-nine lashes, or confinement to hard labour in the workhouse for any space of time not exceeding three months.

Penalty of 50*l.* for not endeavouring to suppress unlawful assemblies of slaves.

LXII. And be it further enacted by the authority aforesaid, That if any master, owner, guardian, possessor, or attorney, overseer, book-keeper, or other free person employed on any plantation or settlement, shall hereafter suffer any slaves to assemble together and beat their drums, and blow their horns or shells, upon any plantation, pen, or settlement, or in any yard or place under his, her, or their care or management, or shall not endeavour to disperse or prevent the same, by themselves, or by immediately giving notice thereof to the next magistrate or

commissioned officers, that a proper force may be sent to disperse the said slaves, every such master, owner, guardian, possessor, or attorney, overseer, or book-keeper, or other free person, so employed as aforesaid, shall, for every such offence, upon conviction thereof upon an indictment in the supreme court of judicature, or courts of assize, or quarter-sessions of the parish wherein such offence shall be committed, pay a fine of fifty pounds to his majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof: Provided nevertheless, That information of such offence shall be made, upon oath, before any of his majesty's justices of the peace, within the space of fourteen days after the commission of the offence.

Proviso.
Information must be given within fourteen days.

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

Civil and military officers to suppress such assemblies.

Slaves may have diversions on the properties they belong to, if no military drums, &c. are used;

but they must be over by twelve at night

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

Negro burials to be over by sunset, or owner &c. forfeits 50l.

Burials in towns, &c. must also be over before sunset.

trates, suffer such punishment as the said magistrates shall direct, not exceeding thirty-nine lashes.

Penalty on persons permitting unlawful assemblages of slaves at their houses or settlements, if complained of in fourteen days.

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

Punishment for permitting gaming.

LXVI. And be it further enacted by the authority aforesaid, That if any free person or persons, or any slave or slaves, shall knowingly suffer any person to game with any slave or slaves, in any house, or out-houses in his charge, or shall be found gaming with any slave or slaves, such person or persons shall and may be apprehended, and taken before any three justices of the peace in the parish in which such person or persons shall be apprehended, who are hereby authorized and empowered to inflict on such person or persons, if a slave or slaves, such corporal punishment by whipping, not exceeding thirty-nine lashes, as such justices shall, upon conviction thereof, think proper to order and direct, and, if a free person, shall and may commit such free person to the nearest common gaol for any period of time not exceeding six days.

Properties of persons manumizing slaves subjected to the annual sum allowed by law for their support.

Slaves to be manumized by will not exempted from any debt against the estate of the testator. Wills valid for the dis-

LXVII. And whereas it may happen that slaves, directed to be manumized by will, may find it difficult to establish their freedom, by reason of the person or persons acting under such will refusing to enter into the security required by law on the manumission of slaves: Be it enacted by the authority aforesaid, That from and after the commencement of this act, whenever any person shall, by will in writing, expressly manumize, or direct to be manumized, any slave or slaves belonging to him or her, the usual bond required by law in cases of manumission shall not be necessary, but the estate of the person so manumizing any slave or slaves, or directing any slave or slaves to be manumized, shall be, and the same is hereby declared to be, liable to the payment of the annual sum required by law to be paid to any slave manumized, and the freedom of such slave so manumized, or directed to be manumized, by will, shall be at once established: Provided always, That nothing in this act contained shall extend, or be construed to extend, to exempt such slaves so manumized from any debt or demand against the estate of the testator, to which such slave or slaves should be otherwise liable: And provided always, and it is hereby enacted, That any will in writing, which by law would be deemed valid and sufficient for disposing of goods and chattels, or other personal estate, shall be, and the same is hereby

declared to be, valid and sufficient for manumizing, or directing to be manumized, any slave or slaves, any thing in a certain statute, made and passed in the twenty-ninth year of the reign of his majesty king Charles the Second, commonly called the Statute of Frauds and Perjuries, or in a certain act of the governor, council, and assembly of this island, made and passed in the sixteenth year of the reign of his majesty George the Third, entitled "An act to regulate the devises of negro, mulatto, and other slaves in wills," or any act, law, usage, or custom, to the contrary in anywise notwithstanding.

posal of personal estate sufficient for the manumission of slaves.

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

Any person having a legal or equitable estate of freehold in possession in any slave, and desirous of manumizing such slave, may apply for that purpose to the custos or senior magistrate of the parish where such slaveresides, who is to proceed in the manner and form herein stated.

said magistrates, having an interest in the said slave, then two of the said valutors shall be appointed by the said magistrates, and such three persons shall inquire into the value of the slave so intended to be manumized, and shall make their reports, in writing, under their signatures, to the said three magistrates: Provided always, That if the person having such vested estate or interest as aforesaid, or such estate in remainder, shall be covert, the consent of such femme covert to such manumission, and her authority to any person or persons to appoint a valuator given in the same manner as by the laws of this island is required in the execution of deeds by femme covert, and recorded in the office of secretary of this island, shall be sufficient to authorize the magistrates to give such authority and order, as hereinafter mentioned, and, when such femme covert is absent from this island, to dispense with her appearance before them: Provided, That before such custos or senior or other magistrate shall entertain such application, it shall be made to appear to him that notice has been given in the three county newspapers, for three weeks successively, of the intention to make such application, stating the name or names of the person or persons applying, the name or names of the slaves, the place or places where such slave has been resident for the last twelve months, and the time when such application is intended to be made.

Proviso as to femme covert.

Proviso. Notice of application to be given by advertisement.

Custos, &c. to authorize the receiver-general to receive the amount of the valuation, to be applied as herein mentioned.

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

Receiver-general to give a certificate of the amount of the valuation being paid, on the production of which to the custos, &c. the order for manumission herein described is to be given.

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

Whereas A. B. of _____ did, on the _____ day of _____ last past, appear before us, and did make a statement upon oath, that he was tenant for life (or as the case may be), and in the actual possession, of a certain slave named _____, and that he was desirous that the said slave should be made free, but that he was prevented from so

doing by reason of legal impediments: And whereas the said slave, named _____, hath been valued by three indifferent persons at the sum of _____ pounds, and a certificate of the receiver-general hath been produced to us that the amount of such valuation hath been paid into his office: We do, therefore, in pursuance of an act of the governor, council, and assembly, declare the said slave to be free. In witness whereof we have hereunto set our hands and seals, this _____ day of _____

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

The order for manumission, and the receiver-general's certificate annexed, to be recorded, &c.

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

The amount of the valuation, or the interest thereof, to be paid to party entitled, under an order of the court of chancery or of the supreme court, &c.

LXXIII. And be it further enacted by the authority aforesaid, That in case any slave, manumized in pursuance of this act, shall have belonged at the time of his or her manumission, to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such slave, after being so manumized, if a male, shall die in the lifetime of the tenant for life, or, being a female, shall die in the lifetime of the tenant for life, without leaving her surviving any child or children, born after the date of the manumission, or such child or children shall, after her death, die in the lifetime of the tenant for life, then, and in every such case, the person or persons in remainder shall not be considered to be entitled to the principal or interest of the said money, but the same shall be deemed the property of the tenant for life as against all persons, to take in succession without prejudice to the creditors of the person who limited the said slave in settlement, or the creditors of the tenant for life.

A tenant for life to be entitled to the principal or interest of the money, in case a slave, manumized in pursuance of this act, shall die in the lifetime of such tenant for life.

Purchase-money may be invested in the purchase of other slaves.

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

The usual bond, given in cases of manumission, declared to be unnecessary hereafter, under certain provisions.

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

Persons travelling about the country for the purpose of trafficking in slaves, to be taken up and carried, with the slaves, before a justice, who is to proceed against them as herein directed.

On due proof, such slaves to be

LXXVI. And whereas it is expedient to prevent slaves from being purchased by persons for the purpose of resale, and to prevent such resales: Be it enacted, That from and after the commencement of this act, if any person or persons shall be found travelling about from place to place, exposing or offering for sale any negro, mulatto, or other slave or slaves, it shall and may be lawful for any person whomsoever to seize and detain any such person or persons, and the slave or slaves, under his or their charge, and carry such person or persons, and slave or slaves, before any one of his majesty's justices of the peace of the parish where such offence shall be committed, which said justice is hereby authorized and required to call to his assistance two other justices of the said parish, and which three justices, being so associated, shall, on due proof, on oath, that the party or parties, brought before them, had been found exposing or offering a slave or slaves to sale, contrary to the true intent and meaning

of this act, cause the said slave or slaves, so offered for sale, to be publicly sold by warrant, under the hands and seals of the said three justices, one moiety of the monies arising from the sale thereof, after deducting the expences of the said sale, to be paid into the hands of the churchwardens of the said parish where the offence shall be committed, for the use of the poor of the said parish, and the other moiety to the use of the person or persons who shall bring the offender or offenders before the said justices.

sold, one moiety of sale to the poor, the other to the informer.

LXXVII. And it is hereby enacted and declared, That the oath of the person or persons, bringing such offender or offenders before the said justices, shall be received and taken, and shall be considered good evidence, against such offender or offenders.

The oath of the informer sufficient.

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

Such sales of slaves declared void, and the slaves forfeited, and justices may apprehend such slaves and sell them, and apply the money as before mentioned.

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

Proceedings under this act cannot be removed into the supreme or other courts.

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

Slaves concerned in rebellion, or committing murder, or other felony, to suffer death, transportation, &c. as the court may think fit.

Slaves, guilty of assault or other violence to free persons, to be punished at discretion of court, unless by order or in defence of their owners, &c.

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

How slaves, possessing fire-arms without knowledge of their owner, &c. are to be dealt with.

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

Slaves pretending to supernatural power to be sentenced to death, &c.

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

Nightly and other meet-

LXXXIV. And whereas a practice of nightly and other private meetings has frequently taken place among the slaves in several parts of this island, and which have been unknown to the owner, attorney, or other person having charge of the slaves of the property, and as such meetings are injurious to the health of the slaves, and of dangerous tendency: Be it therefore enacted by the authority aforesaid, That in future all such meetings shall be deemed unlawful, and the persons who shall or may

attend them shall be liable to be apprehended and taken before any magistrate of the parish wherein the offence shall be committed; and if any free person attend such meeting, and it appears to the said magistrate, on the oath of the person accusing the party, or on the oath of any other person, that he or she is guilty, he or she shall be committed to the gaol, to be tried at the next quarter-sessions of the parish for the said offence, and, if convicted thereof, he or she shall be sentenced to imprisonment in the county-gaol, for such period of time as the justices, before whom he or she shall be convicted, shall think proper to direct, not exceeding three months; and if the offender be a slave, he or she shall be tried at the quarter-sessions or special slave-court, and, if convicted thereof, he or she shall be sentenced by the said court to hard labour for such time as the court shall think proper to direct, or to receive such other punishment by whipping, not exceeding thirty-nine lashes at one time, as the court shall order and direct.

ings among slaves declared unlawful, and punishment on persons attending them.

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

Slaves preparing or giving poison, though death does not ensue, are to suffer death.

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

Slaves, found at any meeting formed for administering unlawful oaths, &c. are to be punished as court shall direct.

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

as are free people present at such meetings.

Persons having knowledge of such unlawful meetings and not giving information thereof, to be punished at discretion of the court.

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

Slaves stealing horned cattle, sheep, horses, &c. to suffer death, transportation, &c.

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

If slaves have in their possession meat, not exceeding twenty pounds, unaccounted for, they are to be whipped, not exceeding thirty-nine lashes; and if above twenty pounds, slave-court to assign punishment, not affecting life.

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

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

Punishment on slaves committing depredations on produce.

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

Punishment on slaves maiming or injuring horned cattle, horses, &c.

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

Punishment on those wantonly cutting and chopping any other slave.

XCIV. And whereas the practice of negroes to clear their grounds by fire is highly dangerous to the neighbouring proper-

Punishment on slaves clearing their grounds by fire, if injury arise.

Overseers, &c. having knowledge that any fire has been made for such purpose, and not doing their utmost to extinguish it, to be fined at discretion of two justices.

Slaves to be tried for crimes before courts of quarter-sessions, or special slave-courts, and by indictment before grand and petit juries.

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

XCV. And whereas it is necessary to declare how and in what manner slaves should be tried for crimes and offences: Be it enacted by the authority aforesaid, That from and after this act shall commence and be in force all and every charge or complaint against any slave or slaves of murder, rape, felony, burglary, robbery, burning or destroying houses, out-houses, stores, negro-houses, or cane, grass, or corn-pieces, or breaking into such houses, out-houses, stores, or negro-houses, in the day-time, no person being therein, and stealing thereout; rebellion, rebellious conspiracies, or any other offence whatsoever, committed by any slave or slaves, that shall subject such slave or slaves to suffer death, transportation, or confinement to hard labour for life, or for a term exceeding one year, shall be heard, tried, and determined at the court of quarter-sessions or special slave-court for the parish or precinct wherein the offence shall be committed, as part of the business of such court, and by indictment before the grand and petit juries of such court, as indictable offences are now conducted at such courts against free persons, but first disposing of such business of the court as shall concern free persons, and then proceeding with the trial of slaves, against whom bills may be found by the grand jury; and the justice, before whom such charge or complaint is made, shall issue out his warrant for apprehending the offender or offenders, and all persons that can give evidence, who being brought before him, or any other justice of the peace, if, upon examination, it appears probable that that the slave or slaves apprehended is or are guilty, he shall commit the offender or offenders to gaol for trial at the next court of quarter-sessions or special slave-court, and secure the

attendance there of the witnesses by recognizance or committal to gaol, as public justice may require ; and in all cases the evidence of slaves shall be admitted against slaves before the justice, the court, and the grand or petit jury, and in case of the grand jury finding a true bill, then, in any parish where a court of quarter-sessions is now usually holden, such slave or slaves shall have the indictment or charge distinctly read to him, her, or them, in open court, which indictment or charge shall be deemed valid, if sufficient in substance, and shall not be quashed for defect in form, and thereupon the plea shall be taken down and entered, and such slave or slaves shall be put upon his or their trial before a petit jury, in like manner as is the practice usual and accustomed at the quarter-sessions on the trial of indictments against free persons ; and, if a petit jury be already formed for any preceding business of the court, it shall be lawful to proceed to try the indictment against such slave or slaves, upon calling over the names of the jurors, and causing them to be sworn to try all and every such slave or slaves as shall be brought before them, and a true verdict give, according to evidence, as in other cases, reserving to the crown and to the prisoner the power of challenging any of the said jurors, upon assigning cause, to be approved of by the court ; and provided that no owner or proprietor of any prisoner, or the attorney, guardian, trustee, overseer, or book-keeper of such owner or proprietor, or the person prosecuting, his or her attorney, guardian, trustee, overseer, or book-keeper, shall be allowed to sit as a juror upon the trial of such prisoner ; and the place of such jurors as shall be set aside upon challenge, or for the causes aforesaid, shall be supplied by others returned upon the panel to serve as jurors ; or if a sufficient number should not be in attendance, then such deficiency shall be supplied by a writ of tales, to be issued by the court in which such trial shall take place, and the same jury shall serve for every case under the preceding regulations at the same court, unless the court shall see, or the jury of themselves declare, that the circumstances of one trial to intimately affect another trial too proceed without bias, in which case a new jury shall be called ; and if the said jurors shall, upon hearing the evidence, unanimously find the slave or slaves guilty of the offence with which he, she, or they stand charged, the court shall pass sentence of death without benefit of clergy, or transportation, or confinement to hard labour for life, or a limited time, or whipping, or such other punishment as the court shall think proper, according to the nature of the offence : Provided always, That no sentence of death or transportation, pronounced on any slave or slaves, shall be carried into effect, unless by warrant under the hand and seal of the governor, or the person exercising the functions of governor, who is hereby authorized to issue such warrant, and before whom shall be previously laid the charge or indictment, the evidence taken down at the trial, and the sentence of the court,

Sentence of death not to be carried into effect but under governor's warrant,

except in
cases of re-
bellion.

Special
slave-courts
may be held.

or a true copy thereof, attested by the justice presiding at the trial, or, in case of his death or absence, of one of the other justices constituting the court, except when sentence of death shall be passed upon any slave or slaves convicted of rebellion or rebellious conspiracy, in which case the court shall and may proceed to pass sentence and carry the same into execution as heretofore, at such time and place as public expedience may require; or, if no pressing occasion arise, the court may, if it see fit, refer the proceedings to the governor, in the manner, and to be disposed of by him, as in other cases of public convictions: Provided always, That if it shall be necessary or expedient, for the furtherance of justice and the safety of the public, to hold any court before the stated court of quarter-sessions, it shall be lawful to convene a special slave-court; and the custos or senior magistrate of the parish or precinct shall issue a special writ of venire, directed to the provost-marshal-general, or his lawful deputy, to summon and warn forty-eight persons, such as are usually warned and empannelled to serve on juries, for the parish or precinct, personally to be and appear at such court, at the usual place for holding the quarter-sessions, at such day and time as may be expressed in such venire, then and there to inquire for our sovereign lord the king of and concerning all such matters and things as shall be given them in charge and enjoined, when and where the said persons, so warned by the provost-marshal, or his lawful deputy as aforesaid, are hereby severally required to attend, under the penalty of five pounds on each defaulter, and when and where the said special slave-court shall proceed in like manner in all respects as is the usual custom and practice at a general court of quarter-sessions of the peace for indictable offences against free persons.

How trials
to be con-
ducted in the
parishes of
St. Thomas
in the Vale
and St. John.

XCVI. And whereas this mode of trying slaves will materially interfere with the facilities granted to those parishes, which are component parts of a precinct, wherein special slave-courts are now allowed: Be it enacted, That in the parishes of St. Thomas in the Vale, and St. John, part of the precinct of St. Catherine, indictments against slaves shall be preferred before the grand jury convened and sworn at the court of quarter-sessions of the precincts; and the attendance of all witnesses to support the charge before the grand jury shall be secured as aforesaid; and, when a true bill shall be returned against any slave or slaves, such trial shall be proceeded in a special slave-court, to be convened by the custos or senior magistrate of the parish, at the place such court is at present held by law; and thereupon the custos, or, in his absence, the senior magistrate of the parish where such trial is to take place, shall and may hold such special slave-court, and shall sign and issue a writ of venire to the provost-marshal, or his lawful deputy for convening twenty-four persons of the parish qualified to serve on juries, at the time and place appointed by the writ of ve-

nire, to form a petit jury for the trial of slaves, against whom bills of indictment have been found at the quarter-session, such trial to take place under the same regulations as are hereinbefore contained as to trials of slaves in the courts of quarter-sessions; and the provost-marshal, his deputy, and all persons under recognizance, and the persons so warned as jurors, and every other person whomsoever, for any breach of the duty hereby imposed in regard to such special slave-court, shall suffer the like penalties, under the like remedies, as if such offence had been committed in any such court of quarter-sessions; and all proceedings of such special slave-court shall be returned into the office of the clerk of the peace of the precinct, there to be recorded.

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

Slaves to be discharged if not indicted within six months.

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

Where slaves are indicted for murder, if malice prepense do not appear, verdict of manslaughter may be returned.

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

Clerks of the peace may be discharged for neglect or incapacity.

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

Penalty of 20*l.* on persons warned to attend trials, and neglecting to do so. Proviso. CI. And be it further enacted by the authority aforesaid, That all witnesses of free condition, legally warned, and who do not attend to give evidence at any trial under this act, or shew, by affidavit, a sufficient cause for his or her absence, shall be liable to a fine not exceeding twenty pounds, to be enforced by warrant of the court of quarter-sessions or special slave-court, as the case may be, directed to the provost-marshal or his lawful deputies: Provided also, That such court may issue its warrant to enforce the attendance of any witnesses, and to compel such witnesses to appear or to enter into recognizance, as the case may be.

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

Records to be kept by the clerk of the peace, who must attend trials, and record proceedings in thirty days' under penalty of 20*l.* His fee. Deputy-marshals must warn jurors, and attend at such trials, CIII. And be it further enacted by the authority aforesaid, That a record shall be entered up of all proceedings on the trials of slaves, for any crime that shall subject any slave or slaves to suffer death, transportation, or confinement to hard labour, in a book to be kept for that purpose by the clerk of the peace, or his lawful deputy, of the parish or precinct, who is hereby obliged to attend all such trials, and to record the proceedings within thirty days after such trial, under the penalty of twenty pounds for each neglect; and he shall be entitled to receive from the churchwardens of such parish the sum of five pounds, and no more, for attending each trial, entering up the record, and all other business incidental thereto; and further, that the deputy-marshal for the said parish, or some proper person acting under him, shall, under the penalty of fifty pounds, warn the jurors, and attend the trials of all slaves, and also attend at the execution of such offenders as shall be condemned to die; and that he shall be entitled to receive from the churchwardens of the said

parish, for warning jurors and attending the trials of slaves at all courts, the sum of five pounds for each court to be held under this act, and the further sum of five pounds for attending the execution of each offender as shall be condemned to die.

under penalty of 50*l.*

Their Fees.

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

If slaves, against whom warrants are issued, are concealed by owners, &c. they forfeit 100*l.*

CV. And be it further enacted by the authority aforesaid, That in all trials of any slave or slaves under this act at the quarter-sessions or special slave court, six days' notice of such trial shall be first given to the owner, proprietor, or possessor of such slave or slaves, his, her, or their lawful attorney or attorneys, or other representative or representatives, any law, custom, or usage to the contrary notwithstanding.

Six days' notice of trial to be given to owners, &c. of slaves.

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

How such notices are to be served where owners reside in a different parish to that in which their slaves may have committed offences, and are to be tried.

Notice of trial to be given in county papers, when the owner's name cannot be ascertained.

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

Punishment of death must be public and solemn.

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

Slaves sentenced to be executed, transported, or confined to hard labour, to be valued by the jury.

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

The provost-marshal must execute the sentence of death in obedience to the governor's warrant, without delay, under penalty of 200*l*.

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

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

Sentence of transportation to be carried into effect by a warrant from the governor.

Charges for the confinement, &c. of slaves to be paid by receiver-general.

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

Valuation of slaves sentenced to death, &c. under this act, to be paid by receiver-general.

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

Slaves sentenced to transportation found at large may be apprehended, and how to be dealt with.

Remuneration to persons apprehending them.

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

If slaves transported for crimes that would have subjected them to death, return, they are to suffer death.

CXIV. And be it further enacted, That any slave or slaves, who shall have been transported from this island under the

For any other crime,

they are to be again transported, &c.

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

Captains or masters of vessels wilfully bringing back transported slaves to forfeit 300*l.* for each, and suffer imprisonment at the discretion of the court.

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

Slaves sentenced to transportation to be committed to hard labour until sentence is effected.

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

When a slave receives a free pardon, he is to be delivered back to his owner, under certain conditions.

CXVII. And be it further enacted by the authority aforesaid, That when any slave, who, after the commencement of this act, shall be convicted of felony or other crime, and sentenced to death, transportation, or hard labour for life, shall receive a free pardon from the governor or person executing the functions of governor, the provost-marshal, or his lawful deputy, or the keeper of the gaol or workhouse in which such slave or slaves shall be confined, shall, upon the requisition in writing of the person or persons who owned or possessed the said slave or slaves previous to such conviction, and upon the production of a certificate from the receiver-general that the value of the said slave has not been paid to the said owner or owners, possessor or possessors, or, if such value had been paid, that the same had been repaid back to him, the said receiver general, deliver back to such owner or possessor, owners or possessors, the said slave so convicted and pardoned as aforesaid, upon payment of all charges for the maintenance and support of such slave, and the said slave shall thereupon again become vested

in such owner or possessor, or owners and possessors, for the same estate, and subject to the same provisoes, conditions, and limitations as the said slave was liable to previous to such conviction and pardon as aforesaid, such conviction and pardon, or any law, custom, or usage, to the contrary in any wise notwithstanding.

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

In case of the death of the owner, the person entitled to possession authorized to receive back the said slave, &c.

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

On owners refusing or neglecting to take back such slaves, they are to be publicly sold.

Disposal of the proceeds of such sale.

CXX. And be it further enacted by the authority aforesaid, That the said provost-marshal, or his lawful deputy, or the keeper of such gaol or workhouse as last mentioned, shall execute and deliver to the purchaser of such slave a bill of parcels, specifying the name, colour, country, or supposed country, age or supposed age, of such slave, and the name

Gaol or workhouse keeper to deliver to purchaser bill of parcels, which

shall vest the slave in such purchaser.

Proviso. Such instruments exempt from stamp duty.

Penalty on gaol and workhouse keepers omitting or failing to perform the duties imposed on them with respect to slaves convicted and pardoned.

and place of residence of his former owner, and the crime for which he or she was convicted, which bill of parcels shall be acknowledged or proved by a subscribing witness before a judge of the grand court or court of common pleas, and such bill of parcels shall vest the said slave in such purchaser, for such and the same estate, as the former owner had and enjoyed in the said slave: Provided and it is hereby declared, That all instruments in writing required by this clause shall be exempt from stamp duty.

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

The governor or empowered to commute sentence, and to make the necessary orders therefor.

At the expiration of sentence commuted to imprisonment for a limited period, slaves to be delivered to owners, or publicly sold

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

Slaves sentenced to con-

CXXIII. And be it further enacted by the authority aforesaid, That if any negro or other slave, who may be sentenced

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

finement in workhouse for any time, escaping, to be re-committed, and ordered not more than fifty lashes,

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

and those sentenced for life escaping may be re-committed or transported.

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

If marshal, constable, &c. suffer them to escape, they forfeit 50*l.* and may be sued for their value.

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

Fees of slaves discharged by proclamation to be paid by the public, proof being given that they were properly maintained.

CXXVII. And be it further enacted by the authority aforesaid, That no gaol-keeper in this island, or any person acting under him as clerk or deputy, shall, on any pretence whatsoever, work or employ any slave or slaves sent to his custody, nor hire or lend such slave or slaves to work for any other person or persons, during the time such slave or slaves shall be in his custody, but that all such slaves shall be and remain in the common gaol of the county, parish, or precinct, in order to

Gaol-keepers, or deputies not to work out slaves sent to them for confinement under penalty of 50*l.*

be inspected by any person or persons desiring the same ; and in case any gaol-keeper shall offend herein, he shall, for every offence, forfeit a sum not exceeding fifty pounds.

Two justices may inquire into inferior crimes, giving notice to owners, &c. of slaves, and order punishment.

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

Clerks of peace to attend such summary trials, under penalty of 50*l.* for which they are to be paid 1*l.* 6*s.* 8*d.* The constable to be paid 10*s.* Fees to the clerk of the peace and constable in Kingston.

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

The evidence of slaves to be admitted on complaints before justices, of high crimes and misdemeanours, on inquisitions before coroners, and on prosecutions in the courts of this island

CXXX. And be it further enacted by the authority aforesaid, That from and after the commencement of this act, upon any complaint made before a justice of the peace of any murder, felony, burglary, robbery, rebellion, or rebellious conspiracy, treason, or traitorous conspiracy, rape, mutilation, branding, dismembering, or cruelly beating, or confining without sufficient support, a slave or slaves, or in any cases of seditious meetings, or of harbouring or concealing runaway slaves, or giving false tickets or letters to such runaway slaves, to enable them to elude detection, or on any inquisition before a coroner, the evidence of any slave or slaves, respecting such complaint or inquisition, shall be received and taken by such justice of the peace or coroner ; and on any prosecution in any of the courts of this island for any of the crimes before mentioned, the evidence of a slave or slaves shall also be admitted and received : Provided

always, That before such evidence shall be received, the justice of the peace, coroner, or court shall be satisfied, on due examination had, that such slave comprehends the nature and obligation of an oath: And provided also, That nothing herein contained shall prevent the court from receiving objections as to the competency of such witness, or from receiving evidence as to credibility of such witness, in like manner as they would receive the same as to free persons: And provided also, That no free person shall be convicted of any of the crimes aforesaid, whenever the evidence of any slave shall be admitted, unless two slaves at least clearly and consistently deposed to the same fact or circumstance, such slaves being examined apart and out of the hearing of each other, or unless the evidence of one slave shall be corroborated by some free person deposing clearly and distinctly to the same fact or circumstance, such free person and slave to be examined separately and apart from each other: And provided also, That no free person shall be convicted on the testimony of any slave or slaves of any crime or offence, as aforesaid, unless the complaint shall have been made within twelve months after the commission thereof, and unless the crime or offence shall have been committed subsequent to the commencement of this act; And provided also, That no free person, accused of any crimes hereinbefore mentioned, shall be committed for trial, or required to enter into any recognizance to appear to take his or her trial upon the evidence of any slave, unless such evidence shall be corroborated by some other slave or free person clearly and consistently deposing to the same fact, being examined apart as aforesaid.

They must first comprehend the nature of an oath.

Court to receive evidence against their competency or credibility as in cases of free persons.

To convict free persons, two slaves must consistently depose to the fact or circumstance.

No conviction to take place unless the complaint be made within twelve months after the commission of any crime.

No free person to be committed for trial, or required to enter into recognizance, on the evidence of one slave only.

Justices and coroners to certify in depositions having examined slaves, and that they are competent to give evidence, and to take recognizance,

CXXXI. And be it further enacted by the authority aforesaid, That every justice of the peace or coroner, who shall take the deposition of any slave, shall certify, as part of the jurat, that the deponent had been duly examined, and found to possess a competent knowledge of the nature and obligations of an oath; and such justice of the peace and coroner shall take from the person in possession of such slave, or from some fit and proper person, a recognizance, in a sum not exceeding one hundred pounds, nor less than twenty pounds, conditioned for the production of such slave as a witness in the court, at which the indictment is to be preferred or tried, and such justice or coroner shall forthwith transmit to the clerk of the crown such deposition and recognizance; and in case the person in possession of such slave as aforesaid shall refuse to give, or shall not produce, such bail for the appearance of the slave as a witness, or the person in possession of such slave shall be the party accused, or if, under the circumstances of the case, the justice of the peace or coroner shall see cause to apprehend that the witness may be withheld from giving his or her testimony, then such justice of the peace or coroner shall have the power of securing the attendance of such slave as a witness by a com-

or may commit to gaol in certain cases.
 Allowance to witnesses.
 Compensation to owners.

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

Witnesses cannot claim freedom.

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

Punishment for perjury.

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

Slaves witnesses prosecuted.

CXXXIV. And be it further enacted by the authority aforesaid, That the slaves, whose attendance are required as witnesses,

shall be protected in their persons from all civil process whatsoever, in going to, attending at, or returning from, such examinations or trials as are hereinbefore mentioned, and that such slaves shall, during such time, not be liable to be levied on for debt or otherwise.

protected in their persons

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

Slave evidence good in all cases against associates in crime.

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

Martial law not to suspend the operation of this act.

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

Recovery and application of penalties not before disposed of.

Penalties to be proceeded for within twelve months.

CXXXVIII. And be it further enacted by the authority aforesaid, That all offences committed during the time the act, entitled "An Act for the subsistence, clothing, and 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," passed in the year one thousand eight hundred and sixteen, and all other acts by this act repealed, were in force, shall be punished in the manner directed by the said acts, but shall be heard, tried, and determined in the form prescribed by this act, and it shall be lawful to recover and apply all penalties incurred thereunder as fully and effectually as if the said acts were still in force and unrepealed.

Offences under repealed acts made triable under

This act to
be in force
till 31st De-
cember,
1834.

CXXXIX. And be it further enacted by the authority aforesaid, That this act shall commence, continue, and be in force from the first day of November next until the thirty-first day of December, one thousand eight hundred and thirty-four.

No. 2.

COPY of a DESPATCH from Viscount Goderich to the Earl of Belmore, dated
Downing Street, 16th June, 1831.

Downing Street,
16th June, 1831.

My Lord,

An act passed by the governor, council, and assembly of the island of Jamaica, in the month of February last, entitled "An act for the government of Slaves" having been received at this Department, I have transmitted that act to the Lord President of the Council to be laid before His Majesty in Council, for his decision. His Majesty having referred that act to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, their lordships have reported to His Majesty in Council their opinion that the act should be left to its operation. The order of His Majesty in Council approving that report, will be transmitted to your lordship by the earliest opportunity.

In the mean time I have received His Majesty's commands to make the following communication to you on this subject:—

His Majesty has received, with the highest satisfaction, the proof which this act contains of the disposition of the Council and Assembly of Jamaica to recede from those grounds which they adopted in the act passed by them in the month of December, 1826, respecting the celebration of religious worship, and the practice of alms-giving amongst the Slave population.

In yielding to the repeated remonstrances which it has been the painful duty of the Ministers of the Crown to address to your Lordships' predecessors on this subject, the Local Legislature have well consulted what is due to their own dignity, as well as to the interests of the large population placed under their immediate superintendance; and the Council and Assembly may be confidently assured that no office can be more grateful to His Majesty's feelings than that of co-operating with them in measures cheerfully undertaken by themselves for the mitigation and gradual extinction of slavery.

On perusing the act of February last, I find that it coincides, to a very great extent, with the Law of December, 1826.

I propose, in the present Despatch; to call your Lordship's attention to some of the more material distinctions between the two statutes.

It is unnecessary that I should enter into a more minute investigation, because that task was executed by Mr. Huskisson, in his despatches to Sir John Keane, of the 22nd of September, 1827, and the 22nd of March, 1828. To those despatches I refer your Lordship, as explanatory of the views of His Majesty's Government on the general provisions of this law, confining myself entirely to the amendments which it has received

The transcript which has reached me not being broken into paragraphs, does not admit of ready quotation. With a view to greater convenience, I shall, therefore, throughout this despatch, refer to the corresponding clauses of the act of 1826.

The alteration of the language of the proviso, in the fourth clause, may, perhaps, be understood as declaratory of the general principle, that the marriage of a slave, if contracted without the consent of his owner, is invalid. As the words formerly stood, they could only have meant that the particular statute did not impart any validity to such a contract. If this remark should appear subtle, I must observe that it is scarcely possible to observe too much caution in avoiding expressions which may restrain, even beyond the purpose of the Legislature, the exercise of a right which, more than any other, must be considered as belonging alike to every class of human society, be their civil condition what it may.

The penalties on persons not supplying their slaves with food, are reduced in the eleventh clause from £50 to any sum not exceeding £20; and the specification of the weekly value of the provisions to be furnished is omitted. Thus, the difficulty of recovering the penalty will be greater, and the penalty, when recovered, will be less.

Persons omitting to give in to the vestry their yearly account of the clothing supplied to their slaves, are subject to a penalty not exceeding £20, instead of the penalty of £100 imposed by the thirteenth clause of the former act. The owner is now to swear, not only that the negroes are sufficiently provided with grounds or provisions, but that he has been allowed the prescribed period of twenty-six days for cultivating provisions, yet it appears to me that the structure of the clause is such that the penalty attaches merely to the neglect of giving in a return of clothing, and not to the neglect of taking the prescribed oath respecting provisions. The fourteenth clause of the act of 1826, which is re-enacted, would seem, in the case of small estates, to have anticipated and provided against this objection.

In the former statute, it was provided that persons who should wilfully and unlawfully take away the property of slaves, should be subjected to a penalty of £10 above the value of such property. The act which your Lordship has transmitted omits this provision, and deprives the justices of the power to redress injuries of this nature, after the lapse of twenty days, and, in cases where the loss exceeds £25. It further requires that all suits for the recovery of the property of slaves must be brought by the owner, and in his own name, and not in the name of the slave. This part of the law, therefore, is altered considerably to the slaves' disadvantage; and, when the owner himself is the wrong doer, the slave is left without any remedy.

I observe with satisfaction that a suit may now be instituted to recover a legacy to a slave, But as the owner must sue in his own name, there can be no redress against himself should he be the executor withholding the legacy. The obligation of giving a security for costs, will, I should fear, deter most owners from engaging in such a litigation, especially as the legacy must be recovered, if at all, in the Court of Chancery. Neither can I perceive the justice of subjecting slaves to an onerous condition of this nature, from which other suitors are exempt. A slave must usually be a pauper; and, therefore, according to the usual habits of Courts of Justice, is rather entitled to peculiar indulgence than liable to more than ordinary rigour.

I observe, with concern, a change in the language of the seventeenth section, which, in 1826, exempted the mothers of six living children "from all hard labour in the field or otherwise." They are now exempted merely from "hard labour:"—an expression less humane, in proportion as it is less definite, than the former.

The 26th clause of the act of 1826, subjected persons compelling their slaves to work in the prohibited hours to a penalty of 50*l.* It is now provided that the penalty shall not exceed 50*l.* The minimum of punishment, in a case of very grave importance, is thus left indeterminate.

The former statute declared that "for the future all slaves in the island, should be allowed the usual number of holidays that were allowed at the usual seasons of Christmas, Easter, and Whitsuntide." It is now Enacted that they shall be allowed the holidays of Christmas and Easter; thus the three annual holidays are reduced to two, and the slave is deprived of the security formerly given to him, that he should enjoy "the usual number" of such days.

His Majesty has noticed with much satisfaction, the omission of the clause, No. 29, by which a price was put on the

head of any slave in actual rebellion. Neither is the addition made in the 35th clause unimportant, which requires the justices to take cognizance of the case of slaves who have been branded.

The increase of the penalty, from ten to twenty pounds, on owners who may punish their slaves a second time for offences which have been once punished in the workhouse, is an improvement on the law, nor is it immaterial that the workhouse-keeper is prohibited from whipping slaves upon the mere verbal order of their owners; yet I cannot pass this subject, without expressing my decided opinion, that no proprietor of slaves should be permitted to impart an authority, in any form whatever to public officers, to inflict punishment in gaol, or by personal chastisement. The prisons of the island should be regarded as exclusively public property; and the gaolers as officers intrusted with none but public duties.

I observe with pleasure that in some of the Enactments of this statute, the punishments which Magistrates are required to inflict by their own authority are determined by a precise definition, instead of being left, as formerly, to their uncontrolled discretion.

Against the change introduced in the 39th clause, it is my duty to make a distinct protest. The use of chains for the punishment of slaves in such a manner as to confine two or more together, is a practice to be condemned, not only as tending to inflict unnecessary pain, but as subjecting the wearers of such instruments to degradation. In all legislation on the subject of Slavery, it is impossible to bear too fully in mind the principle that the slaves should be taught to cherish self respect, in order that they may become more entitled to the respect of others, and better qualified to assume a higher station in the scale of society.

The provisions which have been introduced respecting tickets to be given to slaves, who may be hired out for more than three months, invite and even require the remark, that if the slave should violate the law at the bidding of his master, it is unjust that he should be punished by the Magistrate; because, by disobedience, he would incur a domestic punishment.

I must further object to the new clause which requires that security for costs shall be given before a writ "de homine replegiando," can issue. I cannot understand why the Plaintiff in an action for asserting his freedom should be exposed to a difficulty with which no other suitor has to contend,

I gladly acknowledge the propriety of excluding the 88th

clause, respecting slaves having in their possession articles used in the practice of Obeah.

On the new clauses respecting transportation, I must observe that they depend for their execution on the consent of the Lords of the Admiralty to the employment of His Majesty's ships in a manner which it is highly improbable that they will authorize, and that you must abstain from giving any directions to the naval officers employed in the West India station, to receive on board their vessels convicts, denounced to transportation, unless this consent shall be obtained. I notice this circumstance merely to prevent a possible misconception hereafter.

His Majesty's Government have perceived, with satisfaction, that baptism is no longer made an essential qualification of a slave witness; and that a single slave may be admitted to give evidence, if his testimony is supported to the same fact or circumstance, not, as heretofore, by a fellow slave only, but by a free person—the slave being examined apart. On the other hand, I cannot but regret that this corroboration should be required in order to hold to bail, or to commit for trial, a person charged with a crime by a single slave. There are many cases in which justice must be defeated by such a rule; the crime of rape may be mentioned as an illustration of the remark.

I have now adverted to every material topic which this statute has brought, for the first time, under the notice of His Majesty's Government. It is not without very sincere reluctance that I observe, that the value of the advantages gained by the rejection of the clauses respecting religious worship, is, in no small degree, impaired by some of the alterations to which I have adverted. The advance made since the year 1826, cannot, I fear, be truly stated as considerable, while, as I have already shewn, the law passed in that year has, in the act of February last, undergone changes which in many important respects diminish its value and impair its efficacy. Still, upon the whole, I am happy to acknowledge, that by passing this act into a law, the colonial slave code will be improved. It is for that reason, and not as regarding this statute as a satisfactory compliance with the repeated injunctions of His Majesty's Government, that the Ministers of the Crown have humbly advised His Majesty that it be left to its operation.

You will transmit to the Council and Assembly, copies of this despatch, with copies of Mr. Huskisson's despatches of the 22d of September, 1827, and the 22d of March, 1828, as containing a full exposition of the views of His Majesty's Government respecting the present state of the Laws of Jamaica, on the subject of Slavery.

I have, &c.
(Signed) GODERICH

No. III.

COPY of a DESPATCH from Viscount Goderich to the Earl of Belmore.

Downing Street, Sept. 1st, 1831.

My Lord;—I have the honor herewith to transmit to your Lordship an Order of His Majesty in Council, dated the 24th day of August last, leaving to its operation an Act passed by the Governor and Council of the Island of Jamaica, in the month of February last, intituled, “An Act for the Government of Slaves.”

I have, &c.

(Signed)

GODERICH.

The Earl of Belmore,
&c. &c.

No. IV.

COPY of a CIRCULAR DESPATCH from Viscount Goderich to the Governors of British Guiana, Trinidad, St. Lucia, Mauritius, and the Cape of Good Hope, transmitting to them two Orders in Council, and other Documents.

Downing Street, Nov. 5th, 1831.

Sir;—In Sir George Murray’s Despatch of the 4th of February, 1830, transmitting to you the Order of His late Majesty in Council, of the 2d of February, 1830, for improving the condition of the Slaves in those Colonies which are subject to the legislative authority of the King in Council, was contained the following passage:—

“I am well aware that there are some topics connected
“with the improvement of the condition of Slavery, which are
“omitted in this Order, although superior in importance to
“some of those which it embraces. Amongst these I may
“particularly mention the duration of the daily labour of Plan-
“tation Slaves, their food and clothing, and, above all, their reli-
“gious instruction.”

In his Despatch of the 18th of February, 1830, Sir George Murray called for information on each of these topics, with a view to the further improvement of the Slave Code.

The design thus entertained by His Majesty’s late Ministers was adopted by my colleagues and myself shortly after we were called to His Majesty’s more immediate Councils, and as long ago as April last the purpose of promulgating an amended Order in Council on the subject of Slavery was announced by Viscount Howick in his place in Parliament. An interval of six months has since elapsed; and if, in some respects, I regret that delay, there are not wanting other reasons which induce me to regard it with satisfaction. I am happy to have secured ample time for deliberation and inquiry on a subject at once so

important and arduous, and it has been a peculiar source of comfort to me to have been able to learn, in the most explicit manner, the views taken of this measure by those gentlemen, resident in England, who have the most direct and immediate interest in its success. When Lord Howick's statement had diffused amongst the West India body in Great Britain a knowledge of the general plan, I was requested by several of the Colonial agents to transmit to them a copy of the proposed law before its actual promulgation, in order that they might bring under the notice of the King in Council whatever objections they might be desirous to urge, either to the general principles of the proposed Order, or to the structure of any particular enactments. In compliance with their wishes, a printed draft of the Order was accordingly transmitted to each of the agents, by the clerk of the Council in waiting, in obedience to the commands of the Council Board. The result of that communication has been to elicit from those gentlemen, and from a meeting of Planters, Merchants, and others connected with the West Indies, a very copious exposition of their opinions on the whole question.

After a careful examination of the documents thus laid before the King's Government, various corrections were made in the draft of the intended Order, and with those corrections it was finally adopted by His Majesty in Council on the 2d instant.

I now enclose for your information copies of two Orders of the King in Council. Of these, the first revokes the existing laws for improving the condition of the slaves; the second establishes a new code for that purpose. I also transmit copies of the different representations against this design which have reached the Council Office and this Department. I trust that the Orders are sufficiently clear to convey their own meaning distinctly; nor shall I attempt to elucidate by any commentary a law which must at last be carried into effect, not with reference to my views of its meaning, but according to such interpretations as it may receive from the competent legal tribunals. A task, however, remains for me which I must not decline, although it will involve a discussion of very unusual and inconvenient length. I must explain how far the objections raised in the accompanying documents to the details of this Order have prevailed, and what are the motives which, notwithstanding those objections, have been thought to require a steady perseverance in the general principles of the law, and in a large proportion of the enactments contained in the original draft. I engage in this labour with the less reluctance, because it will afford me an opportunity of canvassing by anticipation some of the more considerable objections which will probably be urged by the resident Proprietors. I shall advert,

first, to the objections which have been urged against the promulgation of any Order of the King in Council having in view the improvement of the condition of the slaves; and, secondly, to such censures as have been passed upon the conception or execution of particular provisions contained in the original draft.

First,—It has been urged that an inquiry before a Committee of the House of Lords into the actual condition of the slaves in the British Colonies, should precede any legislation for the improvement of that condition. Great ignorance and misconception is said to prevail on the whole subject, not only amongst the people of this country at large, but even with the official advisers of His Majesty. Until that ignorance be dissipated by the information to be laid before the proposed Committee, a moral incapacity for the task they have undertaken is imputed to the Lords of the Privy Council; and it is predicted that increasing knowledge will strengthen or create the conviction, that no safe and judicious measures can originate with any other authority than that of the legislative bodies, which, under various appellations, exist in each of the Colonies to which the proposed Order would apply.

Whatever weight might be due to these objections, if the scheme of legislation by Order in Council were now for the first time to be tried, it is obvious that they have now lost much of their original force or plausibility. The practical question in debate is, not whether laws for the improvement of Slavery shall emanate from British or Colonial authorities, but whether the existing Orders of the King in Council require revision and enlargement.

The ignorance of the real state of the Colonies which is attributed to the Lords of the Privy Council in the year 1831, was imputed to their Lordships, in terms not less peremptory, in the years 1824 and 1830. Since the dates of the Orders promulgated in those years, the amount of knowledge possessed in Europe on this subject has certainly not diminished, and may, with reason, be supposed to have been largely augmented. It would be an invidious office to quote the predictions with which endeavours were made to prevent or delay the promulgation of the preceding Orders. It cannot be asserted more confidently now than it was maintained then, that the gross ignorance of the framers of the law would be detected as soon as an attempt should be made to enforce obedience to it; that it would be found impossible to proceed at all; or that an entire abandonment of the estates would be the penalty which the Proprietors would have to pay for the presumption of the Government. Yet, which of these forebodings has been verified by the result? The

Orders of 1824 and 1830 have encountered no serious difficulty. They have been carried into full execution, nor have I yet heard of the abandonment of a single plantation. It cannot, then, be unreasonable to question the real superiority of that knowledge which, in defiance of this practical refutation, is still claimed to themselves by the gentlemen connected with the Colonies; nor can I think it presumptuous to suppose that a task, executed with so much success seven years ago, may be undertaken with still better prospects of a prosperous issue at present, with the benefit of all those additional lights which have been collected together during that interval.

It is assumed throughout the reasoning of the Remonstrants, that the Order proceeds upon some vague assumption, that the slaves are labouring under great oppression and wretchedness, or upon the supposition that the owners are collectively persons in whom it is impossible to repose that degree of confidence which is due to all men who are not actually convicted of crime; and it is urged that laws framed under so gross a misapprehension of the real condition of the slave, and of the real character of his owner, cannot but be pregnant with injury to both. No representation could be more inaccurate than that which is thus given of the principles on which His Majesty's Council proceeded, in the advice which they humbly tendered to the King on this occasion. The existence of unusual oppression on the one side, and of extreme wretchedness on the other, was not assumed as really true, nor even adverted to as a probable truth, in forming either the present or the former Orders. The Ministers of the Crown did not yield themselves to the guidance of any such indefinite assumptions. They considered the subject in a more distinct and practical method. In the years 1824 and 1830 a careful review was taken of the Slave Code as it then existed in the different Colonies. It appeared, at the former of those periods, that there was not in any colony any individual at once charged with the duty, and armed with the power of enforcing obedience to the laws made for the protection of the slaves; and the Protector and his Assistants were therefore invested with that responsibility, and armed with the powers necessary to sustain it. The existence of Sunday markets being admitted, that abuse was prohibited. In the same manner the use of the whip in the field, as a stimulus to labour; the punishment of women by flogging; the power of convicting and punishing slaves by the domestic authority of the owner, without a previous or subsequent report to any magistrate; the prevalent disuse of marriage, and even the legal incapacity to enter into that contract without the owner's consent; the inability of a slave to acquire property except by sufferance, and his incapacity to sue or be sued in respect of such property, as local usages permitted him to possess; the right of the owner to separate at his pleasure the nearest natural kindred from each

other; the inability of a slave to purchase his enfranchisement without his owner's consent; the impossibility of manumitting a slave belonging to infant children or remote reversioners; the want of any guarantee to the slave that the money paid for the purchase of his freedom should not be lost by a defect in the title of his supposed owner; the silence or uncertainty of the law as to what should constitute a legal presumption of freedom or of slavery; the exclusion or qualified admission of the evidence of slaves; the want of rules respecting their food, at once specific in their terms and adequate in their amount; a similar silence of the law on the subject of clothing, furniture, medical attendance, and the hours of labour and repose; and a general want of cheap and compendious methods for recovering penalties when the Slave Code had been violated.—these were parts of the Colonial Slave Code, which were first amended by the authority of the King in Council, to some extent, in the year 1824. Those amendments having been consolidated and further extended in the year 1830, have been completed by the Order which I now transmit. This state of the law was a matter of fact, of which the evidence was as readily accessible in England as in the Colonies. Whatever might be the condition of the slaves, and whatever the conduct of their owners, the necessity for supplying such defects and remedying such abuses in the law as these, was, in the years 1824 and 1830, evident and indisputable. These are precisely the defects and the abuses against which the former Orders were directed, and which the present Order proposes to remedy more effectually. It is not, then, in deference to any vulgar prejudice respecting West India Slavery, nor is it by substituting vague theory for specific information, that His Majesty's Government have directed their course. They have, on the contrary, grappled with specific evils, the existence of which was generally admitted even by the enemies of the measure, and which, if denied, might at once have been proved by an appeal to all the Slave Codes of Colonial origin. How far it is wise to supply these defects in the law, except on proof of specific evils resulting from them, is a question to be noticed hereafter. For the present I confine myself to the remark, that the general charge of ignorance of the subject to be handled, may be safely met by this enumeration of the specific topics of the law, and by the inquiry—where is the danger of mistakes being committed in Europe rather than in the West Indies, as to the effect of a written code, which may be perused with equal deliberation in either country?

In denying that the Government have been floating on the tide of popular prejudice, or impelled by vague theories, I do not mean to assert that they have not adverted to those great general principles by which every wise lawgiver is directed; on the contrary, it is precisely because they have fixed a steadfast eye on those principles, and because they are accessible alike to all who will take the pains to study them, that I again

repel the charge of ignorance which is so confidently urged. The Ministers of the Crown are not ignorant that unrestrained power must and will be abused. They know that an unpopular law will never be executed by voluntary agency. They are assured that the natural distinctions of colour and origin, coinciding with the artificial distinctions of unlimited authority on the one hand, and absolute subjection on the other, cannot but tend to induce pride, contempt, and ill usage. They believe that the law which makes one man the proprietor and another the property, and which delegates to the proprietary body all powers—legislative, judicial, magisterial, and domestic, cannot but be the fertile source of abuses. In possession of these and similar principles, His Majesty's Government cannot suppose themselves so unfitted for the task of legislation as their imputed ignorance would imply.

If it be indeed true that they who have devoted much time in England to the study of this question are still ignorant of its bearings, that ignorance must be admitted to be incurable. During the last eight years every slave colony belonging to the British Crown has been agitated with the discussion of these questions. Whatever lights could be afforded by local experience, and whatever criticisms could be supplied by the utmost eagerness of controversy, have been brought to bear, not merely on the general principles of the Orders of 1824 and 1830, but upon each of their most minute details. Several folio volumes containing the official correspondence on this subject have been printed by His Majesty's command, and laid before both Houses of Parliament. It would be difficult to mention any code, the promulgation of which was ever preceded and followed by a more severe scrutiny into its supposed errors and probable consequences. The Colonists especially have enjoyed the most unlimited opportunity for explaining their own opinions and illustrating them by evidence. The reasonings urged and the proofs adduced by the various Councils, Assemblies, public Meetings, and private Disputants, who have participated in this controversy, have been printed at the public expense, and transmitted both in their original form and in the shape of abstracts and epitomes to every Member of Parliament, and almost to every individual who has taken a prominent part in this discussion. If this protracted debate has failed to convey to His Majesty's Government the necessary information, to whom but the Colonists themselves can that failure be attributed? And what is the assignable length of time within which the requisite amount of knowledge could be brought together?

To the alleged ignorance and consequent incompetency of the Ministers of the Crown to frame such a law as the present, I have still another answer to make, to which I find it scarcely possible to anticipate a satisfactory reply. It is, that the code

denounced as indicating so absolute a want of knowledge of the state of Colonial Society is, in substance and principle, the work of the Colonial Legislatures themselves. I use the terms "in substance and principle" advisedly, in order to indicate more exactly the real distinction between the accompanying Order and those local laws which have suggested all its principal provisions. No one Legislature ever adopted them all; but neither is there any one leading principle which some one or more of the Legislatures will not be found to have sanctioned. The Colonial Enactments to which I refer are, however, without a solitary exception, deficient in those regulations on which the real efficacy of laws, destined to encounter so much prejudice and opposition, must altogether depend. To supply such regulations, to infuse a living and active spirit into a Code which, from the want of them, has been too much a dead letter, has been the great object of the framers of this Order. Assuming to themselves the full responsibility for the wisdom of those rules, they at the same time are willing to give to the Colonial Legislatures, collectively or separately, the credit of having suggested or recognised all the principles to which those rules are subsidiary.

To illustrate these statements, I will very briefly notice each of the general topics, in the succession in which they stand in the accompanying Order in Council; and the Colonial Enactments which are to be quoted in vindication of them.

The first subject is that of the Office and Duties of the Protector.

Under this head you will find, from clauses 1 to 8 of the Regulations framed by the Lieutenant Governor and Court of Policy at Demerara, dated 16th of June, 1824, and in the nine first sections of the Order of the Governor of Saint Lucia in Council of the 24th of April, 1827, enactments which correspond, in every thing but the form, with those of the accompanying Order.

The office of Coroner is virtually committed to the Protector of Slaves, by the seventh clause of the Act of the Governor and Court of Policy of Demerara, of the 17th of April, 1830.

The suppression of markets on the Sunday, was enacted in the Bahama Islands by the 33d Clause of the Act of Assembly, passed on the 22d of December, 1826; and by the 4th Clause of the Act of Barbadoes, passed on the 23d of October in the same year.

The exemption of Slaves from labour on Sunday, was enacted in the 6th Clause of the Act of Barbadoes already quoted, and in the 3d Clause of the Act of Saint Christopher's, passed on the 7th of January, 1828.

The use of the whip in the field, was abolished by the Order of the Governor in Council of Saint Lucia of 1826, in the clause numbered 36, cap. 2, part 2. A similar prohibition is to be found in article 11 of the law enacted by the Governor and Council of Mauritius, dated the 1st of September, 1827.

The prohibition of the punishment of females with the whip will be found in the 14th clause of the Order in Council of Berbice, of the 25th of September, 1826, and in the 13th article of the Law of Mauritius already quoted.

The punishment of slaves wantonly is prohibited by the 13th clause of the act of Demerara of the 16th of June, 1824.

A limitation of the number of stripes to be inflicted is to be found in the Code of every Colony.

The 45th clause of the act of Barbadoes, of the 18th of March, 1825, prescribes the particular instruments of punishments to be used for the correction of the slaves, and prohibits the employment of any other.

The 13th clause of the Law of Berbice, of the 25th of September, 1826, and the 11th clause of the act of Assembly of Saint Christopher's, of the 7th of January, 1828, require the suspension of punishment for several hours after the commission of the offence.

The 12th article of the Law of Mauritius already quoted; the 35th article, cap. 2, part 2, of the Law Saint Lucia above referred to, and the 11th Clause of the Act of Assembly of Saint Christopher's, of the 7th of January, 1828, prescribe the attendance of competent witnesses at all domestic punishments.

The 44th and 45th Clauses, cap. 2, part 3, of the Law of Saint Lucia, and the 43d and 44th Clauses of the act of the Governor and Council of the Cape of Good Hope, of the 19th of June, 1826, provide for the sequestration and forfeiture of Slaves in aggravated cases, or on repeated convictions for cruelty.

The keeping a Record of all punishments inflicted on Slaves by the authority of their Owners is prescribed by the 12th and 13th Clauses of the act of Saint Christopher's, of the 7th of January, 1828, and by the 15th and three following Clauses of the Berbice Law of the 25th of September, 1827.

The right of Slaves to contract Marriages, even against

the consent of their owners, is established by the act of Assembly of Nevis, of the 9th of October, 1828; by the 8th Clause of the act of Saint Christopher's, already so frequently quoted; and by the 23d article of the Law of the Governor in Council of Mauritius, of the 1st of September, 1827.

The right of Slaves to acquire property, and to maintain actions as fully as free persons, is established by the 9th Clause of the act of Saint Christopher's, and by the 8th Clause of the Nevis act, of the 10th of October, 1828.

The separation of Slaves standing in certain relations, or reputed relations to each other, was prohibited by the 6th Clause of the act of the Bahamas of the 28th of January, 1824, and by the Nevis act of the 10th of October, 1828, and by the 26th Clause of the Law of Berbice, of 1827, and by the 22d and 23d Clauses of the act of the Cape of Good Hope of the same year.

The repeal of all duties on the manumission of slaves, was effected by the fifth clause of the Bahamas act, of 1824, and by the first and second clauses of the Barbadoes act, of the 17th of October, 1826, and by the first clause of an act of Dominica, of the 9th of November, 1825. Many similar enactments might be quoted.

The law of Mauritius, to which I have already referred, Article 34th, secures the slave against the risk of purchasing his freedom upon a bad or defective title.

The process of compulsory manumission, so far as respects remainder men, and others who have not an immediate freehold interest, and an actual possession of the slave, was established by the act of Jamaica, dated the 18th of December, 1824.

The law of compulsory manumission, even against the will of the immediate owner in possession, was established by the forty-fifth, and the six following clauses, of the act of the Bahama islands, passed on the 28th of January, 1824.

The act passed by the Governor, Council, and Assembly of the island of Grenada, on the 7th of May, 1825, laid down in the forty-eighth clause, the broad and unqualified rule that, "whenever any question shall arise, touching the liberty of any person detained, or claimed as a slave, the proof of slavery, shall in all cases, lie upon the claimant of such person as a slave."

The admissibility of the evidence of slaves was established in the most ample terms, by an act of Nevis, passed on the 2nd of October, 1828, and by the fifth clause of an act of Tobago, dated the 15th of August, 1829, and by an act of Saint Vincent's, passed on the 9th of September, 1830.

The food to be supplied to slaves is regulated by the second section of the act of assembly of the Bahama Islands, of the 28th of January, 1824, in terms more liberal than those of the accompanying Order in Council. The act of the Governor, Council, and Assembly of Jamaica, dated the 22nd of December, 1826, by the 12th section, fixes a certain sum of money, which is to be expended in each week, for the maintenance of each slave, and by the fifty-third section, establishes for slaves confined in gaol, the precise allowance of food granted by this Order.

The hours of the duration of the labour of slaves, are regulated by an act of the Court of Policy of Demerara, of the 17th of April, 1830, clause fifth, which do not very essentially differ from those of the present Order.

Rules determining the clothing of slaves are to be found in the schedule to the last quoted act, in several other colonial enactments; and from the Demerara schedule the regulations of this Order are in great measure borrowed.

The obligation of providing for the religious instruction of slaves, is recognised in the ninth clause of the act of the Bahamas, and in the second clause of the act of Barbadoes, and in the sixth clause of the act of Dominica, and in the fourth clause of the act of Grenada already quoted.

The necessity of employing a medical attendant, and requiring him to record the treatment of all sick slaves in a registry to be kept for that purpose, is created by the 6th section of the act of the Lieutenant Governor and Court of Policy of Demerara, of the 17th of April, 1830.

The preceding enumeration comprises the substance of the whole of the Order in Council which accompanies this despatch, and will sufficiently verify the general assertion, that no one principle has been introduced in favour of which the authority of some one or more of the Colonial Legislatures cannot be cited. Thus then, the imputation of ignorance in attempting to mitigate the condition of slaves by such enactments, is met by an appeal to the example of those from whom the charge proceeds.

If it be replied, that the adoption by so many local legislatures of so large a portion of this law, disproves the necessity of resorting to any other authority than theirs; the answer is at hand. No one legislature has adopted them all; nor have any of those bodies framed their laws in such a manner as to give any real security for obedience. In proof of this general assertion, I must confine myself to a general reference to the despatches written in reference to those enactments by myself and my predecessors in office, and printed in the Parliamentary Collection.

Still it will be urged, that even if the official advisers of the Crown possess the information necessary to qualify them for the work in which they have engaged, the Colonial Legislatures have the same knowledge, at least in an equal, and probably in a much higher degree, and that therefore their claim to be intrusted with the preparation and original enactment of all improvements in the Law of Slavery is irresistible. With the most perfect respect for the gentlemen who compose these bodies, I must venture to observe, that an exact knowledge of the particular society in which a law is to operate, is not the only qualification for a Legislator. It is not even the highest or the most important. For so arduous an office, it is still more requisite that the lawgiver should possess the habit of dealing with large practical questions, a freedom from local and personal prejudices, an absence of all such personal interests as could warp his judgment, and a mind open to the admission of truth, in whatever direction it may come.

Without supposing men resident in Europe to possess any superior capacity to persons of equal education and corresponding rank in life in the Colonies, I cannot think it unreasonable to believe that they possess in a higher degree the qualifications to which I have referred. A gentleman who has passed his life on a plantation in the West Indies, or in the legal tribunals of those Colonies, may know much respecting the state of Slavery, of which the most profound reasoners and the most practical statesmen in Europe are ignorant. But I cannot admit that this proximity of observation is an infallible, or even a safe guide to sound conclusions. If the Colonists know much of which others are ignorant, they are also inevitably ignorant of much which others know. They have few opportunities of studying the progress of public opinion throughout society at large. They unavoidably live in a contracted circle, which is agitated by petty feuds and pecuniary embarrassments. In those Colonies, neither learned leisure, nor literary and scientific intercourse, nor even the more liberal recreations, are commonly to be found. The white inhabitants regard themselves as living in a temporary exile, and are looking to a distant country as their home. The mem-

bers of the local legislatures are contending for the maintenance of their own domestic and political authority, for the protection of their supposed and immediate interests, and in the defence of their collective and personal reputation. While irritated, not perhaps unreasonably, by injurious language, they are at the same time alarmed by predictions of approaching anarchy and ruin. These circumstances have produced in them precisely the same moral incapacity to legislate on the subject of Slavery, which they would have wrought in the minds of any other individuals who had been placed in a similar situation. It is not therefore presumptuous or irrational to think that a better Slave Code could be formed in England than in the Colonies,—better not only for the Slaves, but for their owners,—better adapted to the real exigency of the occasion,—and better suited to avert those desperate changes which all parties concur in deprecating.

For these reasons I conclude that there is no adequate ground for the imputation of ignorance which is advanced against the authors of this law, and no necessity for deferring its promulgation until an inquiry into the real state of West India Slavery shall have taken place before the proposed Committee of the House of Peers.

Secondly.—It is objected that sufficient time has not been afforded for ascertaining the influence and effects of the laws recently promulgated for the improvement of the condition of the Slaves, and that it is premature to advance to a new experiment, until the success of those which preceded it has been ascertained.

As this remark is made rather in reference to the acts of the colonies possessing representative assemblies, than to those of the Crown Colonies, it is the less material to scrutinize its accuracy on the present occasion. I must however observe, that the several Acts of Assembly to which this appeal is made, have at least no apparent tendency to accomplish the ultimate extinction of Negro Slavery; that their general tendency is even in the opposite direction; that they are replete with unjust and arbitrary rules; and that unless a succession of men shall appear ready to devote themselves to obloquy and unrequited toil, in carrying the remedial provisions of those statutes into effect, they must remain a dead letter. In proof of these assertions, I again appeal to the voluminous printed correspondence of the last eight years.

With reference to the laws promulgated in the Crown Colonies, it is in direct contradiction to the real fact to say that their effects still remain to be ascertained. I gladly acknowledge that they have produced many important benefits.

But the half-yearly reports of the Protectors, which exhibit the actual results in the most complete and circumstantial manner, demonstrate that if much has been done, there is yet much which, with a view to the effective execution of the law, remains to be accomplished.

Thirdly.—The time selected for the promulgating of this Order is condemned, on account of the excitement which is said to prevail at present in the West Indies, and on account of the commercial distresses by which it is asserted that the Planters are driven to despair.

If indeed these feelings are thus prevalent, no one will dispute that it is the duty of the Government, as far as their power may extend, to tranquilize those who are agitated, and to animate the desponding. But these feelings, like all others, must be brought into subjection to dispassionate reason, unless it is intended that the affairs of the world shall obey the impulses of every blind and precipitate passion. If the excitement be that of a very small numerical minority who may have surrendered their better judgment to the influence of anger or alarm, I would, with all tenderness and respect, remind them, that the times in which we are living imperiously call for the exercise of a more firm and collected temper. But if the excitement be that of the great mass of the people; if it be founded on just grounds and stimulated by the consciousness of their own powers; then I can perceive in such a state of public feeling conclusive reasons for making promptly and with cheerfulness those concessions which must be made at last.

The existence of severe commercial distress amongst all classes of society connected with the West Indies is unhappily but too evident. Yet what is the just inference from this admitted fact? Not, certainly; that the proprietary body should yield themselves to despair, and thus render the evil incurable; but rather that we should deliberately retrace the steps of that policy which has had so disastrous an issue. Without denying the concurrence of many causes towards the result which we all so much deplore, it is obvious that the great and permanent source of that distress, which almost every page of the history of the West Indies records, is to be found in the institution of Slavery. It is vain to hope for long continued prosperity in any country in which the people are not dependant on their own voluntary industry for their support; in which labour is not prompted by legitimate motives, and does not earn its natural reward; in which the land and its cultivators are habitually purchased and sold on credit; and in which the management of that property is almost invariably confided by an absent proprietary, to resident agents or to mortgagors, who are proprietors only in name. Without presuming to censure individuals for

the share they may have taken in maturing this system, I cannot but regard the system itself as the perennial spring of those distresses of which, not at present merely, but during the whole of the last fifty years, the complaints have been so frequent and so just. Regarding the present Orders as a measured and cautious, but at the same time a decided, advance towards the ultimate extinction of Slavery, I must, on that account, regard it as tending to the cure of the pecuniary embarrassments which it is said to enhance.

Fourthly.—Much complaint is made of the Order as not referring and adhering to the constitution and legal rights of each separate colony, and as embodying in a general ordinance regulations designed for colonies widely dissimilar in local circumstances, laws, and rural employments.

I have no wish to exaggerate or overstate the present argument; and will admit unreservedly, that there would be some advantage in making a distinct code for each separate colony. I must however at the same time maintain, that the disadvantage of that mode of proceeding would be far more numerous and considerable. At the present moment the Order of February, 1830, is in force alike throughout all the Crown Colonies; and when I compare together the slave codes which were actually framed by the local authorities, I do not perceive in them the traces of that accommodation of the law to their peculiar habits and institutions, which is thus urgently demanded when the task of legislation is undertaken in this kingdom. On the contrary, it will be found that the variations between the different local enactments refer almost entirely to general principles, and not to local and accidental peculiarities. But the general principles ought to be very nearly, if not altogether, the same in every colony where the relation of master and slave is known. The same necessity exists in them all for effective protection; for repose on Sunday; for the regulation of punishment; for securing to the Slaves the rite of marriage; for the defence of their property; for preventing the separation of families; for the facility of manumission; for the admissibility of slave evidence; for protection from excessive labour; and for an adequate supply of food, clothing, and medical attendance. This is all which the law enforces; and these are wants, not local, but co-extensive with the state of Slavery itself.

Nor is conformity in the slave codes of the different Colonies unimportant on other grounds. It renders the execution of the law more easy and secure. The lights discovered in one Colony, are found useful in corresponding exigencies in another. Comparisons between the progress of improvement in different colonies are readily and accurately made, and the King's Government in this country have a distinct view of the system,

the execution of which they are ultimately called to superintend.

The objection also proceeds on the assumption that sound policy requires the maintenance in the British colonies of code and institutions so diversified as to forbid the gradual assimilation of their laws. To that opinion I cannot subscribe ; but must, on the contrary, believe that it has been a great error in the colonial policy of this country to overlook the expediency of bending local peculiarities to the general principles of one common legislation ; and I can scarcely suppose a more fit opportunity than the present for uniting together, by a general law, settlements which are all parts of the same empire, and which are all deriving their white population, their language, and their commercial capital from Great Britain.

Fifthly.—I must not pass over without notice an argument adduced in a letter addressed to me by Mr. Irving, the member for Bramber, who professes to act as the agent for some persons in Mauritius. He maintains that the proposed codes will virtually emancipate the slaves in the British colonies, and thus stimulate the Foreign slave trade ; so that, in attempting to do good, the government will in reality be producing the most serious evil. Where the inference is so manifestly untenable, I cannot think it worth while to debate the premises. If neither the state nor individuals are to do justice, without an absolute certainty as to possible consequences which are beyond their own control, the great rule of right is at an end, and every one may plead the probable injustice of another in defence of his own deliberate wrong doing. I can never consent to oppose a temporary and apparent expediency to those eternal obligations which religion founds upon the law of God, and which morality derives from an expediency which is permanent and universal. I will not attempt to prevent the Foreign Slave Trade, by refusing justice to the Slaves in his Majesty's dominions.

Sixthly—It is objected that the enactments of the proposed law are conceived in a harsh tone, and imply such a distrust of the owners as will deter all men of liberal feelings and reputable character, from undertaking the office of manager, and that thus the general character of society will be injured.

This law, I admit, proceeds throughout on the assumption that unlimited power will be abused, and, as the practical inference from that principle, supposes the necessity of subjecting the authority of an owner over his slaves to a constant and vigilant controul. The reproach, if so it must be regarded, is directed, not against individuals, nor even against any particular body of men, but against that nature of which all men partake in common. It were idle to legislate at all on the subject,

without adverting to the ordinary motives of human conduct, and the ordinary influence of the temptation which attends the possession of power. It might with equal truth be said, that the English statute book is a satire on the people of England by their lawgivers. No Magistrate, no hirer of mechanics, no owner of a cotton mill, is exempted from the reach of that suspicion and distrust with which the legislature regards those who stand in the superior relations of society. Amongst the objections to the Truck bill, it was not urged by the master manufacturers that it injuriously ascribed to them a disposition to advance their own interest at the expence of the artizans in their employment. I know not why the gentlemen who, in the subordinate character of agents, exercise a delegated authority over the slaves, should arrogate to themselves a purity of moral conduct and a superiority to self-interest, to which, under circumstances of far less temptation, one of the most wealthy, well-educated, and important classes of society in England did not venture to lay claim.

The sensitiveness of feeling which, it is said, will indispose honourable men to act as Managers while this law continues in force, is, I think, not much to be apprehended. Remembering what are the motives which really attract men across the Atlantic in quest of such employment, there is no room to doubt their continued influence. An honest man who is brought into a situation which justly renders him obnoxious to suspicion, will rather court than shun the most minute inspection of his conduct.

Seventhly.—It is then remarked that the Law will increase the public burdens of the Colonies, and that the additional charge cannot be borne.

I may fairly claim to myself credit for the utmost anxiety to reduce the public burdens of the Colonies, since from the moment of my acceptance of the Seals of this Office, I have been employed in measures tending to that result, many of which are now in active operation.

I trust that the increased expence 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 the 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 ever existed in the Colonies, is the direct fruit of the labour of the Slaves. That this labour

has never received its due compensation is matter of absolute certainty. Slaves still bear, and have always borne, a high price in the Colonies. Why is it that any man finds it worth his while to purchase a labourer? The answer plainly is, because his labour is worth more than the cost of the maintenance he is to receive. The price paid is a fair criterion of the amount of the wages which have been kept back, and of the loss sustained by the labourer. I cannot be a party to so gross an act of injustice as to refuse the slaves, from the property created at their expence, whatever may be required for their adequate protection.

Having thus disposed of the objections which touch the general principle of the law, I proceed to those which affect it's particular details.

Eighth.—It is remarked, that the clause in the Order of February, 1830, is omitted, which required the appraisers of a Slave to take into account all his qualities, and all other facts and circumstances which they might think material in estimating his value.

It appears to me evident, that this declaration was superfluous and inconvenient; that it could do no good, and might do much harm. An appraiser is sworn to find the value of a slave. The problem is surely sufficiently simple. It is identical with the question—What is the price at which a slave of equal capacity for labour, bodily or mental, is usually sold? or supposing no recent examples of such sales to have been made, it is then identical with the question—For what money would the owner of such a slave part with him? Of course no two human beings will be so precisely commensurate in all their faculties and aptitudes for labour, that the one can be taken as a certain criterion and standard for the other. But this is only to say that which no one disputes, that the value of goods, be they what they may, is not a matter of mathematical certainty, but merely of general compromise. It depends upon a thousand circumstances, which defy enumeration; yet there is no practical difficulty. In every country, and at every period, property of every description is continually bought and sold by appraisement, and the difficulty about finding an exact measure of value, is fitter for the schools than for the market. Just so it is about the value of slaves. The legislature cannot properly give to the appraiser rules for his guidance, because there are many which, though of indisputable importance if the subject were to be discussed at all, could not be embodied in a law. These general principles belong rather to a treatise on appraisements, than to a law which directs an appraisement to be made. Therefore the proposed Order differs from that of 1830, not by denying that the principles there laid down for the guidance of the appraiser were just, but by leaving him unfettered by any such regulations.

This silence of the law will operate in favor of the owners. It might have been conjectured beforehand, and is now established by the evidence of repeated experiment, that the price of an appraised slave greatly exceeds the price usually paid by private contract. The appraisers are of the same class of society with the owner whose slave is about to be sold. The more latitude of discretion they enjoy, the more will their sympathy operate in the owner's favor.

Ninthly—The Order of 1830 required that all proceedings before the judge for the compulsory manumission of a slave, should be stayed on proof that any part of the proposed purchase money had been given to the slave, to enable him to buy his freedom. The proposed Order omits this clause. The Committee of Planters demand its revival, and quote in its favor, a dispatch written by Lord Bathurst, in February, 1826, in which his Lordship observes, that if funds were raised for the liberation of Slaves, there would be no test of previous habits of industry, and that the practice ought to be prevented.

I must venture to say that I cannot yield to the apprehensions which seem to have been entertained in this case. The supposition is, “that well-disposed people, with ill-considered zeal, should endeavour, at once, to get rid of slavery, by purchasing the manumission of slaves—under the compulsory process.” Ill considered indeed would such zeal be. Let the extravagant supposition be made, that the sum of a million sterling were raised by private charity, for this purpose. This money would effect the purchase of 10,000 slaves, at an average of £ 100 each. But when the appraisement came to be made between such purchasers on the one hand, and the resident proprietors on the other, it requires little foresight to perceive, that the valuation would be of the highest possible amount. It is a low supposition to take the price at £ 150, if they bought slaves of average value, or at £ 200 if, in fulfilment of the alarm of the owners, they should pick out for purchase the most valuable members of the gang. Thus then, supposing a charitable subscription such as never yet was heard of in the world, the worst which the subscribers could do towards the extinction of slavery, if they proceeded under this clause, would be to liberate from 5 to 10,000 people, out of a population of nearly 800,000.

But now, suppose them to apply the same sum of money in the purchase of slaves only of those who are willing to sell them. Such a fund, judiciously laid out amongst the West India merchants and planters, would indeed make a serious impression on negro slavery. Can it be imagined that these charitable

persons would be so infatuated as to give one or two hundred pounds for that which might be had for twenty, or for ten? They would hardly turn away from distressed owners, imploring them to purchase, to deal with wealthy proprietors, against their will, and through this most perilous process. But the alarm rests on a merely imaginary foundation. No subscription of the kind has ever been made, or publicly suggested, although the facilities for voluntary purchases, are, and have been, unlimited.

The only cases in which compulsory manumissions are ever attempted, are two—the first, where from legal disabilities, the immediate owner cannot make a valid title to his slaves' freedom: the second, where from caprice, or selfish motives, the owner is unwilling to sell the slave for his full pecuniary value. In the first of these cases, it is impossible to assign a reason for requiring that the slave shall have earned his whole price. If an owner's title be clear and unincumbered, he may, as the law stands, sell his slave with a view to manumission, though every shilling of the money be given for that purpose. If, on the other hand, the slave be in settlement or mortgage, he must, under the same law, be manumitted only by the fruit of his own earnings. Upon what solid ground does this distinction rest? I can imagine none.

Again: one slave is the property of a person willing to sell him. The proprietor of another is unwilling. Each produces to his owner his full value, which is in each case the result of private bounty. That circumstance is fatal to the hopes of the one, and quite innoxious to the other. Such is the proposed distinction, but what is the principle? That there should be a test of previous industry is the answer. But then, why not require that test of both? why not interdict gratuitous as well as compulsory manumissions in favour of idlers? Nay, the argument is stronger if the manumission be gratuitous. Caprice, personal attachments, and a variety of similar motives induce owners to liberate slaves, with little or no reference to their personal character. But when money is given to the slave of another person, to enable that slave to acquire his freedom, the chances are, that the slave has some peculiar merits. This is a patronage which is likely to be well bestowed. The Remonstrants themselves say, and complain, that their best people and most skilled labourers will be selected as the objects of this dreaded bounty. If so, there then is the test of industrious habits which is required.

If this objection be sustained, there is no escaping a further consequence. Slavery must be permanent as far as law

can make it so ; since, even when the most ample compensation is tendered, the owner claims a right to refuse it.

To require that the slave shall never buy his freedom except with his own earnings, is but to say, indirectly, that without the owner's consent he shall never buy it at all. That is, the law of compulsory manumission is to be established and revoked at the same moment. For, how can a slave ever earn money if it be the owner's supposed interest and fixed design to prevent it ?

Tenthly : The remonstrants, (adopting the language of the Jamaica Assembly of 1826,) object to the office of protector. They denounce him as a spy : they maintain that the laws are already respected ; that the introduction of such an officer from a distant country for such purposes, is an unheard of anomaly ; that the protectors will look for reward and praise to the enemies of the Colonies ; that the most innocent actions will be distorted ; that the cultivation will be abandoned ; and the slaves rendered valueless.

To this I can only oppose an answer which has already been repeatedly given. I cannot admit that the names of "the Colony," and "the Colonists," are justly assumed by the proprietary body to the exclusion of the labouring class. At this distance from the scene, the colony and the colonists may be recognised rather in the myriads of Slaves, than in the hundreds of managers and owners. An unpopular law, for the execution of which no individual is responsible, is, and must be, a dead letter. If the anomaly of slavery exists in society, it must carry other anomalies after it. A spy is a hard word ; but injurious terms cannot be accepted as proof of misconduct. When unlimited power is placed in private hands, some one there must be to see that it is not abused ; and his function is neither more nor less useful and honourable, because a legislative body gives it an opprobrious name. It is easy to say, and I should rejoice to believe, that the laws are well executed. The contrary is inferred, not from isolated cases of cruelty, but from the admitted and indisputable facts which are regularly disclosed in the reports of the various protectors. This institution is no novelty of the year 1831. It was established several years ago throughout the crown colonies, and has not hitherto produced the threatened insubordination, nor any abandonment of the estates.

Eleventhly—Great objection is made to the power given to the protector to enter estates and negro huts to communicate with the Slaves. It is described as a vexatious police, and it is remarked that the right is not to be exercised at seasonable times only, but at all hours.

It is not the fault of the legislator that all the advantages of free institutions cannot be enjoyed in a land of slavery. Anomalies beget each other. The law has given to one of the king's subjects the right of confining two or three hundred of his fellow subjects within the precincts of his estate. I do not dispute the existence, nor would I impede the exercise of this right. But is it consistent to complain that such a property is laid open to an inspection unknown in other countries? As to "seasonable hours," it is not stated what the expression means. Is it the hours of the day, or of the night? In the day, the protector's visits would be unseasonable as impeding the labour, and in the night, as interrupting the repose, of the slaves. Thus the protector would be kept out of the estate altogether. The law, as drawn, gives the protector his own choice of the time, because, even so, his opportunities will be sufficiently few, and because an intercourse with the slaves, at times fixed before-hand, could afford them little facility of communication.

I subscribe, however, to the remark that the law should not punish resistance or opposition to the entry of the protector, "by force, menace, or otherwise:" the expression should rather be "by force, menace, or other unlawful means," and a corresponding change has been made in the Order.

Twelfthly---The right of resorting to the protector to complain, which the Order would confer on the slaves, is said to be destructive to the relations of society in the colonies. It is observed that every run-away might allege that he was on his road to the protector, and it is suggested that he should be authorised to go only to the nearest of the protectors.

If the power of resorting to the protector be not given, the law will obviously lose all its efficacy. But I perceive, and admit without reserve, the possibility of abuse. To obviate it, as far as possible, an amendment has been introduced, by which a resort only to the nearest protector is allowed, and by which slaves found without :: pass are exempted from punishment only on proof that they had applied to the owner for it with a view bona fide to prefer a complaint, and had been refused.

Thirteenthly---It is said that the full powers of an English magistrate are given to the assistant protectors, with powers of commitment in districts where there may be no jail; it is also said that the difficulties of serving processes in the colonies are overlooked.

It is not true that the protectors have the powers of English magistrates: they can only take evidence. They can in no case

convict or punish. Some mode of compelling the attendance of witnesses there must be, and I know of no other than commitment. As to the want of proper jails, it is a difficulty which local legislation never declines. In every one of these Colonies the local magistrates are invested with this power in all varieties of cases. It is then not just to refuse it, when the protection of the slaves is in question. That it is difficult to serve notices I am fully aware; but no object, fiscal or correctional, is ever defeated on this ground. Why may it not be contended with as successfully in the present case as in any other?

Fourteenthly—No remedy, it is said, is given against the protectors for the abuse of their authority, nor if such damages were awarded, is there any security for the solvency of the assistants.

In each of the colonies public officers acting illegally, under colour of official authority, are liable to dismission, and even to civil damages. In truth, the more reasonable objection would be, that the protectors are not themselves sufficiently protected. I cannot perceive why the solvency of an assistant protector should be more doubtful than that of any other functionary; on the contrary, he is more likely to be a responsible person than a large majority of those who are at present in the public service.

Fifteenthly---It is said that the clause respecting the service of summonses, is "perfectly inoperative." No advance towards the discovery of truth is made by such peremptory assertions as this. It is added that no provision is made for defraying the expence. The answer is, that the penalties recovered will constitute a fund for the purpose.

Sixteenthly---Respecting inquests on slaves who come by their death suddenly, it is observed, that no sufficient provision is made for collecting a jury. I allow that all that is done, and I think that all that could be done, is, to introduce this part of the law of England, "as far as local circumstances may admit." No one who possesses the slightest knowledge of colonial affairs can be ignorant that such legislation is resorted to constantly in them all, and that the seeming difficulty has been continually surmounted. But it is added, the human body after death decays too soon for this purpose in tropical climates; a fact not to be disputed, but which, as I think, only shews the additional power of concealment, and the peculiar need of the best practicable investigation. There is more justice in the remark, that the pecuniary penalty for not giving notice of the death of a slave, should attach to free persons only, and the Order has been amended accordingly. That no inquest is directed to be

holden on the body of free persons is true. The reason is obvious. This is a law exclusively for the protection of slaves.

Seventeenthly.—The distillation of rum, it is observed, cannot be suspended on a Sunday, though even in England the distilleries are worked on that day. Of course if the process be commenced late in the week, it will be so. But why should this be? I cannot venture to deny, that in this, as in all other cases, some inconvenience and some sacrifice must be incurred by a resolute adherence to justice.

Eighteenthly.—Great complaint is made of the penalties denounced against the punishment of slaves without a reasonable and adequate cause, and against punishments more than adequate to the offence. All this is condemned as “vague, loose, and contrary to the most approved principles of legislation.” Nothing is more obvious than the answer. What power is so vague, so loose, and so contrary to approved principles as that with which the law invests the owner? He may and does punish every action and gesture which are opposed to his peculiar views and notions of duty. The list of crimes of which the punishments are recorded in the Protectors’ Reports are such as no human legislature ever attempted to define. Amongst them, for example, are disobedience, insolence, uncleanly habits, indecent language, quarrelling, and the like. If male slaves are to be whipped, and females confined in the stocks upon such vague and loose charges, how can the abuse of such authority be prohibited, except by the use of terms equally large and indefinite? Make the power precise; and the interdiction against the abuse may be precise also. In the practical enforcement of the law, the judge must, of course, have a discretion, which, in some degree, shall be the counterpart of that with which the owner is invested.

Nineteenthly.—The court has a discretion in cases of cruelty to adjudge a forfeiture of the slaves. It is said, that whether an action be cruel or not is matter of opinion. Of course it is, and an appeal must at last be made to the common sense and right reason of the judges. But here again the same answer may be given. Human language is inadequate to define, and human foresight to anticipate, all the specific modes of cruelty to which a slave may be subjected. Nothing remains but to prohibit the general offence by general expressions, just as, in England, the crime of cruelty to animals is prohibited by the same sweeping phrase.

Twentieth.—The Crown, it is said, might sell or sequester the forfeited estate to the great inconvenience of creditors. The very same objection applies to penalties for non-payment

of taxes, &c., and if valid would show, that the Crown ought never to enforce a penalty or a forfeiture.

Twenty-first.---The half-yearly returns of punishment cannot, it is said, be made, from the bad state of the internal communications. The experience of several years completely refutes the objection.

Twenty-second.---It is maintained that the erection of Courts of Request for slaves will authorize the slaves to resort to them as often as they have a desire for a holiday; and for this purpose feigned actions will be got up.

I can scarcely suppose this objection to be seriously urged. That slaves should invent feigned actions is as extreme an improbability as could well have been suggested. Detection and punishment would be inevitable. A very little management as to the times and places of holding the courts, would defeat any scheme for converting genuine litigation into an apology for mere pastime.

Twenty-third.---“The most formal protest,” is made against the rules respecting the presumption of freedom. It is said, that this part of the law begins “with the *ex post facto* principle,”—an objection which, I own, I do not exactly understand. But it is added, that, “any person who can prove an “interruption of slavery within twenty years, is absolutely “entitled to presumptive freedom,” and that this presumption may be established against any title however good. Such certainly is the law, nor do I perceive why it is unjust.

The right of one man to another is founded altogether on the fact of possession. The original title was neither more nor less than the slave-trader’s bill of sale. How the individual was reduced into slavery, no man ever knew or inquired. The imported female gave birth to the Creole. He derived his servile condition from his mother. Let it be shewn that he has been a slave for twenty years, or from his childhood, and the title to him would also, by the terms of this Order, be established. Thus the law would ratify that title, by possession, than which no other exists.

But the servile condition must be uninterrupted. What, it is said, is meant by interruption? The answer seems to me to be obvious enough. Let it be found that within the twenty years the alleged slave was in the enjoyment of freedom, and the prescriptive title is at an end. Then the real problem is not how to define the word “interruption,” but what is meant by the words “freedom” and “slavery.” I doubt if the Colonial

vocabulary have any terms of which the sense is more fixed and definite. No definition could make them clearer.

But marooning is the only admitted exception; and it is said, that a temporary residence in England should form no other. His Majesty's Government acquiesce in the justice of this criticism in deference to Lord Stowel's judgment, and the original draft of the Order has been altered accordingly.

But no third case is mentioned which should constitute a further exception. Hence I infer that none other could be found.

Much is said on the abstract question of the right of the owner to his slaves, which is compared to that which an Englishman possesses in his land. It is scarcely worth while to agitate questions so abstract as this; but the particular analogy is obviously defective. The house or land of the English proprietor have no interest in the question whether they are his property or not. But the alleged slave of the West India owner has. Property in inanimate matter, and property in a rational being, cannot stand precisely on the same basis. The right of the alleged owner must be respected; but it is also necessary to respect the right of the alleged slave. The peaceful occupation of a house for a day is some presumption of title. But no man will hazard the assertion, that if he can bring a fellow creature under his dominion for twenty-four hours, he has a legal right to prolong that dominion, unless a title to freedom can be proved. Whence is the proof to come? How is the subjugated individual to escape in quest of it? How is he to sustain the expence? What if he be a stranger, or what if he have no manumission deed, or have lost or have been forcibly deprived of it? The bondage of an hour would give a presumptive, and practically an indefeasible title to hold him in slavery for life, if the principle contended for were admitted,

Possession, as I have already said, is the single foundation on which the whole right of the owner rests, and when that right is questioned, it is just and reasonable that the possession should be proved. Nor is there any real difficulty. Nothing is more simple or more easy than to establish the fact when it really exists. This very Order would make the slave registries good evidence of it; and, in deference to the objections which have been raised, it is now provided, that, until those registries shall have existed for twenty years, the proof of possession shall not be carried back beyond their commencement. Besides, every slave in the colonies who has really been such for twenty years, or from infancy, is surrounded by a host of living witnesses who could at once attest the fact.

Twenty-fourth.—The rules respecting provisions are next noticed. It is asserted that they evince great ignorance of localities; that they are oppressive and impracticable. Reducing these generalities into specific objections, the Planters observe, that in British Guiana the proprietors who purchase provisions, have to send a great distance for plantains, and that any of the delays incident to navigation might subject the owner to penalties; and that the slaves who are employed to bring the provisions, might voluntarily delay them in order to obtain the advantage of the penalty.

It might be answered, that similar objections lie to the law as it at present stands in every colony in which the regulation of food has been attempted; that this Order has provoked a scrutiny which colonial enactments of the very same description, have escaped; and that the enforcement of any law without making allowance for accidents and involuntary disobedience is unknown in society, and is not justly to be feared. But without pressing these considerations, such additions have been made to the Order as will protect inadvertent and honest violations of the law.

Twenty-fifth.—It is observed that the jail allowance of Jamaica, from which this list of articles is taken, is an unfair criterion; the reason being that amongst the plantation slaves there are many sick and superannuated persons, and infants. Now in the jails there are certainly no small proportion of sickly people. Yet neither the Legislature of Jamaica, nor any other Colonial Assembly, have directed that a reduced allowance should be made for them. It is obvious that their wants are greater, not less, in sickness than in health. Still there is an obvious answer to the objection. This law, more circumspect in this respect than those of the Colonial Legislatures, has expressly provided that, in sickness, the nourishment of a slave shall be determined by the Medical Attendant. It has now been added, that the ordinary rules respecting food shall then be suspended. The half allowance to infants also is a regulation of Colonial origin. The infant's allowance is during the first few months of its life, a necessary aid to the mother. After the second year, a child will certainly consume one-half as much as an adult; and a healthy child from his fifth to his tenth year needs very nearly, if not quite, as much nutriment as a grown person.

Twenty-sixth.—The uniformity of the diet is much objected to. It is said that change is necessary; that the Planter at present affords it; that he even supplies the slaves with beef and pork; that under the pressure of this law, he neither could, nor would grant such indulgences.

Now it is to be observed that this law leaves room for such indulgences. With the Protector's concurrence any man may change the mode of provisioning his slaves. But to avoid all room for the objection, it is now added that the governor of any colony may alter the nature of the rations, provided that he does not diminish their amount. It is desired, however, that the Protector should have no voice in the matter, that is, in effect, that there should be no binding law at all. Here again, not only the reason of the case, but colonial authorities,—laws made with all the benefit of local knowledge, may be safely relied on in answer to the remonstrants. The colonial statutes respecting food are far more peremptory and inflexible than this Order.

The fact is, that the food of a slave constitutes the largest part of his wages; and it can scarcely be required that the employer should be judge in his own cause without appeal of the amount of remuneration which he is to supply to his labourer,

Twenty-seventh.—It is said that this law would destroy the excellent practice of placing all the children on an estate under the charge of one "matronly person," who cooks their food for them at meal times. If, by the term "matronly person," be meant, as I suppose, the "nurse," then is this objection also unfounded, for the law will authorize the delivery of the children's rations, either to the mother or the nurse of each infant slave. Why the nurse should desist from her present functions, I cannot therefore discover.

Twenty-eighth.—It is alleged, that in many of the Colonies proper provision-grounds are not to be found, and that there are no effectual means of compelling the slaves to cultivate them. I fully admit that the owner should possess the power of compelling his slaves to labour in their provision-grounds: but as a necessary consequence it follows, that if that power be not used for the purpose, the maintenance of the slave by rations should still be incumbent on the owner. The Order has been amended so as to supply each of these regulations.

Twenty-ninth.—The clause which gives the slave the benefit of the penalties recovered for the deficiency of his food, is declared "vicious in principle," for the slave will, by his own wilful negligence, involve his owner in the penalty, hoping in the result to reap the fruits of it. That is, the judge will punish an innocent owner, in opposition to the universal maxim, "non est reus, nisi mens sit rea," and the slaves will deprive themselves of their weekly food in order to convict their owner of having withholden it. No remedial law could ever be made, if such extreme risks as these were to be admitted as a sufficient cause of inaction.

Thirtieth.—The objections to the rules which regulate the labour of slaves, are obscurely stated. If I understand them it is meant to say, that during crop time it is enough to give eight hours continuous rest in the twenty-four; an opinion on which I shall not trust myself to comment, until it shall be more distinctly propounded.

It is, however, a just and reasonable objection, that by fixing the precise hours of breakfast and dinner, an interruption might be occasioned of the utmost injury to manufacturing processes, by withdrawing the whole gang at the same time of the day. The law has therefore been so amended as to authorize the substitution in manufactories of any other equi-distant intervals of repose.

Thirty-first.—Children under the age of fourteen are required not to be worked more than six hours daily. The remonstrants against this Order state that children of ten years of age are capable of working as long at their employments as adults. I cannot venture to adopt an opinion of which the practical effect would be to subject children of this tender age, to the existing rule, which requires only eight hours of continuous repose out of the twenty-four. If, it is added, a child of ten years be allowed the food of an adult, it is inconsistent to give him more repose. Every father of a family, every keeper of a school, and every workhouse keeper, is, I believe, aware that the appetite of children is mature before their strength, and that a boy will never attain manly vigour whose natural cravings for food are not satisfied. For the great work of education also, leisure would be entirely wanting if such exertions were exacted from the young.

Thirty-second.—Taskwork, without the slaves consent, was forbidden by the original draft, and it was alleged that the term was indefinite, and that all work on the plantation might be so denominated. I should have thought the expression sufficiently clear, but, in deference to the objection, the law has been altered. It is now merely provided that no slave should be required to work at any specific task, for more than the prescribed number of hours. If he can accomplish it in a shorter time, so much the better for all parties.

Thirty-three.—The regulations about clothing are condemned as injudicious and inapplicable to hot climates. If this be the case, the legislature of Demerara, with whom, in a great measure they originated, must supply their vindication. Shoes, I admit, are an addition, or rather a substitution for certain articles which supposed the slaves to be naked every where.

except round the loins. Notwithstanding the imputation of ignorance about the habits of slaves which are founded on this enactment, I shall not believe that naked feet, in a country abounding with venomous insects, are not a great evil; nor that shoes would not be worn when experience had once proved their comfort. Domestic slaves especially would wear them. However, if really unpopular, there is a power of changing them for equivalent articles.

Thirty-fourth.—“Medical men,” it is said, “will never attend estates if the Protector has a right to inspect their Journals.” Here again I must attribute to the eagerness of controversy, an objection which can hardly be seriously intended. There is no reason to doubt the attendance of medical men on any patients who can remunerate their services.

Thirty-fifth. No appeal, it is observed, is given to the King in Council against the full penalty of £500, which is said to be a departure from the present practice. The answer is, that the King in Council never entertains appeals in criminal cases.

Thirty-sixth. It is said that the power of adjudicating fines in cases short of misdemeanor, ought not to be intrusted to separate judges. To whom else it could as well be intrusted, the objectors have not attempted to state. It is then inquired how shall the Protector know what is a misdemeanor? The answer is that the law itself draws the distinction with even painful minuteness. Who, it is asked, is to pay the costs of mistakes? The question is met by another; whence come the costs of errors committed in the ordinary administration of the criminal law?

Thirty-seventh.—An important error of the press, in the hundred and sixteenth clause, respecting the appropriation of fines, has been pointed out, and has been amended.

Thirty-eighth.—The declaration that no local law repugnant to the present shall be obeyed, is denounced as pregnant with extreme inconvenience. The reason is not assigned, except by saying that many beneficial laws would be superseded. This is to take for granted the question in debate. Is any law beneficial which would impede the execution of the present? The answer to that question will be found in the preceding pages.

I have thus laboriously travelled through both the general and the specific objections of those who have remonstrated against

this law, from an anxious desire to demonstrate that, on so important an occasion, the Ministers of the Crown have not proceeded without the utmost circumspection, and the most exact inquiry. I do not delude myself by the expectation that the measure will not have to encounter serious difficulties. But the exigency of the occasion is such as to demand from the King's Government, decision and firmness—from yourself, the utmost exertion of your authority and influence,—and from all classes of the King's subjects in the colonies, a calm and deliberate review of the position in which the great question of Negro Slavery stands. It would be a fatal illusion to suppose that the progress of ameliorating measures, tending to the ultimate extinction of slavery, by cautious and gradual means, can be averted. No man who has watched the progress of public opinion in Europe, can avoid this conclusion. It is in no unfriendly spirit, but on the contrary with feelings of the deepest anxiety for the welfare of the proprietary body, that I would most earnestly and respectfully urge this fact on their attention. To embark in a contest upon this subject, of which the result could not but be unfavourable, and might be most disastrous to those who should provoke it, would be but to add to the amount of that distress which no men more freely acknowledge, or more deeply deplore, than the official advisers of the Crown. It would be difficult to exaggerate the anxiety I feel to prevent so calamitous a result, and I persuade myself that it is best avoided by such legislation, as that to which this despatch refers; which, on a calm review of the subject, will, I trust, be found to concede to the slaves nothing more than strict justice demands, and to offer to their owners the best practicable security for the peaceable and quiet enjoyment of their property.

I have, &c.

(Signed)

GODERICH.

AT THE COURT AT SAINT JAMES'S,

The 2nd of November, 1831.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY

IN COUNCIL.

I. WHEREAS, on the 10th of March, 1824, an Order was made by His late Majesty King George the Fourth, with the advice of His Privy Council, making provision for the religious instruction of the Slaves in His Majesty's Island of Trinidad, and for the improvement of their condition: And whereas, on the 7th day of September, 1825, an Ordinance for the religious instruction of Slaves in His Majesty's united Colonies of Demerara and Essequibo, was enacted by the Lieutenant-Governor and Court of Policy of the said Colonies: And whereas, on the 25th day of September, 1826, an Ordinance for promoting the religious instruction, and bettering the state and condition of the Slave population in His Majesty's Colony of Berbice, was enacted by the Lieutenant-Governor, and the Council of Government of that Colony: And whereas, on the 8th February, 1826, an Ordinance was enacted by the Governor of His Majesty's Island of St. Lucia, with the advice of the Council of Government of the said Island, for the better government of Slaves in St. Lucia, and for improving their condition: And whereas, on the 19th day of June, 1826, an Ordinance was enacted by the Lieutenant-Governor of the Colony of the Cape of Good Hope, in Council, for improving the condition of the Slaves at the Cape of Good Hope: And whereas, on the 7th day of February, 1829, an Ordinance was passed and enacted by the Governor of His Majesty's Island of Mauritius, in Council, for improving the condition of Slaves in that Island, and its Dependencies: And whereas, in the said Colonies, or some of them, Laws and Ordinances, or Proclamations, were enacted for the explanation or amendment of the Order of His said late Majesty in Council, and the several Ordinances hereinbefore mentioned, or some of them: And whereas, on the 5th day of February, 1827, there were laid before His Majesty in Council, four Petitions from various Proprietors and Mortgagees of Estates in the Colonies of Demerara and Berbice, praying that no Order in Council might issue, allowing the Slaves in Demerara to purchase their freedom without the concurrence of their masters, and that

Recital and repeal of all the Laws for improving the condition of Slaves made in the Crown Colonies since the Trinidad Order in Council of the 10th of March 1824, including that Order. The Repeal not to bar prosecutions for past offences, nor to destroy any vested rights.

so much of the Order so passed as aforesaid by the Lieutenant-Governor and Council in Berbice, as allows Slaves so to do in that Colony, might be rescinded; And whereas, on the said 5th day of February, 1827, His said late Majesty was pleased to refer the consideration of the said, Petitions to a Committee of His Privy Council, and the said Committee having proceeded to take the said Petitions into their consideration, and having heard what was alleged on the behalf of the said Petitioners did, on the 18th day of March, 1829, report to His said late Majesty in Council their opinion that no sufficient cause had been shewn why His Majesty should rescind so much of the said Ordinance of the said Lieutenant-Governor of Berbice in Council, as enables the Slaves within the said Colony to effect the purchase of their freedom upon an appraisement in cases where the owners of any such Slaves might not be consenting, or by reason of some legal disability, might be unable to give any valid consent to such purchase, and that it might be expedient for His said late Majesty in his Privy Council to issue an order confirming and giving effect to the said Ordinance of the said Lieutenant-Governor in Council, with such modifications with a view to the more effectual execution thereof, as might appear advisable, regard being had to the laws of the said Colony, which laws His said late Majesty had been graciously pleased to preserve and maintain: And whereas, on the 18th day of March, 1829, His said late Majesty, with the advice of His Privy Council, was graciously pleased to confirm and approve the said report: And whereas, by an Order made by His said late Majesty in Council, on the 2d day of February, 1830, after reciting that it was expedient that the laws for improving the condition of the Slaves within the said several Colonies should be uniform, so far as might be practicable, due regard being had to the local circumstances and peculiar laws of the said Colonies respectively; and that it was therefore expedient to revoke the said Order of His said late Majesty in Council, of the 10th day of March, 1824, and the several Laws, Ordinances, and Proclamations so passed and enacted as aforesaid in the said several Colonies, and to consolidate and bring into one law, applicable to all the said Colonies, such provisions as it was necessary to make for improving the condition of the Slaves therein. It was therefore ordered by His said late Majesty, by and with the advice of his Privy Council, that the said Order of His said late Majesty in Council, of the 10th day of March, 1824, and the said Ordinance of the Lieutenant-Governor and Court of Policy of Demerara, of the 7th Day of September, 1825, and the said Ordinance of the Lieutenant-Governor and Council of the Colony of Berbice, of the 25th day of September, 1826, and the said Ordinance of the Governor in Council of St. Lucia, of the 8th day of February, 1826, and the said Ordinance of the Lieutenant-Governor of the Colony of the Cape of Good Hope, of the 19th day of June, 1826, and the said Ordinance

Ordinance of the Governor in Council of Mauritius, of the 7th day of February, 1829, together with all Laws, Ordinances, and Proclamations passed, enacted, or promulgated within the said several Colonies, or any of them, for the explanation or amendment of the said Order in Council of the 10th day of March, 1824, and of the said several Ordinance, or any of them, should be, and the same were thereby respectively revoked, repealed and annulled: And it was thereby provided, that the said Repeal should not take effect within any of the said Colonies, until the said Order of the 2d of February, 1830, should in manner thereafter mentioned, have been duly promulgated and made known in such Colony: And it was thereby provided also, that notwithstanding the repeal of the said Order in Council of the 10th March, 1824, and of the several Ordinances, Laws, and Proclamations aforesaid, all crimes or offences committed against the same, or any of them, and all fines, penalties, and forfeitures incurred under the same, or any of them, should continue liable to be punished, sued for, recovered, and applied in such and the same manner as if the said Order of the 2d of February, 1830, had not been made; and that all rights of what nature or kind soever which under and by virtue of the said Order in Council of the 10th of March, 1824, and of the said several Ordinances, Laws, and Proclamations, or any of them, had actually accrued to, and become invested in any Slave or Slaves, or other person or persons, before or at the time of such repeal as aforesaid, should be preserved to, and continue vested in such Slave or Slaves, or other person or persons, as fully and effectually in all respects as though the said Order of the 2d of February, 1830, had not been made.

And whereas, the said Order of the 2nd of February 1830, requires in various respects to be amended; and, with that view, it is expedient that the same be revoked, to the intent that the whole of the Law for improving the condition of the Slaves in the said Colonies may be brought together in one Order. And whereas, His Majesty hath this day, with the advice of His Privy Council, made an Order for the purpose of consolidating and bringing together the whole of the Law for improving the condition of the Slaves aforesaid. It is therefore Ordered by the King's most excellent Majesty, by and with the advice of His Majesty's Privy Council, that the said Order in Council of the 2d day of February 1830, shall be and the same is hereby revoked, repealed, and annulled, and that the several Laws, Ordinances, and Proclamations, which were revoked, repealed, and annulled, by the said Order of the 2nd of February 1830, and that all Laws, Ordinances, and Proclamations, promulgated in any of the said Colonies under and in pursuance of the said Order of the 2nd of February 1830, shall be, and continue to be respectively revoked, repealed, and annulled. Pro-
vided

vided nevertheless, that this Order shall not take effect within any of the said Colonies, until the expiration of fourteen Days next after the same shall, by the Governor of such Colony, have been made known by Proclamation therein, which Proclamation every such Governor is hereby required to issue within one Calendar Month next after this present Order shall be received by him. Provided always, that notwithstanding the repeal of the said Order in Council of the 2nd of February, 1830, and of the several Orders, Ordinances, Laws, and Proclamations aforesaid, all crimes or offences committed against the same, or any of them, and all penalties and forfeiture incurred under the same, or any of them, shall continue liable to be punished, sued for, recovered, and applied, in such and the same manner as if this present Order had not been made; and that all rights of what nature or kind soever which, under and by virtue of the said Orders in Council of the 10th of March 1824, and of the 2nd of February, 1830, and of the said several Ordinances, Laws, and Proclamations, or any of them, had actually accrued to, and become vested in, any Slave or Slaves, or other person or persons, before or at the time of such repeal as aforesaid, shall be preserved to and continue vested in such Slave or Slaves, or other person or persons, as fully and effectually in all respects as though the present Order had not being made.

And the Right Honourable Viscount Goderich, one of His Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly

(Signed) W. L. BATHURST.

ENCLOSURE, No. 2, in No. 4.

AT THE COURT AT SAINT JAMES'S,

The 2nd Day of November, 1831.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY.

I. **W**HEREAS it is expedient that provision be made for improving the condition of Slaves in His Majesty's Colonies of Trinidad, British Guiana, St. Lucia, the Cape of Good Hope, and Mauritius: It is therefore ordered by the King's Most Excellent Majesty, by and with the advice of His Privy Council, that within each of the said Colonies of Trinidad, St. Lucia, and Mauritius, there shall be one officer to be called the Protector of Slaves for such Colony, and that in the said Colony of British Guiana there shall be two such officers, that is to say, one Protector of Slaves for Demerara, and one other Protector of Slaves for Berbice, and that in the said Colony of the Cape of Good Hope there shall also be two such officers, that is to say, one Protector of Slaves for the Western Division, and one other Protector of Slaves for the Eastern Division of the said Colony; and for the purpose of this present order, Demerara and Berbice, and the Western Division, and the Eastern Division of the Colony of the Cape of Good Hope respectively, shall each be considered as a distinct and separate Colony.

Protectors
of Slaves to
be appointed
for the
several
Colonies.

II. And it is further ordered, That within each of the said several Colonies there shall be so many other officers as His Majesty shall from time to time be pleased to appoint, to be called Assistant Protectors of Slaves, each of whom shall be so appointed to and for some particular District or Districts of such Colonies respectively.

Assistant
Protectors to
be appointed
for particular
Districts.

III. And

Offices to
be held
during
pleasure.

III. And it is further ordered and declared, That every such Protector and Assistant Protector shall hold such his office during His Majesty's pleasure, and not otherwise.

The Salary
of Protectors
of Slaves, and
the oaths to be
taken by them.

IV. And it is further ordered, That each of the said Protectors and Assistant Protectors of Slaves shall receive such a salary as His Majesty shall be pleased to appoint, and that before any such Protector or Assistant Protector shall enter upon the duties of such his Office, he shall appear before the Governor of the Colony to which he may be so appointed, in whose presence he shall take and subscribe an oath, which such Governor is hereby required to administer in the following terms: "I, A. B. do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the Office of Protector [or Assistant Protector] of Slaves in the Colony of
" without fear, favour, or partiality. So help me
" God."

Saving ex-
isting offices.

V. Provided nevertheless, and it is further ordered, That any person now holding the Office of Protector or Assistant Protector of Slaves in any of the said Colonies, under His late Majesty's Order in Council of the 2nd February, 1830, shall without any new or further appointment be and become the Protector or Assistant Protector of Slaves in such Colony, as fully to all intents and purposes as if he had been appointed to such his Office under and in pursuance of this present Order.

The Protec-
tors to keep
Offices, the
hours of their
attendance,
and the cus-
tody of their
records.

VI. And it is further ordered, That the said Protector of Slaves shall establish and keep an Office in the principal Town or Seat of Government in each of the said Colonies respectively, and shall regularly attend at such Office on such days, and during such hours of the day, as the Governor of the Colony, by any general or special order to be by him for that purpose issued, may appoint; and shall at such Office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings hereinafter directed to be kept by him.

Assistant
Protector to
execute all
lawful instruc-
tions of the
Protector.

VII. And it is further ordered, That the Assistant Protectors of Slaves shall, and they are hereby required, in their several Districts to be assisting to the respective Protectors of Slaves of the said Colonies, in the execution of the powers hereby committed to them, and for that purpose to obey and carry into execution such lawful instructions as they may, from time to time, receive from such Protectors of Slaves respectively, in relation to the matters herein contained, or any of them.

VIII. And

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

The Protectors not to be owners or Managers of Slaves on pain of forfeiture of Office. Until that forfeiture is publicly declared all intermediate acts are to be valid. The Protector may hire Slaves for his domestic services, if unable to hire free servants.

IX. And it is further ordered, That every such Protector and Assistant Protector of Slaves shall at all times perform the duties of such his office in person, and not by Deputy, and shall at all times be resident within the Colony to which he shall have been appointed, and shall not quit the same without a special licence, to be granted for that purpose by His Majesty, through one of his principal Secretaries of State: Provided nevertheless, that if it shall be made to appear to the Governor of any such Colony, as aforesaid, that the absence of the Protector, or of any Assistant Protector of Slaves of such Colony is essential to his health, then, and not otherwise, such Governor may grant to such Protector or Assistant Protector a leave of absence, for any time not exceeding twelve months in the Colonies of the Cape of Good Hope and Mauritius,

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

NOR

nor exceeding six months in the Colonies of Trinidad, Saint Lucia, Demerara, and Berbice.

On the death of Protectors, or other avoidance of Office, Provisional Protectors to be appointed with salaries, and to be qualified in the same manner as the principals.

X. And it is further ordered, That upon the death, suspension, removal, or resignation of any such Protector or Assistant Protector of Slaves, or in the event of the bodily or mental incapacity of any such Protector or Assistant Protector, or during his absence from the Colony to which he may have been appointed, it shall be lawful for the Governor of such Colony to appoint some other person to act as Provisional Protector or Assistant Protector of Slaves, until His Majesty's pleasure shall be known, and any such provisional Protector or Assistant Protector shall receive such allowance, to be deducted from the salary of the Protector or Assistant Protector, if living, as the Governor for the time being of such Colony shall appoint: Provided always, That no person shall be so appointed or shall act in any of the Colonies aforesaid, by virtue of such appointment, who, according to the provisions of this Order, would be incompetent to act as Protector or Assistant Protector of Slaves: And all persons so appointed shall, during their continuance in any such office, have, exercise, and enjoy all and every the powers hereby vested in the Protectors or Assistant Protectors of Slaves, as the case may be, and shall be subject and liable to all such rules, regulations, forfeitures, and penalties, as are hereby made and provided with respect to such Protectors or Assistant Protectors.

Protectors may enter on the Estates and into negroes houses to communicate with the Slaves.

XI. And it is further ordered, That every Protector of Slaves shall throughout the Colony to which he may belong, and that every Assistant Protector of Slaves shall throughout the District to which he may be appointed, have, and they and each of them are and is hereby invested with full power and authority, from time to time, as often as they or any of them respectively may see occasion, to enter into and upon any Estate or Plantation, cultivated either wholly or in part by the labour of Slaves, or into any Hut or House wholly inhabited by Slaves, for the purpose of communicating with any Slave or Slaves upon any such Estate or Plantation, or in any such Hut or House, and if any person or persons shall by force, or menace, or other unlawful means, prevent or oppose the entry of any such Protector or Assistant Protector, upon any such Estate or Plantation, or into any such House or Hut for the purposes aforesaid, or his continuance thereupon or therein, so long as may be requisite for such purpose, or shall by force, or menace or other unlawful means, oppose or prevent any such communication between such Protector or Assistant Protector, and any Slave or Slaves upon any such Plantation or Estate, or in any such House

House or Hut, the person or persons so offending shall for every such offence be, and be deemed guilty of a misdemeanor.

XII. And it is further ordered, That every person who shall by force or violence, menace or intimidation, or by any other unlawful means, oppose or obstruct any Protector or Assistant Protector in the lawful discharge of the duties of his office, shall be, and be deemed guilty of a misdemeanor.

Penalty for opposing Protector in the discharge of his duties.

XIII. And it is further ordered, That each and every Slave, within the several Colonies aforesaid, shall at all times be, and they are hereby authorized to resort to any such Protector or Assistant Protector as aforesaid, residing nearest to the place of abode of such Slave, for the purpose of laying before him any complaint, or of making to him any application, in respect of any matter or thing cognizable by any such Protector or Assistant Protector, or relating to the duties of his office; and no Slave resorting to any such Protector or Assistant Protector for any such purpose as aforesaid, or returning to his or her proper place of abode, after having so resorted to any such Protector or Assistant Protector, and being found without a pass or ticket from his or her owner, authorizing the absence of such Slave from his or her usual place of abode, shall, for the want of such pass, incur or be liable to any punishment, any law, statute, or usage in any of the said Colonies, to the contrary in any wise notwithstanding. Provided nevertheless, that nothing herein contained shall authorise any such absence of any such Slave without a pass, unless such Slave shall first have applied for a pass to his or her Manager, and shall have failed to obtain the same from him.

Slaves may resort to Protectors to make complaints, and shall not be punished for being found abroad without a pass, if so resorting to, or returning from him.

XIV. And it is further ordered, That if any person shall by force or violence, menace or intimidation, or by any other unlawful means prevent any Slave in any of the said Colonies from resorting to any such Protector or Assistant Protector as aforesaid for the purposes aforesaid, or shall (save as hereinafter excepted) inflict any punishment upon any such Slave for having so resorted to any such Protector or Assistant Protector, or for or in respect of any complaint or application to any such Protector or Assistant Protector by him or her made or preferred, every person so offending shall be and be deemed guilty of a misdemeanor.

Penalties on persons preventing the resort of Slaves to the Protector, or punishing them for having so resorted or complained.

XV. And it is further ordered, That every such Protector and Assistant Protector as aforesaid, to whom any complaint shall be made or any application preferred, in respect of any matter or thing within the cognizance of any such Protector or Assistant Protector, or relating to the duties of his office, shall be and he is hereby authorized by a summons under his hand to require the attendance before him, at some time

Protectors and Assistants may summon before them parties accused or interested with witnesses.

if the person summoned be a Slave, the summons is to be delivered to the owner.

time and place to be in such summons for that purpose appointed, of any person or persons resident within the Colony, against whom any such complaint may have been preferred, and of any person or persons so resident, who may be known to be directly interested in the result of any such application, and of any person or persons whom such Protector or Assistant Protector may have reason to suppose capable of giving evidence relating to the matters alleged in such complaint or application, or relating to any matters which may be alleged in answer thereto; and when any person or persons so required by any such summons to attend any such Protector or Assistant Protector shall be a Slave or Slaves, such summons as aforesaid for his, her, or their attendance, shall be addressed and delivered to his, her, or their Manager or Managers.

The Protector is to proceed to hear the application, and on proof of service of the summons he may proceed in the absence of any person making default.

XVI. And it is further ordered, That at the time and place to be for that purpose appointed in any such summons as aforesaid, the Protector or Assistant Protector by whom the same was issued, shall proceed to hear and enquire of the matters alleged in any such complaint or application, which hearing and enquiry shall take place and be conducted in the presence of every person or persons against whom such complaint may have been preferred, or who may be known to be directly interested in the result of such application; but upon sufficient proof being made to the satisfaction of such Protector or Assistant Protector, by the oath of any credible Witness or Witnesses, of the due service of such summons as aforesaid, upon any such person or persons, it shall be lawful for such Protector or Assistant Protector to proceed unto any such hearing and enquiry as aforesaid, in the absence of any person or persons making default, and refusing or neglecting to attend in obedience to such summons, unless some reasonable excuse for such disobedience or neglect shall be established to the satisfaction of such Protector or Assistant Protector, in which case he may give time for the attendance of such person or persons at some future time, to be by him for that purpose appointed.

The Protector to examine the witnesses and take down their depositions.

XVII. And it is further ordered, That at the time and place to be for that purpose appointed in any such summons as aforesaid, or to which the same may be adjourned, the Protector or Assistant Protector by whom the same was issued, shall proceed to hear and examine on oath the Complainant or Complainants, and such Witnesses as may be adduced either in support of or against such complaint or application, and shall take down in writing the deposition of every such Complainant or Witness, which shall thereupon be read over to such Complainant or Witness, and signed by him or her in attestation of the accuracy thereof, with his or her name, or if unable to write, with his or her mark,

mark, to be witnessed as such by the subscription of such Protector or Assistant Protector.

XVIII. And it is further ordered, That if any person who shall by any such summons have been required to attend as a Witness at any such hearing and enquiry as aforesaid, shall make default and omit so to attend, it shall be lawful for such Protector or Assistant Protector, and he is hereby required on sufficient proof being made to his satisfaction, on the oath of any credible Witness or Witnesses of the due service of such summons upon any such person, to issue his warrant authorizing the person or persons to whom such warrant may be directed to arrest, and to bring before him, at a time and place to be in such warrant specified, the person so making default; and the person or persons to whom any such warrant may be so directed, is or are hereby authorized and required in pursuance thereof, so to arrest the body of any such person, and him or her to bring before the Protector or Assistant Protector issuing such warrant.

Witness refusing to attend may be arrested by warrant from the Protector.

XIX. And it is further ordered, That if any person who shall attend, or who shall in manner aforesaid be brought before any such Protector or Assistant Protector as a Witness, on any such hearing or enquiry, shall not submit to be sworn to give true evidence in the matters in question; or, having been so sworn, shall without lawful cause refuse, or omit to answer any question which may be then and there proposed to him or her, touching the subject of such hearing and enquiry; then, and in every such case, it shall be lawful for such Protector or Assistant Protector, and he is hereby required by a warrant under his hand, to commit to any common jail in any such Colony any person so refusing, or not submitting to be sworn or to give evidence as aforesaid, there to remain until he or she shall submit to be sworn or be fully examined, as the case may be, touching the subject of such hearing and enquiry.

Witness refusing to be sworn, or to answer, may be committed by the Protector to Jail till he shall submit.

XX. Provided nevertheless, and it is further ordered, That it shall be lawful for the Chief Civil Judge of any such Colony, but for no other Judge or Justice therein, to discharge any such person in a summary way from such imprisonment, on proof being made to the satisfaction of such Judge, that any such commitment was not duly authorized by, and was not in conformity with, the true intent and meaning of this order.

Such prisoner may be discharged by the Chief Judge.

XXI. And for the prevention of doubts as to what shall be esteemed due service of any such summons as aforesaid, it is ordered, That every summons which any Protector or Assistant Protector of Slaves is hereby authorized to issue, shall by some person or persons to be by such

The manner in which summonses are to be served.

such Protector or Assistant Protector appointed for that purpose, be served upon the person or persons to whom the same may be addressed for the space of twenty-four hours at the least before the time in and by such summons appointed for the attendance of such person or persons, or for such further time as may be necessary for such attendance at any distant place, and such service shall be made either by the actual delivery to every such person of the written copy of such summons, or by leaving the same at or upon the usual place of abode of any such person or persons; but in case any person for the attendance of whom any such summons shall be issued shall be a Slave, then, and in every such case, such service shall be made not upon such Slave, but in the manner aforesaid upon the Manager of such Slave.

The forms
of summonses.

XXII. And for the prevention of doubts respecting the forms in which such summonses and warrants as aforesaid should be drawn up and prepared, it is further ordered, That every such summons or warrant shall respectively be drawn up and prepared, in and according to the respective forms of such summonses and warrants which are set forth and contained in the Schedule subjoined to this Order, with such additions and variation as may be necessary for adapting the same to the particular circumstances of each case.

In cases of
complaints by
or against
Slaves, the
Protector or
Assistant Pro-
tector cannot
act as Magis-
trate.

XXIII. And it is hereby further ordered, That save as aforesaid, no Protector or Assistant Protector of Slaves, within the said Colonies, shall be competent to act as a Magistrate or otherwise, for the decision of any complaint preferred by or against a Slave, or for the punishment of any offence committed by or against any Slave.

The Protec-
tor or Assis-
tant Protector
is to have no-
tice of all pro-
secutions
against Slaves
in capital or
transportable
cases, and of
suits affecting
their freedom
and property,
and of prose-
cutions for of-
fences against
their persons,
and is to at-
tend on be-
half of the
Slave.

XXIV. And it is further ordered, That in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice within any of the said Colonies, wherein any Slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, or wherein any question may arise respecting the right of any Slave to any such property, as he or she is hereinafter declared competent to acquire; then, and in every such case, such notice shall be given to, or by the Protector or Assistant Protector of Slaves for the District in which such accused Slave may be resident, of every such action, suit, or prosecution, as according to the law of such Colony would be given to, or by the said Slave if he or she were of free condition; and such Protector or Assistant Protector shall, and is hereby required to be present at the trial, and all other the proceedings in every such action, suit, or prosecution, as the Protector of such
Slave

Slave, and on his or her behalf, and every such proceeding as aforesaid, which shall be had or taken without such notices as aforesaid, shall be, and the same is hereby declared to be absolutely null and void, and of no effect, as against such Slave, and all persons claiming under him or her.

XXV. And it is hereby further ordered, That if complaint shall be made to any such Protector or Assistant Protector as aforesaid, of any wrong or injury inflicted upon, or received by any Slave within the respective Colonies aforesaid, or if it shall come to his knowledge that any such wrong or injury hath been so inflicted or received, it shall be the duty of such Protector or Assistant Protector to inquire into the circumstances of the case, and if in the result of such enquiry it shall appear expedient to such Protector or Assistant Protector that a civil action be brought, or a criminal proceeding instituted, against any person or persons in respect of any such wrong or injury, it shall be his duty, and he is hereby authorized and required, to institute a civil action or a criminal proceeding, as the case may be, against any such offender or wrong doer, in the name of any such Slave, or in his own name as Protector or Assistant Protector; and to conduct such action or proceeding to its close by himself or any Advocate or Solicitor to be by him employed for that purpose.

The Protector or Assistant Protector on receiving notice of an injury done to a Slave is to enquire into the case, and if necessary is to sue or prosecute the wrong doer.

XXVI. And it is further ordered and declared, That in every such Colony as aforesaid, when any Slave shall come by his or her death in a sudden, violent, or extraordinary manner, the Protector, and each Assistant Protector of Slaves, shall hold an inquest on the body of such Slave, and shall, by virtue of such his Office, have, exercise, and enjoy all such and the same rights, powers, and authorities, and be subject and liable to all such and the same pains, and penalties, and shall, so far as local circumstances may admit, proceed in such and the same manner as the Coroner of any county in England in any like case hath, or may exercise or enjoy, or is subject and liable to, or may lawfully proceed in; and any person of free condition to whom it shall become known that any Slave hath come by his or her death in a sudden, violent, or extraordinary manner, shall and is hereby required, under a penalty of ten pounds for every omission or neglect, to use his or her utmost diligence in giving notice thereof to the Protector of Slaves, or to the Assistant Protector of the District in which such death shall have happened.

The Protectors are to act as Coroners in the case of the death of Slaves. Their powers.

Notice of sudden deaths of Slaves to be given to Protectors.

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

Sunday Markets absolutely prohibited.

XXVIII. And

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

XXVIII. And it is ordered, That if any free persons or Slaves shall on any Sunday hold any market, or assemble for the purpose of holding any market, in any town or other place within any of the said Colonies, it shall be the duty of the Officers of Police acting in and for any such town or place, and they are hereby required to make Proclamation, calling upon all persons present at any such market or assemblage forthwith to disperse; and any person who, after such proclamation made, shall continue present at any such market or assemblage, or shall return thither for the purpose of holding any such market as aforesaid, shall, if a free person, forfeit a sum of not less than five, nor exceeding twenty shillings for every such offence; and if a Slave shall be committed to the Public Jail, there to remain till the hour of five on the following morning.

The prohibi-
tion of the
public Sale of
Goods on Sun-
day in Shops
or elsewhere.

XXIX. And it is further ordered, That if any Slave or Slaves, or free person or persons, shall, at any place within any of the said Colonies, sell or expose for sale on Sunday, any merchandize, goods, or effects whatever, it shall be lawful for any Officer of the Police of such Colonies respectively to seize any such merchandize, goods, and effects, and cause them to be taken before any Judge or Magistrate of Police of such Colony, who, upon view of the articles so seized, shall either order the same to be sold, or cause the same to be tendered to the person or persons from whom they were so taken, and restored to them, him, or her, upon payment, by any such person or persons, of a sum not less than ten, nor more than twenty shillings, and the proceeds of every such sale, or the money so to be paid for the redemption of any such goods, shall be applied, one-half for the benefit of the poor of the town or place in which such seizure shall be made, and the other half shall be paid to the person or persons making such seizure.

The Sale of
certain perish-
able Articles
permitted, ex-
cept during
Divine Ser-
vice.

XXX. Provided always, and it is further ordered, That nothing herein contained shall extend, or be construed to extend, to prevent the sale of medicines, or of provisions for consumption in any inns, taverns, or victualling houses, on Sunday, nor to prevent the sale of milk, fresh meat, fish, or bread, in any shop or store on Sunday, before, between, or after the hours set apart for the celebration of Divine Service on that day.

The Govern-
nor is to ap-
point one Mar-
ket Day in
each Week.

XXXI. And it is further ordered, That it shall be lawful for the Governor of each of the said Colonies respectively, and he is hereby required by a public proclamation or proclamations, to be by him from time to time for that purpose issued, to appoint one day in each week for holding markets, at all places within the said Colony at which it
hath

hath heretofore been customary to hold markets on Sunday, and to determine the hours of the day during which such markets shall be holden; and from time to time, as occasion may require, to alter the day or the hours of the day, so to be appointed as aforesaid; and on any such weekly market-day it shall not be lawful to seize in execution, under any civil process whatever, any Slave resorting to, or being at, or returning from any such market, but every such seizure shall be absolutely null and void to all intents and purposes.

XXXII. And it is further ordered, That no Slave within any of the Colonies aforesaid, shall be liable, except as hereinafter excepted, to labour for the benefit, profit, or advantage of his or her owner or manager, or of any person or persons whatsoever, on any Sunday throughout the year. Prohibition of Labour on Sundays

XXXIII. And it is further ordered, That if any person shall compel, or shall by any means hire or induce any Slave to perform or engage in any labour on any Sunday, except in the cases hereinafter excepted, the person so offending shall, in respect of every such Slave, incur a fine of not less than Twenty Shillings, nor more than Three Pounds. Penalty on Persons working their Slaves on Sunday.

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

XXXV. Provided also and it is further ordered, That nothing herein contained shall prevent the employment of Slaves, in any of the Colonies aforesaid, on Sunday, for the performance of any work of necessity. But for the prevention of abuses herein, it is further ordered, That no description of agricultural labour, or of labour performed in the manufacture of Sugar, Rum, Molasses, Wine, Indigo, Coffee, or Cocoa, shall, within the meaning, or for the purposes of this Order, be deemed a work of necessity, unless such labour be undertaken to prevent or arrest, or remedy the effects of any fire, flood, hurricane or tempest, or other such like casualty. Slaves may be employed on Sunday in works of necessity.

XXXVI. And it is further ordered and declared, That it is and shall henceforth be unlawful for any person or persons within any of the said Colonies, while superintending the labour of any Slave or Slaves, to carry any whip, cat, or other instrument of punishment, or to exhibit any whip, cat, or other instrument, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any Slave, The Whip may not be carried in the Field as a stimulus to labor, nor as an emblem of authority.

Slave or Slaves, or to strike, beat, or scourge any Slave or Slaves with any such whip, cat, or other instrument, for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any kind or nature whatsoever; and any person, who, in contravention hereof, shall so carry, exhibit, or use any such whip, cat, or other instrument, or direct, authorize, procure, or be assisting in or towards the commission of any such offence, shall be and be deemed guilty of a misdemeanor.

Females may not be punished by whipping. Males may not receive more than fifteen stripes for one offence, nor more than fifteen lashes in one day, nor any whipping, so long as any unhealed scars remain on the body.

Slaves may not be punished wantonly or excessively. Only one punishment may be inflicted for one offence.

Unusual modes of punishment, and punishments of undue severity prohibited,

six hours must elapse between the offence and the punishment,

one free witness or three Slaves must be present.

XXXVII. And it is further declared and ordered, That it is and shall henceforth be unlawful to correct or punish any female Slave within any of the said Colonies, by the flogging, whipping, scourging, beating of, or otherwise assaulting her person; and that it is and shall henceforth be unlawful to correct or punish any male Slave within any of the said Colonies by the flogging, whipping, scourging, or beating of his person, if the whole number of stripes inflicted on such male Slave for any one offence, shall exceed fifteen, or if by any number of successive punishments, more than fifteen stripes in the whole be inflicted on any such male Slave within twenty-four hours; or, if at the time of inflicting any such punishment, there shall be on the person of such Slave any unhealed wound or laceration, occasioned by any former punishment; and that it is and henceforth shall be unlawful to punish any Slave in any of the said Colonies wantonly, that is to say, without a reasonable and adequate cause; or to inflict upon any Slave a punishment more than adequate to the fault by such Slave committed; or to inflict upon any Slave two or more punishments for any one offence; or to resort to or employ two or more distinct modes of punishing one and the same offence; or to employ any mode of punishing a Slave which may be both unusual and calculated to produce greater suffering than the modes of domestic punishment usually employed in such Colony, or to use in the infliction of any punishment any instrument of greater severity than is usually employed in the Common Jail of such Colony, with the previous sanction of the Chief Judge thereof, for the punishment of persons sentenced to bodily punishment in such Jail; and that it is and shall henceforth be unlawful to inflict any corporal punishment on any Slave within any of the said Colonies, until the expiration of six hours at the least from the time of the commission of the offence in respect of which such punishment may be so inflicted; and that it is also and shall henceforth be unlawful to inflict any corporal punishment on any Slave, in any of the said Colonies, unless some one person of free condition, not being either the person inflicting, or the person authorizing the said punishment, but being competent to give evidence thereof in a Court of Justice, be present at and witnessing the infliction of such punishment, or (in cases where the attendance of no such free witness can be procured) unless three adult Slaves at the least be present at, and witnessing the infliction of such punishment: and any person.

person or persons who, in contravention hereof, shall correct or punish any female Slave by the flogging, whipping, scourging, beating of or otherwise assaulting her person, or shall inflict upon any Slave any punishment to an amount, or in a manner, or under circumstances so prohibited and declared unlawful as aforesaid, or shall direct, authorize, or procure, or be assisting in or towards the commission of any such offence, shall be and be deemed guilty of a misdemeanor.

XXXVIII. Provided nevertheless, and it is hereby ordered, That nothing herein contained shall extend to any punishment which may be inflicted upon any male Slave, by virtue of the sentence of any Court of competent jurisdiction within any of the Colonies aforesaid. Exception of Judicial punishment.

XXXIX. Provided also, That nothing herein contained extends, or shall be construed to extend, to prevent the owner or manager of any female Slave under the age of ten years, from causing her to be punished for any fault by her committed, in the same manner, and to the same extent, as any female child of free condition may lawfully be and usually is punished in any schools for the education of youth in the said Colonies respectively. Punishments of Female Slave Children excepted, if not more severe than punishments legally inflicted in Schools on Children of free condition.

XL. And whereas, it is necessary that effectual means should be adopted for the punishment of such offences as may hereafter be committed by female Slaves within the said Colonies, but regulations of that nature cannot conveniently be made, except by persons resident within the said Colonies, it is therefore ordered, That any female Slave, who shall commit any offence within any of the said Colonies, which by the laws in force there was heretofore punishable by whipping, shall, for such her offence, be subject and liable to imprisonment, or to confinement in the stocks, or to such other punishment as may be specially authorized by any proclamation or proclamations from time to time to be for that purpose issued by the Governors of the said Colonies respectively; and in such proclamations the said Governors shall prescribe with all practicable precision, the nature and extent of the punishments so to be substituted for the punishment of whipping in the case of female Slaves, and shall make such rules and regulations as may be necessary for preventing and punishing any abuses in the infliction of such substituted punishments. The Govern- nora author- ized to pre- scribe the modes of pun- ishment which in the case of female Slaves is to be sub- stituted for punishment by the whip

XLI. And it is further ordered, That if any person shall here- after be convicted in any of the said Colonies of having inflicted or authorized any illegal and cruel punishment of, or of any cruelty towards any Slave or Slaves to him or her belonging, it shall be in the discretion Forfeiture of Slaves on con- viction of the Owner of cruelty, and on repeated convictions Of power to se- questrate all

the Slaves of the offender who is thenceforth incapable of being a Manager of Slaves.

of the Court in which any such conviction may be had, to declare the right and interest of the person so convicted in or to any such Slave or Slaves forfeited to His Majesty, in addition to any other punishment which may by law be inflicted upon any such offender: And if any person shall be so convicted a second time or more often, then upon any such second, third, or other repeated conviction, it shall be in the discretion of the Court in and before which the same may be had, to sequestrate for the benefit of any such person, all his or her right or interest of, in, or to any Slave or Slaves to him or her belonging, within such Colony, in addition to any other punishment which may by law be inflicted upon any such offender: And every person against whom any such sentence of sequestration shall be pronounced, shall thereupon be and become incapable in law to have the superintendance, management, or control of any Slave or Slaves in such Colony, and if thereafter found in such management, superintendance, or control, shall be and be deemed guilty of a Misdemeanor: Provided always, that nothing herein contained shall extend to deprive any person or persons, other than the person or persons committing or authorizing such offence, of any such Slave or Slaves, or of any right, title, or interest therein.

Punishment of calumnious complaints made by Slaves.

XLII. And it is further ordered, That if it shall be made to appear to any Court or Magistrate in any of the said Colonies, on the oath of any one or more credible Witness or Witnesses, that any Slave hath preferred any false and malicious complaint or accusation against his or her owner or manager, it shall be lawful for such Court or Magistrate to proceed in a summary way to sentence and adjudge any such Slave, for such his or her offence, to imprisonment with hard labour, for any time not exceeding three calendar months, or if such offender be a male, to punishment by whipping, not exceeding thirty-nine lashes: And it is further ordered, That save as aforesaid, no Slave in any of the said Colonies shall be liable to be punished by any Court or Magistrate, or by any other authority, for or in respect of any complaint or accusation by any such Slave preferred, against his or her Owner or Manager, except upon a conviction for such offence duly had in some Court of competent jurisdiction, and upon due notice to the Protector or Assistant Protector of the District where such Slave may be resident.

The Protector in each Colony is to deliver to every manager of Slaves, annually a Book for keeping a Record of all punishments inflicted on Slaves.

XLIII. And it is further ordered, That the Protector of Slaves in each of the said Colonies, and every Assistant Protector in his District, shall in the month of December, in each year, on application to him and them for that purpose made, deliver to every manager of Slaves within the said Colonies, a printed blank book to be called the Punishment Record Book, and to be made up for, and to be used during the year

com-

commencing on the 1st day of January, then next ensuing; and for every such book, every such Protector or Assistant Protector of Slaves, as the case may be, shall be entitled to demand and receive the sum of one shilling, and no more; and every such manager of Slaves shall, and is hereby required to supply himself with a copy of such printed blank book on payment of the sum aforesaid to such Protector or Assistant Protector; and if any person shall at any time during the year next ensuing, upon any such month of December, and after the commencement of such year, enter upon the management of any Slaves, every such person shall, and is hereby required to supply himself or herself with a copy of such printed blank book, on payment of the sum aforesaid to such Protector or Assistant Protector.

XLIV. And it is further ordered, That every manager of Slaves within any of the said Colonies, shall insert in such printed blank book as aforesaid, an exact and true account of every punishment by him or her, or by his or her authority inflicted upon each and every such Slave, specifying the age and sex of the Slave so punished, and the nature of the offence in respect of which such punishment may have been inflicted, and the time at which, and the place where such offence was committed, and the time at which, and the place where such punishment was inflicted, and the nature and extent of the punishment, and the name of the person by whom, and by the authority of whom the punishment was inflicted, and the name or names of the Witness or Witnesses present and attending at the infliction of every such punishment; and in the cases of any male Slaves, who shall be punished by whipping, the number of stripes actually inflicted upon the offender.

The Manager is to insert in the Books an account of every Punishment, the age and sex of the Slave, the offence, the time and place where committed, the extent of punishment, by whom authorized and inflicted, and the Witnesses present.

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

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

XLVI. And it is further ordered, That every manager of any Slave or Slaves within the said Colonies shall, on or within five days next after

Half Yearly Returns to be made of the entries in these Books, on the oath of the Manager.

after the first Monday which shall happen next after the 5th day of April and the 29th day of September in each year, repair to the Protector, or the Assistant Protector of Slaves for the District in which such Slaves shall then be resident, and shall then and there produce before him: an exact transcript of every entry which, during the half year next preceding, may have been made by such manager in his or her punishment record book, and shall then and there take and subscribe before such Protector or Assistant Protector, an affidavit to be annexed to the said transcript, in the following words, that is to say—

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

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

XLVII. And whereas some persons having the management of Slaves in the said Colonies may be unable to write or keep such records as aforesaid, it is further ordered, That it shall and may be lawful for any such person to employ any other person to keep such record or punishments on his or her behalf, and to every such illiterate person as aforesaid, instead of the oath hereinbefore mentioned, the Protector or Assistant Protector of Slaves, as the case may be, shall, and is hereby authorized to administer an oath in the following words, viz.—

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

In cases where no punishments have been inflicted during the half-year, a special Return

XLVIII. And in case any such manager as aforesaid shall not, since the time of making his said last preceding return, have inflicted, or authorized to be inflicted, any such punishment as is hereinbefore required

required to be recorded in the said book, then, and in every such case, on Oath to be made of that fact. in lieu of the oath aforesaid, such owner or manager shall, at the time and place aforesaid, take and subscribe an oath in the following words, that is to say—

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

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

The Protector is to supply all Managers with blank forms of Returns, and to publish the time and place when he will attend to receive them. In case of sickness the Manager to be attended a his own home.

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

Penalties on Persons omitting to make their Returns.

LI. And it is further ordered, That the Assistant Protector of Slaves of each District within the said respective Colonies, shall, and he is hereby required to transmit to the Protector of Slaves of such Colony the whole of the Returns so to be made to him as aforesaid, together with the original affidavits thereunto annexed, within fourteen days next after the latest day so to be appointed as aforesaid for receiving the same, together with a list of all managers of Slaves within the District

The Assistant Protectors are to transmit their Returns to the Protector with a List of Defaulters.

to

to which such Assistant Protector may belong, who shall not have completed or made the Returns required from them by law.

The Protector may send back for correction Returns improperly or irregularly made.

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

The Protector is to enrol in Books all the Returns which he may receive.

LIII. And it is further ordered, That the said Protector of Slaves shall transcribe and record in books, to be by him kept for that purpose, the whole of the returns so to be made to him, and shall keep and preserve in his Office the said original returns and affidavits: And for the better and more convenient keeping of the said Records, it is further ordered, That the said Protectors of Slaves shall keep distinct books for the different Districts of the said Colonies respectively, and shall therein transcribe each of the said returns in alphabetical order, according to the names of the persons making the same, and shall also keep full and exact Indexes of the said books.

Slaves are declared competent to marry.

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

A Slave desiring to marry must apply for a Licence to the Protector, and produce the Owner's consent. If the Owner refuses he is to be summoned before the Protector; and if the Protector is not satisfied that the marriage would be injurious to the Slave, he is to grant a Licence to any English, Scotch, or

LV. And it is further ordered, That any person in a state of slavery in any of the said Colonies who may be desirous to contract a marriage, shall, at his or her election, apply either to the Protector or to the Assistant Protector of Slaves of the district in which the woman may reside, for a marriage licence; and as an authority to him to grant the same, shall produce the consent, in writing, of the manager of any such Slave, or of the managers of both of such Slaves, if both parties shall be in a state of Slavery, to the celebration thereof; but in case the manager or managers of either or both of such Slaves shall refuse to give such written consent for the celebration of any such marriage, then, and in every such case, the Protector or Assistant Protector of Slaves, as the case may be, shall forthwith issue a summons under his hand, requiring the manager or managers of such Slave or Slaves to appear before him, by themselves or their agents, at some convenient

time-

time and place, to be in such notice for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid shall be received by such Protector or Assistant Protector of Slaves as aforesaid; and if on the appearance of such manager or managers, or in the absence of him, or them, after due citation by the delivery to him or them of such notice, no sufficient cause shall appear to satisfy such Protector or Assistant Protector that such proposed marriage would be injurious to the said Slaves, or either of them, then, and in every such case, the said Protector or Assistant Protector of Slaves shall, without fee or reward, issue a licence under his hand and seal for the solemnization of the marriage of the said Slave or Slaves, and it shall be lawful for any Clergyman of the Established Church of England and Ireland, or any Minister of the Kirk of Scotland, or any Priest or Curate professing the Roman Catholic religion, or any teacher of religion within any such Colony, carrying on there no other profession, business, or occupation of profit except that of a Schoolmaster, to solemnize the marriage of the said Slave or Slaves, and the same, when so solemnized, shall to all intents and purposes be binding, valid, and effectual in the law.

Roman Catholic Clergyman, or Dissenting Minister to celebrate it.

LXVI. Provided nevertheless, and it is further ordered, That nothing herein contained shall extend to render any marriage between persons in a state of slavery, or between a Slave and a Free Person, valid or effectual, which, by reason of consanguinity, affinity, precontract, or natural defects, would be illegal or void if both such persons were of free condition and had been intermarried by a Priest in Holy Orders of the Church of England.

Marriages among Slave are not to be valid in case prohibited by Law among free persons.

LVII. Provided always, That no marriage which may be solemnized between any Slaves in any of the said Colonies shall invest the parties contracting such marriage, or their progeny, with any rights at variance with the legal title of the owners 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.

Slaves are not by marrying to acquire Rights inconsistent with the legal Rights of the Owner.

LVIII. And it is further ordered, That every person by whom any such marriage shall be solemnized, by virtue of any such licence as aforesaid, shall within fourteen days next after the solemnization thereof, under a penalty of not less than five pounds, nor more than twenty pounds, transmit to the said Protector of Slaves, and to the Assistant Protector of the District in which the woman may reside respectively, Certificates of the solemnization of such marriage; and the said Protector

Registries to be kept of the Marriages of Slaves.

tector of Slaves, and the said Assistant Protector respectively, shall register in books, to be by them kept for that purpose, every marriage which shall be so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the person solemnizing every such marriage.

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

LIX. And it is further ordered and declared, That no person within the said Colonies being in a state of slavery, is or shall be deemed to be by reason or on account of such his or her condition incompetent to purchase, acquire, possess, hold, or enjoy, alienate, devise, or bequeath property of any amount or of any description whatsoever, not hereinafter excepted; but every such Slave shall and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, devise and bequeath property of any amount, or of any description, not hereinafter excepted, and to bring, maintain, prosecute, and defend any action in any Court of Justice, for and in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition, and to cultivate any land of which he or she may so be the Proprietor, with or for the growth of any description of produce, any law, custom, or usage in any such Colony to the contrary in anywise notwithstanding.

Slaves may not be proprietors of boats, ammunition, &c.

LX. Provided always, That no Slave in any of the said Colonies shall be competent to become the proprietor of, or to hold or retain any Boats, or other Craft or Vessels, or any share or interest therein, or any Gunpowder or other Ammunition, Fire Arms, or Military Weapons, of what nature or kind soever.

Slaves may not be the Proprietors of Slaves.

LXI. Provided also, and it is hereby further ordered, That no person in a state of slavery shall be competent in the Law to acquire or possess any Slave or Slaves, or any interest in any Slave or Slaves.

Slaves may not be taken in execution in satisfaction of debts contracted by themselves.

LXII. Provided also, and it is hereby further ordered, That no Slave shall be liable to be taken in execution, or detained in prison, or in any other confinement, upon any process issuing out of any Court of Justice in any of the said Colonies, in any Civil Action against any such Slave, or in any Civil Proceeding depending in any such Court, to which any such Slave may be a party.

Courts of Requests to be established for Slaves.

LXIII. And it is hereby further ordered, That in every such Colony as aforesaid there shall be established one or more Court or Courts, to be called "The Court of Requests for Slaves;" which Courts shall be holden by one Commissioner to be for that purpose appointed by every such

such Governor, such appointment being nevertheless subject to His Majesty's approbation; and such Court 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 ten pounds; and for avoiding all unnecessary delay in the administration of justice in such Courts, the Chief Civil Judge of the Colony to which each such Court shall belong, shall frame and prescribe such compendious forms and rules of procedure and process to be observed, and shall establish such moderate tables of fees to be taken, in the said Courts as shall be necessary, and such forms and rules and tables of fees, being sanctioned by the Governor of such Colony, shall be observed and taken in the said Courts, unless the same or any of them shall be disallowed by His Majesty: Provided always that such fees shall in no case exceed in amount one-fourth part of the amount or value of the sum or matter in dispute; And provided also, 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 to 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.

LXIV. And it is further ordered, That it shall not be lawful in the execution of any judgment, sentence, decree, or order, of any Tribunal, or of any Court of Justice, within any of the said Colonies, to seize or take in execution, or sell any Slave separate and apart from any other Slave to whom he or she may bear the relation of husband or wife, or the relation of parent or child, or to whom he or she shall be reputed to bear any of those relations, and who may also be the property of the person or persons against whom any such judgment, sentence, decree or order has been pronounced; but in the execution of every such judgment, sentence, decree or order, all Slaves being the property of the same person or persons, and bearing to each other any such relation, or reputed relation, as aforesaid, shall be sold together, and in one and the same lot, and to the same person or persons; and if any Slave shall be seized or sold in contravention hereof, every such seizure, execution, and sale, shall be, and the same is hereby declared to be absolutely null and void, to all intents and purposes whatsoever, so far as respects any such Slave or Slaves.

Slaves not to be separated under legal process if bearing to each other any of the relations herein-after mentioned.

LXV. An

Separation of families are not to take place on the death of their owners intestate.

LXV. And it is further ordered, That in the succession and inheritance to the estate of any person who may have died intestate, no severance shall be made of Slaves bearing to each other either of the relations, or reputed relations, aforesaid; but, that if such Slaves shall descend to different persons, the Supreme Court of Civil Justice for such Colony shall, and is hereby required, on the application of the Protector of Slaves thereof, to make order for the sale of such Slaves together and in one lot, and to the same person or persons, if it shall be made to appear to the said Court that the separation of such Slaves cannot otherwise be prevented; and the money arising from any such sale shall belong to and become the property of the persons entitled to the said Slaves, and such Court shall, on the summary application of any of the parties interested, make such order for the application of any such money as may be just

Husbands and wives, parents and children, may not be separated from each other by conveyance, contract, or will.

LXVI. And it is further ordered, That where any two or more Slaves in any of the said Colonies, belonging to the same owner or owners, shall bear to each other any such relation or reputed relation as aforesaid, such Slaves shall not be sold, alienated, or disposed of separate and apart from each other, and that any private contract, sale, conveyance, donation, will, or other mode of alienation whatsoever, whereby any such Slave shall be sold, alienated, or disposed of separate and apart from the Slave to whom he or she may bear such relation or reputed relation, shall, as far as respects any such Slave or Slaves, be absolutely, and to all intents and purposes, null and void and of no effect.

In cases where it is unknown or doubtful whether a Slave has any such relations, the Protector is to enquire into and certify the fact.

LXVII. Provided also, That if upon any intended contract, sale, conveyance, or alienation, or upon the intended seizure in execution under process of law, of any Slave, it shall be unknown or doubtful whether such Slave doth or doth not bear any such relation as aforesaid to any other Slave, being the property of the same owner or owners, it shall be lawful for any of the parties interested in any such contract, sale, or conveyance, alienation, or seizure, to require the Protector of Slaves or Assistant Protector to enquire into and ascertain the fact, and such Protector or Assistant Protector shall thereupon by enquiries addressed to the Slaves themselves, and by all other lawful ways, ascertain whether any such Slave doth or doth not bear any such relation, or reputed relation, to any other Slave or Slaves being the property of the same owner or owners; and such Protector or Assistant Protector shall deliver to the party or parties interested a certificate under his hand of the result of any such enquiry; and if, in and by any such certificate such Protector or Assistant Protector shall certify that the Slave, respecting whom any such enquiry is made, doth not, to the best of his the said Protector or Assistant Protector's belief, bear any such relation, or reputed relation as aforesaid, to any other Slave

or

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

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

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

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

Slave Children above the age of 16, may be separated from their Parents

LXX. And it is hereby further ordered, That no duty, tax, or impost, or fee of office, shall hereafter be levied, demanded, or payable, within any of the said Colonies, upon, for, or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission; and, if any person in any of the said Colonies shall hereafter demand, accept, or receive any such duty, tax, impost, or fee of office, the person so offending shall incur and become liable to the payment of a fine amounting to not less than ten pounds, nor more than fifty pounds, over and above the amount of the tax, duty, impost, or fee, so by him received.

All fees of office and duties on manumissions abolished.

LXXI. And for the prevention of doubts as to the power of the owners of Slaves to manumit such Slaves at their pleasure, it is further ordered and declared, That, subject to the regulations hereinafter made, any person, being the owner of any Slave in any of the said Colonies, may, by his or her last will, or by deed under his or her hand or seal, at his or her

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

her pleasure, manumit and set free any such Slave, so far as relates to the interest of every such testator or grantor, and that every such manumission shall, as far as relates to the interest of the testator or grantor, as the case may be, but no further, or otherwise be valid and effectual in the law for the perpetual enfranchisement of any such Slave. Provided nevertheless, That no person having a partial or temporary interest in any Slave, may, to the extent of such interest, effect his or her manumission gratuitously, unless all other persons, having a partial, future, or reversionary interest in such Slave, shall consent, or be parties to such manumission, or unless such partial, future, or reversionary interests shall be purchased in the manner hereinafter provided.

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

LXXII. And, in order to prevent the fraudulent manumission of Slaves incompetent from age or disease to earn their own living, it is further ordered, That in case any such deed of manumission shall be executed gratuitously and without any valuable consideration passing to the owner or other person effecting the same, the Slave so to be manumitted shall, previously to the actual execution of any such deed, appear before the Protector of Slaves, or the Assistant Protector of Slaves, for the district in which the Slave is resident; and if it shall appear to the said Protector or Assistant Protector that such Slave is under the age of fourteen years, or above the age of 60 years, or is labouring under any habitual disease or infirmity of mind or body, the owner or person effecting such manumission shall, under his or her hand and seal, execute and deliver to the said Protector or Assistant Protector a bond to His Majesty in the penal sum of two hundred pounds, with a condition thereunder written for the defeazance thereof, if such Slave shall be properly fed, clothed, and maintained until the age of fourteen years in the case of infants, or during the term of his or her natural life in the case of adults of the age of sixty years, or labouring under any such sickness, disease, or infirmity as aforesaid; and no such gratuitous manumission shall be valid and effectual in the law, or shall be received for enrolment at such office of registry, until such bond as aforesaid shall be duly executed, registered, and deposited in the said office. Provided nevertheless that the Chief Judge of every Colony shall be, and he is hereby authorized by an order under his hand to dispense with such bond as aforesaid in any case in which it shall be made to appear to him, that neither the welfare of the Slave so to be manumitted, nor the interest of the Colony at large, requires that such bond should be so entered into.

The bond not necessary in case of testamentary manumissions, but the estate of the testator to

LXXIII. Provided nevertheless, and it is further ordered, That no such bond, as aforesaid, shall be required in the case of any manumission by will; but if at the time of the death of the testator, the Slave so manumitted shall be under the age of fourteen years, or above the age of sixty years

years, or labouring under any such disease or infirmity as aforesaid, the estate of every such testator shall be liable to, and chargeable with the maintenance of such Slave until the age of fourteen years in the case of infants, or during the term of his or her natural life in the case of adults, or of Slaves labouring under any such disease or infirmity, as fully as if the said testator had, in his or her life-time, executed such bond as aforesaid.

remain liable as though such bond had been given.

LXXIV. And, to prevent ignorant Slaves effecting the purchase of their freedom from persons unable to make any valid title to the same, it is further ordered and declared, That it is and shall be lawful for any person, being the owner of any Slave in any of the said Colonies, to contract with such Slave, through the agency of the Protector of Slaves of such Colony, acting for and on behalf of such Slave, but not otherwise, for the manumission of the said Slave, at a price to be agreed upon between the said owner and Protector of Slaves respectively; and, in case of any such contract, it shall be the duty of the said Protector of Slaves to obtain from the Office of Registry of Slaves a certificate of the name or names of the person or persons by whom such Slave was last registered as his, her, or their property; and it shall also be the duty of the said Protector of Slaves to give notice by advertisement in the public Gazette of such Colony of such intended manumission, fourteen days at the least before the same is effected; and if from such certificate as aforesaid, it shall appear that the person or persons proposing to contract for the manumission of any such Slave, is or are not the registered owner or owners of such Slave, or if any person shall give to the said Protector of Slaves notice that there exists any charge or mortgage upon or affecting (or alleged to be upon or to affect) such Slave, or that any future or reversionary interest in such Slave is vested in any person or persons who is, or are not, a party or parties to, or consenting to, such proposed manumission, the said Protector shall, on behalf of such Slave, refuse to proceed with such contract. And it shall also be the duty of the said Protector of Slaves, on behalf of the said Slave, to satisfy himself that the person proposing to effect the said manumission has good right and title in the law, and is competent to effect the same; And it shall also be the duty of the said Protector of Slaves, without fee or reward, to prepare, in every such case, the proper deed of manumission, which shall in all cases be executed in the presence of, and attested by the said Protector of Slaves, or some proper person to be especially appointed by him to be such witness thereto; and every such Deed being so executed shall, by such Protector of Slaves, be enrolled in the Supreme Court of Civil Justice in and for the Colony to which he belongs,

within

With the concurrence of the Protector, Slaves may contract with their owners for the purchase of their freedom.

within one calendar month next after the date and execution thereof, and in case any such deed shall not be so enrolled by the said Protector of Slaves, within the said period of one calendar month, the said Protector of Slaves shall incur, and be liable to the payment of a fine of not less than ten pounds, nor more than fifty pounds.

Slaves may effect the purchase of their freedom by a compulsory process. If the Owner be unwilling or unable to effect the manumission, or labour under any incapacity, or if an excessive price be demanded, the Chief Judge is to cite all persons having an interest in the Slave to attend him.

LXXV. And to provide for the manumission of Slaves, desiring to obtain the same by purchase, in cases where the owners of such Slaves may be unwilling or unable to contract for such manumission, it is hereby further ordered, That if the owner of any Slave in any of the said Colonies, or any person having any interest in any such Slave, shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage or settlement, or lease or charge upon, or interest in such Slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of such Slave; or if the owner, or any other person having a charge upon, or interest in, any such Slave shall be a minor, or a married woman, or idiot, or lunatic; or if the real owner of any such Slave shall be absent from the Colony to which the Slave belongs, or shall not be known; or if any suit or action shall be depending in any Court of Justice in the said Colony, wherein the title to the said Slave, or the right to his or her service shall or may be in controversy; or if the owner of any such Slave shall demand; as the price of his or her freedom, a greater sum of money than may appear to the said Protector of Slaves to be the fair and just value thereof; then, and in each and every of the cases aforesaid, the Chief Civil Judge of such Colony, on application to him for that purpose made by the Protector of Slaves of such Colony, shall issue a summons under his hand and seal, requiring the owner or the manager of such Slave to appear before him, by themselves or their agents, at some convenient time and place to be in such summons for that purpose appointed, and notice shall be published by the said Protector of Slaves in the public Gazette of such Colony, of the time and place appointed for the purpose aforesaid; and in such notice, all persons having or claiming to have any title or interest to or in the Slave proposed to be manumitted, either in their own right, or as the agents, guardians, attornies, trustees, or representatives of any other person, shall be required to attend and prefer such claims.

On proof made to the Judge of such incapacity, &c. he is to require the Protector and Owner each to name an Appraiser, and is himself to name an

LXXVI. And it is further ordered, That at the time appointed for any such meeting as aforesaid, the Chief Civil Judge of such Colony, in the presence of the Protector of Slaves thereof, and also in the presence of the owner or manager of the Slave proposed to be manumitted, or upon proof being made to him upon oath of the due service and publication of such notice as aforesaid, then, if necessary, in the absence

absence of such owner or manager, shall proceed to hear in a summary way what may be alleged by the said Protector of Slaves, and by the owner or manager, or other persons claiming any interest in the said Slave proposed to be manumitted, and attending in pursuance of any such notice; and in case the said parties, or any of them, shall refuse to effect such manumission at a price approved by the said Protector of Slaves, or in case it shall be made to appear to the said Chief Civil Judge that a valid and effectual manumission of such Slave cannot legally be effected by private contract, or that the owner of such Slave, or any person having any charge upon, or interest in, such Slave is a minor, or a married woman, or idiot, or lunatic, or that the real owner of such Slave, or any person having any charge upon, or interest in, such Slave, is absent from the said Colony, or is unknown, or cannot be found, or that any action is depending in any Court of Justice in such Colony wherein the title to such Slave, or the right to his or her services, is in controversy, then, and in every such case, the said Chief Civil Judge shall require the Protector of Slaves, and the owner or manager of such Slave, if attending in pursuance of such notice, each to nominate an appraiser of his or her value, and the said Judge shall himself nominate an umpire between such appraisers; but if such owner or manager, being duly summoned as aforesaid, shall fail to attend, or attending shall refuse or omit to nominate an appraiser, then the said Judge shall not only nominate such umpire as aforesaid, but shall also nominate an appraiser on behalf of such owner or manager.

Umpire. The Judge when necessary is to nominate the Appraiser also.

LXXVII. And it is further ordered, That the appraisers so to be nominated as aforesaid, shall be duly sworn by and before the said Chief Civil Judge, to make a fair and impartial appraisement of the Slave so proposed to be manumitted, and within seven days next after such their appointment, such appraisers shall make a joint valuation of the said Slave, and shall certify such their valuation to the said Chief Civil Judge under their hands and seals, and in case such joint certificate shall not be so made and delivered to the said Judge within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall within the next succeeding seven days certify his valuation to the said Judge; and the valuation to be made in manner aforesaid, either by the said joint appraisers, or in their default by the said umpire, shall be binding and conclusive, and shall be entered and enrolled among the Records of the Supreme Court of Civil Justice in and for such Colony.

The Appraisers to make a valuation in seven days, failing which the Umpire is to make the valuation.

LXXVIII. Provided nevertheless, That if it shall be made to appear to the said Judge, within one calendar month next after such valuation shall

On proof to the Judge of fraud or injustice in making the valuation

he may set it aside and so on till an unobjectionable valuation is made. 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, or under any mistake as to the nature of their or his duty, or under any misapprehension of any material matter of fact, then, but not otherwise, it shall be lawful for the said Judge to set aside the said valuation, and to declare the same to be void, and to direct another valuation to be made in manner aforesaid, for which purpose new appraisers and a new umpire shall in manner aforesaid be appointed and sworn, and shall proceed to make a second valuation, which being certified to the said Judge in manner aforesaid, shall be to all intents and purposes binding and conclusive: Provided that such second or any subsequent valuation may in like manner be set aside by any such Judge on the grounds aforesaid, until a valuation is made not open to any such objection.

If the amount is not paid in three months, the proceedings cancelled and no new valuation can be made for 12 months. LXXIX. Provided also, That if the amount of any such valuation shall not be paid in manner hereinafter mentioned, within three calendar months next after the enrolment thereof, such enrolment shall be cancelled, and it shall not be lawful for any such Slave, or for the Protector of Slaves on his or her behalf, again to institute such proceedings as before mentioned for his or her manumission, until the expiration of twelve calendar months, to be computed from the date of such former valuation.

If it be proved that within five years the Slave has been convicted of any robbery, the proceedings are to be stayed till the end of that term. LXXX. Provided also, That if at any time before the enrolment of any such valuation, it shall be alleged before the said Judge by the owner or manager of the Slave proposed to be manumitted, that such Slave hath, within five years next preceding the date of the application made to such Judge on his or her behalf for such manumission as aforesaid, been convicted in due course of law of any robbery or theft, the said Judge shall enquire into the truth of such allegation, and if it shall be made to appear to him, by good and sufficient evidence on oath, that such Slave hath, within the said term of five years, been so convicted of any robbery or theft, the said Judge shall, and he is hereby required to make an order for staying such enrolment as aforesaid; and thereupon the same and all other proceedings for the manumission of any such Slave shall be stayed until the expiration of the full term of five years from the time of the conviction of any such Slave, for any such theft or robbery.

The Protector may pay to the Colonial Treasurer the price of the Slave in three months from the valuation, and enrol the receipt in the Supreme LXXXI. And it is further ordered, That upon or within three calendar months next after the enrolment in the Supreme Court of Justice of any such Colony of any such valuation as aforesaid, it shall be lawful for the Protector of Slaves of such Colony, out of any monies to be supplied to him for that purpose, by the Slave proposed to be manumitted, to pay to the Treasurer of any such Colony or other Chief Officer in the receipt

receipt of His Majesty's Revenue therein, the appraised value of such Slave taking a receipt in writing from such Treasurer or other officer as aforesaid for every such payment; and the Chief Civil Judge of such Colony shall, upon application to him for that purpose made by the said Protector of Slaves, make an order for the enrolment in the said Supreme Court of Justice of such receipt, and the said Chief Judge shall by such Order further proceed to declare and adjudge, that the Slave, by or on behalf of whom such money hath been paid, is manumitted and free; and such Slave shall thereupon be, and be deemed, taken, and reputed to be free to all intents and purposes.

LXXXII. And be it further ordered, That the Chief Civil Judge of every such Colony as aforesaid, by a rule or order of Court, to be by him made for that purpose, shall establish a moderate and reasonable Table of Costs and Expences, to be paid and incurred in making such appraisements as aforesaid; and such Costs and Expences shall in all cases be established at the lowest rate which may be consistent with the effective discharge of the duties of such appraisers, and not by way of poundage or per centage on the value of the Slave; and that no fee or remuneration shall be payable to such Judge, or to any Officer of such Court, for or in respect of any matter or thing to be by such Judge or Officer done in pursuance of this Order; and that the whole amount of Costs and Expences to be incurred in and about the making of any such appraisalment, and the before-mentioned proceedings thereon, shall in no case exceed Five Pounds. And any appraiser or other person who shall demand or receive for any services by him or her rendered, in or about any such appraisalment, any greater or other fee, sum of money, advantage or emolument whatsoever, than such as shall be authorized by such Table, shall incur a penalty of not less than five pounds, nor more than fifty pounds, in addition to the amount of any such unlawful fee, sum of money, advantage or emolument so received.

LXXXIII. And it is further ordered, That if any such appraisalment as aforesaid shall have been rendered necessary by any difference of opinion between the Protector of Slaves and the Owner or Owners, or Manager, respecting the price to be paid for the Slave proposed to be manumitted, the expence of such appraisalment 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; 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 expence of such appraisalment shall be wholly borne and defrayed by such Owner or Owners; and in case any such appraisalment shall have been rendered necessary by any other cause than a difference

a difference of opinion as to the price to be paid for the manumission of the Slave, the expence of the appraisement shall be equally divided between such Slave and his or her Owner or Owners.

How the purchase money is to be invested when necessary.

LXXXIV. And it is further ordered, That the money to arise from the manumission of any Slave by virtue of the proceedings before mentioned shall remain in the hands of the public Treasurer of such Colony, or other Chief Officer in the receipt of His Majesty's Revenue therein, and shall bear interest at and after the rate of Five Pounds per Cent. per annum, and His Majesty's Revenue in every such Colony shall, and is hereby declared to be pledged and responsible for the due payment of such principal money and interest; or shall in the discretion of such Treasurer or other such Officer as aforesaid, be invested in the purchase, in his name, of any public funds or securities of Great Britain and Ireland; and the Chief Civil Judge of any such Colony as aforesaid shall, and he is hereby authorized, upon application to him for that purpose made, to direct that any such money be laid out and invested in the purchase of any other Slave or Slaves, and the Slave or Slaves so to be purchased as aforesaid, or in case of no such purchase being made, then the money in the hands of the said Treasurer, and the interest accruing on such money, or the public funds of Great Britain and Ireland so to be purchased as aforesaid, and the dividends payable thereupon, shall be the property of the person or persons who was or were the Owner or Owners of such manumitted Slave, and shall be subject and liable to all such and the same uses trusts, limitations, conditions, mortgages, claims, and demands of what nature or kind soever; as such Slave was held upon, under, or subject unto at such time of his, her, or their manumission. And the said Treasurer, or other such Officer as aforesaid, shall hold the said money, and the interest accruing thereupon, or the said public funds and dividends, subject to such Order, as such Chief Judge of any such Colony may, upon a summary application of any person interested therein, and upon notice to all other persons interested therein, or their Agents, see fit to make; and such principal money and interest shall by such Treasurer or other Officer be paid and disposed of in pursuance of, and in obedience to, any such Order.

The Judge is to make all necessary rules for the conduct of the proceedings on compulsory manumissions.

LXXXV. And it is further ordered, That it shall and may be lawful for the Chief Civil Judge of every such Colony as aforesaid, to make and prescribe, and from time to time to revoke and alter, as occasion may require, all such rules and orders as may be necessary for the regular and proper exercise of the jurisdiction hereby in him vested, and for regulating the proceedings of all persons who may be parties to or interested in any question so depending before him.

LXXXVI. And whereas doubts may arise respecting the legal presumption

sumption which ought to be made in favour of, or against the right of any alleged Slave to his or her freedom, it is therefore, for the removal of such doubts, ordered and declared, That when, and so often as any question shall arise in any Court, or before any Magistrate in any of the said Colonies, respecting the free or servile condition of any person, such Court or Magistrate shall, and are, or is hereby required to observe and give effect to the following rules :—that is to say,

Rules to be observed to determine whether a particular person is to be presumed to be of free or of servile condition.

First,—If the person, respecting whom such question shall arise, shall be proved to be of the age of twenty years or upwards, and if it shall also be proved that such person hath in fact, and without interruption, been in a state of slavery for twenty years next preceding the time of such enquiry, such person shall be presumed to be a lawful Slave.

Secondly,—If such person shall be proved to be below the age of twenty years, and if it shall also be proved that he or she hath, during the whole of his or her life-time, been in fact and without interruption in a state of slavery, and if it shall be further proved that he or she is the child of a mother who, at the time of giving birth to him or her was in a state of slavery, such person shall be presumed to be a lawful Slave.

Thirdly.—When and so often as any such question as aforesaid shall arise, in any Colony wherein a Registry of Slaves hath not been established by Law for twenty years next preceding the date of such enquiry, then and in every such case, it shall be sufficient for the purposes aforesaid, to carry back the proof of the servile condition of the person respecting whom such question shall so arise, to the time of the first establishment, by Law, of a Registry of Slaves in such Colony.

Fourthly,—In the absence of such evidence as aforesaid, the person respecting whom such question shall arise, shall be presumed to be free.

Fifthly,—The presumption of slavery, arising from the facts so to be proved as aforesaid, may be repelled and destroyed by evidence of any other fact or facts from which the right of any such alleged Slave to his or her freedom may be legally inferred.

Sixthly,—The judgment and sentence of any Court or Magistrate before whom any such question as aforesaid shall be raised, shall be according to, and shall be governed by, such rules of legal presumption

as are hereinbefore prescribed, unless the presumption of the servile condition of any such person as aforesaid shall, in manner aforesaid, be repelled or destroyed.

Seventhly,—The state of slavery of any such person as aforesaid shall not be deemed to have been interrupted, in any case in which the interruption shall have been occasioned by the marooning or desertion of the Slave, respecting whom the question shall arise; or, in any case in which the interruption shall have been occasioned by the temporary residence of the Slave in any Country in which the relation of Master and Slave is not recognized by Law.

Eighthly,—The registration of any person as a Slave shall not be admitted by any Court or Magistrate as evidence of the servile condition, in point of law, of every person so registered, although such registration may be admitted as evidence that any such person was at the date of such registration in a state of slavery, in point of fact; but it shall be competent to such Slave, or to any person on his behalf, to controvert, by such evidence as he or she may be able to produce, the accuracy of any entry in any such registration made respecting any such Slave.

Admissibility of the evidence of Slaves.

LXXXVII. And it is further ordered, That no person shall henceforth be rejected as a witness, or be, or be deemed to be, incompetent to give evidence in any Court of Civil or Criminal Justice, or before any Judge or Magistrate, or in any civil or criminal proceeding whatsoever in any of the said Colonies, by reason that such person is in a state of Slavery; but the evidence of Slaves shall in all Courts, and for all purposes, be admissible, and be received in the said Colonies in the same manner and subject to the same regulations as the evidence of free persons.

Rules to be followed respecting the food and maintenance of Slaves.

LXXXVIII. And it is further ordered, That every owner and manager of Slaves within the Colonies aforesaid, shall, and he is hereby required to provide for the food and maintenance of the Slaves under his or her management, according to the several rules and regulations hereinafter in that behalf prescribed, that is to say,

First,—Every such owner or manager of Slaves, shall within the first week of January in each and every year, deliver or cause to be delivered to the Protector of Slaves, or to the Assistant Protector of the District in which such Slaves are resident, a written Declaration in the form prescribed in the Schedule to this Order annexed, specifying whether it is the intention of such owner or manager during the year next ensuing to maintain his Slaves by the cultivation of ground to be to them appropriated for that purpose, or by an allowance of provisions.

Secondly,—

Secondly,—The Declaration so made shall be recorded at the Office of the Protector of Slaves for every such Colony respectively.

Thirdly,—Such Declarations shall be revocable at the pleasure of the owner or manager for the time being of such Slaves, at the expiration of one calendar month next after the date of a written notice of such intention to such Protector or Assistant Protector delivered by such owner or manager.

Fourthly,—Every owner or manager of Slaves within the said Colonies, shall during the period to which such declarations shall apply, be bound to maintain his Slaves in the manner thereby proposed, unless the Protector of Slaves of any such Colonies shall by a written licence under his hand, authorize such owner or manager within that period to change the mode of maintaining such his Slaves.

Fifthly,—Every owner or manager who shall by such declaration as aforesaid, propose to maintain his Slaves by an allowance of provisions, shall be, and is hereby bound and required to supply such provisions to the amount, and of the kinds following, that is to say: Each and every Slave above the age of ten years, shall receive in each week not less than twenty-one pints of Wheat flour, or of the flour or meal of Guinea or Indian Corn, or fifty-six full grown Plantains, or fifty-six pounds of Coconuts or Yams; and also seven Herrings or Shads, or other salted Provisions equal thereto; and every Slave below the age of ten years shall be supplied with one half of the before mentioned allowance in each week, which allowance shall be delivered to the mother or nurse of every such infant Slave.

Sixthly,—The Governor of each of the said Colonies may, from time to time by proclamations, to be by him for that purpose issued, authorise the substitution for the Provisions aforesaid of any other Provisions equivalent to, and equally nutritious with the same.

Seventhly,—Such Provisions as aforesaid shall in no case be delivered on Sunday, but shall always be delivered on the corresponding working day in each successive week, unless such delivery shall be delayed by accident or other unavoidable cause.

Eighthly,—Any owner or manager of Slaves who may be unable or unwilling to procure such provisions as are hereinbefore mentioned, may, with the authority in writing of the Protector or Assistant Protector of the District in which such Slaves are resident, substitute for the same any other kind of provisions, provided that such substituted provisions shall, in the judgment of such Protector or Assistant Protector be equivalent to, and equally nutritious with those hereinbefore directed and prescribed.

Ninthly,—

Ninthly,—All provisions so to be supplied to the Slaves in the Colonies aforesaid, shall be sound and fit for consumption, and of good average merchantable quality.

Tenthly,—The Slaves to whom such provisions shall be supplied, shall also be provided by and at the expence of their owners or managers with the means of preserving the same from week to week, and of properly preparing the same for human food.

Eleventhly,—Every owner or manager of Slaves who shall by such declaration as aforesaid, propose to maintain the Slaves under his management by the appropriation of ground, to be by them cultivated for that purpose, shall be, and is hereby bound and required to set apart for every Slave so to be maintained, and being of the age of fifteen years and upwards, half an acre of land properly adapted for the growth of provisions, and not more than two miles distant from the place of residence of such Slave; and in respect of every Slave so to be maintained, and being under the age of fifteen years, every such owner or manager is hereby bound and required to set apart for the father or reputed father, or mother of every such infant Slave, one quarter of an acre of like ground; or if such infant shall have no parent, being the property of the same owner, then such quarter of an acre shall be set apart for some other Slave who shall be charged with the cultivation of the same for the benefit of such infant.

Twelfthly,—Every such owner or manager shall be, and is hereby bound and required to supply every Slave for whom any such ground shall be so appropriated, with such seeds, and with such implements of husbandry, as may be necessary for the cultivation of such ground on the first entering of such Slave on the occupation thereof.

Thirteenthly,—It shall not be lawful for any person whomsoever to dispossess any Slave of any land so cultivated by him or her, until such Slave shall have had full time and opportunity for reaping and gathering in all crops by him or her planted, and growing upon such ground.

Fourteenthly,—The crops, when growing upon any such ground, and when severed therefrom, shall, and are hereby declared to be the sole and absolute property of the Slave, for and in respect of whom such ground shall have been appropriated and set apart.

Fifteenthly,—Every Slave for or in respect of whom any ground shall be so appropriated and set apart, shall in each year be allowed forty days at the least for the cultivation thereof in forty successive weeks, so that from the commencement thereof one Sunday at

at the 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 of the next succeeding morning.

Sixteenthly,—Every Slave for or in respect of whom, any ground shall be so appropriated and set apart, shall and may, by all lawful ways and means, but subject to the rules hereinafter contained respecting the labour of Slaves, be compelled by his or her manager to cultivate such grounds; and every manager who shall not so compel or procure any such Slave so to cultivate such ground shall be liable to provide such Slave with such rations as aforesaid, as though such ground had not been appropriated and set apart for the support of such Slave.

LXXXIX. And it is further ordered, That if any Owner or Manager of Slaves within any of the said Colonies shall neglect or omit, within the time hereby for that purpose limited, to sign and deliver in manner hereinbefore mentioned such written declaration as aforesaid, he or she shall incur a penalty of two pounds for such omission or neglect, in respect of the first week in which the same shall occur, with additional penalties of four pounds in the second week, six pounds in the third week, and so on in arithmetical progression, in respect of each additional week during which such neglect shall be continued; and if any Owner or Manager of Slaves within any of the said Colonies shall not supply to such Slaves provisions of such amount and quality, and at such times as he is hereinbefore required to supply the same, or shall not provide such Slaves with the means of preserving such provisions from week to week, or with the means of properly preparing the same for human food, every such Owner or Manager shall incur and become liable to a penalty equal to twice the value of the provisions which ought so to have been supplied, or for the preservation and preparation of which such means as aforesaid ought to have been provided, which last-mentioned penalties shall accrue to, and be for the benefit of the Slaves injured by any such omission or neglect; and if any such Owner or Manager of Slaves shall not set apart for every Slave who is maintained by the cultivation of ground, such land of such quality and quantity and so situate as hereinbefore is required, or shall neglect or omit to supply any such Slave with such seeds and implements of husbandry as aforesaid, or shall dispossess any such Slave of any land by him or her cultivated, until such Slave shall have had full time and opportunity for reaping and gathering in all crops by him or her planted and growing upon such ground, every person so offending shall incur and become liable to a penalty equal to twice the amount of the loss sustained

Penalties
on persons
violating the
preceding
Rules re-
specting the
food and
maintenance
of Slaves.

sustained by every such Slave by every such act, omission, or neglect, which penalty shall go and be applied to, and for the use and benefit of the Slave so injured; and if any such Owner or Manager of Slaves shall neglect or omit to allow to any Slave for or in respect of whom any ground shall be so appropriated, such days as aforesaid in each year for the cultivation thereof, or shall on any such day compel or require any such Slave to perform any work or labour, except in the cultivation of such provision grounds, every person so offending shall, for each and every such offence, incur a distinct and separate penalty of ten shillings, which shall go and be applied to, and for the benefit of the Slave injured thereby, the number of such penalties being equal to the number of Slaves affected by such offence, multiplied by the number of the days on which such offences may have been repeated.

The duration of the labour of Slaves on each day.

XC. And it is further ordered, That no Slave shall be compelled or bound to engage in, or perform any agricultural or manufacturing labour in any of the said Colonies, before the hour of six in the morning or after the hour of six in the evening, but that save as is hereinafter otherwise provided, all Slaves in the said Colonies employed in any agricultural or manufacturing labour shall be, and are hereby declared to be entitled to an entire intermission and cessation of every description of work and labour from the hour of six in each evening until the hour of six in the next succeeding morning.

The period of absolute cessation of labour to be enjoyed by Slaves daily.

XCI. And it is further ordered, That all Slaves employed in any agricultural or manufacturing labour within any of the said Colonies, shall be allowed, and shall be and are hereby declared to be entitled to an entire intermission and cessation of every description of work and labour from the hour of eight till the hour of nine in the morning, and from the hour of twelve till the hour of two in the afternoon, of each and every day throughout the year; provided nevertheless, that the hours of intermission and cessation of labour in the case of Slaves employed in any manufacturing labour, may be allowed to them at any other period of the day, if an interval of not less than three nor more than six hours intervene between such remissions, and if the same be respectively of such duration as aforesaid.

Further relaxations of labour in favor of young and aged Slaves, and pregnant women.

XCII. And it is further ordered, That no Slave, under the age of fourteen or above the age of sixty, and no female Slave known to be in a state of pregnancy, shall be compelled or required to engage in or perform any agricultural work or labour, in any of the said Colonies, during more than six hours in the whole, in any one day, the day being, for that purpose, understood to commence at the hour of six in the morning, and to terminate at the hour of six in the next succeeding morning.

XCIII.

XCIII. And whereas, at certain periods of the year, may be necessary occasionally to employ Slaves in and about certain manufacturing processes in the night time; it is therefore ordered and declared, That nothing hereinbefore contained extends, or shall be construed to extend, to render the employment of Slaves in manufacturing processes within the said Colonies in the night time illegal, provided that no such Slave be required or compelled to labour for more than nine hours in the whole, on any one day, the day being for that purpose, understood to commence at the hour of six in the morning, and to terminate at the hour of six in the next succeeding morning.

Regulation of labour during the night.

XCIV. And provided also, That no Slave under the age of fourteen years, or above the age of sixty years, and no Female Slave known to be in a state of pregnancy, be ever employed in any agricultural or manufacturing labour in the night time.

Young and aged Slaves, and pregnant women, not to be employed in the night time.

XCV. And it is further ordered, that no Slave in any of the said Colonies shall be compelled or required to labour in the performance of any task work for a greater number of hours in the day, than are hereinbefore authorized in other cases.

Task work not to be prolonged beyond the prescribed hours.

XCVI. And it is further ordered, That if any owner or manager of any Slave, being in any of the said Colonies, shall violate or neglect to observe the several rules and regulations hereinbefore contained, respecting the labour of Slaves, or shall compel or require any Slave to perform any manufacturing or agricultural labour for any greater length of time than is hereinbefore expressly permitted, or shall, during any part of the time to which such Slave is hereby declared entitled to an intermission or cessation of labour, compel or require any such Slave to pick or carry grass, or to engage in or perform any work or labour of any kind or nature whatsoever, or shall compel or require any Slave under the age of fourteen or above the age of sixty, or any female Slave known to be in a state of pregnancy, to perform any agricultural or manufacturing labour in the night time, every person so offending shall for every such offence incur and become liable to a penalty of not less than twenty shillings, nor more than ten pounds, which penalties shall be as numerous as the Slaves so illegally employed at any one time.

Penalties for violating the laws respecting the labour of Slaves.

XCVII. And it is further ordered and declared, That it is and shall be the duty of every owner or manager of Slaves, within the said Colonies, once, that is to say, either in the month of January, or in the month of June in each year, and he or she is hereby required to deliver to every such Slave for his or her use, either in the month of January or in the month of June, in each and every year, the following articles, that is to say, to every

Regulations respecting the clothing of Slaves.

every male Slave of the age of fifteen years or upwards, one hat of chip, straw, or felt, or other more durable material, one cloth jacket, two cotton check shirts, two pair of Osnaburgh trowsers, one blanket, and two pairs of shoes, one knife, and one razor. To every female Slave of the age of thirteen years and upwards, one chip or straw hat, two gowns or wrappers, two cotton check shifts, two Osnaburgh petticoats, two pairs of shoes, one blanket, and one pair of scissars. To or for the use of every male Slave below the age of fifteen, one hat, one cloth jacket, one pair of Osnaburgh trowsers, and one pair of shoes; and to every female Slave under the age of thirteen years, one chip or straw hat, one gown or wrapper, one check shift, one Osnaburgh petticoat, and one pair of shoes; and to and for the use of each family of Slaves in each year, one saucepan, and one kettle, pot or cauldron for the cooking of provisions.

Protector may authorise a commutation of the prescribed articles or otherwise.

XCVIII. Provided always, and it is further ordered, That with the authority in writing of the Protector or Assistant Protector of the District in which any Slaves are resident, the Owner or Manager of any such Slaves may, and is hereby authorized to substitute for the articles hereinbefore enumerated, any other articles of clothing or household furniture which shall, in the judgment of such Protector or Assistant Protector, be equivalent to the articles hereinbefore directed and prescribed, and all the articles so to be supplied to such Slaves as aforesaid, which shall be conformable to the before-mentioned directions, or substituted in manner aforesaid, shall be of good average merchantable quality.

Penalties on the neglect of the law respecting clothing.

XCIX. And it is further ordered, That if any Owner or Manager of Slaves in any of the said Colonies shall neglect or omit within the time or times hereinbefore for that purpose limited, to supply and deliver to and for the use of any Slave under his or her management, such articles of clothing and household furniture as are hereinbefore mentioned, the person so offending shall incur and become liable to a fine equal to twice the value of the article or articles so withholden, which penalty shall go and be applied to, and for the use and benefit of the Slave injured by such neglect..

Slaves authorized to attend divine worship.

C. And it is further ordered, That it shall and may be lawful for every Slave in the said Colonies, being of the age of ten years and upwards, and every such Slave is hereby authorized and entitled, on each and every Sunday throughout the year, and on Good Friday and Christmas Day, to attend at the celebration of Divine Worship in any church or chapel, not being more than six miles distant from the ordinary residence or place of abode of such Slave, and shall for that purpose

purpose be, and is hereby authorized to resort to any such church or chapel, provided such Slave be not on any one occasion absent from his proper residence or place of abode for more than six successive hours for the purpose aforesaid, and be not so absent before the hour of five in the morning or after the hour of seven in the evening; and any Owner or Manager who by threats or in any other manner, shall prevent any Slave under his or her management from resorting to any such church or chapel as aforesaid, for the purpose aforesaid, and within and during such hours as aforesaid; or who shall in any manner correct or punish any such Slave for having so resorted to or attended at any such church or chapel, shall in respect of each and every such Slave incur a separate penalty of not less than two pounds, and not more than ten pounds.

CI. Provided nevertheless, and it is further ordered, That the provisions aforesaid respecting the attendance of Slaves at public worship, shall apply only to churches and chapels of, and belonging to the Established Church of England and Scotland, and to places of public worship of and belonging to Christians of other religious persuasions, the officiating Minister of which shall have received from the Governor of the Colony in which such place of worship may be situate, or from one of His Majesty's Principal Secretaries of State, a license, revocable at pleasure, to officiate publicly as a Minister of Religion in such Colony: Provided also, That the celebration of divine worship shall always take place in such churches and chapels with open doors; and that no Slave shall be authorized or entitled to attend or be present thereat, between the hour of seven in the evening and the hour of five in the morning, except by and with the express consent of his or her Owner or Manager.

In the places of worship at which Slaves are authorized to attend, licensed ministers only to officiate, the doors to be open, and the hours prescribed.

CII. Provided also, and it is further ordered, That nothing herein contained respecting the attendance of Slaves at divine worship shall extend, or be construed to extend to any Slave labouring under any such sickness or bodily indisposition as may render him or her incapable of labour, nor to any Slave confined in any Gaol or Prison under the authority of any Court or Magistrate, nor to any Slave who on the other days of the week may be habitually employed as a domestic Servant only.

Exception of Slaves sick, or in prison, and of domestics.

CIII. And it is further ordered, That every Owner or Manager of Slaves in the said Colonies shall be, and is hereby required to supply each and every Slave under his or her management with a wooden or iron bedstead, or with boards so arranged as to enable every such Slave

Bedding to be provided for Slaves.

to

to sleep during the night at an elevation of one foot, at the least, above the ground; and every Owner or Manager who shall neglect or omit so to supply any such Slave with such bedstead, or such means of sleeping above the ground as aforesaid, shall for every such neglect or omission incur and become liable to a fine of five shillings, in respect of each and every Slave, which fine shall be again incurred from week to week as long as such neglect or omission shall continue.

A medical Attendant to be supplied for the Slaves, who is to keep a Journal, which, when required, he is to produce to the Protector

CIV. And it is further ordered, That every person in the said Colonies having under his or her management forty Slaves or upwards, shall and is hereby required to engage a Medical Practitioner to visit such Slaves in such his medical capacity, once at the least in each fourteen days; and it shall be the duty of such Medical Practitioner, and he is hereby authorized and required, to keep a journal of the health of each gang of Slaves so placed under his medical superintendance, in which journal he shall once in each fourteen days record what is the general state of health of such gang, and shall also enter the name of each Slave then labouring under sickness, distinguishing such Slaves as are thereby disqualified for labour, and such as are disqualified for the ordinary amount of labour, and prescribing such medicines or articles of diet as may in his judgment be necessary for the restoration of the sick; and it shall be the duty of every such Medical Practitioner once in each fortnight to deliver a copy of the entries so made by him in his journal to the owner or manager of such Slaves, which owner or manager shall be, and is hereby required to supply such Slaves with such medicines or nourishment, and to allow to such Slaves such relaxations of labour as may by such Medical Practitioner be so recommended and prescribed; and in reference to every Slave for whom any such nourishment may be provided, the rules hereinbefore contained respecting the food of Slaves, shall be and are hereby suspended; and every such Medical Practitioner shall and is hereby required, in obedience to any requisition to him for that purpose made in writing, by any such Protector or Assistant Protector as aforesaid, to produce to such Protector or Assistant Protector such his Journal; and it is further ordered, That in case of any acute or dangerous disease of any Slave or Slaves, the owner or manager of such Slave or Slaves shall and is hereby required to employ, at his own costs and charges, a Medical Practitioner for the cure and medical treatment of such Slave.

Penalties on infringement of rules respecting medical treatment.

CV. And it is further ordered, That if any such owner or manager of Slaves as aforesaid in any of the said Colonies, or if any such Medical Practitioner as aforesaid shall refuse, neglect, or omit to do or perform any matter or thing which such owner, manager, or medical practitioner is hereby required to do and perform in and about the engagement of such practitioner,

Practitioner, or in or about the keeping such journal as aforesaid, or in or about the medical treatment, nourishment, or temporary relaxation of labour of any Slave, or in or about the production, when thereunto required, of any such journal as aforesaid, the person so offending shall for and in respect of every such offence incur and become liable to a fine of not less than two pounds or more than twenty pounds.

CVI. And it is further ordered, That if any such Protector or Assistant Protector of Slaves as aforesaid, or other person or persons, shall wilfully and fraudulently make, or cause, or procure to be made, any erasure or interlineation in any of the books, records, or returns hereinbefore required to be kept and made, or shall wilfully falsify any such book, record, or return, or shall wilfully make, or cause, or procure to be made any false entry in any such book, record, or return, or shall wilfully and fraudulently destroy, burn, cancel, or obliterate the same or any of them, or any part thereof, the person so offending shall be and be deemed to be guilty of a misdemeanor. Penalties for falsifying Records.

CVII. And it is hereby further ordered, That any person who shall commit any offence hereby declared to be a misdemeanor, shall, on conviction, be subject to the payment of a fine not less than ten pounds, nor more than five hundred pounds, or to imprisonment for any time not less than one calendar month, nor more than twelve calendar months, or to both fine and imprisonment. Punishment of misdemeanors.

CVIII. And it is hereby ordered, That any person taking any oath under, and in pursuance of this order, who shall be convicted of swearing falsely, shall incur and suffer such punishment as by the law of the Colony, in which such conviction shall take place, may be inflicted on any person guilty of wilful and corrupt perjury. Punishment of perjury.

CIX. And it is hereby further ordered, That all fines, forfeitures, and penalties, which shall be incurred by any such Protector or Assistant Protector under this Order, shall be prosecuted, sued for, and recovered, in the Supreme Court of Criminal Justice of the Colony in which the same shall be incurred, by any person lawfully authorized to prosecute crimes and offences in such Colony committed; and that the whole amount of such pecuniary penalties shall accrue to, and be for the use of His Majesty. Recovery of penalties incurred by the Protector.

CX. And it is further ordered, That in all cases in which any person or persons other than a Protector or Assistant Protector of Slaves, shall have incurred any fine or pecuniary penalty under this Order, for or in respect of any act, matter, or thing, by any such person Fines incurred for acts not amounting to misdemeanors to be recovered in
or

summary way by the Protectors before any Judge of the Supreme Court, or of the Court of Admiralty.

Rules for regulating the proceedings of such Judges, with their powers of commitment and distress.

or persons done, or omitted to be done, then, and in every such case, if such act or omission shall not amount to a misdemeanor, such fine or pecuniary penalty shall be recovered by a summary proceeding, to be for that purpose taken by any such Protector or Assistant Protector, before any one of the Judges of the Supreme Court of Justice of such Colony, or before the Judge, or Judge Surrogate, of any Court of Vice Admiralty therein; and each and every of such Judges shall and is hereby authorized and required, upon the complaint of any such Protector or Assistant Protector, to issue his summons for the appearance before such Judge, of any person or persons against whom any such complaint may be preferred, as also for the appearance before him of any person or persons whom he may deem it necessary or proper to examine as a Witness or Witnesses, respecting the matters alledged in support of, or in answer to, any such complaint; and such Judge is hereby further authorized, if necessary, to proceed to hear and determine any such complaint, in the absence of the party or parties against whom the same may be preferred, if any such party or parties, being duly summoned, shall refuse or neglect to appear before such Judge, in obedience to any such summons; and every such Judge is also hereby authorized to issued his warrant for the arrest of any person, who being duly cited to appear as a Witness on any such hearing or enquiry, shall refuse or neglect so to appear, and for the commitment to any common Jail of any such person who, appearing as such Witness, shall not submit to be sworn to give evidence on such enquiry, or who, being so sworn, shall without lawful cause refuse, or shall not submit to give such evidence, to remain in such Jail until he or she shall submit to be sworn and to give such evidence as aforesaid; and every such Judge is also hereby authorized and required, upon hearing any such complaint, and the evidence which may be adduced in support of, or against the same, to pronounce his judgment or sentence thereupon; and if by such judgment or sentence, such Judge shall convict the person or persons against whom such complaint shall have been preferred, and adjudge him, her, or them, to the payment of any such fine or penalty as aforesaid, then, and in every such case, such Judge shall and is hereby authorized to issue his warrant for levying the amount of such fine or penalty, unless the same shall be forthwith paid, by distress and sale of the goods, chattels, or other moveable property of the person or persons so convicted; and in default of such goods, chattels, or property, every such Judge shall be, and is hereby authorized and required to issue his warrant for the commitment of any such offender or offenders as aforesaid, to any common Jail in any such Colony, there to remain for any time not less than one week, and not exceeding three calendar months, unless such fine or forfeiture be sooner paid.

CXI. And whereas by reason of the great extent of some of the Colonies aforesaid, it may be expedient to commit the exercise of the jurisdiction aforesaid within particular Districts of such Colonies to other subordinate Officers of Justice : It is therefore ordered, That the Governor, for the time being, of every such Colony, shall be and he is hereby authorized by any commission or commissions, to be by him from time to time for that purpose issued, to commit the exercise of the jurisdiction aforesaid to any subordinate Officer of Justice within the said Colonies, to be by such Officers executed within such District as shall by such commission be for that purpose appointed, and not elsewhere; and every such Protector and Assistant Protector of Slaves is hereby authorized at his option to prefer any complaint of information as aforesaid, either before any such Judge, or before such subordinate Officer of Justice as aforesaid.

The Governor may commit a similar jurisdiction to subordinate officers in remote Districts.

CXII. And it is further ordered, That every sentence or judgment which shall be pronounced by any such Judge as aforesaid, shall be final and conclusive and without appeal, and that every sentence or judgment which shall be pronounced by any such subordinate Officer of Justice as aforesaid, shall be subject to be reversed, corrected, or varied, on an appeal made to the Chief Civil Judge, for the time being, of the Colony, either by the party complaining, or by the party or parties respondent, which Chief Civil Judge shall proceed to hear and determine such appeal in a summary way, and every judgment or sentence so rendered by any such Chief Civil Judge, upon such appeal, shall have the same force and effect as if the same had been an original judgment or sentence, and shall be final and conclusive and without any further appeal.

Sentences of Judges to be final.

CXIII. And it is further ordered, That the Judges of the Supreme Court of Justice of every such Colony, shall be, and they are hereby authorized from time to time, to make, establish, and promulgate, and as occasion may require, to revoke, alter, or renew all such rules and regulations, not being repugnant to or inconsistent with this order, as may be necessary for the effectual exercise of the jurisdiction so vested in them, or which may so be vested in any such subordinate Officers of Justice as aforesaid, and for that purpose to prescribe and determine in what manner and by what person or persons such summonses and warrants as aforesaid shall be issued, and what shall be the forms of such summonses and warrants, and how every such summons shall be served, and what shall be esteemed good service thereof, and how every such warrant as aforesaid shall be carried into execution, and what costs and expences shall be allowed upon every such proceeding, with every other matter and thing essential

Judges may establish Rules of proceeding for the exercise of this summary jurisdiction.

essential to precision, dispatch, and economy in the exercise of the before mentioned jurisdiction, or relating to the form and manner of proceeding on such appeals as aforesaid to the said Chief Civil Judge.

Rules so formed are to be compendious, and must be approved by the Governor. No fee to be taken by the Judge. Costs not to exceed twenty shillings.

CXIV. Provided nevertheless, and it is further ordered, That all such rules and regulations as aforesaid, shall be framed in simple and compendious terms, and that the costs to be so allowed as aforesaid on any such proceeding, shall not in any case exceed Twenty Shillings, and that no fee shall be allowed upon any such proceeding to any such Judge, or Protector, or Assistant Protector as aforesaid: and provided also, That no such rules or regulations as aforesaid shall be valid unless the same shall first have been approved by the Governor for the time being of such Colony, and that the same when so approved, shall continue and remain in force, unless and until the same shall be disallowed by His Majesty.

How misdemeanours are to be prosecuted.

CXV. And it is further ordered, That all offences, which are hereinbefore declared to be misdemeanours, shall be prosecuted, and all fines and penalties, for the recovery of which provision is not expressly hereinbefore made, shall be recovered in the Supreme Court of Criminal Justice of the Colony in which the same shall be incurred, by any person lawfully authorised, on His Majesty's behalf, to prosecute crimes and offences in such Colony committed, and that the pecuniary penalties which may be recovered on any prosecution under this order, for the application of which provision is not hereinbefore made, shall go to, and be for the use of His Majesty, and shall be applied in and towards defraying the expenses of, and attendant upon the service of summonses, and other the proceedings under this Order.

All fines to be recovered in British sterling money, and between the limits fixed in the Order, the Court in its discretion to determine the amount of the fine.

CXVI. And it is further ordered, That all fines and pecuniary penalties imposed by this order, shall be taken to be so imposed in British sterling money; and that the amount of those fines, of which only the least and the greatest amount is mentioned in this order, shall be determined by the discretion of the Court, before which or of the Judge before whom the same shall be recovered.

The Governor's Proclamation to be transmitted for confirmation.

CXVII. And it is hereby further ordered, That all proclamations, orders, and rules of Court, which the Governors and Judges of the said Colonies are by this present order authorised to issue, promulgate, and establish, shall be consistent with this present order, and not repugnant thereto, and shall be transmitted by every such Governor to one of His Majesty's Principal Secretaries of State, for His Majesty's approbation; and until the same shall be disallowed by His Majesty, they shall have the

the

the same force and effect within the Colony in which they may have been published, as if they had formed part of this present order.

CXVIII. And it is hereby further ordered, That the Protector and every Assistant Protector of Slaves in each of the said Colonies, shall, on the first Monday next after the 25th of December, and on the first Monday next after the 24th of June in each year, deliver to the Governor, for the time being, of such Colony, a written report of the manner in which the duties of such his Office have been performed during the half year next preceding the date of every such report, and such reports shall be compiled in such form as His Majesty, through the Governor of each of the said Colonies, shall by any proclamation, to be for that purpose issued, prescribe and in none other; and such Protector and Assistant Protector of Slaves shall make oath before such Governor that the said report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as any such Protector and Assistant Protector of Slaves shall have made such his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the Governor of any such Colony shall issue to the said Protector and Assistant Protector of Slaves, a warrant upon the Treasurer of the said Colony for the amount of his salary for the half year next preceding the date of such report, and such Governor shall, and is hereby required by the first convenient opportunity to transmit every such report as aforesaid to His Majesty's Principal Secretary of State having the Department of the Colonies.

The Protectors are to make half yearly reports, as the condition of receiving their salaries.

CXIX. And it is hereby ordered and declared, That for the purpose of this present order, any person lawfully administering the Government of any of the said Colonies, shall be deemed and taken to be the Governor thereof, and that any person having the chief superintendence of the labour of any Slaves, whether as the owner thereof, or otherwise, shall be deemed and taken to be the manager of such Slaves; and that the Governor of every such Colony, as aforesaid, shall, by proclamation to be by him for that purpose issued, determine the divisions of such Colony, which shall be deemed and taken to be districts thereof, for the purposes and within the meaning of this order.

Explanation of particular terms.

CXX. 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

No Colonial ordinance or law repugnant to this Order is to be of any validity, nor to be carried into effect by the Judges, wise

unless first
confirmed by
His Majesty
in Council.

wise 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 recognised as legal or valid by any Court, Judge, Justice, or Magistrate, within any such Colony, unless the same shall first have been approved or confirmed by His Majesty, or by His Heirs and Successors with the advice of his or the Privy Council.

The publi-
cation of this
Order in the
different
Colonies.

CXXI. And it is further ordered, That the Governor of every such Colony as aforesaid, shall, within one calendar month next after the present order shall be received by him, make known the same by proclamation in such Colony; and that the said order shall be in force on the expiration of fourteen days next after the date of such proclamation, and not before.

And the Right Honourable Viscount Goderich, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) Wm. L. BATHURST.

THE
SCHEDULE

TO WHICH THE FOREGOING ORDER REFERS.

No. I.

FORM of a Summons to be issued by the Protector or Assistant Protector,
for the attendance before him of any *free person* accused of an
offence against this Order.

To A. B. of in the Colony of
Planter, [*or as the case may be.*]

Whereas a complaint hath been preferred to me by X. Y. [*or whereas it hath been made known to me upon credible testimony,*] that you the said A. B. did on the day of in the Year of our Lord [*here briefly state the general nature of the imputed offence.*] Now I the Protector of Slaves, of the Colony of [*or, as the case may be, the Assistant Protector of Slaves, of and for the District of* *in the said Colony,*] do hereby summon and require you the said A. B. to attend before me, at in the Town [*or Parish or District,*] of in the said Colony, at the hour of in the Forenoon [*or Afternoon*] of the present Year 18 day of in this then and there to answer the matters of the said complaint.

Given under my hand, this day of
in the Year

C. D.
Protector [*or Assistant Protector*] of Slaves.

No. II.

FORM of a Summons to be issued by the Protector or Assistant Protector,
for the attendance before him of any *free person* known to be
directly interested in the result of any application made to any
such Protector or Assistant Protector, by or on the behalf of any
Slave.

To A. B. of in the Colony of
Planter, [*or as the case may be.*]

Whereas there is now depending before me an application by or on the behalf of a certain Slave [*or of certain Slaves*] named E. F. G. &c. for [*state shortly*

shortly the general object of the application,] and it hath been made to appear to me, that you the said A. B. are directly interested in the result of the said application. Now I the Protector of Slaves in the Colony of [or, as the case may be, the Assistant Protector of Slaves, of and for the District of in the said Colony,] do hereby summon and require you the said A. B. to attend before me at in the Town [or Parish or District] of in the said Colony, at the Hour of in the Forenoon [or Afternoon] of the day of in this present year 18 , then and there to hear and answer what shall be alleged in the matter of the said application.

Given under my hand, this day of
in the Year 18

C. D.
Protector [or Assistant Protector] of Slaves.

No. III.

FORM of a Summons to be issued by the Protector or Assistant Protector, for the attendance before him of any *Slave*, against whom any complaint may be preferred, or who may be known to be directly interested in the result of any application depending before any such Protector or Assistant Protector.

[In any such case the Form No. 1, or the Form No. 2, as the case may be, is to be adopted, the summons being directed to the Manager of the Slave, and the name of the Slave, not that of the Manager, being mentioned, as the party whose attendance is required.]

No. IV.

FORM of a Summons to be issued by the Protector or Assistant Protector, as the case may be, for the attendance before him of any *free person* as a witness upon any complaint preferred to, or application depending before such Protector or Assistant Protector.

To. G. H.

These are to require you to attend and be personally present at the hour of in the forenoon, [or of in the afternoon,] of in the day of 18 at in the town [parish or district] of then and there to be examined before

before me as a witness, touching a certain complaint [*or application*] depending before me, on the behalf of a certain Slave [*or Slaves*] named K. L. M., &c.

C. D.

Protector [*or Assistant Protector*] of Slaves.

No. V.

FORM of a Summons to be issued by the Protector or Assistant Protector, as the case may be, for the attendance before him of any *Slave*, as a witness upon any complaint preferred to, or application depending before such Protector or Assistant Protector.

[In any such case the Form No. 4, is to be adopted, the Summons being addressed to the Manager of the Slave; and the name of the Slave, not that of the Manager, being mentioned as the party whose attendance is required.]

No. VI.

WARRANT for the arrest of any *free person* refusing to attend as a Witness.

Whereas on the _____ day of _____ I did issue to A. B. of _____ my summons, requiring A. B. [*here state the effect of the summons*] And whereas the service of the summons on the said A. B. hath been made to appear to me, on the oath of one credible witness:—Now you are hereby authorized to arrest the person of the said A. B., and him [*or her*] to bring before me at the hour of _____ in the forenoon [*or afternoon*] of the _____ day of _____ at _____ in the town [*parish or district*] of _____ and for so doing, this shall be your warrant.

To X Y. [*naming the officer or officers to whom the warrant is addressed.*]

C. D.

Protector [*or Assistant Protector*] of Slaves

No. VII.

WARRANT for the arrest of any *Slave* refusing or omitting to attend as a Witness.

[In any such case the Form No. 6, is to be adopted, the name of the Manager, not that of the Slave, being mentioned as the person on whom the summons was served, and the name of the Slave being mentioned as the person to be arrested.]

No.

No. VIII.

FORM of Warrant of Commitment of any Person refusing to be sworn, or to answer any questions proposed.

Whereas, A. B. having been brought before me as a Witness upon a certain complaint [*or application*] depending before me on behalf of E. F., a Slave, on the _____ day of _____ at _____ in the Town [*Parish or District*] of _____ did then and there refuse, [*or did not submit*] to give true evidence in the matters in question before me, [*or did without lawful cause refuse or omit*] to answer a certain question, [*or certain questions*] then and there by me proposed to him, [*or her*] touching the subject of such hearing and enquiry. Now, I do hereby authorize and require you to detain the said A. B. in the Public Gaol, in the Town, [*Parish or District,*] of _____ there to remain until [*he or she*] shall submit to be sworn, [*or to be fully examined, as the case may be*] touching the subject of such hearing and enquiry, and for so doing, this shall be your warrant.

To X. Y., the Gaoler of the said Gaol, and to all Under Gaolers thereof.

No. IX.

FORM of the Declaration to be delivered by every Owner or Manager, specifying his intentions respecting the mode of maintaining his Slaves.

I, A. B., of _____ in the Town, [*Parish or District*] of _____ in the Colony of _____ do hereby declare my intention to be, to maintain the Slaves belonging to me or under my management, whose Names are hereinafter enumerated in the manner stated, with reference to each of such Slaves in the Note or Memorandum set opposite to the Name of each in such Memorandum.

L.	}	By the cultivation of Ground to be to them appropriated for that purpose.
M.		
N.		
O.		
P.		
Q.	}	By an Allowance of Provisions.
R.		
S.		
T.		

(Signed) A. B.

ENCLOSURE No. 3 in No. 4.

AT a MEETING of PLANTERS, MERCHANTS, and OTHERS, interested in the Colonies of Trinidad, British Guiana, St. Lucia, the Cape of Good Hope, and the Mauritius, held at the West India Dock House, the 1st October, 1831, JOSEPH MARRYAT, Esq. M.P. in the Chair.

RESOLVED UNANIMOUSLY :

THAT this Meeting has learned, with the greatest consternation and alarm, that a new Order of the King in Council for consolidating the several laws recently made for improving the condition of Slaves in His Majesty's Colonies of Trinidad, British Guiana, St. Lucia, the Cape of Good Hope, and the Mauritius, is about to be issued, which contains regulations not only incompatible with the rights of private property as recognised in the Parliamentary Resolutions of 1823, but also infinitely more objectionable than the Orders in Council promulgated in 1824 and 1830, which were considered fully to comprehend the principle of the Parliamentary Resolutions of 1823, relative to the amelioration of Slavery.

THAT this Meeting cannot refrain from expressing its regret that the issuing of such an Order should be contemplated at the present time, when it is known that all the Colonies are in a dangerous state of excitement, and are driven almost to despair by the commercial distresses which surround them, and by the complete failure of all their applications to the Legislature of the Mother Country for relief.

THAT if it be intended to retain the British West India Colonies as useful possessions of the crown, no plan for the improvement of the habits and characters of the great mass of the population can be successful, which does not carry along with it the full conviction, as to its efficacy and practicability, of the Inhabitants of the Colonies, by whose co-operation and superintendance alone any salutary change can be effected ; and in the opinion of this Meeting, the proposed Order in Council must
utterly

utterly destroy that co-operation, by creating distrust and alienation where confidence ought to subsist, and by releasing the negro from duties relative to his labour and services, while the master is required, under the most severe penalties, to comply with new and burdensome obligations.

THAT without adverting to the details of the proposed Order in Council, this Meeting must protest in the most solemn manner against the principle of the King in Council issuing general ordinances affecting the rights of property held under the statute law of the realm, without referring and strictly adhering to the constitution and legal rights of each separate Colony; and independently of the violation of justice occasioned by such arbitrary interference, this Meeting deems it peculiarly unwise and objectionable to embody in a general ordinance, regulations designed for Colonies widely dissimilar in local circumstances, in the existing practice and mode of cultivation pursued in them, and in the origin and constitution of their laws.

THAT it is expedient immediately to prepare a formal protest, recapitulating the objections generally relative to the violation of private property, which were urged in the remonstrance to Parliament presented in May, 1830, and also setting forth the further objections entertained against the proposed Order, in such a manner that the parties signing it will not, by implication or otherwise, be presumed to sanction the principle of the Order, and that such protest be conveyed to the King in Council with the view to arrest the issuing of the Order; and should that desirable object not be attained, that it be presented to Parliament in the form best adapted for the occasion, with a claim to full compensation for the losses which must inevitably ensue.

THAT a Committee be appointed to prepare such protest and observations, and to take such other measures as the exigency of the case may appear to require, with full power to communicate with His Majesty's Ministers by interview or otherwise; and that the Committee consist of the following Gentlemen, with power to add to their number.

MR. MARRYAT, M.P.
MR. JOHN IRVING, M.P.
MR. HUGH HYNDMAN,
MR. JOHN REID,
MR. HODGSON,

MR. CAVAN,
MR. RUSSEL ELLICE,
MR. WILLIAM KING,
MR. HENRY DAVIDSON,
MR. CHARLES MARRYAT.

THE Special Committee appointed at a meeting of Proprietors and Mortgagees of Plantations and Slaves in the Colonies of Trinidad, British Guiana, St. Lucia, the Cape of Good Hope, and the Mauritius, held the 1st of October, beg to submit to His Majesty's Government the objections which they entertain to a new Order in Council, most seriously affecting those Colonies, which they understand is about to be issued.

The Committee refrain from adverting to the extraordinary power assumed by the Lords of His Majesty's Council in legislating for the Crown Colonies, or from pointing out the constitutional rights of each separate Colony; considering that any infringement of right can be best remonstrated against by the jurisdictional authorities in the Colonies. But the Committee deem it to be their imperative duty to draw the attention of His Majesty's Government to a petition and remonstrance presented to Parliament in May, 1830, when the last Order in Council was issued.

This petition states that the Colonists have embarked their capital in full reliance upon Acts of the British Legislature.

That in a judgment on appeal delivered by Lord Stowel in Michaelmas term, 1827, on a case which involved the rights of property in Slaves, these Acts were pointed out; and that learned and eminent person declared it as his judicial opinion that "that the law of England does not only support, but in a high degree favour the law of Slavery in its West India Colonies: that it is most certain that this trade of the Colonies has been the favourite trade of this country, and so continues:" and he moreover expressed his opinion, that "if it be a sin, it is a sin in which this country has had its full share of the guilt, and ought to bear its proportion of the redemption.

The Committee deem it most important to impress upon His Majesty's Government, that many of the statutes recognising the right of property in Slaves, including the Registry Act, and the Consolidated Act, were enacted long after the Crown Colonies were ceded to His Majesty; that the several provisions of these Acts apply indiscriminately to all these Colonies; and that they therefore, independently of all local forms of executive government claimed by the Crown
place

place the property of the Colonists upon the same footing as any description of property in this country, which, it is well known, cannot be interfered with for public objects without a specific Act of Parliament being previously passed for that purpose.

The Committee beg further to represent, that the petition and remonstrance referred to, sets forth the grounds of opposition to those clauses of the former Orders in Council which alter the title or affect the security of property in Slaves. It was shown that that measure, popularly denominated compulsory manumission, could never be classified under the head of amelioration; that it formed no part of the parliamentary resolutions of 1823, and that it was undertaken by the executive government on its own responsibility. The proprietors in this country therefore were legally advised to enter a solemn protest or declaration of dissent, in order that they might claim full indemnification for every loss that might hereafter arise in consequence of the enactments relative to that measure. Under these circumstances, it is a subject of surprise and deep regret that the regulations respecting it should be still more objectionable in the contemplated Order than in the one transmitted to the Colonies in 1830, in consequence of the omission of two important modifying clauses.

One of these, numbered 62, in the last Order, enacted, that in making the valuation the appraisers were to take into account all the qualities of the Slave, and other facts and circumstances which they might think material in affecting his positive value to his owner. This clause in some degree operated as a safeguard to the proprietor in mitigating the evils of the measure; it was considered by the counsel named on behalf of Government, in the proceedings before the Privy Council in 1827, as indispensably necessary, and as forming one of the conditions of manumission; and if there be any desire to maintain the consistency of Government, it cannot now be omitted.

The second clause, numbered 63, in the Order of 1830, enacted, that the proceedings should be stayed whenever it should be proved to the satisfaction of the judge that the money to be paid by the Slave had been acquired by a donation *inter vivos* made with the intent of enabling the Slave to purchase his freedom.

This regulation seems to have been inserted in conformity with the principle laid down in a despatch from the Colonial Secretary of State to the Governor of Demerara, dated 25th of February, 1826. It is there
observed

observed that “ apprehensions are entertained lest well-disposed people with ill-considered zeal, should endeavour at once to get rid of Slavery, by purchasing the manumission of Slaves out of a fund to be raised for that purpose. This undoubtedly would be an attempt to convert a gradual and discriminative principle into an abrupt indiscriminate act of manumission. For the sake of the community such indiscriminate manumissions ought to be prevented ; for, undoubtedly, if the purchase money were obtained from any fund which may be formed for the liberation of Slaves, there would be no test of previous habits of industry, of which there is presumptive evidence where the money is procured by the honest earnings of the Slave.” The Committee consider that this is a sound principle, and that it should never be omitted in any enactments relative to manumission, *invito domino*.

In regard to the contemplated Order as relating to the amelioration of the Slaves, the Committee deem it proper to observe, that in its general character it must materially injure all proprietors in the Crown Colonies in two ways : first, it must lessen, in a very great degree, the quantity of produce obtained from the labour of the Slaves ; and, secondly, it must increase the public burthens and the expenses of managing the plantations. It is utterly in vain for the British Colonies to continue their cultivation if their expenses be increased, while no measures are adopted to relieve them from their commercial distresses ; and there is reason to believe that this circumstance alone, if the Order is issued at the present time, will drive the Colonists to resistance.

There is another remark applicable to the Order generally which the Committee deem peculiarly deserving of attention. All the enactments are extremely harsh in their tone, and are founded upon a principle of exclusion and distrust which has always been considered an unwise and unsafe system of legislation. It is to be feared that they must cause managers of respectability to leave the properties, and thus to lower the general state of society in the Colonies. Whilst Slavery exists, there must be some discretionary power intrusted to those who have the management of the plantations ; for experience has shown that it is quite impracticable to regulate the conduct of those persons in all their minute duties. It is therefore of much importance to the Slaves to have men of liberal education and of a respectable rank in society employed as Managers and Overseers, who would be deterred from the exercise of improper authority by their desire to preserve the good opinion of the community and of their connexions and relatives.

In

In proceeding to comment upon the separate clauses in the contemplated ordinance which are deemed objectionable, the Committee do not pretend to state the entire of their objections. They merely enumerate some leading points which the short time allotted has permitted them to investigate, but there can be no doubt that other serious objections will be urged in the Colonies.

They have taken the clauses in numerical order for facility of reference.

Protector and
Assistant Pro-
tectors.

Clauses 2, 3, 4. Under these an unlimited power of taxation is assumed over unrepresented Colonies. The Colonists are called upon to pay, but they are excluded from participating in the appointment of the officers, and all colonial control is denied to them. To carry this Order properly into effect, very numerous Protectors and Assistant Protectors would be indispensable. Considering the powers with which it is proposed to invest them, they would not go out to the Colonies without being liberally paid. The burthen thus entailed upon the Colonies without the consent of the Colonists, would be intolerable, and could not be borne. But independently of this great objection, is it right to invest any persons with such extensive powers? The authority of the Master would utterly cease in the eyes of the Slave, by which the existing state of society would be completely deranged, causing great evils to the Master without the smallest benefit to the Slave.

Protectors may
enter Negro
Houses.

11. Establishes a police on every estate in the loosest manner of enactment. No mention is made, as in English law, of the right of entry at seasonable hours or times. The words "otherwise prevent" are dangerously vague.

Slaves may re-
sort to Protec-
tors to com-
plain.

13, 14. These clauses, which permit negroes to leave the estates without a pass for the purpose of making complaints, are unnecessary, as it might be made compulsory upon the Manager to give passes to any reasonable number of negroes at a time, who might be going to complain. As the clauses now stand, they are peculiarly objectionable; for the permission to go at all times without passes might be perverted to mischievous purposes. A runaway, for example, on being asked for a pass, might answer that he was going to the Protector. Whole gangs, and the entire population of a district, might go up to the capital with perfect impunity, and no check or means appear to be provided to prevent the loss of labour which must result to the Proprietor, if
frivolous

frivolous complaints are made. In addition to these objections, the clauses are loosely worded; as the Slave is not directed to go to the nearest Assistant Protector, and there would be no punishment for him under these clauses if he chose to go to the capital, instead of the nearest district officer.

15, 16, 17, 18, 19. In these clauses the full power of magistrates Powers of Protectors. in England is given to the Assistant Protectors, with power to commit in a district where there may be no gaol or fit place. There is no limitation in regard to the persons who are to form this corps, nor does there appear any consideration of the difficulty of serving legal notice in the Colonies. No remedy by action is given against the Protector if he should abuse his unbounded authority, nor is there any prospect of recovering those damages against Assistant Protectors if awarded by the Court. All this appears a star chamber kind of jurisdiction; for it is not to be expected that the Assistant Protectors, who will be appointed under this Order, will have, like the ancient burgher officers of the Colony of Demerara, wherewithal to answer in damages. Indeed, no security of any kind is given to the Colonies that these Protectors or Assistant Protectors shall be responsible, well-informed, or well-intentioned men.

21. This clause is perfectly inoperative. It is taken from the Eng- Serving Sum- monses. lish forms, and cannot by any means be made applicable to the Colonies in its present state. No provision is made for the payment of the officer who is to serve the notice, nor is any reference made to localities. In fact, the questions that might arise in Demerara alone upon the due service of notice would destroy the operation of the Order, though at a ruinous expense to the Planter.

23. No provision is made to punish the Slave for ungrounded com- Protector can- not act against the Slave. plaints, except by a double process under clause 42. As the Protector is to be a magistrate, it would have been at least consistent to have imposed upon him the duty of punishing on either side.

26. This clause is not sufficiently clear in declaring how the jury Coroner's Inquest. or inquest is to be formed or collected. It is taken too much from English forms, without regard to localities; and the latter part of it is so excessively vague and sweeping, that it could never be acted upon. Besides there may sometimes be difficulty in carrying the inquest into execution, in consequence of the rapid decay of bodies in tropical climates; and the penalty of ten pounds for omitting to give notice of the

the sudden death of any Slave, attaches to all persons, whether of free or servile condition. It does not appear that any provision is made for an inquest on the death of a free person.

**Work on
Sundays pro-
hibited.**

35. In rum it is nearly impossible to suspend altogether the manufacturing process on Sunday, although the work required is of a trifling nature. The enactment must be deemed too strict, when it is considered, that in distilleries in England several men are employed on Sundays, and that Excise Officers are present in consequence.

Punishments.

37. This clause seems contrary to the most approved principles of legislation, because no means are given for proportioning punishments. When it is recollected that a record-book has to be kept on each plantation, and sworn to, it does not appear that the present power of punishment is excessive. Besides, in this clause it is declared to be illegal to punish any Slave in any of the Colonies wantonly, that is to say, without reasonable or adequate cause, or to inflict upon any Slave a punishment more than adequate to the fault committed. What a dangerous power is hereby given to the Protector and the Court by this loose and vague enactment. An action or prosecution lies in almost every word of the clause. When it is considered that under the indefinite words "adequate cause," full licence is given to the whole body of the Assistant-Protectors to exercise their zeal and their judgment in instituting an action, it may be fairly said that there would be as many judges under the Order as there are Protectors and Assistant-Protectors.

**Forfeiture of
Slaves on con-
viction of
cruelty.**

41. The insertion of the words "any cruelty" in this clause is objectionable, inasmuch as the definition of the word cruelty is matter of opinion. The clause of forfeiture is also objectionable and most severe. If the Crown should sequester or sell for fine or forfeiture under the Order, unquestionably the mortgagee or other creditors would come in first, even the simple contract creditors; as fines or forfeitures always come after debts. But the mischief under this clause seems to be, that the Crown might provoke a sale when it would not be for the interest of the creditors, and the mortgagee might be called upon for an advance to pay the Crown.

**Half-yearly
Returns.**

46. This clause is too strict, as the means of communication in some of the Colonies is very difficult and precarious, particularly in the months of September and October. This objection might be obviated by

by extending the provisions of clause 54 to other Colonies as well as the Cape of Good Hope.

64. This clause will give the Slave the liberty of absenting himself from the estate when he pleases. By clause 60 he may acquire property; and by the principles of the common law he may appear as Plaintiff or Defendant, in person. He may also be subpoenaed as a witness for another Slave. Two parties, indeed, might conspire, and prosecute and defend causes which had no real foundation, or they might issue summonses with an understanding that neither Plaintiff nor Defendant should appear. It may be observed that neither Soldiers nor Sailors in the navy are allowed to leave their duty to attend Courts of Requests without permission; as an analogy is sometimes drawn between these classes of society and the Slaves, it seems inconsistent to give the latter such extraordinary privileges. Courts
of Request.

87. This clause, with the rules attached to it, must be protested against in the most formal manner. It completely alters the title of property in Slaves, and appears to be directly contrary to the judgment delivered by Lord Stowel, in appeal, in the case of the Slave Grace. As it stands, or is expressed, it would seem to confound two distinct principles in the doctrine of legal presumption, the difference in which it is important to consider. The law, for good reason, has declared that what it terms a *presumptio juris et de jure*, shall admit no evidence to the contrary, as that an infant under twenty-one shall not be considered competent to execute a deed, otherwise the questions in courts of law would be endless. But the minor presumption of law, that is, *juris* solely, and not *juris et de jure*, is a presumption to be rebutted by proof, and which is a question for a jury to consider. Let us consider for a moment how this legal doctrine is applied in the clause in question; it begins with the very worst and most unjust principle in legislation, that is, the *ex post facto* principle. The rule applies to every person who may raise the question without any exception, or any saving of existing titles. Any person who can prove an interruption of slavery within twenty years, is absolutely entitled to presumptive freedom; as there is no exception, this presumption may, by the wording of the Order, be established in the face of, and against any title, good or bad; and if so, what would be the use of producing such title afterwards to rebut the presumptive freedom? Presumptive
freedom.

The Owner must prove that the Slave has been twenty years in a state of slavery; if below twenty, that he has been in a state of slavery without

without interruption. What does the word interruption mean? How is it defined, or attempted to be defined? Nowhere, to save the party from process in the Court, or to direct the Judge how to act. The only interruption not legal or binding is marooning. This disposes of Lord Stowel's judgment, and of Slaves travelling to Great Britain with their masters, and who would be glad to go back to the Colonies.

It may be desirable to show how this question of presumption is treated by the Roman law, the most favourable on the doctrine of manumission. In Mr. Henry's Treatise, p. 55, it is stated, "The person in a state of actual slavery, or in the possession of the Master, is plaintiff in this action, and must prove his title to freedom." For this *bona fide* possession of the Slave, or reputed Slave, by the Master, is sufficient to throw the onus of proof on the Slaves, or reputed Slave. On the contrary, with equal reason, and by a parity of reasoning, if a party claims another as his Slave, who is living *bona fide* in the possession of reputed freedom, though under error, as under a forged or invalid will or codicil, to which he has not been a party, then, and in such case, the claimant must prove his title. But neither the Roman law, nor it is conceived any other law, ever contemplated the idea that twenty years' actual possession by the Master, without interruption, should be necessary to raise a presumption of slavery.

Food.

89. The enactments contained in this clause evince a great want of knowledge of localities; and they would be often oppressive, and sometimes impracticable.

The quantity of yams appears to be absurd; and the flour directed to be served to adult negroes is more than they can consume; and the case is still stronger as regards children and infants.

With regard to the Colonies of Berbice, Demerara, and Essequibo, the Planters would be continually liable, without any fault or negligence of their own, to fall under the heavy penalties of clause 90. In those Colonies, Proprietors who have to purchase provisions, and most of them are so situated at times, are obliged to send to a considerable distance for plantains (the favourite food of the negroes, which must be cut and supplied from week to week), and to transport them by water; and it very frequently happens the return of their boats at the expected time is prevented by want of wind, by adverse tides, and occasionally by running aground in the difficult and shallow channels through which they have to pass: in every such case the Planter might become an
 involuntary

involuntary offender, and be dealt with according to the law. It is moreover to be considered, that the provisions are transported to the estate by a portion of the Slaves themselves, for whose benefit the penalties imposed on the Master are to be applied; they would therefore have a direct interest, and a strong temptation, to delay the arrival of such provisions within the prescribed time, that they might receive the fines incurred for failure in this respect.

It is stated in a letter from Mr. Greville, Clerk to His Majesty's Council, dated 23d September, 1831, that the quantity of provisions allowed by this clause, as amended by the letter, is taken from a Jamaica statute respecting Slaves confined in workhouses or gaols. This does not appear to be a fair criterion for regulating the allowances of plantation negroes. It is to be remembered that among the plantation Slaves are a large number of invalids, superannuated persons, and infants; for the latter of whom, in particular, even the half of the allowance to grown people is not at all needful.

It is found by experience to be absolutely necessary, for the sake of the negroes themselves, that their Masters should have a discretionary power, with the assent of the negro, and without any interference of the Protector, of varying the kind of food and nourishment to be given; not only to such of them as may happen to be sick or weakly, but also to alter from time to time the prescribed allowance to persons in health, and to substitute articles which are considered indulgences by them; and this without changing the rule, as applied to the whole of the people. It is the custom in the Colonies to give, occasionally, allowances of articles not enumerated, such as rice, biscuit, salt, salted beef or pork, tobacco and pipes, rum, sugar, and syrup, which the planter could not continue to give, if so hardly pressed upon as would be by the general tenor of this Order; for even in the case of sick people entitled to the sick allowance by clause 105, there is no permission to withhold the ordinary allowance given to them by clause 89. There can be no doubt that the change in this respect, confining the whole of the people constantly to the same allowance and diet, would be looked upon by the negroes rather as a privation than a benefit.

In regard to children and infants, it is the established custom on estates to select one or more trustworthy and matronly persons to take charge of all children, from the age of about twelve months to that of six or seven years; and in addition to extra allowances of suitable food which are given for them to their parents, allowances of suitable food are regularly

regularly cooked for them at meal times. It would be almost impossible to continue these beneficial regulations if the clause in question were carried into effect.

It is true that permission is given to Proprietors, who shall think fit to do so, to maintain the slaves by the appropriation of ground, to be by them cultivated for that purpose: but it is apprehended that under the provisions of this Order, few, if any persons in the Colonies of Berbice, Demerara, and Essequibo, could avail themselves of this alternative.

In the first place, a great number of proprietors could not give the quantity of land required, without abandoning the cultivation of their staple commodities. Again, amongst another class of proprietors, who hold estates of larger extent, and who might be able to spare the land directed to be given for this purpose, there are few who could allot such land, properly adapted for the growth of provisions, within two miles of the place of residence: it is only the new lands in these Colonies that are properly adapted for the growth of such provisions as the people prefer, namely, plantains, or that would give a proper return in the culture of any provisions; and no land of this description is to be found within the limits prescribed.

But before any Proprietor could venture to declare that he proposed to maintain his Slaves by this system, it would be necessary that he should have some reasonable assurance, that the Slaves would work the grounds allotted to them in such a manner as to answer the purpose of supplying themselves and families with sufficient food; and that assurance he could not possibly have, unless he possessed authority to enforce the necessary labour in the culture of these grounds on the days allotted for this purpose: for in case of Slaves refusing or neglecting to give proper labour and attention to the raising of provisions, the burthen of supporting them must then fall back upon the master, in the same manner as if he had made no allotment of land whatever. The idle and ill-disposed must either be provided for by him, or prey upon the more industrious among themselves; and how could proprietors induce the able-bodied Slaves to work for the support of such invalided and superannuated persons, and orphan children, as had no natural claims upon them?

On the whole, indeed, this clause exhibits, in a very marked manner, the inexpediency of making general regulations for Colonies, dissimilar in soil, climate, and local circumstances. If it be intended to point out

by

by law the manner in which the negroes are to be fed and clothed, it would be desirable to allow each Colony to frame its schedule, and mode of operation, according to local circumstances; and to have such regulations transmitted to this country for approval, in the same manner as was adopted in regard to the punishments for women. Perhaps it would be advisable, in the case of food, to have three alternatives, to be mutually adjusted between the Slave and his Master.

1st. To supply stated quantities of provisions.

2nd. To give provision grounds.

3rd. To give a sum of money weekly.

The last mode, in many cases, might be desirable, as gradually introducing a system of wages.

90. This clause is vicious in principle; it puts it into the power of the Slave to fine his Master, and then rewards him for it; as the non-feasance for which the master is to be punished must or may in many cases result from the negligence of the Slave himself. Penalty for non distribution of food.

91. The present law of Demerara only allows ten hours for field labour, which is not too much. To lay the boiling of sugar in crop-time under such restrictions as are contained in this clause, would be ruinous; at present all persons so employed must have eight hours' continuous rest, six of them between sunset and sunrise, and the same persons are not kept up night after night. Besides, the labour in the process of boiling sugar is much lighter than much of the work which must be performed in the field. It must further be observed, that if the hours for meals, as specified in the Order, are to be allowed to persons employed in the mill and boiling house, it would be absolutely impossible to carry on the process of sugar manufacture, which cannot be interrupted when once commenced, without an entire loss of all the cane juice which may happen to be on the fire. Duration of labour.

93. The restrictions in this clause are too indiscriminate and extensive. Persons in those countries, from the ages of ten or eleven to fourteen, are quite as capable of continuing at work adapted to their ages as the grown people are of working. It is inconsistent that by clause 89 every Slave above the age of ten years should be entitled to as full an allowance of food as adults, whilst by this clause it should be Relaxation of labour in favour of the young ordered

ordered that the same class of people should not be expected to perform more than six hours' agricultural work until they are fourteen years of age.

Task Work.

96. This clause requires the consent of the Slave to perform any task imposed by the Master. It is to be observed that the term task-work, a system much increasing to the advantage of both Master and Slave, implies the consent of the Slave who undertakes a certain portion of labour to be finished in the course of the day at such hours as he may think proper. But this clause seems to be highly dangerous, inasmuch as every kind of work done upon a plantation, may in one sense be taken to be, and be denominated task work. The quantity of daily labour of a man, woman, or young person, in the various operations upon an estate, is fixed and settled by custom, according to the strength and capabilities of the parties, and every one is expected to perform such usual portion of labour according to the class to which he or she may belong, and is considered a defaulter if this customary task is not done. The negro who should fail in the performance of this task, even though he stood in the field or elsewhere, during all the prescribed working hours of the day, would not be deemed to have discharged his duty. If the clause is to be understood in this sense, some explanatory amendments are required, such as inserting the words "according to the usages of the Colony." In all our Colonies, the laws have provided regulations to prevent the abuse of power on the part of the Master by overtasking his people; but by the construction which it is feared might be given to the present clause, the Slave is constituted the judge of the extent of his obligations to his Master, by giving him the power of fixing the quantum of work he shall perform; and if he shall determine not to work to the extent prescribed by the usages of the Colony, it does not appear, by any thing to be found in this Order, that the Master has an adequate remedy. The power of punishment reserved to the master is not sufficient to enforce obedience on the part of an obstinate and refractory Slave. Since there are so many clauses, strictly and severely, enumerating and defining the obligations of the Master to the Slave, and made binding upon him at all times, and under all circumstances, it would seem to be but just and reasonable that, on the other hand, the power of the Master to enforce a proper quantum of work during the hours of labour, should be upheld.

Clothing.

98. The regulations for clothing, &c. under this clause, appear to be extravagant and injudicious. Some of the articles directed to be given are not in general used by negroes, such as shoes, and chip or straw

straw hats, which latter article is by no means adapted for tropical climates.

99. This clause, empowering Protector and Assistant-Protectors to substitute articles of the same value, gives a vexatious power of interference, and tends to lessen the discriminating power possessed by the Master of rewarding his people according to their deserts. Protectors may change Clothing.

105. This clause will be productive of any thing but benefit to the slave, it will have the effect of discouraging skilful medical gentlemen, who will not be disposed to subject themselves to the control of an Assistant-Protector. Medical attendance.

106. As this clause is worded, any magistrate or court may fine or punish the manager or the medical practitioner *ad libitum* up to the *maximum*; a very dangerous extent of authority. Penalties respecting Medical treatment.

108—113. Under these clauses, it appears there is no appeal to the King in Council for the full penalties of £500. The appeal is only to the Supreme Court in the Colony, if a sentence is given by a rural or district court; whereas by the present regulations in appeal, it lays from any sentence of the Supreme Court amounting to £500. No appeal.

111. This clause is very objectionable, as it gives extensive powers of fine or imprisonment, even to a Judge Surrogate of the Court of Vice Admiralty, in all cases under "misdemeanour." Who is to instruct the Protector or Assistant-Protector as to the meaning of this word, and how is he to determine which court he is to proceed in? Who is to pay the costs of blunders or mistakes? No fund is provided for this, or the serving of notices or warrants. In fact, it is not noticed, except slightly under clause 114; but, even there, no provision is made for funds. Recovery of Penalties.

112. The words "subordinate officer of justice" in this clause are very vague. They give, in fact, the power to the governor of trying any man under this Act in his own way. Governor may commit jurisdiction to subordinate Officers.

115. Under this clause, the Court of Policy, or some such similar court, should be united with the Governor. The sum of 20*s.* as a *maximum* is perfectly nugatory. Rules of Costs.

116. No provision is here made for the allotment of two-thirds of the Mode of Prosecution.

the fines. The fines to be incurred by the Protectors under clause 110 are to go entirely to His Majesty.

Present Laws
repealed.

121. By this clause it appears that all existing colonial laws which may be in any wise repugnant to, or inconsistent with, this Order, are repealed. This must involve most serious questions in the Colonies and render nugatory many important regulations for Slave Government which are now in practice, and which could not be dispensed with.

Publication of
the Order.

122. By this clause a month is given for carrying the Order into effect from the date of its promulgation. If the Order were really sent out, a time so short would indeed hasten the confusion and evils that must arise in the Colonies. It is worthy of observation, that though the Order gives numerous penalties and rights of action on the part of the Protectors or Prosecutors, or the Informers, who will generally be Slaves, it gives no protection to the Proprietor by the limitation of time within which these actions should be brought.

The Committee, in closing their remarks, consider that they have satisfactorily shown that the details of the Order, together with its general principle, are most objectionable. They are convinced that the British Government would be constantly applied to, for explanations and amendments in the code, causing dangerous excitement in the Colonies, without the smallest benefit to the Slaves. Indeed, their experience enables them to assert, that it is only through the instrumentality of the Proprietors, and by the gradual concession of privileges and indulgences, corresponding to the progressive advancement of the Slaves, and their increasing capabilities of deriving benefit from those concessions, that any permanent and solid improvement can be effected in their condition. The interference of external authority in the harsh and arbitrary manner evinced in the contemplated Order, so far from being likely to contribute to this desirable end, will produce irritation and discontent, and will be the surest means of defeating the great object relative to the amelioration of slavery, which the Government expresses to have in view.

THE Special Committee appointed at a meeting of Proprietors and Mortgagees interested in the Colonies of Trinidad, British Guiana, St. Lucia, Cape of Good Hope, and the Mauritius, had the honour of submitting to the consideration of Lord Goderich, Secretary of State for the Colonies, their objections to some leading points of the Order in Council proposed to be enacted as law in these Colonies; but the Committee were prevented, by the shortness of time allowed for the investigation of this important and voluminous document, from stating at length the grounds upon which their objections were founded. The Committee did not consider at the time, that the omission of details was of much importance, as they expected to have an opportunity of supplying such omissions in a conference with the Secretary of State, to which, upon a matter of such magnitude, the Committee conceive that they are undoubtedly entitled; but, as my Lord Goderich has declined for the present to afford that opportunity, the Committee consider it necessary to solicit his Lordship's attention to some supplementary observations.

In adverting to the general character of the contemplated Order, the Committee have observed that it would materially injure all Proprietors in the Crown Colonies in two ways;—first, by lessening in a great degree the quantity of produce obtained from the labour of the Slaves; and, secondly, by increasing both the public burthens of the Colonies, and the expenses of managing the plantations.

That such would be the effect of the Order, is, to every one acquainted with those Colonies, obvious at first sight; but in order to form a correct opinion as to the extent of the injury that would be inflicted, it is necessary to consider the subject more in detail.

With regard to the public burthens which would be imposed by this Order for the payment of salaries to Protectors, Assistant Protectors, additional Judges, and subordinate Officers of Justice, it appears to the Committee that the charge under these heads would amount to an enormous sum, and more than could be raised in those Colonies already overloaded with taxation. Independently, however, of any such consideration, the Committee must persist in protesting in the strongest manner against the assumed power of taxing the Colonists without their consent.

As to the increased expences of the plantations, the Committee have to observe that they do not complain of those clauses in the Order, the object of which is to secure to the Slaves regular allowances of food, clothing, or other necessaries, except in so far as such clauses appear to be injudicious and wasteful. Upon this head, the laws in force in the various Colonies are sufficient, and are framed according to the circumstances of each; and the Committee are convinced that a strict investigation would show that no alterations or amendments are required in this respect. But supposing the contrary to be the case, the Committee must take leave to say that such alterations cannot be judiciously introduced by persons in this country; as is indeed demonstrated by the fact, that the framers of this very Order, in enumerating the allowances of food to Slaves, have been obliged to take as their guide the Colonial law of Jamaica; and if in doing so they had followed the law of that island as applicable to Plantation Slaves, there would have been no further opposition to their enactments than would have been necessary to provide for the substitution of one kind of food for another in places differently situated. It seems strange that rice, an article in great consumption in all the Colonies in question, and particularly in the Mauritius, where it forms the principal food of the people, is not mentioned.

To the penalties for any infraction of the Order, as it relates to the delivery of food and clothing, the Committee have the strongest objections. It must be obvious upon the slightest consideration, that the non-feasance, for which proprietors are to be so severely punished, would frequently arise from circumstances over which they have no control, and for which no sort of allowance is made. Under clause 90, any man might be ruined by accident, or by the vice and wickedness of his own servants, which would be but too likely to be called into action by the premium which is there held out.

But great as the evils are to which the Colonist would be exposed by the operation of the clauses which have been just noticed, they are as nothing compared with the injury they would suffer by loss of labour. By the clauses 91, 92, and 93, regulating the hours of rest and work, the right of the Master to the labour of his Slave during the working hours may be inferred, but such right would be of no value unless the Master has the means of enforcing it. A right without a remedy is a nullity. If a negro should neglect or refuse to perform his work, his Master cannot on that account withhold any of the allowances or privileges given to him by this Order, and must necessarily have recourse to corporal

corporal punishment for compelling the obedience of the Slave; and if the Slave should think proper to assert that he was not guilty of refusing or neglecting to do his work, he may, upon application to the Protector, call upon his Master to answer his complaint of having been punished—not illegally, or beyond the limits allowed by law, but wantonly, or without adequate cause—from which it follows that no Master can inflict any punishment, without rendering himself liable to the waste of his own time, as well as that of his Slaves, in the investigation of complaints before the Protector. Ill disposed negroes on every occasion would have recourse to complaints of this nature when it was found necessary to inflict punishment; and a set of negroes, inclined to pursue this system, would have it in their power so to harass their Master or Manager, that the reserved power of punishment would be of no avail to him, and he would be left without redress, and without any effectual means of coercing their services.

The Committee submit that an incalculable loss of labour would be caused by the operation of this enactment, which appears the more vexatious and oppressive, as it is not calculated to improve the habits or to raise the character of the Slave, or to confer any real benefit upon him; because he is already, by the existing laws, sufficiently protected against the infliction of punishment without cause, by the obligation imposed upon the Proprietor of entering in the Record Book the extent of the punishment together with the description of the offence for which it has been given.

Another loss of labour will arise from the abridgment of working hours both in the field and in manufacturing. The Committee must persist in stating it as their opinion, that ten hours labour in the field, and the time of labour now allowed in manufacturing, is not excessive or injurious to the negro, when it is considered that these ten hours include all the time lost in assembling the people and in going to work. The Committee, referring to what they have already said as to the impossibility of carrying on the manufacture of sugar, if the specific hours of breakfast and dinner were allowed to people employed in such manufacture, beg leave to observe, that if this Order be put in force the proprietors of sugar estates would have no other alternative than to commence their process after the breakfast and dinner hours had passed, namely, at two o'clock in the day; they would then, by clause 94, be entitled to the labour of the Slaves for nine successive hours. Nothing but necessity would drive them to adopt this system, because the Slaves, who would naturally employ their forenoon hours for their amusement or advantage,
would

would come to their work more or less fatigued, and be incapable of doing their business properly. At present, persons thus employed have their meals dressed and brought to them by attendants kept for that purpose, and the people are alternately relieved to give time for necessary refreshment. But to stop the process of manufacture for an hour or two hours at a time, would, as the Committee have stated, render it utterly impossible to carry on the manufacture of sugar.

A loss of labour will again be sustained by the restriction of the working hours of young people, upon which the Committee have already remarked. Although it does not appear by the clauses appointing weekly markets and the establishment of Courts of Request, that any obligation is imposed on the Master to allow his Slaves to attend such courts and markets, yet it is certain the Slaves would infer, from the very appointment, that they had a right to attend them, and the Master would be obliged to give permission to do so, in order to avoid those continual contentions and disputes which would inevitably result from his refusal : in this way an additional loss of labour would become unavoidable.

It is impossible to form an estimate of the effects of the foregoing clauses in depriving the Master of the services of his Slaves, but the Committee apprehend that they would be so great as nearly to destroy the value of Slave property, and consequently all other property dependant upon it.

With respect to the rules attached to clause 87 of the Order, the Committee, while they persist in protesting against the principle of the clause, have to offer this additional remark, that the proof of twenty years actual possession of a Slave without interruption, which is necessary to establish a presumption of slavery, would, in most cases, be impossible. In these Colonies where the white population employed among the Slaves is continually changing, it would be an extremely difficult matter to find evidence to prove uninterrupted slavery for a period of twenty years, and it is the belief of the Committee that such evidence could not be produced in more than one case out of fifty : on such a point little reliance could be placed on negro evidence.

The Committee conceive they have said enough to justify their opposition to this Order, on the ground of its involving an alarming encroachment in their rights of property. They have now to add an observation on its general character, which they have already described, as being extremely harsh in tone, and founded on the unwise principle
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of exclusion and distrust. With respect to the subsisting relation between Master and Slave, it would be entirely subverted by the operation of this enactment; and those parties would be placed on all points in a position of hostility to each other. Every act of the Master in dealing with his Slave could be made a ground of contention, and, at the pleasure of the Protector, of litigation. Upon every occasion questions might be raised as to quantity and description of food and clothing—as to apportioning of labour—as to punishments—and, finally, as to the slavery itself of the complaining party; by these means an anomalous state of society would be introduced, and which there is every reason to believe would shortly terminate in the ruin of the Proprietors. It is in vain to think that all the deformities of a Slave Code can be removed by any process short of the abolition of the system itself. Corporal punishment and domestic jurisdiction are undoubtedly part and parcel of the conditions of slavery, and the whole must stand or fall together. If this power be taken away, or so restricted as to fail of its purpose, from that moment the fabric of slavery will be virtually destroyed, and the negro, though not free, will cease to be of any value to his Master.

Notwithstanding that the operation of such measures as those under consideration would be to make the Slaves virtually free, the unfortunate proprietor would still be left subject to their claims upon him for support, and would thus be placed in a worse situation than if emancipation were granted in a direct manner; the time would soon arrive when it would be out of his power to provide for the subsistence of his people, and when that time arrived, he would most likely be compelled to surrender for their use his lands, or whatever other property he might possess; unless such a state of things should be anticipated by insurrection, or want of means to support the public authorities.

It appears to the Committee that the enactments of this Order must lead to the extinction of Slavery in the way most cruel and oppressive towards Proprietors, whose rights of property, though recognised by the laws of the realm, seem to be altogether disregarded in this Order; but the Committee very much doubt whether these enactments are calculated to accomplish the professed object of Parliament, which was to prepare the Slaves for the enjoyment of civil rights. The best way of doing so would seem to be to assimilate by degrees the condition of the Slaves to that of Freemen, and to teach them that, in proportion as they acquire the rights of freedom, they must also encounter its difficulties and incur its obligations.

The

The laws for their government should be framed with a view of instructing them how to provide for themselves and their families; and without throwing them all at once on their own resources, their comforts should be made in some degree dependent on their own industry and conduct. So long as the Slave has the certainty of all his wants being supplied, he will continue to be thoughtless and improvident, and there can be but little hope of effecting such an improvement in his habits or character as would seem necessary to fit him for a state of freedom; this is, in fact, one of the greatest difficulties with which the important question under consideration is surrounded, and one which must be fairly met before any thing effectual can be done in making a permanent and beneficial alteration in the situation of the Slaves.

In conclusion, the Committee respectfully submit that it is unworthy of the British nation and Government to seek the attainment of so momentous an object as the abolition of slavery by indirect or doubtful means, and that it would be more just to the Colonists, as well as more honourable to the Mother Country, to proceed by proposing measures for effecting the emancipation of the Slaves, either gradually or at once, and granting at the same time such compensation to the Proprietors as the Parliament, after due inquiry, shall consider equitable and expedient.

Council Office, Whitehall,
15th September, 1831.

Gentlemen,—I have received the commands of the Lords of His Majesty's Privy Council to acquaint you, that there are at present under the consideration of His Majesty in Council, the drafts of two Orders, the one revoking the Order in Council for improving the condition of the slaves in Trinidad, St. Lucia, Demerara, Berbice, the Cape of Good Hope and Mauritius; the other, for re-establishing, with various additions and amendments, the provisions of that Order.

Their Lordships' have been informed by Viscount Goderich, that the gentlemen who act as agents for the Colonies possessing Representative Assemblies, have intimated to him their wish to be made acquainted with the provisions of the intended law before its promulgation; and his Lordship has suggested the propriety of complying with that request, under the peculiar circumstances of the case. Their Lordship's concur in the opinion of Lord Goderich on this subject, considering that the peculiar importance of the occasion, and the interest which the inhabitants of all His Majesty's slave Colonies will probably take in the measure, justify this deviation from the more ordinary method of proceeding at the Council Board; their Lordship's at the same time deeming it right to declare, that the course they now pursue is not to be drawn into a precedent, or to derogate from the right of His Majesty on any future occasion to issue such Orders as he may find necessary upon their Lordships' advice, without any other preliminary measures than the practice of former times requires or sanctions.

I therefore transmit to you the accompanying copies of the Orders in question; and I am directed to state, that their Lordship's will consider and bring under His Majesty's notice any objections which you may think it your duty to make to the provisions of the proposed Orders, or of either of them. It is however in their Lordships' judgment essential that such objections should be stated in writing, and not in the form of an oral argument at their Lordships' bar. Upon a question of this nature, it appears to their Lordships' that the real weight of such objections as may be made to the Order, or of such suggestions as may be offered for its improvement, could not be correctly estimated nor remembered with sufficient accuracy, unless they were exhibited in a written form.

Their Lordships' further direct me to acquaint you, that it is proposed that the Order should be made on the first day on which His Majesty may hold a Privy Council in the month of October; and I am therefore to request, that such written

remarks as you may deem it proper to make, be transmitted to me on or before the last day of the present month.

I have the honour to be, &c.

(Signed)

C. C. GREVILLE.

To

Wm. Burge, Esq.
J. P. Mayers, Esq.
Jas. Colquhoun, Esq.
Wm. Manning, Esq.

Anthony Browne, Esq.
Ed. Winslow, Esq.
Ed. Lack, Jun., Esq.

[Copy.]

Lincoln's Inn, Oct. 11, 1831.

Sir,—We have the honour to acknowledge the receipt of your letter of the 15th ultimo, addressed to us and the other agents of the Colonies possessing Representative Assemblies, informing us, that there were under the consideration of the Lords of His Majesty's Privy Council the drafts of two Orders; the one revoking an Order of Council for improving the condition of the slaves of Trinidad, St. Lucia, Demerara, Berbice, the Cape of Good Hope, and Mauritius; the other for establishing the provisions of that Order, with various additions and amendments; and, at the same time, transmitting to us the draft of the latter Order. We offer to their Lordships our thanks for this communication.

Referring to the observations which accompany that communication, we trust their Lordships will consider it no less respectful to them, than due to the important interests confided to us, that we should state the grounds on which our application to Viscount Goderich was made.

Although the proposed Order in Council has not, and could not have, any force or operation in the Colonies for which we are agents, because they possess the sole and exclusive right of originating and making, by means of their Representative Assemblies, all laws for their internal government, subject to His Majesty's disallowance of those laws. Yet its injurious effects in those Colonies to which it does extend, on the title to property, on its secure enjoyment, on the relations of society which exist in them, and on their peace and welfare, are felt in every other Colony in which there exist property of a similar nature, and a society composed of similar elements. On this ground alone we felt justified in our application, that any regulations proposed to be made the subject of such Order in Council should be communicated to us before they were adopted by His Majesty's Government, but when it was announced by the Colonial Minister in the House of Commons that His Majesty's Government intended to transmit to the Colonial Legislatures such

Order, and require them to adopt its regulations if we had abstained from making such an application, we consider we should have abandoned the trust which has been committed to us, no less than have neglected the duty we owed to the Government itself.

We beg leave, with the greatest respect, further to observe, that we are under the impression that our request to receive a previous communication of measures so deeply affecting the welfare of the Colonies, for which we are agents, was in conformity no less with the usage which, on former occasions, had prevailed, than with the desire His Majesty's Ministers must naturally feel to receive information from those whose local experience and continual intercourse with the Colonies enable them to impart it.

It is proper their Lordships' should be informed, that before we received a copy of the draft of the proposed Order in Council, we had made our earnest application to His Majesty's Government for the appointment of a Committee in the House of Lords, and that one of the objects of its inquiry should be the state and condition of our slave population, and the nature, progress, and effect of the legislation which has already been adopted respecting them; we urged, that by means of such an inquiry, information would be obtained which, whilst it corrected the prejudices and injustice in which the policy hitherto pursued towards the Colonies had originated, was essential to a right determination on the necessity and expediency of any further legislation; we represented, that if the present Session of Parliament should be considered too far advanced to admit of an immediate inquiry, at least a pledge might be given to the Colonial Legislatures that it should be instituted early in the next Session, and that, in the mean time, His Majesty's Government should refrain from pressing on the Colonial Legislatures the adoption of any such measures as those which had been announced in the House of Commons in April. Deeply impressed with the present crisis, the most alarming which has ever occurred in the history of our Colonies, we earnestly implored His Majesty's Government to adopt this course, as the only means of allaying that excitement which so unhappily prevails in Jamaica, and every other Colony, and of restoring that confidence in the Parent State, which the announcement by the Colonial Minister of the intention of His Majesty's Government has so much contributed to destroy. We entertained the belief, that our proposition would be submitted to the consideration of His Majesty's Government. In that belief it is our misfortune to find we were mistaken.

Our conviction, that the course we had advised was that

by which alone the evils we apprehended might be averted, became confirmed, and, if it were possible, increased by an examination of the regulations contained in the draft of the proposed Order in Council; and we again most earnestly repeated our application for a Committee of Inquiry in the House of Lords; and that in the mean time His Majesty's Government would suspend the consideration of them.

From a communication made to us by His Majesty's Principal Secretary of State for the Colonies, on the 5th Instant, it appears not to be the intention of His Majesty's Government to abstain from the course which they had previously determined to adopt.

Before we state our objections to the principles on which these regulations are founded, we beg leave to observe, that if those regulations had been of a less mischievous tendency we should object to them, because His Majesty's Government have not afforded time for ascertaining what has been the effect of those laws, which Jamaica and the other Colonies have already passed, in accordance with the spirit of the Resolutions of the House of Commons of 1823.

Referring to the Consolidated Slave Law of Jamaica, recently passed, and to the Acts of the other Colonial Legislatures, we consider His Majesty's Government have not duly appreciated the effects of those laws, nor regarded the application which the Legislature of Jamaica and the other Colonial Legislatures were justified in entertaining; that His Majesty's Government would receive those Acts as a proof of their disposition to ameliorate and advance the state of their slave population; and that they would be secured against an early and hasty requisition on them to adopt any further regulations.

An accurate knowledge of the state of colonial society, the character of the slave population, and of the nature, extent, and operation of colonial laws and colonial usages, is essential to a just legislation; and without that knowledge neither the interest of the slave, the just protection of the property of the master, nor the peace and good order of the community, can be promoted.

In proceeding to offer our objections on such of the regulations as develop the principles on which it is proposed to deal with the persons and property of His Majesty's subjects resident in the Colonies, as well as with the slave population, we commence with the creation of the office of a protector, and the powers with which he is to be invested.

The Legislature of Jamaica has already, in a Report made to His Majesty's Principal Secretary of State, in 1826, detailed

their objections to the appointment of such an officer : as we cannot add to the weight of those objections, or to the manner in which they are urged, we beg leave to repeat them in the words of that Report.

“ This House will never consent to fix an unmerited stigma
 “ on their constituents, by sanctioning the introduction of a
 “ spy into the bosom of society under the name of a Protector
 “ of Slaves ; and by admitting, in the face of truth, that our laws
 “ are not maintained and respected by the people. The House
 “ never will sanction the humiliating and unjust conclusion that
 “ our magistracy are incapable of discharging honestly and
 “ efficiently the duties imposed on them ; such an anomaly was
 “ never before heard of in a country, having its own laws and
 “ legislature, as the introduction of officers from a distant
 “ kingdom to keep watch upon the inhabitants ; to pry into
 “ their actions, and to put thereon whatever construction they
 “ please, or rather the construction that will best please the
 “ persons that appoint them and pay them. Besides the shame
 “ of being subjected to such control and superintendance, what
 “ truth and justice could be hoped for from men who were to
 “ be independent, both in purse and character, of the people
 “ they are to reside amongst ; looking to Great Britain, and
 “ possibly to the bitter enemies of the Colonies, for reward and
 “ praise, either of which they can only expect in proportion to
 “ the diligence they exercise in their inquisitorial office. It is
 “ impossible to doubt that the most innocent actions will appear
 “ suspicious, that no one will dare to inflict the most necessary
 “ chastisements on his slaves, lest he incur the imputation of
 “ cruelty, and that consequently insubordination will ensue,
 “ and the free inhabitants will be forced to abandon their pos-
 “ sessions. His Majesty’s subjects of this Island will never
 “ permit this novel inquisition to be established amongst them,
 “ nor will they ever cease to regard the proposition to introduce
 “ it as the artfully devised plan of our enemies and rivals to
 “ destroy the Colony, by rendering the slaves disobedient and
 “ valueless, and thereby inducing a voluntary and uncom-
 “ pensated surrender of the claims of the owner to their services.
 “ But throwing aside our rights of property as Englishmen our-
 “ selves, and the descendants of Englishmen, we view with
 “ abhorrence that minute interference with our domestic affairs,
 “ which is only exercised by the weakest Government, and
 “ yielded to by the most degraded population.”

We are aware that certain cases of alleged mal-treatment of slaves by their owners have been urged as justifying the appointment of such an officer ; but we contend that these isolated cases, if they were wholly founded in truth, would afford no such justification, unless indeed it be intended to adopt towards His Majesty’s subjects, resident in the Colonies, a principle

which would not be tolerated in any part of the United Kingdom, namely, that on account of the offences of a few individuals, a whole people should be deprived of their ordinary and established judicature, and be subjected to the arbitrary powers of an officer unknown to the constitution under which they live.

But if we objected to the appointment of such an officer, even with the more limited powers given him by the former Order in Council, it is impossible, if we attach any value to the protection which the Law of England affords to the person and property of every subject, that we can too strongly protest against the additional powers conferred by the proposed Order, for they deprive the Colonist of that protection. The tendency of all those clauses, which confer on the protector the right of entering the property of any person in the Colony, on any pretext which he or the slave may devise; the uncontrolled license which is given to the latter, of withdrawing himself from time to time from his master's employment, is to destroy, by rendering it impossible to maintain, those relations of society in the Colonies, which Viscount Goderich, in a recent despatch to the Governor of Jamaica, denies it is the purpose of His Majesty's Government to disturb.

The clauses which compel the owner of slaves to sell them without regard to their relative value, and without any consideration of the effect which such sale may have in rendering the rest of his property perfectly useless, proceed on the presumption that slaves cannot be the subject of property. We deny that presumption, and we aver it to be inconsistent, not only with the authority of statesmen and judges of the highest eminence, but with the numerous statutes and daily decisions of our judicial tribunals which recognise this property: further, it is property which the Government of Great Britain not only encouraged the Colonists to purchase, but the Government prohibited them from imposing any restraints on its acquisition. The Colonists have paid the people of England the price of this property—they hold it under the Law of England, and they are entitled to all the protection which that law gives to every British subject in the enjoyment of his property. The preceding Government, in sanctioning the former Order in Council, anticipated that in the determined hostility towards the Colonies, evinced by certain societies in England, it was possible that voluntary contributions might be raised for the purpose of purchasing the freedom of so large a number of the slaves on each property, that those whose freedom was not thus purchased, would be inadequate to the cultivation of the estate, and therefore of no value. It was an object of that Order in Council, by especial provision, to prevent such a design from being effectuated. We observe in the draft of the proposed Order in Council, that this provision is omitted.

In the provisions which it contains for protecting the slaves against maltreatment, we perceive that the owner holds his property at the will of the slave. If he should swear that the owner either exceeded the punishment authorized to be inflicted, or had inflicted it at any other time, or without the presence of witnesses, the owner is subject to conviction; if a second conviction for a repetition of a similar offence should take place, the slave will succeed in putting an end to the relation in which he stood to his owner—he will cease to be his slave—he will be condemned to the Crown; if a third conviction should be obtained, the slave may succeed in withdrawing from their owner all the slaves belonging to him. It is scarcely possible to conceive a stronger temptation presented to the slave population, to attempt by a conspiracy against their owner to dissolve their relation to him, and to support such conspiracy by perjury. The necessary tendency of such a provision is to demoralize the slave population, as well as to deprive His Majesty's subjects resident in the Colonies of that security in which they are entitled to hold their property.

The Order prescribes certain rules of legal presumption in deciding a question of slavery or freedom.—Their effect is to enable a slave, who may have no title whatever to freedom, to bring his action of *Homo Repligiando* against his owner, and instead of giving some proof of his title, to impose on his owner the burthen of proving the slave had no title—in short, to give to every slave bringing an action to assert his freedom, the presumption that he is entitled to that freedom. Such a provision is repugnant to the first principles of justice, which require that he who asserts a claim should himself establish that claim—it proceeds on the unfounded supposition, that property in slaves is unknown to, and unrecognised by the law of England.

The law of the Colonies, as administered in their courts, adopts a principle, which, without subverting the foundation of property, gives to him who claims his freedom the fullest protection; for whenever evidence to establish that freedom is doubtful, the presumption is raised in its favor.

To establish the presumption of slavery in the case of an adult, it is required that he should have been in fact, and without interruption, in a state of slavery for twenty years next preceding the term of that inquiry. The effect of this rule is to emancipate not only all those slaves, who after the passing of the Order might have been taken to Great Britain, and afterwards return to the Colony, but also those who at any time within the twenty years had been in Great Britain. This Order will thus establish a rule of law, which is in direct opposition to the well known decision by Lord Stowell, in the case of the slave *Grace*, and will by its *ex post facto* operation destroy a title, which under that decision was perfectly valid.

The regulations which prescribe the clothing and provisions

to be allowed the slave population, as well as the degree of labour to be required from them, evince a want of information of the physical necessities and wishes of the slave population, and unnecessarily subject to additional burthen and loss, the already distressed planter.

Those parts of the proposed Order which we have thus selected, are sufficient to justify us in representing its provisions to be neither compatible with the well being of the slaves, nor with the safety of the Colonies, nor with a fair and equitable consideration of the interests of property.

These are the only principles on which the Parliament or preceding Administrations desired that legislation for the slave population should proceed; but the proposed Order in Council violates all and each of these principles.

It will be regarded as an aggravation of the feelings which these regulations must excite, that the period selected for urging their adoption is one, when the Colonies are labouring under the severest financial distresses, for which they can obtain no relief from His Majesty's Government, and when their slaves are under the influence of so much excitement and delusion as to render it necessary that Government should instruct the Governors of Colonies to adopt a language which might remove that excitement and delusion, but which the announcement of their regulations will only tend to confirm and increase.

We consider it our duty to express to their Lordships our decided conviction, that the Colonial Legislatures will not adopt them, and that His Majesty's Government, in recommending their adoption, will add to the grievances of which the Colonists already complain, and confirm the apprehensions which they have not scrupled to express, that they have ceased to be the objects of the protection of the Parent State.

Against these regulations, with all the respect which we owe their Lordships, but with all the earnestness which the present alarming crisis demands from us, we make this our protest, and we accompany it with the expression of our sincere conviction, that they place in jeopardy the peace, the security, and the prosperity of the Colonies, and with them the best interests of the British Empire.

We have the honor to be, &c.

WM. BURGE,
J. P. MAYERS,
A. BROWNE,
J. COLQUHOUN.

To

C. C. Greville, Esq.
&c. &c. &c.

Richmond Terrace, 6th October, 1831.

My Lord;—I have been favoured with the perusal of an Order in Council, proposed to be issued by authority of His Majesty, the preamble of which sets forth: “That it is expedient that provision be made for improving the condition of the Slaves in His Majesty’s Colonies of Trinidad, British Guiana, St. Lucia, the Cape of Good Hope, and Mauritius.” And that preamble is followed by no less than 122 clauses or enactments, by which it is proposed that this Order in Council shall be carried into effect. Having been appointed by the inhabitants of the Colony of Mauritius to represent their interests in England, I take leave to approach your Lordship, humbly to submit the reasons which influence me most distinctly and positively to protest against that Order in Council being extended to the Colony of Mauritius. I object to the preamble. In justice and true policy it ought to have run thus: “Whereas it is expedient that provision be made for improving the condition of the *Owners* of Slaves in His Majesty’s Colonies of Trinidad, &c., and through their means and instrumentality, to improve the condition of the Slaves themselves.” This I admit would be an important alteration, because it would make it incumbent upon His Majesty’s Government to inquire and investigate, before they took upon themselves to decide and to legislate. The mode of investigation that has been demanded as an act of impartial justice at your Lordship’s hands, is a Committee of the House of Peers; and I am at a loss to conjecture upon what grounds it can be refused. I believe it will not. The preference of a Committee of the House of Peers over a Committee of the House of Commons is obvious, from the testimony being upon oath, and the greater freedom from the influence of popular error and prejudice. Such a Committee would probably find that the proprietors of slave Colonies are rapidly approaching to a state of bankruptcy and ruin; that the low price of their produce leaves not only no profit, but a positive loss, without any allowance for interest to mortgagees, to the payment of which almost all the property in the Colonies is subject. The Committee would probably trace the great fall in the price of sugar in Europe, to the unrestrained foreign slave trade, which has furnished labour without limit, to the foreign sugar Colonies, and at a rate which does not extend to half the cost of ours; and all this, contrary to positive treaties in many instances, and in all, to professed understandings come to upon the subject, by Governments who have hitherto done nothing to enforce their own regulations. It will be found, that since the abolition of the Slave Trade by England, the endeavours to make that law applicable to other countries, and the regulations which have from time to time been attempted, has cost us not much short of ten millions of money;—that the number of slaves imported into foreign Colonies, since they ceased to be introduced into ours, amounts very nearly to the whole number existing in our own,

and that the trade has been carried on with a reckless cruelty and horror, unknown in times when this (however unjustly) was held by all nations to be a legitimate traffic.

The general character of this trade, as now carried on, being without check or regulation, involves a system of atrocious cruelty unheard of even amongst the most savage people; and that it is unrestricted and unrestrained, there is abundant proof.

A captain of a trading ship, consigned to my house, arrived two days ago from Havana, of intelligent and respectable character, and delivered me a written statement of his observations during his stay there of three weeks. The following is an extract:

“ That the slave trade is carried on in Cuba, with the
 “ sanction, or at least with the knowledge of the Government,
 “ there can be no doubt. Six or seven vessels sailed from
 “ Havana during my stay there. They clear for every port.
 “ All that the Government look to, is to have the duties paid,
 “ which amount from 30 to 40 per cent. On their return, their
 “ live cargoes are landed at some out-port or harbour, and from
 “ thence they are distributed throughout the Island to the
 “ highest bidder; and it is just as common to see a new negro
 “ in the streets of Havana, as to see a creole in the streets of
 “ Kingston, Jamaica. After these slave vessels land their
 “ cargoes, they proceed to Havana, and report from any port
 “ they please in ballast. Two vessels of this description arrived
 “ in Havana in August; the one, a brig, called the Eagle, the
 “ other, a ship, called the Fama. The former landed her cargo
 “ entire at Matanzas, and consisted of about 850 negroes; this
 “ vessel is about 230 to 240 tons. The latter landed her cargo to
 “ leeward, and reported upon her arrival by the name of the Mon-
 “ tezuma. She left the coast with nearly 1000 slaves on board; she
 “ is between 350 and 400 tons. During the voyage to Cuba she
 “ ran short of provisions, and to prevent them from eating
 “ one another, they committed upwards of 100 of them to a
 “ watery grave. Such is a brief sketch of the slave trade
 “ carried on in the Island of Cuba; but to go further would
 “ make humanity shudder. The price of a new negro, when
 “ I left, was 80 dollars, or about £16 10s.

Unless the treaties with foreign countries can be enforced so as to put an effectual stop to this trade, humanity requires that they should without a moment's delay be abrogated; for so long as the trade is illegitimate, and yet practised to an extent that would not be exceeded if sanctioned by law, the plans adopted to elude detection and capture necessarily entail a system of cruelty, that there would be no motive to practise if the trade were openly permitted. This, as far as humanity is concerned, would be greatly the least evil. But is there no

way of effectually putting an end to this trade? Yes, there is—a mutual right of search, and making the crime piracy, and the punishment death. But this might involve war—take the chance. Declare that to be the determination of England;—in the present state of feeling in France at least, such a determination would not be resisted, and the opposition of Spain and Brazil might be held of very small account, seeing that you would be only doing for them that which they have engaged to do for themselves.

Such a Committee would probable find, that through the breach of positive treaties by some, and of a like positive understanding with other powers, the production of sugar has been pushed to an extent, and has been cultivated at a price, which in neither case has admitted of any fair competition on the part of the British Colonist: that by these means the British people are consuming their sugars at a less than cost price; and that if this great interest is to be protected from absolute and immediate destruction, they must burthen themselves with the payment of a bounty upon the refined article, to enable us to obtain a foreign market for our surplus produce. France does so, and to an extent that would do more than suffice to answer our object. Bounties may be contrary to principle, but there may be exceptions, and the case in point is one, where a great national interest is to be sustained, and time given for its restoration. By law and policy, the home market is, and ought to be, a close monopoly; and yet a strenuous attempt has been made, upon no justifiable ground, to interfere with it, by introducing into refinery here the sugar of foreign slave trading Colonies. A very unintelligible reason is given by the leader of the Anti-Colonial party in the House of Commons, for his vote in favour of this measure, viz. to diminish slave labour, and to encourage that at home which is free. Now the honourable member, who is abundantly intelligent in the various mixtures and decomposition of matter, must have known that the sugar in Cuba and Brazils is all clayed, which is a process of refining; and that the reason why the sugar in our Colonies is not subjected to the same process is, that the slave labour attending it is so great, that at the cost of our labour we cannot afford it.

The question is admitted to be a fair matter of controversy; but if there be any doubt, that doubt ought to be thrown into the scale of our own sugar Colonies.

Such a Committee would probable inquire and report whether it be possible, in the nature of things, that when the master is himself reduced to poverty and distress, and when the labour of his servant becomes unprofitable, that servant can be maintained in the same ease and comfort, or whether he must not of necessity become participator in the fate and circum-

stances of his master ; as well as whether in cases such as that of many of the old islands, whose soil is exhausted, it may not be advantageous both to the master and the slave, to permit the removal, under proper regulations, of portions of the black populations to some of our more recently acquired possessions, the soil of which is more fertile and productive.

The Committee upon inquiry will find, that the late arrangement with the United States has (as was foretold by those who knew the subject) turned out to be very prejudicial to the Colonies. In return for their lumber and provisions, they do not take, and cannot possibly take, one article of produce. By the fiscal laws of America, the duties levied upon sugar, rum, and molasses, amount to a positive prohibition ; whereas, previous to this falsely called reciprocity treaty, lumber and provisions were supplied from Canada and Nova Scotia, and were paid for in our colonial produce, the entire trade being carried on in British shipping.

The Committee doubtless would investigate somewhat into the principles which govern the trade in sugar, on the part of different European nations, having no Colonies of their own, and they would find, that from almost all these nations our sugar is in a great degree excluded, more especially from Russia, of whose raw produce we take by far the greatest proportion.

It would doubtless become a subject of serious deliberation, whether we have not pushed the liberal system a point too far, and whether it would not be a wise, as unquestionably is a justifiable policy, to deal with others as they deal with us.

I come now to the last branch of the inquiry, and the most important—the proposed Order in Council. The most important, because I am confident in its various details it will be found impracticable, and if attempted and persisted in, will inevitably lead to the loss of those Colonies by the Crown of England. But still I am willing to admit, that, because of the outcry which prevails upon the subject of slavery, it becomes not only desirable, but necessary, that the Government should take effectual means to inform themselves and the public how far the system is compatible with, or repugnant to, the comfort and happiness of man in that state of society, and whether he be doomed to a greater portion of labour, privation, and punishment, than is necessary for the due and proper control of human action while under slavery ; never leaving out of view the rights of property, and the well-being of the slaves themselves. If general manumission be the object, and if the object of manumission be solely and entirely (and it is impossible to suppose it can be any other) to raise the negro in the scale of human hap-

pinness, inquiry will doubtless be made, from observation and experience, how that end will best be obtained; and, as the Government have ordained that all their own slaves shall be free, the experiment, upon a limited scale, will have a fair trial. But this is not all—as the mass of misery in slave Colonies is the question, (assuming that slavery is misery, which, however, I only admit for sake of argument,) is it quite sure that, by liberating our negroes, that mass will be diminished, or only transferred to foreign Colonies, very unlikely to follow our example? But I suspect—I more than suspect—that humanity has nothing whatever to do with the question on the part of those who are agitating it. It is to satisfy a principle, and that principle is put forth to sustain a league, whose aim and object extend far beyond what it professes. This also will become an object of inquiry, that the public may know how far the party in question are pursuing their ends, whatever they may be, by justifiable means.

In all or most of the Crown Colonies, I believe there are already protectors of slaves, and there are besides schismatics of all denominations, and missionaries of every hue and variety of character, mingling with their religious instruction a constant and perpetual meddling with the temporal affairs of the negro, engendering discontent, and consequent disobedience, which not unfrequently leads to the necessity for punishment. The good or evil of the office of protector depends much upon the manner in which it is administered. It is an advertisement for grievances; it may protect the slave, but the great latitude which is given to the power of the protector, and the credence which it is proposed shall be given to the accusing party, the slave in his evidence exposes the master to the greatest peril in his person, his property, and his character. It is ordained by the Law of England, that to make testimony upon oath valid, the deponent must understand the nature of an oath. Is this the condition of the negro mind? Not of one in a thousand. From the whole of the machinery in this part of the Order, it is most evident that it is composed upon fancy, by those who are totally and entirely unacquainted with the state of society in the slave Colonies; and *that* the Committee would discover upon investigation.

With regard to Sunday markets, if the purpose of the clause be to fix the Protestant Faith as an universal standard, then undoubtedly the discipline of our church becomes part and parcel of the law; but how can this apply to Mauritius, Trinidad and St. Lucia, where the religion, imperfectly known and practised of any kind, is the Roman Catholic? and does this strict prohibition prevail in any Catholic country whatever? In practice, Sunday is the day of relaxation and amusement throughout the whole of the Colonies, Protestant and Catholic,

and the market is a rendezvous for two objects; first for the sale, by the negro, of his little superfluities, and the purchase of such objects of fancy or necessity as he can bring within his reach; and secondly, he crowns the day by spending the remainder of it in pursuits of gaiety and hilarity, not more sought or enjoyed in any state of society, however sedulous in the pursuit, or refined in its gratification.

The Order in Council proposes to devote this day to hopeless and unenviable idleness, and to substitute another for it, which abstracts a day from the labour due to the master, without affording any concomitant advantage or enjoyment to the slave. It will be obvious that this is at once an abstraction of one-sixth of the labour of the slave, and consequently of one-sixth of his value. Is this interfering with the rights of property? Must not the strength upon an estate be increased in that proportion? and does not this regulation incur the hazard of a greater proportion of labour being exacted? and is the condition of the planter so affluent as to enable him to spare so large a fraction of his produce?

With regard to the whip as an emblem of authority, it may be observed, "Speak daggers, but do not use them!"—This is the practice and the fact, with occasional exceptions; but in a population so prone to indolence and idleness, as are all the negro race, it may be fairly doubted, whether in the absence of coercive influence, any other can take its place which, while adapted for the object, shall be so harmless in the application.

The whole subject of compulsory manumission involves great difficulty, not only in point of principle, but in the details by which it is to be accompanied and accomplished. A slave is the property of his owner,—he is so by the law, as much as the soil upon which his labour is employed. By what legal authority then, or by what approximation as to the rights of property, can the owner, contrary to his will and consent, be deprived of his property in the slave? The only class of slaves who are at all likely to be able, or to desire to purchase their freedom, are the tradesmen upon a plantation, such as millwrights, carpenters, masons, blacksmiths, &c., and some expert household servants; and how can an owner, without material injury and inconvenience, be deprived of the services of such? And how difficult must it be to estimate the value, without imposing an exorbitant price upon the slave. The law which interdicts the voluntary manumission of slaves by will or otherwise, in the two extremes of youth and age, without providing for their maintenance, is already the law in Mauritius, and perhaps in other Colonies; but of that I am not certain. But all experience proves, that liberated slaves of all

ages and conditions, almost invariably sink into a life of vagabondage, and one way or other become a scandal and a burthen to the community; a charge from which the community ought to be relieved and indemnified, when they are forced to the regulation against their will, and contrary to their conviction. But supposing that in the progress of time, any considerable proportion of the blacks were to become free, what assurance would there be that those who were left in a state of slavery would continue in it? Would people of the same colour, of the same class, and the same occupations, long admit of a distinction of rights; and would they not seek an equality, even through rebellion, blood, and massacre, and the total exclusion or annihilation of the whites? Is this what is sought, or what is hazarded; and can this risk be run by any set of men calling themselves statesmen?

But let us take another view of compulsory manumission. The greatest, by far the greatest, portion of the property in the Colonies is under mortgage to capitalists resident in England. Their capital has been loaned upon the faith and the security of the existing law.

By what right then, short of the invasion of all legal rights for the security of property, can the Government take into their own hands to change, modify, or alter the nature of the property upon which the capital has been lent? It will be admitted that the slaves upon an estate constitute the value, and upon the composition of the mass of the slaves materially depends the advantageous cultivation of the land. What right therefore has the Government, by an arbitrary law, to which the party interested is not consenting, to command the abstraction upon any terms of any portion of the labouring population?

The proposed Order in Council directs, that the money arising from the sale of slaves shall be deposited, until the right of the parties shall be ascertained, and that until it shall be withdrawn five per cent. interest shall be assured. How will this answer in Mauritius, where the lowest interest upon mortgage is nine per cent. and not unfrequently twelve? How is this account to be settled equitably betwixt the Colony, the proprietor, and the mortgagee? And in what manner is the treasurer of the Colony to remunerate the financial department for this disbursement of five per cent, unless he takes upon himself to make loans upon mortgage, to lend to individuals, or to invest in the public funds of England, which is a speculation yielding an inferior rate of interest, as in the purchase of Exchequer Bills yielding two per cent.? The more that the principle of this proposed enactment, and the details by which it is proposed to be effected, are investigated, the more it will be demonstrated to be both unjust and impracticable.

With regard to section 87, "Who are to be considered slaves," as far as concerns Mauritius, that point was settled by your Lordship. Whether the details are in accordance with the arrangements which were mutually agreed upon betwixt your Lordship and an agent then residing in England, sent hither for the express purpose of settling that and other subjects of difference, I do not profess to know, but from that arrangement, whatever it may be, I think I am warranted in saying that you cannot depart.

From clause 88 to clause 122, the proposed Order is entirely occupied by regulations for the labour and maintenance of the slaves, comprising a Code of Laws the most onerous, the most arbitrary, and the most impracticable that can any where be found. This is indeed the rage for legislation; but it is legislation in favour of one side, without considering the rights of the other. It is taking away all power and dominion over the slave, and making his conduct independent of the master; transferring the authority of the latter to be swayed and controlled at the will of another, for whose punishment, in the case of abuse, there appears to be no adequate provision.

With regard to the stipulated hours of labour and recreation, I believe they do not materially differ from those which are nearly universal in practice already; but upon sugar estates, as in every species of cultivation, whether Tropical or European, there are certain periods of the crop which require more urgent attention and greater labour, which may necessarily justify an exception to the rule; but the present Order admits of no exceptions. Perhaps it may serve the purposes of elucidation and contrast, to refer to and compare the intensity of labour in the manufacturing population of England and Scotland, and its duration by night and by day, as well as the intensity and duration of the labour of the husbandman at certain seasons of the year. I will not allude to Ireland further than to say, that if the peasantry of that Country enjoy the freedom of will, which I doubt, they sink infinitely below the black population of the Colonies in every other human enjoyment. But this is not all; has the peasantry of these Kingdoms such a bill of fare presented to them as that which is provided for the blacks in the Colonies? Are they so clothed and fed and lodged and cared for in sickness, in infancy, and in age; and has each of them half an acre of land set apart for his use? Let us look to the labouring population of every European country, even those under the most favourable circumstances, and see whether any of them are, or can be afforded to be maintained in the manner proposed: or has the Government of any of those countries framed such a Code of Laws to regulate the labour and the sustenance of the people; for several of these countries have a slave population? This is, however, admitted to be di-

gression, and is brought into view as illustrative of the comparative condition of the comforts of the labouring population in our tropical Colonies, when placed in juxtaposition with that of Europe.

But the question is, are these new regulations necessary, or are they meet to secure a treatment befitting the station of a labourer in those Colonies, whose condition is that of slavery. This is a question of the greatest importance for the investigation of a Committee, who, doubtless, would form their report, not upon the condition of a free and educated people living in a state of regulated society in England, but upon the condition of a semi-barbarous race of men, born in, and accustomed to, servitude, not paid or hired, but of necessity made to labour, not less for the subsistence of themselves, than for that of their master.

The Committee would take into its consideration the climate, the habits of the people, their usual and accustomed food and raiment, before they undertook to recommend legislation, which has for its object to take from the master all discretion as to the materials of which that food and raiment shall be composed. With regard to clothing and diet for the people, there is no uniformity in these kingdoms even, nor in any part of Europe, and the same deviations prevail in many of the Colonies; in these respects most of them differing from each other, and yet this Order in Council commands the same supplies for Demerara, and Mauritius, and the Cape of Good Hope: for instance, the chief food of the Mauritius is rice, not mentioned at all in the Order of Council. Shoes are ordered, and yet it is believed that hardly an example is to be found of any negro ever having worn them. The Slaves shall be provided with the means of preserving the food delivered to them from week to week, and properly preparing the same for human food. How can it be supposed that the slaves are not already provided with such articles of convenience and necessity? But indeed the whole of these details are so disgustingly minute, that no planter or proprietor of slaves can peruse them without feeling himself disgraced and degraded in the scale of human nature; providing that, by legal enactments and penalties, which (putting his own interest out of the question) must be the first care of every man who has the least sense of propriety or feeling of humanity, these increasing, constant, and never-ending regulations, disturb the whole frame of society in the Colonies, engender a spirit of insubordination and discontent among the slaves, without benefitting them, and create a feeling of disgust and repugnance at the undue interference and exercise of authority on the part of the Government, which threatens, at no distant period, to involve the whole in rebellion and civil war.

But is your Lordship quite certain that an Order in Council can legitimately be made the law of the land in certain Colonies? I am informed, certainly not in Demerara; that Colony capitulated upon the recognized conditions, that the Court of Policy was, and must continue to be the *law-making power*, and an Order in Council, according to the existing Constitution, cannot be Law until sanctioned by that tribunal. Your Lordship is doubtless better informed than I can be, but this is my construction of the legal opinions which I have read upon the subject.

Holland has a deep interest, and as I have already apprized your Lordship, is suffering the deepest apprehension and anxiety upon the subject.

I am aware that I have written with great freedom—I hope without offence, and I throw myself on your Lordship's indulgence.

I have the honour to be, &c,

(Signed) JOHN IRVING.

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

Since writing the foregoing, a Committee of the House of Commons has been appointed to examine into the commercial state of the West India Colonies; but this does not make a Committee of the Lords less urgently necessary to inquire into their political condition, which I trust will receive your Lordship's support.

No. V.

COPY of a CIRCULAR DISPATCH from Viscount *Goderick* to the Governor of Trinidad, British Guiana, St. Lucia, Mauritius, and the Cape of Good Hope.

Downing Street, 14th November, 1831.

Sir;—In my despatch of the 5th Instant, transmitting to you copies of the Orders of His Majesty in Council of the 2nd Instant, for improving the condition of the slaves in the Colony under your government, I adverted only to the general principles by which His Majesty's Government had been actuated in the advice humbly tendered by them to His Majesty on that occasion. My present object is to call your attention to those particular duties which the second of the Orders in question imposes upon yourself.

On collating the Order of the 2nd of November, 1831, with that of the 2nd of 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. The reasons which dictated this change of policy may partly be inferred from the printed Parliamentary Papers, containing the correspondence between the Governors and this Department, and pointing out the manner in which the designs of His late Majesty, in the promulgation of the former law, had, in many respects, been defeated by ill-considered proclamations, issued under its authority. An additional reason for withholding, as far as possible, this subordinate power, was the desire of securing the Governors from solicitations, which it might be alike necessary and difficult for them to resist. It has been my careful study to narrow your discretion, and proportionably to diminish your responsibility, as far as possible, on the present occasion, because nothing can be at once more painful in itself, or more injurious to the great object with a view to which the Order has been framed, than the species of discussion between the Secretary of State and the heads of the local governments, to which the last Order gave birth.

But while thus exempting you from the responsibility of originating certain subsidiary enactments, it is most remote from my design to decline, or to depreciate, the value of your assistance in carrying the Order into effect. On the contrary, I regard that assistance as absolutely indispensable to the success of the whole design. If my despatch of the 5th instant should fail to convince you of the importance which the Ministers of the Crown attach to the observance and complete execution of this Order, I have no language which could adequately convey that impression.

But I persuade myself that there is no serious danger of my being misunderstood on this occasion. It is in the spirit of the most perfect respect for your person, and of reliance on

your judgment, that I acquaint you that His Majesty will expect from the Governors of all His Colonies, not a mere acquiescence in the provisions of this Order, but a zealous, energetic, and persevering effort to carry it into complete effect ; and to surmount those difficulties of which, in my despatch of the 5th instant, I have avowed my full anticipation. I will not contemplate what I trust may be esteemed the most improbable contingency of any Governor adopting a contrary course, and yielding himself to those panics and discontents which it is his first duty to allay ; for I could scarcely advert to that topic without using the language of warning in a manner which might, if not properly understood, be supposed to imply an undue distrust.

The 40th Clause of the Order has delegated to you the regulation of the punishments which are to be inflicted on females in substitution for the punishment of the whip. I cannot but direct your most careful attention to the manner in which this power shall be exercised. It has been stated in an official report from the Protector of slaves at St. Lucia, and in other ways, that the punishments to which women have been subjected since the promulgation of the Law of February, 1830, have been even more cruel and more degrading than those from which it rescued them. The field stocks are especially mentioned as instruments of torture, such as, in Europe, the vilest criminals are no longer permitted to undergo. Whatever may be the accuracy of these statements, they at least suggest a caution of the highest importance. They point out the possibility of a very gross abuse, the responsibility for which would rest altogether with the Governor who had authorised the use of such modes of punishment. In the proclamation which it may be your duty to issue on this subject, you will most exactly bear in mind the injunction contained in the 40th Clause of the Order which requires you to “ 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 to make all such rules and regulations as may be necessary for preventing and punishing any abuses in the infliction of such substituted punishments.”

In carrying these powers into effect, it will be fit that no punishment subjecting women to direct bodily pain should be sanctioned, except as a last resource in cases of contumacious resistance to lawful authority ; or in cases where the offence may be such as to imply unusual moral debasement on the part of the offender. For the crimes of insolence, neglect of work, disobedience to orders, lateness in coming to work, abusive language, violence of demeanour, and many others of the domestic offences which fill the catalogue of a Protector's half yearly

return, personal chastisement by confinement in the stocks is scarcely a more inappropriate punishment than the whip itself. In these cases inflictions must be resorted to, which suppose the existence of the sense of shame, and which may operate rather on the mind than the body of the sufferer; or, if bodily privations be necessary, they may be found in some temporary change of diet, or in some privation of the personal freedom of the offender, during her hours of intermission from labour. The stocks, if it be really necessary to resort to them at all, must be reserved for the graver offences of drunkenness, marooning, and similar delinquencies, which indicate a character more than usually reckless of the opinion of those with whom the offender associates. Even in such cases, you will not permit the employment of stocks as an instrument of punishment, without a most minute regulation of their shape and size, and of the duration of the punishment, and of the intervals which must elapse between successive punishments. For example, there should be a model for the stocks to be used, which model should be carefully inspected and approved by yourself, the Chief Justice, and the Protector of Slaves; and every deviation from that model, on the side of increased severity, should be declared unauthorized and punished as illegal.

It is not without a full sense of the difficulty of the task I thus impose on you that I issue these instructions; and I am fully prepared for the answer with which I am already so familiar, that such distinctions as these are the growth of mere theory, and would never be regarded as either important or practicable by any one who had a personal acquaintance with Slavery as it actually exists in the British Colonies. I must, therefore, say by anticipation, that neither the difficulty nor the supposed unfitness of this undertaking will be accepted by His Majesty's Government as an apology for declining it. They strictly require that the attempt thus to regulate the personal punishment of women by the domestic authority of their owners should be made, and that the result of that experiment should be fully and fairly ascertained. It will be time enough to abandon the enterprise as hopeless, when some sufficient practical proof shall be brought in aid of the theories (for such they are), which suppose it impossible that women, in a state of slavery, should be kept in proper discipline by more gentle methods than those of the whip and the stocks.

The one hundredth clause of the Order authorizes the attendance of slaves at all places of public worship, with certain restrictions as to the distances to which slaves may resort for that purpose, and the hours during which they may, on any such ground, absent themselves from the plantations to which they belong. To avoid the possible abuse of persons claiming

to officiate as religious teachers amongst the slaves, who, from their personal character, or total want of education, might be evidently unfit for the performance of such a duty, it is required that every such teacher shall be in possession of a licence, either from the Governor or from the Secretary of State. However necessary it may be to discourage the presumption of ignorant men assuming to themselves this sacred office, it is not less important to manifest a spirit of the utmost tolerance towards any teachers whose motives may be upright, and whose ministrations may be acceptable to the slaves, however much their attainments may fall below the standard to which a clergyman of the Established Church is usually expected to attain. It cannot be too distinctly remembered, that for the conversion of persons who must unhappily be numbered amongst heathen, an ardent zeal for the diffusion of Christian knowledge is the first and all essential requisite ; and that very many exemplary men may be deficient in those popular arts, by which, in religion, as in other subjects, uncultivated minds are most powerfully affected. I am perfectly aware how closely mere folly and extravagance may sometimes approximate in appearance to the ardour of religious zeal, as it is manifested in uncultivated minds, nor can any absolute security be found that the two things will not be mistaken for each other. Your duty will be to encourage as much as possible those religious teachers in whose good sense and sobriety of mind you can place the greatest confidence, and not to refuse your licence to any man of honest intentions and decorous conduct whom the slaves themselves may be disposed to receive as a teacher. I confidently anticipate your concurrence in the opinion that much as the extension of that Church of which we are both members is to be desired, the propagation of Christian knowledge, under any form of church government, or with whatever infusion of error in subordinate questions, is incomparably to be preferred to that state of heathen darkness in which the slaves in our Colonies have for so long a course of years been permitted to live.

From the 110th to the 114th sections of the Order will be found the rules which are laid down on the highly important subject of the recovery of fines and penalties. The great object has been to establish a summary jurisdiction, in which, without any formidable delay or expence, the law for the protection of the slaves may be enforced and rendered effectual. 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 causes combined. The real difficulty has been to discover competent persons into whose hands the exercise of the summary jurisdiction might be committed. The changes which have recently been made in the constitution of the supreme tribunals in all the

Colonies to which this Order extends, will now obviate this difficulty. The judges in all those courts being now lawyers by profession, and being by the tenure of their offices incapable of becoming the proprietors of slaves, are the most unexceptionable persons into whose hands such a trust as the present could be committed. They will exercise it separately and individually. As, however, it may happen that the number of judges may be inadequate to this duty, or that in remote situations they may not be sufficiently accessible, the judge or judge-surrogate of any Court of Vice Admiralty is invested with a similar jurisdiction, and you are authorized, within particular districts, to commit the exercise of the same power to other subordinate officers of justice. The decisions of the judges will be final and without appeal, and those of the subordinate functionaries, to whom you may delegate this power, will be subject to an appeal to the Chief Judge.

In exercising the power of appointing these subordinate judges, you will bear fully in mind how much the efficacy of the whole law must depend upon the proper selection of those who are to exercise this jurisdiction. The power, indeed, must not be exercised at all unless it should be found essential to the prompt and effectual administration of justice, since it would, on every account, be most satisfactory that the interpretation of this Order should, if possible, be left in the hands of the judges of the supreme court exclusively,

The last clause of the Order relates to the time of its promulgation. That event is to take place within one month after it shall have been received by you; and, at the expiration of fourteen days from your proclamation, the Order is to be in force in the Colony. This provision has been transcribed from a corresponding enactment of the Order of February 1830. It has been deemed right that, on so important an occasion as the present, you should be released from all responsibility by being refused all discretion as to the time of promulgating this law. The rule has been laid down in terms thus peremptory, not of course from any distrust of the Governors of His Majesty's Colonies, but from the conviction that if any choice had been left to them as to the promulgation or suspension of this Order, they would have been assailed with solicitations to which it might have been most difficult, if not indeed impossible, for them to make an effectual resistance.

I have the honor to be, &c.
 (Signed) GODERICH

COPY of a CIRCULAR DESPATCH from Viscount Goderich to the Governors of Trinidad, British Guiana, St. Lucia, the Cape of Good Hope, and the Mauritius, dated Downing Street, 17th November, 1831.

Downing Street,
17th November, 1831.

Sir,

In reference to my despatches of the 5th and 14th Instants, and to the Orders in Council of His Majesty of the 2d instant, to which those despatches refer, I have to call your attention to a subject of great importance connected with the improvement of the Law of Slavery.

The relation of master and slave gives birth to a variety of duties to be performed by each of the parties towards the other, and to certain duties owing by either party to the State, which have no place in societies in which the institution of Slavery is unknown. For example, the slave owes to his owner a degree and a description of personal respect which no free man is bound to observe towards another. For the general safety and peace of society, it is necessary that the law should enforce the performance by punishing the breach of this obligation. Thus, if a slave should commit an assault on his owner's person, the act assumes a character far more serious than if both the parties were free and independent of each other. For if the bonds of subordination were once relaxed to this extent with impunity, the whole basis would be subverted upon which the superstructure of society, in such countries, rests.

In framing penal laws every legislature must have regard as much to the danger of particular actions as to their moral turpitude; or rather the danger with which they are fraught to the general peace and happiness of the community may be said to be the true and only criterion by which the lawgiver can be guided.

With reference to such views as these, the Statute Books of the British Colonies have been filled with the provisions of a Code peculiar to themselves—a Code defining and denouncing penalties against those actions of which the guilt or danger consists in the servile character of the offender. It is unhappily true that this Code has been so expanded under the excitement of prejudice and alarm, as to embrace a large body of cases which dispassionate reason would have rejected, and it is the concurrent testimony of all the Assemblies that much of their penal statutes for regulating the conduct of slaves have fallen into desuetude, under the influence of increasing knowledge,

and of the more mild and equitable feelings of modern times. But the abuse which has followed upon the attempt to legislate upon this subject is no sufficient reason why such legislation should altogether be declined. Nothing in truth can be more injurious to all parties, or more unfair towards the magistracy themselves, than to leave in their hands a general power of punishing the misconduct of slaves, which the law has not distinctly anticipated and defined.

It is, therefore, essential that in the Colony under your government, a law should be promulgated, ascertaining with all practicable precision what are those actions for which a person, in the state of slavery, may be punished by the magistrate, or by the regular tribunals of the Colony, which are not punishable, when committed, if indeed capable of being committed, by persons in a state of freedom. The maximum and the minimum of punishment in every such case should also be carefully weighed and determined.

With a view to this object you will direct the law officers of the Crown of _____ to prepare for your consideration the draft of such a penal code for the punishment of offences peculiar to slaves, as you may deem it advisable to promulgate; and it should be fully declared that no slave should be liable to be sentenced by any court or magistrate, to any punishment from which free persons are exempt, except for some action denounced as criminal in the proposed law.

When such a draft shall have been prepared in such terms as shall appear to yourself proper, you will propose it to the Legislative Council for their adoption. When passed by them, you will transmit it to me for His Majesty's approbation.

On this subject His Majesty in Council will not at present attempt to originate any law, it being readily admitted that this is a field of legislation, with which gentlemen resident in the Colonies are necessarily much more conversant than any persons residing in England can be; and it being the sincere wish of His Majesty's Government, to interpose by the exercise of direct authority as rarely, and to as small an extent, as the claims of justice and humanity will admit.

I have, &c.
(Signed) GODERICH.
