



Center *for* Research Libraries
GLOBAL RESOURCES NETWORK

The Center for Research Libraries scans to provide digital delivery of its holdings. In some cases problems with the quality of the original document or microfilm reproduction may result in a lower quality scan, but it will be legible. In some cases pages may be damaged or missing. Files include OCR (machine searchable text) when the quality of the scan and the language or format of the text allows.

If preferred, you may request a loan by contacting Center for Research Libraries through your Interlibrary Loan Office.

Rights and usage

Materials digitized by the Center for Research Libraries are intended for the personal educational and research use of students, scholars, and other researchers of the CRL member community. Copyrighted images and texts may not be reproduced, displayed, distributed, broadcast, or downloaded for other purposes without the expressed, written permission of the copyright owner.

Center for Research Libraries

Identifier: 42cbc245-880d-44e2-a487-a2d739394ad2

Range: Scans 501 - 775

Downloaded on: 2022-05-24 22:47:28

— No. 468. —

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor
Sir *Dudley Hill*, K. C. B.

No. 467.

Sir,

Downing-street, 15 March 1836.

I HAVE to acknowledge the receipt of three despatches, enumerated in the margin. 28 December 1835.
12 January 1836.
20 January 1836.

The general question brought under my consideration by these despatches is, to what extent the ordinary justices of the peace in St. Lucia can exercise over the apprenticed labourers a penal jurisdiction. The particular question is, whether Mr. Goodman was properly suspended from office for the exertion of an authority of that nature in opposition to the injunctions contained in your circular letter of the 25th November last?

In my despatch of the 1st February I quoted the language of the Act of Parliament for the Abolition of Slavery, in which the limits of the exclusive jurisdiction of the special magistracy are defined; and I instructed you to issue a further circular, forbidding the interference of the magistrates not having special commissions in all cases to which the 18th section of the Act of Parliament applies.

In the cases mentioned in the despatches under consideration, it appears that the ordinary magistrates undertook to sentence certain apprenticed labourers to whipping on a charge of theft preferred against them by their employers, and this proceeding is defended by referring to the ordinance of the 23d October 1834, by which the office of an ordinary justice of the peace was established, and the duties of that office defined.

On referring to that ordinance I perceive that the 6th clause authorizes the justices to preserve the King's peace, to suppress all riots and affrays, and to disperse all disorderly and tumultuous assemblages. The 7th clause enables them to act as the commissaries commandant might have formerly acted in cases of petty misdemeanors, petty assaults and other breaches of the peace which the justice may in his discretion consider not sufficiently grave to be sent before the judge of police.

It is admitted in the most ample terms that this ordinance did not and could not confer the right to encroach in any degree whatever upon the jurisdiction of the special magistrates. But the justices appear to have thought that, under the comprehensive expression of petty misdemeanors, they were at liberty to convict and punish apprenticed labourers for theft. From that opinion I entirely dissent. The offence itself cannot with any propriety be regarded as a petty misdemeanor. If actually committed it was a grave crime, for which the accused party should have been brought to a regular trial before the Royal Court of St. Lucia. I fear that the gentleman who punished theft when committed by apprenticed labourers as a petty misdemeanor had not sufficiently learnt to regard that class of society as on a footing of legal equality with other persons. No magistrate would, I am persuaded, have viewed the imputation of stealing as a trifling matter if preferred against a man who had never been held in slavery, still less if the subject of the accusation had been a person of European birth or descent. In such a case it would not have failed to occur to the justice that the accused party would suffer far more acutely in his own feelings, and far more severely in his reputation by such a sentence, than he could suffer in his person by the infliction of it. If, unhappily, the sense of self respect, or the desire for the favourable opinion of others, has not yet attained due possession of the minds of the apprenticed labourers, their insensibility, the result of former degradation, cannot convert into a petty misdemeanor, when committed by one of them, an act which would amount to a very grave misdemeanor, if not a felony, when committed by others. Assuredly this system of giving to their offences an extenuating name, in order to bring them within the summary jurisdiction of a single colonial magistrate, can have no tendency to produce a more healthful state of moral feeling amongst the emancipated population.

ST. LUCIA.
—

For these reasons I think that the magistrates usurped in these cases an authority which did not belong to them. They assumed that power under circumstances which ought to have induced more than common caution. The complaints on which they acted were preferred by the employers against their own apprentices, and the terms of Mr. Pupin's letter of the 11th November to Mr. Tisnes were such as should have led that gentleman to hesitate long before he lent himself to a proceeding of which, if the punishment of crime was the professed object, the maintenance of plantation discipline was the manifest purpose. Yet on the same day, and without hearing the accuser, Mr. Pupin, Mr. Tisnes sentenced the accused to 25 stripes and 10 days' hard labour.

In the case of Mr. Goodman it appears that he acted in direct and wilful defiance of your circular instructions. Mr. Goodman states, that the apprentice voluntarily confessed having stolen canes; but the stipendiary magistrate of the district, in his letter of the 16th January, reports, as the result of his inquiries, that the prisoner had denied that charge, and he states that Mr. Goodman ordered the apprentice to be flogged in the public market-place. It is added, that the conviction proceeded entirely on the presumption derived from the fact, that the prisoner was found in possession of the canes, and that he was either unable or unwilling to disclose the name of the person from whom he stated himself to have received them.

Such being the facts, I cannot allow Mr. Goodman to retain his commission; and I approve and confirm your suspension of him; and I authorize and instruct you to tender to Mr. Tisnes the alternative of resigning, or of being deprived of his commission as a justice of the peace. I extremely regret the necessity of adopting any measures of apparent severity towards those gentlemen, but I feel that the general welfare of the colonial society is deeply involved in the inflexible adherence to the principle which Parliament has adopted for securing an impartial administration of justice towards the apprenticed labourers.

I have, &c.

(signed) *Glenelg.*

No. 469.

— No. 469. —

COPY of a DESPATCH from Lieutenant-Governor Sir *Dudley Hill*, K. C. B.,
to Lord *Glenelg.*

My Lord,

Government Office, St. Lucia, 4 May 1836.

WITH reference to your Lordship's despatch, 15th March, on the subject of undue interference on the part of the local magistrates of this colony with the apprenticed labourers, I have the honour of reporting that Mr. Goodman's name has been erased from the list of justices of the peace, and that I have been saved the necessity of adopting the same measures with Mr. Tisnes by that gentleman's resignation.

I have, &c.

(signed) *Dudley Hill*,
Lieutenant-Governor.

TABLE (B.)

RETURN of the NUMBER and EFFECT of the RETURNS of PUNISHMENTS, received by the Governor of St. Lucia, from the SPECIAL MAGISTRATES, from 1st August 1835 to 31st May 1836.

| Colony. | Date. | Total Number of Apprentices throughout the Island, Province or Government. | Total Number of Punishments inflicted under the Authority of Special Magistrates throughout the same. | Proportion per Cent. of Punishments to Apprentices. | Total Number of Males punished. | | Total Number of Females punished. | The Average Number of Stripes inflicted in Cases of Punishment by Whipping. | The Maximum Number of Stripes inflicted in any one Case of Punishment by Whipping. | The Maximum of Severity in any one Case of Punishment by Confinement. | The Maximum of Severity in any other Mode of Punishment. |
|-------------|-----------|--|---|---|---------------------------------|------------------------------|-----------------------------------|---|--|---|---|
| | | | | | By Whipping. | Other-wise than by Whipping. | | | | | |
| ST. LUCIA : | Aug. 1835 | 9,366 | 158 | 1 1/2 | 59 | 23 | 76 | 19 | 30 | 30 days | -- 5 days' pillory of 4 hours per diem. |
| | Sept. - | 9,366 | 137 | 1 1/2 | 25 | 20 | 92* | 21 | 30 | 30 days | -- 6 hours' pillory in a day, and 15 hours' extra labour during the week. |
| | Oct. - | 9,366 | 102 | 1 1/10 | 29 | 27 | 46 | 19 | 30 | 30 days | -- 6 hours' stocks in a day, and 15 hours' extra labour during the week. |
| | Nov. - | 9,366 | 109 | 1 1/2 | 40 | 19 | 50 | 20 | 30 | 30 days | -- 5 days' pillory, and 15 hours' extra labour. |
| | Dec. - | 10,353 | 91 | - 7/10 | 43 | 22 | 26 | 20 | 30 | 30 days | -- 5 days' pillory, of 4 hours per day. |
| | Jan. 1836 | 10,353 | 92 | - 7/10 | 36 | 20 | 36 | 19 | 30 | 30 days' hard labour. | -- 3 days' imprisonment, with pillory. |
| | Feb. - | 10,333 | 64 | - 3/10 | 36 | 6 | 22 | 21 | 30 | 30 days' treadmill and hard labour. | -- 15 hours' extra labour in a week. |
| | Mar. - | 10,095 | 174 | 1 1/2 | 84 | 34 | 56 | 17 | 30 | 30 stripes, with 30 days' hard labour. | -- 6 hours' stocks, and 15 hours' extra labour. |
| | April - | 10,763 | 96 | - 2/10 | 48 | 13 | 35 | 16 | 30 | 30 days' treadmill. | 16 hours' stocks. |
| May - | 10,758 | 80 | - 3/10 | 29 | 20 | 31 | 17 | 30 | 30 stripes, and 5 days' treadmill. | -- 4 days' pillory 4 hours per diem. | |

* Fifty six males were sentenced to labour extra hours in their employers' service, in consequence of idleness and loss of time.

HONDURAS.

HONDURAS.

— No. 470. —

COPY of a DESPATCH from Colonel Cockburn to Lord Glenelg.

No. 470.

My Lord,
 Government House, Honduras, 28 August 1835.
 HAVING received your Lordship's circular despatch of the 15th June, I feel called upon to state, that one of the special magistrates of this settlement, William Maskall, esq., is an inhabitant of the place, and, to a certain extent, say three or four, an owner of apprenticed labourers. He is, however, in my confident belief, actuated by a sincere and anxious wish to do full and ample justice, in every way, to the apprenticed labourers, by insuring to them every privilege and indulgence of the Slave Emancipation Bill. I should part with his services with the deepest regret, and the more so, as I should consider his removal prejudicial to the interests of the apprentices. I cannot, however, consider the circular despatch of the 15th June as applying to Mr. Maskall, because, had it been intended so to do, I am of opinion the same would have been distinctly stated, and that some individual would have been sent out from England, and have replaced him in the charge of his indispensable duties.

For Circular 15 June, vide Papers relative to the Abolition of Slavery, 1833-35, part 2, p. 8.

I have, &c.
 (signed) Francis Cockburn.

HONDURAS.

— No. 471. —

No. 471.

COPY of a DESPATCH from Lord *Glenelg* to Colonel *Cockburn*.

Sir,

Downing-street, 10 November 1835.

I HAVE the honour to acknowledge the receipt of your despatch of the 28th August last, in which you state the reasons which led you to infer that it was not intended that Mr. Maskall, who has hitherto officiated as a stipendiary magistrate, should be included in the operation of the circular despatch of the 15th June last, directing the withdrawal of the special commission from all persons who were in any way connected with colonial property, or interested in apprentice labour.

The object of that despatch being the establishment of a general principle, which should be applied, without qualification, to all the colonies in which the apprenticeship was in force, I regret that I cannot comply with your recommendation, that Mr. Maskall should be allowed to retain his commission. As an owner of apprentices, he comes strictly within the description of individuals whom it was intended to exclude from the special magistracy; and although you may have had every reason to be satisfied with his conduct whilst he has been entrusted with the commission, I could not, consistently with the principle which has been laid down, and which has been acted upon in the cases of other gentlemen who were similarly situated with Mr. Maskall, and whose conduct has been equally unexceptionable, consent to his retaining this appointment.

I had, previously to the receipt of your despatch, made arrangements for sending out a second magistrate to Honduras, who would have replaced Mr. Maskall. You will forthwith, upon his arrival in the settlement, revoke that gentleman's commission, explaining to him most fully the grounds upon which it has been found necessary to dispense with his services, and assuring him of the sense which is entertained by the Government of his merits and his conduct.

I have, &c.
(signed) *Glenelg*.

— No. 472. —

No. 472.

COPY of a DESPATCH from Colonel *Cockburn* to Lord *Glenelg*.

My Lord,

Government House, Honduras, 2 Oct. 1835.

I HAVE the honour to transmit herewith the returns, as called for by your Lordship's circular of 18th June 1835.

I have, &c.
(signed) *Francis Cockburn*.

Vide Papers relative to the Abolition of Slavery, 1836, part 3, p. 5.

Enclosures in No. 472.

(No. 1.)

Enclosures in No. 472.

HONDURAS.—RETURN of the NAMES of SPECIAL or STIPENDIARY MAGISTRATES who have been removed from or resigned their Office; specifying the Reasons for the same.

| N A M E. | DATE of REMOVAL | FROM WHAT CAUSE. |
|-------------------------|-----------------|---|
| William H. Coffin - - - | 8 April 1835 - | By the appointment from home of Joseph C. Grigg, esq. |
| Joseph C. Grigg - - - | 13 Sept. 1835 - | By death. |

(signed) *Francis Cockburn*.

(No. 2.)

HONDURAS.—RETURN of the Number and Nature of the PUNISHMENTS inflicted on the APPRENTICED LABOURERS in this Settlement by the Special Magistrates, from 1 August 1834 to 31 August 1835.

| NAMES. | SEX. | OFFENCE. | SENTENCE. | REMARKS. |
|----------------------|------|---------------------------|--|---------------------|
| Morgan Lewis - - | M. | contumacious disobedience | 14 days' imprisonment and 20 stripes | remitted. |
| Neptune Usher - - | M. | desertion - - - - | 14 days' imprisonment and 15 stripes. | |
| Letitia - - - - | F. | ditto - - - - | 7 days' imprisonment and 2 hours in the stocks. | |
| Grace Hickey - - | F. | contumacious disobedience | 1 month imprisonment and 6 times 3 hours in the stocks. | partially remitted. |
| Clara - - - - | F. | ditto - - - - | 1 month imprisonment and 6 times 4 hours in the stocks. | |
| Emma Hume - - - | F. | ditto - - - - | 1 month imprisonment and 5 times 4 hours in the stocks. | |
| Phyllis - - - - | F. | desertion - - - - | 3 weeks' imprisonment and 4 times 4 hours in the stocks. | ditto. |
| Agnes Lamb - - - | F. | ditto - - - - | 1 month imprisonment and 6 times 5 hours in the stocks. | |
| Jem Craig - - - - | M. | contumacious disobedience | 14 days' imprisonment and 24 stripes. | |
| John Coolun - - - | M. | theft - - - - | 1 week imprisonment and 10 stripes. | |
| Phyllis Tate - - - | F. | contumacious disobedience | 1 month imprisonment and 6 times 6 hours in the stocks. | |
| Alick Anderson - - | M. | desertion - - - - | 6 days' imprisonment - - - - | ditto. |
| Sophia August - - - | F. | ditto - - - - | 2 hours in the stocks. | |
| Nancy - - - - | F. | ditto - - - - | 7 days' imprisonment and twice 5 hours in the stocks. | |
| Eleanor - - - - | F. | ditto - - - - | 14 days' imprisonment and 4 times 4 hours in the stocks. | |
| Francis - - - - | M. | ditto - - - - | 15 stripes. | |
| Amelia - - - - | F. | ditto - - - - | 7 days' imprisonment and 2 hours in the stocks. | |
| James - - - - | M. | a vagabond - - - - | 6 days' imprisonment and 30 stripes. | |
| Diana - - - - | F. | contumacious disobedience | 14 days' imprisonment and 4 times 5 hours in the stocks. | ditto. |
| Susanna - - - - | F. | a vagabond - - - - | 14 days' imprisonment and 4 times 5 hours in the stocks. | |
| Judith Jones - - - | F. | contumacious disobedience | 7 days' imprisonment and twice 4 hours in the stocks. | |
| Rose - - - - | F. | assault - - - - | 14 days' imprisonment on bread and water. | ditto. |
| Thomas - - - - | M. | desertion - - - - | 1 week imprisonment and twice 15 stripes. | ditto. |
| Ben Hemmings - - - | M. | theft - - - - | 2 weeks' imprisonment and twice 24 stripes. | |
| Thomas - - - - | M. | a runaway - - - - | 2 days' imprisonment and 15 stripes. | ditto. |
| London - - - - | M. | contumacious disobedience | 1 month imprisonment and twice 24 stripes. | |
| Grace - - - - | F. | ditto - - - - | 4 days' imprisonment on bread and water. | |
| Amelia Courtney - - | F. | breach of the peace - - | 2 hours in the stocks. | ditto. |
| Caroline Potts - - - | F. | ditto - - - - | 1 week imprisonment and twice 4 hours in the stocks. | |
| Frederick - - - - | M. | disobedience - - - - | 7 days' imprisonment and 15 stripes. | ditto. |
| Susannah - - - - | F. | desertion - - - - | 1 month imprisonment and 4 times 6 hours in the stocks. | |
| Jane Hill - - - - | F. | drunkenness - - - - | 1 week imprisonment and 3 times 6 hours in the stocks. | ditto. |
| Belize Tate - - - - | F. | contumacious disobedience | 1 week imprisonment and 3 times 6 hours in the stocks. | |
| Catharine Vernon - - | F. | defamation - - - - | 1 month imprisonment and 4 times 6 hours in the stocks. | |
| Margaret Ferrell - - | F. | a vagabond - - - - | 2 weeks' imprisonment and twice 3 hours in the stocks. | |
| James Hume - - - - | M. | a runaway - - - - | 3 days' imprisonment and twice 15 stripes. | |
| Diana - - - - | F. | contumacious disobedience | 1 week imprisonment on plantains and water. | |
| Nancy Tillet - - - | F. | destroying property - - | 2 weeks' imprisonment and twice 4 hours in stocks. | |
| James Young - - - - | M. | a vagabond - - - - | 3 weeks' imprisonment and 15 stripes. | |

(continued)

| NAMES. | SEX. | OFFENCE. | SENTENCE. | REMARKS. |
|------------------------|------|---------------------------|--|--------------------|
| Margaret Gristock | F. | disobedience - - - | 3 days' imprisonment on plantains and water. | |
| Famie - - - | F. | drunkenness - - - | 7 days' imprisonment on plantains and water. | |
| Tabra - - - | F. | desertion - - - | 2 weeks' imprisonment on plantains and water. | |
| Margaret Ferrell - - - | F. | a vagabond - - - | 12 days' imprisonment on plantains and water. | |
| Jane - - - | F. | contumacious disobedience | 3 days' imprisonment on plantains and water. | |
| Grace - - - | F. | ditto - - - | 10 days' imprisonment on plantains and water. | |
| John - - - | M. | ditto - - - | 10 days' imprisonment on plantains and water. | partially remitted |
| James - - - | M. | ditto - - - | 10 days' imprisonment on plantains and water. | ditto. |
| Robert - - - | M. | ditto - - - | 7 days' imprisonment on plantains and water. | ditto. |
| Henrietta - - - | F. | ditto - - - | 12 days' imprisonment on plantains and water. | |
| Phyllis - - - | F. | ditto - - - | 6 days' imprisonment on plantains and water. | |
| Jenny - - - | F. | ditto - - - | 10 days' imprisonment on plantains and water. | |
| Fanny Bode - - - | F. | ditto - - - | 10 days' imprisonment on plantains and water. | |
| Catherine Bode - - - | F. | ditto - - - | 10 days' imprisonment on plantains and water. | |
| Catherine - - - | F. | a vagabond - - - | 2 weeks' imprisonment and 3 times 6 hours in the stocks. | |
| Thomas - - - | M. | contumacious disobedience | 12 days' imprisonment and 3 times 6 hours in the stocks. | |
| George - - - | M. | ditto - - - | 1 week imprisonment. | |
| Richard - - - | M. | ditto - - - | 12 days' imprisonment on bread and water. | |
| Grace - - - | F. | ditto - - - | 2 weeks' imprisonment and 4 times 6 hours in the stocks. | ditto. |
| Norah - - - | F. | ditto - - - | 2 weeks' imprisonment and 4 times 6 hours in the stocks. | ditto. |
| Baltie Harris - - - | M. | insubordination - - - | 2 months' imprisonment and 24 stripes. | ditto. |
| Robert - - - | M. | contumacious disobedience | 3 days' imprisonment and 15 stripes. | |
| Nicholas - - - | M. | ditto - - - | 1 week imprisonment and 24 stripes. | |
| Cyrus - - - | M. | ditto - - - | 1 week imprisonment and 24 stripes. | ditto. |
| Clerk - - - | M. | ditto - - - | 1 week imprisonment and 24 stripes. | |
| Friday - - - | M. | ditto - - - | 2 weeks' imprisonment and 30 stripes. | |
| Molly - - - | F. | a runaway - - - | 2 weeks' imprisonment and twice 3 hours in the stocks. | remitted. |
| Jeffrey - - - | M. | ditto - - - | 15 stripes. | |
| Catherine Vernon - - - | F. | ditto - - - | 1 month imprisonment and 4 times 6 hours in the stocks. | |
| Ann - - - | F. | ditto - - - | 1 month imprisonment and 4 times 6 hours in the stocks. | |
| Mary Gordon - - - | F. | contumacious disobedience | 1 week imprisonment on bread and water. | |
| Margaret - - - | F. | ditto - - - | 3 days' imprisonment on bread and water. | |
| Ben Hemmings - - - | M. | ditto - - - | 1 month imprisonment and 30 stripes. | |
| Bely - - - | F. | breach of peace - - - | 1 week imprisonment on plantains and water. | |
| Catherine Bode - - - | F. | contumacious disobedience | 1 month imprisonment and 4 times 6 hours in the stocks. | partially remitted |
| Samuel - - - | M. | drunkenness - - - | 1 week imprisonment and 15 stripes. | ditto. |
| Jacob - - - | M. | a vagabond - - - | 12 days' imprisonment on bread and water. | |
| Margaret - - - | F. | a runaway - - - | 1 month imprisonment and 6 times 6 hours stocks. | ditto. |
| Susannah - - - | F. | ditto - - - | 1 month imprisonment and 6 times 6 hours stocks. | ditto. |
| Jemima - - - | F. | ditto - - - | 1 month imprisonment and 4 times 6 hours stocks. | ditto. |
| Rose - - - | F. | ditto - - - | 1 month imprisonment and 4 times 6 hours stocks. | ditto. |
| Eleanor - - - | F. | theft - - - | 3 days' imprisonment on plantains and water. | |
| James - - - | M. | ditto - - - | 15 stripes. | |

| NAMES. | SEX. | OFFENCE. | SENTENCE. | REMARKS. |
|------------------------|------|---------------------------|---|------------------------|
| Samuel - - - | M. | drunkenness - - - | 15 stripes. | |
| Kitty - - - | F. | contumacious disobedience | 10 days' imprisonment on plantains and water. | |
| Grace - - - | F. | ditto - - - - | 6 days' imprisonment on plantains and water. | |
| Charlotte - - - | F. | ditto - - - - | 14 days' imprisonment on plantains and water. | |
| Peter - - - | M. | a vagabond - - - | 15 stripes. | |
| Margaret Ferrell - - - | F. | ditto - - - - | 6 days' imprisonment on bread and water. | |
| Betsy Tench - - - | F. | contumacious disobedience | 3 days' imprisonment and twice 2 hours in the stocks. | |
| Margaret Myvett - - - | F. | ditto - - - - | 2 weeks' imprisonment on plantains and water. | partially remitted. |
| Harriet Tate - - - | F. | riotous conduct - - - | 10 days' imprisonment and twice 2 hours in the stocks. | |
| Susannah - - - | F. | a vagabond - - - | 20 days' imprisonment and twice 2 hours in the stocks. | ditto. |
| Margaret - - - | F. | ditto - - - - | 20 days' imprisonment and twice 6 hours in the stocks. | ditto. |
| Phoebe - - - | F. | desertion - - - - | 7 days' imprisonment on plantains and water. | |
| Maria - - - | F. | a runaway - - - - | 2 weeks' imprisonment and 2 weeks solitary. | ditto. |
| Scotland - - - | M. | contumacious disobedience | 14 days' imprisonment. | |
| Quashie - - - | M. | a runaway - - - - | 1 month imprisonment and twice 15 stripes. | |
| Susannah - - - | F. | ditto - - - - | 10 days' imprisonment on bread and water. | ditto. |
| Jonathan - - - | M. | ditto - - - - | 1 month imprisonment and 30 stripes | remitted. |
| Ann - - - | F. | a vagabond - - - - | 1 week imprisonment and 1 week solitary. | |
| Kitty - - - | F. | contumacious disobedience | 3 weeks' imprisonment and 1 week solitary. | |
| Bob - - - | M. | a runaway - - - - | 1 month imprisonment and 30 stripes | partially remitted. |
| Patience - - - | F. | ditto - - - - | 1 month imprisonment, solitary, on bread and water. | |
| Smart - - - | M. | a vagabond - - - - | 14 days' hard labour and 15 stripes | flagellation remitted. |
| Jenny - - - | F. | ditto - - - - | 1 week hard labour and 1 week solitary. | |
| Mary Gordon - - - | F. | a runaway - - - - | 1 month hard labour solitary on bread and water. | |
| Susannah - - - | F. | ditto - - - - | 2 weeks' hard labour and 2 weeks solitary on plantains and water. | |
| Letitia - - - | F. | contumacious disobedience | 1 week solitary on bread and water. | |
| Joe - - - | M. | a runaway - - - - | 1 month hard labour and twice 15 stripes. | |
| Warwick - - - | M. | drunkenness - - - - | 1 month solitary on bread and water | partially remitted. |
| Friday - - - | M. | a vagabond - - - - | 1 month hard labour and twice 10 stripes. | ditto. |
| Bill - - - | M. | contumacious disobedience | 1 month solitary on bread and water | ditto. |
| Alick Anderson - - - | M. | a runaway - - - - | 1 month hard labour and twice 15 stripes. | |
| Eleanor - - - | F. | a vagabond - - - - | 6 days' solitary on plantains and water | ditto. |
| Jenny - - - | F. | defamation - - - - | 48 hours' solitary on plantains and water. | |
| Patience - - - | F. | contumacious disobedience | 1 month solitary and 12 times 2 hours in stocks. | |
| Belvie Tate - - - | F. | riotous conduct - - - | 10 days' solitary on bread and water. | |

117 in number.

| | |
|--|-----|
| Note.—Total Males punished by whipping - - - - - | 31 |
| — otherwise than by whipping - - - - - | 12 |
| — Females punished - - - - - | 74 |
| | 117 |

HONDURAS.

RECAPITULATION.

| M A L E S. | | F E M A L E S. | |
|---------------------------|-----------|---------------------------|-----------|
| Contumacious disobedience | 19 | Contumacious disobedience | 30 |
| Desertion | 4 | Desertion | 9 |
| Theft | 4 | Theft | 1 |
| Vagrancy | 6 | Vagrancy | 10 |
| Running away | 7 | Running away | 13 |
| Drunkenness | 3 | Drunkenness | 2 |
| | | Breach of the peace | 3 |
| | | Defamation | 2 |
| | | Riotous conduct | 2 |
| | | Destroying property | 1 |
| | | Assault | 1 |
| TOTAL | 43 | TOTAL | 74 |

(signed) *Wm. Maskall, S. J.*
L. M'Lenan, S. J.

(No. 3.)

HONDURAS.—RETURN of the Names and Number of APPRENTICED LABOURERS who have purchased the unexpired Term of their Apprenticeship, with the several Sums paid for the same; from 1 August 1834 to 30 September 1835.

| N A M E. | Number. | Sums Paid in Honduras Currency. | | | CLASS. | REMARKS. |
|----------------------|-----------|---------------------------------|----------|----------|--------------------------|--|
| | | £. | s. | d. | | |
| Maria Harris | 1 | 100 | — | — | non-prædial. | Thirty-two apprenticed labourers have been absolved from all further servitude gratuitously during the above period. |
| Eleanor Gentle | 2 | 50 | — | — | — | |
| Margaret Myvet & Son | 3 | 40 | — | — | — | |
| Statira Bennet | 4 | 75 | — | — | — | |
| Adam Symonds | 5 | 30 | — | — | — | |
| Daniel Symonds | 6 | 50 | — | — | — | |
| Phœbe Symonds | 7 | 20 | — | — | — | |
| Mary Ann Symonds | 8 | 10 | — | — | — | |
| Primus Symonds | 9 | 10 | — | — | — | |
| Richard Longsworth | 10 | 125 | — | — | -- prædial, un-attached. | |
| TOTAL | 10 | 510 | — | — | | |

Belize, Honduras.

(signed) *S. M'Lenan, Special Justice.*
Wm. Maskall.

(No. 4.)

HONDURAS.—RETURN of INSTRUCTIONS given to the SPECIAL or STIPENDIARY MAGISTRATES, as to the **Extent** and Performance of their Duties.

Vide Papers relative to the Abolition of Slavery, 1833-35, part 2, pp. 245, 246.

THE Slave Abolition Bill, and the Order in Council of 5th June 1834 (subject to the alterations made therein, which alterations were notified to His Majesty's Government in Colonel Cockburn's despatch of 11th August 1834, and approved of in the Secretary of State's despatch of 29th December 1834), have been, and are the sole guide of the special magistrates, who have directions to adhere strictly thereto.

(signed) *Francis Cockburn.*

— No. 473. —

EXTRACT of a DESPATCH from Colonel *Cockburn* to Sir *George Grey*, Bart., dated Honduras, 12 January 1836.

No. 473.

You will, I am sure, be gratified at hearing that our Christmas has passed most satisfactorily. The negroes, one and all, appeared to enjoy their holidays; and one and all have returned to their works happy and contented.

TABLE (B.)

RETURN of the NUMBER and EFFECT of the RETURNS OF PUNISHMENTS received by the Superintendent of *Honduras*, from the Special Magistrates, from 1 September 1835 to 30 April 1836.

| Colony. | Date. | Total Number of Apprentices throughout the Island, Province or Government | Total Number of Punishments inflicted under the authority of Special Magistrates throughout the same. | Proportion per cent. of Punishments to Apprentices. | Total Number of Males Punished. | | Total Number of Females punished. | The Average Number of Stripes inflicted in Cases of Punishment by Whipping. | The Maximum Number of Stripes inflicted in any one Case of Punishment by Whipping. | The Maximum of Severity in any one Case of Punishment by Confinement. | The Maximum of Severity in any other mode of Punishment. |
|-----------|---------------------|---|---|---|---------------------------------|-----------------------------|-----------------------------------|---|--|---|--|
| | | | | | By Whipping. | Otherwise than by Whipping. | | | | | |
| HONDURAS. | 1835 : September | 1,677 | 11 | $\frac{7}{10}$ | 2 | 6 | 3 | 27 | 30 | 1 month, with hard labour. | -- 7 days' solitary confinement on bread and water. |
| | October - | 1,677 | 6 | $\frac{3}{10}$ | - | - | 6 | - | - | 1 month - | 2 weeks' - do. - do. |
| | November | 1,677 | 5 | $\frac{3}{10}$ | - | 1 | 4 | - | - | 1 month, with hard labour. | |
| | December | 1,673 | 3 | $\frac{1}{10}$ | - | 1 | 2 | - | - | 30 days - | 30 days' labour. |
| | 1836 : January - | Returns not received. | | | | | | | | | |
| | February | Returns not received. | | | | | | | | | |
| | March - | Returns not received. | | | | | | | | | |
| | April - | 1,657 | 11 | $\frac{7}{10}$ | - | - | 11 | - | - | 1 month - | -- 1 month, with hard labour. |

BAHAMAS.

B A H A M A S.

— No. 474. —

No. 474. COPY of a DESPATCH from Lieutenant-Governor *Balfour* to Mr. Secretary *T. Spring Rice*.

Sir, Government House, Bahamas, Nassau, 15 Jan. 1835.

I HAVE had under attentive consideration your circular despatch of the 30th of September last.

Vide Papers presented to Parliament relative to the Abolition of Slavery, 1833-35, part 2, p. 7.

With the highest opinion of the importance of that inquiry in which this despatch invites my concurrence, and with the most earnest desire to promote, by every means in my power, the moral and political well-being of the inhabitants of this colony, I confess, nevertheless, that I approach the task with no small distaste. For when I contemplate the very barren nature of the soil, the scattered state, and consequent barbarism of the population, the utter want of capital, and the moral indolence, superinduced by climate and poverty, the latter of which renders men as averse to any new task, by the apprehensions which it creates, as the former does, by the dispositions to which it leads, I am driven to look upon it as almost a hopeless task to attempt to introduce any new object of cultivation into the colony, and to consider it as quite sufficient, and more than easy, to preserve the little which we now enjoy.

Were I to enter into a detail on the first point of those to which the last page of the despatch directs my attention, I should be merely copying the "Export" paper of the Blue Book, in which I caused last year a very full account to be given, dividing the articles which were imported from those which were our own production. On this head, therefore, I shall refer you, Sir, to the Blue Book.

Salt is the staple production of the colony; to making it, the planters in the southern and eastern islands direct all their attention, and, in a dry summer, they make large quantities; but it is a precarious crop, as the fruits of the labourer's toil are not unfrequently destroyed by a few hours' heavy rain, at the season when it is most likely to fall. I own that I look forward with some apprehensions to the future prospects of the salt makers; for the labourer dislikes not only the work, but the islands where the chief ponds lie, and will therefore ask high wages, as an inducement to labour, and, at the same time, the market price of salt will not admit of a high rate of wages: and again, there are some regulations on the subject of salt ponds, to which I drew Mr. Stanley's attention, but on which I have not had the advantage of knowing his opinion, although I received a communication on the subject.

As the attention of the master and the efforts of the labourer are, in making salt, only directed to supplying the ponds or pans as constantly with salt water as evaporation exhausts it, and, when a sufficient quantity of saline crystals appear to be, by frequent evaporations, deposited, to raking and removing them from the pond, salt cannot, with propriety, be called a *manufacture*, and, being therefore excluded, there remains nothing in the results of our productive industry which deserves the name, except the waxen imitations of fruit, which are made in Nassau, and the shell baskets, and ornaments, which are also made here. I believe that if these be admitted, duty free, into England, they might become the means of procuring a livelihood for several families; and the sum raised at present, by the duty on them, is too trifling to allow of a moment's thought.

In the agricultural productions of the Bahamas, cotton bore once a very prominent place; but there is now only one place where it is cultivated. It requires good land and greater care than the planters are disposed to pay, or, indeed, than they have found it profitable to give, from the low price at which the sea-island cotton is sold. However, as Bahama cotton obtains in Liverpool a higher price than

than any other cotton, I am inclined to attribute the loss of this branch of trade as much to the indolence of the planter, as to the deteriorated state of the soil; which latter is the reason generally assigned for it.

The palma christi, or ricinus, grows wild and abundantly throughout the colony; and Lord Rolle sent out a machine for the purpose of expressing the oil, but failed in his object, from the mismanaged state in which his people and estate have ever been. Were the home duty entirely removed from this oil, or from the seeds (if sent home for expression in England), I am inclined to believe that any quantity might be supplied; and as I see no reason why it should not be used in our cloth manufactories, I think it perhaps possible that the sum now paid by England annually to France and Italy for oil might be diverted to this colony; but the duty must first be removed, in order to encourage the planter.

In Andros Island, a large, little known, and almost uncultivated island, to the eastward of this, very large mahogany trees have been found; but as there are no roads, and as the water near its eastern coast is very shallow, the difficulty of removing the trees when felled is so great as to destroy the profit. I am told that in the interior of that island, some large pieces have been lying for several years.

I should be inclined to think that the mulberry tree might be introduced with advantage, and, as a consequence, that the silk-worm might become an inhabitant of the colony; and I had some idea of intending to induce the House of Assembly to vote a premium to the first person who could display a certain quantity of healthy growing plants. On this subject, as well as on the possibility of establishing a convict settlement in some of the salt islands, I mean to converse with Colonel Colebrooke.

In a paper which I had the honour of forwarding lately, I alluded to the position of Stirrup's Key, one of the Berry Islands, as being in the immediate neighbourhood of the track of the American ships bound to the Gulf of Mexico and Cuba. I have since been applied to, to submit to you, Sir, the propriety of making a port of entry there. I believe that if there were a free port there, as there is here, trade might be increased advantageously; and if the passing American vessels were only induced by it to stop, for the sake of obtaining fresh provisions, it would not be without its advantages to the colony.

But a still stronger case may be made out, in favour of establishing a free port at Turk's Island, and in allowing Haitian vessels to enter, as well as others; our vessels trade freely with Haiti, no obstacle to the trade exists here as that established between Haiti and Jamaica, and a more constant intercourse between Turk's Island and that country could not fail of being attended with advantage to both; even supposing any general objections to exist against such an Order in Council as will be necessary for allowing a Haitian vessel to come into any of our ports, yet the peculiar position of Turk's Island would perhaps lead to an exception in its favour: the geographical relation of the two is apparent at a single glance, and it is impossible, in my opinion, to advance any well-founded argument against such a measure, unless upon general principles, affecting more important branches of commerce, and with which I am not acquainted.

I have now, Sir, gone through those points in which I am induced to think some little amendment to the existing state of things may be made, and though it must appear meagre and unsatisfactory, yet I fear that it is not in my power to write in any other manner on this subject.

I have, &c.

(signed) *B. T. Balfour.*

Enclosure in No. 474.

ABSTRACT OF BLUE BOOK.

RETURN OF EXPORTS FROM THE *Bahama Islands*, in 1834.

| ARTICLES EXPORTED. | ESTIMATED VALUE IN STERLING. | | | | | | | | | | | | | | | | | |
|--|------------------------------|----|----|-------------------|----------------|---|------------|---|-------|---------------------------|----|-----------------|----|--------|----|----|----|--------|
| | To Great Britain. | | | BRITISH COLONIES. | | | | | | United States of America. | | Foreign States. | | TOTAL. | | | | |
| | £. | s. | d. | West Indies. | North America. | | Elsewhere. | | £. | s. | d. | £. | s. | d. | £. | s. | d. | |
| BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | |
| Arrow-root, 147 lbs.; bark, 24,950 lbs.; box-wood, 8 tons 18 cwt.; brazilletto, 204 tons 19 cwt.; castor-oil seed, 4 bushels; cocoa nuts, 600; conch shells, 400; cotton wool, 5,170 lbs.; chains, 2; fruit, 3,502 dozen; fruit preserved, 282 lbs.; horseflesh wood, 170 feet; shells and shell work, 10 boxes; lignum vitæ, 183½ tons; logwood, 1 ton; sponge, 40,182 lbs.; sweetmeats, 117½ lbs.; specimen of fruit, 4 boxes; tamarinds, 140 lbs.; turtle, 54,292 lbs.; water jars, 3; wax-fruit, 3 boxes; yellow-wood, 83,091 feet | 6,017 | 17 | 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 6,017 |
| IMPORTED GOODS | 36,042 | 18 | 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 36,042 |
| BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | |
| Cedar, 7,800 feet; segars, 3,000; ship-timber, 1,740 feet; wax-work, 1 box. | - | - | - | 563 | 16 | 5 | - | - | - | - | - | - | - | - | - | - | - | 563 |
| IMPORTED GOODS | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | |
| Brazilletto, 7 tons; cotton wool, 150 lbs.; cow-horns, 150; honey, 50 gallons; lignum vitæ, 48 tons; oranges and lemons, 171 dozen; pine apples, 50 dozen; salt, 4,300 bushels; straw hats, 74 dozen; segars, 1,500; turtle, 400 lbs.; wax and shell work, 1 box; yellow-wood, 70 feet | - | - | - | - | - | - | - | - | 366 | 12 | 1 | - | - | - | - | - | - | 366 |
| IMPORTED GOODS | - | - | - | - | - | - | - | - | 1,153 | 12 | 9 | - | - | - | - | - | - | 1,153 |
| BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | |
| Bananas, 160 bundles; bark, 750 lbs.; brazilletto, 28 tons; castor oil, 18 dozen; cedar timbers, 6,800 feet; conch shells, 1,313; cocoa nuts, 900; cow-hides, 422; fruit, 3 dozen; horns, 100; hides, 282; lignum vitæ, 39½ tons; lime juice, 2 kegs; oranges, 1,717 dozen; pine apples, 8,800 dozen; preserves, 20 lbs.; pepper, 20,060 lbs.; salt, 26,895 bushels; segars, 33,000; sheep-skins, 70; sponge, 9,974 lbs.; shell-work, 11 boxes; square stones, 300; starch, 184 lbs.; turtle, 2,680 lbs.; turtle-shell, 1,878 lbs. | - | - | - | - | - | - | - | - | - | - | - | 3,814 | 6 | 2 | - | - | - | 3,814 |
| IMPORTED GOODS | - | - | - | - | - | - | - | - | - | - | - | 25,205 | 9 | 7 | - | - | - | 25,205 |

| | 1811 | 1812 | 1813 | 1814 | 1815 | 1816 | 1817 | 1818 | 1819 | 1820 | 1821 | 1822 | 1823 | 1824 | 1825 | 1826 | 1827 | 1828 | 1829 | 1830 |
|---|--------------|------|------|----------|-----------|------------|------|------|------|------------|------|------|------|------|------|------|------|------|------|--------------------|
| BAHAMA ISLANDS: | | | | | | | | | | | | | | | | | | | | |
| Chest drawers, 2; salt, 7,102 bushels; side-board, 1; sofa, 1; square stones, 175; tables, 5; wardrobe, 1; white lime, 12 bushels | | | | | | | | | | | | | | | | | | | | |
| IMPORTED GOODS | | | | | | | | | | | | | | | | | | | | |
| OUT STATIONS—Turk's Islands: | | | | | | | | | | | | | | | | | | | | |
| IMPORTED GOODS | | | | | | | | | | | | | | | | | | | | |
| BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Salt, 11,785 bushels | - | - | - | - | 459 5 7 | 679 2 11 | - | - | - | - | - | - | - | - | - | - | - | - | - | 330 7 7,141 7 6 |
| BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Hides, 24 | - | - | - | 7 16 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 7 16 |
| Salt, 7,550 bushels | - | - | - | 310 8 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 310 8 4 |
| Salt, 107,750 bushels | - | - | - | - | - | - | - | - | - | 3,719 12 6 | - | - | - | - | - | - | - | - | - | 3,719 12 6 |
| Salt, 5,800 bushels | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 188 10 |
| RUM KEY—BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Salt, 974 bushels | - | - | - | 48 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 48 |
| Salt, 23,834 bushels | - | - | - | - | - | - | - | - | - | 1,029 7 | - | - | - | - | - | - | - | - | - | 1,029 7 |
| CROOKED ISLAND—BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Salt, 2,050 bushels | - | - | - | 108 10 8 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 108 10 8 |
| Salt, 3,000 bushels | - | - | - | 162 10 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 162 10 |
| Salt, 2,000 bushels | - | - | - | - | - | - | - | - | - | 100 | - | - | - | - | - | - | - | - | - | 100 |
| Salt, 1,000 bushels | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 50 |
| SALT KEY: | | | | | | | | | | | | | | | | | | | | |
| | - | - | - | 1,186 14 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,186 14 |
| BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Salt, 122,462 bushels | - | - | - | - | - | - | - | - | - | 4,477 3 10 | - | - | - | - | - | - | - | - | - | 4,477 3 10 |
| Salt, 2,845 bushels | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 122 14 7 |
| ABACO—BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Cedar, 2,700 feet; Madeira wood, 3,060 feet; timbers, 1,880; pitch-pine lumber, 172 feet | - | - | - | - | 105 8 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 105 8 2 |
| Bananas, 422 bundles; bark, 450 lbs.; brazilletto, 2½ tons; box-wood, 1½ ton; conch shells, 1,500; copper, 1,045 lbs.; cocoa nuts, 100; junk, 1,100 lbs.; limes and oranges, 23,625 dozen; pine apples, 1,270 dozen; salt, 1,000 bushels; shells, 6 bushels; 50 boxes; sponge, 1,000 lbs.; turtle, 4,295 lbs.; turtle-shell, 536 lbs.; wax, 49 lbs. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 674 2 11 |
| RAGGED ISLAND—BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Salt, 15,200 bushels | - | - | - | - | - | - | - | - | - | 625 6 8 | - | - | - | - | - | - | - | - | - | 625 6 8 |
| Salt, 23,880 bushels | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,063 2 1 |
| ELEVATHERA—BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Brazilletto, 17½ tons; limes, 1,667 dozen; pine-apples, 3,400 dozen; sponge, 2,094 lbs. | - | - | - | - | - | - | - | - | - | 499 12 7 | - | - | - | - | - | - | - | - | - | 499 12 7 |
| LONG ISLAND:—Nil. | | | | | | | | | | | | | | | | | | | | |
| EXUMA—BAHAMA PRODUCE: | | | | | | | | | | | | | | | | | | | | |
| Salt, 14,844 bushels | - | - | - | - | - | - | - | - | - | 833 12 3 | - | - | - | - | - | - | - | - | - | 833 12 3 |
| | - | - | - | - | 1,916 3 9 | 2,048 19 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | 103,192 10 1 |
| | 49,352 18 11 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 8,895 14 9 |
| | | | | | | | | | | | | | | | | | | | | |

BAHAMAS.

— No. 475. —

No. 475.

COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to the Earl of *Aberdeen*.

My Lord,

Government House, Bahamas, 12 March 1835.

ON my arrival in this colony, I found it necessary to give my immediate attention to the reports of the special magistrates and justices who had been appointed to decide cases between masters and apprentices under the Slavery Abolition Act.

Mr. Balfour, in reporting the arrangements he had made in consequence of the small number of magistrates who were appointed from England, explained the objections he entertained to the nomination of persons in this colony for the discharge of these duties.

The House of Assembly had made a subsequent provision for the payment of the persons thus appointed, and the charge amounts to 1,500 *l.* sterling; they had also voted 466 *l.* sterling to defray the expense of hiring vessels to communicate with the out-islands.

Of the three magistrates sent from England, one has been stationed in New Providence, one at Eleuthera, and one at Turk's Island. The local justices are generally proprietors or overseers in the different islands where they reside, and in perusing their reports it has appeared to me that the arrangement is at once expensive and inefficient, and in some instances open to more serious objections.

As the House of Assembly had called for these reports, I took the occasion, in complying with their request, to remark upon the defective nature of the system, and to propose that a sum should be generally placed at the disposal of the government to provide for this service in a more efficient and economical manner. Should the House agree to this proposal, I have it in contemplation to reduce the expense of the special justices, and to provide the means of sending the magistrates more frequently to visit the other islands.

It is to be observed that the colonial justices have not been appointed to all the islands where apprentices are employed, and, with the exception of Turk's Island and Eleuthera, it has not been practicable hitherto to send the English special magistrates to the detached islands, although from the nature of some of the reports it will be necessary to do so, not so much to repress any existing disturbances, as to guard against their recurrence from the spirit that in some places continues to prevail.

The special magistrates have represented to me the inadequacy of their salaries to defray the expense of horse-hire and house-rent, for which a trifling allowance is made by the colony, and they have applied to be placed on the footing of those in Jamaica.

To enable me to carry into effect the arrangement I have proposed, it is very desirable that an additional number of these officers should be sent from England. If two more were to be appointed, they would be most useful in preserving tranquillity, and the good effects of their employment would be appreciated by all classes, the present arrangement being at once expensive and inefficient.

I have, &c.

(signed) *W. M. G. Colebrooke.*

— No. 476. —

No. 476.

COPY of a DESPATCH from Mr. Secretary *C. Grant* to Lieutenant-Governor *Colebrooke*.

Sir,

Downing-street, 4 May 1835.

I HAVE received your despatch of the 12th March, in which you represent the inadequacy of the number of stipendiary magistrates assigned to the Bahamas. I regret

I regret that I do not feel myself at liberty to increase the aggregate number of the special magistracy for whom Parliament has been called upon to provide, or I should have been desirous of sending you an additional magistrate from home. I am unwilling, however, that, on that account, you should not receive that assistance which you consider so indispensable ; and as there is a great probability that circumstances will allow of a small reduction of the number of magistrates at present serving in Jamaica, I have authorized the Marquis of Sligo, so soon as it may be practicable, to detach one magistrate from that island to Bahamas. The gentleman whom he may select will be furnished with a certificate of the date to which he has received salary in Jamaica, and from that date you will direct salary to be issued to him in Bahamas, provided he use all practicable expedition in transferring himself thither.

I have, &c.

(signed) C. Grant.

— No. 477. —

EXTRACT of a DESPATCH from Lieutenant-Governor *Colebrooke* to the Earl of *Aberdeen*, dated Government House, Nassau, 9 April 1835.

No. 477.

“ I HAVE had occasion to explain more particularly to the Assembly, and to urge upon their attention, the grounds upon which I have considered it necessary to propose a change in the mode in which the special magistracy has been constituted and employed.

“ I have now the satisfaction to report to your Lordship that, in an address of the House of Assembly this day, they have expressed to me their concurrence in my views, and their intention to take into consideration, without delay, the propriety of placing efficient means at my disposal to enable me to carry them into effect.

“ The special justices who have been locally appointed to the out-islands have, in many instances, failed in preserving tranquillity and in gaining the confidence of the inhabitants ; while, in situations where disturbances have prevailed, the English special magistrates have been enabled to restore order and to induce the apprentices to work willingly for their employers.

“ The stipends of the local justices amount to a considerable sum, and more than may be sufficient to defray the expenses of the circuits which I propose to establish.

“ An urgent application having recently been made to me for assistance to restore order among the apprentices in the district of Exuma, I have sent two of the special magistrates with a detachment of troops to that island.

“ The selection of special constables from amongst the apprentices of good character, has been attended with the best effect in Eleuthera, which was at one time a very disturbed district, but which, according to the latest reports, is now perfectly tranquil.

“ When I have an opportunity of reporting the result of these proceedings in the other islands not yet visited by the special magistrates, I hope to be enabled to satisfy your Lordship, that the irregularities which have prevailed have originated solely in the defects of the present system, and that there is every prospect of an early and successful termination of them.”

BAHAMAS.

Enclosure in No. 477.

Enclosure in
No. 477.

RETURN OF SPECIAL JUSTICES.

| Number of Special Justices. | ISLANDS. | Pay. | House Rent. | Constables. |
|--------------------------------|-------------------------------|----------|------------------------------------|-------------|
| | | £. | £. | £. |
| 1 | Nassau, N.P. - - - - - | 200 | 100 | 100 |
| 1 | Turk's Island - - - - - | 150 | 100 | 50 |
| - | Eleuthera - - - - - | - | 50 | 50 |
| 1 | Crooked Island - - - - - | 150 | 50 | 50 |
| 1 | Rum Key - - - - - | 100 | 50 | 50 |
| 1 | San Salvador - - - - - | 150 | 50 | 50 |
| 1 | Harbour Island - - - - - | 100 | 50 | 50 |
| 1 | Ragged Island - - - - - | 100 | 50 | 50 |
| 2 | Exuma - - - - - | 300 | 100 | 100 |
| 2 | Long Island - - - - - | 300 | 100 | 50 |
| 2 | Abaco - - - - - | 200 | 50 | 50 |
| 1 | Grand Bahama - - - - - | 100 | 50 | 50 |
| | | £. 1,850 | 800 | 700 |
| - | St. George's Key - - - - - | — | — | — |
| - | Walling's Island - - - - - | — | — | — |
| - | Grand Cayco - - - - - | — | — | — |
| - | Kimagua - - - - - | — | — | — |
| - | Andre's Island - - - - - | — | — | — |
| | | £. | | |
| | Salaries - - - - - | 1,850 | | |
| | House Rent - - - - - | 800 | | |
| | Travelling Expenses - - - - - | 800 | | |
| | Constables - - - - - | 700 | | |
| | | £. 4,150 | Currency, or 2,421 l. sterling. | |

— No. 478. —

No. 478. EXTRACT of a DESPATCH from Lieutenant-Governor *Colebrooke* to the Earl of *Aberdeen*, dated Government House, Bahamas, 23 April 1835.

“THE special magistrates who proceeded to Exuma to carry into effect the instructions I had given to them, have just returned to Nassau, and Mr. M'Lean has personally reported to me that they have visited all the settlements in that island, and restored order amongst the apprentices.”

— No. 479. —

No. 479. COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to the Earl of *Aberdeen*.

My Lord,

Government House, Bahamas, 4 May 1835.

I HAVE received your Lordship's circular despatches, dated 28th February and the 16th March 1835; and to enable your Lordship to supply the information called for by the House of Commons, I have the honour to inclose a return of the local magistrates who have been appointed special magistrates in the Bahamas.

In regard to the measures which, in my despatches, I have already reported to be in progress for reducing the local magistracy, and for instituting circuits of the English

Address of the House
of Commons, 22 March
1835.

English magistrates, I have now the satisfaction to state, that an Act has been passed for carrying these measures into full effect; and as I am empowered, with the council, to appropriate the funds hitherto applied to the local magistracy in defraying the expenses attending the visits of the magistrates to the out-islands, I am about to engage a vessel for this service, which will also convey the court of circuit to Turk's Island.

The additional duties which will thus devolve on the special magistrates will render it necessary that they should be further remunerated; and adverting to the expenses to which they are liable, and to the addition which has been made to the emoluments of the special magistrates in other colonies, I have considered it just that the house-rent hitherto allowed them should be increased from 26 *l.* to 50 *l.* per annum, and that an allowance of 7 *s.* per diem should be made to each of them while actually employed in circuit.

It may be proper to explain, that besides the special duties which will devolve on them in their periodical visits to the out-islands, they have undertaken to aid the assessors in reclassifying the apprentices.

I am happy to report that the inhabitants are bringing up their apprentices for inspection; and as, from the habits prevailing in the out-islands, the employment of prædials non-prædially is a common practice, several corrections have already been made in the returns.

To guard against any impediments which may occur in the further progress of the inspections, I intend to give such instructions as will ensure to the apprentices an opportunity of being heard in regard to their classification.

Any inaccuracy in the returns would lead to great confusion hereafter; for on the 1st of August 1828 those apprentices who had been classed as prædials attached, but who had been employed non-prædially, would be dissatisfied at the discharge of others, and it would be difficult under such circumstances to bind them to a longer servitude. They have generally a strong desire to redeem the remaining portion of their time, which the law enables them to do, and, as they have many facilities in effecting this object, the number who will remain in servitude on the 1st of August 1838 will probably be inconsiderable, and as I contemplate the formation of close settlements in many favourable situations which present themselves throughout these islands, a measure which is extremely popular amongst them, I hope that order and industry will prevail in the communities that may be thus established. They are in general remarkable for intelligence, and their anxiety for improvement is evinced by their readiness to erect schools and to maintain teachers.

The measures which are in progress for their moral and religious instruction will form the subject of a separate despatch; and as I hope to derive considerable assistance from the special magistrates in carrying these views into full effect, I need not urge upon your Lordship the importance of sending out without delay the additional magistrates applied for in my despatch of the 12th of March, and whose services will be much required.

I enclose a statement of expenses in the present and proposed establishment for the special justices.

I have, &c.,

(signed) *W. M. G. Colebrooke.*

BAHAMAS.

Enclosure 1, in
No. 479.

Enclosure 1, in No. 479.

LIST of LOCAL MAGISTRATES who have been appointed Special Magistrates in the *Bahamas*,
and whose Service are now dispensed with by Circular Letter.

| NAME. | Date of Appointment. | By whom appointed. | Whether Planters or Attornies, or in any way connected with Colonial Property. |
|----------------------|----------------------|--------------------|--|
| George Gibbs, jun. - | 1 Aug. 1834 | Lt. Gov. Balfour | Planter and proprietor of two slaves on 31 July 1834. |
| James Munro - - | — | - ditto - | Planter and proprietor of one slave on ditto. |
| Norman W. H. Butler | — | - ditto - | Planter and proprietor of four slaves on ditto. |
| Henry M. Williams - | — | - ditto - | Planter and proprietor of 74 slaves on ditto. |
| William Smith - - | — | - ditto - | None (discontinued on 30 April 1835). |
| James A. Wildgoos - | — | - ditto - | Planter and proprietor of six slaves on ditto. |
| David Lears - - | — | - ditto - | Planter and proprietor of two slaves on ditto. |
| Thomas Thompson - | — | - ditto - | Planter and proprietor of 24 slaves on ditto. (Discontinued on 30 April 1835.) |
| Thomas M. Rahming - | — | - ditto - | Planter and proprietor of 12 slaves on ditto. |
| Thomas Smith - - | — | - ditto - | Planter and proprietor of four slaves on ditto. |
| Joseph Saunders - | — | - ditto - | Planter and proprietor of five slaves on ditto. |
| Thomas Russell - - | — | - ditto - | Planter and proprietor of 12 slaves on ditto. |
| Michael W. Smith - | — | - ditto - | Planter and proprietor of nine slaves on ditto. |
| Henry D. Lands - | 21 Nov. — | - ditto - | None. |

(signed) C. R. Nesbitt,

Act. Pub. Sec.

4 May 1835.

RETURN of the ENGLISH SPECIAL MAGISTRATES.

| NAMES. | Where Employed. | REMARKS. |
|------------------|--|---|
| Donald Maclean - | On circuit at Abaco and Grand Bahama - - - - | General Justice of the Peace. |
| Penny - - - | Turk's Island - - - - | - - ditto. |
| J. R. Winder - - | On circuit at Eleuthera and Harbour Island - - - - | - - ditto. |
| R. Munro - - - | On circuit at Abaco and Grand Bahama - - - - | - - ditto. |
| W. Hield - - - | - - - - - | Officiating with pay (local and temporary). |
| A. Reade - - - | Nassau - - - - - | Officiating without pay. |

Enclosure 2, in No. 479.

BAHAMAS.

Enclosure 2, in
No. 479.COMPARATIVE STATEMENT of the Expenses of the Special Magistrates at *Bahamas* on the present and proposed Establishment.

| PRESENT ESTABLISHMENT. | England. | | | Colonies. | | |
|--|----------|----|----|-----------|----|----|
| | £. | s. | d. | £. | s. | d. |
| Salaries of Four Special Magistrates from England, at 300 <i>l.</i> per annum - - - - - | 1,200 | - | - | - | - | - |
| House Rent - - - - - | - | - | - | 108 | - | - |
| Salaries of Twelve Local Magistrates - - - - - | - | - | - | 1,002 | - | - |
| House Rent - - - - - | - | - | - | 460 | - | - |
| Constables - - - - - | - | - | - | 157 | - | - |
| Hire of Vessels (in Six Months, from 1st August to 1st February, - - - - - £. 267 - - - - -) | - | - | - | 534 | - | - |
| Travelling Charges and Contingencies - - - - - | - | - | - | 75 | - | - |
| Total - - - - - | 1,200 | - | - | 2,336 | - | - |
| | 2,336 | - | - | | | |
| Grand Total - - - - - | 3,536 | - | - | | | |
| | 3,480 | - | - | | | |
| Saving in the whole - - - - - £. | 56 | - | - | | | |

| PROPOSED ESTABLISHMENT. | England. | | | Colonies. | | |
|--|----------|----|----|-----------|----|----|
| | £. | s. | d. | £. | s. | d. |
| Salaries of Six Special Magistrates, at 300 <i>l.</i> per annum | 1,800 | - | - | - | - | - |
| House Rent, at 50 <i>l.</i> - - - - - | - | - | - | 300 | - | - |
| Allowance of Four Magistrates constantly on circuit, at 9 <i>s.</i> per diem - - - - - | - | - | - | 657 | - | - |
| Hire of Vessel by contract - - - - - £. 585 - - - - - | - | - | - | - | - | - |
| Deduct allowance for Circuit Court - - - - - 162 - - - - - | - | - | - | 423 | - | - |
| Constables, about - - - - - | - | - | - | 200 | - | - |
| Contingencies, Travelling Charges, &c. - - - - - | - | - | - | 100 | - | - |
| Total - - - - - | 1,800 | - | - | 1,680 | - | - |
| | 1,680 | - | - | | | |
| Grand Total - - - - - £. | 3,480 | - | - | | | |

N.B.—As the salaries of 300 *l.* per annum to each of the two additional Special Magistrates applied for will be paid from England, there will be a saving in the Colonial expenditure of 56 *l.*; and if the English also should be raised, as recommended, to 450 *l.* per annum, there would be a total increase of 500 *l.* in the Home expenditure, and a further decrease of 811 *l.* in the Colonial expenditure, or 1,613 *l.* sterling.

— No. 480. —

COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to the Earl of *Aberdeen*.

No. 480.

My Lord,

Government House, Bahamas, 2 June 1835.

REFERRING to my despatch of the 4th of May, I have now the honour to enclose a copy of the instructions I have addressed to the special magistrates who have proceeded in circuit to the out-islands, and also of the circular letter which has been sent, dispensing with the services of the local justices, of whom a return has been forwarded.

As I have been under the necessity of detaching in circuit the three magistrates who were at Nassau, (the fourth is at Turk's Island,) in order that no delay may take place in carrying these instructions into effect, I have retained for a time the services

BAHAMAS.

services of Mr. Wm. Hield, a member of council and one of the special justices appointed by my predecessor, and I have appointed my secretary, Mr. Alfred Reade, to act with him in the disposal of cases occurring in this island, of which a daily report is made to me. Mr. Reade has undertaken this duty without emolument, until further assistance may be afforded to me from England.

I have, &c.,

(signed) *W. M. G. Colebrooke.*

Enclosure 1, in No. 480.

Enclosure 1, in
No. 480.

CIRCULAR LETTER addressed to the Special Magistrates proceeding in Circuits to the Out-Islands.

Gentlemen,

Government House, Nassau, 9 May 1835.

AN Act having passed the Legislature, by which authority has been given to the Lieutenant Governor in Council to effect a change in the system which had been temporarily adopted for carrying into effect the Act of Parliament for the Abolition of Slavery, I take the earliest occasion to furnish you with the instructions, which will enable you to carry the intentions of the Legislature into effect.

Circuits.

At the period when the special justices were first appointed, the magistrates from England had not arrived; and till lately it has not been practicable to introduce a system of circuits, which, from the dispersion of the apprentices throughout the Bahamas, is the only one which is calculated to secure a vigilant superintendence, and a satisfactory accomplishment of those changes which it has been the object of your appointment to provide for. In adopting this system, it is gratifying to me to find that it may become the means of providing for many other important objects connected with the welfare of the apprentices, and of the inhabitants of the Bahamas in general; and, as members of the school commission, and visitors of the out-island schools, and also as members of the Land Board, you will have opportunities of collecting much useful information in regard to the means of forming settlements in the islands, and of promoting the establishment of schools, and the diffusion of moral and religious instruction. On these several subjects, I propose to point out to you the objects which will demand your particular attention, and the nature of the information required to enable the Government to give effect to its views. First, as to your special duties: You are aware, that the cases which you can alone entertain as special magistrates are those which strictly grow out of the relation of employer and apprentice, and that you are not competent to try offences which are cognizable by the ordinary courts. As general justices of the peace, however, you may act in all cases in common with the local justices; and in the exercise of these powers, your jurisdiction will not be confined to the apprentices, but to all persons who may be charged with breaches of the peace, or other offences, preferred within the powers of the commission. You will refer to the reports and returns of the special justices; and, in investigating the complaints that may be brought before you, you are to be careful to ascertain that the parties have been made acquainted with the laws. From the very simple nature of the cases which arise in the relation of the apprentices with their employers, your periodical visits will enable you to dispose of their cases; as it will always be the duty of the local justices of the peace to interfere in the suppression of riots and disorders, by whomsoever committed, and to check all proceedings tending to breaches of the peace, there can be no apprehension of any ill consequence from the discontinuance of their powers as special justices.

Duties as special
magistrates and
as general jus-
tices of the peace.Special and plan-
tation constables.

Discontents and combinations against employers are apt to arise from some original misconception, and the want of some authority on the spot who would be competent to receive complaints; and to provide for this object, you will, on inquiry at the different settlements visited by you, select such persons as, from conduct and character, may be the most fit to be appointed special constables. Heads of families who are thought well of by their employers, and who are possessed of some influence with the apprentices, would be the most eligible, and, by appointing them in the proportion of one to every ten families, according to circumstances, a means would be provided for receiving complaints.

The duties and au-
thority vested in
them.

It should be impressed on these constables, that they are possessed of no authority to act, unless called on by a justice of the peace to assist in the suppression of disorders and tumults; but they should at all times exert themselves to procure order and obedience to the law, and, in cases where the apprentices might consider themselves aggrieved, to advise them to await the visit of the special magistrate, rather than, by misconduct, to deprive themselves of the redress which they might claim, and perhaps render themselves liable to punishment.

In cases of neglect of work, the time lost to the employer should be recorded, in order that you might provide for the performance of it out of the time at the disposal of the apprentices. It will devolve on you, under the laws, to provide for the erection of proper gaols, and, with the concurrence of the rate-payers, to provide for the cost of materials and labour for the execution of the work. The civil engineer will furnish you with a plan, providing for the security of prisoners and the separation of the sexes. In situations where these structures cannot be wholly completed at once, you can, by adhering to the plan, leave the completion of it till the means can be obtained. In case of disputes and disorders endangering the public peace, the constables may be authorized to lock up the apprentice in the gaol for twenty-four hours.

hours. You are also authorized to appoint in each district a special constable, whose duty it will be to make a monthly circuit, and to keep a journal of all complaints that may be made to him, recording the dates of his visit to each plantation. In case of serious disputes in the interval of your circuits, the special constables might be authorized, on written application from the employers, and subject to their responsibility, should the complaint prove to be frivolous, to send the leader or leaders to Nassau, together with the witnesses, giving the prisoners in charge of the master of the vessel; this would but rarely happen, except in cases where a breach of the peace might be apprehended, and where a justice of the peace would then be bound to interfere; such requisitions would but rarely be made, and then only where there might be a general combination against an employer, which the influence of the constable could not check.

The journals of these constables should always be open for inspection of the local justices, and produced to you, in your periodical visits, when you would inquire into and dispose of such cases as were recorded, or might be brought forward.

It is to be understood that in your capacity as justices of the peace, you are competent at all times to bind over, under security, all parties who may show a disposition to break or disturb the peace. From the opportunities which you will have, on your visits to the out-islands, I request that you will assist the assessors in revising the classification of the apprentices under the instructions you will receive from them.

On the subject of lands: As it is not my intention, except in any special cases, further to dispose at present of tracts of the Crown lands, I hope that landed property will acquire a value which it has not hitherto attained. This object will be assisted, and many advantages derived from the formation of close settlements in favourable situations; you will, therefore, direct your attention to the situation of lands which would be favourable for such settlements; to have sketches or surveys made, with the allotments, not exceeding one or two acres, marked out for building and garden ground, reserves for public wells, wharfs, roads, and schools, and other buildings. It may be generally understood, that candidates for purchasing these allotments may be employed, under direction of an overseer of works, in making the first improvements, chiefly streets and inclosures, and that the value of their labour will be carried to their account when they become purchasers; an extent of uninclosed land will be required to be reserved in commonage to these locations for pasturage, and, on your reports being received, they will be put up for public sale, and open to competition.

You will detail in your report the advantages of such localities for general information: licences to cut timber in Crown forests will be granted to the purchasers under certain reservations hereafter to be determined.

In these situations many of the people, now labourers in plantations, may be induced permanently to establish themselves, and the maritime classes may be also induced to settle and acquire fixed property. Schools may be erected by the settlers in these locations, and every assistance which can be given in aid of them will be liberally afforded. On this subject I request your attention to the law (5 Will. IV. c. 25), which has been passed for the improvement and extension of the schools in the out-islands. It is proposed to appoint teachers, who will receive instructions in the national system in the central school at Nassau, to be selected or sent up from the other districts which you may visit. Persons of good capacity and of strict moral and religious principle will be eligible. The allowances which can be afforded by the government will necessarily be inadequate; but it is contemplated that the schools should contain in future none but paid scholars, and the government allowance will only be afforded in aid of those parents who may not have the means of defraying the charges for their own children; there will necessarily be some free scholars, who are orphans or otherwise destitute, but it will be desirable that some portion of the charge should be defrayed in all practicable cases by the friends of the children, when, to whatever extent, however small, they can afford it. As visitors of the schools you will be able to ascertain the number of the candidates, the means of accommodating that number in each school, and the proportion parents may be liable to contribute for their instruction*. It should be understood as a principle, that the smallest contribution that can be made should be accepted in part payment, and that the difference only should be made up by the government, a fixed sum of 40*l.* being allowed for each school hereafter to be established, and 100*l.* for the schools at Green Turtle's Key and Rock Sound; it is not proposed at once to reduce the number of free scholars, but to ascertain what proportion of the stipend of 3*l.* per annum, or about 1*s.* per week, their parents can contribute, and from the 25th of June next, the termination of the current quarter, the present stipend of the schoolmasters at Eleuthera and Abaco, will be reduced as above, and a sum equivalent to the deduction of one half will be contributed by the scholars themselves.

In concluding these instructions, I will generally observe to you, that in your communications with employers and apprentices, you will be careful to impress on them that the present relations are upheld in order to prepare for the changes in society, which the law has rendered progressive for the benefit of all parties, and that the best preparation for the change will be in a strict observance of the obligations reciprocally imposed on them.

The measures now in progress for their benefit, in common with the inhabitants at large, will satisfy them of the anxiety of the government to promote their welfare, but which must be of little avail without their zealous and active co-operation in undertakings for their benefit.

To provide for the additional duties and expenses which will devolve on you, and in consideration of the zeal you have already evinced in the discharge of them, an allowance of 9*s.* sterling per diem will be made to you while on circuit, and of 2*s.* per diem to each of the special

BAHAMAS.

Authority of justices to bind over to keep the peace.

Crown lands.

Settlements to be formed.

Schools.

* A local committee to be formed at each settlement for regulating this distribution.

Duties of employers and apprentices.

Allowance to special magistrates.

BAHAMAS.

special constables attending you; and the allowance made to you of house-rent in Nassau will be increased to 50 *l.* sterling per annum.

An allowance of 30 *l.* currency (16 *l.* sterling), will be granted to the special constables appointed in each district.

To D. Maclean, T. R. Winder,
W. Penny, and H. Munro, Esqrs.

I have, &c.,
(signed) *W. M. G. Colebrooke.*

Enclosure 2, in No. 480.

CIRCULAR to the Colonial Special Justices.

Nassau, 27 April 1835.

Enclosure 2, in
No. 480.

Sir,

AN Act having passed the legislature, empowering the Lieutenant-Governor to revise the arrangements which were temporarily made for carrying into effect the law for abolishing slavery, I am directed by his Excellency to inform you, that a sufficient number of special magistrates having been sent from England to admit of their employment in circuits to the different islands, and as the expense of providing for these circuits will have to be defrayed from the funds hitherto appropriated to the establishment of special justices, the Lieutenant-Governor regrets, that it will not be in his power to continue the salaries which have hitherto been paid to you and to the special constables at _____, after the expiration of the month in which that island may be visited by two of the English magistrates. The Lieutenant-Governor is aware of the manner in which you originally came forward to discharge the duties of your office, without remuneration, at an important juncture, and he, therefore, confidently relies on your continued exertions, should the occasion arise, in preserving the peace of the district in which you reside.

I have, &c.,
(signed) *C. R. Nesbitt,*
Act. Pub. Secretary.

— No. 481. —

No. 481. COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Colebrooke*.

Sir,

Downing-street, 1 September 1835.

I HAVE the honour to acknowledge the receipt of your despatch of the 2d June, enclosing copies of two circular letters; one addressed to the special magistrates proceeding on circuits to the out-islands; the other to the colonial special justices: and I have pleasure in conveying to you my approval of the instructions contained in those documents.

I have, &c.
(signed) *Glenelg.*

— No. 482. —

No. 482. COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to Lord *Glenelg*.

My Lord,

Government House, Bahamas, 4 June 1835.

I HAVE the honour to transmit to you herewith the following Acts passed by the legislature of the Bahama Islands, in the months of March and October 1834; and in January, April and May, 1835; viz.

An Act to provide a summary remedy against the occupation of land by persons having no title to the same.

An Act for the more effectual punishment of persons committing malicious injuries to property.

An Act to amend an Act, intituled "An Act to prevent the resort of rogues, vagabonds, and other idle and disorderly persons, in the Bahama Islands; for the punishment and correction of certain offences therein specified; and for other purposes therein mentioned."

An Act for regulating the public market of the town of Nassau, in the island of New Providence, and for limiting the price of butchers' meat, and for other purposes therein mentioned.

An Act to amend the law relative to the provision of salaries to certain special magistrates.

Vide Appx.
No. 167.

Appx. No. 168.

Appx. No. 169.

Appx. No. 170.

Appx. No. 171.

An

An Act to explain and amend certain parts of the 4 Will. IV. c. 21, intituled "An Act auxiliary to an Act of the Imperial Parliament, intituled 'An Act for the Abolition of Slavery throughout the British colonies, for promoting the industry of the manumitted slaves, and for compensating the persons hitherto entitled to the services of such slaves, and for other purposes.'" BAHAMAS.
—
Appx. No. 172.

I have, &c.

(signed) *W. M. G. Colebrooke.*

— No. 483. —

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Colebrooke.*

No. 483.

Sir,

Downing-street, 13 April 1836.

I HAVE the honour to transmit to you an order passed by His Majesty in Council on the 23d ult., leaving to their operation the various Acts therein alluded to, which were passed by the legislature of the Bahamas in the years 1834 and 1835.

I have, &c.

(signed) *Glenelg.*

— No. 484. —

COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to Lord *Glenelg.*

No. 484.

My Lord,

Government House, 7 July 1835.

I HAVE had the honour to receive your Lordship's despatch of the 4th of May, informing me that you had authorized the transfer from Jamaica of one special magistrate for the service of this colony, and I have received a communication from Lord Sligo, which leads me to expect that Lieutenant Colebrooke will accept the offer of the appointment which his Lordship had so handsomely made to him.

I have, however, to report the melancholy occurrence of the death of Mr. Donald M'Lean, who expired this morning after an illness of three days, so that the number of special magistrates will be again reduced to the former establishment.

The severe duties which are unavoidably imposed on the special magistrates in their circuits through a colony of this extent, are necessarily attended with much fatigue and expense; and I must, therefore, repeat my urgent request that your Lordship will be pleased to comply with my application for the assistance of two additional magistrates to be sent from England.

In reference to your Lordship's despatch of the 12th of May, I have already reported that the Assembly had most liberally provided for the expense of the judicial and magisterial circuits. They were impressed with a full sense of the inefficiency of the system of local magistracy. I had communicated to them the whole of the reports, and their resolution to change the system was founded on a report of a committee appointed to examine them.

The inhabitants of the out-islands, employers and apprentices, were equally anxious for the interposition of the English magistracy; and to meet the pressure, I have constantly employed them upon circuits, and my secretary, Mr. Alfred Reade, has also rendered his gratuitous assistance, and has just returned from a circuit he has made with Mr. Winder. Mr. M'Lean and Mr. Munro were on the point of embarking for the eastern districts, when the former was taken ill.

The reports which have been made by the special magistrates from the district they have been enabled to visit, are such as will satisfy your Lordship as well of the laborious nature as of the importance of the duties devolving on them, and which cannot be successfully executed, except by persons who are unconnected with the colony, and may be able to command the confidence of all parties.

In the districts which have been visited by the special magistrates, the most erroneous opinions were found to have gained currency. The apprentices had been induced to believe that their immediate liberation was the intention of the government, and withheld only through the influence of their employers, who as magistrates cannot remove this impression, nor bring about those changes which it is the object of the law progressively to effect. Their reports accordingly indicated in

many

BAHAMAS.

many instances either the neglect of their duties, or the adoption of severe and indiscriminate punishments when disorders had arisen. Hence the result was in no degree calculated to provide harmony between employers and apprentices. On the other hand, the English magistrates, by explaining the law and recommending mutual concession, and by interposing with their authority only in cases where the parties were inaccessible to other influence, they have restored tranquillity, confidence, and awakened a spirit of industry.

On these officers I am also obliged to depend for information, relative to the establishment of schools and the settlement of the lands; for if prompt measures be not taken to control the disposition, so prevalent in the out-islands, to engage in desultory pursuits which are unfavourable to habits of regular industry, and the diffusion of moral and religious instruction, the prospects of the colony would be less favourable than I am sanguine in my hopes that they will become, if the necessary assistance should be afforded to the government.

Under all these circumstances, I trust your Lordship will be induced to send out, as soon as possible from England, two additional magistrates for special employment, who should be men of intelligence and activity, and who would be prepared to carry into effect the instructions which I have already communicated to your Lordship, and which, to the extent to which they have been applied, have been attended with good effect.

I have, &c.
(signed) *W. M. G. Colebrooke.*

— No. 485. —

No. 485. COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Colebrooke*.

Sir,

Downing-street, 8 October, 1835.

I HAVE received your despatch of the 7th July last, on the subject of the stipendiary magistracy of the Bahamas, and of the general state of the colony.

You will learn with satisfaction, that I had, before the receipt of your despatch, already anticipated your wish for two additional magistrates, exclusive of Lieut. *Colebrooke*; thus making six in all. Capt. Hill and Lieut. Stiles, who have received the new appointments, will, as I have every reason to think, have arrived in Bahamas before your receipt of my present despatch.

The revocation of the special commissions from the local magistracy, as required by my circular despatch of the 15th June, and which had not reached you at the date of your despatch now under acknowledgment, appeared to His Majesty's Government to render necessary some additional appointments from home. Two additional magistrates were accordingly allotted to the Bahamas, being the exact increase which you desire; and as you appear judiciously to have avoided the services of the unpaid local magistrates in the administration of the apprentice law, I hope that you will find the addition to be sufficient.

The means which you adopted for employing in the most advantageous manner the stipendiary magistrates originally appointed, was well advised, and seems to have been attended with the best results.

I am much gratified at the testimony which you bear to the ready co-operation which you have met with from the Assembly of the Bahamas, in facilitating your arrangements for this purpose, and which reflects great credit on that body.

I have, &c.,
(signed) *Glenelg.*

— No. 486. —

No. 486. EXTRACT of a DESPATCH from Lieutenant-Governor *Colebrooke* to Lord *Glenelg*, dated Government House, Bahamas, 25 July 1835.

“THE special magistrates, Messrs. Winder and Munro, have proceeded on circuit to the eastward; Mr. Penny has also completed his circuit of the Turk's Islands.

“ I have found it necessary to issue the inclosed instructions to the justices of the peace

peace throughout the colony, and I anticipate some advantage from gradually preparing the people for the changes which are in progress,

“Cases of manumission by purchase are of daily occurrence, and I am led to hope, that, as the relation of master and servant become better understood, there will be less occasion for the constant interposition of the special magistrates.

“In the meantime their duties are severe and unremitted, as several of the islands have still to be visited by them, and as the circuits must be continued to the others.”

BAHAMAS.

Enclosure in No. 486.

GOVERNMENT NOTICE.

THE Lieutenant-Governor has been pleased to direct that the following circular letter, addressed to the general justices of the peace on the out-island districts, together with an extract from the instructions to the special magistrates on circuit, should be published for general information.

Enclosure in
No. 486.

By his Excellency's command,
C. R. Nesbitt, Act. Pub. Sec.

17 July 1835.

(CIRCULAR.)

Nassau, 15 July 1835.

Sir,

SINCE the auxiliary Act for the abolition of slavery came into operation on the 1st of August 1834, the powers, which had previously been exercised by the persons entitled to the services of apprentices under that Act, have been intrusted to certain magistrates specially commissioned to exercise them.

The transfer of these powers from the employer to the special magistrate did not in anywise diminish or take away from the authority intrusted by law to general justices of the peace; those powers and authorities remaining in as full force as if no such office as that of special justice had been established.

These powers of the several justices of the peace extend to the punishment of common assaults, and a variety of petty misdemeanors; also to the general preservation of the peace and to the suppression and prevention of insurrection, riot, and felony; for the protection of property, and the punishment of vagrancy.

In case then of an actual breach of the peace, or the commission of any act comprehended within the above terms, or the reasonable apprehension that such were likely to be committed, any general or local justice of the peace may cause the party or parties to be apprehended, and when their jurisdiction does not extend to the punishment of the offence, when proved to have been committed, he may call upon them to find surety of the peace for such time (seldom exceeding twelve months or less than three) as the justice may deem proper; and in default of such surety being obtained, may commit the party or parties to gaol, either for trial or until such surety be procured, as the case may require.

As some misapprehension appears to have been entertained, that the powers of the special magistrates trench upon those of the general justices, I have deemed it necessary to make this explanation.

In some petty offences, such as assaults committed either by the employer or by the apprentice on the other, and in some few other cases, there is a concurrent jurisdiction, but in no case do the powers of the general justice and the special justice conflict; and in the instructions which I have given to the special justices, of which an extract is herewith enclosed, you will observe that I have directed their attention, in the exercise of their powers, to the illegality of the practice of taking cognizance of offences which are referrible to the ordinary jurisdictions, excepting in the exercise of their authority as general justices of the peace.

To bring some of the powers more recently conferred on general justices of the peace more clearly to your notice, I refer you to the several sections of colonial laws which are quoted, viz.: 4 Will. IV. c. 6, s. 10, 11, 12, 14, 15; 4 Will. IV. c. 7, s. 6, 7, 8, 9; 5 Will. IV. c. 10, s. 11, 12, 13, 19, 20, 21, 22, 23, 26, 27, 29; 5 Will. IV. c. 11, s. 15, 16, 23, 25, 26, 28, 29, 30, 31, 34, 35, 37, as contemplating cases entirely within the jurisdiction of general justices, and wherein you are therefore required to interfere.

As the number of English magistrates do not admit of one residing in each island or district of the colony, it is extremely desirable that the general justices should be more than ordinarily vigilant in the intervals of the special circuits; and although the general justices cannot hear and determine complaints of master or employer and apprentice against each other, in what specially concerns them, in those relations where the master had formerly an authority, yet it becomes the duty of the general justice, even in respect to these disputes, to notice and repress all insubordination or misconduct that has a tendency, if neglected, to lead to riot, insurrection, or breach of the peace; this would include violence or intemperate language on either part, all species of vagrancy, such as quitting an employer's service without permission, striking work, or refusing to do the duty due by an apprentice to his employer, or conspiring with others to induce them so to do.

As a very large discretion is invested in you for the preservation of the peace, I have to request that you will make use of the powers you possess, not only in respect to all persons without distinction who may commit acts in violation of the law, but whose conduct or lan-

guage

BAHAMAS.

guage may have a tendency to disturb the public peace, or in any manner to provoke others to commit a breach of it.

The special constables are instructed to keep a record, and to report to you all cases that may come to their knowledge, and all complaints that may be made either by employers or apprentices; and when those cases cannot be heard and determined by you, and when the parties persevere in the course complained of, you can call on them to find surety of the peace, until the special justice may arrive to determine them.

I am further desirous of calling your particular attention to the concluding part of the extract enclosed.

The period must shortly arrive when the relations now existing between master and apprentice must terminate, and when the authority of the special magistrate ceases; and it is in the highest degree important for the welfare of all classes, that the transition should not be abrupt, and that the services due to the employer should be exacted with that regard to the interests and convenience of the apprentice which will tend to secure his willing exertions, and be a bond of future and reciprocal attachment.

In this respect, it will be in the power of the resident justices to exercise a most salutary influence; they must endeavour to forget the relation in which some of them stand, as employers of apprentices, and, by the impartiality of their conduct, to gain the confidence of the people, and thus promote the tranquillity of the districts in which they respectively reside.

I request that you will report to me monthly on the general state of your district.

I have, &c.

(signed) *W. M. G. Colebrooke.*

EXTRACT from the General Instructions to the English Special Magistrates.

YOU are aware that the cases which you can alone entertain, as special magistrates, are those which strictly grow out of the relation of employer and apprentice, and that you are not competent to try offences which are cognizable by the ordinary courts. As general justices of the peace, however, you may act in all cases in common with the local justices, and, in the exercise of these powers, your jurisdiction will not be confined to the apprentices, but to all persons who may be charged with breaches of the peace, or other offences, preferred within the powers of the commission; you will refer to the reports and returns of the special justices, and, in investigating the complaints that may be brought before you, you are to be careful to ascertain that the parties have been made acquainted with the law. From the very simple nature of the cases which arise in the relation of the apprentices with their employers, your periodical visits will enable you to dispose of their cases. As it will always be the duty of the local justices of the peace to interfere in the suppression of riots and disorders, by whomsoever committed, and to check all proceedings tending to breaches of the peace, there can be no apprehension of any ill consequences from the discontinuance of their powers as special justices.

Discontents and combinations against employers are apt to arise from some original misconception, and the want of some authority on the spot, who would be competent to receive complaints; to provide for this object, you will, on inquiry at the different settlements visited by you, select such persons as from conduct and character may be the most fit to be appointed special constables. Heads of families, who are thought well of by their employers, and who are possessed of some influence with the apprentices, would be the most eligible; and, by appointing them in the proportion of one to every ten families, according to circumstances, a means would be provided for receiving complaints.

It should be impressed on these constables, that they are possessed of no authority to act, unless called on by a justice of the peace to assist in the suppression of disorders and tumults; but they should at all times exert themselves to preserve order and obedience to the law, and, in cases where the apprentices might consider themselves aggrieved, to advise them to await the visit of the special magistrate, rather than, by misconduct, to deprive themselves of the redress which they might claim, and perhaps render themselves liable to punishment.

In cases of neglect of work, the time lost to the employer should be recorded, in order that you might provide for the performance of it out of the time at the disposal of the apprentice.

It will devolve on you under the law to provide for the erection of proper gaols, and, with the concurrence of the rate-payers, to provide for the costs of materials and labour for the execution of the work. The civil engineer will furnish you with a plan, providing for the security of prisoners and the separation of the sexes. In situations where these structures cannot be wholly completed at once, you can by adhering to the plan leave the completion of it till the means can be obtained. In case of disputes and disorders endangering the public peace, the constables may be authorized to lock up the apprentices in the gaol for twenty-four hours, or, when necessary, till the justice of the peace can take the recognizance of the parties.

You are also authorized to appoint in each district a special constable, whose duty it will be to make a monthly circuit, and to keep a journal of all complaints that may be made to him, with the dates of his visits to each plantation or settlement. In case of serious disputes in the interval of your circuits, the special constables in the same manner to record the particulars, and the employers may apply to the nearest justice of the peace, who, on their making an affidavit of the circumstances, may at his discretion, if he considers the peace and good order of the district to require it, issue a warrant to a constable to apprehend the offenders and convey

convey them to prison, either in the district, or by sending them to Nassau, as the case may require; transmitting in all cases full information to the Lieutenant-Governor.

The journals of the special constables should always be communicated to the local justices for their inspection, and produced to you in your periodical visits, where you would inquire into and dispose of such cases as were recorded, or might be brought forward.

You are of course aware that in your capacity as justices of the peace, you are competent at all times to bind over with sureties all parties who may show a disposition to break or disturb the peace; a power which the local justices are also competent to exercise.

In concluding these instructions I will generally observe to you, that, in your communications with employers and apprentices, you will be careful to impress on them that the present relations are upheld in order to prepare for the changes in society which the law has rendered progressive for the benefit of all parties; and that the best preparation for the change will be, in a strict observance of the obligations reciprocally imposed on them.

— No. 487. —

COPY of a DESPATCH from Lord *Glencly* to Lieutenant-Governor *Colebrooke*.

No. 487.

Sir,

Downing-street, 10 October 1835.

I HAVE received your despatch dated the 25th of July last, enclosing instructions addressed by yourself to the special justices and to the ordinary justices of the peace in the Bahama Islands.

After an attentive perusal of those instructions it does not occur to me that (with one exception to be subsequently noticed) they contain any thing to which a well founded objection could be raised. At the same time, I cannot hazard the opinion that they are entirely unobjectionable; because the principles which they lay down for the guidance of the magistrates are so comprehensive, and embrace so very wide a sphere of inquiry, that without a careful review of the whole law of England respecting the duty of a justice of the peace, as that law has been qualified by colonial enactments, it would be impossible, with entire confidence, to subscribe to some of the general rules which you have laid down.

I perceive, however, in the instructions to the general justices the following passage:—“Though the general justices cannot hear and determine complaints of master or employer and apprentice against each other, in what specially concerns them in those relations where the master had formerly an authority, yet it becomes the duty of the general justice, even in respect of these disputes, to notice and repress *all* insubordination, or *misconduct that has a tendency*, if neglected, *to lead to riot, insurrection or breach of the peace*. This would include violence or intemperate language on either side, all species of vagrancy, such as quitting the employer's service without permission, striking work, or *refusing to do the duty due by an apprentice to his employer*, or conspiring with others to induce them so to do.”

On referring to the statute 3 & 4 Will. IV. c. 73, s. 18, I find it declares that every colonial enactment is null, void, and of no effect, which shall authorize any justice, not having a special commission, “to take cognizance of any offence committed, or alleged to have been committed, by any such apprenticed labourer, or by his or her employer, in such their relation to each other; or of the breach, violation or *neglect of any of the obligations owed by them to each other*, or of any question, matter or thing incident to or arising out of the relations subsisting between such apprenticed labourers and the persons respectively entitled to their services.”

Between this Parliamentary rule and the passage which I have quoted from your circular instructions, there is an apparent, and, I apprehend, a real contradiction. In effect, I fear that the task which, in your solicitude for the maintenance of the public peace, you undertook, involved an inherent and insuperable difficulty. To render intelligible statutory rules of a very comprehensive scope, by a comment as brief as the enactment to which it refers, is perhaps impossible. It amounts to little else than the substitution, for the words of the Legislature, of other words by which the interpreter thinks that their meaning might have been more aptly conveyed. But the attempt to find two distinct forms of expression precisely equivalent will generally be baffled by the indistinctness incident to all technical, and still more to all popular phraseology. I believe that the safest plan is to adhere in all authoritative Acts precisely to the language of the Legislature; limiting the explanation of it to particular cases, as they successively occur.

Although I have thought it right to make the preceding remarks, I am perfectly sensible

BAHAMAS.

sensible of the strength of the motives by which you were induced to attempt the elucidation of this subject, by a general and popular comment upon the provisions of the Act of Parliament respecting the duties of the magistracy, according as their commissions were either general or special. Nor is it my purpose, in the slightest degree, to censure an error which, as I have said, appears to me to have been inseparable from the attempt itself.

I have, &c.

(signed) *Glenelg.*

— No. 488. —

No. 488.

COPY of a DESPATCH from Lieut.-Governor *Colebrooke* to Lord *Glenelg.*

My Lord,

Government House, Bahamas, 1 August 1835.

As a vessel is appointed to sail to-morrow for England, I avail myself of the opportunity of reperting to your Lordship, that this first anniversary of the abolition of slavery in the British colonies has passed here with the utmost tranquillity, and in a spirit which indicates that the apprentices properly appreciate the boon which has been conferred upon them.

Service has been performed in the parish churches, and a form of prayer has been composed for the occasion by the rectors of St. Matthew's and Christchurch.

I have, &c.

(signed) *W. M. G. Colebrooke.*

— No. 489. —

No. 489.

COPY of a DESPATCH from Lieut.-Governor *Colebrooke* to Lord *Glenelg.*

My Lord,

Government House, Bahamas, 8 August 1835.

I HAD the honour to report to your Lordship, on the 1st of August, the tranquil and satisfactory manner in which that day had been passed in Nassau, and the proper feelings which prevailed amongst the apprentices. In forwarding a duplicate of my despatch, I have the further gratification of being able to report, that accounts, not less satisfactory, have reached me from several of the out-islands districts. Some of them it is my intention to publish for general information, as the rapid extinction, in several settlements, of the prejudices of caste and colour will hold out a favourable example to others, where such prejudices continue to exist.

The general intelligence, industry and good feeling prevailing amongst the apprentices in the Bahamas will, I confidently hope, lead to their early advancement, and stimulate the exertions of other colonies in the same career of improvement

I have, &c.

(signed) *W. M. G. Colebrooke.*

— No. 490. —

No. 490.

COPY of a DESPATCH from Lord *Glenelg* to Lieut.-Governor *Colebrooke.*

Sir,

Downing-street, 15 September 1835.

I HAVE received your despatch of the 8th of August, in which you enclose a duplicate of your despatch of the 1st August, the original of which I have also received. I have laid these despatches before the King; and I am commanded to express to you the satisfaction with which His Majesty has received information of so highly favourable a nature, as to the intelligence, industry and good feeling of the apprentices in the Bahamas.

No

No object can be more important, or more conducive to the interests of all classes of the inhabitants, than the extinction of those prejudices of caste and colour which were produced by a state of slavery; and I am much gratified to learn that, in several districts within your government, rapid progress is making towards this most desirable end; I trust that you will be able to report, at no distant period, that the same spirit pervades the whole of the colony.

I have, &c.
(signed) *Glenelg.*

BAHAMAS.

— No. 491. —

COPY of a DESPATCH from Lieut.-Governor *Colebrooke* to Lord *Glenelg.*

No. 491.

My Lord, Government House, Bahamas, 8 August 1835.
THE subject of your Lordship's circular despatch of the 15th of June, referring to the circular of Lord Aberdeen of the 16th March, is one which engaged my earliest attention on arriving in the colony; and my several despatches, noted in the margin,* will explain to your Lordship the progress of the measures which have been adopted in this colony, and which, it is gratifying to me to reflect, have had the cordial support of the Colonial Legislature, and are, at the same time, coincident with the views of His Majesty's Government and of Parliament.

Some considerable difficulty has unquestionably arisen in carrying these views into effect, from the great extent of the Bahamas, and the limited means at my disposal; for I have every reason to be confirmed in the expectation of advantage from the system adopted.

The instructions which I have addressed separately to the special justices, and to the justices of the peace throughout the colony, have been called for, in order to secure the peace and good order of the districts; and I have already had occasion to observe the good effects of preserving the distinction, in the administration of the apprentice law, from those laws to which all classes are equally subject.

In reference to that part of your Lordship's circular which explains the principle on which the increase of the magistracy will in future be regulated, I beg to observe, that in this colony it is not a question so much of numbers as of the space over which the population is scattered; and I have had reference to this circumstance in the application I have made for additional magistrates, and for the payment to them of the same allowances which have been granted in the other colonies.

Messrs. Winder and Munro have not yet arrived from Exuma. They report to me, that the apprentices in that island, notwithstanding the reports which had been made, are extremely well conducted, and that the most perfect tranquillity prevailed when they left it. They have returned by the way of Eleuthera, where the people are also tranquil. The circuits will be continued to the other islands, although the present, being the hurricane season, is less favourable on account of the heavy rains, heat and calms in those seas.

I have, &c.
(signed) *W. M. G. Colebrooke.*

— No. 492. —

EXTRACTS of a DESPATCH from Lieutenant-Governor *Colebrooke* to Lord *Glenelg*, dated Government House, Bahamas, 27 August 1835.

No 492.

IN my despatch of the 18th of August, I reported the return of Mr. Winder and Munro from Exuma, and I have now the honour to enclose a copy of their report, upon the state of that district.

As Exuma and Eleuthera were at one time considered to be the most turbulent districts, it is satisfactory to me to be able to state that they no longer have this character; and of the peaceable conduct of the liberated people at Exuma, who are industrious and thriving, I am further assured by Mr. Lees, who touched at the island on his return from the eastern circuit.

No. 1.

It

For Circular
Despatch, 15 June
1835, vide Papers
relative to the Abolition of Slavery,
1833-35, part 2,
p. 8.

*12 March, 9 April,
4 May, 25 July.

Enclosure with
Despatch, 25 July.

BAHAMAS.

It is satisfactory to me to be able to state that the circuits, where they have extended, have been attended with the best effects; and that by associating the justices of the peace with the special justices, in all cases referring to the jurisdiction of the former, much satisfaction has been afforded.

No. 2.

It is my duty, however, to state that it will be impracticable to carry on the system without further assistance. I enclose a report which has been made to me by Dr. Richardson, surgeon, of His Majesty's 2d West India Regiment, who has had much experience in the West Indies; and although a smaller number of magistrates can perform the duties when employed on circuits, the labour and exposure to which they are subject is proportionally great. Under the late system 17 local magistrates were employed, who, in performance of their duties, had to travel considerable distances; and although the settlement of the districts has tended to produce order and to render less necessary the frequent interposition of the special magistrate, the circuits will require to be sustained, and I should propose to establish two magistrates at Turk's Island for the eastern circuit, and four at Nassau for the central and western circuits.

The employment of two magistrates together in effecting the first settlement of the districts, and in obtaining all the information required, has been found necessary, but the occasional visit of a single magistrate at each settlement when the system has once been established is sufficient.

Enclosure 1, in No. 492.

(Extracts.)

Sir,

Nassau, Bahamas, 12 August 1835.

Enclosure 1,
n No. 432.

In accordance with your Excellency's instructions, we proceeded on the 16th ult. for the island of Exuma, and landed at Stevens' Town on the 21st, a small village occupied by Lord Rolle's manumitted apprentices, where we remained 24 hours endeavouring to establish a school. The result of our exertions will be seen in the report upon schools. After adjusting some special business we proceeded to the harbour of Exuma, having previously summoned Mrs. Ferguson and her apprentices to meet us; this lady was unable to attend from indisposition. Here we remained two days, and settled a considerable number of disputes between masters and apprentices without going into trial, their difference arising principally from ignorance of their respective duties. We attested agreements in writing amongst them, which will prevent their future disputations. This being the most central part of the island, we appointed John Cooper to be special constable, at the usual salary, to take monthly circuits. On the 26th we arrived at the Salt Ponds, Little Exuma. Here, in addition to special business, we held a petty session in association with the resident justice, Mr. Sears, who seemed disposed to render us every assistance, and to give us all the information in his power. Here the inhabitants agreed to assist themselves, and build a gaol forthwith.

On the 29th we arrived at Hog Key, the residence of Miss Ann Hunn, and others. We found a general complaint against the apprentices. After a patient investigation, finding these apprentices to have been uncommonly well treated, we inflicted punishments on some of the principal offenders. On the 1st August we arrived at Mrs. Ferguson's plantation (the Forest). After a particular investigation of the general complaint made against her apprentices, we found it necessary to inflict trifling punishments.

On the 4th we arrived at Pin Key, Eleuthera, a small settlement; everything was quiet and in good order. We proceeded the following day to Rock Sound, and thence to Murgohill, the estate of Mr. Knowles. Some trifling cases were settled by us here, between employers and apprentices. On the 6th we sailed for Tarpean Bay, but the stormy state of the weather obliged us to proceed to Governor's Harbour. Here we disposed of several cases, and on the 8th we arrived at Nassau.

In conclusion we beg to state, that in the island of Exuma the apprentices, who are not numerous, may be easily kept in good order and discipline. We only regret that there appears to be very little disposition on the part of some owners to promote the industry and well-being of the manumitted slaves, or to acknowledge the new state and relations of society in which the law has placed them, but rather attempts to exact from them the requirements of slavery. We rejoice, however, that these remarks are not generally applicable, and that there are to be found in this island many highly honourable exceptions.

We have, &c.

His Excellency Lieutenant-governor
Colebrooke, &c. &c. &c.(signed) *Thomas R. Winder, S. J.*
H. Munro, S. J.

ADDENDA

Circuit of Exuma, July 1835.

ADDENDA to the REPORT of *Thomas R. Winder* and *Hector Munro*, Special Justices.

By reference to the report made in April last by Messrs. M'Lean and Munro, it will be seen that "much discontent existed amongst the apprentices at the Harbour and Stevens' Town."

On the present circuit, after minute inquiry, we found their grievances had been redressed; and by the arrangements now made, they will have every opportunity of making their wants known in future.

(signed) *Thomas R. Winter, S. J.*

Enclosure 2, in No. 492.

Sir,

Nassau, New Providence, 24 August 1835.

I HAVE the honour to state, in reply to your inquiries respecting the health and efficiency of the stipendiary magistrates, that since the demise of the late Mr. M'Lean, and the loss of the services of Mr. Munro, whose ill health compels him to return to England, the duties that devolve upon those who remain are more, I fear, than they will be able to execute.

As regards Mr. Colebrooke, who has lately arrived from Jamaica, his constitution has sustained so great a shock from his services in that island, and from the recent attack of febrile and hepatic disease with which he has been assailed since he came here, that some weeks must elapse before his health can be sufficiently re-established to enable him to perform any duty.

Mr. Winder is also in a delicate state, and at present confined to his room from febrile symptoms; but as the cooler season approaches, I am of opinion both of those magistrates will be efficient. Of Mr. Penny, who has since his arrival been stationed at Turk's Island, I have heard nothing, and conclude he is well, no report having reached this to the contrary.

Mr. Winder is the only stipendiary here likely to be soon able to go a circuit; but it is evident that without some assistance he must soon sink under the fatigue and exertion unavoidably connected with the performance of the duty of an itinerant magistrate amongst these islands. The miserable accommodations, and the privations they are obliged to put up with both on their passages to and in most of the out-islands, and their frequent exposure to great heat and rain, are all very trying and hazardous to health, especially of an European unaccustomed to the climate and to such a mode of life. As, however, the negro population, under the apprenticeship system, requires the presence and guardianship of these magistrates, and as so much depends upon their exertions in giving a judicious and salutary direction to the conduct of those people, and to the feelings of their present masters, the necessity of making some appointments to assist the stipendiary magistrates in carrying into effect the important trust confided to them, has probably suggested itself to your Excellency as an expedient necessary to be had recourse to in accomplishing an object upon which the prosperity and well-being of all classes greatly depends.

My experience authorizes me to say, a man who is overworked in this climate cannot hold out long; and while he is so overworked his services will become every day less valuable.

I have, &c.

(signed) *John Richardson,*
Surgeon 2d W. I. Regt., and Principal Medical Officer.

— No. 493. —

EXTRACT of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Colebrooke*, dated Downing-street, 5 November 1835.

No. 493.

I TRUST that the arrangements which I have made (as detailed in my despatch of the 8th ultimo) for placing the special magistracy of Bahamas upon an efficient footing, will, long ere the receipt of this despatch, have relieved you from the anxiety which you have naturally felt upon this subject.

I have perused the reports contained in your despatch, of the magistrates who were sent to inquire into the complaints which had been received from Exuma. I appreciate the diligence with which it would appear from these reports that the inquiry of these gentlemen has been conducted, and it has afforded me great satisfaction to learn, that from the general accounts which have reached you, there is, both in that district and Eleuthera, so visible an improvement in the conduct and condition of the apprentices.

No. 485.

BAHAMAS.

— No. 494. —

No. 494. COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to Lord *Glenelg*.

My Lord,

Government House, Bahamas, 8 Oct. 1835.

In reference to your Lordship's circular despatch, dated the 12th of July, received the 22d of September, I have the honour to transmit to you two returns, made out in the forms prescribed, and which exhibit in detail the number of fines imposed and punishments awarded by the special magistrates under the Abolition Act, since the 1st August 1834.

These returns are accompanied with a letter from Mr. Winder, in explanation of the greater number of cases occurring at New Providence and Turk's Island, but the general result will, I hope, appear favourable to the people of the Bahamas in comparing them with those of other colonies. I take this opportunity of transmitting to your Lordship two copies of the instructions which I have recently issued to the special magistrates. It was my intention to have forwarded these, and copies of the former instructions, with the returns called for by Parliament in the address of the 1st of June, but it has been impossible to obtain all the information required in time for the present mail. Soon after my arrival I gave instructions to the special magistrates in New Providence gradually to discontinue the infliction of the lash, and to substitute other modes of punishment.

Having introduced regulations in the gaol and workhouse of Nassau for the more effectual employment of the prisoners at hard labour, under my immediate superintendence, I have been satisfied of the beneficial consequences which have attended the change of system; observing also, that when the employers and apprentices entered into voluntary engagements, complaints were rarely made to the magistrates. I have framed these general instructions on the result of this experience, and it is with great satisfaction that I am enabled to report that the appli-
cation

For Circular
12 July 1835, vide
Papers relative to
the Abolition of
Slavery, 1833-35,
part 2, p. 9.
Returns, Nos. 1 &
2.

No. 3.
Vide Enclosures,
Nos. 4 & 5.

Papers relative to
the Abolition of
Slavery, 1836,
part 3, p. 5.

Enclosures in No. 494.

(No. 1.)

RETURN of the Number and Effect of the RETURNS OF PUNISHMENTS received by the Lieutenant-

| DISTRICT. | NAMES of SPECIAL MAGISTRATES. | DATE. | Fines Imposed on Employers. | | | Total Number of Apprentices comprised in the District. | |
|---------------------------|--|-----------|-----------------------------|----------|----------|---|----------|
| | | | No. | Amount. | Maximum. | Males. | Females. |
| New Providence - | William Hield - - | Aug. 1834 | - | £. s. d. | £. s. d. | - | - |
| | D. M'Lean and Wm. Hield | Sept. - | 1 | 10 - - | 10 - - | - | - |
| | Ditto - - - | Oct. - | 4 | 18 12 - | 5 - - | - | - |
| | Ditto - - - | Nov. - | 2 | 11 - - | 10 - - | - | - |
| | William Hield - - | Dec. - | 1 | 4 - - | 4 - - | - | - |
| | Ditto - - - | Jan. 1835 | 2 | 3 - - | 2 - - | - | - |
| | D. M'Lean and W. Hield | Feb. - | - | - - - | - - - | - | - |
| | Ditto - - - | March - | 2 | 2 - - | 1 - - | 1,027 | 1,188 |
| | D. M'Lean, W. Hield, H. Munro and T. R. Winder. | April - | 3 | 3 - - | 1 - - | - | - |
| | W. Hield and T. R. Winder | May - | 1 | 1 - - | 1 - - | - | - |
| | D. M'Lean, W. Hield, H. Munro and T. R. Winder. | June - | 1 | 5 - - | 5 - - | - | - |
| | Ditto - - - | July - | 1 | 5 - - | 5 - - | - | - |
| | T. Colebrooke, W. Hield and T. R. Winder. | Aug. - | - | - - - | - - - | - | - |
| W. Hield and T. R. Winder | Sept. - | - | - - - | - - - | - | - | |

cation of the lash as a stimulus to labour will henceforth be abandoned in the Bahamas.

BAHAMAS

In effecting so great a change in the habits of the people I have relied upon the salutary effect of these arrangements, into which they have shown a disposition to enter, with the advice and assistance of the special magistrates. And it is deserving of observation, that where this advice has not been followed the complaints of employers and apprentices have been greatly multiplied, and the visits of the magistrates to the settlements and plantations have been productive of less benefit; indeed the parties looking forward to their visits have, in some instances, treasured up complaints with a view to recrimination.

The prevalence of such a spirit would have rendered it utterly impossible for the magistrates to have disposed of the complaints that would have arisen, while their visits would rather have tended to keep up acrimonious feelings than to have composed differences. Considering, moreover, that the relations at present upheld by the apprentice law have been intended to prepare for the maintenance of those voluntary engagements which subsist in free countries, I have endeavoured to strengthen those habits and dispositions which are likely to be effectual when the abolition law shall cease to be in force, and which, from the progressive release of the apprentices who redeem their time, will soon cease to be applicable to the majority of the labourers in this colony.

It would be impossible to convey to your Lordship a just idea of the social advancement of the liberated classes in the Bahamas, and of the expectations that may justly be formed of them; and I should be rejoiced to think that the same prospects would be indulged in regard to other British colonies.

Situated as are the Bahamas, between the slave states of America, the colonies of Spain and the state of Hayti, the example held out is honourable to Great Britain, and from the intercourse maintained must eventually be effectual in promoting the cause of freedom and of human improvement.

I have, &c.
(signed) *Wm. M. G. Colebrooke.*

Enclosures in No. 494.

(No. 1.)

Governor of the Bahamas from the Special Magistrates, from 31 July 1834 to 1 October 1835.

| Total Number of Punishments. | Proportion per Cent. of Punishments to Apprentices. | Total Number of Males Punished. | | Total Number of Females Punished. | Average Number of Stripes. | Maximum Number of Stripes. | Maximum of Solitary Confinement. | Maximum of other Punishments. |
|------------------------------|---|---------------------------------|-----------------------------|-----------------------------------|----------------------------|----------------------------|----------------------------------|-------------------------------|
| | | By Whipping | Otherwise than by Whipping. | | | | | |
| 38 | - - | 3 | 18 | 17 | 15 | 15 | 6 days | 5 weeks' hard labour. |
| 20 | - + | 4 | 9 | 7 | 20 | 30 | 8 - | 30 days' - ditto. |
| 25 | - - | 2 | 10 | 13 | 18 | 30 | 8 - | 3 weeks' - ditto. |
| 19 | - - | 6 | 7 | 6 | 16 | 30 | 7 - | 7 days' - ditto. |
| 3 | - + | - - | 2 | 1 | - - | - - | 7 - | - - |
| 10 | - - | 2 | 4 | 4 | 10 | 15 | 14 - | 3 days' - ditto. |
| 18 | - - | 5 | 12 | 1 | 17 | 30 | 8 - | 1 day's - ditto. |
| 13 | 12 p'cent. in 14 months. | 1 | 10 | 2 | 30 | 30 | 8 - | - - |
| 22 | - - | 3 | 10 | 9 | 12 | 12 | 6 - | 8 days' - ditto. |
| 11 | - - | 2 | 6 | 3 | 12 | 12 | 4 - | 7 days' - ditto. |
| 32 | - - | 3 | 13 | 16 | 22 | 30 | 6 - | 7 days' - ditto. |
| 31 | - - | 7 | 18 | 6 | 19 | 30 | 7 - | 30 days' - ditto. |
| 21 | - - | - - | 16 | 5 | - - | - - | 3 - | 30 days' - ditto. |
| 7 | - - | - - | 5 | 2 | - - | - - | 2 - | 10 days' - ditto. |

(continued)

| DISTRICT. | NAMES of SPECIAL MAGISTRATES. | DATE. | Fines Imposed on Employers. | | | Total Number of Apprentices comprised in the District. | |
|-------------------------------------|--|-----------|-----------------------------|----------|----------|---|----------|
| | | | No. | Amount. | Maximum. | Males. | Females. |
| | | | | £. s. d. | £. s. d. | | |
| Turk's Island and Caicos. | George Gibbs | Aug. 1834 | - | - | - | - | - |
| | Ditto | Sept. - | - | - | - | - | - |
| | Geo. Gibbs and Chas. Penny | Oct. - | - | - | - | - | - |
| | Ditto | Nov. - | - | - | - | - | - |
| | Ditto | Dec. - | - | - | - | - | - |
| | Ditto | Jan. 1835 | - | - | - | - | - |
| | Ditto | Feb. - | - | - | - | - | - |
| | Ditto | March - | 1 | - 16 - | - 16 - | 660 | 687 |
| | Ditto | April - | 2 | 20 - - | 10 - - | - | - |
| | Ditto | May - | - | - | - | - | - |
| | Charles Penny | June - | - | - | - | - | - |
| | Ditto | July - | 3 | 11 8 - | 7 8 - | - | - |
| Ditto | Aug. - | - | - | - | - | - | |
| Ditto | Sept. - | - | - | - | - | - | |
| Long Island | Thomas M. Rahming and Thomas Smith. | Aug. 1834 | - | - | - | - | - |
| | Ditto | Sept. - | - | - | - | - | - |
| | Ditto | Oct. - | - | - | - | - | - |
| | Ditto | Nov. - | - | - | - | - | - |
| | Ditto | Dec. - | - | - | - | - | - |
| | Ditto | Jan. 1835 | - | - | - | - | - |
| | Ditto | Feb. - | - | - | - | 362 | 453 |
| | Ditto | March - | - | - | - | - | - |
| | Ditto | April - | - | - | - | - | - |
| | Ditto | May - | - | - | - | - | - |
| | Ditto | June - | - | - | - | - | - |
| | Ditto | July - | 1 | - 10 - | - 10 - | - | - |
| | Ditto | Aug. - | - | - | - | - | - |
| | Ditto | Sept. - | - | - | - | - | - |
| Rum Key | Norman W. H. Butler | Aug. 1834 | 1 | 10 - - | 10 - - | - | - |
| | Ditto | Sept. - | - | - | - | - | - |
| | Ditto | Oct. - | - | - | - | - | - |
| | Ditto | Nov. - | - | - | - | - | - |
| | Ditto | Dec. - | - | - | - | - | - |
| | Ditto | Jan. 1835 | - | - | - | - | - |
| | Ditto | Feb. - | - | - | - | - | - |
| | Ditto | March - | - | - | - | 358 | 344 |
| | Ditto | April - | - | - | - | - | - |
| | Ditto | May - | - | - | - | - | - |
| | Ditto | June - | - | - | - | - | - |
| | Ditto | July - | - | - | - | - | - |
| | Ditto | Aug. - | - | - | - | - | - |
| Ditto | Sept. - | - | - | - | - | - | |
| Watting's Island & St. Salvador. | Henry M. Williams | Aug. 1834 | - | - | - | - | - |
| | Ditto | Sept. - | - | - | - | - | - |
| | Ditto | Oct. - | - | - | - | - | - |
| | Ditto | Nov. - | - | - | - | - | - |
| | Ditto | Dec. - | - | - | - | - | - |
| | Ditto | Jan. 1835 | - | - | - | - | - |
| | Ditto | Feb. - | - | - | - | 514 | 503 |
| | Ditto | March - | - | - | - | - | - |
| | Ditto | April - | - | - | - | - | - |
| | Ditto | May - | - | - | - | - | - |
| | Ditto | June - | - | - | - | - | - |
| | Ditto | July - | - | - | - | - | - |
| Ditto | Aug. - | - | - | - | - | - | |
| Ditto | Sept. - | - | - | - | - | - | |
| Crooked Island | James Munro | Aug. 1834 | - | - | - | - | - |
| | Ditto | Sept. - | - | - | - | - | - |
| | Ditto | Oct. - | - | - | - | - | - |
| | Ditto | Nov. - | - | - | - | - | - |
| | Ditto | Dec. - | - | - | - | - | - |
| | Ditto | Jan. 1835 | - | - | - | - | - |
| | Ditto | Feb. - | - | - | - | 297 | 294 |
| | Ditto | March - | - | - | - | - | - |
| | Ditto | April - | - | - | - | - | - |
| | Ditto | May - | - | - | - | - | - |
| | Ditto | June - | - | - | - | - | - |
| | Ditto | July - | - | - | - | - | - |
| | Ditto | Aug. - | - | - | - | - | - |
| Ditto | Sept. - | - | - | - | - | - | |

| Total Number of Punishments. | Proportion per Cent. of Punishments to Apprentices. | Total Number of Males Punished. | | Total Number of Females Punished. | Average Number of Stripes. | Maximum Number of Stripes. | Maximum of Solitary Confinement. | Maximum of other Punishments. |
|------------------------------|---|---------------------------------|-----------------------------|-----------------------------------|----------------------------|----------------------------|----------------------------------|--|
| | | By Whipping. | Otherwise than by Whipping. | | | | | |
| 13 | - | 1 | 9 | 3 | 15 | 15 | 24 hours | 4 hours in the stocks. |
| 7 | - | 2 | 2 | 3 | 27 | 39 | 3 days | 6 hours - ditto. |
| 22 | - | 1 | 7 | 14 | - | - | 1 - | 2 days' imprisonment. |
| 16 | - | 2 | 5 | 9 | 27 | 30 | 3 - | 2 days' - ditto. |
| 28 | - | 6 | 21 | 1 | 17 | 30 | 2 - | |
| 22 | - | 5 | 4 | 13 | 22 | 39 | 7 - | 16 hours in the stocks. |
| 6 | 18 p' cent. in 13 months. | 1 | 1 | 4 | 30 | 30 | 2 - | 2 days' imprisonment. |
| 11 | - | 1 | 7 | 3 | 15 | 15 | 2 - | 1 day in the stocks. |
| 13 | - | - | 7 | 6 | - | - | 14 hours | 8 hours - ditto. |
| 27 | - | 5 | 6 | 16 | 18 | 24 | 30 - | 16 hours - ditto. |
| 37 | - | 2 | 12 | 23 | 24 | 24 | 14 days | 6 days - ditto. |
| 13 | - | 2 | 4 | 7 | 30 | 30 | 48 hours | 4 days' imprisonment. |
| 31 | - | 5 | 10 | 16 | 14 | 20 | 3 days | 7 days' - ditto. |
| 1 | - | 1 | - | - | 39 | 39 | - | |
| 2 | - | 1 | 1 | - | 39 | 39 | 2 - | |
| 6 | - | 3 | 1 | 2 | 21 | 30 | 6 - | 8 hours in the stocks. |
| 8 | 4 p' cent. in 12 months. | 3 | 3 | 2 | 29 | 39 | 2 - | 8 hours - ditto. |
| 6 | - | 5 | 1 | - | 21 | 39 | - | 8 hours - ditto. |
| 3 | - | 1 | 2 | - | 30 | 30 | 2 - | 16 hours - ditto. |
| 1 | - | 1 | - | - | 39 | 39 | - | |
| 1 | - | 1 | - | - | 30 | 30 | - | |
| 2 | - | 2 | - | - | 30 | 30 | - | |
| 6 | - | 3 | 1 | 2 | 13 | 15 | 4 days | 1 day's imprisonment. |
| 2 | - | 1 | 1 | - | 12 | 12 | - | 1 day's - ditto. |
| 4 | - | - | 3 | 1 | - | - | 2 days | 7 days' - ditto. |
| 4 | - | 2 | 2 | - | 22 | 30 | 14 - | |
| 4 | - | 1 | 2 | 1 | 39 | 39 | - | 7 days' - ditto. |
| 3 | 4½ p' cent. in 11 months. | 1 | 2 | - | - | - | - | |
| 3 | - | 2 | - | 1 | 39 | 39 | 7 days | |
| 1 | - | - | 1 | - | - | - | - | To labour 1 Saturday for his employer. |
| 2 | - | - | - | 2 | - | - | - | 7 days' imprisonment. |
| 2 | - | 2 | - | - | 12 | 12 | - | |
| 17 | - | 9 | - | 8 | 27 | 39 | 2 weeks | 6 times in the stocks. |
| 1 | 2½ p' cent. in 10 months. | 1 | - | - | 20 | 20 | - | |
| 2 | - | 2 | - | - | 16 | 20 | - | |
| 2 | - | 1 | - | 1 | 2 | 2 | - | 6 hours in the stocks. |
| 7 | - | 5 | - | 2 | 19 | 39 | - | 8 hours in the stocks. |
| 9 | - | 7 | - | 2 | 22 | 39 | - | 8 hours - ditto. |
| 2 | 3½ p' cent. | 2 | - | - | 20 | 20 | - | |
| 1 | - | 1 | - | - | 20 | 20 | - | |

(continued)

| DISTRICT. | NAMES of SPECIAL MAGISTRATES. | DATE. | Fines Imposed on Employers. | | | Total Number of Apprentices comprised in the District. | | | |
|----------------|-------------------------------------|-----------|-----------------------------|---------|----------|---|----------|----|----|
| | | | No. | Amount. | Maximum. | Males. | Females. | | |
| | | | | | | | | £. | s. |
| Ragged Island | James A. Wildgoos | Aug. 1834 | - | - | - | - | - | - | |
| | Ditto | Sept. | - | - | - | - | - | - | |
| | Ditto | Oct. | - | - | - | - | - | - | |
| | Ditto | Nov. | - | - | - | - | - | - | |
| | Ditto | Dec. | - | - | - | - | - | - | |
| | Ditto | Jan. 1835 | - | - | - | - | - | - | |
| | Ditto | Feb. | - | - | - | - | - | - | |
| | Ditto | March | - | - | - | - | - | - | |
| | Ditto | April | - | - | - | - | - | - | |
| | Ditto | May | - | - | - | - | - | - | |
| | Ditto | June | 2 | 10 | 8 | 10 | - | - | |
| | Ditto | July | 2 | 2 | 7 | 1 | 7 | - | |
| | Ditto | Aug. | - | - | - | - | - | - | |
| | Ditto | Sept. | - | - | - | - | - | - | |
| Exuma | Thomas Thompson and D. Sears. | Aug. 1834 | - | - | - | - | - | - | |
| | Ditto | Sept. | 1 | 2 | 4 | 2 | 4 | - | |
| | Ditto | Oct. | - | - | - | - | - | - | |
| | Ditto | Nov. | - | - | - | - | - | - | |
| | Ditto | Dec. | - | - | - | - | - | - | |
| | Ditto | Jan. 1835 | - | - | - | - | - | - | |
| | Ditto | Feb. | - | - | - | - | - | - | |
| | Ditto | March | - | - | - | - | - | - | |
| | Ditto | April | - | - | - | - | - | - | |
| | Donald M'Lean and H. Munro. | May | 1 | 2 | - | 2 | - | - | |
| | Ditto | June | - | - | - | - | - | - | |
| Ditto | July | - | - | - | - | - | - | | |
| Ditto | Aug. | - | - | - | - | - | - | | |
| Ditto | Sept. | - | - | - | - | - | - | | |
| Harbour Island | William Smith | Aug. 1834 | - | - | - | - | - | - | |
| | Ditto | Sept. | - | - | - | - | - | - | |
| | Ditto | Oct. | - | - | - | - | - | - | |
| | Ditto | Nov. | - | - | - | - | - | - | |
| | Ditto | Dec. | - | - | - | - | - | - | |
| | Ditto | Jan. 1835 | - | - | - | - | - | - | |
| | Ditto | Feb. | - | - | - | - | - | - | |
| | Ditto | March | - | - | - | - | - | - | |
| | Ditto | April | - | - | - | - | - | - | |
| | Ditto | May | - | - | - | - | - | - | |
| | Thomas R. Winder | June | - | - | - | - | - | - | |
| | Thomas R. Winder and A. Reade. | July | - | - | - | - | - | - | |
| | Ditto | Aug. | - | - | - | - | - | - | |
| | Ditto | Sept. | - | - | - | - | - | - | |
| Eleuthera | T. R. Winder and Alfred Reade. | Aug. 1834 | - | - | - | - | - | - | |
| | Ditto | Sept. | - | - | - | - | - | - | |
| | Ditto | Oct. | - | - | - | - | - | - | |
| | Ditto | Nov. | - | - | - | - | - | - | |
| | Donald M'Lean | Dec. | - | - | - | - | - | - | |
| | Thomas R. Winder | Jan. 1835 | 1 | - | 13 | 6 | - | 13 | 6 |
| | Ditto | Feb. | - | - | - | - | - | - | |
| | Ditto | March | - | - | - | - | - | - | |
| | Ditto | April | - | - | - | - | - | - | |
| | Ditto | May | - | - | - | - | - | - | |
| | Ditto | June | - | - | - | - | - | - | |
| | Ditto | July | - | - | - | - | - | - | |
| | Ditto | Aug. | - | - | - | - | - | - | |
| | Ditto | Sept. | - | - | - | - | - | - | |

| Total Number of Punishments. | Proportion per Cent. of Punishments to Apprentices. | Total Number of Males Punished. | | Total Number of Females Punished. | Average Number of Stripes. | Maximum Number of Stripes. | Maximum of Solitary Confinement | Maximum of other Punishments | |
|------------------------------|---|---------------------------------|-----------------------------|-----------------------------------|----------------------------|----------------------------|---------------------------------|---|---|
| | | By Whipping. | Otherwise than by Whipping. | | | | | | |
| 1 | 16½ per cent. | - | - | 1 | - | - | - | 6 days in the stocks. | |
| 2 | | 1 | 1 | - | 15 | 15 | 48 hours | 6 days - ditto. | |
| 1 | | 1 | - | - | - | 39 | 39 | - | 3 months' hard labour. |
| 1 | | - | - | - | 1 | - | - | - | 12 hours' - ditto. |
| 6 | | 2 | 2 | 2 | 22 | 24 | 48 hours | 12 hours' - ditto. | |
| 5 | | 4 | - | 1 | 13 | 15 | 9 | - | 12 hours' - ditto. |
| 2 | | - | - | 2 | - | 6 | 6 | - | 12 hours' - ditto. |
| 2 | | 2 | - | - | - | - | - | - | 12 hours' - ditto. |
| 1 | | - | - | - | 1 | - | - | - | - |
| 3 | | - | - | 2 | 1 | - | - | 1 week | - |
| 6 | 1 | 3 | 2 | 15 | 15 | 1 | - | 15 hours' extra labour. | |
| 1 | 1 | - | - | - | 12 | 12 | - | 24 hours' imprisonment. | |
| 1 | 4½ p'cent. | 1 | - | - | 25 | 25 | - | - | |
| 1 | | - | - | 1 | - | - | 3 days | - | |
| 6 | | - | 3 | 3 | - | - | 6 | - | 30 days' hard labour. |
| 6 | 2 | 1 | 3 | 15 | 27 | - | - | 18 hours' extra labour. | |
| 19 | 3 | 9 | 7 | 12 | 15 | - | - | 30 extra tasks within 12 months. | |
| 2 | 3½ p'cent. | - | 2 | - | - | - | - | 7 days' imprisonment. | |
| 5 | | - | 2 | 3 | - | - | 2 weeks | - | 2 weeks' - ditto. |
| 2 | | 1 | 1 | - | 12 | 12 | - | - | 2 weeks' - ditto. |
| 1 | | 1 | - | - | 12 | 12 | - | - | - |
| 1 | | - | - | - | 1 | - | - | - | Bound to good behaviour. |
| 2 | | - | - | - | 2 | - | - | - | 5 days' imprisonment, |
| 1 | | 1 | - | - | - | 6 | 6 | - | - |
| 1 | | 1 | - | - | - | - | - | - | - |
| 3 | | 1 | 1 | 1 | 7 | 7 | 2 days | - | 2 weeks' hard labour. |
| 3 | | - | - | - | 3 | - | - | 1 week | 9 hours in the stocks. |
| 3 | 3 p'cent. | - | 2 | 1 | - | - | - | Time of apprenticeship extended 6 months. | |
| 5 | | 3 | - | 2 | 15 | 20 | 1 week | 5 weeks' hard labour. | |
| 6 | | 4 | 1 | 1 | 12 | 20 | - | 12 days' extra labour. | |
| 2 | | - | 2 | - | - | - | - | - | 1 day's - ditto. |
| 5 | | 1 | 1 | 3 | 8 | 8 | - | - | 3 hours in the stocks. |
| 12 | | 5 | 4 | 3 | 17 | 30 | 1 week | - | 1 month's hard labour, and apprenticeship extended 10 months. |
| 5 | 2 | 3 | - | 15 | 15 | - | - | 1 month's hard labour. | |

(continued)

| DISTRICT. | NAMES of SPECIAL MAGISTRATES. | DATE. | Fines Imposed on Employers. | | | Total Number of Apprentices comprised in the District. | |
|--------------|-------------------------------------|-----------|-----------------------------|----------|----------|---|----------|
| | | | No. | Amount. | Maximum. | Males. | Females. |
| Abaco | Thomas Russell and Joseph Saunders. | Aug. 1834 | - | £. s. d. | £. s. d. | - | - |
| | Ditto | Sept. | - | - | - | - | - |
| | Ditto | Oct. | - | - | - | - | - |
| | Ditto | Nov. | - | - | - | - | - |
| | Ditto | Dec. | - | - | - | - | - |
| | Ditto | Jan. 1835 | - | - | - | - | - |
| | Ditto | Feb. | - | - | - | - | - |
| | Ditto | March | - | - | - | 234 | 243 |
| | Ditto | April | - | - | - | - | - |
| | Donald M'Lean and Hector Munro. | May | - | 1 10 - | 1 - - | - | - |
| | Ditto | June | - | - | - | - | - |
| | Ditto | July | - | - | - | - | - |
| | Ditto | Aug. | - | - | - | - | - |
| Ditto | Sept. | - | - | - | - | - | |
| Grand Bahama | Michael W. Smith | Aug. 1834 | - | - | - | - | - |
| | Ditto | Sept. | - | - | - | - | - |
| | Ditto | Oct. | - | - | - | - | - |
| | Ditto | Nov. | - | - | - | - | - |
| | Ditto | Dec. | - | - | - | - | - |
| | Ditto | Jan. 1835 | - | - | - | - | - |
| | Ditto | Feb. | - | - | - | - | - |
| | Ditto | March | - | - | - | 52 | 56 |
| | Ditto | April | - | - | - | - | - |
| | Ditto | May | - | - | - | - | - |
| | Ditto | June | - | - | - | - | - |
| | Ditto | July | - | - | - | - | - |
| | Ditto | Aug. | - | - | - | - | - |
| Ditto | Sept. | - | - | - | - | - | |

(No. 2.)

RETURN of the NUMBER and EFFECT of the RETURNS of PUNISHMENTS received by the Lieutenant-governor from the Special Magistrates, from 31 July 1834 to 1 October 1835.

| Total Number of Apprentices throughout the Island, Province or Government. | Total Number of Punishments inflicted under the Authority of Special Magistrates throughout the same. | Fines imposed on Employers. | | | Proportion per cent. of Punishments to Apprentices. | Total Number of Males punished. | | Total Number of Females punished. | The Average Number of Stripes inflicted in any one case of Punishment by Whipping. | The Maximum Number of Stripes inflicted in any one Case of Punishment by Whipping. | The Maximum of Severity in any one Case of Punishment by Confinement. | The Maximum of Severity in any other Mode of Punishment. |
|--|---|-----------------------------|---------------------|----------|---|---------------------------------|-----------------------------|-----------------------------------|--|--|---|--|
| | | No. | Amount. | Maximum. | | By Whipping. | Otherwise than by Whipping. | | | | | |
| 10,200 | 768 | 35 | £. s. d. 124 8 6 | £. 10 | -- 7 per cent. in 12 months. | 169 | 313 | 286 | 7 | 39 | 14 days | -- 1 month's hard labour, and term of apprenticeship extended 10 months. |

(No. 3.)

Sir,
Special Magistrate's Office, Nassau, New Providence, 6 Oct. 1835.
In obedience to your Excellency's commands, I have the honour to state, in explanation of the accompanying return, ordered by His Majesty's Government, that the proportion per cent. of punishments inflicted upon apprenticed labourers in this colony, which appears to differ so materially in the several districts therein, may be accounted for, first, in the district of New Providence, from the constant influx of mariners, fishermen and others from the other districts to the town of Nassau, and from the apprentices being occasionally brought here from those islands where no places of confinement have yet been erected.

The

| Total Number of Punishments. | Proportion per Cent. of Punishments to Apprentices. | Total Number of Males Punished. | | Total Number of Females Punished. | Average Number of Stripes. | Maximum Number of Stripes. | Maximum of Solitary Confinement. | Maximum of other Punishments. |
|------------------------------|---|---------------------------------|-----------------------------|-----------------------------------|----------------------------|----------------------------|----------------------------------|-------------------------------|
| | | By Whipping. | Otherwise than by Whipping. | | | | | |
| - | - | - | 5 | 2 | - | - | - | 17 days' imprisonment. |
| 7 | - | - | 3 | - | - | - | - | 4 days' - ditto. |
| 3 | - | - | 2 | 1 | - | - | - | 4 days' - ditto. |
| 3 | - | - | 1 | - | - | - | - | 5 days' - ditto. |
| 1 | - | - | 2 | 1 | - | - | - | 8 days' - ditto. |
| 3 | - | - | 1 | 3 | - | - | - | 9 days' - ditto. |
| 4 | 5½ p' cent. | - | 1 | - | - | - | - | 6 hours in the stocks. |
| 1 | - | 1 | 1 | 1 | 10 | 10 | - | 3 days' imprisonment. |
| 3 | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |
| 2 | - | 1 | - | 1 | 24 | 24 | - | 24 hours in the stocks. |
| - | - | - | - | - | - | - | - | - |
| - | 1½ p' cent. | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - |

(signed) *W. M. G. Colebrooke.*

The Turk's Island, from its being the place next in importance to Nassau, and from its being a port of considerable trade, the number of punishments inflicted must be accounted for in the same way.

The district of Ragged Island appearing to have a greater proportion of punishments inflicted in it than some others, may be accounted for by the colonial special justice there having tried all sorts of offences, many of which ought to have been tried by him as a justice of the peace, agreeably to the ordinary laws of the colony, and from the district being for some time in a disorderly state.

Since the visits of the English magistrates to the district, the number of punishments have been considerably decreased.

The small number of punishments inflicted at Grand Bahama and other places has arisen from the apprentices being, more or less, mariners employed by the agents of the owners who reside at this place, where the office is open every day for adjusting their differences.

Your Excellency will have observed, from the weekly reports of cases tried at this office, that the number of punishments inflicted in New Providence during the month of September was very small; in the week ending the 12th of that month not a single trial occurred. This has mainly arisen from the magistrates adopting a plan of endeavouring to settle the differences by arbitration between the parties, and bringing them to enter into mutual agreements in writing. This has settled the disputes and discontents of several proprietors who were continually bringing up their apprentices for trial.

During my residence in the extensive district of Eleuthera and Harbour Island, the whole of the proprietors, amounting to upwards of 200, and their apprentices nearly to 2,000, entered severally into voluntary engagements for time and land, in lieu of provisions and clothing. These arrangements have been found to work well during the past year.

The introduction of the same regulations in the districts visited by the English magistrates will, I am of opinion, tend very materially to prevent the necessity of punishments.

Accounts from several of the islands received here since the making up of the returns, state that quietness and good order prevails.

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

I have, &c.
(signed) *Thomas R. Winder,*
Stipendiary Magistrate.

BAHAMAS.

(No. 4.)

(Circular.)

Sir,

Nassau, 8 August 1835.

WITH reference to the circular letter addressed to you by the Lieutenant-governor, and published with the Government advertisement of the 15th July, I am directed by his Excellency to request that you will give your prompt attention to the cases of complaint which may be noted in the journals of the special constables, and in disposing of those cases which may come within the limits of your jurisdiction as a justice of the peace, and taking the necessary measures in all to prevent any infraction or disturbance of the public peace, you will consider yourself authorized, in those cases which refer exclusively to the jurisdiction of the special magistrates, to bring the parties to an amicable adjustment of their differences.

Complaints which have been made and reported, appear, for the most part, to have been of the most trivial nature, and it would tend much to the interests both of the employers and apprentices, as well as to the general tranquillity and contentment, that they should be animated by a spirit of conciliation, rather than that acrimonious feeling should continue to subsist. In the advice you may give to them in such cases you will be guided by the instructions before referred to; and where the parties may appear to be inflexible or unreasonable, you will note the circumstance in your reports upon the general state of your districts. It has been reported in some cases that verbal abuse is in some places prevalent, especially amongst the females; and it would be proper that persons who disturb the peace in this manner, and provoke others to do so, should be put under restraint for some time, until they become tranquil.

The necessity of having a lock-up room or prison in some detached settlements and plantations has been strongly pointed out; and you will include in your report the progress that may be made in the erection or provision of these necessary structures.

I have, &c.

To the Justices of the Peace.

(signed)

C. R. Nesbitt,

Acting Public Secretary

(No. 5.)

CIRCULAR to the SPECIAL MAGISTRATES.

Sir,

Government House, Nassau, 18 September 1835.

Vide Instructions, dated 9 May and 8 August, 1835. For Instructions 9 May, vide Enclosures to Lieut.-Gov. Colebrooke's Despatch, 2 June 1835.

IN calling your attention to the instructions which have been successively issued for the guidance of the special magistrates in this colony, some explanation of the general principles on which they have been grounded may assist the magistrates, and especially those who have been recently appointed, in administering the law; and prove also a guide to all persons who are bound to conform to it in situations where there may not be the means of prompt communication.

In the circuits you are required to make through the detached settlements which are scattered throughout these islands, the most important part of your functions is, to explain the law where you may find it to be imperfectly understood.

The few irregularities which have arisen, have, for the most part, proceeded from some misconception of its provisions; and, considering how much the people have been unavoidably left to themselves, it is highly creditable both to employers and apprentices, that tranquillity and good order should so generally have prevailed.

The intention of the Legislature having been to prepare for a gradual change in the relation of employer and labourer, it should be a leading object with the magistrate to encourage them to enter into those voluntary engagements which are authorized by law, where the parties may agree to specific terms. These engagements may be made at any time by the masters themselves; but, as they become binding when confirmed by the magistrate, it is incumbent on him to satisfy himself that the terms are equitable.

Such agreements have been already made to a great extent, and have been attended with considerable benefit to both parties. They have varied with the nature of the employment, and the local circumstances which have rendered any precise rule inapplicable in all situations. In cases where the parties may not be agreed, you will take the necessary evidence to enable you to form a practical judgment upon the point at issue, keeping a note of such evidence for future reference.

1. These engagements, forms of which will be furnished to you, will determine either the equivalent to be paid in money by the non-prædial apprentice, for the actual time he is bound to serve the employer, abating the value in clothing, subsistence, medicine, &c.; or

2. The time to be given up to prædial apprentices who may undertake to support themselves. And

3. The quantity of task-work to be performed in a given time by apprentices*.

The

* It must be remembered that Saturday is a day allowed by law to the prædial apprentice for himself, and is in no case to be included in any estimate of the time which is at the disposal of the employer. He is also entitled to an allotment of land not less than a quarter of an acre.

The object to be accomplished by these engagements, is the satisfaction of both parties, as by this alone can the industry of the apprentice be effectually called forth. It has, therefore, been wisely determined by the Legislature, that they should be made for short periods, not exceeding 12 months, and thus open to frequent amendment. The task-work of agricultural labourers will necessarily have reference to the quality of the soil, the labour of weeding, &c. in different places. The employers in general are disposed to be liberal; and it is consistent with their interests to be so, as the punctual performance of the engagement will thus be most effectually insured.

Where plantation labourers have been settled on the lands under such agreements, permanent advantages may be expected to be derived; as experience will thus be acquired of the terms on which they may progressively be settled as a small tenantry. In all cases in which written agreements are not entered into, you are of course aware that the law is the sole guide for regulating the claims of both parties.

In order to provide for the due disposal of all complaints that may arise, and to prevent those disorders which might ensue during the absence of the magistrate, the law has provided for the appointment of plantation constables, who have authority to repress disorders, and to confine persons who disturb the peace for 24 hours, until reference can be made to a magistrate. This power, however, is only to be exercised under the same circumstances in which free persons would be subject to the same restraint.

Special constables have also been appointed, who are in future to make circuits through their districts, and keep journals of all complaints made to them, under instructions for their guidance. For the performance of this duty, a circuit allowance has been granted to them. As their journal will include cases of every description, where masters or apprentices are concerned, the justices of the peace to whom the record will be open, will take cognizance of those within their jurisdiction, and the special magistrates will dispose of such as relate to breaches of the law of abolition.

In respect to the latter class, as the justices of the peace also have authority to settle disputes when the parties are willing to adjust them, and as many of these arise out of misunderstandings, which it is to the obvious advantage of all parties speedily to terminate, the special magistrates on circuit are not to consider it incumbent on them to take cognizance, except of those complaints which the parties may actually bring before them at the time of their visit, or such as may be recorded in the journal of the circuit constable, as unsettled by the justice of the peace; bearing in mind that it is at all times most important to establish a good understanding between employers and apprentices, which will prevent the recurrence of disputes in the absence of the special magistrates. *Vide Circular 8 August 1835.*

In the disposal of the cases brought before you for adjudication, it is necessary to impress on the parties, that the law must be strictly and impartially administered; but in cases where employers may not desire that the punishments awarded against their apprentices should be inflicted, or when, in your judgment, the irregularity may have proceeded from the ignorance of the apprentice, and that there is no disposition to persevere in wrong, you are to make a record to this effect, and to report the circumstances to me, with your recommendation on the subject; and in the meantime you will suspend the infliction of the punishment.

Difficulties have arisen in providing for the erection of the gaols in the several districts; and irregularities have frequently occurred from the want of effectual means of restraining unruly persons.

The Act of 4 Will. 4, c. 42. has empowered the special magistrates to associate themselves with the resident justices of the peace, for assessing the materials and labour required; and, to obviate objections, it has since been directed that the magistrates should, on due notice being given, ascertain any objection that the rate-payers may make to the distribution. *Vide Government Notice of March 17.*

The most practicable mode will be to estimate the amount in money, and to distribute the charge, allowing the parties assessed to contribute labour or materials, according to an established rate; and to hasten the completion of these necessary buildings, the special and resident magistrates are authorized to appoint one local commissioner, to act conjointly with another, to be nominated by the rate-payers, to superintend the work; and the resident magistrate is to decide in all cases where they may not be agreed. And further to facilitate the work, the magistrates may apply to them the amount of any fines they may impose; and direct the employment of all persons who may be sentenced to perform hard labour; such fines, and their appropriation, however, being duly notified to the Receiver-general.

Where buildings may be given up to the magistrates by proprietors, to be used as gaols, as well as in cases where they may be erected in conformity to law, there must be provided separate, airy and dry apartments, for the male and female prisoners, and a wall or palisading around the building.

The gaoler to be appointed under the Act, may be employed as overseer of the convict labourers, who are to be placed in his custody.

The efficacy which has attended the adoption of hard labour as a punishment in New Providence, recommends the use of it in other districts; and by applying this labour to the erection of gaols, additional means will be found of controlling those who disturb the public peace. I have, therefore, to recommend to you the adoption of this mode of punishment, in preference to all others; and by providing in the sentence, that in case of combination or refractory conduct, the prisoners should be sent to the workhouse at Nassau, a discretionary power may be vested in the local magistrate, on application from the constable, to send

BAHAMAS.

send them down, with a copy of the sentence, and a statement of the period that the prisoner may have already performed the labour awarded.

Persons condemned to imprisonment by the justices of the peace may be similarly employed, under the rules of the gaols, when not otherwise directed; and when the gaols have been completed, their labour may be applied on other public works, as may be directed from hence. Fines may be redeemed by labour, at an average rate of 2s. a day, when the parties are unable to pay them in money. Another means of restraint will be found in the use of stocks, a punishment which has proved very efficacious in several districts.

The usual labour which has hitherto been imposed on women, is in grinding corn and picking oakum or cotton; they have also been punished by solitary confinement and the stocks. The preference of these modes of punishment when required, and still more the efficacy of those engagements, into which the employers and apprentices have voluntarily entered, have justified the expectation I had formed of being able wholly to dispense with the degrading application of the lash, to which the males have continued subject.

To stimulate labour by such means, necessitates its constant application on the hardened offender; but the visits of the special magistrates can only be occasional; and the adoption of other and more effectual means of accomplishing the fulfilment of engagements, are thus apt to be lost sight of. Hard labour, imposed as a punishment, may be continued during the absence of the magistrates, and extended, if necessary, through the whole interval between the circuits. The example, therefore, continues to operate, and the power of sending a refractory convict to work out his sentence at Nassau, will arm the local magistrate in repressing combinations or disorders, should any arise, and which he may not otherwise have the power to punish.

The cases, however, of this description are few, and those over which the jurisdiction of the justice of the peace extends are the most numerous; and, as the period must shortly arrive, when all the engagements of master and servant, of employer and labourer, must be upheld as in other countries, under the operation of the laws to which all classes are subject in common, it is of the greatest consequence, that, in the progressive enfranchisement of the apprentice, the ordinary motives should become effectual, which impel men to industrious and honourable exertions. To this end my attention has been directed to the means of diffusing moral and religious instruction, under the Act (5 Will. 4, c. 25), for establishing out island schools, the principle of which is so well calculated to gain the co-operation of the people; and your assistance in carrying it further into effect will materially tend to promote good order and industry in the districts you may visit.

The preliminary step to be taken is the formation of lists of subscribers, with the number of children, and the amount subscribed; and the nomination of local commissioners, to superintend the erection of school-houses, and to collect the stipends for the masters, under the regulations which have been established.

I attach very great importance to the introduction of infant schools, and of schools of industry for girls, and eventually for boys*; and besides the allowance of 40*l.* per annum, to the teacher of an out-island school, 10*l.* per annum will be given to any respectable and competent female who will undertake an infant school, and girls' school of industry, upon the plan pursued in Nassau. Another subject to which I request your attention, is the selection of land in appropriate situations, for the formation of close settlements, where such lands may be advantageously laid out in allotments, and put up for public sale. It will generally be desirable that these settlements be formed on Crown property; reserves in all instances to be made of appropriate sites for churches, schools, and other public buildings; also for wharfs when near the sea-shore. In some situations it will be necessary that contiguous lands should be reserved for commonage, or allotted out for cultivation, and to be regulated in extent by the nature of the soil, &c.; but in no instance are allotments to be so extensive as to allow of the exhaustion of one part of the land, and removal to another.

You will make separate reports to me relative to the schools, and also respecting the lands at the disposal of the Crown, in the districts you may visit; and in respect to the latter, you will avail yourself of the experience and information of the local magistrates, the superintendents of Crown woods and lands, and of other intelligent persons whom you may meet with; and measures will be taken for forming the settlements, after receiving your reports.

I have only further to request you will take every occasion to impress on the inhabitants of the out-islands, and especially the apprentices, that I confidently rely on their cheerful support of the law, and discharge of the obligations imposed by it; and that they will learn practically to appreciate the advantages which are derived from order, industry and integrity, in the fulfilment of engagements.

I have, &c.
(signed) *W. M. G. Colebrooke.*

Remarks for the guidance of the Magistrates on Circuit, relative to Contracts, &c.

It is the duty of the magistrates to see that the apprentice does not make an unfavourable or unreasonable engagement: under no circumstances should he be allowed less than two days

* The girls to be taught needlework, spinning, and other branches of domestic industry; and the boys to be employed in garden and field work.

days in a week to find himself food and clothing, and then only where he is allowed sufficient land, both in quantity and quality; where land is poor and exhausted, not less than two and a half or three days.

It should never be lost sight of, that the children under six years of age must be supported by the prædial apprentice, from the labour of Saturdays, and the allotment of land which every employer of prædial apprentices is bound to give them. Employers are not liable to maintain the children of apprentices, though, much to their credit, in this colony many of them do so. All agreements must be voluntarily entered into by the apprentices; and it is the duty of the magistrate to see that they well understand the terms, and that there is every opportunity afforded of fulfilling them. Neither employers nor apprentices can be compelled by the magistrate to enter into agreements; but when the employer and the apprentice do not seem to be on good terms, the magistrate may advise an agreement as a means of preventing future disputes and contentions.

It should not be forgotten by the magistrate that slavery is for ever abolished, and that, in acting between apprentices and employers, he is adjusting only the differences of free men who are bound by mutual and specific obligations to each other for a definite time, which obligations the law intended should be beneficial to both. The magistrate should consider himself specially commissioned as the friend, advocate, protector and guardian of the ignorant and unprotected apprentice, and should at all times be his adviser.

The conduct and disposition of the apprentices at Nassau, and on the out-islands, will be found widely to differ. The magistrate will gain every thing and accomplish the object of his visit by treating them kindly, and patiently listening to their wants and wishes; he will find these to be sometimes unreasonable; but he must make allowance for their opportunities of obtaining instruction and correct information. Finally, let the magistrate never lose sight of that most important and essential provision of the Act of the Imperial Parliament for the Abolition of Slavery: "The promoting the industry and well-being of the manumitted slaves, and the bringing them into the new state and relation of society," in which the law has placed them; in accomplishing which, much depends upon the special magistrate. The explanation of the law, showing its impartiality, and the duties both of apprentices and employers, with the penalties attending a breach by either, will do more good in a gang of apprentices, than a thousand punishments inflicted upon those whose ignorance of the conditions of the law, and perhaps bad advice or ungenerous treatment, may have led into errors. Prædial apprentices being entitled to Saturday, and their task, or one quarter of an acre of land (which must be considered as their absolute property during their apprenticeship), these must never be taken into account in making an agreement to support themselves. This is particularly to be remembered, as instances have occurred where parties, as well employers as apprentices, have appeared ignorant that these are rights secured to the apprentices by law, which cannot be encroached on.

The following is the usual quantity of land allotted to each "taskable hand," or effective labourer (four tasks to an acre), in some districts; and of labour in salt works:

- 1st. In planting Indian corn, five tasks to two hands; one to dig the hole, and one to drop the seed.
- 2d. In planting Guinea corn, four tasks to two hands; one to dig the hole, and one to drop the seed.
- 3d. In falling new land, half a task to a hand.
- 4th. In clearing old land, one task to a hand; but, should the bush be very thick, a lesser quantity.
- 5th. In weeding grass or other troublesome weeds, if the state of the weeding is thick, half a task to a hand; and should the weeding be light, a task is always regulated agreeable to the nature and quality of the land and weeding.
- 6th. In what is termed sprig weeding, from three to four tasks to a hand.
- 7th. In heaping and burning land, the task is regulated agreeable to the nature and quality of the work; say from two to three tasks to a hand.
- 8th. Pruning or trimming cotton, three tasks to a hand.
- 9th. Planting cotton, five tasks to two hands; one to dig the hole, and the other to drop the seed.
- 10th. Cutting down Guinea corn stalks, after the crop is taken in, four tasks to a hand.
- 11th. Salt raking, in some districts, from 35 to 50 bushels raked and heaped in a day, for each able hand; and usually stacked and thatched the following day, by day labour of nine hours. Wheeling by tasks, according to distances, is, in some places, finished by 10 o'clock, A. M.

These rules apply to able hands: under 20 years, viz., from 14 to 20 years of age, generally half the quantity.

Task-work can only be enforced by the majority of the apprentices agreeing voluntarily to some specific rules in writing. (5 Will. 4, c. 8, s. 4.) By 4 Will. 4, c. 21, employers are liable to punishment for exacting, in any one day, more than the stipulated task; and the apprentice may be, in like manner, punished for breach of contract. (4 Will. 4, c. 21, and 5 Will. 4, c. 8, s. 4.)

BAHAMAS.

FORM of AGREEMENT for PRÆDIAL APPRENTICES to support themselves.

Bahama Islands, }
District of

A. B., planter of _____, agrees to allow his prædial apprenticed labourers C., D., E. and F. (two and a half) days in each week, out of the five days' services he is by law entitled to receive from them, and to allow them a sufficient quantity of land (*state the quantity*) to cultivate for their own support and maintenance, in lieu of the provision and clothing they are now entitled to receive by law; and C., D., E. and F. agree to the same.

This agreement to be in force (except during the times of sickness, and inability of the apprentices to work,) for 12 months from this _____ day of _____

(signed)

A. B.

C., D., E. and F.

Approved and attested by me, _____, Special Justice.

N. B. Saturday being reserved by law to the prædial apprentice, the time given up is deducted from the working days allowed to the employer.

FORM of AGREEMENT for NON-PRÆDIAL APPRENTICES to support themselves.

Bahama Islands, }
District of

A. B., of _____, agrees to give his non-prædial apprentice, C. D., registered as a mariner (*one-third, or other proportion*) of all his earnings at sea, as mariner, fisherman, or the like, and also (*one-half*) the value of his woollen suit (*when required*); and C. D. agrees to this arrangement, and engages to pay to A. B., or his agent, (*two-thirds*) of his earnings at sea, and to maintain, clothe, and otherwise support himself (half the value of his woollen suit excepted). for the space of six months; except otherwise prevented by sickness.

(signed)

A. B.

C. D.

Approved and attested by me, _____, Special Justice.

Dated at _____ this _____ day of _____ 183 .

FORM of AGREEMENT for TASK-WORK, in lieu of Nine Hours per Day.

Bahama Islands, }
District of

We, the undersigned prædial apprenticed labourers of A. B., of _____, hereby agree to work for him by certain rules of task-work, as above written in a book to be kept on the plantation (a copy of which is kept by the special justice in his office), in lieu of the nine hours per day, which he is entitled to demand from us.

This agreement to be in force for the space of _____ months from this date.

Witness our hands,

Approved and attested by me, _____, Special Justice.

— No. 495. —

No. 495. COPY of a DESPATCH from Lord Glenelg to Lieutenant-Governor Colebrooke.

Sir,

Downing-street, 1 December 1835.

I HAVE received your despatch dated the 8th October, enclosing the returns required in my circular despatch of the 12th July, of the punishments inflicted on the apprenticed labourers in the Bahama Islands. In the list of these punishments I perceive an entry made of a case in which the offender was condemned to an extension of the term of apprenticeship, for the term of 10 months. I do not at present perceive how such a sentence can be reconciled with the 20th clause of the Act of Parliament for the Abolition of Slavery, which forbids in the most express terms the infliction of any such punishment under the authority of any Act of Assembly. That clause, it is true, provides that during the period of seven years after the apprenticeship a labourer may be compelled to atone to his employer for the

the time which he may have subtracted from his service by any illegal absence, and for which he may not have made up by labour performed during his own leisure; but between the future adjustment of this final account between the parties, and the imposition of a prolonged apprenticeship as a penalty for crime, there is an essential distinction; and unless you are in possession of some conclusive argument in favour of the lawfulness of such punishments, you will immediately remit all such as have been already imposed, and admonish the special magistrates to abstain from a repetition of the practice. I need hardly observe, that no such argument can be drawn from language contained in the Colonial Statute, which of course cannot supersede or contravene the provisions of the Act of Parliament.

I have, &c.
(signed) *Glenelg.*

— No. 496. —

COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to Lord *Glenelg.* No. 496.

My Lord, Government House, Nassau, 13 February 1836.
ON receipt of your Lordship's despatch, dated the 1st of December, I made inquiry respecting the case which had attracted your Lordship's notice in the return of punishments inflicted on apprenticed labourers in the Bahamas, and I have now the honour to enclose a letter from Captain Hill, special magistrate, with an extract from the journal of the special magistrates, from which it would appear that the extension of the term of apprenticeship of the apprentice Sam, was expressly awarded in atonement to the employer for the time illegally abstracted from his service, in conformity to the Imperial and Colonial Acts.

It does not appear that any cases have occurred in which an extension of the term of service has been awarded for any crime; but if any instance should inadvertently have occurred the punishment will be remitted.

I have, &c.
(signed) *W. M. G. Colebrooke.*

Enclosure 1, in No. 496.

Sir, Special Justice's Office, Nassau, 4 February 1836.
IN reply to your Excellency's communication, forwarding a despatch from the Secretary of State for the Colonies, relative to a sentence which had been awarded in June last, I have the honour to enclose your Excellency an extract from the documents in this office, by which it would appear that the charge alluded to comes fully under the meaning of the 20th section of the Imperial Act, and the 40th section of the Colonial Auxiliary Act thereto.

Enclosure 1,
in No. 496.

His Excellency Lieut.-Governor *Colebrooke*,
Bahamas. I have, &c.
(signed) *Edward Eustace Hill*,
Special Justice.

Enclosure 2, in No. 496.

| Date. | Complainant. | Defendant. | Nature of Complaint. | — | — |
|-------------------|--------------|------------------------|---|---|--|
| 1835: June 6 - | W. Durham | - Sam, his apprentice. | - - Absent from his master's service 10 months; refusing to return, although desired by Mr. Smith, the special justice, several times, and three constables; setting the laws at defiance, working on the King's land, and keeping a runaway apprentice, named Tulip. | - - Defendant admitted all the charges, and begged for mercy. | - - Sentence passed on the 8th June at Nassau, one month hard labour and 30 lashes, and his time of apprenticeship to be extended 10 months. |

This trial took place at "Bluff Settlement," Eleuthera, before Thomas Robert Winder, esq., Special Justice.

I certify the above to be a true extract,
(signed) *Edward Eustace Hill*, Special Justice.
Nassau, 4 February 1836.

BAHAMAS.

— No. 497. —

No. 497. COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Colebrooke*.

Sir,

Downing-street, 31 March 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 13th ultimo, containing the explanation which I had requested you to furnish in regard to the case of Sam, an apprentice, which had attracted my attention in the Return of Punishments in Bahamas for the month of June last.

The explanation which you have afforded is satisfactory. The offence of wilfully and pertinaciously absents himself for 10 months from his master's service with which this apprentice was charged, and to which he pleaded guilty, justified and demanded the infliction upon him of the penalty awarded by the Act of Parliament, of an extension of the term of his apprenticeship for the period which he had illegally abstracted from his master.

I have no reason to suppose that the additional punishment was disproportionate to the additional offences, to which the apprentice on the same occasion likewise pleaded guilty; but I am happy to learn by a recent despatch from you, to which I have before adverted, that you have been since enabled to dispense with corporal punishment for offences committed by apprenticed labourers in that character.

I have, &c.

(signed) *Glenelg*.

— No. 498. —

No. 498. COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Colebrooke*.

Sir,

Downing-street, 1 December 1835.

No. 495.

HAVING adverted in my despatch of this date to the only circumstance connected with the returns transmitted in your despatch of the 8th October last, which appeared to call for special notice, I have much pleasure in expressing my approbation of the general spirit of your instructions to the special magistrates, a copy of which was transmitted in that despatch, and my satisfaction at the favourable report which you have been enabled to give of the result of the measures which you have adopted for the improvement of the habits of the people.

I have, &c.

(signed) *Glenelg*.

— No. 499. —

No. 499. COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to Lord *Glenelg*.

My Lord,

Government House, Nassau, 10 October 1835.

For Circular
Despatch, 18 June,
vide Papers rela-
tive to the Aboli-
tion of Slavery,
1836, part 3, p. 5.

IN compliance with an Address of the House of Commons of 1st June last, contained in your despatch of the 18th of the same month, I have the honour herewith to transmit to your Lordship the several returns called for in that Address.

I have, &c.

(signed) *W. M. G. Colebrooke*.

Enclosures in No. 499.

(No. 1.)

RETURN of the NAMES of all SPECIAL JUSTICES or STIPENDIARY MAGISTRATES who have been removed from or resigned their Office, specifying the Reason for the same so far as the same can be communicated.

Enclosures in No. 499.

| N A M E. | D A T E. | Cause of Resignation or Removal. |
|-----------------------------|-----------------|--|
| Henry G. Armbuster - - - | 17 Sept. - 1834 | Left the island. |
| Robert Millar - - - - | 28 Oct. - - | Ill health. |
| Henry D. Sands - - - - | 28 Nov. - - | -- In consequence of the arrival of English magistrates. |
| George Gibbs, junior - - - | 27 April - 1835 | By circular letter (annexed) |
| James Munn - - - - - | — | — |
| William Smith - - - - - | — | — |
| David Sears - - - - - | — | — |
| Thomas Thompson - - - - - | — | — |
| Joseph Saunders - - - - - | — | — |
| Thomas Russell - - - - - | — | — |
| Michael W. Smith - - - - - | — | — |
| Henry M. Williams - - - - - | — | — |
| Norman Butler - - - - - | — | — |
| Thomas M. Rahming - - - - - | — | — |
| Thomas Smith - - - - - | — | — |
| James A. Wildgoos - - - - - | — | — |

N. B.—The foregoing special magistrates were colonially appointed before the arrival of the English special magistrates, and the annexed circular was addressed to them on the 27th of April 1835, when the establishment of four special magistrates was complete. A fifth was subsequently transferred from Jamaica; but two of the number having since died, and one having gone to England, on leave, for recovery of health, the remaining two were insufficient to carry on the duties.

Two officers of His Majesty's 2d West India Regiment have consequently been appointed to act, and one colonial special justice, Mr. Hield, is retained at Nassau. The services of the other magistrates colonially appointed may now be dispensed with.

(signed) W. M. G. Colebrooke.

*Vide Enclosure
No. 2, in Despatch
2d June.*

(No. 2.) - - - - -

BAHAMAS—RETURN of the Number and Nature of the PUNISHMENTS inflicted on APPRENTICED LABOURERS by Special Magistrates, specifying the

NATURE OF OFFENCE. - - - - -

| Breach of the Peace. | | Assault. | | Larceny. | | Absence from or Neglect of Duty. | | Violation of Contract. | | Insolence of Language. | | Insubordination. | | Disobedience of lawful Orders. | | Conspiracies of Two or more. | | Drunkness. | |
|----------------------|----|----------|----|----------|----|----------------------------------|-----|------------------------|----|------------------------|----|------------------|----|--------------------------------|----|------------------------------|----|------------|----|
| M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. |
| 8 | 12 | 13 | 6 | 19 | 7 | 231 | 150 | 3 | 1 | 79 | 91 | 17 | 10 | 120 | 73 | - | - | 13 | 7 |

Note.—Deduct from the number of punishments inflicted 45 cases of assault and larceny and 20 cases of breaches of the peace, which by the amended Acts for the Abolition of Slavery are not cognizable by the special magistrates. These magistrates being general justices of the peace, tried the cases and included them in their returns. The proportion of cases under the Abolition Act to the whole number of apprentices is 8 per cent., or $\frac{8}{100}$ average per month since the 1st August 1834.

(No. 3.)

BAHAMAS.—RETURN of APPRENTICES who have purchased the unexpired Term of their Apprenticeship, and the Sums paid for the same, from 1 August 1834 to 30 September 1835.

| No. | Names of Apprentices. | Sex. | District or Place. | Amount in Sterling. |
|-----|------------------------|---------|--------------------|---------------------|
| | | | | £. s. d. |
| 1 | Nan | Female | New Providence | 11 18 4 |
| 2 | Stephen | Male | ditto | 18 8 4 |
| 3 | Phoebe | Female | ditto | 14 1 8 |
| 4 | Charlotte and Mary Ann | Females | ditto | 8 4 8 |
| 5 | Catherine | Female | ditto | 11 18 4 |
| 6 | Sophia | ditto | ditto | 7 11 8 |
| 7 | Charity | ditto | ditto | 7 - 10 |
| 8 | Judy | ditto | ditto | 8 13 4 |
| 9 | Tom | Male | ditto | 11 5 4 |
| 10 | Rebecca Butler | Female | ditto | 7 16 - |
| 11 | Adam | Male | ditto | 41 3 4 |
| 12 | Matilda | Female | ditto | 15 3 4 |
| 13 | John | Male | ditto | 6 10 - |
| 14 | Bella | Female | ditto | 15 14 2 |
| 15 | James | Male | ditto | 18 19 2 |
| 16 | Elizabeth | Female | ditto | 10 16 8 |
| 17 | Hester Hull | ditto | ditto | 6 10 - |
| 18 | Caroline | ditto | ditto | 18 19 2 |
| 19 | James Durnford | Male | ditto | 18 8 4 |
| 20 | John Urly | ditto | ditto | 28 3 4 |
| 21 | Daphne Sands | Female | ditto | 10 5 10 |
| 22 | Jack Barnett | Male | ditto | 8 13 4 |
| 23 | Harriett | Female | ditto | 16 5 - |
| 24 | Dorsey | Male | ditto | - |
| 25 | Deborah | Female | ditto | 18 8 4 |
| 26 | Isaac | Male | ditto | 27 1 8 |
| 27 | Nancy | Female | ditto | 9 15 - |
| 28 | Boatswain | Male | ditto | 17 6 8 |
| 29 | James Sweeting | ditto | ditto | 20 5 2 |
| 30 | George Roberts | ditto | ditto | 7 11 8 |
| 31 | Manuel | ditto | ditto | 18 19 2 |
| 32 | Charlotte | Female | ditto | 10 16 8 |
| 33 | Anthony | Male | ditto | 22 15 - |
| 34 | Esau | ditto | ditto | 21 13 4 |
| 35 | Rose | Female | ditto | 8 2 6 |
| 36 | John | Male | ditto | 23 16 8 |
| 37 | Josias | ditto | ditto | 21 13 4 |
| 38 | Martin | ditto | ditto | 19 10 - |
| 39 | Martha | Female | ditto | 10 8 - |
| 40 | Forest | Male | ditto | 23 16 8 |
| 41 | Rosette | Female | ditto | 9 15 - |
| 42 | Ruth | ditto | ditto | 18 17 - |

(No. 2.)

Offences for which they were inflicted, separating the Males from the Females, between 1 August 1834 and 30 September 1836.

| NATURE OF OFFENCE. | | | | | | NATURE OF PUNISHMENT. | | | | | | | | | | | | | |
|---|----|----------------------------------|----|---|----|--|----|-----------|----|-----------------------|----|--------------|----|---------------|----|---------|----|---------------|----|
| Three or more in combined and open Resistance to lawful Commands. | | Riots or Tumultuous Assemblages. | | Malicious Complaints against Employers. | | Harbouring, concealing or employing Deserters. | | Whipping. | | Solitary Confinement. | | Hard Labour. | | Imprisonment. | | Stocks. | | Extra Labour. | |
| M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. |
| 8 | 6 | 3 | 5 | 4 | - | 2 | 8 | 160 | - | 89 | 98 | 95 | 54 | 55 | 43 | 35 | 99 | 90 | 68 |

TOTAL - - - Offences, 899; Punishments, 877.

(signed) W. M. G. Colebrooke.

| No. | Names of Apprentices. | Sex. | District or Place. | Amount in Sterling. |
|-----------------|-----------------------|--------|--------------------|---------------------|
| | | | | £. s. d. |
| 43 | Peggy | ditto | Abaco | 10 10 - |
| 44 | Cato | Male | Long Island | 4 6 8 |
| 45 | Sally | Female | ditto | 30 6 8 |
| 46 | Jane | ditto | ditto | 27 1 8 |
| 47 | Pinda | ditto | ditto | 16 5 - |
| 48 | Eliza | ditto | ditto | 27 1 8 |
| 49 | Rose | ditto | ditto | 21 13 4 |
| 50 | Thomas Simonds | Male | Turk's Island | 60 13 4 |
| 51 | Grace Simonds | Female | ditto | |
| 52 | Alick Delancey | Male | ditto | 47 13 4 |
| 53 | Sally | Female | ditto | 26 - - |
| 54 | Phæbe | ditto | ditto | 36 16 8 |
| 55 | Linda | ditto | ditto | 18 17 - |
| 56 | Sukey | ditto | ditto | 60 13 4 |
| 57 | Daphne | ditto | ditto | 19 10 - |
| 58 | Harry | Male | Harbour Island | 20 11 3 |
| 59 | Richard Sweeting | ditto | ditto | 18 13 9 |
| 60 | Bella | Female | Eleuthera | - - - |
| 61 | Jim | Male | ditto | 5 8 4 |
| 62 | Daphne | Female | ditto | - - - |
| 63 | John | Male | ditto | - - - |
| 64 | Watty | ditto | ditto | - 4 4 |
| 65 | Ishmael | ditto | ditto | 16 5 - |
| 66 | Jessamy | Female | ditto | 4 2 4 |
| 67 | Tom | Male | ditto | 13 - - |
| 68 | Joe | ditto | ditto | - - - |
| 69 | Elizabeth | Female | ditto | 6 10 - |
| 70 | Phillis | ditto | ditto | 6 10 - |
| 71 | Joseph | Male | ditto | - - - |
| 72 | Cecilia | Female | ditto | 6 10 - |
| 73 | Nanny Curry | ditto | ditto | 6 10 - |
| 74 | Sarah Ingram | ditto | ditto | 3 2 10 |
| 75 | Charlotte Cooper | ditto | ditto | 6 5 8 |
| 76 | Philip Culmer | Male | ditto | 9 17 2 |
| 77 | Sarah Bethell | Female | ditto | 3 9 4 |
| 78 | Alick | Male | Grand Bahama | 10 16 8 |
| 79 | Sally | Female | ditto | 10 16 8 |
| 80 | Phillis | ditto | ditto | 5 8 4 |
| 81 | Billy | Male | ditto | 10 16 8 |
| 81 Apprentices. | | | Total Amount - £. | 1,215 9 - |

There have been 688 apprentices, viz. 293 male and 395 female apprentices, whose unexpired term of service has been released to them by the employers without pecuniary consideration.

(signed) W. M. G. Colebrooke.

BAHAMAS.

(No. 4.)

INSTRUCTIONS to the SPECIAL MAGISTRATES.

Vide Enclosures Nos. 4 and 5, in Lieutenant-Governor Colebrooke's Despatch to Lord Glenelg, dated Bahamas, 8th October 1835.

— No. 500. —

No. 500. COPY of a DESPATCH from Lieutenant-Governor *Colebrooke* to Lord *Glenelg*.

My Lord, Government House, Bahamas, 9 Jan. 1836.

WITH reference to your Lordship's circular despatch, dated the 26th of September, I have the honour to enclose a return of stipendiary magistrates now serving in this colony.

It may be proper to explain that the Honourable William Hield, a member of council, has continued to act locally as a special magistrate in the office at Nassau, on the colonial allowance of 108*l.* 6*s.* 8*d.*, and his discharge of these duties, under my immediate superintendence, has enabled me to employ the English special justices more constantly in circuit than I otherwise could have done: he has acquired much experience in the administration of the Abolition Law, and the constant references made by mariners and other non-prædial apprentices coming from the out-islands, added to other necessary details, has rendered his services of utility.

I take this opportunity of transmitting to your Lordship a copy of a Report which has been made to me by Messrs. Winder and Hill, on their return from circuit through the central districts, and which I have laid before the House of Assembly. Your Lordship will observe that these magistrates have reported to me that the prædial apprentices in the out-islands had very generally represented to them the inconvenience and losses to which they have been subject in sending their stock and produce to the Nassau market, being unable to quit the islands in which they are settled, and obliged to entrust their supplies to the masters and crews of small vessels and boats, paying freight, and not always receiving any return, and being subject moreover to dependence on speculative dealers in this market for the articles they may require.

The same inconvenience having been also represented to me to exist in the eastern district, where the apprentices at the Caicos send supplies to the Turk's Islands, I have carried into effect some general regulations, which will, I hope, prove beneficial to the apprentices, and augment the supplies of the market.

I had already, in consequence of circumstances which had occurred in regard to wrecked property, subjected the small vessels navigating within the colony upon passes renewed annually, to regularity in respect to entrances and clearances, and I have now required them, in bringing supplies from the outports, to produce a bill of lading, signed by an officer of customs, or other responsible person, specifying the articles and the names of the persons by whom they may be put on board. The special magistrates at Nassau and Grand Key, Turk's Islands, the two principal markets, have undertaken to arrange for the appointment of an agency for the disposal of their supplies on commission in the markets, the proceeds to be deposited in the savings' banks, and held at interest, or to be remitted back to the parties, or otherwise applied, at their option. This arrangement has given very general satisfaction to the prædial apprentices in the out-islands; it will tend greatly to encourage their industry, and at the same time to augment the productions of the colony, which has been hitherto, from circumstances, rendered dependent on foreign countries for the most necessary supplies, and for some which may be raised in abundance for consumption, and even for exportation.

Messrs. Winder and Hill are again proceeding on circuit to Eleuthera and other districts. Mr. Whitfield has proceeded to Turk's Islands, when he will make the eastern circuit with Mr. Penny; and Messrs. Messiter and Stiles are now on circuit through the western district, and have not yet returned to New Providence.

I have, &c.

(signed) *W. M. G. Colebrooke.*

12 January 1836.

P. S.—Since this despatch was closed, Messrs. Stiles and Messiter have returned from the western circuit, through the district of Abaco and Grand Bahama. They report to me the very peaceable and contented disposition exhibited by the apprentices throughout that circuit.

(signed) *W. M. G. C.*

Enclosure 1, in No. 500.

LIST of the Names of all Persons to whom Salaries are granted as Stipendiary Magistrates, specifying the Date of their Commissions, and the Amount of Salary assigned to them.—
1 January 1836.

Enclosure 1,
in No. 500.

| N A M E. | D A T E. | Amount of Salary. | | |
|----------------------------|---------------|-------------------|----|----|
| | | £. | s. | d. |
| William Hield - - - - | 1 Aug. 1834 | 108 | 6 | 8 |
| Charles Penny - - - - | 13 Nov. - | 300 | - | - |
| Thomas R. Winder - - - - | 1 Dec. - | 300 | - | - |
| H. W. Whitfield - - - - | 14 Sept. 1835 | 300 | - | - |
| George H. Messiter - - - - | 14 Sept. - | 300 | - | - |
| Edward E. Hill - - - - | 6 Nov. - | 300 | - | - |
| John Stiles - - - - | 2 Dec. - | 300 | - | - |

(signed) *W. M. G. Colebrooke.*

Enclosure 2, in No. 500.

EXTRACT of a Letter from a Magistrate, dated at Caicos, Turk's Islands.

Enclosure 2,
in No. 500.

THE present inhabitants of the Caicos seem to labour under many disadvantages for want of some system among them, so as to regulate the sale of their produce, supply them with such necessaries as they require from the neighbouring islands, and to contribute to their general comfort and respectability. The produce of their labour is usually sent in small quantities, by any conveyance which may offer for Turk's Islands, subject to a heavy freight, and to be plundered by the boatmen (who are set down responsible persons), or to decay from the heat of the weather, and long voyages in small craft; and should it reach its destination, frequently from neglect of their agents, and a variety of nameless causes, the proprietor receives little or nothing in return. I have a better opinion of the Caicos than most persons; and since I came down am clearly of opinion, that in a very short time, under some local regulations, Turk's Islands might be abundantly supplied with vegetables, fruit, poultry and sheep, and I may add cattle also. From these islands the settlers admit the fact, and lament the many obstacles to their exertions to which they are subject. Another great evil is the precariousness of the tenure of their respective establishments. Their present dwellings are scarcely habitable, owing to their disinclination to incur expense for improvements (which are even almost indispensable to their comfort) until their right of occupancy be established.

Enclosure 3, in No. 500.

Sir,

Nassau, 26 December 1835.

HAVING returned from our circuit from the principal out-islands, we have the honour to submit the following Report for your Excellency's information.

Enclosure 3,
in No. 500.

Long Island.—In the northern district we made four stations, for the purpose of classing the apprentices, among whom there were no complaints; and we are happy in saying that the most mutual good understanding appears to exist between owners and apprentices, the latter working by agreements which are very equitable. They appear most anxious for a school for their children, and have promised to give every assistance in remunerating a teacher; we therefore recommend the immediate adoption of one in that quarter. Mr. Adderley and others have promised to get a house built for that purpose. A building was pointed out to us at Point Fergus, the property of Mr. B. Sims, which he has promised the local justice to give up for a gaol. We consider the building, and also the situation, suitable for the purpose, and recommend the adoption of the same.

The "Bite," for the north part of the island, is the most suitable place, in our opinion, for a settlement, having formerly been a principal one. There are still the walls of a most excellent church in the neighbourhood, which might be finished with little expense, and considerable quantities of Crown land close by, fit for cultivation.

In the northern district, which comprehends half of this extensive island, we found the employers and apprentices equally contented and well off. Having crossed the country to Great Harbour, and minutely examined its localities, we recommend it as a most desirable spot for establishing a township of considerable magnitude, and, from the natural resources of the neighbourhood, likely to become populous and thriving: the harbour itself is extensive, well land-locked, and water of sufficient depth for vessels of any size to ride at anchor in safety, and on leaving which they would have the advantage of getting into deep water immediately.

BAHAMAS.

immediately. There are four extensive salt ponds close to the harbour, at present but partially cultivated from the want of a canal, which would render these ponds very profitable. We regret there are not a sufficient number of proprietors to undertake the work, which if once effected would give employment to thousands. We understand the inhabitants are about to make a second application to the Legislative Assembly for a loan of \$2,000 to effect this object, repaying the same with interest by a local tax on the salt. We beg to recommend this project to your Excellency's most favourable consideration. Land suitable for a township is to be found on an elevated spot close to the harbour, in the vicinity of which are some very fine Crown lands, as also a large tract of land covered with the celebrated root "zamia" or "bay rush," all Crown property. The school-room at Great Harbour is finished, and much credit is due to Thomas Rahming, esq. for his individual exertions in effecting it.

The teacher (Mr. Morris) commenced his duties on the 14th instant; we visited it on the following day, and found the attendance of the children very good, and from the anxiety evinced by the parents, and the zeal of the master and others, we anticipate the most favourable results.

The formation of the gaol is commenced; but we regret that much delay in proceeding with it has taken place. We have confirmed the assessment, and appointed several gentlemen to superintend and complete the work.

At Great and Little Exuma and Hog Key.—We found, with very few exceptions, both employers and apprentices satisfied; the former stating that evident improvement had taken place among the apprentices since the last visits of the special magistrates. At Little Exuma both employers and apprentices came forward very liberally in aid of establishing a school, and only want a competent person as teacher; and preparations have been made for the immediate erection of a gaol there.

We visited the school at Stephens' Town: the great advancement of the children in the short space of two months gave us much pleasure, and the entire management reflects great credit on Mr. Almgreen the teacher. We regret that the parents are not conscious of the great good to be derived by their children, and have not contributed anything as yet towards the support of the teacher. Many have withdrawn their children when asked to contribute; and when spoken to by us on the subject, they appeared very indifferent about it. A gaol and a constable is much wanted in this settlement. There is a building close to the school-room well adapted for the purpose, but it is the property of Lord Rolle. On the estates of Mrs. Ferguson they are anxious for a school, she having liberally offered a building for that purpose.

Ragged Island.—On our arrival at this we were gratified with the evident enterprise and activity displayed in the harbour, a barque and brig loading at the same time. Notwithstanding the great difficulties they have to contend with, the distance the vessels are obliged to be from the shore, and the boats being unable to go out except at high water, their wharfs and other improvements caught our attention, no such improvements having been before seen by us in any of the islands. The apprentices were all working by agreements, which appear to be particularly beneficial to themselves; they receiving annual wages for such Saturdays as they are employed in raking or shipping salt. We laid out here a suitable place for a township close to the salt ponds, near which land for agricultural purposes may be obtained. Many of the inhabitants have already made extensive improvements on the lots, which they are most anxious to purchase; and we beg to recommend to your Excellency the immediate settlement of the same, as from their great industry they are deserving of encouragement. The inhabitants are desirous of establishing a school, and have already offered a liberal annuity to a teacher, which we regret has been refused. We hope one may soon be found to undertake the duties. The gaol is very nearly completed, although much time has already been lost, but Mr. Justice Wildgoos has now undertaken to complete it in three months. We visited and inspected some new salt ponds in this island, and also at Racoon Key, which will yet require consideration, exertion and expense in bringing into operation, but merit every attention from Government.

Rum Key.—We saw the whole of the apprentices of this island; there were but few complaints from them or their employers; they work generally by agreement, which we compromised, as equitable to both parties. We think the harbour at Rum Key well adapted for a close settlement, being in the immediate vicinity of a most extensive salt pond, where labour is always in request. There is a great quantity of Crown land close by, and there are some lots already built on; the occupiers are anxious to become purchasers of their respective proportions. Should this town be well laid out, it will have a good appearance as you approach the island; good water, in great abundance, is also to be had close by. There is a great want of a school in this island. The inhabitants manifested to us a great desire for such an establishment, and have promised to put in repair a building well adapted for the purpose, given by N. Butler, esq.: we hope it may be soon in operation. On Mr. Butler's property, which we visited, the children are very numerous; and the apprentices are also very anxious for a school, and have promised to contribute to the maintenance of a teacher. The gaol requires some repairs and painting outside; a gaol wall is much required, there being no solitary cells; and we were informed that the people outside are in constant communication with the prisoners when confined.

It was our intention to have proceeded hence for Watling's Island, but were prevented by continued head-winds.

St. Salvador.—We visited the whole of the estates on this island, and we found no complaints from either employers or apprentices, with two exceptions, the particulars of which your Excellency will find in the report of trials on the circuit.

In this large island there are no schools which they stand much in need of; we would recommend one being established near Port Howe, as there are nearly 50 or 60 children whose parents are willing to contribute to the salary of a teacher; and another on Mrs. Portier's estate, Augusta, where there are a great many children.

A gaol is also required on this island; but as the resident justice was unfortunately absent, we were unable to obtain his assistance, as to the most eligible spot for its erection, or any other local information. Bennett's Harbour appears to us best suited for a township, there being a great quantity of Crown lands in the neighbourhood, and a salt-pond near.

Eleuthera.—We visited Mr. Millar's estate at the east end of this island, who made no complaints; and as the Christmas holidays had commenced, which the apprentices consider exclusively their own, we deemed it better not to interfere with their amusements, and returned direct from thence to Nassau.

We have great pleasure in informing your Excellency, that the apprentices begin to evince a great desire for moral improvement, and a general wish to have the religious ceremony of marriage performed during our circuit. We have had 150 applications for marriage licences; the names of the parties we have the honour to enclose to your Excellency; and, could it be effected without much inconvenience, we would strongly recommend a clergyman of the Established Church visiting the different islands, for the purpose of performing the ceremony, as also christening many hundreds who have not as yet received that rite.

We cannot close this report without expressing our entire satisfaction of the good conduct of the apprentices, and the general kind treatment of the employers, both parties now finding their individual interest depend on mutual good feelings; and we consider the only obstacle to the increasing prosperity of the apprentices is the difficulty they encounter in disposing of their produce, some remedy for which we earnestly hope may be accomplished.

His Excellency Lieut.-governor Colebrooke,
&c. &c. &c.

We have, &c.
(signed) *Thomas R. Winder.*
Edward Eustace Hill.

— No. 501. —

COPY of a DESPATCH from Lord *Glenelg* to Lieut.-governor *Colebrooke*.

No. 501.

Sir,

Downing-street, 8 March 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 9th January last.

In the return therein enclosed of special magistrates serving in Bahamas, I find the name of Mr. Hield, a member of the council, who is stated in your despatch to be acting in that capacity in the office at Nassau, on the colonial allowance of 108*l.* 6*s.* 8*d.* I presume that Mr. Hield does not come within the condition prescribed by my circular despatch of the 15th June last, on the subject of the disqualification of certain persons acting as special magistrates in the colonies; but it would be satisfactory to me to receive information from you upon this point.

I have, &c.
(signed) *Glenelg.*

— No. 502. —

COPY of a DESPATCH from Lieut.-governor *Colebrooke* to Lord *Glenelg*.

No. 502.

My Lord,

Government House, Bahamas, 26 April 1836.

I HAVE the honour to enclose to your Lordship a quarterly return of the special magistrates serving in the Bahamas, and advert to the observations contained in your Lordship's despatch, dated the 8th of March, just received, relative to the name of Mr. Hield, a member of council, appearing in a former return. Your Lordship will now observe, that Mr. Hield is no longer acting as a special justice. The services he had rendered in that capacity having entitled him to the confidence of the Government, and as he had no claim to the services of apprentices, I delayed to dispense with his services; but the situation of superintendent of the African settlements having become vacant by the retirement of Mr. John Minns, I availed myself of the opportunity of provisionally appointing Mr. Hield to this charge.

BAHAMAS.

He acts in the honorary situation of vice-president of the board, whose report on the annual inspection was transmitted with my despatch, dated the 25th of July 1835; and his services have been, and continue to be, extremely useful in the care and management of the large number of Africans who have recently arrived.

I take this opportunity of reporting to your Lordship, that I continue to receive favourable reports of the condition of the apprentices in the several districts of the colony, with some partial exceptions, and of the good disposition subsisting between themselves and their employers.

Captain William Gillam's arrival from Jamaica, to fill the vacancy occasioned by the death of Lieutenant Colebrooke, has led to the retirement of Lieutenant Messiter, whose zealous and useful services have entitled him to my acknowledgments, and to the request that, in the event of any casualty, I may again be permitted to employ him.

I have, &c.
(signed) *W. M. G. Colebrooke.*

Enclosure in No. 502.

Enclosure in
No. 502.

RETURN of SPECIAL MAGISTRATES in the Colony receiving SALARIES
on the 25th April 1836.

| N A M E. | Date of Appointment or Arrival in the Colony. | Amount of Salary. | Allowance in lieu of House Rent, and Boat and Horse-hire. |
|--------------------------|---|--------------------|--|
| Charles Penny - - - | 1 September 1834 | £. 300 sterling | £. 150 sterling. |
| Thomas R. Winder - - - | 28 November - — | 300 — - | 150 — |
| Henry W. Whitfield - - - | 29 August - 1835 | 300 — | |
| Edward E. Hill - - - | 7 November — | 300 — - | 150 — |
| John Stiles - - - | 2 December - — | 300 — - | 150 — |
| William Gillam - - - | 12 April - - 1836 | 300 — | 150 — |

— No. 503. —

No. 503.

COPY of a DESPATCH from Lieut.-governor *Colebrooke* to Lord *Glenelg*.

My Lord,

Government House, Bahamas, 6 May 1836.

I do myself the honour of transmitting to your Lordship two Returns, marked (A.) and (B.), drawn up in the prescribed form, exhibiting the number of fines and punishments which have been awarded by the special magistrates, under the Slavery Abolition Act, during the last six months.

It affords me the greatest satisfaction to be able to report to your Lordship, that the accounts from all the districts continue to be favourable, and that the most satisfactory effects have attended the discontinuance of the lash as a stimulus of labour.

Voluntary engagements, under the sanction of the special magistrates, have been generally entered into between employers and apprentices; and these engagements have considerably relieved the labour in salt making, by enabling the apprentices to perform their tasks at the hours most convenient to them; while the opportunity is afforded to them of profitably employing their own time in making salt for themselves.

The practice of hiring labourers in the season is likely to obtain in the salt districts; and the profits being large, a productive source of employment will thus be held out to the labouring classes, in addition to the ordinary demands for their industry.

I have, &c.
(signed) *W. M. G. Colebrooke.*

TABLE (B.)

RETURN of the NUMBER and EFFECT of the RETURNS of PUNISHMENTS, received by the Lieutenant-Governor from the SPECIAL MAGISTRATES, from 30th September 1835 to 1st April 1836.

| Total Number of Apprentices throughout the Island, Province or Government. | Total Number of Punishments inflicted under the Authority of Special Magistrates throughout the same. | Fines imposed on Employers. | | | Proportion per Cent. of Punishments to Apprentices. | Total Number of Males Punished. | | Total Number of Females Punished | The Average Number of Stripes inflicted in Cases of Punishment by Whipping. | The Maximum Number of Stripes inflicted in any one Case of Punishment by Whipping. | The Maximum of Severity in any one Case of Punishment by Confinement. | The Maximum of Severity in any other Mode of Punishment. |
|--|---|-----------------------------|---------|----------|---|---------------------------------|------------------------------|----------------------------------|---|--|---|---|
| | | Number. | Amount. | Maximum. | | By Whipping. | Other-wise than by Whipping. | | | | | |
| 10,200 | 222 | 6 | £. 24 | £. 5 | 2½ | 1* | 130 | 91 | - | - | 8 days | - 7 days' hard labour, and 1 year's extension of servitude. |

* One case occurred in which a punishment of 12 lashes was inflicted by order of a local justice at Rum Key, 10 days before he was relieved by an English special justice, and which is the only case in which corporal punishment appears in this Return.

B E R M U D A.

BERMUDA.

— No. 504. —

No. 504.

EXTRACT of a DESPATCH from Governor Sir *S. R. Chapman*, c. B. to Mr. Secretary *S. Rice*; dated The Bermudas, 8 October 1834.

I HAVE now the honour to transmit attested copies of the following Acts which have passed the Legislature this Session; viz.

No. 470. An Act in addition to the Act as well for the Relief of the Poor, as for the putting out Apprentices, and setting Idle Persons to work.

No. 473. An Act to restrain and punish Vagrancy.

No. 476. An Act to repeal the "Act to prevent Parish Charges by Poor Persons removing from one Tribe to another," and to make other Enactments instead thereof.

No. 479. An Act for the establishment of a Civil Watch in these Islands, and to provide for an occasional increase of the Constabulary Force therein.

No. 482. An Act for regulating the Sale of Garden or Farm Productions, and the establishment of Markets in the Towns of Hamilton and St. George.

No. 483. An Act to amend an Act for the more effectual prevention of Damage from Persons passing over any Wall, Ditch, Hedge or other Enclosure.

No. 485. An Act for the regulation of the Public Gaols within these Islands.

Printed in the Appendix, No. 173.

Printed in the Appendix, No. 174.

Printed in the Appendix, No. 175.

Act, printed in the Appendix, No. 176.

Act, printed in the Appendix, No. 177.

Act, printed in the Appendix, No. 178.

Act, printed in the Appendix, No. 179.

— No. 505. —

COPY of a DESPATCH from the Earl of *Aberdeen* to Sir *S. R. Chapman*.

No. 505.

Sir,

Downing-street, 26 February 1835.

VARIOUS Acts passed by the Legislature of the Island of Bermuda in the year 1834 having been referred to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty their opinion, that these Acts should be left to their operation; and I have the honour herewith to transmit to you an Order of His Majesty in Council approving that report.

Nos. 466 to 485, inclusive.

7 February 1835.

I have, &c.
(signed) *Aberdeen.*

BERMUDA.

— No. 506. —

No. 506.

COPY of a DESPATCH from Sir *S. R. Chapman* to Lord *Glenelg*.

My Lord,

The Bermudas, 27 April 1836.

26 April 1836.

I HAVE the honour to forward to your Lordship a copy of the Bermuda Gazette, with addresses upon the opening of the two Houses of Legislature of the Colonial Parliament of these islands.

I have, &c.
(signed) *S. R. Chapman*, Governor, &c.

Enclosure 1, in No. 506.

EXTRACT from the Speech delivered by Governor Sir *R. Chapman* on opening the Legislature of the *Bermudas*, on the 20th April 1836.

Enclosure 1,
in No. 506.

THE compensation granted by the Imperial Parliament on the abolition of slavery being now in the course of payment in London, I trust that its distribution may give a new stimulus to the industry and commercial enterprize of this colony.

The duties of the assistant commissioners here have terminated for the present ; but I consider it a circumstance highly creditable to Bermuda, that although the number of claims for compensation exceeded 1,100, not more than three or four of these claims have been contested.

I should be happy to unite with the other branches of the Legislature in carrying into effect any measure that may be found practicable and advisable, since the important change in the condition of a large part of the population, for promoting the agriculture of the colony, and thus affording additional employment to the labouring classes, and at the same time increasing the value of the land.

Enclosure 2, in No. 506.

EXTRACT from the Address of the Legislative Council of *Bermuda* to Governor Sir *S. R. Chapman*, dated 25 April 1836.

Enclosure 2,
in No. 506.

WE trust, with your Excellency, that the payment of the compensation awarded by the Imperial Parliament to the late proprietors of slaves in Bermuda will be the means of alleviating the distress prevailing among the lower orders of the community, and of giving a new impulse to the industry and commercial interests of the colony.

The recent change in the condition of a large proportion of our population certainly suggests the expediency of a more extended attention to agriculture than has hitherto been directed to that important object in this country ; and we are glad to perceive that your Excellency's concurrence may be expected in any measures which may be devised by the other branches of the Legislature, for developing the internal resources of the colony, and affording profitable occupation to the unemployed portion of its inhabitants.

Enclosure 3, in No. 506.

EXTRACT from the Address of the House of Assembly of *Bermuda* to Governor Sir *S. R. Chapman*, dated 25 April 1836.

Enclosure 3,
in No. 506.

WE unite with your Excellency in the hope that the distribution of the slave compensation money may have a beneficial effect upon the industry and trade of the colony ; and we sensibly appreciate the disposition evinced by your Excellency to promote the cultivation of our lands. Any measure directed to either of those objects which may come before us, and be found practicable and advisable, will meet with that ready attention which its importance deserves. And if any such measure for the improvement of our lands could be devised, this House cannot but feel that the great boon already conferred under your Excellency's administration on a large portion of the inhabitants by the abolition of slavery would thereby be enhanced, and the interests of the landed proprietors as well as those of the labouring classes at the same time promoted,

CAPE OF GOOD HOPE.

— No. 507. —

COPY of a DESPATCH from Governor Sir B. D'Urban to Lord Glenelg.

No. 507.

My Lord, Government House, Cape of Good Hope, 15 April 1836.
I HAVE the honour herewith to transmit certain Returns for the House of Commons required by your Lordship's despatch of the 3d of June last, which reached me on my way hither in the latter end of last year.

4.

I have, &c.
(signed) B. D'Urban.

Enclosures in No. 507.

(No. 1.)

RETURN of the NAMES of all SPECIAL or STIPENDIARY MAGISTRATES who have been Removed from or have Resigned their Offices.

Enclosures in No. 507.

— None. —

Colonial Office,
Cape Town, 16 Feb. 1836. }

(signed) John Bell,
Secretary to Government.

(No. 2.)

CAPE OF GOOD HOPE:—RETURN of the Number and Nature of the PUNISHMENTS inflicted on the APPRENTICED LABOURERS in the Colony by the Special Magistrates, from 1 December 1834 to 30 November 1835; specifying the Offences for which they were inflicted, and separating Males from Females.

| Number of Special District. | Special Magistrates. | | Apprenticed Labourers punished. | | OFFENCES. | NATURE OF THE PUNISHMENTS INFLICTED. | | | | | |
|-----------------------------|----------------------|--------------------------|---------------------------------|----------|------------------------------|--------------------------------------|---------------------------------|--|---------|--------------|---------------------------|
| | Name. | Where Stationed. | Males. | Females. | | Corporal Punishment | Imprisonment, with Hard Labour. | Imprisonment, with Hard Labour and Lashes. | Stocks. | Confinement. | |
| 1 | G. Longmore | Cape Town - | 20 | - | drunkenness - - - | Lashes. 10 to 30 | - | - | - | - | - - between 7 & 30 days. |
| | | | 1 | 7 | - ditto - - - | - | - | - | - | - | - - between 7 & 30 days. |
| | | | 6 | - | outrageous conduct - - | 10 to 39 | - | - | - | - | - - between 14 & 30 days. |
| | | | 2 | 4 | - - ditto - - - | - | - | - | - | - | - - between 14 & 30 days. |
| | | | 10 | - | insolence - - - | 10 to 20 | - | - | - | - | - - between 7 & 30 days. |
| | | | 2 | 16 | ditto - - - | - | - | - | - | - | - - between 7 & 30 days. |
| | | | 158 | - | desertion and absence - - | 10 to 30 | - | - | - | - | - - between 7 & 30 days. |
| | | | 20 | 51 | - - ditto - - - | - | - | - | - | - | - - between 7 & 30 days. |
| | | | 5 | - | disobedience - - - | 10 to 20 | - | - | - | - | - - between 7 & 30 days. |
| | | | - | 5 | - ditto - - - | - | - | - | - | - | - - between 7 & 30 days. |
| | | | 7 | - | wilful negligence - - | 10 to 30 | - | - | - | - | - - between 7 & 14 days. |
| | | | 1 | 1 | - - ditto - - - | - | - | - | - | - | - - between 7 & 14 days. |
| | | | 2 | - | cruelty to animals - - | 20 to 30 | - | - | - | - | - - between 7 & 30 days. |
| | | | 20 | - | theft and injury to property | 10 to 30 | - | - | - | - | - - between 7 & 30 days. |
| 1 | 2 | - - - ditto - - - | - | - | - | - | - | - - between 7 & 30 days. | | | |
| 8 | - | malicious complaints - - | 10 to 20 | - | - | - | - | - - between 7 & 30 days. | | | |
| 3 | 3 | - - ditto - - - | - | - | - | - | - | - - between 7 & 30 days. | | | |
| - | 1 | conspiracy - - - | - | - | - | - | - | - - 3 months. | | | |
| | | | 266 | 90 | | | | | | | |

(continued)

| Number of Special District. | Special Magistrates. | | Apprenticed Labourers punished. | | OFFENCES. | NATURE OF THE PUNISHMENTS INFLICTED. | | | | | |
|-----------------------------|----------------------|-------------------------------------|---------------------------------|----------|---------------------------------------|--------------------------------------|---------------------------------|--|---------|--------------|-------------------------|
| | Name. | Where Stationed. | Males. | Females. | | Corporal Punishment | Imprisonment, with Hard Labour. | Inprisonment, with Hard Labour and Lashes. | Stocks. | Confinement. | |
| 2 | J. M. Lind | Simon's Town | 1 | - | desertion | Lashes. | | | | | |
| | | | 1 | - | desertion and neglect of duty. | 20 | | | | | |
| | | | 1 | - | absence and disobedience | 39 | | | | | |
| | | | 2 | - | refusing to work | 30 | | | | | |
| | | | 1 | - | ditto | 30 | | 7 & 14 days. | | | |
| | | | 6 | - | | | | | | | |
| 3 | J. M. Hill | Tygersberg | 46 | - | absence | 10 to 30 | | | | | |
| | | | 30 | 5 | ditto | | | | | | 7 to 30 days. |
| | | | - | 4 | ditto | | | | | | - period not mentioned. |
| | | | 26 | - | insolence and disobedience | 10 to 30 | | | | | |
| | | | 6 | 16 | ditto | | | | | | 7 to 30 days. |
| | | | - | 13 | ditto | | | | | | - period not mentioned. |
| | | | 7 | - | insolence, absence and drunkenness. | 10 to 20 | | | | | |
| | | | 4 | - | ditto | | | | | | 7 days. |
| | | | 10 | - | drunkenness and injury to property. | 10 to 30 | | | | | |
| | | | 3 | - | ditto | | | | | | 7 to 30 days. |
| | | | 2 | - | making unfounded complaints. | 10 to 20 | | | | | |
| | | | 1 | 2 | ditto | | | | | | 7 to 30 days. |
| | | | - | 2 | ditto | | | | | | - period not stated. |
| | | | 135 | 42 | | | | | | | |
| 4 | H. Piers | Stellenbosch | 30 | - | absence | 10 to 30 | | | | | |
| | | | 4 | - | ditto | | | 4 to 30 days | | | |
| | | | - | 4 | ditto | | | | | 7 to 32 hrs. | |
| | | | - | 2 | ditto | | | | | | 2 days. |
| | | | 2 | - | insolence and neglect | 15 to 20 | | | | | |
| | | | 1 | - | ditto | | | 1 week. | | | |
| | | | 1 | - | ditto | | | | | | 3 days. |
| | | | 2 | - | disobedience | 15 to 20 | | | | | |
| | | | 10 | - | drunkenness and neglect | 15 to 30 | | | | | |
| | | | - | 1 | ditto | | | | | | 14 hours. |
| | | | - | 1 | ditto | | | | | | 1 week. |
| | | | 4 | - | drunkenness and fighting | 10 to 25 | | | | | |
| | | | 3 | - | making away with employer's property. | 10 to 30 | | | | | |
| | | | - | 1 | ditto | | | | | | 8 1/2 hours. |
| | | | 10 | - | neglect | 8 to 25 | | | | | |
| | | | - | 4 | ditto | | | | | | 2 to 4 days. |
| | | | - | 2 | ditto | | | | | | 13 to 21 hrs. |
| | | | 1 | - | neglect, disobedience and idleness. | 15 | | | | | |
| | | | - | 1 | ditto | | | | | | 8 hours. |
| | | | 7 | - | absence and drunkenness | 15 to 30 | | | | | |
| | | | 2 | - | injury to employer's property. | 25 to 30 | | | | | |
| | | | 1 | - | ditto | | | | | | 1 hour. |
| | | | - | 2 | ditto | | | | | | 2 days. |
| 4 | - | insubordinate conduct | 15 to 30 | | | | | | | | |
| 1 | - | ditto | | | | | | 6 hours. | | | |
| 1 | - | ditto | | | | 1 week. | | | | | |
| - | 4 | ditto | | | | | | 3 days. | | | |
| 1 | - | conniving at waste of property. | 15 | | | | | | | | |
| - | 2 | repeated drunkenness | | | | | | 16 hours. | | | |
| - | 1 | absence, neglect and obscenity. | | | | | | 14 hours. | | | |
| - | 1 | drunkenness, insolence and cruelty. | | | | | | 21 hours. | | | |
| - | 2 | desertion | | | | | | | | | |
| - | 1 | ditto | | | | | | 7 hours. | | | |
| - | 1 | filthiness in cooking | | | | | | | | | |
| | | | 85 | 30 | | | | | | | |

| Number of Special District. | Special Magistrates. | | Apprenticed Labourers punished. | | OFFENCES. | NATURE OF THE PUNISHMENTS INFLICTED. | | | | | |
|-----------------------------|----------------------|---------------------------------------|---------------------------------|----------|-----------------------------|--------------------------------------|---------------------------------|--|---------------|--------------|---|
| | Name. | Where Stationed. | Males. | Females. | | Corporal Punishment | Imprisonment, with Hard Labour. | Imprisonment, with Hard Labour and Lashes. | Stocks. | Confinement. | |
| 5 | W. Johnston | Pearl - | 35 | - | absence | - | - | - | - | - | |
| | | | 31 | - | ditto | 10 to 39 | - | - | - | - | |
| | | | - | 10 | ditto | - | - | - | - | - | - |
| | | | - | 6 | ditto | - | - | - | - | - | - |
| | | | 24 | - | drunkenness | 10 to 15 | - | - | - | - | - |
| | | | 1 | - | ditto | - | - | - | - | - | - |
| | | | 13 | - | insolence | 10 to 15 | - | - | - | - | - |
| | | | - | 22 | ditto | - | - | - | - | - | - |
| | | | - | 1 | ditto | - | - | - | - | - | - |
| | | | 12 | - | disobedience | 15 to 30 | - | - | - | - | - |
| | | | 1 | - | ditto | - | - | - | - | - | - |
| | | | - | 6 | ditto | - | - | - | - | - | - |
| | | | - | 2 | ditto | - | - | - | - | - | - |
| | | | 11 | - | negligence | 15 to 30 | - | - | - | - | - |
| | | | 4 | - | ditto | - | - | - | - | - | - |
| | | | - | 2 | ditto | - | - | - | - | - | - |
| | | | 4 | - | fighting | 10 to 15 | - | - | - | - | - |
| | | | - | 1 | ditto | - | - | - | - | - | - |
| | | | 1 | - | making malicious complaints | - | - | - | - | - | - |
| | | | - | 2 | ditto | - | - | - | - | - | - |
| 5 | - | injuring property | 30 | - | - | - | - | - | | | |
| 2 | - | ditto | - | - | - | - | - | - | | | |
| 2 | - | losing property | - | - | - | - | - | - | | | |
| 1 | - | endangering property | - | - | - | - | - | - | | | |
| 1 | - | ditto | - | - | 15 | - | - | - | | | |
| 1 | - | destroying property | - | - | - | 1 month. | - | - | | | |
| 2 | - | insubordination | - | - | - | - | - | - | | | |
| - | 1 | ditto | - | - | - | - | - | - | | | |
| | | | 150 | 54 | | | | | | | |
| 6 | T. L. Peake | Worcester - | 4 | - | Absence | - | - | 7 to 30 days. | - | - | |
| | | | 11 | - | ditto | - | - | 10 to 30 days | - | - | |
| | | | - | 1 | ditto | - | - | - | - | - | - |
| | | | - | 1 | ditto | - | - | - | 7 days. | - | - |
| | | | 4 | - | desertion | - | - | - | - | - | - |
| | | | 2 | 7 | ditto | - | - | - | 7 to 30 days. | - | - |
| | | | 2 | - | ditto | 20 to 30 | - | - | - | - | - |
| | | | - | 4 | ditto | - | - | - | - | - | - |
| | | | 2 | - | making unfounded complaint. | 10 to 30 | - | - | - | - | - |
| | | | 3 | - | ditto | - | - | - | - | - | - |
| | | | - | 1 | ditto | - | - | - | - | - | - |
| | | | - | 3 | ditto | - | - | - | 7 to 30 days. | - | - |
| | | | 1 | - | disobedience | 10 | - | - | - | - | - |
| - | 1 | ditto | - | - | - | 14 days. | - | - | | | |
| 1 | - | disobedience and destroying property. | 10 to 20 | - | - | - | - | - | | | |

(continued)

| Number of Special District. | Special Magistrates. | | Apprenticed Labourers punished. | | OFFENCES. | NATURE OF THE PUNISHMENTS INFLICTED. | | | | | | |
|-----------------------------|----------------------|---|---------------------------------|----------|--|--------------------------------------|---------------------------------|--|-----------------------|--|-----------------------|---|
| | Name. | Where Stationed. | Males. | Females. | | Corporal Punishment | Imprisonment, with Hard Labour. | Imprisonment, with Hard Labour and Lashes. | Stocks. | Confinement. | | |
| 6 | T. L. Peake | Worcester - | 1 | - | -- disobedience and destroying property. | - | - | -- 14 days to 30, & 25 to 30 lashes. | - | - | | |
| | | | - | 2 | - - ditto | - | - | - | -- period not stated. | - | - | |
| | | | - | 2 | - - ditto | - | - | 14 days. | - | - | - | - |
| | | | 3 | - | -- absence and injuring property. | - | - | - | - | -- 7 to 30 days, with 25 to 30 lashes. | - | - |
| | | | 1 | - | conspiracy | - | - | - | 1 month. | - | - | - |
| | | | 1 | 4 | insolence | - | - | - | 7 to 30 days. | - | - | - |
| | | | 2 | 5 | insolence and absence | - | - | - | 7 to 30 days. | - | - | - |
| | | | 4 | - | - ditto | - | - | 10 to 30 | - | - | - | - |
| | | | - | 2 | - ditto | - | - | - | - | - | -- period not stated. | - |
| | | | 4 | - | -- insolence and drunkenness, or neglect. | - | - | 10 to 30 | - | - | - | - |
| | | | 1 | - | - ditto | - | - | - | - | -- 7 days & 25 lashes. | - | - |
| | | | - | 1 | - ditto | - | - | - | 14 days. | - | - | - |
| | | | 2 | - | neglect | - | - | 10 to 20 | - | - | - | - |
| | | | 1 | - | fighting | - | - | 15 | - | - | - | - |
| | | | 1 | - | -- feigning sickness, and exciting disobedience. | - | - | - | - | -- 35 days, 25 lashes. | - | - |
| | | | 3 | - | drunkenness | - | - | 10 to 20 | - | - | - | - |
| | | | 3 | - | drunkenness and absence | - | - | 20 to 30 | - | - | - | - |
| 2 | - | -- drunkenness, absence and disobedience. | - | - | 20 to 30 | - | - | - | - | | | |
| - | 1 | - ditto | - | - | - | 7 days. | - | - | - | | | |
| | | | 59 | 35 | | | | | | | | |
| 7 | John Rynweld | Clanwilliam | 4 | - | desertion | 30 | | | | | | |
| | | | 4 | - | | | | | | | | |
| 8. | J. Barnes - | Swellendam | 3 | - | absence | 10 to 20 | | | | | | |
| | | | 5 | 4 | ditto | - | - | - | - | 7 to 30 days. | | |
| | | | - | 3 | ditto | - | - | - | - | -- period not stated. | | |
| | | | 1 | - | insolence and disobedience | | 10 | | | | | |
| | | | 3 | 3 | - - ditto | | | | | | 7 to 14 days. | |
| | | | - | 1 | - - ditto | | | | | | -- period not stated. | |
| | | | 11 | - | -- insolence, absence and drunkenness. | | 10 to 20 | | | | | |
| | | | - | 1 | - - ditto | | | | | | -- period not stated. | |
| | | | 1 | - | drunkenness, and injury to property. | | 25 | | | | | |
| | | | 2 | 2 | - - ditto | | | | | | 7 to 14 days. | |
| 1 | - | -- making unfounded complaints. | | 10 | | | | | | | | |
| - | 1 | - - ditto | | | | | | -- period not stated. | | | | |
| | | | 27 | 15 | | | | | | | | |
| 9 | J. C. Shewin | Uitenhage - | 1 | - | disobedience and fighting | - | 14 days. | | | | | |
| | | | 1 | - | desertion | - | - | | | 2 days. | | |
| | | | 5 | - | ditto | - | 7 to 30 days. | | | | | |
| | | | 1 | - | desertion and drunkenness | - | 7 days. | | | | | |
| | | | - | 3 | insolence | - | 12 days. | | | | | |
| | | | - | 1 | desertion | - | - | | | | 1 month. | |
| | | | 2 | - | ditto | - | 15 | | | | | |
| | | | 5 | - | disobedience | - | 15 to 20 | | | | | |
| | | | - | 1 | -- disobedience and drunkenness. | - | - | 4 days. | | | | |
| - | 1 | disobedience and insolence | - | - | 14 days. | | | | | | | |
| 4 | - | -- making malicious complaints. | - | 15 to 30 | | | | | | | | |

| Number of Special District. | Special Magistrates. | | Apprenticed Labourers Punished. | | OFFENCES. | NATURE OF THE PUNISHMENT INFLICTED. | | | | | |
|-----------------------------|----------------------|------------------|---------------------------------|----------|--|-------------------------------------|---------------------------------|--|---------|----------------------------------|---------------|
| | NAME. | Where Stationed. | Males. | Females. | | Corporal Punishment | Imprisonment, with Hard Labour. | Imprisonment, with Hard Labour and Lashes. | Stocks. | Confinement. | |
| 9 | J. C. Shewin | Uitenhage - | - | 1 | -- making malicious complaints. | Lashes. | 1 month | - | - | -- 8 hours on 3 days. | 7 days. |
| | | | - | 1 | - - - ditto | - | - | - | - | - | |
| | | | 2 | - | injuring property | 15 to 30 | - | - | - | - | |
| | | | 1 | - | refusing to work | 20 | - | - | - | - | |
| | | | 22 | 8 | | | | | | | |
| 10 | E. Bergh - | George - | 5 | - | absence | 50 to 30 | - | - | - | - | |
| | | | 8 | - | desertion | 3 to 30 | - | - | - | - | |
| | | | - | 4 | ditto | - | - | - | - | -- 4 to 6 days, 8 hrs. each day. | |
| | | | 3 | - | insolence | 12 to 20 | - | - | - | - | |
| | | | - | 1 | ditto | - | - | - | - | - 4 days, 8 hrs. each day | |
| | | | 5 | - | -- making unfounded complaints. | 10 to 15 | - | - | - | - | |
| | | | 1 | - | conspiracy | 30 | - | - | - | - | |
| | | | - | 1 | theft | - | - | - | - | - 6 days, 8 hours each day. | |
| | | | 23 | 6 | | | | | | | |
| 11 | W. Lloyd - | Graaff Reinet | 13 | - | absence | 10 to 30 | - | - | - | - | 7 to 14 days. |
| | | | - | 13 | ditto | - | - | - | - | - | |
| | | | - | 5 | ditto | - | - | - | - | -- period not stated. | |
| | | | 4 | - | insolence and disobedience | 10 | - | - | - | - | |
| | | | - | 6 | - - ditto | - | - | - | - | - | |
| | | | - | 4 | - - ditto | - | - | - | - | -- period not stated. | |
| | | | 1 | - | -- insolence, absence and drunkenness. | 10 | - | - | - | | |
| | | | 18 | 28 | | | | | | | |
| 12 | J. J. Mientjes | Beaufort - | 3 | - | desertion | 15 to 30 | - | - | - | - | |
| | | | 1 | - | disobedience and neglect | 15 | - | - | - | - | |
| | | | 4 | - | | | | | | | |
| 13 | J. M. Rosty | Graham's Town. | 1 | - | absence | 10 | - | - | - | - | 7 to 30 days. |
| | | | 3 | 6 | ditto | - | - | - | - | - | |
| | | | - | 1 | ditto | - | - | - | - | -- period not stated. | |
| | | | - | 1 | insolence and disobedience | - | - | - | - | - | |
| | | | 1 | - | -- insolence, absence and drunkenness. | - | - | - | - | - | |
| | | | 5 | 8 | | | | | | | |
| 14 | J. T. Zieroozel | Somerset - | 7 | - | absence | 10 to 30 | - | - | - | - | 10 days. |
| | | | 2 | - | insolence and disobedience | 10 to 20 | - | - | - | - | |
| | | | - | 1 | - - ditto | - | - | - | - | - | |
| | | | - | 1 | - - ditto | - | - | - | - | -- period not stated. | |
| | | | 1 | - | -- insolence, absence and drunkenness. | 15 | - | - | - | - | |
| | | | - | 4 | -- making unfounded complaints. | - | - | - | - | - | |
| | | | - | 4 | - - ditto | - | - | - | - | -- period not stated. | |
| | | | 10 | 10 | | | | | | | |

I hereby certify that the above is a true Abstract of the Returns sent in to Government by the several special justices.

Colonial Office, Cape Town, }
16 February 1836.

(signed) John Bell,
Secretary to Government.

(No. 3.)

CAPE OF GOOD HOPE:—RETURN of the NAMES and NUMBER of APPRENTICED LABOURERS who have purchased the Unexpired Term of their Apprenticeship, and the several Sums paid for the same.

| No. of Special District. | SPECIAL MAGISTRATES. | | Apprentices who have Purchased the Unexpired Term of their Apprenticeship. | | Amount Paid for the Unexpired Term of Apprenticeship. | REMARKS. | | | |
|--------------------------|----------------------|------------------|--|------------|---|----------|----|---------------|---|
| | Name. | Where Stationed. | Males. | Females. | | | | | |
| 1 | G. Longmore | Cape Town - | - | Jeanette | 51 | 13 | 6 | Gratuitously. | |
| | | | - | Caotji | | | | | |
| | | | - | Luntji | | | | | |
| | | | Philip | - | Francina | 37 | 10 | | - |
| | | | - | Elsji | | | | | |
| | | | - | Isabella | | | | | |
| | | | Abida | - | - | 60 | - | | - |
| | | | Abadi | - | - | | | | |
| | | | Azor | - | - | | | | |
| | | | - | Philida | 3 | 15 | - | | |
| | | | - | Clara | | | | | |
| | | | - | Spasie | | | | | |
| | | | - | Louisa | 7 | 10 | - | | |
| | | | - | Rosina | | | | | |
| | | | - | Rosie | | | | | |
| | | | - | Sabina | 7 | 10 | - | | |
| | | | - | Spasie | | | | | |
| | | | - | Charlotte | | | | | |
| | | | Achilles | - | - | 67 | 10 | | - |
| | | | Frita | - | - | | | | |
| | | | - | Carolina | 37 | 10 | - | | |
| | | | - | Pamela | | | | | |
| | | | - | Christje | | | | | |
| | | | William | - | - | 37 | 10 | | - |
| | | | Edward | - | - | | | | |
| | | | - | Louisa | | | | | |
| | | | - | Lotta | 37 | 10 | - | | |
| | | | - | Louisie | | | | | |
| | | | - | Carolina | | | | | |
| | | | - | Cornelia | 22 | 10 | - | | |
| | | | - | Louisa (2) | | | | | |
| | | | Samuel | - | | | | | - |
| Lodwyck | - | - | 22 | 10 | - | | | | |
| - | Lea | | | | | | | | |
| Achmat | - | - | 11 | 5 | - | | | | |
| - | Rachel | | | | | | | | |
| Jephtha | - | - | 26 | 5 | - | | | | |
| - | Silvia | | | | | | | | |
| - | Diana | | | | | | | | |
| - | Eva | 22 | 10 | - | | | | | |
| Lodwyck | - | | | | - | | | | |
| - | Juliana | | | | | | | | |
| - | Julia | 8 | 14 | - | | | | | |
| - | Jacoba | | | | | | | | |
| - | Francina | | | | | | | | |
| Rieter | - | - | 22 | 10 | - | | | | |
| - | Philida | | | | | | | | |
| Damon | - | - | | | | | | | |
| - | Clara | 18 | 15 | - | | | | | |
| - | Spasie | | | | | | | | |
| - | Regina | | | | | | | | |
| - | Pamela | 22 | 10 | - | | | | | |
| Martimus | - | | | | - | | | | |
| - | Martha | | | | | | | | |
| - | Clarissa | 41 | 14 | - | | | | | |
| - | Diana | | | | | | | | |
| - | Wilryn | | | | | | | | |
| Jamnat | - | - | 51 | 13 | 6 | | | | |
| Bapo | - | - | | | | | | | |
| - | Regina | | | | | | | | |
| Dirk | - | - | - | - | - | | | | |
| Adam | - | - | | | | | | | |

| No. of Special District. | SPECIAL MAGISTRATES. | | Apprentices who have Purchased the Unexpired Term of their Apprenticeship. | | Amount Paid for the Unexpired Term of Apprenticeship. | REMARKS. |
|--------------------------|----------------------|------------------|--|------------|---|--|
| | Name. | Where Stationed. | Males. | Females. | | |
| | | | January | - - - | £. s. d. | Gratuitously. - ditto. - ditto. By appraisalment in the Supreme Court, in conformity to the 8th section of the Abolition Act. |
| | | | Samuel - | - - - | - - - | |
| | | | Apollos - | Amilie - | 7 10 - | |
| | | | Abraham - | Dooitzi - | 22 10 - | |
| | | | September | - - - | 76 8 6 | |
| | | | Silvestia - | Theresia - | *175 - - | |
| | | | - - - | - - - | 42 18 - | |
| | | | - - - | - - - | 58 13 - | |
| | | | - - - | Siesia - | 30 - - | |
| | | | 26 | 47 | 767 11 6 | |
| 2 | C. M. Lind | Simon's Town | none - - | none. | | |
| 3 | J. M. Hill | Tygerberg - | none - - | none. | | |
| 4 | H. Piers | Stellenbosch - | - - - | Philidia - | 32 8 - | |
| | | | | Flora - | 27 - - | |
| | | | | Caatzi - | 27 - - | |
| | | | | Litji - | 27 - - | |
| | | | | Eva - | 9 7 6 | |
| | | | Aund - - | - - - | 22 10 - | |
| | | | 1 | 5 | 145 5 6 | |
| 5 | W. Johnson | Pearl - - | none - - | none. | | |
| 6 | J. L. Peake | Worcester - | none - - | none. | | |
| 7 | J. Rynweld | Clanwilliam - | Cæsar - - | none - - | 3 15 - | |
| | | | 1 | none - - | 3 15 - | |
| 8 | J. Barnes | Swellendam - | none - - | none. | | |
| 9 | J. Shewin | Uitenhage - | none - - | none. | | |
| 10 | E. Bergh | George - | - - - | Carolina - | 37 10 - | |
| | | | none - - | 1 | 37 10 - | |
| 11 | W. Lloyd | Graaf Reinet | Lindor - | - - - | 3 - - | |
| | | | New Year - | - - - | 22 10 - | |
| | | | Geduld - | - - - | 37 10 - | |
| | | | 3 | none - - | 63 - - | |
| 12 | J. Mientjes | Beaufort - | none - - | none. | | |
| 13 | J. M'Rosty | Graham's Town | none - - | none. | | |
| 14 | J. T. Zieroozel | Somerset - | - - - | Altima - | 11 5 - | |
| | | | none - - | 1 | 11 5 - | |

* See Document annexed, Letter (A.)

I hereby certify that the above has been correctly compiled from the Returns sent in to Government by the several special justices.

Colonial Office, Cape Town, }
 16 February 1836.

(signed) John Bell,
 Secretary to Governor.

CAPE OF
GOOD HOPE.

(A.)—ANNEXURE TO RETURN, No. 3.

Sir,

Special Justice's Office, Cape Town, 2 December 1835.

I HAVE the honour to address you, for the information of his Excellency the Governor, in reference to the appraisalment of the services of the female apprentice, Theresia, transmitting at the same time the protest given in by me to his honor the chief justice of the colony. As in forwarding the returns to England of those apprenticed labourers who have purchased their freedom, it will appear that the said Theresia actually paid the sum of 175 *l.* sterling for the 3 $\frac{1}{2}$ years unexpired term of her apprenticeship, and I should wish it to be shown to the Right honourable the Secretary of State for the Colonies that I considered it to be an exorbitant valuation, and acted up to the ordinance in calling for a fresh appraisalment, which protest was overruled by the decision of one of the judges of the Supreme Court. I have, therefore, to request, that a copy of this letter, together with the protest, may accompany the returns to England.

I have, &c.
(signed) G. Longmore,
Special Justice, No. 1 District.

Special Justice's Office, Cape Town, 16 May 1835.

PROTEST by the SPECIAL JUSTICE of District, No. 1, against the Appraisalment of the Services of the Female Apprentice *Theresia*, as given in by the Umpire, and confirmed by one of the Judges of the Supreme Court.

1. THAT the appraisalment of Mr. H. Buckton, the gentleman named by me as appraiser on the part of the female apprentice Theresia, valued her services for 3 $\frac{1}{2}$ years at the sum of *R.ds.* 1,050, or 78 *l.* 15 *s.*; and that the appraisalment of Mr. Blore, appointed by the employer to value the services, fixed them at the sum of *R.ds.* 2,000, or 150 *l.*; intimating, nevertheless, that if Mr. Buckton would raise his valuation to *R.ds.* 1,500, he would lower his to the same sum, and thereby come to a joint valuation of the sum of *R.ds.* 1,500, or 112 *l.* 10 *s.* That consequently the umpire appears not to have taken the estimates of the two appraisers into consideration, by having exceeded in his valuation of 175 *l.* the amount of the highest appraisalment; and as in all cases of arbitration justice requires that the umpire should be guided in some measure by the maximum or minimum of the two former valuations, more especially in this instance, where one of the appraisers was appointed by the employer, he has departed from the general rule of appraisalment, as established by every precedent in law, which it was surely intended should be adhered to as strictly in those cases which regard the appraisalment of apprentices as in every other.

2. That the compensation committee, in establishing the several classes of apprentices, and deciding on the comparative value of their services as regarding a trade and occupation, fixed the very highest amount under which the services of a female apprentice could be rated at the sum of *R.ds.* 1,800, in which schedule the female apprentice Theresia was classed, whilst it now appears that the umpire has adjudged a far greater sum for 3 $\frac{1}{2}$ years of her servitude than the committee did for her whole life: and it is necessary to adduce from this, that as the term of the best life is not worth more than from 9 to 10 years' purchase, by adjudging *R.ds.* 2,333. 2. 4. for 3 $\frac{1}{2}$ years' servitude, the said ratio would value her whole life at *R.ds.* 7,000, an amount far beyond what was ever yet given in this colony for the most valuable slave, whose servitude was to last for his or her whole life. It is, therefore, evidently to be seen by this estimate that the sum of *R.ds.* 2,333. 2. 4. is far too great an amount for the unexpired term of 3 $\frac{1}{2}$ years of the female apprentice Theresia's services.

3. That in the appraisalment of 50 *l.* per annum as an indemnity to the employer for the loss of the labour of the said Theresia, the umpire has not calculated that this apprentice independently of paying down the sum of 175 *l.* in gross for the 3 $\frac{1}{2}$ years' servitude, has to provide against the following contingent expenses; viz.,

| | £. | s. | d. | <i>R.ds.</i> |
|---|--------|----|-----------------|------------------------|
| Interest of capital 175 <i>l.</i> for 3 $\frac{1}{2}$ years - - - | 36 | 15 | - | or 490 0 0 |
| Insurance of 175 <i>l.</i> for 3 $\frac{1}{2}$ years - - - | 14 | 9 | 9 $\frac{1}{2}$ | 193 1 3 |
| | | | | 683 1 3 |
| To which add the capital of - - - | 175 | - | - | 2,333 2 4 |
| Total - - - | £. 226 | 4 | 9 $\frac{1}{2}$ | <i>R.ds.</i> 3,016 4 1 |

This is at the rate of 64 *l.* 12 *s.* 9 $\frac{1}{2}$ *d.* per annum, exclusive of the expenses of her own maintenance, for food, clothing, lodging and medical attendance, which, computed at *R.ds.* 15 to *R.ds.* 20 per month, or about 16 *l.* yearly, increases the sum she would have to raise by her labour to about 80 *l.* per annum to pay off her debt and keep herself in existence, before she could lay aside one farthing to advance her future prospects, and provide against the chances of sickness or disability.

Under the foregoing consideration, I beg leave to plead for a fresh appraisalment.

(signed) G. Longmore, Special Justice.

(No. 4.)

INSTRUCTIONS TO SPECIAL MAGISTRATES.

PROCLAMATION by his Excellency Major-general Sir *Benjamin D'Urban*, K.C.B.

WHEREAS by an ordinance enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, dated the 5th day of January 1835, and intituled "An Ordinance for giving due effect to the provisions of an Act of Parliament passed in the 3d & 4th year of the reign of His Majesty King William the Fourth, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,' and dated the 28th day of August 1833," it is amongst other things provided, that the colony of the Cape of Good Hope shall, for the purposes of the said ordinance, be divided into not more than 22 judicial districts, and that the Governor shall by proclamation define, and as occasion may require alter, the limits of such districts: Now, therefore, in pursuance of the said provision of the said ordinance, I do hereby define the limits of the said judicial districts, in manner following; that is to say,

Special Districts.

No. 1, shall comprehend:

1. Cape Town, and the district thereof.
And the field cornetcies of
2. Liesbeck and Papendorp.
3. Wynberg village.
4. Vicinity of Wynberg.

No. 2, the field cornetcies of

1. Simon's Town, as far as Muizenburg.
2. Nordhook.
3. Wildschutsbrand.

No. 3, the field cornetcies of

1. Tygerberg.
2. Koeberg.
3. Ditto.
4. Blaauberg.
5. Paalen, north-west of Jan Biesje's kraal.
6. Groenekloof.
7. Ditto.

No. 4, the field cornetcies of

1. Stellenbosch.
2. Ditto.
3. Environs of Stellenbosch.
4. Moddergat.

No. 5, the field cornetcies of

1. Paarl.
2. Ditto.
3. Behind the Paarl.
4. Klein Drakenstein.
5. Groot ditto.
6. Wagenmakers Valley.
7. Fransche Hock.
8. Groensberg.

No. 6, the district of Worcester, excluding Clanwilliam.

No. 7, the subdistrict of Clanwilliam.

No. 8, the district of Swellendam.

No. 9, the district of Uitenhage, excluding George.

No. 10, the subdistrict of George.

No. 11, the district of Graaff-Reinet, excluding Beaufort.

No. 12, the subdistrict of Beaufort.

No. 13, the district of Albany, excluding Somerset.

No. 14, The subdistrict of Somerset.

God save the King!

Given under my hand and the public seal of the settlement, at Cape Town, this 6th day of January 1835.

(signed) *B. D'Urban.*

By command of his Excellency the Governor,
(signed) *John Bell,*
Secretary to the Government.

(Certified.)

John Bell,
Secretary to the Government.

CAPE OF
GOOD HOPE.

RULES framed by the Governor of the *Cape of Good Hope*, by and with the Advice of the Legislative Council thereof, for the internal Regulation of, and Discipline in, Places of safe Custody and Correction at the Police Settlements or Stations of the several Special Districts of the Colony.

1. *Of the Police Force.*

1. AT each house of correction (or police prison) there shall be a police constable of the day on duty.
2. The police serjeants and constables shall have a daily allowance of pay, not exceeding 2s. 6d. and 2s. respectively.
3. They shall be provided with quarters at the settlement or station.
4. They shall find their own clothing and maintenance.
5. They shall be armed with batons; but the station shall be furnished with such fire-arms as the Governor shall see fit to provide.
6. The constables shall not use their fire-arms, unless by order of the special justice, or, in his absence, of the serjeant.
7. The constable of the day shall prevent the introduction of any wine, beer or spirituous liquors, or of any provisions, excepting the regular rations, into the police prison.
8. Neglect of duty, or any similar offence, shall be punished at the discretion of the justice, by stoppage of not more than one-third of the offender's pay, for not longer than a fortnight, or by his discharge.
9. Connivance with prisoners or others, in evading the regulations of the police prison, drunkenness, gross negligence or wilful disobedience of orders, shall be punished by instant dismissal and forfeiture of all arrears of pay.
10. The serjeant shall take charge of all articles of furniture or bedding, stocks, instruments of punishment, implements of labour, and all other articles whatever belonging to the station, and shall be accountable for the same.

2. *Of the Penal Gang.*

11. Prisoners sentenced to hard labour shall be employed as the justice shall see fit to direct.
12. The labour shall be performed under the direction of a constable, superintended by the serjeant.
13. The hours of labour shall be two hours more in each day than the hours fixed for apprenticed labourers working in their employers' service.

3. *Of the Support of Prisoners.*

14. Prisoners shall be furnished with the like rations of provisions, and in like manner, as criminal prisoners in His Majesty's gaol for the district are furnished.
15. Sick prisoners shall have suitable diet provided for them.

4. *Of the Separation and Classification of Prisoners.*

16. Male prisoners shall be at all times kept apart from female prisoners; and no intercourse between them shall be permitted.
17. The penal gang shall be kept apart from all other prisoners.
18. The sick shall be provided with suitable separate accommodation, when necessary and practicable.
19. No visitor shall be allowed to enter the police prison, unless with the justice's express permission.

5. *Of Religious Instruction.*

20. The salaried clergyman residing nearest to the station shall visit it once a week at the least, for the purpose of giving religious instruction to the prisoners.
21. If he reside at so great a distance as to render this impracticable, he shall visit the station as often as his other duties will admit.
22. Clergymen and Christian teachers, of all denominations, shall have access to the prisoners on Sundays, and on such other days, and at such hours, as shall be prescribed or permitted by the justice.

6. *Of the Cleanliness, Order and Sobriety of the Prisoners.*

23. The apartments of the police prison shall be cleaned out daily, and oftener if requisite, by one or more of the prisoners, under the direction of the serjeant or constable of the day.

24. The personal cleanliness of the prisoners, and that of their clothes and bedding, shall be strictly enforced.

25. Offences of a trivial nature, such as dirtiness, non-compliance with prison rules, &c., shall be promptly punished, at the serjeant's discretion, by solitary confinement, or by confinement in the stocks; and all such punishments shall be reported forthwith to the justice, under pain of dismissal.

26. Disorderly conduct, disobedience of orders, insolence, obscenity, drunkenness, swearing and such like offences, committed by the prisoners, shall be punished, at the discretion of the justice, in the manner prescribed in the 10th, 11th and 17th sections of the 5th chapter of the Ordinance No. 1, of 1836, or by spare diet.

27. The justice shall, by frequent inspection, ascertain that the several rules hereinbefore mentioned are strictly attended to and enforced; that the station buildings are kept in proper repair, occasionally whitewashed and fumigated, and proper means provided and used for ventilation.

28. The justice shall make and enforce such further rules, for the better regulation of the police and prisoners, as he shall from time to time see fit, reporting the same to the Governor for confirmation or disallowance.

Cape of Good Hope, 15 January 1835.

By the Provisional Government,

(signed) *John Bell.*

By order of the Legislative Council,

(signed) *K. B. Hamilton,*

Clerk of the Legislative Council.

MEMORANDUM for Civil Commissioners, Resident Magistrates and Special Justices, for their guidance in carrying into effect the Ordinance and Rules passed by the Governor and Council, under the Act of 3 & 4 Will. 4, c. 72, intituled "An Act for the Abolition of Slavery in the British Colonies," dated 28th August 1833.

1. EACH of the special justices nominated by the Secretary of State is allowed to hire any person qualified to act as an interpreter in the Dutch language, to act as his clerk; the pointment and removal of such clerk shall rest with the justice.

2. Each such clerk shall receive an allowance at the rate of 63 *l.* 17 *s.* 6 *d.* per annum, or 3 *s.* 6 *d.* per diem.

3. This allowance shall be drawn by the justice as an unfixed contingency; and his receipt, together with that of the clerk, shall be a sufficient voucher for the payment thereof.

4. Resident magistrates and justices of the peace holding special commissions, and having already each a clerk paid by the public, shall not have any such allowance.

5. Each of the justices nominated by the Secretary of State shall be allowed for house-rent at the rate of 50 *l.* per annum.

6. All special justices shall, when engaged in the visitation of their districts, be allowed transport in the same manner as civil commissioners; and shall further be allowed 5 *s.* per diem extra while so engaged, towards the personal expenses of themselves and such officers as they may deem it requisite to take with them.

7. All special justices shall be allowed necessary articles of stationery, on requisition, transmitted through the civil commissioners; and shall be allowed to charge postage actually paid by them on letters received on the public service, and certified as such.

8. The civil commissioners shall make contracts for furnishing the police stations with provisions and all other necessaries, in the same manner as the district prisons are now furnished therewith; these articles may be provided under existing contracts for the supply of the prisons, as far as they apply.

9. In any place fixed as a police station where there is a gaol or lock-up house, the civil commissioner shall make the necessary arrangements, if practicable, for portioning off so much of the gaol as may be required for the purposes of the police settlement; and he shall cause to be executed any repairs or alterations necessary for that purpose, having previously obtained the sanction of government to the expense to be therein incurred.

CAPE OF
GOOD HOPE.

10. The civil commissioners shall, if it be absolutely necessary to do so, hire buildings for the police settlement, and alter or fit up the same for the purposes before mentioned, previously submitting, as above directed, an estimate of the probable charge.

11. The gaoler and constables of the prisons or lock-up houses shall be made available, as far as possible, for the purposes of the police settlement, by arrangement between the resident magistrates and the special justices; but such gaolers and constables shall not be liable to be discharged on the order of the justice alone.

12. The justices of the 2d and 13th special districts shall not be allowed any addition to the police and constables now at their disposal.

13. The justice of the 3d special district is allowed a serjeant, and not exceeding two constables.

14. Every other special justice shall have one serjeant, independent of any gaol or lock-up house establishment, and so many constables, not exceeding two, as may be determined on by himself and the civil commissioner or resident magistrate.

Colonial Office, Cape Town,
15 January 1835.

(signed) *John Bell,*
Secretary to Government.

A P P E N D I X.

ORDERS IN COUNCIL AND COLONIAL LAWS.

PART III.—(2.)

APPENDIX.

ORDERS IN COUNCIL AND COLONIAL LAWS.

JAMAICA.

- No. 79.—JAMAICA.—An Act to increase the Power of the Magistracy of this Island in the appointment of Special Constables.—Passed 12 December 1833 - - - - p. 5
- No. 80.—JAMAICA.—An Act for the Summary Punishment in certain cases of Persons wilfully and maliciously damaging or committing Trespasses on Public and Private Property.—Passed 10 December 1833 - - - - - p. 7
- No. 81.—JAMAICA.—An Act for preventing Tumults and Riotous Assemblies, and for the more speedily and effectually punishing the Rioters.—Passed 11 December 1833 - p. 8
- No. 82.—JAMAICA.—An Act to consolidate and amend the several Laws relating to the Clergy of this Island, and to invest the Bishop of Jamaica with Ecclesiastical Jurisdiction.—Passed 12 December 1833.—(Extracts affecting the Apprentices) . - - - p. 10
- No. 83.—JAMAICA.—An Act to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers and others.—Passed 4 July 1834 - - - - - p. 11
- No. 84.—JAMAICA.—An Act to Register Fire-Arms, and to enforce the several Laws relating to Arms and Gunpowder, and to the Protection of Property and Person.—Passed 4 July 1834 - - - - - p. 13
- No. 85.—JAMAICA.—An Act to amend the Elective Franchise.—Passed 20 December 1834, p. 15
- No. 86.—JAMAICA.—An Act to consolidate the Highway Laws of this Island.—Passed 20 December 1834 - - - - - p. 17
- No. 87.—JAMAICA.—An Act to enable Parties having Claims to the Services of Apprenticed Labourers to assert their Title at Law, and for other purposes.—Passed 20 December 1834 p. 29
- No. 88.—JAMAICA.—An Act to restrain Levies on Slaves.—Passed 16 June 1834 - - p. 30
- No. 89.—JAMAICA.—An Act for granting Aid from the Public Funds in erecting, enlarging and repairing Houses of Correction and Tread-Mills.—Passed 9 December 1834 - - p. 30
- No. 90.—JAMAICA.—An Act to empower Magistrates to hire or appoint good and sufficient Men to serve as Constables, and also to enable Magistrates to take cognizance of Petty Assaults and Misdemeanors, and to hold Petty Sessions of the Peace, and for other purposes.—Passed 4 July 1834 - - - - - p. 31
- No. 91.—JAMAICA.—An Act to organize a Police.—Passed 17 December 1835 - - p. 32
- No. 92.—JAMAICA.—An Act to repeal certain portions of an Act 5 Will. 4, c. 29, intituled "An Act to consolidate the Highway Laws of this Island," and in aid of the same.—Passed 18 December 1835 - - - - - p. 34

BARBADOES.

- No. 93.—BARBADOES.—An Act to limit the Jurisdiction of Justices of the Peace.—Passed 17 September 1834 - - - - - p. 34
- No. 94.—BARBADOES.—An Act to repeal certain Clauses of an Act, intituled “ An Act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers,” and to substitute other Clauses in place of certain of such repealed Clauses.—Passed 19 August 1835, p. 35
- No. 95.—BARBADOES.—An Act for continuing in force and amending an Act, intituled “ An Act for the temporary establishment of a Rural Police for this Island.”—Passed 19 August 1835 - - - - - p. 38
- No. 96.—BARBADOES.—An Act to amend an Act, intituled “ An Act to establish a Police in Bridgetown, in the parish of St. Michael.”—Passed 19 August 1835 - - - p. 38
- No. 97.—BARBADOES.—Order in Council, dated 12 October 1835, declaring that adequate and satisfactory provision has been made by Law in the Island of Barbadoes for giving effect to the Act 3 & 4 Will. 4, c. 73, for the Abolition of Slavery throughout the British Colonies - - - - - p. 39
- No. 98.—BARBADOES.—An Act to assist the Parishes in the rebuilding of their Parish Churches.—Passed 7 September 1835 - - - - - p. 40
- No. 99.—BARBADOES.—An Act to provide for the building of Houses of Correction and Police Establishments.—Passed 14 September 1835 - - - - - p. 41
- No. 100.—BARBADOES.—An Act to amend an Act, intituled “ An Act for the Abolition of Slavery, for the government of Apprenticed Labourers, and for ascertaining and enforcing the Reciprocal Duties between them and their Employers.”—Passed 2 December 1835, p. 43
- No. 101.—BARBADOES.—An Act for the better regulating the Common Gaol of this Island.—Passed 9 December 1835 - - - - - p. 44
- No. 102.—BARBADOES.—An Act the better to regulate the Sale of Goods, Wares and Merchandize by Itinerant Venders in and about the Roads and Streets of this Island.—Passed 9 December 1835 - - - - - p. 47
- No. 103.—BARBADOES.—An Act for the establishment of Rules and Regulations for the Government and Discipline of the Rural Police of this Island.—Passed 9 December 1835, p. 48

BRITISH GUIANA.

- No. 104.—BRITISH GUIANA.—Order in Council 24 June 1835, amending Ordinance 8 March 1834 for the government and regulation of Apprenticed Labourers ; (Division of the Colony into Judicial Districts) - - - - - p. 53
- No. 105.—BRITISH GUIANA.—Order in Council 21 December 1835, empowering Special Magistrates to inspect Hospitals and other places for the reception of the Sick in British Guiana, p. 53
- No. 106.—BRITISH GUIANA.—An Ordinance for the more speedy recovery of Debts not exceeding in any case the amount of Five Pounds, or Seventy Guilders.—Passed 6 November, 1835, p. 54
- No. 107.—BRITISH GUIANA.—An Ordinance to establish Savings Banks in British Guiana.—Passed 7 June 1836 - - - - - p. 56
- No. 108.—BRITISH GUIANA.—Order in Council 29 June 1836, further amending Ordinance 8 March 1834 for the government and regulation of Apprenticed Labourers (explaining meaning of the term “ Employer”) - - - - - p. 57

MAURITIUS.

- No. 109.—**MAURITIUS.**—An Ordinance (No. 5 of 1835) for the purpose of regulating the Internal Order and Discipline of the Prisons.—Passed 24 February 1835 - - - p. 57
- No. 110.—**MAURITIUS.**—An Ordinance (No. 6 of 1835) modifying certain Dispositions of the existing Criminal Laws, and adding new Dispositions thereto.—Passed 9 March 1835 - p. 61
- No. 111.—**MAURITIUS.**—An Ordinance (No. 8 of 1835) for ensuring, in conformity to the Dispositions of the Order in Council of the 17 September 1834, the due execution of the Slave Abolition Act at the Mauritius.—Passed 21 March 1835 - - p. 62
- No. 112.—**MAURITIUS.**—An Ordinance (No. 14 of 1835) respecting Misdemeanors committed by Apprentices.—Passed 12 October 1835 - - - - - p. 67
- No. 113.—**MAURITIUS.**—An Ordinance (No. 16 of 1835) respecting Field Labourers and Workmen.—Passed 2 November 1835 - - - - - p. 67
- No. 114.—**MAURITIUS.**—An Ordinance (No. 17 of 1835) on Servants, Porters and Jobmen, or daily Workmen.—Passed 2 November 1835 - - - - - p. 70
- No. 115.—**MAURITIUS.**—An Ordinance (No. 18 of 1835) on Public Instruction.—Passed 16 November 1835 - - - - - p. 72
- No. 116.—**MAURITIUS.**—Order in Council (10 August 1836), repealing Laws of 1803 and 1813 respecting Public Education and Private Schools - - - - - p. 74
-

ANTIGUA.

- No. 117.—**ANTIGUA.**—An Act for the Punishment of idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues and other Vagrants in this Island.—Passed 3 July 1834, p. 74
- No. 118.—**ANTIGUA.**—An Act for the establishment and regulation of a Market in the Town of St. John, and for regulating the sale of various Commodities throughout the Island.—Passed 14 August 1834 - - - - - p. 78
- No. 119.—**ANTIGUA.**—An Act for more effectually preventing the purchase of stolen Iron, Copper, Lead and Brass, in this Island; and for repealing sundry Laws at present in force in the said Island relative thereto.—Passed 6 November 1834 - - - - - p. 80
- No. 120.—**ANTIGUA.**—An Act for the better adjusting and more easy recovery of the Wages of Servants in Husbandry, and of Artificers, Handicraftsmen and other Labourers employed upon Estates, and for the better regulation of such Servants, Artificers, Handicraftsmen, and other Labourers.—Passed 6 August 1835 - - - - - p. 81
- No. 121.—**ANTIGUA.**—An Act for the better adjusting and more easy recovery of the Wages of Artificers, Handicraftsmen and other Labourers working under Hirings in the several Towns in this Colony, and for the better regulation of such Artificers, Handicraftsmen and other Labourers.—Passed 22 August 1835 - - - - - p. 84
- No. 122.—**ANTIGUA.**—An Act for better regulating Menial Servants.—Passed 10 Sept. 1835, p. 84
-

MONTSERRAT.

- No. 123.—**MONTSERRAT.**—An Act for the summary punishment of common Assaults and Batteries, and of riotous and disorderly Conduct.—Passed 22 November 1834 - - p. 85
- No. 124.—**MONTSERRAT.**—An Act for the protection and maintenance of Apprenticed Labourers in this Island, and for ensuring the punctual discharge by such Apprenticed Labourers of the Services due by them to their Employers, and generally for regulating the Conduct and for the punishment of any Offences committed by such Apprenticed Labourers.—Passed 14 August 1834 - - - - - p. 86

- No. 125.—MONTSERRAT.—An Act for the Classification of Apprenticed Labourers.—Passed 13 October 1834 - - - - - p. 93
- No. 126.—MONTSERRAT.—An Act for giving to the Special Magistrates Jurisdiction over Apprenticed Labourers, and directing their mode of proceeding in the exercise of such Jurisdiction - - - - - p. 95
- No. 127.—MONTSERRAT.—An Act for establishing a Police in the said Island.—Passed 13 October 1834 - - - - - p. 99
- No. 128.—MONTSERRAT.—An Act to repeal the Proviso contained in the Fourth Clause of an Act, intituled, “An Act for the Abolition of Slavery in this Island.”—Passed 28 May 1835 - - - - - p. 100
- No. 129.—MONTSERRAT.—Order in Council, dated 3 February 1836, declaring that adequate and satisfactory Provision has been made by Law in the Island of Montserrat, for giving effect to the Act 3 & 4 Will. 4, c. 73, for the Abolition of Slavery throughout the British Colonies - - - - - p. 101

ST. CHRISTOPHER.

- No. 130.—ST. CHRISTOPHER.—An Act for the summary punishment of common Assaults and Batteries, and of riotous and disorderly Conduct in the Island of St. Christopher.—Passed 9 July 1834 - - - - - p. 102
- No. 131.—ST. CHRISTOPHER.—An Act to punish and prevent the commission of Petty Thefts, and the unlawful detention of Personal Property.—Passed 29 July 1834 - - - p. 103
- No. 132.—ST. CHRISTOPHER.—An Act to continue an Act, intituled, “An Act for dividing this Island into Districts, and for establishing a sufficient Police within the same.”—Passed 6 July 1835 - - - - - p. 104
- No. 133.—ST. CHRISTOPHER.—An Act for the prevention of the wilful and malicious Destruction of Cattle, and for the punishment of Persons guilty of the same.—Passed 6 July 1835, p. 104
- No. 134.—ST. CHRISTOPHER.—An Act to repeal all former Acts relating to the Repairs of the Highways, and to make other Provisions in lieu thereof.—Passed 6 July 1835 - p. 105

NEVIS.

- No. 135.—NEVIS.—An Act to establish a Local Constabulary Force on the several Plantations in this Island.—Passed 2 August 1834 - - - - - p. 109
- No. 136.—NEVIS.—An Act for the summary punishment of common Assaults and Batteries, and of riotous and disorderly Conduct, in the Island of Nevis.—Passed 2 August 1834, p. 110
- No. 137.—NEVIS.—An Act to alter and amend an Act, intituled “An Act to provide for the maintenance, protection, and good government of Apprenticed Labourers, and to settle the jurisdiction and authority of Special Magistrates.”—Passed 16 October 1835, p. 111
- No. 138.—NEVIS.—Order in Council, dated 16 January 1836, declaring that adequate and satisfactory provision has been made by Law, in the Island of Nevis, for giving effect to the Act 3 & 4 Will. 4, c. 73, for the Abolition of Slavery throughout the British Colonies, p. 112
- No. 139.—NEVIS.—An Act for establishing a Police Force and House of Correction in and for the Island of Nevis.—Passed 3 November 1835 - - - - - p. 113

VIRGIN ISLANDS AND TORTOLA.

- No. 140.—VIRGIN ISLANDS & TORTOLA.—An Act to repeal the seventh Clause and the proviso contained in the tenth Clause of an Act, intituled “An Act for regulating the division of Apprenticed Labourers into their respective classes, and for providing for the dissolution of the Apprenticeship, by contract or otherwise:” and to repeal the 12th, 13th, 15th,

15th, 19th, 39th, and 51st Clauses of an Act, intituled "An Act prescribing the duties of Apprenticed Labourers and Employers respectively, and imposing penalties for the non-performance thereof, and providing other regulations for the maintenance of good order:" and to repeal the 22d Clause of an Act, intituled "An Act for prescribing the powers and duties of Special Justices and for defining the jurisdiction of the same:" and to repeal the first, second, and fourth Clauses of an Act, intituled "An Act to regulate the removal of Prædial Apprenticed Labourers from one Plantation or Estate to another, the alienation by sale, inheritance or will of the services of Apprenticed Labourers, the Apprenticeship of Children of Apprenticed Labourers, and the relation in which Apprenticed Labourers will stand towards the State in the said Virgin Islands; and thereby to carry more effectually into operation the Enactments contained in that behalf, in an Act of the Imperial Parliament of Great Britain, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such slaves:'" And to amend the said Acts relative to Apprenticed Labourers.
—Passed 5 October 1835 - - - - - p. 117

DOMINICA.

- No. 141.—DOMINICA.—An Act to give effect to the 59th Clause of an Act passed the 19th day of May last, intituled "An Act for the Abolition of Slavery in this Island, in consideration of Compensation; and for promoting the industry of the manumitted slaves;" and to form efficient Police Establishments in the Judicial Districts of the Justices holding Special Commissions in aid of the power and authority in them vested under and by virtue of the said Act.—Passed 19 September 1834 - - - - - p. 118
- No. 142.—DOMINICA.—An Act for the immediate repair of the Public High and Bye Roads throughout the Island.—Passed 30 September 1834 - - - - - p. 119
- No. 143.—DOMINICA.—An Act to abolish the Punishment of Females by Whipping.—Passed 20 November 1835 - - - - - p. 102

ST. VINCENT.

- No. 144.—ST. VINCENT.—An Act to repeal certain Clauses, and to alter and amend an Act, intituled "An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the industry and good conduct of the manumitted Slaves."—Passed 29 July 1835 - - - - - p. 121
- No. 145.—ST. VINCENT.—An Act supplementary to an Act intituled "An Act to provide for the general Registration of all Slaves belonging to or settled in these Islands."—Passed 30 July 1835 - - - - - p. 123
- No. 146.—ST. VINCENT.—An Act to legalize the Police Settlement of the Windward Division as a place of confinement and punishment.—Passed 30 July 1835 - - - - - p. 124
- No. 147.—ST. VINCENT.—Order in Council, dated 20 November 1835, declaring that adequate and satisfactory provision has been made by Law in the Island of St. Vincent, for giving effect to the Act 3 & 4 Will. 4, c. 73, for the Abolition of Slavery throughout the British Colonies - - - - - p. 124

GRENADA.

- No. 148.—GRENADA.—An Act for establishing a Common Gaol and Treadmill in the Island of Carriacou.—Passed 6 November 1834 - - - - - p. 126

TOBAGO.

- No. 149.—TOBAGO.—An Act to prevent the Clandestine Departure of Persons from this Island.—Passed 27 December 1834 - - - - - p. 127
- No. 150.—TOBAGO.—An Act to enable Apprenticed Labourers, Servants, and poor Settlers, to recover Debts in a summary manner.—Passed 31 December 1834 - - - - - p. 128
- No. 151.—

- No. 151.—TOBAGO.—An Act for the prevention of Trespasses in the said Island.—Passed 26 January 1835 - - - - - p. 130
- No. 152.—TOBAGO.—An Act to regulate the Conduct, and to fix the Value of the Labour of person, acting as Porters and Labourers in the said Island.—Passed 26 January 1835 p. 132
- No. 153.—TOBAGO.—An Act for the more summary punishment of Petty Thefts.—Passed 22 April 1835 - - - - - p. 133
- No. 154.—TOBAGO.—An Act for establishing certain Rules and Regulations respecting persons sentenced to punishment by Hard Labour.—Passed 26 January 1835 - p. 134
- No. 155.—TOBAGO.—An Act to amend an Act, intituled, “ An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled ‘ An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such Slaves.’ ”—Passed 28 December 1835 - - - - p. 135
- No. 156.—TOBAGO.—An Act to provide for the building of places of Confinement and Punishment, and to establish a Police Force in the said Island ; and also to repeal the 55th, 56th and 57th Clauses of the Act, intituled “ An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled ‘ An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such Slaves.’ ”—Passed 28 December 1835 - - - - p. 136
- No. 157.—TOBAGO.—Order in Council, dated 13 April 1836, declaring that adequate and satisfactory provision has been made by Law in the Island of Tobago for giving effect to the Act of Parliament for the Abolition of Slavery - - - - p. 139

TRINIDAD.

- No. 158.—TRINIDAD.—An Ordinance for the more speedy administration of Justice in cases of Contracts for the performance of Labour, and of Apprenticeships and contracts of the nature thereof, and to regulate the formation of Apprenticeship, and to prevent and punish the harbouring of Runaway Apprentices.—Passed 29 November 1834 - p. 141
- No. 159.—TRINIDAD.—An Ordinance for establishing an effective system of Police within the Town of Port of Spain.—Passed 7 September 1835 - - - - p. 147
- No. 160.—TRINIDAD.—An Ordinance to explain and amend an Ordinance, intituled “ An Ordinance for establishing an effective system of Police within the Town of Port of Spain.”—Passed 16 September 1835 - - - - p. 159
- No. 161.—TRINIDAD.—An Ordinance for the protection and relief of Persons who have transferred or may hereafter transfer their claims on the Compensation Fund.—Passed 19 December 1835 - - - - p. 160

St. LUCIA.

- No. 162.—St. LUCIA.—Proclamation, dated 3 February 1835, declaring that Saturday should be in future the Market-day, instead of Monday - - - - p. 161
- No. 163.—St. LUCIA.—An Ordinance for punishing Persons employing and harbouring Runaway Apprenticed Labourers.—Passed 6 July 1835 - - - - p. 161
- No. 164.—St. LUCIA.—An Ordinance for providing more effectually for the general Police of the Town, Suburbs and Harbour of Castries, for constructing and repairing the Wharfs, and consolidating and amending all Laws, Ordinances and Regulations relating to the subject of this present Ordinance.—Passed 24 August 1835 - - - - p. 162
- No. 165.—St. LUCIA.—An Ordinance appointing a Day for the Registrar of Slaves to deliver to every Employer of Apprenticed Labourers a List for the purpose of Classification.—Passed 24 August 1835 - - - - p. 166

BAHAMAS.

- No. 166.—BAHAMAS.—An Act to prevent the resort of Rogues, Vagabonds, and other idle and disorderly Persons to the Bahama Islands; for the punishment and correction of certain offences therein specified, and for other purposes therein mentioned.—Passed November 12, 1833 - - - - - p. 166
- No. 167.—BAHAMAS.—An Act to provide a summary remedy against the occupation of Land by persons having no title to the same.—Passed 20 March 1834 - - - - - p. 169
- No. 168.—BAHAMAS.—An Act for the more effectual punishment of Persons committing malicious injuries to Property.—Passed 6 October 1834 - - - - - p. 171
- No. 169.—BAHAMAS.—An Act to amend an Act, intituled “ An Act to prevent the resort of Rogues, Vagabonds, and other idle and disorderly Persons, to the Bahama Islands; for the punishment and correction of certain Offences therein specified, and for other purposes therein mentioned.”—Passed 27 January 1835 - - - - - p. 175
- No. 170.—BAHAMAS.—An Act for regulating the Public Market of the Town of Nassau, in the Island of New Providence, and for limiting the Price of Butchers’ Meat, and for other purposes therein mentioned.—Passed 31 March 1835 - - - - - p. 176
- No. 171.—BAHAMAS.—An Act to amend the Law relative to the provision of Salaries to certain Special Magistrates.—Passed 24 April 1835 - - - - - p. 179
- No. 172.—BAHAMAS.—An Act to explain and amend certain parts of the 4 Will. 4, c. 21, intituled “ An Act auxiliary to an Act of the Imperial Parliament, intituled ‘ An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the services of such Slaves, and for other purposes.’ ”—Passed 11 May 1835 - p. 179

BERMUDA.

- No. 173.—BERMUDA.—An Act, in addition to the “ Act as well for the relief of the Poor as for the putting out Apprentices, and setting Idle Persons to work.”—Passed 25 June 1834, p. 180
- No. 174.—BERMUDA.—An Act to restrain and punish Vagrancy.—Passed 28 June 1834 - p. 189
- No. 175.—BERMUDA.—An Act to repeal the Act “ to prevent Parish Charges by poor Persons removing from one Tribe to another,” and to make other enactments instead thereof.—Passed 9 July 1834 - - - - - p. 192
- No. 176.—BERMUDA.—An Act for the establishment of a Civil Watch in these Islands, and to provide for an occasional increase of the Constabulary Force therein.—Passed 25 July 1834 - - - - - p. 194
- No. 177.—BERMUDA.—An Act for regulating the Sale of Garden or Farm Productions, and the establishment of Markets in the Towns of Hamilton and St. George.—Passed 30 August 1834 - - - - - p. 196
- No. 178.—BERMUDA.—An Act to amend an Act for the more effectual Prevention of Damage from Persons passing over any Wall, Ditch, Hedge or other Enclosure.—Passed 4 September 1834 - - - - - p. 198
- No. 179.—BERMUDA.—An Act for the regulation of the Public Gaols within these Islands.—Passed 5 September 1834 - - - - - p. 199

APPENDIX.

ORDERS IN COUNCIL AND COLONIAL LAWS.

JAMAICA.

Appendix, No. 79.

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 79.

4 William IV. c. 29.—AN ACT to increase the Power of the Magistracy of this Island in the appointment of Special Constables.—Passed 12 December 1833.

WHEREAS it is expedient, in the present state of this island, that the constabulary force thereof should be rendered as efficient as possible, and that persons, on whom dependance can be placed by the magistracy, should not only be compellable to act as special constables in any actual tumult, riot or felony, but also on the reasonable apprehension thereof, for the prevention of the same, and to be in readiness on all sudden emergencies touching the peace of the country, in which it behove thall persons of respectability to show a laudable example: be it therefore enacted, by the Governor, Council and Assembly of this your Majesty's Island of Jamaica, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act it shall be lawful for all and every the custodes of the different parishes of this island, except Kingston, or for the next senior magistrate residing or being at the time in any parish, in the absence of the custos of the parish, and for the mayor of the city of Kingston for the time being, or in case of his absence the senior alderman in the city and parish of Kingston, from time to time and as often as they shall respectively think fit, and they are hereby respectively authorized to nominate and appoint, by precept in writing under their hands respectively, any householders or other persons residing within the respective parishes of such custodes, or within the city and parish of Kingston, to be and to act as special constables within the respective parishes in which such persons reside or the immediate neighbourhood thereof, for such time and in such manner as to such custodes or senior magistrates, mayor or alderman, shall seem fit and necessary for the preservation of the public peace, and for the prevention or suppression of all tumults, riots or felonies; and such custodes or senior magistrates, mayor or alderman, are hereby empowered to administer to such persons so appointed not only the usual oaths administered by law to all special constables, but also the following oath:

Preamble.

Appointment of
special constables,
when necessary for
the public peace,
authorized.

"I, A. B., do swear, that I will well and truly serve our Sovereign Lord the King in the office of special constable for the parish of _____ without favour or affection, malice or ill-will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law. So help me God."

Who must take this
oath.

Provided always, that nothing in this Act contained shall alter, affect or abridge any power or authority which by law appertains to any justice or justices of the peace to appoint special constables in cases of actual tumult, riot or felony: provided also, that no such appointment of special constables shall operate as an exemption from serving or doing duty in the militia of this island, except while any such special constable is in the actual performance of any duty as a special constable.

Proviso.

Proviso.

2. And be it further enacted, by the authority aforesaid, that every special constable so to be appointed by virtue of this Act shall qualify and enrol himself as such special constable as hereinafter provided, and shall and he is hereby required to take the oaths required by law and by this Act within such time as shall be fixed by the person appointing him such special constable, and the name or mark of such special constable shall be signed or made by himself to such oaths in the presence of the person appointing him, or in the presence of the clerk of the peace in the parish in which he resides, on a roll to be kept for that purpose, whereon shall be designated the calling or occupation and place of residence of such special constable; and a correct list of such special constables so appointed, sworn and enrolled in each parish of this island shall from time to time be registered and kept publicly exposed in the respective offices of the several clerks of the peace of the parishes in which such special constables reside, as part of the duty of such clerks of the peace; and for any default of any such special constable so appointed in not qualifying and enrolling himself as hereby provided, he shall forfeit the sum of 20 l. to be levied on his goods and chattels by warrant under the hand and seal of the person so appointing him by virtue of this Act, and so on

Special constables
when appointed
must qualify and
enrol themselves
according to the
provisions of this
Act, and take the
oaths, under pen-
alty.

JAMAICA.

Appendix, No. 79.

They are to be provided with a staff and weapons, at expense of parish or city, to be delivered up on appointment ceasing, in good order, under penalty.

They are promptly to obey calls of custodes or senior magistrates of parishes, mayor or senior alderman of Kingston, under penalty for non-obedience, without good excuse, and also liable to be indicted for a misdemeanor.

In the absence of the above-mentioned custodes, &c. any two or more justices and aldermen and common-councilmen may demand as herein set forth the services of such special constable.

How penalties are to be recovered.

Persons exempted by law from serving as constables may accept the appointment and perform the duties under this Act.

Powers of the special constables.

toties quoties, or as often as he shall receive a fresh or new appointment, and make default in qualifying and enrolling himself as such special constable, and which new appointment may immediately follow the penalty of the preceding appointment.

3. And be it further enacted, by the authority aforesaid, that any such special constable so appointed, sworn and enrolled as aforesaid, shall, at the expense of the parish in which he resides, be provided with a staff of office, and such necessary weapons as the justices and vestry of each parish, or the mayor, alderman and common council of Kingston in their respective jurisdictions or parishes shall deem fit; and upon the appointment of any such special constable ceasing, or upon his removing from the parish in which he hath been enrolled as a special constable, such staff of office, together with such weapons, in good order, shall be delivered up by him to the clerk of the peace of the parish in which he shall have received his appointment, under the penalty of 5 *l.*, to be recovered and applied as in this Act hereinafter to be provided; and upon the death of any such special constable such staff of office and weapons shall be delivered to such clerk of the peace, and recoverable from any person in a summary manner, by warrant under the hand of any justice of the peace of the same parish.

4. And be it further enacted, by the authority aforesaid, that all and every such custodes or senior magistrates, mayor or senior alderman respectively, shall have full power, and they are hereby authorized, on reasonable apprehension of any intended tumult, riot or felony (of the reasonableness of which apprehension they are to be respectively the sole judges on whatever evidence or information they may receive thereof), or upon any actual tumult, riot or felony, to call upon the immediate active aid and assistance of all and every or any of such special constables so to be appointed by virtue of this Act for the prevention or suppression of such intended or actual tumult, riot or felony; and every such special constable so called upon, and not promptly obeying such call, or not promptly acting under the lawful orders of the party so calling upon him for such purposes, without good and sufficient excuse, shall incur the penalty of 20 *l.*, to be recovered and applied as in this Act hereinafter to be provided, and shall also be liable to be indicted and prosecuted for a misdemeanor.

5. And be it further enacted, by the authority aforesaid, that from and after the passing of this Act, in all cases, in the absence of the custodes or mayor, or senior magistrate, or senior alderman aforesaid, when it shall be made to appear to any two or more justices of the peace of any of the parishes of this island, or any two or more of the aldermen or common-councilmen of the city of Kingston, by the information on oath of one or more respectable inhabitants of such parish or city, or it shall be within their own knowledge that any tumult, riot, or felony has taken place, or is likely to take place, and may reasonably be apprehended, such justices may, and are hereby authorized to call upon by warrant or precept in writing, under their hands, or by a verbal summons or personal citation, conveyed by a constable or any respectable person, all and every, or any of such special constables who may have been so appointed and sworn to act as hereinbefore provided, residing within the neighbourhood of such actual or apprehended tumult, riot or felony, to act as special constables for such time and in such manner as to the said justices shall seem fit and necessary for the preservation of the public peace, and for the prevention or suppression of any tumult, riot, or felony.

6. And be it further enacted, by the authority aforesaid, that all penalties under this Act shall be recoverable by attachment in the supreme court or assize courts of this island, grounded on affidavit, after the court shall have duly considered any affidavit or affidavits on the part of the party complained of, justifying or explaining his conduct; and the judges who shall determine on the matter shall have power to award such costs on either side as they shall deem proper: provided always, that any offence under this Act shall be complained of within six months thereafter; and also provided, that if any person who shall be appointed a special constable under this Act shall feel himself aggrieved by such appointment, he shall be at liberty to appeal therefrom to the person exercising the functions of Governor of this island for the time being, so as such appeal be made within fourteen days after such appointment, and due notice be given of such appeal to the custos, magistrate, mayor or alderman who made such appointment, within the said fourteen days, and the person so appealing shall not in the meantime be exempted from such duty.

7. And be it further enacted, by the authority aforesaid, that nothing in this Act contained shall prevent any person by law exempted from serving as a constable, from accepting voluntarily the appointment of a special constable under this Act, and being sworn and enrolled in like manner as the special constables to be appointed under this Act, and thereupon all persons voluntarily accepting such appointment shall be held subject and liable to all and every the duties and penalties under this Act, as other special constables appointed thereunder are subject and liable.

8. And be it further enacted, by the authority aforesaid, that all special constables appointed under this Act shall have and be invested with all the powers and authorities incident to the office of constable for the preservation of the public peace, the apprehending of offenders against the same, and the suppression or prevention of all tumults, riots and felonies; and if need be, in the performance and prosecution of their duty, may act in all respects in any adjoining parish, but in the neighbourhood only of the parish in which they reside, and only so far as may be necessary, as fully and effectually to all intents and purposes as in the parish in which they are enrolled.

Appendix, No. 80.

4 William IV. c. 34.—Jamaica ss.—AN ACT for the Summary Punishment in certain cases of Persons wilfully and maliciously damaging or committing Trespasses on Public or Private Property.—Passed 10 December 1833.

BE it enacted, by the Governor, Council and Assembly of this island, and it is hereby enacted, by the authority of the same, that from and after the passing of this Act, if any person or persons shall wilfully or maliciously do or commit any damage, injury or spoil to or upon any building, fence, hedge, gate, stile, guide-post, milestone or post, tree, orchard, garden, cane or corn field, coffee-walk, pimento-walk, or any provision or other land in cultivation, or anything growing or being thereon, or to or upon real or personal property, of any nature or kind soever, and shall be thereof convicted within four calendar months next after the committing of such injury, before any justice of the peace for the parish where such offence shall have been committed, either by the confession of the party offending, or by the oath of one or more credible witness or witnesses, or of the party aggrieved in the premises, which oath such justice is hereby empowered to administer, every person so offending, and being thereof convicted as aforesaid, shall forfeit and pay to the person or persons aggrieved such a sum of money as shall appear to such justice to be a reasonable satisfaction and compensation for the damage, or injury, or spoil so committed, not exceeding in any case the sum of 5 l., which said sum of money shall be paid to the person or persons aggrieved; but in case such conviction shall take place on the sole evidence of the party aggrieved, then and in such case such satisfaction and compensation shall be paid to the churchwarden or treasurer of the parish where the offence was committed, and in default of payment of the sum of money in which the offender or offenders shall have been so convicted as aforesaid, immediately or within such time as the justice shall appoint at the time of conviction, together with all costs, charges and expenses attending the conviction, such justice shall and may commit such offender or offenders to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding three months, unless such penalty, costs, and charges shall be sooner paid and satisfied: provided always, that if any such damage, injury, or spoil shall have been done or committed as aforesaid to or upon any church, chapel, bridge, building, common way, or other property whatsoever, whether real or personal, of a public nature, or wherein any public right is concerned, it shall or may be lawful to and for any such justice to proceed against and convict the offender or offenders within the time aforesaid, and in the manner aforesaid, in any sum not exceeding 5 l., as to such justice shall seem just and reasonable, at the instance and upon the information of any person prosecuting such offender or offenders, and to order and direct one moiety of the sum to be paid for such offence to be paid to the person so prosecuting, and the other moiety to and for the use of the poor of the parish where the offence shall have been committed, and in default of payment of the sum in which any such offender or offenders shall have been so convicted as aforesaid, together with all costs, charges and expenses attending such conviction as aforesaid, such justice shall and may commit such offender or offenders to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding three calendar months, unless such penalty, costs and charges shall be sooner paid and satisfied.

Penalty on persons wilfully committing damages to buildings, enclosures, &c., and how penalty is to be recovered and disposed of.

Proviso.

2. Provided always, and be it enacted, that if any male person or persons under the age of 16 years shall offend against any of the provisions of this Act, it shall be lawful for the justice before whom he or they shall have been convicted, in default of payment of the sum of money awarded against him or them by the said justice, together with all costs, charges and expenses attending such conviction, immediately, or within such time as the justice shall appoint at the time of conviction, to commit such offender or offenders to the house of correction, there to be corrected and imprisoned, and kept to hard labour for any term not exceeding six weeks.

Punishment of offenders under sixteen years of age.

3. And for the more easy bringing of offenders against this Act to justice, be it further enacted, that it shall and may be lawful to and for any constable, or other peace officer, and to and for the owner or owners of any property so damaged, injured, or spoiled, and to and for his or their servant or servants, or other person or persons acting by or under his, her, or their authority, and to and for such person or persons as he, she or they may call to his, her or their assistance, without any warrant or other authority than by this Act; to seize, apprehend and detain any person or persons who shall have actually committed or be in the act of committing any offence or offences against any of the provisions of this Act, and to take him, her or them forthwith before the nearest justice of the peace for the parish, city or place where the offence or offences shall be committed, and such justice is hereby empowered and required to proceed and act with respect to such offender or offenders in manner by this Act directed.

Method of bringing offenders to justice.

4. And for the more easy and speedy conviction of offenders against this Act, be it further enacted, that every justice of the peace before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form and words, or in any form of words to the same effect, as the case shall happen, viz:—“ Be it remembered, that on the

Form how conviction is to be drawn up.

day of _____ in the year of our Lord _____
by and before me _____ one of His Majesty's justices of the peace for the
parish of _____ for that the said [here state the offence, and the
_____ time

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 80.

Right of appeal allowed, and how to be made.

time and place when and where the same was committed], contrary to the statute made in the fourth year of the reign of King William the Fourth, intituled, 'An Act, [here set forth the title of this Act], and I the said justice do hereby adjudge and determine that the said shall for his said offence forfeit and pay the sum of ^{current} money of Jamaica, and order that the same shall forthwith be paid by him [here direct the payment according to the Act]. Given under my hand and seal the day and year first above written."

5. And be it further enacted, that it shall and may be lawful to and for any person or persons so convicted by any justice of the peace as before mentioned, of any offence or offences against this Act, to appeal to the justices of the peace assembled at the next general quarter sessions, or general sessions to be holden for the parish where such conviction shall be made, on giving notice of such appeal, and of the matters thereof, within three days after such conviction, and finding sufficient security to the satisfaction of such justice for prosecuting the said appeal with effect, and abiding the determination of the court therein; and such justices in such general quarter sessions, or general sessions, shall hear and determine the matter of such appeal, and may either confirm, or quash and annul the said conviction, and award such costs to either party, as to them the said justices shall seem just and reasonable; and the decision of the said justices therein shall be final, binding, and conclusive, and no proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of form only, or be removed by *certiorari*, or any other writ or process whatsoever, unto the supreme court or elsewhere, any law or statute to the contrary thereof in anywise notwithstanding; and if, upon the hearing of any such appeal, the judgment of the justice before whom any appellant shall have been convicted shall be confirmed, such appellant shall forthwith pay the penalty and costs awarded to be paid by such appellant, or in default thereof shall be immediately committed by the said court to the common gaol, or house of correction, there to remain for any time not exceeding six calendar months, unless such penalty and costs shall be sooner paid.

Appendix, No. 81.

Appendix, No. 81.

4 William IV. c. 28.—Jamaica ss.—AN ACT for preventing Tumults and Riotous Assemblies, and for the more speedily and effectually punishing the Rioters.—Passed 11 December 1833.

Preamble.

WHEREAS it is necessary that for the preservation of the peace of this island further provision should be made for preventing tumults, and effectually punishing disaffected persons and rioters; be it enacted, by the Governor, Council and Assembly of this island, and it is hereby enacted, that if any persons to the number of 12 or more, being unlawfully, riotously and tumultuously assembled together, to the disturbance of the public peace, at any time after the passing of this Act, and being required or commanded by any one or more justice or justices of the peace, or if in Kingston, by the mayor, or senior alderman, or other head officer or justice of the peace of the parish, precinct or place where such assembly shall be, by proclamation to be made in the King's name in the form hereinafter directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of 12 or more, notwithstanding such proclamation made, unlawfully, riotously and tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of 12 or more, after such command or request made by proclamation, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy.

Further provision made for the preservation of the peace, preventing tumults, and punishing rioters, which is to be done by proclamation, when occasion demands it, and punishment of offenders.

Description of order and form of proclamation.

2. And be it further enacted, by the authority aforesaid, that the order and form of the proclamation that shall be made by the authority of this Act, shall be as hereafter follows; that is to say, the justice of the peace, or other person authorized by this Act to make the said proclamation, shall, among the said rioters, or as near to them as he can safely come, with a loud voice command, or cause to be commanded, silence to be whilst proclamation is making, and after that shall openly and with loud voice make or cause to be made proclamation in these words, or like effect:—"Our sovereign Lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in an Act made in the fourth year of King William the Fourth, for preventing tumults and riotous assemblies. God save the King." And every such justice, mayor, alderman, and other head officer aforesaid, within the limits of their respective jurisdictions, are hereby authorized, empowered and required, on notice or knowledge of any such unlawful, riotous and tumultuous assembly, to resort to the place where such unlawful, riotous and tumultuous assemblies shall be of persons to the number of 12 or more, and there to make, or cause to be made, proclamation in manner aforesaid.

Powers of the magistracy in case of contumelious conduct.

3. And be it enacted, by the authority aforesaid, that if such persons so unlawfully, riotously and tumultuously assembled, or 12 or more of them, after proclamation made in manner aforesaid, shall continue together and not disperse themselves within one hour, that then it shall and may be lawful to and for every justice of the peace of the parish or precinct where such assembly shall be, and also to and for every high or petty constable and other peace-officer within such parish or precinct, and also, if in Kingston, to and for the mayor, or any

any alderman, or constable, or other peace-officer, and to and for such other person or persons as shall be commanded to be assisting unto such justice of the peace, mayor, or other head officer aforesaid, who are hereby authorized and empowered to command all His Majesty's subjects of age and ability to be assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend, such persons so unlawfully, riotously and tumultuously continuing together after proclamation made as aforesaid, and forthwith to carry the persons so apprehended before one or more of His Majesty's justices of the peace of the parish, precinct or city where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and that, if the persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed, maimed or hurt, in the dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, by reason of their resisting the persons so dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, that then every such justice of the peace, mayor, alderman, head officer, high or petty constable, or other peace-officer, and all and singular persons being aiding and assisting to them, or any of them, shall be free, indemnified and discharged, as well against the King's Majesty, his heirs and successors, as against all and every other person and persons, of, for or concerning the killing, maiming or hurting of any such person or persons so riotously, unlawfully and tumultuously assembled, that shall happen to be so killed, maimed or hurt, as aforesaid.

4. And be it further enacted, by the authority aforesaid, that if any persons unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully, and with force, demolish or pull down, or begin to demolish or pull down, any church or chapel, or any building for religious worship, certified and registered according to the English statute made in the first year of the reign of the late King William and Queen Mary, intituled "An Act for exempting their Majesty's Protestant Subjects dissenting from the Church of England from the penalties of certain Laws," or any dwelling-house, mills, mill-houses, boiling-houses, curing-houses, still-houses, trash-houses, warehouses, coffee-mills, stores or other buildings, that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged felony, without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy.

5. Provided always, and be it further enacted, by the authority aforesaid, that if any person or persons do or shall with force and arms wilfully or knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder or hurt, any person or persons that shall begin to proclaim or go to proclaim according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, that then every such opposing, obstructing, letting, hindering or hurting such person or persons so beginning or going to make such proclamation as aforesaid, shall be adjudged felony, without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy; and that also, every such person or persons so being unlawfully, riotously and tumultuously assembled, to the number of twelve, as aforesaid, or more, to whom proclamation should or ought to have been made, if the same had not been hindered, as aforesaid, shall likewise, in case they, or any of them, to the number of twelve or more, shall continue together and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made, shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy.

6. And be it further enacted, by the authority aforesaid, that if after the passing of this Act any such church or chapel, or any such building for religious worship, or any such dwelling-house, mill, mill-house, boiling-house, curing-house, still-house, trash-house, warehouse, coffee-mill, store or other building, shall be demolished or pulled down, wholly or in part, by any persons so unlawfully, riotously or tumultuously assembled, that then the inhabitants of the parish, or, if in the city of Kingston, the inhabitants thereof, in which such damage shall be done, shall be liable to yield damages to the person or persons injured and damnified by such demolishing or pulling down, wholly or in part, and such damages shall and may be recovered by action to be commenced in His Majesty's Supreme Court of Judicature holden at St. Jago de la Vega, by the person or persons damnified thereby, against any two or more of the inhabitants of such parish, or, if in Kingston, of the city of Kingston; such action for damages to any church or chapel to be brought in the name of the rector, minister, curate or trustee of such church or chapel that shall be so damnified, in trust, for applying the damages to be recovered in rebuilding or repairing such church or chapel; and that judgment being given for the plaintiff or plaintiffs in such action, the damages so to be recovered shall, at the request of such plaintiff or plaintiffs, his or their executor or administrator, be raised and levied on the inhabitants of such parish, or, if in Kingston, on the inhabitants of the city of Kingston, and paid to such plaintiff or plaintiffs in such manner and form, and by such ways and means as are provided by the fourth, fifth and sixth sections of an English statute made in the 27th year of the reign of Queen Elizabeth, for reimbursing the person or persons on whom any money recovered against any parish by any party robbed shall be levied, and which said fourth, fifth and sixth sections, as far as such reimbursement is directed, are hereby declared to be in full force, operation and effect in this island: provided always, that where such riot amounts to rebellion, or such combined resistance against the law as exceeds the authority of the magistracy, and the power they can bring into action to suppress, then the provisions contained in this clause to be null and void.

7. And be it further enacted, that this Act shall be openly read at every quarter-sessions, assize-court and supreme court throughout the year: provided always, that no person or persons

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 21.

Persons unlawfully pulling down public or private buildings, or beginning to do so, declared felons.

As also for opposing, hindering, or injuring, &c. persons making the foregoing proclamation.

Inhabitants of the place, where any buildings should be tumultuously and unlawfully demolished, to be prosecuted for damages, and manner of proceeding.

Act to be read at every court. Proviso.

JAMAICA.

Appendix, No. 81.
Duration of this Act

persons shall be prosecuted by virtue of this Act for any offence or offences committed contrary to the same unless such prosecution be commenced within six months after the offence committed.

8. And be it further enacted, by the authority aforesaid, that this Act shall continue and be in force from the passing thereof until the 31st day of December 1836.

Appendix, No. 82.

Appendix, No. 82.

4 William IV. c. 31.—AN ACT to consolidate and amend the several Laws relating to the Clergy of this Island, and to invest the Bishop of Jamaica with Ecclesiastical Jurisdiction.—Passed 12 December 1833.

EXTRACTS AFFECTING THE APPRENTICES.

Rectors to be assisted in their duties by curates.

Clause 15. AND be it further enacted, by the authority aforesaid, that from and after the passing of this Act, and as soon as conveniently may be, the rectors of the several parishes in this island shall be assisted in propagating the Gospel, and in the performance of all other ministerial duties amongst the slaves, and in educating them in the Christian religion, by the curates already appointed, or hereafter to be appointed, by the Governor, Lieutenant-governor, or person exercising for the time being the functions of Governor, to be employed in such manner in their respective parishes as to the bishop may seem best calculated to promote the purposes of this Act: provided always, that the whole number of curates for the time being shall not exceed the number of beneficed ministers established in this island.

Proviso.

Allowance to curates.

16. And be it further enacted, by the authority aforesaid, that the several curates of this island already appointed, or who shall hereafter be appointed by the Governor, or person exercising the functions of Governor, shall be allowed the sum of 500 l. current money of this island, to be paid and payable quarterly by the receiver-general.

Rectors to appropriate a certain portion of time on each Lord's-day for the baptizing and instructing of free persons and slaves.

17. And be it further enacted, by the authority aforesaid, that it shall be part of the duty of each rector and curate in this island to appoint and appropriate a certain portion of time on each Lord's-day, either before or after the performance of Divine worship, for the instruction of every free person and of every slave who may be willing to be baptized and instructed in the doctrines of the Christian religion; and such rector and curate shall, during such portion of time, attend in his church or chapel for performance of this part of his duty.

Rectors and curates to reside in their parishes, unless otherwise permitted, and perform their ministerial duties as herein described.

18. And be it further enacted, by the authority aforesaid, that every rector and curate in this island shall at all times actually and *bonâ fide* reside in the parish or district whereof he shall be rector or curate, unless otherwise permitted by the bishop, on good and sufficient cause shown, and shall at all times perform Divine service and preach, or procure some other minister to officiate in his behalf, once at least on every Lord's-day, in his parish church or chapel, or, for want of a church or chapel, in such other place as shall be approved of by the bishop (accidental and temporary cases of sickness and other inevitable prevention excepted), and every such rector and curate shall, moreover, once in every week, at a day and hour to be by him respectively for that purpose appointed, unless dispensed with by the bishop, attend for a reasonable space of time in his church or chapel, or in such other place as shall be provided and appointed for Divine worship as aforesaid, in order to instruct and catechise all such persons who shall attend for the purpose (accidental and temporary cases of sickness and other inevitable preventions excepted).

Rector or curate not to act as procuracy attorney but for a member of his own family, &c.

19. And be it further enacted, by the authority aforesaid, that it shall not be lawful for any rector or curate to act as the procuracy attorney of any absentee from this island, in the management of any estate or plantation, unless he should be appointed such attorney by some member of his own family interested in such estate, or to be appointed to act as the receiver of the Court of Chancery in this island for any estate or plantation, on any pretence whatsoever, except for his own estate, or any estate in which he or any member of his family, as aforesaid, may be interested.

Receiver-general not to pay their stipend without a certificate from the bishop of the performance of their duties.

20. And be it further enacted, by the authority aforesaid, that it shall not be lawful for the receiver-general of this island for the time being to pay unto or to the order of any rector or curate of any parish in this island, any sum on account of the stipend of such rector or curate, without a certificate, under the hand of the bishop of Jamaica, stating that such rector or curate has actually and *bonâ fide* resided in the parish, and well and truly, either by himself or by some other minister officiating in his behalf, attended to and performed the several duties appertaining to his office as rector or curate, for and during the whole time for which any such payment on account of such stipend shall be required or sought; every such certificate to be produced to and left with the receiver-general of this island for the time being: provided always, that whenever the magistrates and vestry of the respective parishes in this island shall be of opinion that either the rector or curate of their parish has failed in the performance of his duty as specified under this Act, and shall certify the same officially through the clerk of the vestry to the bishop, it shall then be imperative on him to suspend the payment of such stipend, and immediately cause a legal inquiry to be instituted in the proper court into the complaint preferred against the said rector or curate before he or they shall be entitled to receive from the receiver-general any sums of money due to him or them under this Act: provided always, that the bishop shall not grant any such certificate until 28 days after the quarter-days ending the 28th day of March, 28th day of June,

28th day of September, and 28th day of December: provided always, that nothing in this Act contained, so far as relates to residence and parochial duties, shall at any time extend, or be construed to extend to the domestic chaplain for the time being of the Governor, or person exercising the functions of Governor, or to the chaplain for the time being of the Council or Assembly, for such time as they are actually performing the duties belonging to such chaplaincies.

24. And be it further enacted, by the authority aforesaid, that from and after the passing of this Act, it shall be the duty of the rectors and curates in this island, besides their accustomed ministerial duties, to visit and attend regularly once a week such of the workhouses, gaols and hospitals in their respective parishes or precincts, as shall be placed under their care respectively by the bishop, with the consent of the justices and vestry, for the purpose of affording instruction and the consolations of religion to all prisoners and patients confined in such workhouses, gaols and hospitals; and the said rectors and curates shall also visit and attend such estates and plantations in their respective parishes or precincts as the bishop for the time being shall order and direct, for the purpose of affording instruction to the slaves belonging to the said estates and plantations in the doctrines of the Christian religion: Provided always, that the consent and approbation of the persons in possession of such estates or plantations, so intended to be visited, shall be first had and obtained for that purpose.

25. And be it further enacted, by the authority aforesaid, that at every parochial church or chapel shall be kept, by the clergyman appointed to officiate therein, a book for recording the duties performed, and the names of the officiating ministers, according to the form contained in the Schedule (E.) to this Act annexed, which book shall be open to the inspection of the rector and churchwardens when called for, and transcripts of the same shall be transmitted to the bishop at such times as he shall appoint; and that on every estate and plantation, and at every workhouse, hospital and gaol which the rectors and curates shall be in the habit of visiting as aforesaid, a book shall be provided by each estate, plantation or institution, in which shall be entered by the officiating minister an account of the times of his attendance for the performance of the ministerial duties.

26. And be it further enacted, by the authority aforesaid, that from and after the passing of this Act, no fee or reward shall be taken by any minister in the several parishes of this island from, for, or on account of any slave for the performance of any duty herein prescribed, provided such duty be performed according to the rubrics, and in the parish church or chapel, church-yard, or other consecrated parochial burial ground.

43. And whereas it is expedient that every facility should be given, and every encouragement afforded, to the slave population of this island to marry: Be it therefore enacted, that it shall and may be lawful for the several rectors and curates of this island to marry slaves at the church, chapel or other place appointed as aforesaid for Divine worship; and the banns of marriage of such slaves, specifying the names of their owners, or the properties to which they belong, shall be duly published in the churches or chapels of the respective parishes in which the slaves to be married shall reside, provided the consent in writing of the proprietor or person in possession of such slaves shall have been previously had and obtained and delivered to the rector or curate, which is hereby declared to be sufficient authority; and it shall be the duty of every rector and curate, upon the marriage or baptism of slaves, to give a certificate to the parties of such marriage or baptism, without any fee or reward.

44. And be it further enacted, by the authority aforesaid, that any free person, who shall counterfeit, or shall knowingly utter as true, any false or counterfeit consent in writing as aforesaid, shall be liable to be indicted in the Supreme Court or Assize Courts for a misdemeanor, and shall suffer such punishment by fine or imprisonment, or both, as the Court shall award, not exceeding 50 *l.* or three months' imprisonment.

50. And be it further enacted, by the authority aforesaid, that a separate and distinct book shall be kept in each parish, in which entries shall be made by the rector of all christenings, marriages and burial of slaves solemnized by him or the curate or other officiating minister.

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 82.

Rector and curates to visit the place and for the purpose herein described.

Proviso.

Books to be kept at churches and chapels for recording the duties performed, &c., according to the form contained in Schedule (E.), &c. &c.

No fee to be taken from slaves.

Minister may marry slaves, and the banns to be duly published with consent of owners.

Penalty on persons counterfeiting, &c. consent.

A distinct book to be kept of christenings, &c. of slaves.

Appendix, No. 83.

5 William IV. c. 2.—AN ACT to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers and others.—Passed 4 July 1834.

WHEREAS it is expedient to enlarge the powers given to justices by an Act passed in the 55th year of his Majesty King George 3, intituled, "An Act for the better adjusting and more easy recovery of the Wages of Servants, and for the better Regulation of such Servants:" Be it therefore enacted, that it shall and may be lawful, not only for any master or mistress, but also for his or her attorney, manager or agent, to make complaint upon oath against any apprentice, not within the meaning of the 41st chap. of the fourth year of the reign of His present Majesty, intituled, "An Act for the abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves, and to declare the 52 Geo. 3, c. 45, in force in this Island," to any justice of the peace of the parish where such apprentice shall be employed, of or for any misdemeanor, misconduct,

Appendix, No. 83.

Masters of apprentices or their agents may make complaints to any justice of the peace of misdemeanor, &c. &c.

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 83.

Justices may require security for good behaviour to apprentices, or dissolve the articles of apprenticeship.

Disputes regarding wages, how to be heard and determined.

Proviso.

Persons contracting to serve others, and failing to fulfil their contract, how to be dealt with.

Proviso.

Duration of this Act.

or ill behaviour of any such apprentice, whether such apprentice be bound by articles under statutes of the Imperial Parliament, or the law of this island, excepting as aforesaid; or if such apprentice shall have absconded, it shall be lawful for any justice of the peace of the parish where such apprentice shall be found, or where such apprentice shall have been employed, and any such justice is hereby empowered, upon complaint thereof made upon oath by such master, mistress, attorney, manager or agent, which oath the said justice is hereby empowered to administer, to issue his warrant for apprehending every such apprentice; and further, that it shall be lawful for any two justices to hear and determine the said complaint, and discharge the same, or to punish the offender by abating the whole or any part of his or her wages, or otherwise by commitment to the house of correction, there to remain and be held to hard labour for a reasonable time, not exceeding three months.

2. And be it further enacted, that it shall be lawful for the said justices to require, when they shall see fit, security from the master or mistress of an apprentice for his or her good behaviour to the apprentice, or to dissolve the articles of apprenticeship between master or mistress and the apprentice, if under all the circumstances of complaint the said justices shall deem it fit and proper to do so.

3. And be it further enacted, that all complaints, differences and disputes which shall arise between masters or mistresses and their apprentices aforesaid, touching or concerning any wages or allowances which may be due to such apprentices, shall and may be heard and determined by two justices of the peace of the parish where such apprentice or apprentices shall be employed, which said justices are hereby empowered to examine on oath any such master or mistress, attorney or agent, apprentice or apprentices, or any witness or witnesses, touching any such complaint, difference or dispute, and to summon such master or mistress, attorney or agent, to appear before such justices at a reasonable time to be named, as to the justices shall seem meet in such summons, and to make such order for payment of so much wages to such apprentice or apprentices as, according to the terms of his, her or their indentures of apprenticeship, shall appear to such justice or justices, under all the circumstances of the case, to be justly due, provided, that the sum in question do not exceed the sum of 100 *l.*; the amount of such wages, clothing and allowances to be paid within such period as the said justice or justices shall think proper, and shall order the same to be paid; and in case of a refusal or nonpayment thereof, such justices shall and may issue forth their warrant to levy the same, by distress and sale of the goods and chattels of such master or mistress, rendering the overplus to the owners, after payment of the charges of such distress and sale; and further, that the said justices may, if they see fit, cancel the indentures between master and apprentice as aforesaid.

4. And be it further enacted, that if any servant in husbandry, or any mechanic, artificer, handicraftsman, labourer, person employed in droggers, body or house servant, or other person, shall contract with any person or persons whomsoever to serve him, her or them for any time or times whatsoever, or in any other manner, and shall not enter into or commence his or her service according to his or her contract, or, having entered into such service, shall absent himself or herself from his or her service before the term of his or her contract (whether such contract shall be in writing or not in writing) shall be completed, or neglect to fulfil the same, or be guilty of any other misconduct or misdemeanor in the execution thereof, or otherwise respecting the same, then and in every such case it shall and may be lawful for any justice of the peace of the parish where such servant in husbandry, mechanic, artificer, handicraftsman, labourer, person employed in droggers, body or house servant, or other person, shall have so contracted, or be employed, or be found and such justice is hereby authorized and empowered, upon complaint thereof made upon oath to him by the person or persons, or any of them, with whom such servant in husbandry, mechanic, artificer, handicraftsman, person employed in droggers, labourer, body or house servant, or other person shall have so contracted, or by his, her or their attorney, manager or agent, which oath such justice is hereby empowered to administer, to issue his warrant for the apprehending every such servant in husbandry, mechanic, artificer, handicraftsman, person employed in droggers, labourer, body or house servant, or other person, and to examine into the nature of the complaint; and if it shall appear to such justice that any servant in husbandry, mechanic, artificer, handicraftsman, person employed in droggers, labourer, body or house servant, or other person, shall not have fulfilled such contract, or hath been guilty of any other misconduct or misdemeanor, as aforesaid, it shall and may be lawful for such justice to commit every such person to the house of correction, there to remain and be held to hard labour for a reasonable time, not exceeding three months, and to abate a proportionable part of his or her wages for and during such period as he or she shall be so confined in the house of correction; or, in lieu thereof, to punish the offender by abating the whole or any part of his or her wages, or to discharge such servant in husbandry, mechanic, artificer, handicraftsman, person employed in droggers, labourer, body or house servant, or other person, from his or her contract, service or employment; and at the same time to award to such servants such proportion of wages for services performed, as to them the said justices shall seem meet, which discharge shall be given under the hand and seal of such justice gratis; and if the said justices shall award any proportion of wages to be due to any of the servants aforesaid, they the said justices shall issue their warrant to levy forthwith for the amount on the goods and chattels of the master or mistress of the servant to whom they shall award the said wages to be due: provided always, that the sum so awarded shall not exceed 100 *l.*

5. And be it enacted, that this Act shall continue in force from the passing hereof until the 31st day of December 1840, and no longer.

Appendix, No. 84.

Orders in Council
and
Colonial Laws.

Appendix, No. 84.

5 William IV. c. 9.—AN ACT to register Fire Arms, and to enforce the several Laws relating to Arms and Gunpowder, and to the protection of Property and Person.—
Passed 4 July 1834.

Preamble.

WHEREAS offences against property and person have of late increased, and the local establishments have hitherto been found inadequate to the prevention and detection of crime, by reason of the frequent unfitness of the individuals employed, and the insufficiency of their number, the limited sphere of their authority, and a want of proper regulations to guide and direct them: and whereas the third and ninth chapters of the third year of the reign of His present Majesty have been found insufficient in preventing abuses in the distribution of fire-arms and gunpowder: and whereas it is essential to public security that each of the several parishes of the island should have a safe place in which to deposit fire-arms and ammunition: be it therefore enacted by the Governor, Council and Assembly, and it is hereby enacted by the authority of the same, that the justices and vestries of the several parishes and the common council of Kingston, are authorized and required to provide a safe and secure place in each of the several parishes respectively, in which fire-arms and ammunition may and shall, as occasion may require, be deposited and safely kept.

Safe places for the deposit of arms and ammunition to be provided.

2. And be it enacted, that every person in this island who hath or shall have fire-arms in his or her possession at the time of the passing of this Act, shall give in to the clerk of the peace and the clerk of the common council respectively, on or before the 28th day of September next, or within 20 days thereafter, a return or written notification signed by him or her, specifying therein the place and parish in which he or she shall be then resident, in which he or she keeps fire-arms, and the place or places where the same are usually kept, and the number and description of such fire-arms, accompanied by an affidavit, sworn before some justice of the peace for such parish by the person signing such return or notification, that such return or notification is true, and that he or she believes that he or she is by law entitled to keep arms; which notification and affidavit shall be read aloud at the next meeting of the respective quarter sessions or special sessions of the peace, or in open court of common council; and if the justices or members of the common council then present, or a majority of them, shall consider the person delivering such notification to be by law entitled to keep arms, and to be a fit and proper person to keep arms, they shall thereupon sign and deliver to such person a licence authorizing such person to keep arms, and specifying therein, if they shall think fit, the number and description of arms which such licence is to authorize him or her to keep; and the clerk of the peace or the clerk of the common council in the respective parishes or precincts shall register the same in a book, in alphabetical order, with the name and place of abode of every person making such notification or return, for which no fee or reward whatever shall be received by such clerk of the peace or of common council, which book shall be kept by such clerk of the peace or clerk of the common council at his office in the respective parishes.

Returns of fire arms to be given in within 20 days after 28th September, &c., and licences for keeping them may be granted.

3. And be it further enacted, that whenever any person who shall have obtained any licence to keep arms under this Act shall, during the continuance of such licence, change his or her place of abode, such person shall deliver a certificate of such change, specifying the house, street, or part of the parish, if in the same parish he hath resided, or any other parish to which such person shall have removed, to the clerk of the peace or of common council respectively in which such person was resident at the time of granting such licence, and also to the clerk of the peace of any other parish or precinct, or to the clerk of the common council in which he may have removed, and such certificate shall be registered in like manner as the returns, notifications, and applications required by this Act.

Persons having licences and changing their places of abode, must certify same to clerks of peace, &c.

4. And be it further enacted, that any person who shall, after the first day of November next, have in his or her custody or possession any arms that shall not have been registered as aforesaid, shall, upon being convicted thereof on the testimony of two credible witnesses on oath before any two justices of the peace, for the first offence forfeit a sum not exceeding 10 £, to be levied by sale of the goods and chattels of such person by the warrant of two justices of the peace, or in default of payment be imprisoned by such justices for a space not exceeding two months; and for the second and every other offence shall forfeit a sum not exceeding 20 £, to be levied in like manner, or in default of payment be imprisoned for a space not exceeding four months, and all such arms shall be forfeited to the use of His Majesty, his heirs and successors.

Penalty of persons having fire-arms unregistered.

5. And be it further enacted, that any person who shall make such return or notification as aforesaid of his having arms, and shall obtain such licence as aforesaid, shall at any time when required by any justice of the peace within his jurisdiction, which requisition shall be made in writing under the hand of such justice, deliver to such justice an exact list or inventory of all the arms in his or her possession, verified by his or her affidavit, to be made before any justice of the peace, and so from time to time as often as he or she shall be so required.

Persons having licences must deliver, when called for, a list of arms in their possession.

6. And be it enacted, that it shall and may be lawful for the justices in quarter or special sessions assembled, and common council, to withdraw any licence theretofore given, and to cause the name of such person, as they in their discretion shall at any meeting lawfully assembled deem an improper person to be entrusted with arms, notwithstanding any militia law in existence in this island, to be erased out of the registry of arms, and cause a notice to be served on such person, or to be posted on his dwelling-house, specified in the said registry to be the residence of such person, or in case of his or her having previously certified

Licences may be withdrawn from improper persons.

JAMAICA.

Orders in Council
and
Colonial Laws.Appendix, No. 84.
Who must deliver
up the arms regis-
tered.Houses of persons
not licensed, &c.,
may be searched.

Proviso

Arms seized to be
transmitted to a
place of safe keep-
ing, and an account,
with particulars,
forwarded to the
Governor.Return of names
and description of
persons authorized
to seize arms must
be made.Colonels to keep
sufficient number
of cartridges for
persons allowed by
law to possess them.Only four pounds
of gunpowder to be
kept without li-
cence.Persons trespass-
ing on lands in
pursuit of game to
forfeit 10*l*.Penalty on refus-
ing to quit, &c.

to the clerk of the common council of Kingston, or the clerk of the peace of the parish or precinct, that he or she had changed his or her dwelling-house, then on the house to which he should in such certificate have stated that he or she had removed, signed by the clerk of the peace or common council respectively, under the authority of such justices or common council duly assembled, that such licence is withdrawn.

7. And be it enacted, that if any person on whom such notice shall be served, shall not within 48 hours after service of such notice upon him or her, or at his or her dwelling-house as aforesaid, deliver to the next resident magistrate, or some neighbouring magistrate, at his place of abode, all such arms as were so registered, including arms under any militia law in force in this island, or account for the same to the satisfaction of such magistrate, such person shall be deemed to have in his or her custody arms that have not been registered, and shall be subject and liable to the forfeiture and punishment hereinbefore enacted against such offence, except where it shall appear to the magistrates before whom such offence is prosecuted that the delay arose from accidental circumstances, and not from wilful neglect.

8. And be it further enacted, that it shall and may be lawful for any justice of the peace, where he shall have reasonable grounds of suspicion, or for any person duly authorized thereto, by warrant under the hands and seals of any two justices of the peace (which warrant shall not be granted except on the information given to such justices on the oath of one or more credible witness or witnesses that to the best of his or their knowledge or belief such person is unlawfully in possession of fire-arms), to search for fire-arms in the house or houses, or grounds of any person in this island not having made such return or notification or obtained such licence as aforesaid, and also in the house or houses, or grounds, of any person who having made such return or notification, or obtained such licence, shall refuse or neglect for 48 hours to deliver such list or inventory, or who shall have delivered a false list or inventory, or whose licence shall have been withdrawn as aforesaid; and in case admission shall be refused or not obtained within a reasonable time after it shall have been first demanded, to enter by force every such house or grounds, and every part thereof; and if any fire-arms shall be found in the possession of any such person respectively, save in the house of a person giving such list or inventory, and if any fire-arms shall be found in the house or grounds of such person giving such inventory, and not specified therein, to seize and carry away the same for the use of His Majesty: provided always, that nothing in this Act contained shall affect any person serving in His Majesty's regular forces, or employed in the police, or peace officer, in respect to any arms that they may have in their custody in their several appointments.

9. And be it further enacted, that whenever any magistrate or other person shall seize or carry away any fire-arms as aforesaid, such magistrate or other person shall, with all convenient dispatch, transmit the same to the place in the respective parish appointed for the depositing and safe keeping of arms, and that in every case such magistrate or other person as aforesaid shall, immediately after he or they shall have seized or carried away any fire-arms as aforesaid, transmit to the Governor a written account of the number and nature of such fire-arms, and of the place where, and the person from whom, such arms were respectively seized.

10. And be it further enacted, that whenever any search shall be made under this Act, by any person authorized by any warrant of any justice of peace under the authority of this Act, the justices of peace authorizing and directing any person or persons to make such search shall make a true and faithful return of the name and names of all and every person or persons so authorized to make such search, and their quality and description, to the next meeting of the justices at quarter or special sessions, or common council respectively.

11. And whereas it has been found by persons, who are compelled by law to have in their possession a certain quantity of ammunition, difficult to procure the said powder made up in cartridges fit for use, or they have kept the said powder, in consequence of the difficulty and uncertainty of supplying it by fresh powder, until it is unfit for service: be it enacted, that the colonels of regiments are hereby authorized and required to keep in a safe place such quantity of ammunition, made up into cartridges, as may be sufficient to supply the wants of his district, which cartridges he shall cause to be delivered out to persons, entitled to the same, at the rate of 1 *l*. 6 *s*. 8 *d*. per hundred.

12. And be it further enacted, that it shall not be lawful to keep more than four pounds of gunpowder at any one time on any estate or plantation, pen, settlement, dwelling-house, or other place, except with a licence from the justices so assembled as aforesaid or common council, for special purposes, as they shall deem fit.

13. And whereas trespasses upon property by idle and mischievous persons have recently become frequent, and have in many cases been attended by acts of violence and intimidation, for the repression of which the laws now in force provide no sufficient remedy, and it is therefore expedient that more effectual and summary remedies should be provided: be it therefore enacted, that if any person whatsoever shall commit any trespass by entering upon the premises of any private residence, or upon any land, without leave of the proprietor, in search or pursuit of game, animals, or birds of any kind, or of anything whatsoever, such person shall, on being summarily convicted thereof before two justices of the peace, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, forfeit and pay such sum of money not exceeding 10 *l*. as to any two justices of the peace shall seem meet, together with the costs of the conviction, or be committed to the house of correction for a space not exceeding one month.

14. And be it enacted, that where any person shall be trespassing on the premises of any private residence, or on any land in search or pursuit of anything whatsoever, it shall be lawful

lawful for the occupier of the premises or of the land, or servant of either of them, or for any person authorized by either of them, to require the person so trespassing forthwith to quit the premises or land whereon he shall be so trespassing, and also to tell his christian name, surname, and place of abode; and in case such person shall, after being so required, offend by refusing to tell his real name or place of abode, or by giving such a general description of his place of abode as shall be illusory for the purpose of discovery, or by wilfully continuing or returning upon the premises or the land, it shall be lawful for the party so requiring as aforesaid, and also for any person acting by his order, and in his aid, to apprehend such offender, and to convey him, or cause him to be conveyed, as soon as conveniently may be, before a justice of the peace; and such offender (whether so apprehended or not), upon being summarily convicted of any such offence before two justices of the peace, at the instance of the owner or occupier of such premises or land, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, shall forfeit and pay such sum of money, not exceeding 20 *l.*, as to the convicting justices shall seem meet, together with expenses of process, or be committed to the house of correction for a space not exceeding three months.

when required so to do.

15. And be it enacted, that if any person, being in the commission of a trespass, shall assault or obstruct any person occupying private premises or land, or the servant of either of them, or any person authorized by either of them, such person, on being convicted thereof before two justices of the peace, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, shall forfeit and pay a sum not exceeding 100 *l.* over and above any penalty which he may have incurred by contravening this Act; and in default of payment thereof at such time as to the said justices may seem fit, shall be imprisoned in the common gaol or house of correction (with or without hard labour) for a period not exceeding three months.

Trespassers assaulting occupiers of land, or their servants, liable to a penalty of 100 *l.* or imprisonment.

16. And be it enacted, that it shall be lawful for any justice of the peace to issue his summons, requiring any person to appear before himself or any one or two justices of the peace, as the case may require, for the purpose of giving evidence touching any offence against this Act; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for absence shall be proved before the two justices of the peace then and there present; or if any person appearing, in obedience to such summons, shall refuse to be examined on oath touching any such offence by the justices then and there present, every person so offending shall, on conviction thereof before the said justices of the peace, forfeit and pay any such sum of money, not exceeding 10 *l.*, as to the convicting justices shall seem meet.

Persons summoned to give evidence, and neglecting, to forfeit 10 *l.*

17. And be it enacted, that this Act shall continue in force until the 31st day of December 1838.

Duration of this Act.

Appendix, No. 85.

5 William IV. c. 40.—AN ACT to amend the Elective Franchise.—
Passed 20 December 1834.

Appendix, No. 85.

WHEREAS it is expedient to extend the elective franchise in this island to many of His Majesty's subjects who have not heretofore enjoyed the same: be it enacted, by the Governor, Council and Assembly of this island, and it is hereby enacted and ordained by the authority of the same, that every male person of full age, and not subject to any legal incapacity, who shall be liable in any parish of this island to be charged, and who shall actually have paid to the amount of 5*l.* per annum in public or parochial taxes, or shall rent a house or settlement of the annual value of 50 *l.*, shall, if duly registered according to the provisions hereinafter contained, and not otherwise, be entitled to vote in any such parish for the election of a member or members to serve in the assembly, or for vestrymen or coroner, or, in the city of Kingston, to vote for mayor, aldermen or common councilmen.

Preamble.

2. And whereas, for the purposes aforesaid, it is expedient to form a register of all persons entitled to vote in the election of a member to serve in any future assembly, and that for the purpose of forming such register the clerks of the vestry of the several parishes in this island, and the clerk of the common council of the city of Kingston, should annually make out lists in the manner hereinafter mentioned: be it therefore enacted, that the clerk of the vestry in every parish, and the clerk of the common council of the city of Kingston, shall, on the first day of February in the next and every succeeding year, cause to be fixed on or near the doors of all the churches and chapels within such parish a notice, according to the form marked "No. 1." to this Act annexed, requiring all persons who may be entitled to vote in the election of a member of assembly in respect of any property situate wholly or in part in such parish or town, or in respect of taxes paid in such parish or town, to deliver or transmit to the said clerks of the vestry of the several parishes, or clerks of the common council of Kingston, on or before the 28th day of March in the next and every succeeding year, a notice of their claim as such voters, according to the forms annexed, marked "No. 2." and "No. 3."

Qualification for voting.

Registration of voters.

3. And be it enacted, that every person who shall duly register as a voter within this Act shall, six months after such registration, be entitled to vote at any election of a member or members to serve in the assembly, or for vestrymen or coroner, or, in the city of Kingston,

After six months' due registration persons are entitled to vote.

JAMAICA.

Persons not admitted to vote, unless they have registered eight years before election.

Alphabetical lists of persons claiming to vote to be made out.

Proviso.

Oath to be taken by persons returned as members of Assembly.

ston, to vote for mayor, aldermen or common councilmen, to be held in any such parish for which such voter shall be registered.

4. And be it enacted, that no person shall be admitted to vote at any election of a member or members to serve in any future assembly, or for vestrymen or coroner, or, in the city of Kingston, for mayor, aldermen and common councilmen, by virtue of any registry under this Act, unless he shall have registered within eight years next before such election.

5. And be it enacted, that the clerk of the vestry in every parish, and the clerk of the common council in Kingston, shall, on or before the last day of April next ensuing, make out or cause to be made out, according to the form marked "No. 4," an alphabetical list of all persons who shall claim as aforesaid to be inserted in such list as voters at elections in the several parishes in respect of any lands or tenements situated wholly or in part in any such parish, or in respect to taxes or house-rent paid in such parish as aforesaid, for which he shall be entitled to claim and receive the sum of 2s. 6d. for every vote he shall record in the book kept for that purpose; and that the said clerks of vestries and clerk of common council as aforesaid shall, on or before the last day of April in every succeeding year, make out, or cause to be made out, a title list containing the names of all persons who shall be upon the register for the time being as such voters, and also the names of all persons who shall claim as aforesaid to be inserted in such last-mentioned lists as voters; and in every list so to be made by the clerk of vestries and clerk of the common council as aforesaid, the christian name and surname of every person shall be written at full length, together with the place of his abode, the nature of his qualification, and the local or other description of such lands or tenements, as the same are respectively set forth in his claim to vote, and the name of the occupying tenant, if stated in such claim: provided always, that no person shall be entitled to be registered in any year as a voter in the election of a member to serve in any future assembly for any parish, who shall not within 12 calendar months next previous to the last day of April in such year have paid the public and other taxes which shall have become payable by him in respect of the premises on which he claims to vote, or who shall within that time have received parochial relief.

6. And be it further enacted, by the authority aforesaid, that from and immediately after the passing of this Act, no person hereafter returned to serve as a member in this or any future assembly of this island shall be capable of sitting or voting, who shall not take the following oath:—

"I, A. B., do swear, that I truly and *bonâ fide* have an estate, in my own or my wife's right, in law or equity, over and above what is sufficient to pay all my just and proper debts, of the value of 300*l.* per annum, in lands, tenements or other hereditaments; or that I have, in my own or my wife's right, in law or equity, property to the amount of 3,000*l.* in lands, tenements or other hereditaments, over and above what is sufficient to pay all my just and proper debts. So help me God."

Which oath shall be administered and taken at the time and in the same manner that the oaths of allegiance and supremacy are to be administered and taken by the several members, any law, custom or usage to the contrary notwithstanding.

No. 1.

I HEREBY give notice, that I shall, on or before the 28th day of March in this year, make out a list of all persons entitled to vote in the election of representatives in assembly for the parish or town of _____ in respect of property situate wholly or in part within the said parish or town, or in respect of taxes or house-rent paid in such parish or town; and all persons so entitled are hereby required to deliver or transmit to me, on or before the 28th day of March in this year, a claim in writing, containing their christian name and surname, their place of abode, the nature of their qualification, and the name of the street, lane, or other like place wherein the property in respect of which they claim to vote is situated, and if the property be not situated in any street, lane, or other like place, then such claimant must describe the property by the name by which it is usually known, or by the name of the tenant occupying the same, and each of such persons so claiming must also at the same time pay to me the sum of 2s. 6d.; persons omitting to deliver or transmit such claim, or to make such payment, will be excluded from the register of voters for the said parish (or town): In subsequent years, after 1835, add the following words: "but persons whose names are now on the register are not required to make a fresh claim so long as they retain the same qualification and continue in the same place of abode, as described in the register."

No. 2.

NOTICE OF CLAIM to be given to the Clerk of the Vestry, or the Clerk of the Common Council under the Act of _____

I HEREBY give notice, that I claim to be inserted in the list of voters for the parish of _____, and that the particulars of my place of abode and qualifications are stated below.

Dated the _____ day of _____ in the year _____

(signed)

[Value of qualification.]

[Freehold.]

No. 3.

NOTICE of CLAIM to be given to the Clerk of the Vestry, or the Clerk of the Common Council, under an Act intituled "An Act to extend the Elective Franchise."

I HEREBY give notice, that I claim to be inserted in the list of voters for the parish of _____, and that the proof of my qualification is the receipt of the collecting constable for public and parochial taxes, paid by me at the last collection, to the amount of £ _____, or the receipt of the landlord for rent to the amount of £ _____ (as the case may be).

JAMAICA

Orders in Council and Colonial Laws.

Appendix, No. 85.

No. 4.

Jamaica, ss.

The LIST of PERSONS entitled to vote in the Election of Representatives in Assembly for the Parish (or City and Parish) of _____ in respect of Property situate therein, or in respect of Taxes or Rent paid in the said Parish (or City and Parish.)

| Christian Name and Surname of each Voter at full length. | Place of Abode. | Nature of Qualification. | Street, Lane or other like Place in this Parish (or City and Parish where the Property is situate), or Name of the Property, or Name of the Tenant. |
|--|-----------------|--------------------------|---|
| | | | |

Appendix, No. 86.

5 William IV. c. 29.—AN ACT to consolidate the Highway Laws of this Island.— Passed 20 December 1834.

Appendix, No. 86.

WHEREAS the several highway laws now in force are in many cases defective, and it is for the public good that all the hereafter-mentioned laws, and clauses of laws, respecting the highways should be repealed, and the beneficial provisions thereof should be consolidated and brought into one Act: We, your Majesty's dutiful and loyal subjects, the Assembly of Jamaica, humbly beseech your Majesty that it may be enacted, and be it enacted, by the Governor, Council and Assembly of this your Majesty's said island, and it is hereby enacted and ordained by the authority of the same, that the following laws, and clauses of laws, that is to say, the 7th clause of an Act of the Governor, Council and Assembly of this island, passed in the 33d year of the reign of his late Majesty Charles 2, c. 10, intituled "An Act for preventing Damages in Plantations, preserving of Cattle, and regulating Hunting;" also the 9th clause of an Act passed in the 35th year of the reign of his said Majesty, c. 7, intituled "A Supplemental and Explanatory Act;" also an Act made and passed in the 3d year of the reign of his late Majesty King Geo. 2, c. 2, intituled "An Act for better amending the Highways;" also an Act made and passed in the 25th year of the reign of his late Majesty King Geo. 3, c. 3, intituled "An Act for explaining and amending the several Highway Laws now in force, and rendering the said Laws more effectual;" also an Act made and passed in the 29th year of the reign of his said late Majesty King Geo. 3, c. 14, intituled "An Act for the more effectually preventing Nuisances on the Highways;" also the 5th clause of an Act, c. 2, passed in the 31st year of the reign of his said late Majesty King Geo. 3, intituled "An Act for the prevention of Indebted Persons from departing this island in time of Martial Law, and to empower the Judges and Justices to exercise their several Offices in certain cases; and to empower the Justices and Vestry, and Churchwardens and Surveyors of Highways, to discharge their several Duties, and to enable Landlords to distrain for Rent notwithstanding Martial Law;" and also another Act passed in the same year of his said Majesty's reign, c. 21, intituled "An Act to repeal the several Acts therein mentioned, and for consolidating into one Act all the Laws relating to the Highways;" also three other Acts, passed respectively in the 33d, 40th and 41st years of the reign of his said late Majesty King Geo. 3, and severally intituled, first, "An Act to regulate the Highways, and to repeal an Act intituled 'An Act to repeal the several Laws therein mentioned, and for consolidating into one Act all the Laws relating to the Highways, and also to repeal all other Acts relating to the Highways:'" second, "An Act for continuing the Act commonly called the Highway Law for a certain time longer, and for other purposes:" and third, "An Act for continuing for a certain time longer so much of the present Law, commonly called the Poll-Tax Law, as relates to the Tax on Traders, Supercargoes, and Masters of Vessels, and for continuing for the same time several other Laws, commonly called or denominated as follows: to wit, the Land-Tax Law, the Deficiency Law, the Tonnage Law, the Embargo Law, the Consolidated Slave Law, the Articles of War Law, the Controverted Election Law, the Island Arms Law, the Clergy Residence Law, the Letters of Marque Law, the Alien Law, the Highway Law, and the Indebted Persons' Law, and for other purposes, so far as relates to the Highway Law;" also

Preamble.

The laws and clauses of laws here-in enumerated re-pealed.

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 86.

one other Act passed in the said 41st year of his said late Majesty King George the 3d's reign, c. 14, intituled "An Act for establishing regulations for the laying-out, making mending and keeping in repair the Public Highways of this Island, and for repealing of all and every other Acts relating to the Highways;" also one other Act, c. 17, passed in the 46th year of the reign of his said late Majesty King Geo. 3, intituled "An Act to amend an Act passed in the year 1801, commonly called the Highway Law;" also an Act passed in the 51st year of the reign of his said late Majesty, c. 3, intituled "An Act in Aid of the Highway Law, by authorizing the repairing of Roads by Contracts;" also the 4th, 5th, 12th, 13th, 14th and 15th clauses of an Act, c. 15, passed in the 54th year of the reign of his said late Majesty, intituled "An Act to repeal part of an Act passed in the 39th year of the reign of Geo. 3, c. 22, commonly called the Law for regulating Parochial Proceedings, to amend the said Act, and for other purposes; also the 5th clause of an Act, c. 12, made and passed in the 56th year of his said late Majesty's reign, intituled "An Act to prevent Indebted Persons quitting the Island, to sanction the Proceedings of Judges and Justices in certain Cases of Crimes, Breach of the Peace, and Forcible Entry and Detainer; to enable Parochial Officers to discharge their Duty, and to enforce Payment of Rent during the Existence of Martial Law;" also the 5th clause of another Act, c. 5, made and passed in the 3d year of the reign of his late Majesty King Geo. 4, intituled "An Act to prevent Indebted Persons quitting the Island; to sanction Proceedings of Judges and Justices in Cases of Crimes, Breach of the Peace, and Forcible Entry and Detainer; to enable Parochial Officers to discharge their Duty, and to enforce Payment of Rent during the existence of Martial Law;" also "An Act passed in the 9th year of the reign of his said late Majesty King George 4, c. 12, intituled "An Act to alter and amend the Act intituled 'An Act for establishing Regulations for the laying-out, making, mending and keeping in repair the Public Highways of this Island;'" also the 5th clause of an Act, c. 4, made and passed in the 10th year of the reign of his said late Majesty, intituled "An Act to prevent Indebted Persons quitting the Island; to sanction the Proceedings of Judges and Justices in cases of Crimes, Breach of the Peace, and forcible Entry and Detainer; to enable Parochial Officers to discharge their Duty, and to enforce Payment of Rent during the Existence of Martial Law;" and one other Act made and passed in the 2d year of the reign of his present most excellent Majesty, c. 39, intituled "An Act in Aid of the Highway Laws;" shall be, and the same, and every clause, matter and thing therein contained relating to the highways as aforesaid, and all Acts and parts of Acts in and by them or either of them repealed, are hereby repealed.

Dimensions of high-
ways fixed.

2. And be it further enacted, by the authority aforesaid, that the dimensions of all highways in such parts of the island as will admit of roads being made for the use of wains and waggons, shall be 24 feet wide at the least through open grounds, 60 feet wide through standing wood, and forty feet where the wood is only on one side.

Manner of proceed-
ing when new roads
are required to be
made, or old ones
to be turned or al-
tered.

3. And be it enacted, by the authority aforesaid, that whenever it shall be judged necessary that new paths or roads of communication should be laid out from one part of the island to another part, or from one part of a parish to another part, in the same or any other parish, or to church or market, or to any known spring, river, or watering-place, or to any the nearest shipping place, or from one property or part of a property to another property, or part of the same property, belonging to the same owners or owner, or that old roads may be turned or altered with greater convenience to the public or the party applying, upon application being made, in writing, signed by three freeholders, to any justice of the peace of the parish in which the proposed road or alterations, or the major part thereof, shall be situated, such justice shall be and he hereby is authorized and required to issue his warrant to the next or any lawful constable of the same parish or precinct, to summon a jury of free holders of the neighbourhood, although in different parishes, to attend and meet at some convenient place and time therein to be mentioned, when and where the said justice, or some other justice of the same parish in his stead, in case of any disability of the former, shall be present; and out of the freeholders so attending the first twelve of the panel, as they shall appear, shall constitute a jury to view and lay out or alter such parts or roads: provided nevertheless, that no one of the freeholders who signed the application to the justice shall be capable of being on the said jury.

Proviso.

4. And whereas it is requisite that a scheme or diagram of such intended new road, or such alterations, should be prepared previously to the meeting of the jury: it is hereby enacted, that the justices, to whom application as aforesaid shall be made, shall have full power to authorize, by his warrant, any sworn surveyor, at the expense of the party at whose instance the application is made, to make such traverses as may be necessary for laying out the best and most convenient track for such new road or alterations, in order that a scheme thereof may be laid before the jury, and that no person whatsoever shall obstruct such surveyor in making such traverses, or otherwise prevent him from laying out such track, under the penalty of 50 *l*.

Scheme or diagram
of roads to be paid
for by the party
applying.

Justices to adminis-
ter an oath to the
jury assembled, &c.
&c.

5. And be it enacted, that the justice and jurors being assembled at the time and place appointed, the said justice shall be empowered, and he is hereby required, to administer an oath to the jury, that they will view the proposed new road or alterations, and examine according to the best of their judgment and information whether the same is or are necessary, or will be expedient and useful to the public, or is a road of private communication "to the party applying;" and if it shall appear to them to be so, that they will, according to the best of their skill and judgment, with the most convenience to the public, or (if a private road) "to the party applying," and the least damage or prejudice to any particular person, lay out or alter such path or road, and determine concerning the several matters which shall come before them, according to equity and good conscience, and without undue bias, partiality

tiality or favour: and if the jury shall adjudge that the proposed road or alteration will not be necessary, expedient or useful to the public, "or to the person applying" (as the case may be), they shall certify the same under their hands and seals, to be filed in the clerk of the peace's office; but if they shall judge otherwise, and proceed to lay out such road or alterations, the said justices shall make a return of their determination and verdict, in the manner and form hereafter directed, to the justices at the next quarter sessions of the parish or precinct in which the said road shall chiefly lie, or for which the said justices shall act, together with a diagram of the road so newly laid out or altered, to be made at the cost of the party at whose instance the application shall have been made as aforesaid: provided nevertheless, and it is hereby declared, that in case the road, for laying out or altering which application is made as aforesaid, shall go through lands making part of any plantation or settlement under cultivation, or in case any road or bridge that shall have been constructed at the expense of the owner of the land, shall be used or form part of, or be required for the new road, ten days' notice at the least shall be given, in writing, to the owner or owners thereof, his, her or their agent, attorney or overseer, of the time and place of the meeting of the said justice and jury; and the said justice shall not swear the jury, or proceed to the laying out or altering such road, until he shall have had full proof, on oath of the constable, with the panel annexed, that such notice hath been given, under the penalty of 50*l.*; and the said justice shall in such case receive evidence on oath, on behalf of the owner or owners of the land or bridge, if such evidence shall be tendered, and shall also have authority to summon any persons capable of giving evidence, if thereunto required, and to examine such witnesses, on oath, as well concerning the propriety of the track proposed to be made, as concerning the value of the land intended to be laid into road, or the road or bridge intended to be used as part of the new road, and the compensation which ought to be made to the owner or owners in consequence thereof, for the government and direction of the jury, who, taking into consideration all the advantages and disadvantages that will arise to the said owner or owners of the said road, or bridge, from the road so proposed to be made or altered, shall ascertain and fix such value and compensation, and give a verdict for the same, to the best of their judgment, and according to good conscience, which verdict shall be attested by the said justice, and annexed to the return to be made to the quarter sessions, as it is hereinbefore directed.

JAMAICA.
Orders in Council
and
Colonial Laws.
Appendix, No. 86.

Proviso.

6. And be it enacted, that the return shall be made in the form following; that is to say—

Form of the return.

Jamaica.

An inquisition held and taken for our sovereign Lord the King, at
in the parish of _____ and county of _____ in the said island,
the _____ day of _____ in the year of our Lord _____ by the oaths of
_____ 12 freeholders then and there summoned, and met in
obedience to a warrant issued by _____ esquire, one of His Majesty's
justices of the peace for the parish of _____ in the island aforesaid; the
said jurors being duly sworn by the said _____ esquire, have, according
to the best of their skill and judgment, and with the most convenience to the public (or,
if a road of private communication, to the party applying), and least prejudice or damage
to any particular person, laid out or altered a certain highway road (or "road of private
communication," as the case may be) leading from _____ in the
parish of _____ to _____ in the parish of _____
according to the scheme or diagram hereunto annexed: In witness whereof, as well the
jurors aforesaid as the said _____ esquire, have hereunto set their
hands and seals, the day and year first above written.

And when compensation is allowed, the form of the verdict shall be as follows:—

Jamaica ss.

We, the jurors named in the return hereunto annexed, having been summoned, returned and impanelled, and sworn, according to law, by _____ esquire, one of His Majesty's justices of the peace, for laying out or altering a certain highway or road in the annexed return described, and having laid out or altered the said highway or road accordingly, in manner as in the said return and diagram thereunto subjoined is particularly described, we the said jurors, taking into our consideration the advantages and disadvantages to arise to A. B. and C. D. in respect to lands belonging to the said A. B. and C. D. laid out for the said road, or "to a road or bridge constructed by them, at their own expense, and appropriated to the public use in forming the said road," and the compensation which ought to be made to each of them in consequence thereof, find as follows:—That the said A. B. is entitled to the sum of _____ being at the rate of _____ per acre, for _____ acres of land, and the said C. D. is entitled to the sum of _____ being at the rate of _____ per acre, for _____ acres of land (or, if a road or bridge, to the sum of _____ being the compensation for a road or bridge, as the case may be), appropriated to the public use, and that the said A. B. is entitled to the further sum of _____ and that the said C. D. is entitled to the further sum of _____ for damages in removing and making gates and fences: In witness whereof we the said jurors have hereunto respectively set our hands and seals this _____ day of _____ in the year of our Lord 18 _____ Attested by _____ one of His Majesty's justices of the peace.

7. And be it further enacted, by the authority aforesaid, that no person whatever do obstruct, hinder or prevent the justice and jury from going to and laying out such road, pursuant to the directions of this Act, under the penalty of 100*l.*

Justice and jury not to be obstructed.

8. And

Insufficiency of freeholders for a jury, &c. provided against.

8. And be it further enacted, by the authority aforesaid, that if a sufficient number of freeholders for a jury should not be conveniently found, or if any of the witnesses should not reside in the parish or precinct for which the justices aforesaid shall act, any justice of the peace of any adjoining parish or precinct, or of the parish or precinct in which such witnesses shall reside, shall, if required, indorse the warrants of the justice aforesaid, which indorsement shall authorize the constable to whom such warrants shall be directed to summon freeholders and witnesses in such parishes or precincts as fully as if such warrants had been originally issued by any magistrate thereof.

9. And be it further enacted, that in case any person who shall be personally warned to serve as a juror, in laying out or altering any road, or who shall be personally summoned as a witness as aforesaid, shall refuse or neglect to attend, having been duly served with notice so to do, he shall forfeit the sum of 10 *l.*, to be levied by warrant of distress and sale of the goods and chattels of the delinquent, to be immediately issued by the justice presiding as aforesaid, upon proof being made on oath by the constable of the service of such notice; and if any freeholder warned to serve as a juror, or any persons summoned to give evidence refusing or neglecting to attend, shall not reside in the parish or precinct in which such justice shall act, any justice of the peace for the parish or precinct in which such freeholders or witness shall reside, shall be, and he is hereby required and obliged, upon receiving a certificate, under the hand and seal of the presiding justice aforesaid, that such fine has been incurred by virtue of this Act, immediately to issue his warrant to any constable of his parish to levy the same by distress and sale of the goods and chattels of the offender: provided always, and it is the true intent and meaning of this Act, that nothing herein contained shall be construed to authorize any person to serve as a juror in laying out or altering any road who is not a freeholder of some parish.

Proviso.

Jurors, witnesses and others protected in their persons, &c.

10. And be it further enacted, that the magistrate, clerk of the peace, jurors, witnesses, and constable, or any other person, summoned and actually attending as aforesaid, shall be and they are hereby protected in their persons, servants, carriages, horses and mules, for the space of 48 hours previous to and 48 hours after the day on which such meeting is held, against all mesne and judicial processes in civil causes.

Proceedings to be recorded, and vestry to raise a tax for payment of compensation.

11. And be it further enacted, by the authority aforesaid, that on the return of the proceedings being made to the justices in quarter sessions, and by them approved of and confirmed, the same shall be recorded; and the vestry that shall be elected in the next subsequent year, for any parish in which any compensation shall be directed to be made, are hereby authorized and required, under the penalty of 50 *l.* on each magistrate and vestryman, to raise an additional sum in their parish-tax, for paying the compensation to the party or parties to whom the same is awarded, as aforesaid, and to issue an order for the same on the collecting constable of the parish for the value of the land, upon proof being made to their satisfaction that such verdict has been confirmed by the quarter sessions, and that the part of the road for which the compensation is demanded has been actually opened and made passable, and they shall issue another order on the collecting constable of the parish, upon proof being made to their satisfaction that the fences and gates intended by the jury have been actually made and erected to the extent and value set forth in the verdict, and not before: provided, that such compensation (in case of a road of private communication) shall be awarded and paid to the owner of the road or bridge, by and at the expense of the party applying therefor, before the same is opened; and provided also, that such road shall not be deemed a King's road.

Proviso.

Return and verdict of jury to be recorded in each parish, &c.

12. And when it shall happen that in laying out or altering roads by a jury they shall go through the lands of different parishes, be it enacted and ordained by the authority aforesaid, that the return and verdict of the jury shall be recorded in each parish, and each parish shall make good the proportion of the compensation allowed by the jury according to the quantity and the value of the land taken up by the road in each parish, to be ascertained by the jury at the time of laying out the road, and estimating the damages to be allowed and paid.

Fees to clerks of vestries.

13. And be it further enacted, by the authority aforesaid, that the clerks of the peace in the several parishes or precincts (who and every of them are hereby obliged, under the penalty of 50 *l.*, upon receiving notice from any justice of the peace of their respective precincts, to attend such justice and the jury in laying out or altering any road in the manner aforesaid,) shall not, under the like penalty of 50 *l.*, ask or receive more than 5 *l.* for drawing out the proceedings and attending the justice and jury, and 5 *s.* per mile for every mile that they shall be obliged to travel from their common place of residence to the places where they shall attend such justices and jury, in laying out or altering any road and recording the same, or more than 1 *l.* 6 *s.* 8 *d.* for each attested copy of the return and verdict of the jury which may require to be recorded in any other parish or precinct, to be paid by the party at whose instance application has been made for laying out or altering the road.

Also to constables for serving warrants and summonses.

14. And be it further enacted, by the authority aforesaid, that the constable to whom any warrant or warrants for warning a jury, or summoning witnesses, shall be issued by any justice of the peace, or any notice be delivered to be served on the owners or holders of land in the manner hereinbefore declared, shall be entitled to ask and receive from the party at whose instance application has been made for laying out or altering the road, the sum of 5 *l.* for his trouble in performing such his duty as aforesaid, and no more, which said sum, and also the sum allowed to the clerk of the peace, shall be recovered in a summary manner before any two magistrates of the parish.

Penalty on constable neglecting his duty.

15. And it is hereby enacted, that in case such constable shall refuse or neglect to perform his duty as aforesaid with due diligence, and to attend the justice and jury at the time and place in the warrant appointed, in order to make a return on oath of the names of the jurors

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 86.
Proceedings not to
be removed by *certiorari*.

Roads so made to
be deemed King's
roads.

Penalty on justices
neglecting to ap-
point waywardens
and fixing allot-
ments within a cer-
tain time.

Roads neglected
for three years, no
longer deemed pub-
lic roads.

Justices and vestry
to lay an annual
tax to make, mend
or repair roads.

Manner of collect-
ing and levying the
tax.

Collecting con-
stable to enter into
bond for perform-
ance of duty.

Penalty on Justices
signing collecting
constable's warrant
before bond entered
into.

Disposal of surplus
road money.

Collecting con-
stable to pay road

jurors by him warned, and to prove on oath the services of the several notices and summonses as is hereby before directed, such justice shall have power and authority to impose a fine on such constable, not exceeding 20*l.*, as to his discretion shall seem proper, and to commit the offender to the common gaol until such fine be paid: provided, that such imprisonment shall not exceed the space of 14 days.

16. And be it further enacted, by the authority aforesaid, that the proceedings held before the justice and jury as aforesaid, shall not be removed by *certiorari*, or otherwise, until the person or persons applying for such writ shall have entered into good and sufficient security to our Sovereign Lord the King, his heirs and successors, to prosecute and carry into effect such *certiorari*; and in case the said proceedings of the justice and the jury in laying out or altering any road shall be confirmed by the court into which they shall be removed, the party or parties applying for such writ of *certiorari* shall pay to the person or persons defending the same treble costs out of purse, provided the judges before whom such *certiorari* has been heard, shall certify that there was not probable cause for such qualification.

17. And be it further enacted, by the authority aforesaid, that all roads so made, confirmed and established, except as to private roads of communication, and also all roads which have been or shall be made at the public expense of the island by virtue of grants of money voted by the legislature, or otherwise, shall be deemed King's roads, and be subject to such regulations as are directed and appointed for public roads by this Act; and the justices and vestry of every parish of this island, where any such roads have been or shall be made, are hereby required to appoint waywardens or inspectors, and to make allotments for repairing such roads annually, as they do for the other highways in the same parish.

18. And be it further enacted, that the justices and vestry of every parish in this island, to whom notice in writing shall be given by the justices and vestry of any adjoining parish, signed by their clerk, and requiring them to appoint a waywarden or waywardens, or inspector or inspectors, for any public road of communication between such two parishes, and to make an allotment for repairing the same to the boundaries of the parish, called on at any time in each year before the appointment of waywardens or inspectors, and the allotments for the repairing the roads of such parish shall be made, who shall refuse or neglect so to do for three months thereafter, shall incur the penalty of 100 *l.* on each justice and vestryman so neglecting or refusing, to be recovered in the same manner as other penalties are by this Act hereinafter directed to be recovered.

19. And whereas it is often found necessary in laying out new tracts to throw up or abandon roads or parts of roads formerly laid out by juries: be it further enacted, that in such cases, and if no allotment has been or shall be worked, or ordered to be worked, nor assessment made towards keeping the same in repair for the space of three years, such roads or parts of roads shall no longer be deemed and considered as public or King's roads, any law, usage, or custom to the contrary notwithstanding.

20. And be it further enacted, by the authority aforesaid, that the justices and vestry of the several parishes of this island shall be and they are hereby empowered and required annually, on or before the first of June, under a penalty of 100 *l.* each, to assess and lay a tax on all and every the apprenticed labourers' horses, geldings, mares, mules, asses and neat cattle, within their respective parishes, in the same manner as they assess and lay the parish tax, to such amount as in their discretion they shall think sufficient and proper for making, mending and keeping in repair the highways or public roads of each parish, which tax shall be paid in money or discount by labour, or supplying other articles necessary for making or repairing roads, in the manner hereinafter allowed and directed; and the said tax or taxes shall be collected and levied by the collecting constable of each parish, in the same manner and with the same powers of distress as the parish tax, and be accounted for by him to the justices and vestry according to law, after deducting therefrom a commission of 2½ per cent. for his trouble.

21. And be it further enacted, that every collecting constable appointed as aforesaid shall, within one month after such appointments, enter into bond to our Sovereign Lord the King, his heirs and successors, with two or more good and sufficient securities, to be approved of by the justices and vestrymen of the parish for which he may be appointed collecting constable, for the due performance of his duty in collecting, accounting for, and duly paying over the amount of the rolls for road taxes which shall have been issued and delivered to him, which bonds shall be in double the amount of the said rolls at the least, and shall be delivered, duly executed and proved, to the acting churchwarden of the said parish, and shall be by him recorded in the secretary's office of this island at the expense of the parish, and the record thereof is hereby declared good evidence in all cases whatsoever.

22. And be it further enacted, by the authority aforesaid, that if the justices of any parish shall sign any warrant to the collecting constable or constables of such parish, either to collect any road tax, or to distrain for the same, before such collecting constable shall have given such security as aforesaid, such justices so signing shall severally forfeit the sum of 100 *l.*, and in case any such collecting constable, not having so given security, shall proceed to act by virtue of any such roll or warrant, he shall forfeit the sum of 100 *l.* for every such offence.

23. And be it further enacted, by the authority aforesaid, that all surplus road-money remaining in the hands of the collecting constable on the settlement of his annual accounts as aforesaid, shall and may be appropriated by the justices and vestry in aid of the road tax for the following year, or for any other parochial purpose whatsoever, as to the said justices and vestry shall seem meet.

24. And be it further enacted, by the authority aforesaid, that the said collecting constable

accounts if they have funds in hand.

stable or constables shall and they are hereby required, if they have funds in their hands, to pay all and every account for road allotments wrought out and legally certified, and all and every the orders of the said justices and vestry, immediately on such accounts or orders being presented to them for payment, under the penalty of 50 *l.* in default of payment, to be recovered in a summary manner by warrant under the hand and seal of the presiding magistrate at any vestry, where complaint shall be made of nonpayment, and which warrant shall be issued by such magistrate under the penalty of 50 *l.*, if it shall appear on the production of the collecting constable's account, so as aforesaid to be rendered annually, or by other sufficient evidence, that there were funds in his hands at the time when the order was presented and payment refused as aforesaid.

Appointment of waywardens.

25. And be it further enacted, by the authority aforesaid, that the justices and vestry of each and every parish of this island shall, under the penalty of 50 *l.* on each justice and vestryman neglecting his duty herein, at some convenient time, not later than the first day of June in each and every year, appoint a waywarden or waywardens for the several and respective highways or public roads of such parish: and provided always, that the said justices and vestry, whenever they think proper, that instead of appointing waywardens as aforesaid, it shall and may be lawful for them to appoint an inspector or inspectors to superintend the said roads, at such salary as they shall deem necessary, the said inspector or inspectors to be appointed by the majority of votes at such vestry as aforesaid, and they shall be subject to all the rules and regulations established by the said vestry in the same manner as waywardens; and that every waywarden hereafter chosen and appointed shall, within 20 days after receiving notice of such his appointment from the clerk of the vestry (under the penalty of 5 *l.*), cause himself to be duly sworn before some justice of the peace of the said parish, diligently and faithfully to execute the duty of a waywarden as by law directed, or that he do transmit to the clerk of the vestry within the same time, in writing, his objections to qualify under the said appointment, to the end that if the vestry at their next meeting shall be satisfied with the objection offered, another waywarden may be appointed in his room, who shall, under the like penalty, procure himself to be sworn as aforesaid, and no excuse be allowed: provided nevertheless, that no person shall be compelled to serve in the office of a waywarden for two years in succession.

Proviso.

Proviso.

Penalties on clerks of vestries neglecting to notify appointments.

26. And be it further enacted, by the authority aforesaid, that every clerk of the vestry, who shall refuse or neglect to issue to the tithingmen and lawful constables of such parish, notice in writing to any waywarden appointed by virtue of this Act, either personally or to be left at his dwelling-house, within 14 days after such his appointment, shall forfeit the sum of 20 *l.*, and upon due proof of such refusal or neglect being made on oath to the justices and vestry at their next or any succeeding quarterly meeting in the same year, be rendered incapable of being appointed to the office of the clerk of the vestry for the year next following; and that every justice who shall, on application, refuse to swear in such waywarden and certify the same (which certificate shall be transmitted to the clerk of the vestry forthwith, under the penalty of 5 *l.*, to be incurred by every waywarden refusing or neglecting so to do) shall forfeit the sum of 5 *l.*, and every such tithingman and lawful constable who shall neglect or refuse to do his duty herein, by delivering such notices to the several waywardens, within ten days after receiving the same, shall forfeit the sum of 10 *l.* for every such neglect or refusal.

Waywarden's appointment to be for one year.

Proviso.

27. And be it further enacted, by the authority aforesaid, that every waywarden chosen and appointed in the manner aforesaid, shall continue in his office and be subject to the duties thereof for the term of one year next ensuing after such his appointment, or until a new appointment shall be made for the succeeding year: provided nevertheless, that in case of the death, departure from this island, or removal out of the parish of any waywarden or waywardens during the year for which he or they is or are chosen, the justices and vestrymen of the several parishes of this island, at their next meeting in vestry, shall appoint one or more waywarden or waywardens in the room or place of him or them so dead, gone off or removed; and such waywarden or waywardens so to be appointed shall act for the remainder of the year in which he or they shall be appointed, after being duly qualified as before directed.

Time fixed for making allotments or appropriations of road money.

28. And be it further enacted, by the authority aforesaid, that the justices and vestry of every parish of this island shall, under the penalty of 50 *l.* on each justice and vestryman for every default, at some convenient time not later than the first day of June in each and every year, make an allotment or appropriation of the several and respective sums of money out of the general road tax of their parish, to be raised in the manner before directed, which in their discretion they shall judge proper and proportionate to the situation, condition and relative importance of each particular road, to be laid out in making or mending and keeping in repair the highways or public roads of their parish for the current year; and the said justices and vestry shall also at the same time fix and ascertain what proprietors or properties are taxed to every particular road and allotted to repair the same, in all such parishes where this custom has obtained or may hereafter obtain, and what proportion of road tax or what particular sum of money each proprietor or property is assessed at towards the making or mending and keeping in repair each individual road.

Magistrates and vestry may raise and appropriate money as may be necessary for any highway.

29. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the magistrates and vestry of any parish of this island to raise, grant and appropriate such sum or sums of money as they may think proper or necessary on any highway or highways which may be used by the inhabitants of such parish, but which may be only partly in such parish or wholly in another parish; and the sum or sums so granted and appropriated shall be worked out under the superintendence of commissioners, who shall contract

contract for the expenditure and application of the same in the manner in which they may deem most advantageous.

30. And be it further enacted, by the authority aforesaid, that the clerks of the several vestries of this island shall within 30 days after the allotments for the public roads are made in the manner aforesaid, under the penalty of 50 *l.* for every neglect, and on pain of being rendered incapable of being appointed to the office of clerk of the vestry for the next subsequent year, upon proof of such neglect being made to the justices and vestry, in the same manner as is hereinbefore directed, deliver or transmit to such of the waywardens or inspectors for each road as have qualified as aforesaid, a schedule containing a statement of the net sum allotted and appropriated by the justices and vestry for making or mending and keeping in repair such particular road; and also of the names of the several proprietors or properties taxed to such road and allotted to repair the same in all such parishes where the custom has obtained or may hereafter obtain, and the sum of money which each proprietor or property stands assessed as to such road respectively, after the deduction of the collecting constable's commission.

31. And be it further enacted, by the authority aforesaid, that the waywardens or inspectors, appointed and qualified in the manner before directed, shall on receiving such schedules have power and authority to contract or agree by the job with any person or persons to work out the allotments or any part thereof, or to engage negro or other labourers by the day, to hire wains or carts and draught cattle, horses or mules and drivers, to purchase gunpowder, blasting tools and other necessary utensils, and to employ overseers to conduct the necessary operations under the direction of such waywardens or inspectors, and also such tradesmen or artificers as may be necessary for working on the road or repairing tools or utensils; and the said waywardens or inspectors are hereby empowered to allow such hire per day for apprentice or other labourers, wains, carts, draught cattle, horses, mules and drivers, and wages to overseers and to tradesmen or artificers, as the justices and vestry of the several and respective parishes shall from time to time adjudge to be just and reasonable, and agreeable to the usual and customary price of each respective article at such time, any law, custom or usage to the contrary notwithstanding.

32. And be it further enacted, by the authority aforesaid, that where the waywardens or inspectors cannot contract or agree with any person or persons to work out the allotment, or hire apprentice or other labourers by the day, or procure such wains or carts and draught cattle, horses or mules and drivers, or tradesmen or artificers, as may be wanted for hire, it shall and may be lawful for them, and they and every of them are and is hereby empowered and directed, to serve notices in writing on the several proprietors assessed for such road and allotted to repair the same, their agents, attorneys or overseers, requiring that within seven days they do furnish apprentice or other labourers with good axes, hoes, bills and baskets, and wains or carts with draught cattle, horses or mules, and drivers and tradesmen or artificers, with their proper tools, or either of them separately, or such proportions of each as the said waywardens or inspectors may have occasion for, and in the said notices shall point out to the amount of their respective assessments or such part thereof as such waywardens shall judge proper and expedient: provided nevertheless, that no property shall be obliged to supply wains or carts and draught cattle, horses or mules, or tradesmen or artificers, whereon or whereby such articles are not usually and regularly kept for the necessary and constant occasions and purposes of plantation labour on such property, nor then any otherwise than in a just and equitable proportion with the other properties having and keeping such articles which shall be assessed to the same road; and when any such assessment, or any part thereof, is wrought out and performed, the certificate or attestation of the waywarden or waywardens, inspector or inspectors, annexed to an account sworn to, that the work has been *bonâ fide* done or articles furnished as therein stated and directed to the collecting constable, shall entitle the person or persons to whom the money is due to receive payment from the said collecting constable without any abatement whatsoever.

33. And be it further enacted, by the authority aforesaid, that the waywarden or waywardens, inspector or inspectors, shall be and they are obliged, under the penalty of 20 *l.*, within 10 days after any person or persons shall neglect or refuse to send on the highway his or their respective number of apprenticed or other labourers and tools, or wains or carts, with draught cattle, horses or mules, and drivers or tradesmen, or artificers, as required and demanded in the notice or notices aforesaid, to repair to some justice of the peace of the same parish, and upon oath in writing made by one of such waywardens or inspectors, or any person employed as an overseer on such highway (which oath the said justice is hereby empowered to administer), inform the said justice of the number of apprentice or other labourers and tools, or wains or carts, and draught cattle, horses or mules, and drivers or tradesmen, or artificers and tools, so wanting, and not sent, and the name or names of the person or persons so neglecting or refusing to send them, which said justice is hereby empowered and required within three days, under the penalty of 50 *l.* for every neglect or refusal, to issue his warrant to summon the party or parties so complained of to appear before him on a certain day, and at an hour of that day, and a place to be mentioned in the said warrant, in order for his hearing and determining the said complaint; and if it shall appear to the said justice that the party or parties so complained of is or are guilty of such neglect or refusal after notice duly served, he shall adjudge and sentence such party or parties to pay at the rate of treble the price per diem, fixed for the hire of each respective article by the regulation of the justices and vestry of the same parish for the current year, for every apprentice or other labourer, with proper tools, or wain or cart, with the proper draught cattle, horses, mules and drivers, or tradesman or artificer, with his proper tools, which shall have been neglected or refused to be furnished and sent out to work on the

JAMAICA.

Appendix, No. 86.

Clerks of vestries under penalty to transmit within 30 days a schedule of allotments to waywardens.

Power and authority of waywardens.

If contracts cannot be obtained, waywardens to notice proprietors to send out allotments.

Proviso.

How waywardens are to act if notices are disobeyed.

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 86.

Persons against
whom any penalty
may be recovered
not exempted from
road assessment.
Proviso.How tools are to
be obtained.

Proviso.

Levies for defaults
how to be made.Waywardens are to
be the sole judges
in cases of disputes,
&c.The determination
of two out of three
waywardens on one
road to be binding.No money to be
paid before the work
is completed and
approved of.

road, in pursuance of the notice from the waywarden or waywardens, inspector or inspectors, as aforesaid, for so many days as each such article shall have been deficient in working according to the directions of this Act, and in case such penalty shall not be paid forthwith, the said justice shall issue his warrant to any lawful constable to levy the same by distress and sale of the cattle, mules or other goods or chattels of the offender or offenders as aforesaid, for the use of the highways; and the sentence or judgment of the said justice, passed in the manner aforesaid, shall be conclusive and without appeal, any law, custom or usage to the contrary notwithstanding.

34. And it is hereby further declared, that no person from whom any penalty shall be recovered in the manner aforesaid, shall thereby be exempted or relieved from the payment of such sum as he shall stand charged with and assessed at for making, amending and keeping in repair the public roads as is hereinbefore directed, or of any part thereof: provided always, that in case in making such information and complaint as aforesaid, any waywarden or inspector, or person employed as overseer of any road, shall hereafter be found to have sworn falsely, every such waywarden, inspector or other person shall be liable to be tried for wilful and corrupt perjury at the supreme court of judicature, or either of the courts of assize of this island, and being thereof legally convicted shall suffer the same pains and penalties as are inflicted for the punishment of wilful and corrupt perjury by the laws of England.

35. And be it further enacted, by the authority aforesaid, that whenever the waywardens or inspectors of any road shall not be able to purchase or otherwise procure such pickaxes, sledge hammers, iron crows or wheel-barrowes as may be necessary for working on the road for which they are appointed, it shall be lawful for such waywardens or inspectors, on giving reasonable notice in writing, to require such proprietors or properties assessed towards repairing such road, as shall have such articles to furnish, to supply the same for working on the said road, under the penalty of 5*l.* for every refusal or neglect, to be recovered in a summary manner before any one justice of the peace of the same precinct: provided always, that the same equitable proportion that is hereinbefore directed with respect to carriages, draught cattle and tradesmen shall be observed, and a compensation by way of discount of the road tax, to be allowed for the use of such articles, under the award of the justice and vestry of the same parish: provided nevertheless, and it is hereby enacted, that if it shall appear that the not sending such apprentice or other labourers, or wains or carts, and draught cattle, horses or mules, and drivers, or tradesmen or artificers, or other articles, to work upon such highway, proceeded from the wilful refusal or neglect of the overseer of the property on which the notice was served, then and in such case such overseer shall repay to his employer all such money or expenses as he shall pay or be put to by means thereof, and such employer may deduct the same out of the wages of such overseer.

36. And be it further enacted, by the authority aforesaid, that notwithstanding it should appear that the default of any property in not sending apprentice or other labourers and tools, or carts or wains, and draught cattle, horses or mules and drivers, or tradesmen or artificers, or other articles, to work on the highway, as is hereinbefore directed, has proceeded from the neglect or refusal of the overseer of such property, yet the levy shall be made by the constable on the cattle, mules or other goods or chattels of the proprietor or proprietors of such property, plantation or settlement so deficient.

37. And be it further enacted, by the authority aforesaid, that in case of any dispute between any waywarden or waywardens, inspector or inspectors, and the party or parties sending apprentice or other labourers, or wains or carts, and draught cattle, horses or mules, and drivers, or tradesmen or artificers, to work on the highways, the waywarden or waywardens, inspector or inspectors shall be the sole judge or judges of the ability of the apprentice or other labourers, and of the sufficiency of his or their tools, and also of the competency of the wains or carts, and draught cattle, horses or mules, and drivers, and of the tradesmen or artificers, and their tools so sent, and he or they are hereby empowered to return such as he or they shall not think fit, able and proper to work on the highway; and provided the deficiency shall not be made up to his or their satisfaction to report the same to the justice as so many apprentice or other labourers and tools, or wains or carts, and draught cattle, horses or mules, or drivers, or tradesmen or artificers, and their tools, deficient.

38. And be it further enacted, by the authority aforesaid, that where three waywardens are appointed for one and the same road, the joint determination and directions of any two of them shall be considered and allowed as binding and of sufficient authority in all cases to which it is intended by this Act that their powers shall extend, and that generally in case of any difference of opinion the act of the majority of the waywardens or inspectors appointed for the same road shall be deemed and taken to be of equal validity as if it were the act of the whole number.

39. And whereas losses may happen to the public by waywardens or inspectors drawing monies allotted and appropriated for their several roads out of the collecting constable's hands, before any work has been performed, or perhaps commenced on such roads: be it therefore enacted, by the authority aforesaid, that the collecting constables of the several parishes shall not be authorized to pay any monies raised and collected under and by virtue of this Act, unless an account be delivered, sworn to by some person overlooking the apprentice or other labourers, or tradesmen or artificers employed, or having the care and direction of the other articles furnished or supplied as aforesaid, and certified and attested by a waywarden or inspector, or having an affidavit of the waywarden or inspector himself annexed, swearing that the work has been *bonâ fide* done and performed, or the articles furnished as in such account is stated, which account and affidavits the collecting constable is hereby

JAMAICA.

Appendix, No. 86.

hereby directed and enjoined to keep and produce to the justices and vestry of his respective parish, on such day or days as shall by them be annually appointed for inspecting the waywardens' or inspectors' accounts, and settling the collecting constables' accounts of the receipt and disbursement of the road tax, under the penalty of 100 l. for every default; any law, custom or usage to the contrary notwithstanding.

40. And be it further enacted, by the authority aforesaid, that all such accounts, sworn to and attested in the manner before directed, of work done, or articles supplied for making or mending and repairing the public roads of any parish, shall be taken and received by the collecting constable of such parish in payment of the road tax of the said parish, for the year for which the allotment shall have been made on account or by virtue of which such labour has been performed, or such articles furnished as aforesaid; provided nevertheless, and it is hereby enacted, that no person having a jobbing gang who, shall be appointed a waywarden or inspector on any public road, shall be allowed to work such jobbing gang on the road of which he is the waywarden or inspector to any greater amount than the sum of his own assessment to such road for the current year, and the collecting constable is hereby directed and enjoined to refuse payment by discounting the road tax or otherwise of so much of every such account as shall exceed the amount aforesaid.

41. And be it further enacted, by the authority aforesaid, that all road allotments of the preceding year shall be wrought out and the accounts sworn to, on or before the 1st day of June, or on any other day that the justices and vestry may appoint, and on the expiration of such day so to be appointed, all such allotments not then wrought out and sworn to shall be *ipso facto* resumed and become part of the surplus road fund, to be disposed of by the justices and vestry.

42. And be it further enacted, by the authority aforesaid, that in all cases where it shall appear to the justices and vestry assembled to make allotments, that a sum of money might be advantageously laid out in macadamizing or in any way making complete certain roads, it shall be in the power of the said justices and vestry to borrow such sum as may be necessary, and to pledge the annual allotments given to the said road for the payment of the interest and capital of such sum borrowed; provided it does not exceed three-fourths of the said annual allotment.

43. And be it further enacted, by the authority aforesaid, that the waywardens or inspectors of roads shall exclude from the repairs of the roads all improper materials, such as clay and earth; and should any waywarden or waywardens, inspector or inspectors, neglect so to exclude such improper materials, he shall be and he is hereby made liable to a penalty not exceeding 10 l., to be levied in a summary way by distress and sale of the goods and chattels of the offender, by the warrant of any magistrate of the same parish, on the oath of the party complaining.

44. And be it further enacted, by the authority aforesaid, that the collecting constable of every parish of this island shall, under the penalty of 100 l. for every default, annually, on some day to be appointed by the justices and vestry of each parish, not later than the 28th day of June in each year, on the first meeting of the vestry, on or after the said quarterly day, render to such justices and vestry a just and true account on oath of all monies received by virtue of the road-tax roll for the preceding year, and of all payments and discounts made by him on account of the respective allotments for such year on the several highways of such parish, and produce the vouchers for the same by this Act before directed to be taken.

45. And be it further enacted, by the authority aforesaid, that the justices and vestry of the several parishes of this island shall have full power (anything in this or any other Act to the contrary notwithstanding) to inquire into any uncollected arrears of assessments of the road tax made by virtue of any highway law heretofore in force, and also into all arrears of assessments to be made hereafter by virtue of this Act, and they are hereby authorized and directed to cause arrearage rolls to be issued annually for collecting and levying the same by warrant from the justices to the collecting constables of their respective parishes.

46. Whereas it has frequently happened that large sums of money raised for repairing the public roads have, from negligence, been injudiciously expended, so that no permanent benefit could possibly accrue therefrom to the public; Be it further enacted, by the authority aforesaid, that the several waywardens and inspectors hereafter to be appointed by virtue of this Act shall be and they are hereby declared to be obliged, wherever the nature of the ground will permit and require it, to trench, round, edge and pave (*pave*) the road for which they shall be appointed, and to clear and repair the fordings of rivers, and passages of river courses therein contained, as far as the sum of money allotted and appropriated for mending and keeping such road in repair by the justices and vestry will enable them so to do, on pain of being punished as for a wilful neglect of duty, by indictment at the quarter sessions, as is hereafter directed; and that wherever the repairing of any road is undertaken by any jobber, if any waywarden or inspector for such road shall attest the account of such jobber without having visited the said road personally, and duly examined whether the work has been faithfully performed, according to the tenor of his oath, such waywarden or inspector shall forfeit the sum of 100 l., to be recovered in the manner hereafter directed by this Act.

47. And be it further enacted, by the authority aforesaid, that the waywardens or inspectors appointed and qualified under this Act, or any one of them, while actually employed in executing their office under this Act, are hereby fully authorized and empowered to remove, cut down and dig up all sorts of enclosures, fences, rails, gates, trees and bushes which may straiten or encroach upon the legal width of the road, and also to take or dig for stone or gravel, clay, marl, sand or earth, and all other materials in any land not enclosed

Accounts sworn to and attested, to be received by collecting constables in payment of road tax.
Proviso.

Time limited for working out allotments for preceding year.

Justices to borrow money for macadamizing roads, if necessary.

Proviso.

Improper materials to be excluded in making roads.

Collecting constables annually to render an account of monies received under road tax roll.

Justices and vest have full power to inquire into uncollected arrears of assessments of road tax.

Waywardens are obliged, whenever the ground will permit, to trench, &c. roads, and clear fordings and river courses.

Encroachments on roads to be removed, &c.

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 86.

Trees to be lopped
and incumbrances
removed.

If any are on way-
warden's land, they
are to forfeit 20 *l.* if
not removed within
14 days' notice.

Loppings not to be
thrown on the road,
nor timber dragged
under penalty.

Timbers dragged
on roads may be
seized with the
stock dragging
them.

Penalty against the
improper use of
fire, or smoking of
tobacco on roads.

or planted as a garden or yard to any house, or not being the yard of any mill or other works employed for manufacturing the produce of any plantation, whether enclosed or not, for such reasonable satisfaction to the parties concerned as such waywardens can agree for; and in case of any disagreement, such as the next or any other justice of the peace of the same parish or precinct shall award; and every person forcibly obstructing or violently hindering any waywarden from entering upon such land, and digging for or taking away such materials, shall forfeit the sum of 20 *l.*

48. And whereas it frequently happens that fences adjoining to highways are suffered to grow up so that logwood and other trees and bushes are allowed to overhang the roads and to obstruct the sunshine and wind from drying such roads after rains, to the great damage thereof, and to the annoyance of travellers: it is hereby enacted, by the authority aforesaid, that it shall and may be lawful for the waywardens for such roads, or any of them, in case such nuisance shall not be removed within 14 days after notice given, in writing, to the proprietor or possessor of the land, or to his agent, attorney or overseer, to hire negro or other labourers, and to cause all such bushes, boughs of trees, logwood and other fences, as far as they hang over or injure the highway, to be lopped or cut down, and to direct the loppings or cuttings of the same to be thrown over into the premises of the proprietor or possessor of the land, at the expense of such proprietor or possessor, to be levied in a summary manner, by distress and sale of the goods and chattels of the offender, together with the charges of such distress and sale, upon the oath of the waywarden, before one justice of the peace of the same parish.

49. And whereas it may happen that the proprietor or possessor of the land whereon such bushes, trees, logwood or other fences grow, is himself one of the waywardens or inspectors; be it enacted, by the authority aforesaid, that if such waywarden or inspector does not, within 14 days after notice given to him, in writing, by any parishioner, cause the said bushes, trees, logwood or other fences to be lopped or cut down, as is hereinbefore directed, at his own expense, he shall forfeit the sum of 20 *l.*; and the said offender shall be liable to the same penalty every six weeks, in case he does not remove the nuisance.

50. And whereas many people, in lopping their fences, make it a practice to throw the cuttings into the highway, to the great annoyance of travellers and other persons, and, in conveying large pieces of timber, drag the same along the ground on the public highways, without putting the same on wheels or trucks, to the great injury and damage of the roads; be it enacted and ordained, by the authority aforesaid, that no person shall presume to leave blocks of wood or pieces of timber, or the clearance of land, or any other nuisance or obstruction in the highway, or to throw the cuttings or loppings of fences into the highway or roads of private communication, or to haul or drag any block of wood or piece of timber on the ground along any public road or roads of private communication, but shall place the same on wheels provided the road will admit of the use thereof; and if not, shall mount the fore end, at least, of such timber on a truck, provided such roads will admit of such trucks, under the penalty of 10 *l.* for each respective offence, to be levied in a summary way, by distress and sale of the goods and chattels of the offender, by the warrant of any magistrate of the same parish, on the oath of the party complaining.

51. And whereas it sometimes happens that the offence aforesaid, of dragging timbers on the public roads or roads of private communication, is committed by persons residing out of the parish or precinct wherein such offence is committed, and having no goods or chattels therein; be it further enacted, by the authority aforesaid, that it may and shall be lawful, from and after the passing of this Act, for any person who shall discover any team of horses, mules or cattle actually hauling or dragging timber on the ground along any public road or private road of communication of this island, contrary to the true intent and meaning of this Act, to seize the same, and to take, or cause the same to be taken forthwith to the nearest magistrate of the parish wherein the offence is committed; which magistrate, upon information thereof being made on the oath of the complainant, is hereby directed to commit such horses, mules or cattle, by his warrant, to the custody of the keeper of the next pound in the same parish or precinct, there to be fed at the expense of the owner or claimant thereof, at the same rate per diem as is enacted by the pound law to be paid for the maintenance of strayed beasts, and no writ of replevin shall be granted or allowed in any such case; and the said magistrate shall also cause notice thereof to be given to the said owner, and summon him to appear before him and answer to the charge made against him, (provided such owner shall be made known to him); and upon the conviction of the offender so appearing to the charge, or in case of the non-appearance of any owner or claimant of such horses, mules or cattle within 14 days, then, upon such default, the magistrate aforesaid shall order the said horses, mules or cattle, or so many of them as shall be sufficient, to be distrained on and sold for the payment of the penalty hereinbefore enacted, and the expense of the maintenance of the beasts; and the remainder, if any, of such beasts, if not claimed, shall continue in the charge of the pound-keeper, under the same regulations as are directed by law respecting strays.

52. And be it further enacted, by the authority aforesaid, that no person whatsoever shall presume to carry any fire or smoke tobacco in any savanna or plantation or highway whatever, under the penalty of 5 *l.* for each time they shall so offend, and be further liable to pay all damages that shall accrue to any person or persons by means of the same, to be recovered (if not exceeding 5 *l.*) before any justice of the peace, if exceeding 5 *l.* by action of debt in any court of record within this island; and if the person so offending be not able to make satisfaction, then that he shall be committed to the common gaol of the county, there to remain for any space of time not exceeding five days: provided that this clause extend not to owners of land to carry fire in their own plantations, yet to be liable as before

before if thereby they injure or burn any other person's plantation; and that all penalties recovered under this clause shall belong to the persons prosecuting for the same.

53. And be it further enacted, that from and after the passing of this Act, if any person or persons shall purposely lay or cause to be laid on any of the said highways or private roads of communication, or on any place within 100 yards thereof, the carcase or carcasses of any dead horse, mare, mule, ass or horned beast, or shall wilfully convey to the said highway or private road of communication any filth or other annoyance whereby the lives or health of His Majesty's subjects may be affected, every such person or persons so offending shall forfeit for such offence a sum not exceeding 10*l.*, to be recovered by information on oath before any justice of the peace of the parish where such offence shall be committed.

54. And be it further enacted, that it shall and may be lawful for any person or persons to apprehend and secure in the nearest house of correction any apprenticed or other labourer who shall be detected in taking to or leaving any such carcase as aforesaid on any highway or place above-mentioned, or in conveying to the said highways or private roads of communication any filth or annoyance as aforesaid, whereby the lives or health of His Majesty's subjects may be affected; and on information on oath before any one of His Majesty's justices of the peace that the apprenticed labourer so secured was guilty of such offence, it shall be lawful for such justice, and he is hereby required to issue his warrant to the superintendent of the house of correction in which such apprenticed labourer is secured, directing him to detain such apprenticed labourer until the master, owner, possessor or employer shall pay the said sum of 5*l.*, with costs not exceeding 10*s.*, and the workhouse fees.

55. And in order to compel the speedy removal of such nuisances as may accidentally arise in the roads leading into the several towns of this island; be it enacted, that on information being sent in writing to the overseer of the workhouse in either of the said towns of any dead carcase or carcasses being found on any of the public roads leading into such town and within three miles thereof, the said overseer is hereby directed forthwith to repair to the spot where the same may be found, together with the apprenticed labourers and other persons employed in such workhouse, or a sufficient number thereof, and cause such carcase or carcasses either to be burnt to ashes or to be buried four feet at least below the surface of the earth, and at the distance at least of 100 yards from such road, under the penalty of 5*l.*, to be recovered in a summary manner before any two or more magistrates of the parish.

56. And it is further enacted, by the authority aforesaid, that it shall not be lawful for the proprietor or proprietors of the lands immediately adjoining any of the public roads of this island, his or their agent, attorney or overseer, to carry and convey or cause to be carried and conveyed across any of the public roads in this island any stream or streams of water, or suffer the same to pass across the said road, unless such streams be carried and conveyed in and by gutterings made of good and substantial mason work or iron pipes, so to be constructed and covered over as not in any way whatever to impede and obstruct the road across which such guttering shall pass, and any person or persons offending herein shall for every such offence forfeit and pay the sum of 20*l.*, to be recovered by information upon oath before any justice of the peace in a summary way in the parish where such offence shall be committed, and such person shall also be liable to a further penalty of 20*s.*, recoverable in like manner, for every day thereafter that the said stream shall be allowed to remain contrary to this Act: provided always, that nothing herein contained shall be construed to extend to any natural river course or courses crossing the several highways in this island.

57. And whereas it is frequently found by experience that many persons are induced by selfish motives to work heavy loaded wheel carriages on the public roads during or immediately after the rainy seasons, whereby the same if unpaved and in a soft or clayey soil are cut up, broken and destroyed, to the great injury of the public for a long time thereafter: be it further enacted, by the authority aforesaid, that any person who, after receiving notice in writing from any waywarden or waywardens, inspector or inspectors, at any such season as aforesaid, to forbear from working any cart, wain or waggon thereon, for a reasonable time, in such notice to be specified, shall persist therein, shall forfeit the sum of 20*l.* for every day during such prohibition in which he shall continue to work any cart, wain or waggon on such road, to be recovered before any two justices of the peace of the same parish or precinct, and be paid by the overseer of the property to which such cart, wain or waggon shall belong, unless he shall in his defence produce an order in writing from his employer for so doing, in which case the payment of the penalty shall fall on the employer, whether he be the proprietor of, or the attorney or other agent for the said property: provided always, nevertheless, that it may and shall be lawful, upon notice in writing being given immediately to such justices and to the prosecutor or prosecutors, for the party adjudged to pay such fine to appeal from the sentence of the said two justices to any court of quarter sessions that shall be holden for the same precinct within four months after the passing of such sentence, and the said court is hereby authorized and empowered finally to determine whether the waywarden or waywardens, inspector or inspectors aforesaid, have justly and equitably exercised the power granted to him or them in this case by this Act, and to confirm or disallow the judgment of the said two justices of the peace, and also to award and order by which of the parties the costs of suit shall be paid.

58. And whereas it hath sometimes happened that violent floods have torn up and destroyed the roads after the allotments made for the current year have been wrought out, so that the same have remained for a long time thereafter almost impassable: be it further enacted, by the authority aforesaid, that it may and shall be lawful for any two justices of the peace in which such accident shall happen, upon such emergency, to summon by their warrant a special meeting of the justices and vestry of such parish, which justices and vestry so met, shall be and they are hereby empowered to make another or supplementary assessment

JAMAICA.

Persons wilfully depositing carcasses of dead horses, or any filth or annoyance on roads, to forfeit 10*l.*

Persons taking to or leaving carcasses on the road, are to be apprehended and confined in nearest house of correction, &c.

Nuisances on roads how to be removed.

Streams of water not to be carried across roads but by gutterings.

Proviso.

Heavy wheel carriages not to be worked on roads during or immediately after rainy seasons.

Proviso.

If roads be destroyed after yearly allotment worked out, supplementary assessment of road tax to be made.

JAMAICA.

Orders in Council
and
Colonial Laws.

Appendix, No. 86.

Penalty on way-
wardens guilty of
wilful neglect.No stock, car-
riages, or tools to
be levied on while
employed on roads.Present waywar-
dens to continue in
office until new ap-
pointments.Recovery of penal-
ties.Constables to exe-
cute distress war-
rants under pe-
nalty.How offences are
punished and pe-
nalties recovered,
&c.

assessment of road tax for the current year to such amount as they shall judge necessary and expedient, and to cause the same to be collected and levied in the same manner as is hereinbefore directed, by the collecting constable, who shall have the same powers for collecting thereof as for levying any other parish or road tax, and the justices and vestry shall make such allotments for immediately repairing the damages sustained by the highways of their parish as the exigency of the case may require.

59. And be it further enacted, by the authority aforesaid, that in case any waywarden or inspector shall be guilty of any wilful neglect in the execution of his duty, and shall be convicted thereof upon an indictment at the quarter sessions holden for the parish or precinct in which such neglect shall have been committed, it may and shall be lawful for the justices at such quarter sessions to fine such waywarden or inspector convicted as aforesaid in a sum not exceeding 100*l.*, and in default of immediate payment thereof to issue a warrant of distress for levying the same on the goods and chattels of the offender.

60. And be it further enacted, by the authority aforesaid, that no cattle, horses, mules, wains, carts or tools which shall be actually sent to be worked, used or employed on any of the King's roads or public highways, shall be taken or levied on for debt by the provost marshal or any of his deputies during the time that such cattle, horses, mules, wains, carts or tools shall be so employed on the said road, or on going thither or returning therefrom to their respective places of abode, under the penalty of 100*l.*, to be recovered against the provost marshal or any of his deputies who shall act contrary to the directions of this Act; and upon complaint being made on oath of such levy before any magistrate, such magistrate is hereby required, under the penalty of 50*l.*, forthwith to order the provost marshal or his deputy to deliver such levy to the owner or proprietor thereof, which order such provost marshal or deputy marshal shall be obliged to comply with, under the further penalty of 100*l.*

61. And be it further enacted, by the authority aforesaid, that, anything in this Act to the contrary notwithstanding, the several waywardens or inspectors chosen and appointed for the present year, under and by virtue of any Act of this island now in force, regulating the highways, shall continue, remain and act in their office respectively until a new appointment of a waywarden or waywardens, inspector or inspectors, shall be made for each succeeding year by virtue and according to the regulations of this Act; and also, that the allotments or contracts made by the justices and vestry of the several parishes of this island for making, mending and keeping in repair the highways of their respective parishes for the present year under the directions of this present Act, shall remain and be in force until the same shall have been duly wrought out, anything herein contained notwithstanding.

62. And be it further enacted, by the authority aforesaid, that all and every the penalties and forfeitures inflicted by this Act and not already declared how the same shall be recovered, shall be recovered in the manner following, that is to say, all and every the penalties and forfeitures, not exceeding the sum of 50*l.*, shall be recovered in a summary manner before any two justices of the peace of the parish or precinct wherein the offence shall happen to be committed, by distress and sale of the goods and chattels of the offender, and all and every the penalties and forfeitures above 50*l.* shall be recovered in the supreme court of judicature, or either of the courts of assize, by action of debt, bill, plaint or information, wherein no essoin, protection, wager of law, imparlance or injunction shall be granted or allowed, or *non vult ulterius prosequi* be entered, and the several penalties and forfeitures arising under this Act shall, after the expenses of recovering the same have been deducted, be paid into the hands of the churchwardens of the parish wherein they have been incurred, to be laid out according to the direction of the justices and vestry of such parish in repairing the highways thereof.

63. And be it further enacted, by the authority aforesaid, that every constable to whom any warrant of distress shall be directed by virtue of this Act, is hereby required and obliged under the penalty of 10*l.* to execute or do his utmost to execute the same within 10 days (provided the money directed to be levied be not sooner paid); and that if any replevin shall be brought against any such constable for any levy by him made, as is hereby directed, the party or parties bringing such replevin shall pay treble costs out of purse that such constable shall be put to in defending such replevin, to be taxed by one of the judges of the court wherein the same shall be tried, in case the taking shall be justified or the person bringing such replevin shall become nonsuit, or shall discontinue the same.

64. And be it further enacted, by the authority aforesaid, that all offences committed against this Act which shall be complained of or prosecuted, and all penalties or forfeitures enacted by the said Act which shall be sued for within six months after the passing of this Act, shall be punished or recovered in the manner directed and declared by this Act: be it further enacted, that it shall and may be lawful for the justices and vestry of any and of every parish of the island wherein it is deemed most eligible and preferred, to agree with any person or persons by regular deed or obligation in writing for double the amount of the allotment on such road contracted for, with the securities for the due performance as may be agreed on by the said justices and vestry, under hand and seal, to amend and keep in repair all or any of the public highways of the parish for any term not exceeding five years, for such yearly or other such sum of money or other consideration, and on such terms and conditions, as to the justices and vestry shall seem fit and most beneficial for the public; and the better to enable the justices and vestry of any parish, when it may be deemed eligible to repair the roads by contract, to carry this Act into execution, the justices and vestry of such parish are hereby made and declared to be a body politic and corporate, by the name of "Justices and Vestry of such Parish," and by that name to sue and be sued, implead and be impleaded, to have and make a common seal, and such seal to break, alter and renew as often

often as need be, and generally to do and to be subject to all and every act or acts, thing and things, that other persons, bodies politic and corporate, may or ought to do, suffer or be subject to.

65. And be it further enacted, by the authority aforesaid, that where any such contract shall be entered into, the same is hereby declared binding as well on the justices and vestry contracting as on their successors, until the terms of the contract are completely fulfilled, and such contracting justices and vestry and their successors are hereby obliged to make provision in manner after mentioned for the fulfilment on their part of such contract, and shall be liable for omitting it to answer in their corporate capacity for the breach of such contract.

66. And be it further enacted, by the authority aforesaid, that the justices and vestry for the time being of the parish so proceeding by contract, shall continue, as by law empowered, to lay and raise the road tax, but as to the particular road or roads for repairing whereof a particular contract shall be made, the justices and vestry for the time being are hereby empowered and required to cause a distinct account to be kept by their clerk, and entered in the parish book, of the several sums allotted for the repair of the road or roads to be repaired by contract, which shall be collected and paid in money, and when collected shall be paid over to the collecting constable for the time being, and appropriated by the justices and vestry for the time being towards the contracts and engagements of the parish for repairing the roads, and in such case no proprietor or possessor shall be allowed to work out his allotment, but shall pay the allotment in money if the road shall be contracted for.

67. And be it enacted, that when the justices and vestry of any parish contract for any proportion of roads in their said parish, they are hereby empowered and required to direct the inspector or inspectors, or waywardens, to make a return on oath of the condition of all roads so contracted for in the said parish to each quarterly vestry; and in case any of the said roads so contracted for are in bad repair, and such report being proved to the satisfaction of such justices and vestry, the said justices and vestry are hereby empowered to direct the churchwardens of the said parish to proceed against the party or parties so contracting to repair the said roads for the amount of the said obligation, and that in case any inspector or inspectors shall neglect to perform the duties on the said road or roads so contracted for, and the said neglect being proved to the satisfaction of the justices and vestry, they are hereby empowered to mulct the said inspector or inspectors of his salary for the last six months, and to dismiss him or them from office, and he or they rendered incapable of ever holding the said office of inspector.

68. And be it further enacted, that the justices and vestry of the several parishes of this island, and the churchwardens and surveyors of the highways of the several parishes of this island, shall proceed to the discharge of their several duties hereby appointed or directed to be performed by the 54 Geo. 3, c. 15, within this island as well when martial law is in force as at any other time.

69. And whereas many accidents happen on roads by the carelessness and misconduct of persons driving carts or other carriages; be it therefore enacted, by the authority aforesaid, that the justices and vestry of each parish within this island shall be authorized and empowered, and they are hereby authorized and empowered accordingly, to make such regulations for distinguishing and driving waggons, wains, carts, drays and other carriages of burthen on all the roads in their respective parishes, as to them shall seem proper; and every owner of such waggon, wain, cart, dray or other carriage of burthen who shall infringe the regulations to be made by the said justices and vestry for distinguishing such waggons, wains, carts, drays or other carriages of burthen, by affixing the names of the owners, or properties to which they belong, to such carriages, shall on conviction thereof before any one or more justices of the peace of the parish or precinct, incur a penalty not exceeding 5 l. for every such neglect or omission, to be levied by warrant under the hand and seal of such justice or justices, for the use of any such road; and any person disobeying or infringing the said regulations shall on conviction before any two or more justices of the peace, suffer such fine, not exceeding 10 l., or if an apprenticed labourer, such punishment as may be awarded by any two justices, not exceeding 30 lashes or two months' hard labour in the house of correction: provided always, that in all cases under this Act where goods and chattels cannot be found whereon to levy as aforesaid, it shall and may be lawful for the said justices to issue their warrant to commit the body of the offender or offenders to the common gaol for any space of time not exceeding three months.

JAMAICA.

Appendix, No. 86.

Contracts entered into declared binding.

Justices proceeding by contract to cause a distinct account to be kept.

Inspector or waywarden to make a return of the condition of road contracted for.

Duties hereby appointed to be performed as well during martial law as at any other time.

Regulations to be made for the driving of carts or other carriages on roads.

Proviso.

Appendix, No. 87.

5 Will. 4, c. 35.—AN ACT to enable Parties having Claims to the Services of Apprenticed Labourers to assert their Title at Law, and for other Purposes.—Passed 20 December 1834.

Appendix, No. 87.

WHEREAS in consequence of the late alteration in the condition of the labouring classes of this island, doubts have arisen whether any remedy now remains by which any person claiming title to the services of any apprenticed labourer, can assert such claim in opposition to those of the person who on the 1st of August last might have been in possession of such apprenticed labourer; be it enacted, by the Governor, Council and Assembly of this island, 166.—II.

Preamble.

Persons claiming services of appren-

tices may institute actions of ejectment.

and it is hereby enacted and ordained, by the authority of the same, that all and every person whatever claiming title to the services of any apprenticed labourer, in opposition to the claims of the person or persons in possession of the said apprenticed labourers on or immediately before the 1st day of August last, shall be at liberty, and it shall be lawful for him, her or them to institute one or more actions of ejectment, as the case may require, to recover the right to the services of the said apprenticed labourers during the remainder of their apprenticeship term, and the same shall be so proceeded in and tried as if the same had been an ejectment for slaves.

If verdict returned for the plaintiff, the right to the services of such apprentice to be assigned to him.

2. And whereas in consequence of such apprenticed labourers being now manumitted, no writ of possession can issue, although a verdict and judgment may be given for the plaintiff in such ejectment; be it enacted, that in case a verdict shall be returned for the plaintiff in such ejectment so instituted as aforesaid, and judgment shall pass thereon, it shall be lawful for the lessor of the plaintiff to apply by motion to the Supreme Court for an order upon the person against whom judgment shall be given, or, in case of judgment by default, against the employer or employers, or person or persons having the benefit of the services of such apprenticed labourers, to assign and transfer by deed or conveyance the right or interest of him, her or them in and to the services of such apprenticed labourers; and the said court, upon proof of wilful disobedience or neglect, is hereby authorized and required to enforce such order by process of contempt.

Plaintiff may recover for mesne profits.

3. And be it enacted, that it shall be lawful for the plaintiff recovering judgment in such ejectment as aforesaid to recover by action of trespass for mesne profits the value of the services of such apprenticed labourer and his costs, in the same manner as if the said ejectment had been brought for slaves.

Actions of ejectment for slaves, how to be proceeded with.

4. And be it enacted, that actions of ejectment for slaves which may be pending at the time of the passing of this Act, shall and may be proceeded with in like manner as actions which shall be brought after the passing thereof.

Appendix, No. 88.

Appendix, No. 88.

4 & 5 William IV. c. 2.—AN ACT to restrain Levies on Slaves.—Passed 16 June 1834.

Slaves not to be levied on after passing of this Act.

BE it enacted, by the Governor, Council and Assembly of this island, that from and after the passing of this Act, no slave shall be liable to be levied on and sold by virtue of any distress warrant, writ of execution or *venditioni exponas*; provided, that nothing in this Act shall be construed to abridge, alter or in anywise affect any judgment or writ of execution, so far as the same may be deemed or taken to be a lien in law upon any slave; provided also, that nothing in this Act shall be construed to stay, supersede or in anywise affect any levy which may have been made before the passing of this Act; provided also, that nothing in this Act shall affect the right of collecting constables to levy on account of public or parochial taxes.

Proviso.

Proviso.

Appendix, No. 89.

Appendix, No. 89.

5 William IV. c. 8.—AN ACT for granting Aid from the Public Funds in erecting, enlarging and repairing Houses of Correction and Treadmills.—Passed 9 December 1834.

Preamble.

Loan to each parish for the erection of houses of correction and treadmills.

WHEREAS it is expedient to afford from the public funds of the island parochial aid in the erection of houses of correction and treadmills on certain conditions; be it enacted, by the Governor, Council and Assembly of this island, and it is hereby enacted by the authority of the same, that the receiver-general do pay to the common council of the city of Kingston, and to the justices and vestry of such other parishes as shall apply for such aid, a sum of money not exceeding 2,000*l.* for each parish, as a loan, bearing interest at the rate of 6*l.* per cent. per annum: provided always, that there be produced to the receiver-general by the common council and justices and vestry, a certificate under the hands of one of the members and of three magistrates of the parish so applying, that the amount so applied for has been *bonâ fide* expended in the erecting, enlarging and repairing houses of correction and treadmills.

Proviso.

A sum to be raised by taxes to cover the interest of the loans.

2. And be it enacted, that the common council of Kingston and the justices and vestry of the several parishes obtaining such loan, do and they are hereby empowered and required, at the usual period of imposing the parochial taxes, to raise, by an annual rate on the inhabitants of the city and parish of Kingston and on the several other parishes, a sum of money sufficient to cover the interest on, and one-fourth of the principal of the amount so borrowed from the receiver-general, under a penalty of 50*l.* on the mayor, each alderman and common councilman of Kingston, and on each justice and vestryman obtaining such loan.

Collecting constables to levy and pay the same.

3. And be it enacted, that the collecting constables of the respective parishes do and they are hereby required to levy and to pay (at the usual period of settling the public taxes) into the hands of the receiver-general the amount of interest which may accrue, together with one-fourth of the principal on the loans granted under the provisions of this Act.

Appendix, No. 90.

JAMAICA.

5 William IV. c. 3.—AN ACT to empower Magistrates to hire or appoint good and sufficient Men to serve as Constables, and also to enable Magistrates to take cognizance of petty Assaults and Misdemeanors, and to hold Petty Sessions of the Peace, and for other Purposes.—Passed 4 July 1834.

Orders in Council
and
Colonial Laws.

Appendix, No. 90.

BE it enacted, by the Governor, Council and Assembly of this island, that within 30 days after the passing of this Act, and on or before the 1st day of February in each and every year, the custos or chief magistrate of every parish or precinct of this island shall summon a special session of the peace, which special session shall and they are hereby authorized and empowered to hire or appoint good and sufficient men to serve as petty constables, and to fix such salary for each constable so hired as they in their discretion shall think necessary; and the justices and vestry in vestry assembled are hereby authorized, empowered and directed to assess and levy, at the usual time of assessing parish taxes, the said sum so fixed by the justices, under a penalty of 50 l. upon each such justice and vestryman neglecting to do his duty, to be recovered in the Supreme Court of Judicature, or either of the Courts of Assize in this island, by action of debt, bill, plaint, or information, wherein no essoign or wager of law shall be allowed, or *non vult ulterius prosecute* be entered, anything herein contained to the contrary in anywise notwithstanding; one-half of which said penalty shall be to the use of the person informing or prosecuting, and the other half to His Majesty, his heirs and successors, to and for the use of the government of this island, together with full costs out of purse, to be taxed by the clerk of the Supreme Court.

Preamble.
Custos to call
special sessions for
appointment of
petty constables.

2. And be it enacted, that in case of the death, absence or disability of any such constable, the custos or senior magistrate, together with two or more justices of the parish or precinct, are hereby empowered in their respective parishes to hire or appoint other good and sufficient men in the room and stead of any such constable being dead, absent or disabled; and in case of misbehaviour or neglect of duty in any constable, the justices, or any three of them, are hereby empowered to discharge such constable, and, if they think fit, fine such constable in a sum not exceeding 50 l., to be recovered by distress of or sale of the offender's goods and chattels, or sentence him to imprisonment for a period not exceeding three months; and the said justices are hereby empowered to hire other or others in the room and place of such constable or constables so discharged.

How vacancies are
to be filled up.

3. And whereas it is expedient that a summary power of punishing persons for common assaults and batteries, and other misdemeanors, should be provided under the limitations hereinafter mentioned: be it therefore enacted, that where any person shall unlawfully assault or beat any other person, or shall commit any other misdemeanour, it shall be lawful for two justices of the peace, upon complaint of the party aggrieved, to hear and determine such offence, and the offender, upon conviction thereof before them, shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of 5 l., which fine shall be paid to the churchwarden or treasurer of the parish, city or place in which the offence shall have been committed, for the use of such city or parish, and the evidence of any inhabitant of the parish or city shall be admitted in proof of the offence, notwithstanding such application of the fine incurred thereby; and if such fine as shall be awarded by the said justices, together with the costs (if ordered), shall not be paid either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, it shall be lawful for them to commit the offender to the nearest gaol or house of correction, there to be imprisoned for any term not exceeding 30 days, unless such fine and costs be sooner paid; but if the justices, upon the hearing of any such case of assault or battery or other misdemeanour, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate under their hands stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

Two justices may
hear and determine
common assaults
and batteries.

4. And be it enacted, that if any person against whom any such complaint shall have been preferred for any common assault or battery, or other misdemeanour, shall have obtained such certificate as aforesaid, or having been convicted, shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded for nonpayment thereof, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

Persons convicted,
&c. relieved from
further proceedings.

5. Provided always and be it enacted, that in case the justices shall find the assault or battery, or other misdemeanour complained of, to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as they would have done before the passing of this Act; provided also, that nothing herein contained shall authorize any justices of the peace to hear and determine any case of assault or battery, or other misdemeanour, in which any question shall arise as to the title to any lands, tenements or hereditaments, or any interest therein or accruing therefrom, or any execution under the process of any court of justice, and for the purposes of carrying into effect the summary power given by this Act.

How justices are to
act if the assault
be accompanied by
felony.

Proviso.

6. Be it enacted, that it shall and may be lawful for two or more justices of the peace, and they are hereby required to associate themselves together in petit sessions, on such days and at such place or places as shall be appointed by the custos or senior magistrate of each parish

Two or more jus-
tices to associate
themselves in
parish petit sessions.

JAMAICA.

Appendix, No. 90.

Form of conviction.

parish or precinct, once in every week, or oftener if necessary, to hear and determine all such offences, where, on conviction of the offender, the fine imposed does not exceed 5 *l.*, or the term of imprisonment does not exceed 30 days.

7. And be it enacted, that the justices before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require (that is to say)

“ Be it remembered, that on the _____ day of _____ in the year of our Lord at _____, in the county _____, *A. O.* is convicted before us (naming the justices) two of His Majesty’s justices of the peace for the (city, parish or precinct) of _____ for that he the said *A. O.* did, (specify the offence, and the time and place where the same was committed, as the case may be); and we the said justices adjudge the said *A. O.* for his said offence to be imprisoned in the _____, and there kept to hard labour for the space of _____, (or, we adjudge the said *A. O.* for his said offence to forfeit and pay the sum of (here state the amount of the fine imposed), and also to pay the sum of _____ for costs (in case the same be awarded), and in default of immediate payment of the said sums to be imprisoned in the _____ for the space of _____, unless the said sums shall be sooner paid (or, we order that the said sums shall be paid by the said *A. O.* on or before the _____ day of _____), and we direct that the said sum of _____ (*i. e.* the amount of the fine) shall be paid to _____, of _____ aforesaid, in which the said offence was committed, to be by him applied according to the directions of the Act in that case made and provided, and we order that the said sum of _____ for costs shall be paid to *C. D.* (the party aggrieved).

“ Given under our hands, the day and year first above mentioned.”

No conviction to be quashed for want of form.

8. And be it enacted, that no conviction under this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise, into any of His Majesty’s superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Appendix, No. 91.

Appendix, No. 91.

Jamaica, ss.

6 William IV. c. 12.—AN ACT to organize a Police.—Passed 17 December, 1835.

Preamble.

Governor empowered to form a police, and the establishment thereof.

Proviso.

A sum not exceeding 3,500 *l.* may be drawn by the Governor on the receiver-general for procuring barracks, &c.

Proviso.

Oath to be taken by sub-inspectors, serjeants and privates of police at the time of enlistment.

Punishment for disobedience of orders by non-commissioned officers and privates.

WHEREAS the circumstances of the island require that an efficient police be immediately organized; be it therefore enacted, by the Governor, Council and Assembly of this island, and it is hereby enacted by the authority of the same, that the Governor or the person administering the government for the time being, be, and he is hereby empowered to form a police, with an establishment as follows: an inspector-general, salary, house-rent and stationery inclusive, per annum, 1,200 *l.*; three county inspectors at 500 *l.* a year each, and forage for two horses to each, 76 *l.* 0 *s.* 10 *d.* per annum each horse: (provided that no person shall receive such salary as county inspector if he holds the appointment of a stipendiary magistrate); 21 sub-inspectors at 300 *l.* a year each; 70 serjeants and 700 privates, the serjeants at 2 *s.* 6 *d.* per day and 8 *s.* 4 *d.* per week for rations, clothing at 70 *s.* per annum; the privates at 1 *s.* 8 *d.* per day and 8 *s.* 1 *d.* rations per week, clothing for ditto at 65 *s.* per annum, medical attendance, including medicine, not exceeding 20 *s.* each per annum. And be it enacted, that the Governor, or person exercising the functions of Governor for the time being, be authorized to draw on the receiver-general for such sum or sums as may become necessary for procuring barracks, barrack-furniture, wood and water, and other necessaries for the use of the said police, not exceeding the sum of 3,500 *l.*

And be it further enacted, that the Governor, or person exercising the functions of Governor, be authorized and empowered to frame and establish such rules and regulations as to him shall seem proper for giving effect to the purposes of this Act, and for securing the discipline of the police: provided, that under such rules and regulations no corporal punishments shall be inflicted, nor shall any sentence extend to death, transportation or imprisonment for any period exceeding three months.

And be it further enacted, that every sub-inspector, serjeant and private of police so appointed or enlisted shall, at the time of his appointment or enlistment, take the following oath before any of his Majesty’s justices of the peace:

“ I, *A. B.*, do swear, that I will well and truly serve our Sovereign Lord the King in the office of constable and policeman without favour or affection, malice or ill-will; that I will see and cause His Majesty’s peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof, in the execution of warrants and otherwise, faithfully according to law. So help me God.”

And be it further enacted, that every non-commissioned officer or private of the police who shall refuse to obey, or shall not promptly obey any lawful command of any officer or non-commissioned officer of the police, his superior, or the order of any magistrate or special magistrate when on duty in such special justice’s court, shall suffer such punishment as a police

police court, to be appointed by the Governor for the time being, shall award, not exceeding the sum of 20 l., or 30 days' hard labour in the house of correction.

And be it enacted, that the officer in command for the time being of any part of the said police shall and is hereby required to use all such measures as are necessary to preserve the public peace, and the custos of each parish or any magistrate thereof holding a general or special commission of the peace is hereby authorized to command the services of such police whenever necessary, and the officer in command of the said police shall and he is hereby required to attend thereto and comply with such order, or shall suffer such fine as a police court shall award, not exceeding 20 l.; and it shall be the duty of the said police at all times to take up all vagrants or idle and disorderly persons in the said parish, and to quell all riots, and disperse all unlawful meetings.

And be it enacted, that it shall be the duty of the police, and they are hereby required to apprehend every person and persons having in his, her or their possession any quantity of sugar, rum, pimento, coffee or other produce, or any wood, grass or canes, who shall not be able to produce a permit from the proprietor, overseer or other person in charge of the property whereon such produce was grown and manufactured, or otherwise show that he, she or they has or have honestly become possessed of such property, and to carry such person or persons so apprehended before any magistrate of the parish or precinct, or, if an apprenticed labourer, before the special magistrate of the district or parish in which such apprehension shall be made; and such magistrate shall examine into the matter, and, upon conviction, adjudge the party or parties offending to pay a fine not exceeding the sum of 5 l., to be paid to the police apprehending such party or parties, or in failure of payment of such fine to commit such offender or offenders to labour in the house of correction for a space of time not exceeding 30 days: provided always, that the produce so condemned shall be sold by order of the magistrate, after five days, in the event of no application being made by the owner; and should the offender or offenders be unable to pay the said fine, the amount of such fine shall be paid to the policeman out of the proceeds of the sale, and the overplus, if any, shall be appropriated to the benefit of the poor of the parish in which such condemnation shall take place.

And be it further enacted, that if any person shall purchase or detain in his possession any arms, accoutrements, clothing or other articles furnished to such non-commissioned officers or privates of police under this Act, such person shall on conviction before any two justices of the peace of the parish in which the offence is committed, pay a fine not exceeding 10 l., or be imprisoned in the common gaol or house of correction for any time not exceeding 30 days.

And be it further enacted, that if any person shall harbour any non-commissioned officer or private of police who may have deserted from his station, or be absent from duty without leave, such person, on being thereof convicted before any two justices of the peace of the parish in which the offence is committed, shall pay a fine not exceeding 10 l., or be imprisoned for any time not exceeding 30 days.

And be it further enacted, that every serjeant or private policeman, who in the execution of his duty shall lose a limb or an eye, or be otherwise wounded in actual duty so as to be rendered incapable of serving as a serjeant or private of police, shall, upon producing a certificate from the inspector-general that he is rendered incapable to serve, be allowed an annuity of 25 l. currency to be paid by the receiver-general so long as such person shall continue to reside in this island and shall remain unable to do duty in the police; and if any serjeant or private shall be killed in the execution of his duty, and shall leave a widow or child or children lawfully begotten, his widow shall be entitled to receive during her widowhood at the rate of 25 l. pounds per annum, and in case of her marriage or death the said annuity shall go to such child or children until the youngest shall attain the age of 14 years, such sum or sums to be paid by the receiver-general into the hands of the custos or senior magistrate of the parish in which such widow or children may be resident, on the production of a like certificate from the said inspector-general, to be by him paid to the said widow, or in case of the marriage or death of the said widow, to be appropriated for the support and maintenance of the said child or children.

And be it enacted, that the Governor, or person exercising the functions of Governor, shall be and he is hereby empowered to send expresses on any emergency or alarm, or other occasion, to any part of the island, and to pay the persons employed in carrying such expresses at a rate not exceeding the rate of pay which is authorized by the 6 Geo. 4, c. 14, for non-commissioned officers and privates, and such sums shall be paid by the receiver-general to the order of the Governor, or person exercising the functions of Governor, for the time being.

And be it enacted, that no appointment, commission or any other proceeding under this Act shall be subject to any stamp duty.

And whereas under sec. 10 of 4 Will. 4, c. 30, intituled "An Act to colonize the interior Lands of this Island, and form a permanent Police," the Governor, or person exercising the functions of Governor, is empowered to indent all persons enlisting into the said police for a term not less than five years: and whereas doubts may arise as to the power of the Governor, or person exercising the functions of Governor, to enlist under and by virtue of this Act persons as policemen for a less term than five years; Be it therefore enacted by the authority aforesaid, that the Governor, or person exercising the functions of Governor, shall and he is hereby authorized and empowered to enlist or indent men for the said police for any period less than five years.

JAMAICA.

Appendix, No. 91.

Officer in command of police to preserve the peace, and obey the orders of the custos and magistrates.

Police to apprehend and carry before a magistrate every person carrying sugar or other produce without a permit, or not being able to account for the same.

Proviso.

Penalty for purchase or detention of arms delivered to police.

Penalty for harbouring deserters.

Annuity to disabled men.

In case of emergency or alarm, Governor empowered to send expresses.

ject to stamp duty. 4 Will. 4.

Proceedings under this Act not sub-c. 30, s. 10.

Governor empowered to enlist men for any period less than five years.

And

Such sums of money as may be necessary for the purposes of this Act to be paid by the receiver-general to the Governor.
Proviso.

This Act to be in force till 31 December 1836.

And be it enacted, that the receiver-general do, and he is hereby required, out of any monies in his hands belonging to the public, to pay to the order of his Excellency the Governor, or to the person exercising the functions of Governor for the time being, such sum and sums of money as may be necessary for the purposes of this Act: provided that the receiver-general do render and give to the commissioners of public accounts, quarterly, an account or statement of the several sums of money paid by him under the order of the Governor, or person exercising the functions of Governor, drawn on him in pursuance of this Act.

And be it enacted, that this Act shall be in force from the 31st day of December in the present year until the 31st day of December, 1836, and no longer.

Appendix, No. 92.

Appendix, No. 92.

6 William IV. c. 13.—AN ACT to repeal certain portions of an Act of 5 Wil. 4, c. 29, intituled "An Act to consolidate the Highway Laws of this Island," and in aid of the same.—Passed 18 December 1835.

Clauses 52, 53, 54 & 69 of 5 Will. 4, c. 29, repealed.

BE it enacted, that from and after the passing of this, the 52d, 53rd, 54th, and 69th clauses of the Act to consolidate the highway laws of this island shall be, and the same are hereby repealed.

Persons wilfully depositing carcasses of dead horses or any filth or annoyance on roads to forfeit 10 l.

2. And be it enacted, that from and after the passing of this Act, if any person or persons shall purposely cause to be laid on any of the highways or private roads of communication, or on any place within 100 yards thereof, the carcass or carcasses of any dead horse, mare, mule, ass or horned beast, or shall wilfully convey to the said highway or private road of communication any filth or other annoyance whereby the lives or health of His Majesty's subjects may be affected, every such person or persons so offending shall forfeit for such offence a sum not exceeding 10 l., to be recovered by information on oath before any two justices of the peace of the parish where such offence shall be committed; and in default of payment to imprisonment in any gaol or house of correction, or to imprisonment and hard labour on the treadmill, or in the penal gang, for any space of time not exceeding 30 days, or to solitary confinement for any space of time not exceeding 10 days.

and in default of payment to be imprisoned, &c.

Names of owners, &c. to be affixed to carriages of burthen, under penalty of 5 l., &c.

3. And whereas many accidents happen on roads by the carelessness and misconduct of persons driving carts or other carriages; be it enacted, that the owner or possessor of every carriage of burthen shall distinguish such carriage by affixing to it the name of the owner or property to which it belongs, under a penalty of 5 l., to be recovered in a summary manner before any two or more justices of the peace of the parish or precinct in which the offence was committed, and such penalty shall be to the use of any such road; and every person infringing any regulation to be framed by the justices and vestry regarding such carriages shall, on conviction before any two or more justices of the peace, suffer punishment by fine not exceeding 10 l., and, in default of payment, imprisonment in any gaol or house of correction for any period not exceeding 60 days.

Offenders, having no goods whereon to levy, to suffer imprisonment.

4. And be it enacted, that in all cases under the above-mentioned Act, where goods and chattels cannot be found whereon to levy, and which cases are not otherwise provided for, it shall be lawful for any two justices of the peace to issue their warrants to commit the offender to the gaol for any space of time not exceeding three months.

Gates on public roads to be hung on swinging hinges, under penalty of 10 l.

5. And whereas great inconvenience is now experienced by the watchmen not attending to the gates on the public roads; be it enacted, that in future, wherever gates may have been awarded by a jury, it shall be the duty of those erecting such gates to hang them on swinging hinges, and not otherwise, and any person neglecting so to do shall forfeit a sum not exceeding 10 l., to be recovered in a summary manner before any two justices of the peace of the parish or precinct in which the offence was committed.

BARBADOES.

Appendix, No. 93.

Appendix, No. 93.

AN ACT to limit the Jurisdiction of Justices of the Peace.—Passed 17 September 1834.

Preamble.

WHEREAS great inconvenience has frequently arisen from complaints being preferred before the magistrates for the body of this island who are resident at a considerable distance from the place where the alleged offences are sworn to have been committed; be it therefore enacted, by his Excellency Sir Lionel Smith, Knight Commander of the most Honourable Military Order of the Bath, His Majesty's Captain-general and Governor-in-chief of this Island, Chancellor-ordinary and Vice-admiral of the same, the honourable the Members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that any complaint which is cognizable by justices of the peace for this island shall be preferred and heard before any sworn justice who may be resident in the parish in which the said offence shall be sworn to have been committed, and that no sworn justice shall take cognizance of any complaint which may be preferred before him unless such complaint shall have been sworn to as having been committed within the parish in which such justice shall usually reside.

Clause 1.

Sworn justices to hear complaints for offences committed in their parishes only.

Clause 2.

If there be no justice residing in the parish in which the offence

And be it further enacted, that if there shall be no sworn justice of the peace resident in the parish in which any offence shall have been committed, or if there be only one resident justice who shall be in any way a party to, or connected with, the proceedings necessary to be

be taken in any complaint, it shall be for the person making any complaint in consequence of such offence to prefer the said complaint before some neighbouring justice of the peace, although such justice may be resident in any other parish than the one in which the offence may be sworn to have been committed, anything hereinbefore contained to the contrary notwithstanding.

Provided always, and be it further enacted, that nothing in this Act contained shall extend to limit or interfere with the powers given to special magistrates under the following Acts of this island, *videlicet*, "An Act intituled an Act for the Abolition of Slavery for the government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers," "An Act for the establishment of a Rural Police for this Island, and for erection of Houses of Correction connected therewith," and "An Act to establish a Police in Bridge Town in the Parish of St. Michael."

And whereas it may happen in some cases, that offences may be committed so near to the line which separates one parish from another as to lead the complainant into error as to the precise parish in which the offence was committed; be it therefore enacted, that if in case judgment shall be given against any offender in ignorance of the precise parish in which the offence was committed, such judgment shall not on that account be arrested or set aside, but the same shall remain in full force and effect, anything hereinbefore contained to the contrary notwithstanding.

is committed, the nearest neighbouring justice may hear the complaint.

Clause 3. Not to interfere with the power of special magistrates under the Acts here mentioned.

Clause 4. Judgment of magistrates not to be vitiated by reason of any error as to the precise line of the parish.

Read three times and passed the Council unanimously the 10th day of September 1834.

(signed) *Wm. Husband*,
Clerk of the Council.

Read three times and passed the General Assembly, *nemine contradicente*, the 9th day of September 1834.

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

I assent.

(signed) *Lionel Smith*. 17 September 1834.

Appendix, No. 94.

(Enclosure in Sir *Lionel Smith's* Despatch, 22 August 1835. No. 220.)

Appendix, No. 94.

AN ACT to repeal certain Clauses of an Act, intituled "An Act for the abolition of Slavery, for the government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers;" and to substitute other Clauses in the place of certain of such repealed Clauses.—Passed 19 August 1835.

MAY it please your Majesty, that it may be enacted, and be it enacted, by the Governor, Council and Assembly of this your Majesty's island of Barbadoes, that the 4th, 5th, 12th, 13th, 14th, 15th, 24th, 27th, 33d, 103d, and 104th clauses of the said Act, intituled "An Act for the Abolition of Slavery, for the government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers," shall be and the same are hereby repealed: provided nevertheless, and be it also enacted, that the repeal of the said last-mentioned clauses shall not alter, or in anywise affect, the construction of any other clause or clauses in the said Act for the abolition of Slavery which may refer to any of the clauses so repealed; but that such unrepealed clauses shall have and receive the same construction with reference to any clauses by this Act substituted for such repealed clause, as if these substituted clauses had been originally enacted.

And be it further enacted, that all apprenticed labourers shall be divided into three distinct classes, the first of such classes consisting of prædial apprenticed labourers attached to the soil, and comprising all persons who, in their state of slavery, were usually employed in agriculture or in the manufacture of colonial produce, or otherwise, upon lands belonging to their owners; the second of such classes consisting of prædial apprenticed labourers not attached to the soil, and comprising all persons who, in their state of slavery, were usually employed in agriculture or in the manufacture of colonial produce, or otherwise, upon lands not belonging to their owners; and the third of such classes consisting of non-prædial apprenticed labourers, and comprising all apprenticed labourers not included within either of the preceding classes: provided always, that no person of the age of 12 years and upwards shall be included in either of the said two classes of prædial apprenticed labourers, unless such person shall for 12 calendar months at the least next before the 28th day of August 1833 have been habitually employed in agriculture or in the manufacture of colonial produce.

And be it further enacted, that the registrar of slaves shall, immediately after the passing of this Act, deliver to the employers of apprenticed labourers applying for the same their last lists or schedules of slaves, and every employer of apprenticed labourers, by himself or herself, or by his or her constituted attorney in this island in the case of absentees, or in case any such employer be an invalid or incompetent, then by some other person or persons, shall return back to the registrar such lists or schedules within three months from the said period, distinguishing, in reference to each apprenticed labourer therein mentioned (then being an apprenticed labourer), to which of the said three classes such apprenticed labourer belongs, and every such return shall be made on oath before the registrar, who is hereby authorized and required to administer the same as follows: "I, *A. B.*, do swear, that the distinctions made in the return now presented by me of the classes of apprenticed labourers, to which such of the respective slaves therein named who are now apprenticed labourers

Clause 1. The 4th, 5th, 12th, 13th, 14th, 15th, 24th, 27th, 33d, 103d & 104th, clauses of the Act for the Abolition of Slavery repealed. Proviso. The repeal of said clauses not to affect the construction of any clause therein having reference thereto.

Clause 2. Apprenticed labourers to be divided into classes of prædials attached, prædials unattached, and non-prædials.

Clause 3. Registrar of slaves to of apprenticed labourers their original returns, who are to distinguish the classes, and return such lists back to the registrar in three months alter.

BARBADOES.

Appendix, No. 94.

Clause 4.

Apprenticeship of all prædial labourers to cease on the 1st of August 1840.

And not to perform more than 45 hours' work per week between Monday and Friday, watchmen and cattle-keepers excepted.

Those under 12 years of age to perform the 45 hours between Monday and Saturday.

Apprentice labourers not to be prevented attending any place of religious worship.

Clause 5.

No apprenticed labourer to be removed from the island.

Nor to be transferred from one estate to another without the written consent of two or more special justices.

Clause 6.

Proviso repealed.

Power in the courts here mentioned, not abrogated.

Clause 7.

Apprenticed labourers not to be confined by special constables, except for such offences as an ordinary constable could confine any other of His Majesty's subjects.

Domestic prisons to be inspected by special justices.

Clause 8.

Eleventh section of the Act of Parliament recited.

Sixteenth section recited.

belong, correspond with the occupations usually performed by such apprenticed labourers in their state of slavery for 12 months previous to the 28th day of August 1833."

And be it further enacted, that no person who, by virtue of this Act, shall become a prædial apprenticed labourer, whether attached or not attached to the soil, shall continue in such apprenticeship beyond the 1st day of August 1840; and that during such his or her apprenticeship no such prædial apprenticed labourer, whether attached or not attached to the soil, shall be bound or liable, by virtue of such apprenticeship, to perform any labour in the service or for the benefit of the person or persons entitled to his or her services for more than 45 hours, in the whole, in any one week, unless he or she shall enter into some contract for that purpose, and that such 45 hours' labour shall be performed between the Monday morning and Friday evening of every week, leaving Saturday and Sunday at the disposal of such prædial labourer, except in the case of any prædial labourer who may be employed in the protection of property, or in tending of cattle or any other stock, who shall be bound to perform a part of such 45 hours' labour on those days: provided always, and be it also enacted, that in all cases where such prædial apprenticed labourers shall be under the age of 12 years, then such prædial apprenticed labourers shall perform such their 45 hours' labour between the Monday morning and Saturday evening of each week: provided always, that no apprenticed labourer shall be liable to be hindered or prevented from attending anywhere on Sundays for religious worship, at his or her free will and pleasure, but shall be at full liberty so to do without any let, denial or interruption whatsoever.

And be it further enacted, that no apprenticed labour shall be subject or liable to be removed from this island; and that no prædial apprenticed labourer who may in manner aforesaid become attached to the soil, shall be subject or liable to perform labour in the service of his or her employer or employers, except upon or in or about the works and business of the plantations or estates to which such prædial apprenticed labourer shall have been attached, or on which he or she shall have been usually employed on or previously to the said 1st day of August 1834: provided nevertheless, that with the consent in writing of any two or more special justices of the peace to be appointed under the Slavery Abolition Act, it shall be lawful for the person or persons entitled to the services of any such attached prædial apprenticed labourer or labourers to transfer his, her or their services to any other estate or plantation within this island to such person or persons belonging; which written consent shall in no case be given, or be of any validity, unless such justices of the peace shall first have ascertained that such transfer would not have the effect of separating any such attached prædial apprenticed labourer from his or her wife or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her, and that such transfer would not probably be injurious to the health or welfare of such attached prædial apprenticed labourer; and such consent shall be in the form hereto annexed, marked (A.)

And whereas the following proviso is inserted in the 108th clause of the said Act: "provided nevertheless, that nothing herein contained shall extend, or abrogate, or take away the powers vested by law in the court of grand sessions or the several courts of common pleas in this island, or the right of appeal to the Governor and Council from any decision of any special justice of the peace by any person or persons who may feel themselves aggrieved thereby;" be it enacted, that the said proviso shall be and the same is hereby repealed; provided nevertheless, and be it further enacted, that nothing in the said 108th clause of the said Act contained shall extend, or be construed to extend, to abrogate or take away the powers by law vested in the Supreme Courts of Record, or the superior courts of civil and criminal justice in this island.

And be it further enacted, that no special constable appointed, or to be appointed under the 111th clause of the said Act, shall be allowed to confine for safe custody any apprenticed labourer attached to any plantation or place, except in those cases in which other of His Majesty's subjects might be taken into custody by any ordinary constable, or to those cases in which it may be reasonably presumed that any apprenticed labourer having offended against the said Act will attempt to escape, anything in the said Act to the contrary contained notwithstanding: provided always, nevertheless, that all buildings used as places of confinement, however temporary, shall be approved of for that purpose by the special justice of the peace of the district, who is hereby required occasionally to visit the same.

And whereas by the 11th section of the Act of the Imperial Parliament for the Abolition of Slavery, it is enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer shall be, and is, and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance and such other maintenance and allowances as an owner is required to supply to, and for, any slave being of the same age and sex as such apprenticed labourer shall be: and whereas it is in and by the 16th section of the said last-mentioned Act recited, that it would also be necessary for the protection of such apprenticed labourer as aforesaid, that various regulations should be framed and established in the said respective colonies, for securing punctuality and method in the supply to them of such food, clothing, lodging, medicines, medical attendance, and such other maintenance and allowances as they were thereinbefore declared entitled to receive, and for regulating the amount and quality of all such articles, in cases where the laws then existing in any such colony may not in the case of slaves have made any regulation or any adequate regulation for that purpose; and it was also necessary that proper rules should be established for the prevention and punishment of any frauds which might be practised, or of any omission or neglects which might occur respecting the quantity or quality of the supplies so to be furnished, or respecting the periods for the delivery of the same: and whereas by an Act of this island, intituled "An Act to repeal several Acts and clauses of Acts respecting Slaves, and

and for consolidating and bringing into one Act the several laws relating thereto, and for the better order and government of Slaves, and for giving them further protection and security, for altering the mode of Trial of those charged with capital and other offences, and for other purposes;" being the only law in force respecting slaves at the time of the passing of the said Act by the Imperial Parliament, the amount and quality of the articles to be furnished slaves are not regulated. Be it therefore enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer shall be, and is, and are hereby required to supply, or cause to be supplied, to him or her, such food as hereinafter mentioned; that is to say, each and every such apprenticed labourer, above the age of ten years, shall receive in each week not less than thirty pounds of plantains, potatoes, yams or eddoes, or ten pints of Guinea or Indian corn, and two pounds of cod fish or herrings, shads, or other pickled fish, or other salted provisions equal thereto; and every such apprenticed labourer, under the age of ten years, shall receive the one half of the first-mentioned allowances of food: provided nevertheless, that the person or persons entitled to the services of any such apprenticed labourer, or any person or persons acting in his or her behalf, who may be unwilling to procure such provisions as are hereinbefore mentioned, may, with the authority in writing of the special justice of the peace of the district in which such apprenticed labourer or labourers are or is resident, substitute for the same, or any part or parts thereof, any other kind of provisions, or any money payment, or allowance of time for such apprenticed labourer or labourers to work for his, her, or their own benefit and advantage, as shall, in the judgment of such special justice, be equivalent to the allowances hereinbefore prescribed; and all provisions so to be delivered and supplied to the apprenticed labourers shall be sound and fit for consumption, and of good average merchantable quality; and the same shall be delivered and supplied to such apprenticed labourer once (or oftener) in each week, on any other day than Saturday or Sunday; and if any such person or persons as aforesaid, subject and liable so to do, shall not deliver or supply to such apprenticed labourer provisions of such amount and quality, and at such times as he, she, or they, is or are hereinbefore required to deliver and supply the same, such person or persons shall incur and become liable to a penalty (provided complaint thereof be made within 28 days) equal to twice the value of the provisions which ought to have been supplied for the benefit of the apprenticed labourer injured by such omission or neglect, unless it can be proved that the same cannot be purchased in any of the towns or markets of this island: provided nevertheless, that in times of scarcity the Governor, by and with the advice of the Council, may from time to time, by proclamation, to be by him for that purpose issued, authorise the substitution of any other provisions or allowances which can be procured in lieu of the aforesaid allowances. Provided always nevertheless, that whilst apprenticed labourers are imprisoned in any house of correction or public prison of this island, the employer or employers of such apprenticed labourers shall not be bound to provide them with any allowance of food, or money to purchase food, but they shall be fed at the public expense; and in all such cases where a weekly payment shall be agreed on, as aforesaid, then such weekly money payment or wages shall be recovered before the special justice of the district where such apprenticed labourer shall reside. Provided always, and be it enacted, that the employers of apprenticed labourers shall not be compelled to furnish their apprenticed labourers with more than one pound of such fish or salted provisions, until the expiration of one month from the passing of this Act.

And be it further enacted, that in addition to the clothing directed by the aforesaid Act of the said island for the Abolition of Slavery to be furnished to apprenticed labourers, every person entitled to the services of apprenticed labourers shall be bound, under the penalty provided by the said Act, to furnish annually an additional shirt and pair of trousers to each male, and an additional shift and petticoat to each female; and also a blanket to each apprenticed labourer every two years; such additional clothing and blanket to be issued at the period of the year prescribed by the 31st clause of the said last-mentioned Act.

And be it further enacted, that in all cases of urgent necessity, such as fire, tempest, and occurrences of a similar nature, it shall be lawful for the owner, or other person in the management of any property, whenever such necessity shall occur, to require and compel the immediate continued services of all or any of the apprenticed labourers attached to such property, during such emergency, any thing herein contained to the contrary in any wise notwithstanding. And every apprenticed labourer who shall refuse when called on to perform any such services, shall be liable to all such penalties as he or she would be liable to for any undue performance or neglect of work during any time his or her employer may be entitled to his or her services.

And whereas, by the 58th clause of the said Act, certain causes are mentioned which alone exempt an apprenticed labourer from punishment in case of absence from his or her employer's service; and whereas other causes may arise which ought to exempt an apprenticed labourer from punishment in case of absence; be it therefore enacted, that the several special justices of the district before whom any complaint may be exhibited against any apprenticed labourer for absence from his or her employer's service, may admit any other reasonable cause for such absence, which shall be proved on oath to have existed at the time, and which shall appear just to such special justice.

And be it further enacted, that no apprenticed labourer, during his or her apprenticeship, shall be arrested or imprisoned in any action of debt, assumpsit, covenant or other action founded on contract, nor shall any apprenticed labourer be liable to be arrested or taken in execution by virtue of any writ of execution obtained in any such action or actions during his or her apprenticeship, nor shall any apprenticed labourer be liable to be taken in execution for any debt or demand against his or her employer.

BARBADOES.

Appendix, No. 94.

The quantity of food to be supplied weekly to apprenticed labourers.

Substitution of other food, or payment in money in lieu thereof, permitted.

Penalty on employers for default.

In time of scarcity the Governor, by proclamation, may substitute other provisions.

Clause 9. Additional clothing to be furnished to apprenticed labourers, and a blanket to each.

Clause 10. Apprentices to be compelled in time of necessity to give their services.

Penalty for refusing to work.

Clause 11. Causes of excuse to be admitted for absence from employer's service.

Clause 12. Apprentices not to be arrested for debt, &c.

BARBADOES.

Appendix, No. 94.
 Clause 13.
 Punishment of
 apprentices for tres-
 pass or slander.

And be it further enacted, that if any apprenticed labour shall commit any trespass upon his or her employer's property, whether real or personal, or be guilty of uttering any slander or of publishing any libel against his or her employer or employers, he or she shall, on conviction thereof before the special justice of the district to which he or she shall belong, be adjudged to perform any number of extra days' labour in the service of his or her employer or employers, or to imprisonment with hard labour for any time not exceeding one calendar month, or solitary confinement not exceeding one week, or if a male, to whipping, not exceeding 20 stripes; and if any such apprenticed labourer so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof before such special justice of the peace as aforesaid, every such offender shall be committed to the house of correction for such term, not exceeding three months, as the said justice before whom he or she shall be convicted shall think fit, and shall be worked on the tread-mill or public works, and if a male, to be whipped, not exceeding 39 stripes: provided always nevertheless, that this enactment shall not exempt any such apprenticed labourer from his or her liability to such actions or prosecutions as other persons of free condition may be subject and liable to in respect of any such offences by him or her done or committed: provided nevertheless, that no such apprenticed labourer shall be liable to be sued or prosecuted both under this Act and under the general law.

(A.)—FORM OF CONSENT by two special justices to the removal of a prædial apprenticed labourer attached.

Barbadoes.

WHEREAS application hath been made to us by *A. B.*, of the parish of _____ in the island abovesaid, esq., for our consent to the removal of *C. D.*, his prædial attached apprenticed labourer, from the estate of the said *A. B.*, called _____ situate in the parish of _____ and island abovesaid, to his estate, called _____ situate in the parish of _____ and island abovesaid and we having taken the said application into our consideration and inquired into all the necessary circumstances, do hereby consent to the removal of the said *C. D.* accordingly.

Given under our hands and seals this _____ day of _____ in the year _____

(L. s.) *E. F.* S. P. J. for the district of _____
 (L. s.) *G. H.* S. P. J. for the district of _____

Appendix, No. 95.

(Enclosure in Sir *Lionel Smith's* Despatch, 22 August 1835. No. 220.)

AN ACT for continuing in force and amending an Act, intituled "An Act for the temporary Establishment of a Rural Police for this Island."—Passed 19th August 1835.

Preamble.
 Clause 1.
 The Act of the 24th
 April 1835, continued
 in force until the 1st
 day of August 1840.

WHEREAS it is expedient to continue the said Act, may it therefore please your Majesty, that it may be enacted, and be it enacted, by the Governor, Council and Assembly of this your Majesty's island of Barbadoes, that an Act of this island, made on the 24th day of April 1835, intituled "An Act for the temporary Establishment of a Rural Police for this Island," which was to continue in force for six months from the passing thereof, shall be and the same is hereby continued until the first day of August 1840.

Clause 2.

The Commander-in-
 chief is to appoint
 police-officers for the
 several districts here
 mentioned, increasing
 the number of
 mounted, and dimi-
 nishing the foot.

And whereas it has been found by experience, that the mounted police are much more required than the foot, for the performance of the duties of the rural police, and it is therefore expedient to increase the number of the mounted police and diminish that of the foot: be it therefore enacted, that the Governor or Commander-in-chief of this island shall, at such time and times as it shall appear proper and convenient to him, increase the number of the mounted police and diminish the number of foot until there shall be the following number of police officers in the different districts; that is to say, for district A., 12 mounted privates and five foot; for district B., 16 mounted privates and five foot; for district C., 16 mounted privates and five foot; for district D., 12 mounted privates and five foot; for district E., 16 mounted privates and five foot; and for district F., 12 mounted privates and five foot.

Appendix, No. 96.

(Enclosure in Sir *Lionel Smith's* Despatch, 22 August 1835. No. 220.)

AN ACT to amend an Act, intituled "An Act to establish a Police in Bridge-town, in the parish of St. Michael."—Passed 19th August 1835.

Preamble.
 Clause 1.
 The third clause of
 the Bridge-town Po-
 lice Bill repealed, and
 the power of appoint-
 ing magistrates under
 the said Act is vested
 in the Governor alone.

WHEREAS it is expedient to amend the said Act by vesting the power of appointment of the justices of the peace to carry the said Act into effect in the Governor alone, may it therefore please your Majesty that it may be enacted, and be it enacted, by the Governor, Council and Assembly of this your Majesty's island of Barbadoes, that the third clause of the said Act, intituled "An Act to establish a Police in Bridge-town, in the parish of St. Michael," so far as the same vests the appointment of justices of the peace therein required to be appointed in the Governor in Council, by and with the advice and concurrence of the Council, shall be and the same is hereby repealed, and the justices therein required to be nominated and appointed shall

shall be nominated and appointed by the Governor or Commander-in-chief of this island alone, and all vacancies shall in like manner be filled up by the appointment of the Governor and Commander-in-chief alone.

Provided always nevertheless, and be it also enacted, that such justices of the peace shall not be authorised to take cognizance of any question whatsoever arising between apprenticed labourers and their employers, and which by the Slavery Abolition Act of this island is vested exclusively in the special justices of the peace to be appointed by His Majesty under the Act of the British Parliament for the Abolition of Slavery.

BARBADOES.

Appendix, No. 96.

Clause 2.
Proviso. Questions between apprenticed labourers and their employers not cognizable before such justices.

Appendix, No. 97.

(Enclosure in Lord *Glenelg's* Despatch, 13 October 1835. No 221.)

ORDER IN COUNCIL, dated 12th October 1835, declaring that adequate and satisfactory provision has been made by Law in the Island of *Barbadoes*, for giving effect to the Act 3 & 4 Will. IV. c. 73, for the Abolition of Slavery throughout the British Colonies.

AT the Court at *St. James's*, the 12th October 1835;

Present, The KING's most Excellent Majesty,

Lord Chamberlain, Earl of Denbigh, Viscount Palmerston, Viscount Melbourne, Lord Holland, Lord *Glenelg*, Sir Alexander Johnstone.

WHEREAS by an Act of Parliament made and passed in the third and fourth year of the reign of His present Majesty, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such Slaves," it is enacted, that from and after the 1st day of August 1834, all persons, who in conformity with the laws then in force in the said colonies respectively, should on or before the 1st day of August 1834 have been duly registered as slaves in any such colony, and who, on the said 1st day of August 1834, should be actually within any such colony, and who should by such registries appear to be, on the said 1st day of August 1834, of the full age of six years or upwards, should by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship, or any other deed or instrument for that purpose, become and be apprenticed labourers: And whereas by the said Act it is further enacted, that, subject to the obligations imposed by the said Act, or to be imposed as therein mentioned, upon such apprenticed labourers as aforesaid, all and every the persons who, on the said 1st day of August 1834, should be holden in slavery within any such British colony as aforesaid, should, upon and from and after the said 1st day of August 1834, become and be to all intents and purposes freed and discharged of and from all manner of slavery, and should be absolutely and for ever manumitted; and that the children thereafter to be born to any such persons, and the offspring of such children, should in like manner be free from their birth; and that from and after the said 1st day of August 1834 slavery should be and the same is thereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations and possessions abroad: And whereas by the said Act it is provided, that the Lords Commissioners of His Majesty's Treasury might raise the sum of 20,000,000*l.* sterling towards compensating the persons entitled to the services of the slaves to be manumitted and set free by virtue of the said Act for the loss of such services.

And whereas in the said Act it is recited, that various rules and regulations were or might be necessary for the purposes therein specified, and that such regulations could not without great inconvenience be made, except by the respective governors, councils and assemblies, or other local legislatures of the said respective colonies, or by His Majesty with the advice of His Privy Council, in reference to those colonies to which the legislative authority of His Majesty in Council extends; and it is therefore by the said Act enacted and declared, that nothing in the said Act contained should extend or be construed to extend to prevent the enactment by the respective governors, councils and assemblies, or by such other local legislatures as therein mentioned, or by His Majesty with the advice of His Privy Council, of any such acts of general assembly, or ordinances or orders in council, as might be requisite for making and establishing such several rules and regulations as aforesaid, or any of them, or for carrying the same or any of them into full and complete effect.

And whereas it is by the said Act further enacted, that no part of the said sum of 20,000,000*l.* sterling should be applied or be applicable to the purposes therein aforesaid for the benefit of any person entitled to the services of any slave in any of the colonies therein aforesaid, unless an order should have been first made by His Majesty with the advice of His Privy Council, declaring that adequate and satisfactory provision had been made by law in such colony for giving effect to the said Act by such further and supplementary enactments as therein mentioned, nor unless a copy of such Order in Council, duly certified by one of the clerks in ordinary of His Majesty's Privy Council, should by the Lord President of the Council have been transmitted to the Lords Commissioners of His Majesty's Treasury, or to the Lord High Treasurer for the time being, for their or his guidance or information; and every such order should be published three several times in the London Gazette, and should be laid before both Houses of Parliament within six weeks next after the date thereof, if Parliament should be then in session, and if not, within six weeks of the then next ensuing session of Parliament.

And whereas in order to carry into effect the objects of the said recited Act, several Acts

BARBADOES.

Orders in Council
and
Colonial Laws.

Appendix, No. 97.

have been passed by the Governor, Council and Assembly of the Island of Barbadoes, intituled "An Act for the Abolition of Slavery, for the government of apprenticed Labourers, and for ascertaining and enforcing the reciprocal duties between them and their employers;" and also "An Act for the temporary establishment of a Rural Police;" and also "An Act to repeal certain clauses of an Act intituled 'An Act for the Abolition of Slavery, for the government of apprenticed Labourers, and for ascertaining and enforcing the reciprocal duties between them and their employers,' and to substitute other clauses in the place of such repealed clauses;" and also "An Act for continuing in force and amending an Act intituled 'An Act for the temporary establishment of a Rural Police for this Island.'"

And whereas it is considered by His Majesty in Council that adequate and satisfactory provision hath been made by law in the said island of Barbadoes, by the said several Acts so passed in the said island for giving effect to the said recited Act of Parliament, according to the true intent and meaning of the said Act.

His Majesty is therefore pleased, by and with the advice of his Privy Council, to declare, and it is hereby declared, that adequate and satisfactory provision hath been made by law in the said island of Barbadoes for giving effect to the said recited Act of Parliament, by such further and supplementary enactments as aforesaid. And the Right honourable the Marquis of Lansdowne, the President of His Majesty's Privy Council, and the Right honourable Lord Glenelg, one of his Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

(signed) *William L. Bathurst.*

Appendix, No. 98.

AN ACT to assist the Parishes in the rebuilding of their Parish Churches.—Passed 7th September, 1835.

Preamble.

WHEREAS the parish churches of Christ Church, St. Philip, St. John, St. Thomas, St. Joseph, St. Peter, and St. Lucy were totally destroyed by the hurricane of the 11th day of August 1831, and the inhabitants of those parishes, from the great losses they otherwise also sustained by such hurricane, have been unable to rebuild their churches; it is therefore expedient that assistance should be afforded them for that purpose: be it therefore enacted, by His Excellency Sir Lionel Smith, Knight Commander of the most honourable military order of the Bath, His Majesty's Captain-general and Governor-in-chief of this island, Chancellor Ordinary and Vice-admiral of the same, the Honourable the members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that it shall be lawful for the majority of the vestry of any of the aforesaid parishes, such majority to consist of not less than nine members on behalf of the parishioners of such parish, on or before the 1st day of January 1836, but not after, to make an application in writing, signed by the majority of the vestrymen of such parish, to the treasurer of the island, for a loan out of the public treasury, not exceeding the sum of 2,000*l.* current money of this island, for the purpose of assisting in the rebuilding of the parish church of such parish; which sum the treasurer is hereby authorised and required to pay to the order or orders of the rector or officiating clergyman and churchwarden for the time being of such parish, and the same shall be repaid by such parish in the manner hereinafter provided: provided nevertheless, and be it also enacted, that no churchwarden shall be entitled to demand or receive any commission in respect of any sum of money lent under the authority of this Act to his parish.

Clause 1.

Before the 1st January 1836, a majority of the vestry of the several parishes here mentioned to make application in writing to the treasurer for a loan out of the treasury, not exceeding 2000*l.*, to assist in rebuilding their churches.

Churchwardens not to be entitled to commissions.

Within a month after application for such loan the vestry is to submit a plan of the church proposed to be built to the bishop for his approval.

The site of any church to be changed with the consent of the bishop, and the land purchased or otherwise to be conveyed to the purposes here mentioned.

The owners of land in each of the parishes receiving the loan to pay a tax of 6*d.* per acre annually until the sum is repaid (crown lands excepted).

Between the 1st day of July and the last day of September, 1836, and in every year after, all owners of land in the several parishes receiving the loan, to pay to the Treasurer of the island 6*d.* per acre, until the sum lent is repaid, under the penalty provided by the Act here mentioned.

2. And be it further enacted, that the vestry of every parish applying for a loan under the authority of this Act, shall, within one month after application made to the treasurer of the island for such loan, submit to the bishop of the diocese a plan of the church proposed to be built for his approval; and it shall not be lawful for any such vestry to appropriate any such loan in the erection of any church otherwise than according to a plan so approved.

3. And be it further enacted, that it shall be lawful for any such vestry, with the consent of the bishop of the diocese, to change the site of any such church, and to purchase or take a gift of any land which may be more convenient for a site for such church, and the land so purchased or acquired shall be conveyed to the rector of the parish and his successors, to be devoted, when consecrated, to ecclesiastical purposes for ever.

4. And be it further enacted, that every parish to which such loan shall be made, shall be subject to a tax of 6*d.* current money of this island, per acre, annually, on each and every acre of land in every such parish, until the sum lent to such parish shall be repaid into the public treasury of this island; provided, that this Act shall not extend to crown lands.

5. And be it further enacted, that the owner and owners of such land, or some person or persons in his, her or their behalf, shall, some time between the 1st day of July and the last day of September in the year of our Lord 1836, and in each and every year after, until the sum so lent to such parish shall be repaid, pay for each and every acre of land by him, her or them possessed, the sum of 6*d.* current money of this island to the treasurer of the island for the time being, under the same penalty for neglect or default as is provided in and by an Act of this island, intituled "An Act to increase the Stipends of the Beneficed Clergy of this Island," for the like neglect or default to pay the taxes therein laid and imposed.

6. And

year after, all owners of land in the several parishes receiving the loan, to pay to the Treasurer of the island 6*d.* per acre, until the sum lent is repaid, under the penalty provided by the Act here mentioned.

BARBADOES.

6. And be it further enacted, that the treasurer of the island for the time being; and the churchwarden of every such parish to which any such loan shall be granted, shall have, and he and they are hereby declared to have the same powers for the recovery of the said tax of 6*d.* per acre as are given to him or them under the said last-mentioned Act for the recovery of the taxes therein laid and imposed, and he and they are hereby respectively required to perform the same duties touching and concerning the said tax of 6*d.* per acre as he and they are required with respect to the taxes imposed by the said Act, and he and they are hereby declared to be subject to the same penalties for neglect of such duties or duty.

The treasurer and the churchwardens to have the like powers for recovery of the tax of 6*d.* per acre as are given by the Act to increase the stipends of the beneficed clergy.

7. And be it further enacted, that the treasurer of the island shall annually, in the month of December, lay before the House of Assembly a statement of the account of every parish with the public treasury in respect of any loan which shall be granted to such parish under the provisions of this Act, and the clerk of the House of Assembly is hereby required to deliver to the churchwarden of every such parish a copy of such statement for the information of the parishioners.

In the month of December in every year the treasurer is to lay a statement of the account of each parish receiving the loan before the Assembly.

8. And be it further enacted, that all sums of money raised by this Act, and all forfeitures and penalties thereunder incurred, shall be to the King's most Excellent Majesty, his heirs and successors, to the several uses declared concerning the same, and where no appropriation thereof shall have been made, then the same shall be to the public use of the island.

Application of the forfeitures under this Act.

9. And be it further enacted, that for the purpose of raising a fund to enable the treasurer of the island to advance such loan as aforesaid to the said parishes, the Committee of Public Accounts are hereby authorised and required to supply the treasurer of the island with such sum and sums of money as he shall require for the purpose of carrying this Act into effect, out of the sum of 25,000*l.* of Exchequer bills which have been advanced to the public of this island on the security of an Act of this island, intituled "An Act to secure to His Majesty the repayment of certain Monies in case the same shall be lent for the Public Service of this Island," and the said Committee of Public Accounts are hereby required to lay before the House of Assembly of this island, and also before the Governor and Council, a statement of all monies raised by the sale of the said Exchequer bills and paid over to the treasurer of the island.

The Committee of Public Accounts is to supply the treasurer with the sum required for the purposes of this Act out of the sum advanced and lent to the island under the authority here mentioned.

10. And to encourage the building of the said churches, be it also enacted, by the authority aforesaid, that all persons being parishioners, who shall contribute by subscription towards the rebuilding of any of the aforesaid churches, shall have choice of pews at the rates fixed for the rent thereof by the vestry and churchwarden of any such parish, with the consent of the rector and approval and sanction of the bishop, in the order of their amount of subscription, and as to subscribers of the same amount in the order of their subscriptions; and it shall also be lawful for the vestry and churchwarden of any such parish, with the consent of the rector and sanction of the bishop, to discharge any such subscribers to the rebuilding of any such church wholly or in part from the payment of pew-rents therein, for a limited time or for life, in such proportion to the amount of their respective subscriptions, as they shall think fit, and may allow any such subscriber, on removal from the parish, to assign the remainder of his time to any other parishioner and inhabitant.

Parishioners subscribing to the rebuilding of their churches to have the choice of pews at fixed rents, or with the consent of the rector, &c., to be discharged therefrom altogether.

11. And whereas the grant of a certain sum of money to some of the parishes may be more acceptable to them than a loan, be it therefore enacted, that should the vestry of any parish prefer a grant to the extent of 500*l.* current money of this island instead of a loan, that such vestry may elect to take such grant, provided that before the treasurer shall be authorised to pay such grant he shall be satisfied by proper certificates, to be furnished by the vestry requiring the grant, that 500*l.* currency will complete the building of such church for which the grant shall be asked, and the vestry of such parish shall also furnish the treasurer with a certificate under the hand of the bishop of the diocese signifying that the erection of such church is according to a plan approved by him.

Where the vestry of any parish shall prefer a grant to a loan, the treasurer, upon satisfactory certificates, shall pay 500*l.* to the vestry of such parish.

Appendix, No. 99.

AN ACT to provide for the building of Houses of Correction and Police Establishments.—Passed 14th September, 1835.

WHEREAS it is expedient that there should be a police establishment and house of correction in each of the districts of this island, be it therefore enacted, by his Excellency Sir Lionel Smith, Knight Commander of the most honourable military Order of the Bath, Governor and Commander-in-chief of this Island, Chancellor Ordinary and Vice-Admiral of the same, the Members of his Majesty's Council and the General Assembly of this Island, and by the authority of the same, that it shall be lawful for the Governor or Commander-in-chief of this island for the time being, by warrant under his sign manual, to appoint three members of his Majesty's Council and five members of the General Assembly to be commissioners to carry this Act into execution, and also from time to time to fill up all vacancies that may happen by death or otherwise amongst the said commissioners, and until any such vacancies shall be filled up it shall be lawful for the surviving or continuing commissioners to act as if no such vacancy or vacancies had occurred.

Preamble.
Clause 1.
Three members of the Council and five members of the Assembly to be appointed by the Governor under his sign-manual. Commissioners to carry this Act into execution. Vacancies, how to be filled.

And be it further enacted, that all acts, matters and things which the said commissioners

Clause 2.
For Any five or more of

the commissioners, one being of the council, to constitute a board.

Clause 3.

Six spots of land to be purchased by the commissioners, one in each district, upon which police establishments are to be erected.

Clause 4.

The persons who are to contract for the sale of land to the commissioners, in trust, for the uses here mentioned.

Clause 5.

Lands found necessary for police establishments, and refused to be sold by the owner or possessor, shall be appraised and paid off, and the value thereof paid to the persons here named, to be laid out as here directed.

Clause 6.

Lands to be held by trustees free from incumbrances.

Clause 7.

The sale of any land for the purposes of this Act not to deprive the seller of his freehold rights.

Clause 8.

Commissioners to contract for erecting buildings at each police settlement in each district, and to cause signal posts to be erected.

Tenders for contracts to be advertised in the newspapers, and contractors to give security for the faithful performance of their contracts.

for the execution of this Act are by this Act authorised to do or execute may be done and executed by any five or more of such commissioners, one at least being of the council.

And be it further enacted, that the said commissioners shall be empowered, and they are hereby directed to purchase or complete the purchase of six spots or parcels of land, with or without buildings thereon, one in each of the districts of this island, in such convenient situations as may be best adapted from their locality for the erection of police establishments and houses of correction, provided that none of such spots or parcels of land shall exceed two acres.

And be it further enacted, that it shall be lawful for all bodies politic and corporate, and also for all guardians, committees, husbands and trustees, and for all other persons who are or shall be seised, possessed of or interested in any lands or buildings which shall be deemed necessary for the purposes of this Act, to contract or agree for the sale of, and to sell, convey and assure such lands or buildings unto such persons as shall be named by the said commissioners, in trust, and for the purpose of erecting thereon such police settlements and houses of correction.

And be it further enacted, that in case the owner or owners, or any such corporation, guardian, committee, trustee or other person interested in any lands which shall be deemed necessary for the purpose of erecting thereon any such police establishments and houses of correction, shall refuse to treat or accept such price as shall be offered by the said commissioners, or otherwise not agree for the sale of such land, it shall be lawful for the said commissioners to have the same valued by a jury to be summoned and held in the manner prescribed by the Act of this island directing the mode of proceeding in the laying out of jury roads, and upon payment of the valuation so to be ascertained, that is to say, first in or towards the payment and discharge of any sums due or charges or incumbrances and liens, if any, affecting the said land, and then to the owners of such land, or to such corporation, whether sole or aggregate, or to such guardian, committee, husband or trustee, to be laid out by such body corporate, guardian, committee, husband or trustee in the purchase of other lands or hereditaments for the use of such body corporate, or of such infant, lunatic, feme covert or other person or persons labouring under any other disabilities, the owner or owners of such land, and also the owners of any such incumbrances, charges and liens respectively, and every such body corporate, guardian, committee or trustee shall make and execute, or procure to be made and executed, to such person or persons as shall be named by the said commissioners, and to the heirs of such person or persons, a good and sufficient conveyance or good and sufficient conveyances, thereby granting, releasing and assuring to them the said lands, with any buildings that may be thereon, in trust for the purposes of this Act; and immediately upon payment or tender of such valuation as aforesaid, the said land, building and premises so valued shall vest in the person or persons to be named by the said commissioners and his and their heirs, in trust, and for the purpose of having police establishments formed and houses of correction erected thereon; and such person or persons shall be deemed in law to be in the actual seisin and possession thereof to all intents and purposes whatsoever as fully and effectually as if every person having any estate in the premises in possession, remainder, reversion or expectancy, or any charge, incumbrance or lien thereon, was of full age and of sound mind and memory, and had actually and duly conveyed the same to such trustee or trustees by lease and release, bargain and sale, feoffment, with livery of seisin, or any other legal conveyance whatsoever.

And be it further enacted, that all lands and hereditaments which shall become vested in such trustee or trustees, or his or their heirs, for the purpose of this Act, shall be held by such trustee and trustees, and his and their heirs, free from all liens and incumbrances whatsoever.

Provided always, and be it further enacted, that if in the appropriation of any such parcel of land for the purposes of this Act it shall so diminish the lands of any person as to deprive such person of the rights and privileges of a freeholder, then and in such case the fee simple of the land so purchased or appropriated as aforesaid shall be deemed and considered as still being in such person so far as to preserve to such person the rights and privileges of a freeholder, but not further or otherwise or for any other purpose whatsoever.

And be it further enacted, that the said commissioners shall cause the buildings necessary for such police settlements and houses of correction to be erected on such plan or plans as may appear to them best suited to each of the said several districts, and shall contract and agree with proper persons for the erection of such buildings on each of the several spots or parcels of land as may be necessary for such police settlements; such buildings to be built according to such plan or plans as aforesaid, and subject to such alterations as from time to time may seem to the said commissioners to be necessary and expedient; and the said commissioners are also hereby empowered and required, from time to time, to cause such necessary repairs to be made to such buildings as shall be required; and at each of the said several stations or settlements there shall be erected a signal post, so as to communicate by telegraph with each other, or with any one or more of the signal posts already established. And the said commissioners are hereby authorised to execute any agreement in writing, on behalf of the public, with any person or persons to be employed in the erection of such buildings, and for completing the same in a proper and workmanlike manner: provided always, that tenders for such contracts shall be advertised in one or more of the newspapers of this island, and that the lowest and most eligible tender, if approved, shall be accepted by the said commissioners; and they are hereby required to take a bond or bonds from the contractor or contractors, in such penalty or penalties as shall seem proper to them, and with two good and sufficient

sufficient sureties, to be approved of by them, for the due and prompt performance of his or their contract or contracts; and from time to time, as any sum or sums of money shall become due to the person or persons from whom such spots or parcels of land, as aforesaid, shall have been purchased, or to such contractor or contractors, under and by virtue of any such contract or contracts, as aforesaid, or for repairs, the said commissioners shall draw an order or orders on the treasurer of the island for the payment of such sum or sums of money to such person or persons, or to such contractor or contractors, or for repairs respectively; which order or orders the treasurer is hereby directed to pay out of any monies that may be in the treasury. And the said Commissioners, if they shall think proper, are hereby also authorised to appoint some competent person or persons to inspect and survey the said buildings, and see that the same are finished in a faithful and workmanlike manner, and according to the contract or agreement for building the same; and such person or persons, so to be appointed, shall receive such remuneration for his or their trouble as shall be agreed upon by the said commissioners and such person or persons. And the said commissioners are hereby authorised to draw an order or orders on the treasurer of the island for the payment of such remuneration to such person or persons, which order the treasurer is hereby authorised and required to pay.

And whereas certain contracts have been entered into for the purchase of lands and erecting of police establishments, and other necessary things for the use of the police, and certain lands have been appropriated for these purposes, and particularly a certain part of the glebe land of the parish of St. Michael hath been so appropriated by certain commissioners acting under the authority of a certain Act of this island which passed on the 14th day of July 1834, being an Act for the establishment of a rural police for this island, and for the erection of houses of correction, but which Act has been disallowed by His Majesty; and whereas it is desirable that all contracts so entered into, and all lands so appropriated, and all buildings began to be erected thereon, should be carried into effect and completed; be it therefore enacted, that the commissioners to be appointed under the authority of this Act are hereby authorised and required to ratify and confirm all such contracts, or if necessary, to enter into any new contract or contracts with the parties touching the premises. And the said commissioners are hereby authorised to draw an order or orders on the treasurer of the island for the payment of any sum or sums which may be due and owing to any person or persons from whom any such lands have been purchased, or with whom any such contract or contracts have been entered by the said former commissioners, which order or orders the treasurer is hereby directed to pay out of any monies that may be in the treasury. And the said commissioners are hereby directed to pay unto the rector of the parish of St. Michael such sum and sums of money as shall have been agreed upon by the said former commissioners, or as shall be agreed upon by the commissioners to be appointed under the authority of this Act, with the said rector, with the consent of the patron and of the bishop of the diocese, as the purchase-money of the said piece of land so appropriated for the erection of a police establishment and house of correction, and also such further sum as the said commissioners shall consider as an equivalent for the materials taken from the other parts of the said glebe land, to assist in the erection of the said police establishment and house of correction for the district of St. Michael, and to draw upon the treasurer for the same; and the rector of the said parish, on receiving payment thereof, is hereby required to invest all such sum and sums of money so paid to him in the purchase of such other land or hereditaments for the benefit of himself, and his successors, rectors of the said parish, as shall be sanctioned by the patron and bishop of the diocese.

And be it further enacted, that the Committee of Public Accounts is hereby required to allow to the said treasurer in his accounts all sums of money so drawn for as aforesaid; and also all other sums of money which shall have been previously drawn for by the persons appointed commissioners under the said disallowed Act, and which shall have been appropriated for and towards the payment of the purchase-money of any such lands, or the erection of any such buildings to serve as police establishments and houses of correction in any of the said districts, or for the supply of necessary things for the use of the police.

Appendix, No. 100.

(Enclosure in Sir *Lionel Smith's* Despatch, 30th December 1835. No. 228.)

AN ACT to amend an Act, intituled "An Act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers."—(Passed 2d December 1835.)

WHEREAS by an Act of this island, made the 5th day of June 1834, intituled "An Act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers," it is enacted, that for the purposes of the said recited Act, the island of Barbadoes should be, and the same was thereby declared to be divided into judicial districts, in the manner that should be thereafter determined by the Governor and Council, by an Order in Council to be made and published for that purpose; and it was further enacted, that one or more special justice of the peace, to be nominated as thereinafter mentioned, should be appointed to each of the said districts, and should have, exercise and enjoy a sole and exclusive jurisdiction, and should

BARBADOES.

Appendix, No. 99.

Commissioners to draw orders on the treasurer for money due to contractors or otherwise. And to appoint an inspector of the buildings when finished, and to draw an order on the treasurer for payment to such person of the sum agreed on as a remuneration for his trouble.

Clause 9. Commissioners to confirm former contracts or enter into new ones, and to draw orders on the treasurer for payment of any money due for the purchase of lands, and

to pay to the rector of the parish of St. Michael the amount agreed upon as the purchase-money of a piece of the glebe land for a police settlement, and such further sum as they shall consider equivalent for materials taken for erecting the police establishment. The rector to invest the money so paid him in the purchase of other lands.

Clause 10. All money paid by the treasurer to the order of the commissioners to be allowed by the Committee of Public Accounts.

Preamble.

BARBADOES.

Orders in Council
and
Colonial Laws.

Appendix, No. 100.

Clause 1.

The Governor, with the consent of the Council, to transfer any number of estates, &c. from one district to another.

solely and exclusively take cognizance of all offences committed, or alleged to have been committed by any apprenticed labourer, or by his or her employer in such their relation to each other, and of the breach, violation or neglect of any of the obligations owed by them to each other, or of any question, matter and thing incident to or arising out of the relations subsisting between such apprenticed labourers and the persons respectively entitled to their services, within the district for which any such special justice of the peace should be appointed. And whereas six districts were established in this island, which distribution of districts was subsequently confirmed by an Act passed the 24th day of April 1835, five whereof were composed of two parishes each, and one district was composed of the parish of St. Michael and town of Bridge-town; and whereas it has been found by experience that some of the districts so established under the aforesaid Act are more populous than others, whereby the duties of the special justices are unequally assigned, creating a delay in the administration of justice; it is hereby enacted by his Excellency Sir Lionel Smith, Knight Commander of the most honourable military Order of the Bath, Governor and Commander-in-Chief of this Island, Chancellor Ordinary and Vice-Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that from and after the passing of this Act, it shall be lawful for the Governor or Commander-in-chief of this island, from time to time as he may see fit, by and with the consent of the Council, to order and appoint any number of estates, places or houses to which apprenticed labourers are attached, to be named by him, to be transferred from one district to another district, notice whereof shall be published in one or more of the newspapers of this island; and the said estates, places or houses, when so named and appointed to be transferred as aforesaid, shall, until order to the contrary, by the Governor and Council, be transferred and form part of the district to which they shall be appointed, in like manner and to all intents and purposes as if they had been originally affixed to such district by the Act aforesaid. And the special justices and police-officers of the district to which any such estates shall be transferred, shall, and they are hereby authorised and required, without any further or other authority or commission for such purpose, to exercise all necessary and proper jurisdiction in, over and upon such estates, places or houses, and the apprenticed labourers thereon, for the purpose of giving effect to the above in part recited Act, any law hitherto to the contrary notwithstanding.

Appendix, No. 101.

(Enclosure in Sir *Lionel Smith's* Despatch, 30th December 1835. No. 228.)

AN ACT for the better regulating the Common Gaol of this Island.—(Passed 9th December 1835.)

Preamble.

Clause 1.

Administration of gaol placed under a board of superintendence.

Rules, &c. of the board to be approved by the Governor in Council.

WHEREAS it is expedient that great reforms should be made in the regulations and government of the common gaol of this island; and whereas the laws now in force do not adequately provide for these objects; be it therefore enacted, by the Governor-general, Council and Assembly of this island, and by the authority of the same, that from and after the passing of this Act, the administration of the common gaol of this island shall be vested in a board of superintendence, to be composed of the bishop of the diocese, or in his absence, the archdeacon, or in his absence, the rural dean of this island, the Honourable the President of His Majesty's Council, the Speaker of the House of Assembly, the three police magistrates of Bridge-town for the time being, and two members of His Majesty's Council, and two members of the House of Assembly, to be nominated by the Governor-general or Commander-in-chief of this island for the time being, and all Acts of such board of superintendence, and the proceedings of the same, and all new rules and regulations which shall from time to time be made by them, in addition to those laid down and appended to this Act, shall be first submitted for the approbation and consent of the Governor in Council, and after such approbation be valid and binding.

Clause 2.
Times of meeting.

Rules to be entered. Provost-marshal and officers to observe such rules.

And be it further enacted, that the said board of superintendence shall meet on the first Monday of every month, or oftener should they think fit, and that any five of them shall constitute a board to enter on the business and purposes of this Act, and that they shall at their meetings enter or cause to be entered in a book all orders or injunctions which they may issue, and all new rules and regulations which may have been assented to by the Governor in Council; and the provost-marshal, or his lawful deputy resident in this island, his officers, gaolers and assistants of every grade, are hereby required to execute and diligently observe the same.

Clause 3.
Town-hall committee to make alterations, &c. to the gaol, sanctioned by the Governor in Council.

And be it further enacted, that the said board of superintendence shall call on the Town-hall Committee to make such alterations, additions or improvements to the building commonly called and used as the common gaol of this island, as in the judgment of the said board of superintendence, and sanctioned by the Governor in Council, shall appear to them necessary for the health, custody, classification and improvement of the prisoners committed to the said gaol; and the said Town-hall Committee are hereby required as speedily as possible to have made and constructed all such cells, alterations, additions or improvements as shall be pointed out to them and declared to be necessary by the said board of superintendence, and the costs and expense attendant upon such work shall be paid by the treasurer of the island, and be allowed by the Committee of Public Accounts.

And

And be it further enacted, that the provost-marshal of this island for the time being shall appoint a gaoler, turnkey, matron, superintendent of tread-mill and all subordinate officers to be appointed by and under the authority of this Act. Provided nevertheless, that every such gaoler, turnkey, superintendent of tread-mill or subordinate officer shall produce to the board such testimonial of character as shall be satisfactory to the said board, and shall take an oath before some one of the said police magistrates for the faithful discharge of their duties, and shall receive for their respective salaries as follows: to the gaoler, 150 *l.*; to a turnkey, 50 *l.* per annum; to the superintendent of tread-mill, 50 *l.* per annum; to the matron, 50 *l.* per annum, to be paid quarterly from the treasury of this island. The gaoler and turnkey shall reside constantly within the walls of the gaol, and shall never leave the same, even for the shortest period, without leave from the provost-marshal, and appointing such person as he shall approve to act in their or his stead, and the person becoming the *locum tenens* of the said gaoler or turnkey, shall be subject to any penalties for escape of prisoners or other misconduct which any gaoler or turnkey shall be subject to under any law in such case provided. And provided that no gaoler, turnkey, superintendent of tread-mill, matron or other officer employed in the service of the said gaol, shall at any time exact or receive any fee or garnish-money on entrance or discharge, or at any other time, from any prisoner committed to the said gaol, or shall vend by themselves, or by their deputies, any article, or carry on any trade, or keep any horse, cow, mule or ass, or any poultry, or derive any profit whatever, in or from the premises contained within the walls of the said common gaol, save and except his or her salary as aforesaid, on pain of being suspended for such or any other illegal and improper conduct by the provost-marshal or his deputy, or by order of the board of superintendence.

And be it further enacted, that a chaplain of the Church of England shall be appointed to the said common gaol of this island, who shall read prayers at least twice a week to the prisoners in the said gaol, and on Sundays, Christmas-day and Good Friday, and shall attend all criminals, and shall have access at all times to the prisoners. And it shall be lawful for the Governor or Commander-in-chief for the time being, as patron, to nominate and appoint such chaplain, who, when nominated and appointed, shall, so long as he shall fully and effectually execute the duties of his situation, receive from the treasurer of the island a salary of 50 *l.* per annum, to be paid half-yearly on the certificate of the board.

And be it further enacted, that any prisoner who may be a dissenter, and who may be desirous of conferring with any catholic or dissenting minister, shall make application for the same to the provost-marshal or his deputy, specifying the minister whom he or she shall desire to communicate with, and the provost-marshal, or his deputy, is hereby required to give a ticket of admission to such catholic or dissenting minister, after inquiring into his character for the purposes aforesaid.

And it shall be lawful for the Governor or Commander-in-chief of this island for the time being, by warrant under his hand and seal, to nominate and appoint some competent surgeon or medical man to administer medical relief to the prisoners in the said gaol, and such medical man shall visit the said prisoners in the said gaol at least twice a week, or oftener, and shall inspect every criminal contained therein, leaving it to debtors to call for him at their discretion, and shall make quarterly reports of the health of the said prisoners to the board of superintendence, and in the event of the appearance of any contagious distemper shall make immediate report of the same to the Governor or Commander-in-chief for the time being, and shall perform all surgical operations which may be required by the prisoners in the said gaol, and shall prescribe and furnish medicines for the same; and such surgeon shall receive a salary, payable half-yearly from the treasury of the island, of 75 *l.* per annum.

And be it further enacted, that whenever any prisoners shall be committed to the common gaol of this island with sentence to hard labour, and no profitable labour in or out of doors shall be specified by the court or justices, it shall always be understood that such sentences shall include labour on the tread-mill, and the provost-marshal or his deputy shall, with the consent of two or more of the said police magistrates, order such prisoners to be worked on the tread-mill, in such degree as they shall consider proper in the case, and in such manner as is hereafter laid down in Appendix (A).

And whereas it is expedient that certain rules and regulations for the management and discipline of the said gaol and the prisoners therein contained, and for working of the tread-mill, and the treatment of prisoners should be laid down, be it enacted, by and with the authority aforesaid, that the following rules and regulations shall be observed and carried into effect in the said common gaol of this island:—

Rule 1. The matron shall superintend the female prisoners, shall maintain the greatest decency, and no gaoler, turnkey or male officer shall ever enter the female wards without her, or, in case of her unavoidable absence, without some female prisoner.

2. The gaoler or keeper shall visit every ward and cell once in 24 hours, and shall report to the provost-marshal whatever he may see or hear amiss, and shall keep a journal of and record all punishments inflicted by himself or by his authority, or by that of any police magistrate, and the cause and occasion thereof, and the day when it took place, and of all occurrences of importance within the prison, which shall be laid before the board of superintendence at their meeting.

3. The male and female prisoners shall be confined in separate parts of the prison, so as to prevent them from seeing, conversing or holding any intercourse with each other, and the female debtors shall be separated from the criminals.

Clause 4.
Provost-marshal to appoint a gaoler, turnkey, matron, superintendent of tread-mill, &c.
Proviso.
Salaries of gaoler, &c.
Gaoler and turnkey to reside within the prison.

No fees to be taken from prisoners.

Gaoler, &c. not to trade or derive any profit from the premises.

Clause 5.
Chaplain to the gaol to be nominated by the Governor.

Chaplain's salary.

Clause 6.
Dissenters and Catholics may confer with their own ministers.

Clause 7.
The Governor to appoint a medical gaol.

His salary.

Clause 8.
When tread-mill may be substituted for hard labour.

Clause 9.
Rules for discipline of gaol and working of tread-mill, &c.

Matron's duties.

Gaoler.

Male and female prisoners to be separated.

- Debtors.** 4. All male debtors, and prisoners confined for contempt of court on civil process, or for want of surety, shall be kept separate from prisoners convicted of felony, misdemeanors, or on charge of felony or misdemeanors.
- Silence.** 5. The most perfect silence shall be insisted on and maintained throughout the prison at all times.
- When irons to be used.** 6. No prisoners shall be put in irons by the keeper except in cases of urgent and absolute necessity, and immediate notice thereof shall be given to one of the police magistrates, and he shall continue the use of the said irons on any prisoner no longer than he shall have the sanction or order of the said police magistrates in writing; and such order shall be preserved by the gaoler as his warrant for so doing, and shall be produced to the board of superintendence at their first meeting.
- Prisoners' food.** 7. Every prisoner maintained at the expense of the island shall be allowed a sufficient quantity of plain and wholesome food, regard being had to the state of health and the nature of the labour required from or performed by such prisoner, such food to be regulated and contracted for by the said board of superintendence.
- Food, &c.** 8. Prisoners who do not receive any allowance from the island, whether confined for debt or before trial for any offence, shall be allowed to procure for themselves and to receive, at proper hours, any food, bedding, clothing or other necessaries, subject to strict examination, and under such limitation and restriction as may be deemed expedient by the board of superintendence, to prevent luxury and extravagance within the walls of the prison; but no prisoner who is confined under sentence of any court, or in pursuance of any conviction before a justice, shall receive any food, clothing or article other than the gaol allowance, unless by permission of the said board of superintendence or by one of the police magistrates, at the recommendation of the surgeon.
- Admission of strangers.** 9. Provision shall be made by the board of superintendence for the admission, at proper times and under proper restrictions, of persons with whom prisoners of all descriptions may desire to communicate or correspond.
- Cleanliness.** 10. The walls and ceilings of wards, cells, rooms and passages used by the prisoners throughout the said prison shall be scraped and lime-washed once in six months, and the floors washed and scoured once a week, or oftener if necessary, and adequate conveniences shall be provided for the prisoners to wash and cleanse themselves.
- Air and Exercise.** 11. Prisoners shall be allowed as much air and exercise as shall be deemed proper for the preservation of their health.
- Spiruous liquors, &c.** 12. No tap shall be allowed to be kept in the prison, nor shall any wine, spirits or fermented liquors of any kind be admitted for the use of any prisoners therein, save and except in such quantities, in such manner and at such times as shall be allowed by the surgeon and confirmed by the board of superintendence.
- Gaming.** 13. No game of chance of any description, either for money or amusement, shall be permitted within the walls of the prison, and the keeper shall seize all dice, cards or other instruments of gaming, and destroy the same forthwith.
- Death of prisoners.** 14. Upon the death of a prisoner, notice thereof shall be given by the keeper forthwith to one of the police magistrates, and, if necessary, to the coroner of the parish of St. Michael, and to the nearest relations of the deceased if practicable; and no prisoner confined in the said prison at the time of the death of any other prisoner, shall sit as a juror on any inquest held by the coroner on the body of any deceased prisoner.
- Clause 10.**
Additional rules,
how to be made.
- And be it further enacted, that the said board of superintendence, or any five of them, shall make all such further and additional rules and regulations as shall from time to time seem to them expedient and proper for the good government of the said gaol.

Clause 11.
Rules relating to
tread-mill.

And be it further enacted, that the rules and regulations appended to this Act, marked (A), shall be the rules and regulations under which punishment on the tread-mill shall be administered; provided always, that it shall be lawful for the said board of superintendence, or any five of them, to alter and amend the said rules and regulations for the working of the tread-mill, and to add to them as shall seem fit and necessary in their judgment.

(A.)—Rules and Regulations for the Tread-mill.

1. That the time for inflicting all punishments on the tread-mill shall be between the hours of seven o'clock in the morning and four o'clock in the afternoon, Sundays, Good Fridays and Christmas Days excepted.

2. That no person shall be worked on the tread-mill for a longer spell than 10 minutes at any one time, with intervals of a quarter of an hour between each spell, and one hour being allowed for breakfast and another for dinner.

3. That all punishments shall be divided into the following classes:—

Class No. 1 to constitute a period of 10 minutes.

Class No. 2 to constitute a period of 8 minutes.

Class No. 3 to constitute a period of 5 minutes.

4. That no female being quick with child shall be punished on the tread-mill; and suitable dresses and blankets be provided at the public expense for all persons ordered to be worked on the tread-mill.

5. That the superintendent shall give his constant attendance at the mill whilst any punishments are going on, and shall also perform all such duties as shall be required of him by such regulations as shall be from time to time made for the working and government of the tread-mill.

6. That

6. That the superintendent shall keep in a book, to be provided by him for such purpose, a journal of all proceedings, according to the following Schedule, the same to be at all times subject to the inspection of the members of the legislature and the acting justices of the peace, whether stipendiary or not; that a list of the persons punished be returned to the police magistrates on every Monday by the superintendent.

JOURNAL of the Proceedings at the Tread-mill, *Barbadoes*, commencing on the _____ day of _____ 1835.

BARBADOES.
Orders in Council and Colonial Laws.
Appendix, No. 101

| Name of the Individual Punished, and whether Apprenticed Labourer or not. | In whose Employment. | By what Justice of Peace sent. | When sent. | For what Offence. | Punishment ordered. |
|---|----------------------|--------------------------------|------------|-------------------|---------------------|
| | | | | | |

Appendix, No. 102.

(Enclosure in Sir *Lionel Smith's* Despatch, 30th December 1835.—No. 228.)

AN ACT the better to regulate the Sale of Goods, Wares and Merchandize by Itinerant Vendors in and about the Roads and Streets of this Island.—Passed 9th December 1835.

Appendix, No. 102.

WHEREAS it has been found that the sale of goods and small wares through the roads and streets of this island by itinerant vendors is a great injury to established shopkeepers, and furnishes a great facility and temptation to dealers in stolen and smuggled goods, for remedy whereof and the better to regulate the sale of such goods and small wares, be it enacted, by his Excellency Sir Lionel Smith, Knight Commander of the most honourable military Order of the Bath, Governor-general and Commander-in-chief of this Island, Chancellor, Ordinary and Vice-Admiral of the same, the honourable the Members of His Majesty's Council and the General Assembly of this Island, and by the authority of the same, that from and after the passing of this Act, any free person who shall be desirous of exercising the calling or trade of hawker, pedlar or petty chapman shall produce to the treasurer of this island for the time being a character or recommendation in writing, signed either by some clergyman or justice of the peace, or the churchwarden of the parish to which he or she belongs, declaring that he hath had knowledge of such person for at least 12 months then last past, and that such person is of free condition, and is of fair character and reputation and a fit person to exercise the trade or occupation of a hawker, pedlar or petty chapman; and if the said treasurer shall be satisfied that such written statement or declaration bears the proper signature of such clergyman, justice of the peace or churchwarden by whom the same purports to have been signed, he shall give the person in whose favour the same may have been made a printed license, signed and subscribed by himself as treasurer, authorising such person to carry on and exercise the calling or trade of hawker, pedlar or petty chapman through all the roads, streets or lanes of this island, for one whole year from the date thereof, upon his or her paying for such license the sum of 50 s. current money of this island, which sum the said treasurer, after deducting the sum of 5 s. as a remuneration for his trouble therein, shall pay into the public treasury of this island.

Preamble.

Clause 1.

Hawkers and Pedlars to take out an annual license and to produce a character to the treasurer

50 s. currency to be paid for such license.

Clause 2.

Apprenticed labourers may be employed by hawkers, &c. under the restrictions herein, and paying 25 s. for each so employed (after the first).

Hawkers employing carts, &c. to pay for a license therefor 5 l.

Clause 3.

Licenses to be produced when required, or in default to forfeit 25 s.

And be it further enacted, that if any such free person as aforesaid shall be desirous of exercising such calling or trade by making use of any apprenticed labourer as a carrier, such free person shall, on application for his or her license, name the apprenticed labourers intended to be employed as carriers, and shall make oath, that to the best of his or her belief such apprenticed labourers have never been convicted of any felony, larceny or misdemeanour, and are of fair character; and such free person shall pay for every such apprenticed labourer after the first, intended and announced to be employed as carriers (in addition to his 50 s. for his own license), the sum of four dollars; and if such free person is desirous of using, in his or her trade of hawker and pedlar, any cart or other vehicle, or any horse, mule or ass, or other beast of burthen, in carrying about any goods, small wares or other articles or things, for sale, he or she shall be entitled to a license for such purpose and for such period of time as aforesaid, from the said treasurer, upon payment of the sum of 5 l. current money aforesaid, to be paid into the public treasury, after deducting thereout the sum of 5 s. by the said treasurer as a remuneration for his trouble therein.

And be it further enacted, that every person so exercising the calling or trade aforesaid shall at all times when thereto required by any police officer, constable, justice or parish officer, or the master or mistress of any house he or she shall call at, produce and exhibit his or her license for hawking, peddling and vending articles as aforesaid; and in default thereof, he or she shall, on conviction before a justice of the peace, forfeit the sum of 25 s. current money of this island, to be levied and raised in a summary manner, as in the case of servants' wages, one moiety thereof to the use of the informer, and the other moiety to be paid into the public treasury.

Clause 4.
Persons hawking,
&c. without license
to forfeit 10*l.*

And be it further enacted, that if any person shall presume, from and after the passing of this Act, to exercise the calling or trade of hawker, pedlar or petty chapman without having first obtained a license for that purpose in manner as aforesaid, he or she shall forfeit the sum of 10 *l.* current money of this island, to be recovered and applied as aforesaid.

Clause 5.
Hawkers to have
their names, car-
rier's name, and
number of license,
and the words
"licensed hawker,"
printed on the box,
&c. under penalty
of 5*l.* and the loss of
license.

And be it further enacted, that every person who, under the authority of this Act, shall carry about any goods, small wares or other articles for sale, shall have his or her name or names, and the names of his carriers, and the number of his or her license, and also the words "licensed hawker," printed in legible characters on the outside of the box, tray, package, cart or other vehicle made use of in the carrying of such goods, small wares or things, and in default thereof he or she shall forfeit the sum of 5 *l.* current money aforesaid, to be recovered and applied in manner as aforesaid; and he or she shall also forfeit and be deprived of the further use of his or her license, and shall be incapacitated from exercising the calling or trade of hawker, pedlar or petty chapman for the remainder of the then unexpired term of such license.

Clause 6.
Hawkers convicted
of dealing in stolen
goods, illicit traffic,
selling spirits, &c.
to forfeit licenses,
&c.

And be it further enacted, that if any person so licensed to carry on the calling and trade of hawker, pedlar or petty chapman shall be convicted of dealing in stolen goods or holding any illicit traffic, or of vending spirits or wine, or malt liquor or strong liquors of any kind for drink, he or she shall, in addition to any punishment imposed by law for such offence, be forthwith deprived of his or her license, and for ever after incapacitated from exercising the calling or trade of hawker, pedlar or petty chapman.

Clause 7.
Sitting in any road,
&c. to sell goods, &c.
subject to 50 *s.*
penalty.

And be it further enacted, that if any hawker, pedlar or petty chapman shall sit in any road, street, square, lane or alley for the purpose of selling or disposing of any goods, small wares or other articles or things, such person so offending shall for every such offence forfeit the sum of 50 *s.* current money of this island, to be recovered and applied in manner as aforesaid.

Clause 8.
Not to sell by auc-
tion under penalty
of 5*l.*

And be it further enacted, that it shall not be lawful for any licensed hawker, pedlar or petty chapman to sell or dispose of any article or thing by auction to the highest bidder, under pain of forfeiting the sum of 5 *l.* current money, to be recovered and applied in manner as aforesaid.

Clause 9.
Not to extend to
selling in the public
markets, &c. or sell-
ing of bread.

And be it further enacted, that nothing in this Act contained shall extend or be construed to extend to the selling or disposing of any articles or things by wholesale or retail in the public or general market of this island, or to the carrying to market along the roads or streets of this island any article or thing there to be sold or disposed of, or to the selling or disposing of bread, agreeably to the Acts of this island in such case made and provided.

Clause 10.
Former acts re-
pealed.

And be it further enacted, that all Acts and clauses of Acts now in force relating to hawking and peddling, and all Acts and clauses of Acts thereby repealed, shall be and the same are hereby repealed and declared to be null and void, and shall from henceforth stand and remain repealed.

Clause 11.

Present holders of
licenses to be repaid
as here mentioned.

And whereas sundry persons are now engaged in hawking and peddling by virtue of licenses issued under the authority of the Act relating thereto, and which is hereby repealed, and whereas it is deemed expedient to provide for repaying to the parties holding such licenses a proportion of the sum of money paid for the same equal to the unexpired term of such license; be it therefore enacted, that the treasurer of the island shall pay, and he is directed to pay to the holder of every license issued and now in force under the authority of the aforesaid Act, a proportion of the sum paid for the same equal to the unexpired term of the said license.

Appendix, No. 103.

(Enclosure in Sir *Lionel Smith's* Despatch, 30th December 1835.—No. 228.)

Appendix, No. 103. An Act for the establishment of Rules and Regulations for the Government and Discipline of the Rural Police of this Island.—(Passed 9th December 1835.)

Preamble.
Recites 5 William 4,
chap. 27.

WHEREAS by an Act of this Island, intituled "An Act for the temporary establishment of a Rural Police for this Island," the Governor is authorised to nominate and appoint serjeants, keepers of houses of correction and police officers for the several districts therein mentioned, who are declared to hold their respective offices under such rules and regulations as shall be settled by the Council and Assembly, and approved of by the Governor or Commander-in-chief for the time being; be it therefore enacted, by the Governor, Council and Assembly of this island, and by the authority of the same, that the following rules and regulations shall be observed and carried into effect within the several districts of this island:—

Clause 1.
Rural police, rules
for the government
and discipline of.

Rule 1. The special justices of the peace appointed for carrying into effect the Act of this island for the abolition of slavery, for the government of apprenticed labourers, and for enforcing and ascertaining the reciprocal duties between them and their employers, shall, during the system of apprenticeship established by the said Act, have the immediate superintendence of their respective police settlements, and the rural police force within their respective districts shall be under their immediate orders.

BARBADOES.

Orders in Council
and
Colonial Laws.

Appendix, No. 103.

2. The police force of each district shall form a company, and shall be commanded by the serjeant of the district.

3. The serjeant and police officers of each police district shall yield prompt obedience to the special justice of such district for carrying into execution the said Act of this island for the Abolition of Slavery, for the government of apprenticed labourers and for ascertaining and enforcing the reciprocal duties between them and their employers, and also for preserving the general peace and tranquillity of such district, and the prevention and punishment of crimes and the apprehension of offenders against the laws.

4. The several privates appointed to the different districts shall immediately on their enrolment be respectively numbered by the serjeant of such district, and shall be provided with the following dress, a blue cloth jacket, to be so made as to button up close to the chin, with a standing collar, on the right side of which shall be worked in white cloth the letter distinguishing the district to which such private belongs, and on the left the individual number of such private according to such enrolment, a pair of dark blue cloth trowsers, a blue cap with leather top, two pair of strong shoes, and a cloth cloak or great coat, such as is furnished to the soldiers in His Majesty's army. Each serjeant shall be provided with a blue cloth jacket with standing collar, on each side of which shall be worked in white cloth the letter distinguishing the district to which he belongs, and with three stripes of white cloth on the left arm; in other respects the serjeants shall be dressed as the privates are hereby directed to be; which said uniforms are to be worn by the said police officers at all times when on duty, and to be annually furnished to them at the public expense, on the requisition of the special justice to the treasurer of the island; each police officer shall in like manner be provided at the public expense with a staff, a sword or cutlass, a pair of pistols, a musket, a bayonet and a cartridge box, with a proper portion of ammunition, to be kept in the guard-house at the station when not in use; each sword, pistol, musket and cartridge box shall be numbered, and be considered as belonging to and be always used by the police officer having the same number, who is to keep them in proper order. When any police officers are out on duty the special justice of the district, if present, and in his absence the serjeant of the station, shall give the necessary orders as to the manner in which they shall be armed for the performance of such duty.

5. Each police officer shall devote his whole time to the police service, except on such days as he is exempt from duty.

6. He shall promptly obey all lawful orders which he may receive from the special justice, serjeant or any person placed in authority over him.

7. He shall conform to all regulations which may be made from time to time for the good of the service.

8. He shall not upon any occasion, or under any pretence whatsoever, take from any person any fee or reward without having first the permission of the special justice of this district.

9. He shall not quit the police force without giving a month's previous notice, under a penalty of 5*l.*, to be recovered as servants' wages on complaint to a justice of the peace by the serjeant of his district, and paid into the public treasury, or such penalty may be stopped out of his pay.

10. If he is dismissed the police force the whole of his pay then due to be forfeited.

11. Every police officer dismissed from the police, or who shall resign or quit the same, shall deliver up every article of dress and appointments which shall have been supplied to him, on forfeiture of double the value thereof, to be recovered as servants' wages on complaint made by the serjeant of the district to a justice of the peace; and if any such articles have been, in the opinion of the special justice of his district, improperly used or damaged, he shall forfeit a sum sufficient to make good the damage, to be recovered and applied in like manner, or supply a new article, and should he be entitled to any pay on quitting the service, any such forfeiture may be stopped out of his pay. The foregoing forfeitures to be to His Majesty, for the use of the island, and paid to the treasurer.

12. The mounted police officers shall provide themselves with good and efficient horses, to be approved of by the special justices of their districts, and such efficiency shall be subject to inspection and approval monthly by the said justices.

13. The special justice of each district may, if he think proper, appoint one of the police officers of the mounted body to be a corporal over them, and also one of those serving on foot to be a corporal over them.

14. The special justice of each district may, if he think fit, permit one-fourth part of the number of police officers belonging to his district to be off duty one day and night in each week, except Saturday and Sunday, during which the whole body of police officers shall be kept on duty. Should any of the police officers be guilty of any impropriety of conduct or neglect of duty, the special justice may in his discretion refuse him leave of absence when it comes to his turn to be off duty. Every police officer will be required to be in constant attendance at his district station during the whole of his time, unless employed on duty out of the station, or unless he be absent with leave of the special justice. Every mounted police officer shall patrol the roads of his district four hours in each 24; he shall take such part of the district as his serjeant, under the orders of the special justice, shall direct, and he will report to the serjeant on his return any other occurrences that may have taken place during his patrol. Each day will be divided into six patrols of four hours each, beginning at six o'clock in the morning and ending at six o'clock the following morning; and every police officer whilst on patrol, or in the performance of other duty, or even when off duty, shall apprehend all persons committing any felony or about to commit any felony, or whom he may have good grounds to suspect have committed or are about to commit any felony; and

BARBADOES.

Orders in Council
and
Colonial Laws.
Appendix, No. 103.

and he is also required to apprehend all persons whom he may find plundering any fields of canes, yams or other produce or provisions, and all persons having in their possession any stolen goods, knowing the same to have been stolen, and to apprehend all other persons whom, by virtue of the powers of a constable vested in him, it shall be his duty so to do, and bring the persons so apprehended to the station-house of his district, and deliver them into the custody of the serjeant, or in his absence into the custody of the keeper of the house of correction, and to make the earliest report thereof to the serjeant, who is hereby required to make immediate report to the special justice of the district at his office of the apprehension of such persons, and under the orders of the special justice to take the proper steps for bringing such persons to justice: provided, however, that the special justice, or in his absence the serjeant, if he deem it prudent, shall be and he is hereby authorised to take bail of such person or persons for his, her or their appearance; and every police officer, whilst on duty, is required and strictly enjoined to prevent, if possible, any misconduct on the part of drivers of waggons, carts or cranks, which he may see committed on any of the roads of this island, such as improperly driving, beating or ill-using cattle, or horses drawing such waggons, carts or cranks, or suffering persons to ride on any part of such vehicles, or improperly obstructing the roads, and to note the names of the proprietors and estates marked on such vehicles, and the time and place when and where any such occurrence shall take place, and to report the same to the serjeant of his district on his return, who is hereby required to give the necessary information to the parties aggrieved through the police force of this island, so that such parties may be enabled to bring the offenders to justice. The men coming off patrolling duty are to consider themselves liable to be called on at all times, and will prepare themselves when required, at the shortest notice. With a view to sudden emergencies, the serjeants must strictly adhere to the rules laid down for them, and not give any leave except with the permission of the special justice. The serjeant will be constantly at the station-house, except during occasional patrols to visit the men on duty; during such temporary absence he will nominate some officer whom he will leave in charge until his return: he will have the general charge and superintendence of his district at all times, and be answerable to the special justice for the proper performance of the duties laid down for him and the officers under him; and it will be his duty to obey and cause to be carried into execution the orders of the special justice of his district; he will also be answerable for the good order and regularity of the station-house, and see that the men are clean in their persons, and that their arms, accoutrements and appointments are in good order and repair.

The men, when going on patrolling duty, will be paraded by the serjeant, who will minutely inspect them to see that they are perfectly sober and correctly dressed and appointed, and anything to the contrary will be mentioned in his report to the special justice of his district.

The serjeant will keep a journal of duties, and enter each man's name against the patrol on which he is ordered.

At the hour of relieving the men, those on patrolling duty are not to come into the station-house until actually relieved; they will then come in and report themselves to the serjeant, who will examine them to see that they are sober and correctly dressed, and that the arms and accoutrements taken out with them are brought in.

The serjeants will deliver weekly to the special justices of their districts a written report, filled up according to a printed form to be furnished them, which report will contain all the occurrences of the week.

The foregoing are to be considered as general rules applicable to the ordinary routine of duty, which it would be proper that the police force should perform in order that the peace of the district may be preserved, crimes prevented and criminals apprehended; it however is not intended that the observance of these rules should interfere with the duties of the special justices in carrying the Slavery Abolition Act into force, or as applicable to sudden or extraordinary occurrences; the special justice of each district is therefore authorised to deviate from these rules occasionally when they interfere with the general duties required of him by the Slavery Abolition Act, as well as in all cases of emergency. In all cases of riots, combined insubordination or other dangers to the public peace, the special justices of the districts will be authorised and they are hereby required to make such dispositions of the police force under their respective commands as they, in their respective discretions, shall think fit for the preservation of the public peace; and any special justice, in any case of emergency, may order the whole or any part of the police force under his command to any other district, to assist in quelling any riot, disturbance or other dangers to the public peace. And the governor or commander-in-chief for the time being is hereby fully authorised, on all emergencies and dangers to the public peace, to issue such orders as he shall think proper to the special justices of the districts for the employment of the police force of their respective districts, in such manner as he may think proper for preserving the peace of the island.

Special justices may deviate from these rules in certain cases.

In cases of riot, combined insubordination, &c., how to act.

The governor, in cases of danger, may issue orders for employment of police force.

Keepers of the Houses of Correction.

Duties of the keepers of houses of correction.

The keepers of the houses of correction shall constantly reside at their respective stations, and shall have in charge and keep the keys of the cells and other places of confinement, and be responsible for the safe custody of the prisoners. They shall each regularly enter in a book to be provided for that purpose the names of all prisoners committed to the house of correction to which they are appointed, with the date of their commitment and the name or names of the committing justice or justices and punishment to be undergone by them; they are to reckon those employed in penal gangs on their going to and returning from work; they

they shall daily inspect the food of prisoners and see that it is properly cooked, and is of the quantity and quality directed to be given to the prisoners according to their different classes; they shall have under their charge and be responsible for all provisions and other stores which may be provided from time to time for feeding the prisoners, and keep a regular account of their issue and expenditure; they shall not sell, nor shall any person for them or employed by them sell, or have any benefit or advantage from the sale of any article to any prisoner, nor shall they directly or indirectly have any interest in any contract or agreement for the supply of the prison, nor shall they be concerned in any other occupation or trade whatsoever.

BARBADOES.

Orders in Council
and
Colonial Laws.

Appendix, No. 103.

Instructions for the Serjeants.

1. The serjeants of rural police, being placed in responsible situations and accountable to the special justices for the duties of their districts, will set a proper example to their men of sobriety, activity and diligence; they will enforce compliance with the standing rules and orders, and any which may in future be issued, with firmness and temper and without favour or partiality. On the proper and consistent performance of their duties, in fact, the whole discipline, usefulness and complete efficiency of the police depends; and it is therefore hoped that no cause of complaint may arise on their parts. They will be required to pay strict attention to the following rules:

Serjeants of police,
instructions for.

2. They will constantly reside at the district station.
3. They will receive their orders from and make their reports to the special justices of their districts on all points connected with the duties of their districts.
4. They will strictly obey all lawful orders received from the special justices for the proper performance of their duties, as they will expect the same submission from the men placed under their command.
5. They will be answerable for the good order and regularity of the men at their respective stations, and for the cleanliness of their persons, arms and appointments, and for this purpose they will have a minute weekly inspection of clothing, arms and accoutrements, and report to the special justices of their respective districts according to the form which will be supplied them by the special justices.
6. They will drill (as opportunity offers) the men of their respective districts, so that they may be made acquainted with their facings and marching, and with the manual, platoon and sword exercises, conforming themselves to such directions as shall be given to them for this purpose by the special justices.
7. They will make themselves acquainted by personal intercourse with the general characters and habits of each police officer in their districts, and report to the special justices of their respective districts what they may observe requiring notice.
8. If upon complaint made against a police officer, the serjeant should have reason to think his conduct blameable or deserving of punishment, he will so express himself in the report he makes of the circumstance to the special justice.
9. It is expected that serjeants will be able and ready to give instructions to their men in all points relating to duty.
10. In the event of any riot or disturbance taking place they will, if possible, send information to the special justice, so that he may repair to the spot; if not, they will report the circumstance as early as possible afterwards to him.
11. They will take charge of any property taken from any prisoners, until the decision of the magistrate is known; disposing of it in conformity with that decision.
12. They will on no account allow drinking in the station-house, beyond what is absolutely necessary for the refreshment of the men, and in case of drunkenness or insubordination on the part of any police officer, they are authorised to put him under arrest, until the circumstances can be reported to the special justice of his district.
13. They will occasionally patrol the roads of their respective districts during the day and night, to see that their patrols are alert on duty, and during such necessary absence, they will appoint some officer in whom they can place confidence to take charge of the station.
14. In case of any police officer being suspended, the serjeant will take from him all clothing and appointments he may have received, and see they are in good repair, deducting any deficiency from the amount of pay due to such person.
15. They will keep a journal of all occurrences and duties done by their officers, and when called upon by the special justices to assist in quelling any riot, they will mention it in their journal, stating the number of men employed, and how long it interfered with the regular routine of duties.
16. They will co-operate with the keepers of the houses of correction at their respective stations for the safe custody of the prisoners confined therein, and for the preservation of good order and regularity amongst them.

Instructions for the Rural Police Officers.

Every police officer in the force may hope to rise by activity, intelligence and good conduct to the superior station. He must make it his duty to recommend himself to notice by a diligent discharge of his duties, and strict obedience to the commands of his superiors, recollecting that he who has been accustomed to submit to discipline will be considered best qualified to command.

Privates, instruc-
tions for.

1. He will reside at the station-house of his district, except on those days on which he has leave from duty, employing himself diligently in the duties of his office; he will appear neat and

BARBADOES.

Orders in Council
and
Colonial Laws.
Appendix, No. 103.

and clean in his person and correctly dressed in the established uniform; his demeanor must be respectful to his serjeant and all those placed in authority over him.

2. He must readily and punctually obey the orders and instructions of the serjeant of the district. If they appear to him unlawful or improper, he may complain to the special justice, who will pay due attention to him, and if dissatisfied with his decision, he may complain to the Governor; but any refusal to perform the commands of his serjeant will not be suffered.

3. He will be furnished with a staff, a sword or cutlass, a pair of pistols, a musket, bayonet and cartridge-box, with a proper proportion of ammunition; these will be numbered to correspond with the number on his uniform jacket, and he will be required to keep them clean and in proper order; they will be lodged at the station, and the special justice will direct what portion of such arms and accoutrements shall be used on regular duty, as well as on all extraordinary occasions.

4. He shall not be allowed to take his arms or appointments from the station without orders, nor to cut, mark or alter any of them, nor to lend them to any other police officer, without the permission of the special justice.

5. He shall (when not off duty on leave) keep his horse at the station to which he belongs, and he shall not be allowed without leave of the special justice to use it for any other than police purposes.

6. He is not on any account whatever to enter any house when out on patrolling duty.

7. If during his patrol he sees anything likely to endanger the peace of the district, or cause any public inconvenience, he must instantly report the circumstance to his serjeant.

8. He will be civil and attentive to all persons, firm, yet temperate in the discharge of his duty on all occasions, and when called into active service he will be bold and decisive.

9. Every police officer having by law conferred on him all the powers and protections of a constable, he ought therefore to make himself acquainted with the duties and powers of a constable; this, while it will enable him to act with greater safety to himself, will at the same time inspire him with greater confidence and firmness in the discharge of his duties.

10. In taking persons into custody, he will bear in mind that the laws will not sanction him in doing more than is necessary for the safe custody of his prisoners; any instance of unnecessary violence or abuse of the powers or weapons placed in his hands will be severely punished.

11. He will continually bear in mind that there is no qualification so necessary for a peace officer as perfect command of temper; he must therefore never suffer himself to be ruffled in the slightest degree by any language or threats used towards him, but perform his duties in a quiet, determined manner; by this means he will gain for the police universal respect, and he may be assured of the fullest support and protection on all occasions.

12. For extraordinary exertions in the performance of his duties the police officer may rest assured that the special justices will recommend him to the Governor, and that his conduct will not be overlooked when opportunities offer to reward him.

13. He will be particularly careful to abstain from the use of intoxicating liquors, as they will completely incapacitate him for the proper discharge of his duties, and any instance of drunkenness on duty must be punished by dismissal.

Clause 2.
Copies of rules and regulations to be kept at every station.

And be it further enacted, that a copy of the foregoing rules and instructions shall be kept constantly placed in some conspicuous part of every police station for the guidance of police officers, by the respective serjeants of the districts.

Clause 3.
Serjeants and privates of police to be tried for offences herein mentioned by court-martial.

And be it further enacted, that every serjeant and private of police who shall begin, raise, abet, countenance, excite, cause or join in any mutiny, sedition or disturbance in the company to which he belongs, or in any party, post, detachment or guard, on any pretence, or who being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny, rebellion or insurrection, shall not, without delay, give information thereof to the special justice of his district, or who shall strike the special justice of the peace of his district, or other superior officer under whom he may be placed, or shall draw or offer to draw, or lift up any weapon, or offer any violence against him, or shall challenge or send, or cause to be sent, or shall carry a challenge to or insult, abuse or affront him, or shall disobey any lawful command of his superior officer, or who shall refuse or neglect to perform such duty as shall be legally required of him, or who shall, without leave of his commanding officer, leave or quit his company, or any party, detachment or guard thereof, or shall advise or persuade any other serjeant or private of police to quit his company, or any party, detachment, or guard thereof, without leave from his commanding officer, or whatsoever serjeant or private of police, who shall be acting as a sentinel, shall be found sleeping on his post, or shall leave it before he shall be legally relieved, or whatsoever serjeant or private of police shall make known the watchword to any person who is not entitled to receive it, or who shall give a parole or watchword different from what he received, or shall otherwise misbehave himself, every such serjeant or private of police so offending shall be liable to be tried by a court-martial, and may be placed under arrest by the special justice of the district, or other superior officer under whose orders or command he may then be, until he shall have been tried by such court-martial, and being convicted of any or either, of the said offences by such court-martial, shall suffer such fine and imprisonment, or either as such court-martial shall inflict or award, such fine not to exceed 100 *l.* current money of this island, and such imprisonment not to exceed 12 months; such fine to be levied and raised as in the case of servants' wages, by execution to be issued under the hand and seal of the Governor or Commander-in-chief

in-chief of this island for the time being, and paid into the public treasury of this island ; and if such punishment shall be imprisonment by warrant under the hand and seal of the Governor or Commander-in-chief of this island for the time being, directed to the keeper of the common gaol of this island, and which said keeper is hereby authorised, required and empowered to detain and keep in prison the person so convicted for the time for which he shall be by such court-martial ordered to be imprisoned ; and the Governor or Commander-in-chief of this island for the time being may from time to time grant a commission under his hand and seal for the holding of a court-martial in this island, to any colonel or other field-officer of the militia of the district to which the offender belongs, authorising and empowering him to convene a court-martial for the trial of any of the aforesaid offences, to meet at any time not less than seven days after notice thereof, which court-martial shall be composed of any number not less than five of the commissioned officers of the militia of the said district, and shall regulate its proceedings according to the several provisions specified in an Act of this island, intituled, "An Act for the better ordering of the Militia of this Island."

And be it further enacted, that the serjeants of police, police officers and keepers of the houses of correction shall be, and they are hereby declared to be exempt from the performance of militia duty, serving on juries, and as freeholders on appraisements.

BARBADOS.

Orders in Council
and
Colonial Laws.

Appendix, No. 103.

Clause 4.
Police officers and
keepers of houses
of correction ex-
empt from militia
duty, &c.

BRITISH GUIANA.

BRITISH
GUIANA.

Appendix, No. 104.

(Enclosure in Lord *Glenelg's* Despatch, 1st July 1835.—No. 231.)

At the Court of St. James's, 24th June 1835.

The King's Most Excellent Majesty in Council :—Present, the Lord President, &c. &c.

Appendix, No. 104.

WHEREAS by an ordinance enacted by the Governor and Court of Policy of British Guiana, dated the 8th March 1834, for the government and regulation of apprenticed labourers, it was amongst other things enacted, that the special justices therein mentioned should be appointed in the proportion of not less than three for each of the districts in the said ordinance mentioned ; and whereas by an order of His Majesty in Council, bearing date on the 5th day of June 1834, it was amongst other things ordered, that the number of districts into which the said colony was by the said ordinance required to be divided for the purposes thereof should be reduced from 14 to 12 ; and whereas, subject to certain other amendments in the said order in council contained, the said ordinance was thereby confirmed and allowed ; and whereas it is expedient that the said ordinance should be further amended as hereinafter is provided : it is therefore ordered, by the King's Most Excellent Majesty, by and with the advice of his Privy Council, that so much of the said ordinance as requires that the special justices therein named shall be appointed in the proportion of not less than three for each of the districts in the said ordinance mentioned shall be and the same is hereby revoked and annulled ; and it is further ordered, that the said colony of British Guiana shall, for the purposes of the said ordinance, be divided into so many judicial districts as the officer for the time being administering the government of the said colony shall from time to time, by proclamations to be by him for that purpose issued, direct, and that one special justice shall from time to time be appointed for each of the said judicial districts, and that all and every the powers which under and by virtue of the said ordinance and of the said order in council are vested in the three special justices in the several districts therein mentioned, shall be and the same are hereby vested in the single special justices of each of the said judicial districts respectively.

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

(signed) *W. L. Bathurst.*

Appendix, No. 105.

(Enclosure in Lord *Glenelg's* Despatch, 30th December 1835.—No. 241.)

At the Court at Brighton, 21st December 1835.

The King's Most Excellent Majesty in Council :—Present, the Lord President, &c. &c.

Appendix, No. 105.

WHEREAS doubts have arisen whether it be competent to the special justices of the peace who in pursuance of the Act of Parliament for the Abolition of Slavery have been appointed to act in and for the colony of British Guiana, to enter and inspect at their discretion all hospitals and other places for the reception of the sick upon the several estates in that colony, and it is expedient that such doubts be removed ; it is therefore ordered by His Majesty, by and with the advice of his Privy Council, that each and every special justice of the peace appointed under and in pursuance of the said Act of Parliament in and for the said colony, shall, within the district or division thereof to or for which he shall have been or shall be so appointed, be and he is hereby authorised, at any hour of the day between sunrise and sunset, to enter into and upon any hospital or place set apart or used for the cure or reception of the sick, or of any sick persons of or belonging to any plantation or estate

BRITISH
GUIANA.Orders in Council
and
Colonial Laws.

Appendix, No. 105.

estate within such district or division, and there to continue so long as to him shall seem necessary or proper for the purpose of fully investigating the condition of any persons confined in any such hospital or other place; and for the purposes aforesaid it shall be lawful for any such special justice to pass and repass across any private path or way leading to and from any such hospital or other place as aforesaid.

And it is further ordered, that any clergyman or other teacher of religion or medical practitioner, having a written license for that purpose under the hand of any such special justice as aforesaid, shall, on the production of such license, be also authorised and entitled, at any such time of the day as aforesaid, in like manner to enter into and upon any such hospital or place as aforesaid, and for that purpose to pass and repass across any such private way as aforesaid; and it shall be lawful for any such clergyman or any other teacher of religion to continue in any such hospital or other place as aforesaid, there to administer such spiritual instruction, consolation or advice as any patient therein may be willing and properly able to receive; and it shall be lawful for any such medical practitioner to continue in any such hospital or other place, and to examine any patients therein, so long as may be necessary to enable him to form a correct opinion respecting the state of health and mode of treatment of any such patients.

And it is further ordered, that if any person shall obstruct or oppose any such special justice as aforesaid, or any such clergyman or teacher of religion or medical practitioner, having such written license as aforesaid, in exercising or attempting to exercise any of the rights or powers hereby committed to him, the person or persons so offending shall and may for any such offence be prosecuted and proceeded against, and on conviction thereof shall and may be punished in such and the same manner as any person may now by law be proceeded against, prosecuted and punished in the said colony, for obstructing any special justice appointed under and in pursuance of the said Act of Parliament in the discharge of his office.

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

(signed) *W. L. Bathurst.*

Appendix, No. 106.

(Enclosure in Sir *J. C. Smyth's* Despatch, 11th November 1835.—No. 247.)

Appendix, No. 106. AN ORDINANCE for the more speedy Recovery of Debts not exceeding in any Case the Amount of 5 *l.* or Seventy Guilders.—Passed 6th November 1835. No. 64.

Ordinance enacted, by his Excellency Major-general Sir James Carmichael Smyth, Bart. &c. &c. &c., by and with the Advice and Consent of the Honourable the Court of Policy of said Colony.

To all to whom these Presents do, may, or shall come, greeting; be it known,

Preamble.

WHEREAS traders of all descriptions, together with handicraftsmen, tradesmen, mechanics, labourers, servants and poor settlers would be much encouraged and facilitated in their various business, pursuits and engagements, were a speedier and more summary mode of collecting and recovering their small debts adopted than that which is now in practice.

Jurisdiction of one justice 30 *s.* or *f.* 22; jurisdiction of two 5 *l.* or *f.* 70.

1. Be it therefore enacted, that from and after the publication of this present ordinance, any one justice of the peace shall be and he is hereby authorised and required to take cognizance in a summary way of all civil matters wherein the original debt shall not exceed 30 *s.* or 22 guilders, and that any two justices of the peace shall be and they are hereby authorised and required in like manner to take cognizance of all civil matters wherein the original debt shall not exceed the sum of 5 *l.* sterling or 70 guilders.

Complaints, how to be preferred.

Provided always, that it shall be incumbent on the complainant to make his complaint to any justice or justices of the peace who shall reside within five miles of the domicile of such defendant; and if no justice or justices of the peace, as the case may be, shall be resident within such distance, then to the next nearest justice or justices of the peace.

One justice may receive claims exceeding 30 *s.* and issue process thereon.

And provided also, that it shall and may be lawful for one justice of the peace to take cognizance of all claims exceeding 30 *s.* and not exceeding 5 *l.*, so far as to receive such claims and to issue process thereupon, citing parties to appear at a certain day in conformity with the rules and regulations hereinafter in that behalf made and ordained; and that such justice of the peace shall be bound and is hereby required to give notice to some other justice of the peace (resident or being within the limits hereinbefore prescribed by this ordinance), and which said justice, being so duly notified, shall be bound to attend at such time and place as shall be appointed for hearing such complaints, and such justices shall thereupon proceed to hear and determine the same.

No appeal.

2. And be it further enacted, that all proceedings in such civil matters shall be without appeal.

Justice to issue citation.

3. And be it further enacted, that it shall and may be lawful for the justice or justices of the peace, as the case may be, upon the application of any individual preferring a claim, to receive the demand with the particulars thereof, and thereupon to issue or cause to be issued a written

a written notice or citation in the form following, marked (A.), containing the particulars of Appendix, No. 106 the demand.

4. And be it enacted, by the authority aforesaid, that upon the defendant not appearing personally or by some person on his behalf, when duly cited, the justice or justices of the peace may proceed to hear the case *ex parte*, and to award and pronounce judgment; provided that previously to proceeding to adjudication in the absence of the defendant, proof shall have been made to the satisfaction of the justice or justices that the citation has been duly served; and in the event of the defendant appearing, the justice or justices of the peace may proceed to hear the parties respectively, and if need be to examine them or either of them upon oath, and also to examine the witnesses upon oath, and to pronounce judgment accordingly.

Defendant not appearing, cause to be heard *ex parte*: defendant appearing, parties to be heard, and, if need be, examined on oath.

5. And be it further enacted, that in every sentence to be given under and by virtue of this ordinance, the justice or justices, as the case may be, shall have it in his or their power to order that the amount of the sentence shall be paid by instalments in such manner as shall be thought proper by the said justice or justices as aforesaid.

Justice may order debt to be paid by instalments.

6. And it is hereby further enacted, that when and so soon as judgment shall be pronounced, the said justice or justices shall issue a warrant under his or their hand or hands, (in the form following, marked (B.)), and any constable, officer or other person duly authorised shall and may in virtue thereof proceed to levy upon the goods and chattels of the party so condemned (save and except the wearing apparel not exceeding 2*l.*, or 28 guilders in value, and the tools or implements of trade of the defendant) sufficient wherewith to pay and satisfy the amount of the judgment; and the said goods and chattels so levied upon may be immediately appraised and valued upon oath by any two persons approved by the said justice or justices of the peace, and the goods so levied upon may be given over to the creditor at the said appraised value (he the creditor paying all lawful expenses), or the said goods and chattels may be sold, by any person or persons duly authorised thereto by any such justice or justices of the peace, in some public place, public notice thereof being given in such manner and form as to such justice or justices shall seem meet, 48 hours previously; and the proceeds thereof, after payment of the expenses, shall be applied in satisfaction of the demand, and the surplus, if any, shall be delivered to the person so levied upon: provided also, that it shall not be lawful to levy upon and take in execution any wearing apparel, furniture, allowances, provisions or any article of supply furnished by any employer or person acting on his behalf to any labourer, under and by virtue of any law or ordinance in force in British Guiana.

Justice to issue warrant to levy; goods to be sold after 48 hours' public notice. Labourers' wearing apparel, furniture, &c., furnished by employer, not to be taken in execution.

7. And be it further enacted, that in case a defendant shall not be possessed of any goods or chattels wherewith to satisfy the plaintiff's demand, it shall and may be lawful to levy upon and attach any debt or debts, sum or sums of money due, owing or belonging to any such defendant, and to proceed to the sale and disposal of the same in manner hereinbefore mentioned and set forth; provided always, that it shall not be lawful to levy upon any debt or debts due or owing by any employer or person acting for him to any labourer for or in respect of any extra or other labour by such labourer performed, for or on account of the plantation or estate of any such employer, or for or on account of any individual labour performed for or on account of any such employer, his agents, attorneys, managers or otherwise.

Debts may be attached in default of goods, excepting debts due by employer for extra or other labour.

8. And be it enacted, that it shall not be lawful for any justice or justices to entertain any complaint under this ordinance, unless the same shall be brought within three months from the date any debt, claim or demand as aforesaid shall have been originally contracted or incurred.

Limitation of action three months.

9. And be it further enacted, that nothing in this ordinance contained shall be held or construed to authorise or compel any person legally bound and liable to render service to another, to absent himself from such service without the permission of his or her employer, such permission not to be withheld on reasonable compensation being tendered for such absence.

No labourer to absent himself without permission. Permission not to be withheld on tender of reasonable compensation.

10. And be it further enacted, that no proceeding under this ordinance shall be set aside or annulled for mere want of form.

Want of form not to set aside proceeding.

And that no ignorance shall be pretended of this our ordinance, these presents shall be printed and published in the customary manner.

Thus done and enacted at our Ordinary Assembly, held at the Guiana Public Buildings, Georgetown, Demerary, this 6th day of November 1835, and published on the 10th following.

(signed) *J. Carmichael Smyth.*

By command of the Court.

(signed) *H. E. F. Young, Secretary.*

(A.)—Summons.

You are hereby summoned and required to attend before _____ at _____ in the _____ in the said colony, at the hour of _____ of the _____ day of _____ in the present year 183 _____, then and there to answer a complaint of debt for the sum of _____ preferred against you by _____ of _____ for (Here insert the particulars of the demand.)

Given under _____ hand this _____ day of _____ in the year of our Lord 183 _____.

BRITISH
GUIANA.

(B.)—Warrant.

British Guiana, To Wit.—

Orders in Council
and
Colonial Laws.
Appendix, No. 106.

Whereas a judgment was obtained on the _____ day of _____ 183 , against A. B. at the suit of C. D. for the sum of _____ Therefore require and command you to levy the same upon the goods and chattels belonging to the said A. B. ; and if you cannot immediately find sufficient goods and chattels, then upon such debt or debts as may be due to the said A. B., as in and by the Ordinance No. 64 are more fully mentioned and set forth.

Given under _____ hand and seal this _____ day of _____ 183 .

Appendix, No. 107.

(Enclosure in Sir *J. Carmichael Smyth's* Despatch, 15th June 1836.—No. 274.)

Appendix, No. 107. AN ORDINANCE to establish Savings' Banks in British Guiana.—Passed 7th June 1836. No. 71.

Ordinance Enacted by Major-general Sir James Carmichael Smith, Bart., &c. &c., by and with the Advice and Consent of the Honourable Court of Policy of the said Colony.

To all to whom these Presents do, may or shall come, greeting ; be it known,

WHEREAS it is expedient that banks should be established in various parts of this colony for the safe custody and increase of small savings belonging to the industrious classes of His Majesty's subjects.

Savings' banks esta-
blished in George
Town and New
Amsterdam.

Be it therefore enacted, that from and after the 1st day of July next ensuing the date hereof, banks for the safe custody and increase of small savings of the industrious classes of His Majesty's subjects, shall be established and kept at the several towns and places hereinafter mentioned, that is to say, one bank in Georgetown for the district of Demerary and Essequibo ; one other bank in the town of New Amsterdam for the district of Berbice.

Business of bank in
George Town man-
aged by receiver-
general ; in New
Amsterdam by
assistant-receiver.

And be it enacted, that the business of the said banks shall be managed and conducted by the several persons following, that is to say, the bank in George Town by the colonial receiver-general, and the bank in New Amsterdam by the assistant receiver-general of Berbice.

Rate of interest
fixed on deposits at
five per cent.

And whereas it is necessary to apportion and fix the rate of interest to be allowed upon the deposits to be made in the said respective banks.

Be it enacted, that interest at and after the rate of five per cent. shall be allowed and paid upon the said deposits.

And whereas it is also necessary that certain rules and regulations should be established for the management of the business of the said banks, and for insuring order and punctuality therein ;

Be it therefore enacted, that the following rules and regulations shall be strictly observed at the respective banks throughout the said colony :

Banks under super-
intendence of Lieut-
governor and Court
of Policy.

1. That the said banks shall be under the general superintendence of the Lieutenant-governor and Court of Policy.

Transactions of
bank to be kept in
form to be approved
by Lieut.-governor and Court of Policy.

2. That the transactions of the said banks shall be kept in such manner and in such form as the Lieutenant-governor and Court of Policy shall from time to time approve.

Banks open every
day during office
hours.

3. The banks shall be open every day, during office hours, for the purpose of receiving and returning deposits.

No deposit less than
six guilders.

4. No deposit shall be less in amount than six guilders ; and deposits shall not be entitled to interest until they amount to one joe.

Deposits to be
entered in books of
the bank.

5. The deposits shall be entered in the books of the banks at the time they are made, and the depositor shall receive a book with a corresponding entry therein, which book is to be brought to the bank every time any further sum is deposited or drawn out ; so that the transactions may be regularly entered.

Depositor on loss of
book to receive
duplicate.

6. In the event of any depositor losing his book, he is to give notice at the bank and make oath of such loss ; and unless any special objection shall arise, he shall, within 14 days from the date of such notice, receive a duplicate book, containing a certified copy of his account with the bank.

7. The interest due to depositors shall be placed to the credit of their account as a cash deposit once in every twelvemonth, *i. e.* 31st December of every year.

Depositors may
withdraw deposit on
24 hours' notice.

8. Depositors may withdraw the whole or any part of a deposit, on giving 24 hours' notice.

No deposit beyond
£. 600 for first year,
nor beyond £. 6,000
in the whole.

9. No person shall be permitted to deposit more than 600 guilders in the first year, nor more than 400 guilders in any subsequent year ; and no person shall have, at any one time, in deposit a greater sum than 6,000 guilders in the whole.

And

And that no ignorance may be pretended of this our ordinance, these presents shall be published as customary.

BRITISH
GUIANA.

Thus done and enacted at our Ordinary Assembly, held at the Guiana Public Buildings in George Town, Demerary, this 7th day of June, 1836, and published on the 9th following.

Orders in Council
and
Colonial Laws.

J. Carmichael Smyth.

Appendix, No. 107.

By command of the Court.

Charles Wilday, Acting Secretary.

Appendix, No. 108.

(Enclosure in Lord *Glenelg's* Despatch, 27 June 1836. No. 276.)

At the Court of St. James's, 29 June 1836, the King's Most Excellent Majesty in Council, Present the Lord President, &c. &c. Appendix, No. 108.

WHEREAS by an ordinance for the government and regulation of apprenticed labourers, enacted by the Lieutenant-governor of British Guiana, with the advice and consent of the Court of Policy thereof, and bearing date the 8th day of March 1834, it is, amongst other things, enacted, that whenever the word "employer" shall have been made use of, or shall be found in the said ordinance, the same shall mean the person who would be entitled to the possession of any apprenticed labourers still in a state of slavery; and whereas doubts have arisen whether, within the true intent and meaning of the said enactment, persons not beneficially interested in or entitled to the services of such apprenticed labourers are comprised within the said term "employer;" now for the prevention of such doubts, it is hereby declared and ordered by his Majesty, by and with the advice of his Privy Council, that whenever the word "employer" shall have been made use of, or shall be found in the said ordinance, the said word doth and shall mean and include not only the person who would be beneficially interested in or entitled to the services of any apprenticed labourers, if still in a state of slavery, but also all and every the person or persons who, under the authority of, or who, as agent, manager, attorney, overseer or superintendent for the person or persons so beneficially interested or entitled, have or hath had, or shall hereafter have the management, control or superintendence of any such apprenticed labourer, or the direction of his or her labour.

And the Right hon. the Lord *Glenelg*, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

(signed) *W. L. Bathurst.*

MAURITIUS DEPENDENCIES.

MAURITIUS.

Appendix, No. 109.

(Enclosure in Sir *William Nicolay's* Despatch, dated Mauritius, 18 April 1835. No. 277.)

ORDINANCE.—(No. 5 of 1835).—Enacted by the Governor of the Mauritius, with the advice and consent of the Council of Government of the said Island. Appendix, No. 109.

For the purpose of regulating the internal Order and Discipline of the Prisons.—Passed 24 February, 1835. Title.

WHEREAS it is prescribed by the 11th Art. of the Ordinance 11 of 1834, "that in the present state of society an immediate necessity existed for introducing into the interior management of the prisons an order and discipline calculated, as far as possible, to meet the end and intent of the law, in the application of its punishments;" Preamble.

His Excellency the Governor in Council has decreed and decrees—

Title First.—*Division of Prisoners.*

Art. 1. There shall be in the town of Port Louis two principal places of confinement, the one under the denomination of the "House of Correction," and the other under that of the "Common Goal." Establishment of a house of correction and a gaol in the town of Port Louis.

Art. 2. "The House of Correction" shall be exclusively made use of for the confinement of those persons who shall not have been condemned for any crime or misdemeanor to more than three months' imprisonment; and especially, of persons under accusation; persons arrested for debt; minors confined at the request of their parents or guardians; and persons condemned for minor contraventions of the law, or to fines to the government. Classification of prisoners in the house of correction

This classification shall, as far as is practicable, be observed in the internal distribution of the house of correction.

It shall be lawful for the cours correctionnels to send prisoners to the house of correction, save and except those condemned to hard labour.

Art. 3. All other prisoners, save those condemned to hard labour, shall undergo their punishment in the common gaol. The correctional courts shall be at liberty, notwithstanding, to order any person to be confined in the house of correction, in the consideration of the age of the party, or with reference to the nature and circumstances of the misdemeanor.

Internal discipline of the gaol.

Art. 4. The gaol shall be so arranged as to be enabled to contain,—

- 1st. Rows of separate cells.
- 2d. Cells for those persons condemned to solitary confinement.
- 3d. Dark cells.
- 4th. An infirmary.
- 5th. Rooms sufficiently spacious for carrying on the labour of the prisoners, with the sexes apart, and calculated to serve either as a place for religious instruction or as a school.
- 6th. Every building necessary for the safe custody and keeping of the prisoners; and the goaler's house.

The cells of female prisoners shall be so arranged as to prevent any communication with the male prisoners.

Gaol for apprentices to be separate and distinct. Sexes in the prisons to be kept apart.

Art. 5. The gaol for the apprentices shall be distinct and separate.

Art. 6. The sexes shall be wholly kept apart in all the prisons. Women shall, as far as possible, be employed in the service and superintendence of female prisoners.

Title Second.—*Administration and Superintendence.*

Establishment of a prison committee, to be composed of seven persons.

Art. 7. There shall be named, by the Governor, a committee for the prisons, to be composed of the procureur-general and the chief medical officer, and five other persons, without prejudice to the disposition of the "Code d'Instruction Criminelle," regarding the inspection and superintendence of the prisons.

The committee may sit, (3) three members being present.

Report to be made by the committee on the state of the prisons.

Art. 8. The committee shall have the superintendence of the prisons, and shall, twice a-year at the least, make a report, from a majority of its members, on their state and condition; which report shall be published in the official gazette, and be forwarded to the Governor.

The committee shall be renewed every year.

Gaolers and others employed in the prisons are to give every information with regard to the prisons whenever called upon by the members of the committee.

Art. 9. Gaolers and others employed in the prisons shall be bound to furnish to the members of the committee who shall present themselves for the inspection of the prisons, (but never in a less number than two members, with the exception of the procureur-general and chief medical officer,) every information that shall be required of them; to submit to such members, whenever requested, the books, papers, and accounts relative to the prisons; and to admit them to the prisoners detained therein.

Prisoners may make complaints to the members of the committee visiting the prisoners.

Art. 10. The members of the committee may, in such visits, question the prisoners in the absence of any person employed, and receive from them any complaint of oppression or bad conduct on the part of those employed over them, in order to make a report of the same at the next meeting of the committee.

Gaoler to reside within the precincts of the prison. He is to visit the prisoner daily.

Art. 11. The gaoler or keeper shall reside in the prison over which he is placed.

Art. 12. He shall visit each cell and each room, and shall see every prisoner under his charge once at least every twenty-four hours.

Book to be kept by the gaoler of prison occurrences.

Art. 13. He shall keep a book, in which he shall regularly insert the entry, discharge, death, pardon or evasion of every prisoner; as also the complaints made and punishments inflicted (as the same shall occur) on account of a breach of prison discipline; as also the visits of the inspectors, of the clergyman, chaplain or doctor; and every other material circumstance relative to the situation of the prisoners.

Is to furnish a quarterly report to the committee.

Art. 14. Every three months there shall be forwarded to the committee, by the goaler, a written report of all his prisoners, setting forth the period of their entry, of their discharge, whether by pardon or by expiration of their punishment; as also of the evasion, death or removal from one prison to another of any persons committed to his custody during the preceding three months; also the general state of the prison, and such other observations and remarks as the gaoler shall deem necessary.

This report is not to supersede the monthly statements required to be made to the president of the supreme court, and to the procureur-general; they are to be forwarded as formerly.

Title Third.—*Of the Gaol.*

First Section :—General Regulations.

Description of each prisoner to be inserted at the foot of

Art. 15. The description of each prisoner shall be inserted at the foot of the entry of his commitment, in the book mentioned in Art. 331 of the "Code d'Instruction Criminelle."

Every cell to hold one or more than three persons.

Art. 16. Every prisoner shall occupy, during the night, a separate cell. In the event of its being necessary to depart from this rule, three prisoners at least shall be put in the same room, and each shall have a separate bed.

Art. 17.

- Art. 17. Silence shall be kept by the prisoners in the cells, as also during the hours of labour, under pain of the punishment set forth in Art. 41. Silence to be kept by the prisoners in their cells, and during the hours of labour.
- Art. 18. The prisoners shall be shut up in their cells at sunset. Prisoners to be shut up in the cells after sunset.
- Art. 19. The prisoners shall not be confined in their cells after sunrise, nor before sunset; unless, for the purpose of discipline, it be otherwise ordered by the procureur-general. Are not to be kept in their cells after sunrise, or before sunset; exception.
- Art. 20. The food of the prisoners shall be regulated as follows :—
 To prisoners detained, and to those under sentence of condemnation ;
 To those working.—One-and-a-half pound of bread or one-and-a-half pound of rice ; half an ounce of salt. Food of the prisoners.
 To those not working.—One-and-a-quarter pound of bread or one-and-a-quarter pound of rice ; half an ounce of salt.
- Nevertheless, any three members of the committee shall be at liberty to augment the aforesaid rations, or to add thereto a quantity of meat, fresh or salted ; or, should it be necessary, and on the recommendation of the chief medical officer, to substitute other articles of food in lieu of the above.
- Art. 21. Prisoners condemned for crimes shall wear the prison clothing, the colour and make of which shall be determined on by the committee. Clothing for prisoners condemned for crimes.
- Art. 22. Prisoners shall not be put into irons, unless in the case provided for by the 47th article. Prisoners not to be put in irons unless in the case provided for by art. 47.
- Art. 23. All gambling, of what nature or kind soever, shall be prohibited. All gambling prohibited.
- Art. 24. Tobacco and spirituous liquors shall be prohibited ; prisoners shall not be allowed to cause money or food to be brought to them from without the prison. Tobacco and spirituous liquors prohibited; no money or clothes to be introduced from without.
- Art. 25. Whosoever the health officer shall be of opinion that any prisoner is too ill to remain in his cell, the gaoler shall cause such prisoner to be carried to the infirmary or to the hospital, where he is to remain until the health officer shall certify that he may return to his cell without endangering his health. On the advice of the medical officer, any prisoner who is too ill to remain in his cell shall be carried to the infirmary or to the hospital.
- Art. 26. The health officer shall visit the sick in the infirmary once a-day at the least ; and shall prescribe for them whatsoever he shall think fit. Visits of the medical officer.
- Art. 27. The effects brought by a prisoner on his entering the prison, which shall not be required for his use, shall be inventoried in his presence, deposited in a place of safety, and returned to him on his discharge. Inventory and safe deposit of the effects of a prisoner to be made, which are not necessary for his use.
- Art. 28. It is prohibited to all persons employed in the prison to lend, sell or give anything to the prisoners, or to receive anything from them, under pain of dismissal. Persons employed in the prisons not to receive anything from them.
- lend or give anything to the prisoners, or to receive
- Art. 29. If a prisoner shall abuse any person employed, this latter is not to answer, but to report the same. Any familiarity, or harsh or injurious expressions, are expressly prohibited. Persons employed prohibited from replying to the insults of a prisoner, or to make use of harsh or injurious language.
- Art. 30. The rules and regulations respecting prisoners shall at all times be posted up in the prisons and houses of correction. Prison regulations to be posted up in the prisons.
- Art. 31. The gaoler shall keep a book, to be called "The Conduct of the Prisoners," in which he shall insert any acts of meritorious conduct, as well as the faults committed and punishments incurred by each of the prisoners. Book to be kept by the gaoler of the conduct of the prisoners.
- Art. 32. The committee shall, from time to time, take measures to ensure to the prisoners in the interior of the prison the exercise of their religion, and the elements of instruction. Measures to be taken by the committee for facilitating divine worship and religious instruction in the prisons.
- Art. 33. Persons accused of crimes, and prisoners detained in the gaol, shall not be permitted to receive visits, except from their counsel, without the authority of the president of the assize court, or that of the procureur-general. Visits to persons accused of crimes, or detained in the gaol.
- Art. 34. Prisoners confined in the house of correction, except such as are accused of crimes, shall be permitted, under the authority of any magistrate, to receive the visits of their family and friends and counsel, at convenient hours, according to the regulations of the prison. Visits to persons in the house of correction.

Section Second :—Of Labour.

- Art. 35.—Prisoners condemned to imprisonment in the gaol shall be employed in such work as shall be established in the prison. Labour of persons confined in the gaol.
- The committee may nevertheless authorize those who have any particular trade, to exercise the same in the prison, should their conduct merit this indulgence ; it may also permit, subject to the like restriction, those prisoners who have no trade, to learn one from any other of the prisoners.
- Art. 36. Prisoners condemned to hard labour may be employed out of the prison, at such labour as shall be determined upon by the government. Labour of persons condemned to irons.

Prisoners not to be employed in out prison-work unless condemned to hard labour.

Art. 37. Prisoners not condemned to hard labour shall not go out of the prison before their discharge, nor be employed at any external labour.

Application of the produce of prisoners' labour.

Art. 38. The produce of the labour of the prisoners belongs to the state. One moiety of this produce shall be applied to the expenses of the establishment. The other moiety shall form a fund of reserve, and may be employed for the benefit of each prisoner at his discharge, according to his merits and good conduct. The same regulation shall extend to the produce of the separate labour of any prisoner; a moiety of which shall be allotted him, *par preference*, should he merit it.

Gratuity to prisoners on leaving the prison to be determined by the committee.

Art. 39. This gratuity shall at all times be fixed by the committee.

Section Third :—Internal Discipline.—Punishments.

The procureur-general is to pronounce all punishments of discipline.

Art. 40. The punishments set forth in the present section shall be pronounced by the procureur-general, on the report of the gaoler or keeper of the prison, and shall be limited at the maximum as follows :—

Punishments for disobedience, insult, quarrelling, &c.

Art. 41. For disobedience, insult, quarrelling, noise or wanton waste, solitary confinement or the dark cell, even during the day-time, with reduction of ration if necessary.

Punishment for outrage, accompanied by blows, between the prisoners.

Art. 42. For violence, accompanied by blows, between the prisoners, the same punishment, for any period not exceeding 10 days, and for 15 days on a second offence.

Punishment for insult or menaces towards the persons employed, or attempts to escape from prison.

Art. 43. For outrage or threats towards the persons employed, or attempt to escape, the like punishment, for any period not exceeding a month, without prejudice to the public action, if there be cause for it.

Punishment for refusing to work.

Art. 44. For refusing to work, the same punishment, until the submission of the offender.

Other crimes and misdemeanors, punishment according to law.

Art. 45. The gaoler shall inform the procureur-general of any other crimes or misdemeanors than the above, in order that they may be prosecuted according to law.

Cases in which the gaoler may confine *pro tempore* prisoners in the dark cell.

Art. 46. It shall be lawful for the gaoler provisionally to confine, in a dark cell or other place of safety, any prisoner who is abusive, or who shall compromise the safety of the prison, making a report thereof to the procureur-general within 24 hours.

The procureur-general may order a prisoner into irons, should the safety of the prison require it.

Art. 47. It shall be lawful for the procureur-general, on the demand of the gaoler, to order any prisoner to be put into irons, whenever the safety of the prison shall require it.

Title Fourth.—Of the House of Correction.

Persons under accusation or suspicion not to be subjected to unnecessary rigour.

Art. 48. Persons under accusation shall not be subjected to any further restraint than may be necessary for their safe custody; they shall not be kept in secret, except as is ordered by the 33 and 34 art. respecting visits.

Division of prisoners in the house of correction to be made agreeably to the classification established.

Art. 49. The prisoners shall be distributed, as far as is possible, in different buildings, in conformity to the classification pointed out in the 2d article.

Application to the house of correction of the dispositions of the section of tit. 3.

Art. 50. The dispositions of the third section of title three shall be applicable to the houses of correction, with this modification, that the cell of punishment shall not extend to the dark cell.

Application of the same dispositions to the establishments of the judicial police.

Art. 51. The same dispositions are applicable to the prisons of the establishment of police.

It shall be lawful also for the special justices to inflict the punishments set forth therein, either by judgment or as a means of discipline.

Like dispositions with regard to convicts.

Art. 52. It shall be lawful also for the general superintendent of convicts to apply the same punishments, as disciplinary measures, with regard to the prisoners placed under his authority, and for such purpose to commit them to gaol.

Prisoners belonging to the gaol to be lodged therein with all practicable despatch.

Art. 53. All prisoners other than those mentioned in the 2d article, shall be transferred with all possible despatch to the common gaol.

Prison committee authorized to point out temporary rules and regulations with reference to localities. Prison committee authorized to submit to his Excellency the Governor every other regulation for the interior of the prisons. Period of ordinance coming into effect.

Art. 54. Until the prisons shall be constructed and arranged in the manner pointed out by the present ordinance, the committee for the prisons shall substitute such other arrangements and temporary dispositions as the localities will allow of.

Art. 55. The committee for the prisons, without departing from the basis of the present ordinance, shall make such other regulations (subject to the approval of the Governor) for the internal order and salubrity of the prisons, as the amelioration of the condition of the prisoners shall render necessary.

Art. 56. This ordinance shall come into force from the day of its publication.
Enacted in Council at Port Louis, island of Mauritius, the 24th February 1835.

D. W. Ricketts, Secretary to the Council.

Appendix, No. 110.

MAURITIUS.

(Enclosure in Sir *William Nicolay's* Despatch, dated Mauritius, 18 April 1835. No. 277.)

Orders in Council
and
Colonial Laws.

ORDINANCE.—(No 6 of 1835.)—Enacted by the Governor of the Island of Mauritius, with the advice and consent of the Council of Government thereof.

Appendix, No. 110.
Title.

Ordinance modifying certain dispositions of the existing Criminal Laws, and adding new dispositions thereto.—Passed 9 March 1835.

Considering that, notwithstanding the criminal legislation under which circumstances have placed the colony, can only be regarded as temporary and in force until the intentions of His Majesty's Government shall be forwarded to the local authority, it nevertheless becomes urgent, before the opening of the next assizes, to mitigate the excessive severity of the dispositions of the penal code of 7th August 1793, with regard to certain robberies, in consideration of the population among which these offences are the most frequent, and the different circumstances with which they are usually attended, and to leave to the judges, in the application of the punishments, a latitude which is not allowed to them by the laws or code now in force; that it is not the less indispensable, pending the receipt of a law more perfect, and better adapted to the present state of society, to modify some other dispositions of the criminal code now in force and to amend their insufficiency in matters of great import to public order, especially in what concerns vagrants and vagabonds, His Excellency in Council has decreed and decrees:

Preamble.

Art 1. The punishments set forth in the 1st to the 27th article, inclusive of the second section of the second title of the first part of the penal code of 7th August 1793, shall only be applied for the future as the maximum of condemnation in the cases provided for by the said article.

Punishments for robberies set forth in the penal code of 7 August 1793, to be deemed the maximum of punishment for the future.

Art. 2. When a robbery shall be attended by circumstances of so aggravating a nature as to render it necessary to apply the maximum of the punishment, the court of assizes, in the cases mentioned in the articles 1, 2, 3, 4, 7, 10, 12 and 14 of the aforesaid section, may substitute that of transportation for life, or for a period of not less than 10 years.

It shall be lawful for the court of assizes to substitute transportation for life, or for 10 years, in lieu of the aforesaid maximum of punishment.

Art. 3. In every case where there shall exist extenuating circumstances in favour of an offender, the punishment may be modified and reduced to a shorter period; and even, should the nature of the circumstances justify it, the punishment may be commuted into simple imprisonment, with or without solitary confinement.

Court of assizes may, under circumstances, reduce the pain of punishment.

If the offence be committed by a person apprenticed under the Slavery Abolition Bill, the punishment of the whip may be ordered, conjointly or otherwise with one of the other punishments.

Art. 4. All the above dispositions shall be applicable to the case provided for in article 3 of title three of the second part of the penal code, with regard to those who shall knowingly purchase or conceal stolen goods.

Foregoing dispositions made applicable to sellers and receivers of stolen goods.

Art. 5. Vagrancy is a misdemeanor.

Vagrancy made a misdemeanor.

Art. 6. Vagrants or vagabonds are those persons who are without any fixed residence, or who have not the means of subsistence, and habitually carry on neither trade or profession.

Who are vagrants and vagabonds.

Art. 7. Vagrants or vagabonds, who shall have been pronounced such by the law, shall for the act of vagrancy alone be condemned to an imprisonment not exceeding six months, and shall, after undergoing such punishment, be placed at the disposal of the government to be employed in the public works, until they can prove, in a satisfactory manner, that they have procured employment or the means of subsistence.

Punishment of vagrants or vagabonds.

Art. 8. The president of the court of assizes, on the report of the procureur-general, may order the provisional liberty of any individual (on bail), in cases where the offence of which a party is accused carries with it corporal or an infamous punishment, except in charges for high treason: the provision to the contrary, contained in the 93d article of the "Code d'Instruction Criminelle" is repealed.

The chief judge, on the report of the procureur-general, may let a party accused, as on bail, except in cases of high treason.

Art. 9. The last alineas of the article 94, and of the article 219 of the "Code d'Instruction Criminelle," are modified and made applicable to the apprentices under the Slavery Abolition Bill.

Substitution of the word apprentice for that of slave, in the "Instruction Criminelle."

94th and 219th articles of the "Code d'Instruction Criminelle."

This ordinance shall have its effect from the date of its publication.

Date of ordinance coming into effect.

Passed in Council at Port Louis, Mauritius, the 9th day of March 1835.

D. W. Ricketts, Secretary to the Council.

MAURITIUS.

Appendix, No. 111.

Appendix, No. 111.

(Enclosure in Sir *William Nicolay's* Despatch, dated Mauritius, 14 May 1835. No. 281.)

ORDINANCE.—(No. 8 of 1835.)—Enacted by His Excellency the Governor of Mauritius, with the advice and consent of the Council of Government thereof.

Title.

For ensuring, in conformity to the dispositions of the Order in Council of the 17th September 1834, the due execution of the Slave Abolition Act at the Mauritius.—Passed 21st March 1835.

Preamble.

Whereas, by an order of His Majesty in Privy Council, dated at St. James's, the 17th day of September 1834, certain dispositions and regulations have been established and prescribed for ensuring the due execution of the Slave Abolition Act at Mauritius, and the before-mentioned order in council having become the law of the colony in that respect, has consequently repealed and annulled the local ordinances to the same effect, No. 11 of 1834 and No. 1 of 1835.

And whereas, by the 25th clause, chapter second of the said Order in Council, and by despatches received from the home Government, the Governor is authorized, by and with the advice of the Legislative Council, to modify certain dispositions of the said Order in Council, and to frame and publish such regulations and ordinances as shall assure a more regular and efficacious execution of the law, according as local circumstances may render necessary his Excellency the Governor in Council has ordered and hereby orders :

Division and salaries of the guards.

Art. 1. The guards employed in each police establishment, in virtue of clause 13, c. 1 of the Order in Council of 17th September 1834, shall be divided into two classes, and their daily pay is fixed as follows :

| | s. | d. |
|--------------------------------|----|----|
| Each Sergeant | 4 | — |
| Five Guards of the first class | 2 | 8 |
| Guards of the second class | 1 | 10 |

The number of guards of the second class for each district shall be fixed by his Excellency the Governor.

Their uniform and arms.
Salaries of constables.

They shall be annually provided with a uniform and such arms and accoutrements as may be best adapted to their service, the same to be fixed by the Governor. The constables, who may be appointed in virtue of clause 16 of the Order in Council of 17th September 1834, shall receive 8s. per day during the time that they are actually employed.

Superintending special justice may delegate his powers.

Art. 2. The superintending special justice of each district may delegate his powers or those of any of the special justices of the same district, whenever the one or the other may be prevented by sickness or other lawful cause from attending to his respective duties.

Special justices exercise functions of judicial police officers with respect to apprentices.

Every special justice, in his section, shall exercise, conjointly with the civil commissary of the district and his assistant, the functions appertaining to the officers of the judicial police, in as far as regards crimes and offences committed by apprentices, or in which they may be implicated.

Visits of special justices, on establishments where a greater number of apprentices than 10 are employed, to be made at least once in every 10 days.

Art. 3. In order to ensure such effect to clause 3, c. 2 of the Order in Council of the 17th September 1834, as the spirit of the law requires, the visits which the special justices are bound to make, according to the tenor of the above clause, on each establishment where ten or a greater number of apprentices are employed, shall take place at least once in every 10 days.

May visit those where less than 10 are employed.

Every special justice may, moreover, visit those establishments in his section on which a less number of apprentices than 10 are employed, either upon his being called upon so to do or whenever he may deem it advisable.

Number of court days.

Art. 4. A special regulation, published from time to time by the Governor, shall determine the number of court days that it may be necessary for the special justices to hold weekly for the district of Port Louis.

Apprentices committing perjury before special justice.

Art. 5. Every apprentice who shall be guilty of perjury before the special justice may, according to the gravity of the case, be condemned by the said justice to an imprisonment with hard labour, not exceeding two months, or shall be sent to trial before the ordinary courts.

Offences committed by apprentices towards each other; larcenies committed on others.

Art. 6. Every special justice shall, besides the offences and misdemeanors committed by apprentices towards each other which are not of a serious nature, take cognizance of larcenies committed either on each other, on their masters, or on all other persons; when the complaint shall be preferred by the person on whom the larceny shall have been committed; the punishments to be awarded in the above cases shall be the same as those determined by clauses 9 and 10, c. 5 of the Order in Council of 17th September 1834.

The dispositions of c. 2 of ordinance 11 of 1834 maintained.

Art. 7. The measures adopted in virtue of the disposition of c. 2 of Ordinance No. 11 of 1834, being conformable with those of c. 3 of the Order in Council of 17th September 1834, respecting the classification of the apprentices, are maintained.

Consequently, the fee of 2s. for each list of slaves, allowed by article 1, c. 3 of the said Order in Council shall not be claimed.

Proprietor may keep a journal.

Art. 8. Every proprietor is authorized to keep a journal in which he may insert the absence of any apprentice as soon as the same shall become known to him.

He will insert in this book any act of negligence on the part of the apprentices in the discharge of their duty.

He is bound also, within three days of the absence of any apprentice, to declare the same to the civil and police commissary of the district.

Apprentices found day or night on other estates.

Art. 9. Every apprentice who shall be found, whether during the day or night, on any estate other than that of his master, without the permission of the owner of such estate, may, if during the day, be ordered off; and should he refuse to obey, he may, in such case, be stopped

stopped and confined, on condition however that immediate notice of the arrest be given to the special justice of the section. If the apprentice be so found during the night, he may be arrested and kept in confinement, even in the stocks if necessary, the master being bound to report the circumstance on the following morning to the special justice.

Art. 10. Every apprentice who shall make use of threats or employ violence towards his master, or towards any other person under whose superintendence he may be placed (unless the master or such superintendent shall prefer to bring his action before the ordinary courts), shall be adjudged to the punishments awarded by clause 12, c. 5 of the Order in Council of 17th September 1834.

Art. 11. Every apprentice who shall be caught with other persons on the public roads playing at cards, dice, or any other games of chance, or who shall not produce the clothes and household furniture given to him by his master, unless he show reasonable cause for the non-production thereof, shall, for every such offence, be adjudged to the punishments awarded by clause 12, c. 5 of the Order in Council of 17th September 1834.

If the state of drunkenness of any apprentice excite him to insolence of language towards his master or the employers of the latter, or to acts of insubordination subversive of the discipline and authority of the master, in such case the master is authorized to confine such apprentice in a place of safety during the period of his drunkenness, on condition that he give immediate notice thereof to the special justice of the section.

Art. 12. The punishment of whipping in all the above cases shall be inflicted on the plantation of the master, in the presence of the special justice who shall have awarded it, and should the latter think fit, in the presence also of the other apprentices employed on the estate.

Art. 13. Whensoever an apprentice shall be adjudged to a period of imprisonment with or without hard labour, the special justice is empowered, on the demand of the master, to commute the period of detention, or a part thereof, into a like period of extra labour in the service of the master, or to exempt the apprentice from the whole, or from a portion only of such imprisonment, provided always, that the offence or crime shall not have been committed against the State.

Art. 14. Every female apprentice who shall have committed any of the offences set forth in the Order in Council of 17th September 1834, may, in addition to the punishments awarded by clause 15, c. 5 of the before-mentioned Order in Council, be adjudged to wear a distinctive mark on her dress, to be determined on by the special justices and approved of by the Governor.

Solitary confinement or imprisonment in the stocks, even during the night, may be ordered by the special justices with respect to any female apprentice whose conduct is habitually licentious.

Art. 15. The special justices shall draw up every month a statement of the period of extra labour which any apprentice shall have been condemned to perform in the service of his master, or which he shall owe to him as a commutation of punishment: this statement shall serve to regulate the time during which the apprentice is to undergo the sentences to which he may be condemned, at the rate of 15 hours per week during the period of his apprenticeship, and, if it be necessary, after the termination of such period.

The apprentice shall always be at liberty, with the consent of his master, to work more than 15 hours per week on account of such period of extra labour.

Art. 16. In cases of insubordination or the commission of an offence of a grave nature by any apprentice, the master or his agents may arrest the person of the apprentice, keep him confined apart from the other apprentices, or put him in the stocks, without however inflicting upon him any punishment, and upon condition that he give immediate notice of the same to the special justice.

The master who shall be unable to justify, to the satisfaction of the special justice, the necessity of such a measure, may be condemned in a fine for the benefit of the apprentice, not exceeding 1 *l.* sterling.

Art. 17. In all cases where the master shall subject himself to be condemned in a fine for the benefit of his apprentice, the special justice receiving the complaint may, in lieu of the fine, exempt the apprentice from a portion of any period of extra labour to which he may have been condemned towards his master.

Art. 18. It is expressly understood that the dispositions of clause 1, c. 6 of the Order in Council of 17th September 1834 are not to prevent any prædial or non-prædial apprentice, even out of the accustomed hours of labour, from being compelled to give his assistance and to be obedient to his master in extraordinary and unforeseen events, such as fire, inundations or hurricanes, whether on their approach or pending their duration, for the salvation and preservation of property, as well as in such immediate repairs after a hurricane as its ravages may render necessary: provided always, that in such and every such case it shall be left to the special justice to determine if any and what remuneration is due to the apprentice for such assistance. Any apprentice who, in such cases of urgent necessity, shall refuse without just cause, to be alleged to the special justice, to render such assistance, shall be liable to the punishments set forth in clause 10, c. 5 of the Order in Council of 17th September 1834.

Art. 19. No apprentice shall, on any account, be compelled to work on a Sunday, except in such indispensable labour as may be necessary for the preservation of the property of his master, for the care and custody of cattle, and for domestic service. He shall at all times be at liberty to attend Divine worship.

Any apprentice who shall be convicted of having abused the permission granted to him to attend Divine worship, and of making the same a pretext for absenting himself from his master's

Threats of violence employed towards masters or superintendents

Misdemeanors of apprentices.

Punishment of whipping to be inflicted on the estate.

Imprisonment may be commuted to extra labour, if the crime have not been committed against the State.

Female apprentices to be punished by a distinction in dress.

Distribution of extra labour.

Immediate arrest of delinquents authorized in certain cases.

Fine in case of unjustifiable arrest.

Extra labour due by apprentice may be compensated by fine due by master.

Extraordinary labour.

Labour on Sundays.

Divine service.

Absence under pretext of attending Divine service.

MAURITIUS.

Appendix, No. 111.

Moral and religious instruction.

In contracts for extra labour the majority binds the minority.

Apprentices may not contract with other persons than their masters.
Exception.

Combinations among apprentices respecting extra labour.

Combinations among masters or superintendent touching extra labour.

Time of labour of non-prædial apprentices.

Domestic servants.

Special justices may call in assistance of military and peace-officers.

Also private individuals.

Those who refuse their assistance shall be fined.

Male apprentices bound to support their unapprenticed children under 12 years of age.

If the father be dead, the above obligation devolves to the mother.

Medical aid due to pregnant females and new-born infants.

Apprentices vending liquors to be punished.

master's estate, or, if the apprentice be a domestic servant, of having under the like pretext protracted his absence beyond the period necessary for the accomplishment of such duty, shall be punished by an imprisonment not exceeding eight days for a first offence, and in case of a second offence by a period of imprisonment not exceeding one month.

The special justices shall take measures for facilitating to the apprentices the exercise of their religious duties, and for protecting and encouraging their moral and religious instruction, for which purpose they shall be bound to establish from time to time, conjointly with the masters and with the sanction of the Governor, special regulations having for object the conciliating (as far as is practicable, with reference to the localities and the number of places of worship) the free and full exercise of religious worship, with the interest of the master and maintenance of public order.

Art. 20. Whensoever the master or owner shall have contracted with the majority of his apprentices for any task-work to be collectively performed by them, and that the minority of the said apprentices shall refuse to participate in such contract, the special justice, after taking cognizance of the motives alleged by the minority, may compel them or those among them whose reasons for refusing shall not be deemed satisfactory, to acquiesce in such contract, and to execute the same with the aforesaid majority, in like manner as if they had voluntarily acquiesced therein, and they shall be subject to the same penalties who shall not fulfil the conditions of their contract with their masters.

Art. 21. No apprentice shall be at liberty to enter into any contract with any other person than his master or the person under whom he is employed (even for that period during which he is not compelled to work), except on the refusal of the master to contract with the apprentice at a reasonable rate, which shall be acknowledged as such by the special justice.

Art. 22. Should any combination exist among the apprentices of a plantation or of a district, not to contract with their masters or other persons entitled to their services, for the obvious purpose either of preventing any work of urgency or of raising the price of labour, the superintending special justice is authorized to compel the said apprentices, or those among them who shall not offer a valid excuse, to labour for the benefit of their masters, during a period to be determined by him, at the rate of 15 hours per week extra labour, subject to such salary or hire as shall be fixed by a tariff to be established from time to time, according to circumstances, by the special justices of each district, and to be approved of by the Governor; the whole without prejudice to any public action which it may be necessary to institute.

Art. 23. Combinations among masters of apprentices or among individuals under whom they are employed, having for object to force, unjustly and improperly, a reduction of wages, the execution of which shall have commenced, shall, on the complaint which shall be made to the procureur-general, be prosecuted before the ordinary courts, and each offender shall, independently of the restitution of the wages or portion thereof, of which the apprentices may have been deprived by the effect of such combination, be fined in the penalty of 20 l. sterling.

Art. 24. The time of work of every non-prædial apprentice belonging to the class of workmen, handicraftsmen and artificers, is fixed at nine hours daily, exclusive of the time allowed for meals, which shall be one hour for breakfast and two hours for dinner.

Art. 25. Non-prædial apprentices, attached as domestic servants in attendance on their masters and families, owe their services to their masters in like manner as all free servants.

Art. 26. The officers and soldiers of the nearest military post, and all peace-officers whomsoever, may be called upon by the special justices for assistance whenever they may deem the same necessary.

Such justices may also, in cases of urgency, call upon all persons present to give their assistance; and the person or persons so called upon shall for such purpose be taken and deemed to be peace officers.

Whoever shall refuse to obey the summons of the special justice shall be liable to a fine, to be imposed by the Court of Correctional Police, which shall not exceed the sum of 50 l. sterling.

Art. 27. Any apprentice, being in good health and able to work, and being the father of an unapprenticed child under the age of 12 years, who shall not make adequate provision for the subsistence of such child, and the special justice being satisfied of the father's ability to provide such subsistence, shall in such case be condemned to extra labour for a certain period in the service of his master, or on the refusal of the master, in the service of any other person, without prejudice however to the rights of the master to the regular or extra labour of such apprentice.

The earnings of such apprentice shall be applied to the support and maintenance of his child.

This extra labour shall not be prolonged beyond the period necessary for ensuring the maintenance and support of the child one month in advance.

Art. 28. In case the father of any such child shall be dead, the regulations aforesaid shall apply to the mother.

Art. 29. The medical aid and assistance which masters are bound to procure for their apprentices, in virtue of clause 17, c. 4 of the Order of his Majesty in Council are extended to pregnant female apprentices, and to their new-born infants during the first 40 days after birth.

Art. 30. Every apprentice who shall be caught in the act of vending wine or spirituous liquors shall be condemned by the special justice to corporeal punishment and imprisonment, with

with or without hard labour, either separately or conjointly: provided always, that the aforesaid punishment shall in no case exceed the maximum established by the Order in Council of 17 September 1834, thus derogating, in as far as regards apprentices, the Ordinance No. 10 of 1833.

Art. 31. Any master who shall have neglected to declare the occupation of his apprentices, being mariners or fishermen, and who shall have employed them in such calling, shall be liable to a fine, to be awarded by the special justice, which shall not exceed 6*l.* sterling.

Art. 32. Any person who shall knowingly harbour or conceal an apprentice on his estate, or who shall employ him in his service during the time which is due to his master, shall be liable to a fine of 1*l.* sterling for each day's detention, one moiety thereof to be paid to the master and the other moiety to the poor's fund.

Art. 33. In all cases of discharge of apprentices from the period of their apprenticeship, provided for by clauses 1, 2, 3 and 4, c. 8 of the Order in Council of 17 September 1834, and in order to assure and facilitate the execution of the dispositions therein contained without prejudice to the rights of all parties, the undermentioned formalities shall be observed, previously to the execution of the act of discharge as prescribed by the 4th clause of the before-mentioned Order in Council.

The special justice shall obtain from the registrar of slaves, so long as the latter shall be in possession of the official registers, and after that they shall have been deposited in the registry of the Supreme Court from the registrar thereof, a certificate setting forth in whose name or names the said apprentice is registered.

He shall then give notice by advertisement, to be inserted in two consecutive numbers of the Official Gazette, of the intended discharge of the apprentice from his servitude. If it shall appear from the certificate of the registrar that the person wishing to effect the proposed discharge of the apprentice is not entitled to his service, or that he has not a legal title to alienate such service, the special justice shall refuse his consent.

Within the period of 14 days from the first advertisement aforesaid, any creditor of the person proposing to discharge an apprentice, or any other person having any right, title or interest to oppose the same, shall notify such opposition to the registrar of the Supreme Court, stating at the same time whether such opposition goes to the discharge of the apprentice, or to the payment of the purchase-money to the party discharging. The opposition must set forth the grounds on which it is made under pain of nullity.

Within six days, at the farthest, from the expiration of the period allowed for forming oppositions, the registrar of the Supreme Court shall transmit to the special justice of the section to which the apprentice belongs, a certificate that no opposition has been filed to the proposed discharge, or containing a detailed statement of the opposition which may have been served upon him, and whether the same relate to the discharge or to the payment of the purchase-money as aforesaid.

In the former case, or if the opposition extend only to the payment of the purchase-money, the special justice shall make out and execute the act of discharge, and the stipulated purchase-money shall remain deposited in the manner hereinafter mentioned, until the parties are agreed as to the disposal thereof, or until the oppositions shall be disposed of by the court having jurisdiction.

In the latter case, the special justice shall stay proceedings and not proceed with the contract until the oppositions shall have been disposed of by the court having jurisdiction.

Art. 34. And in order to prevent any fraudulent discharge from service of an apprentice, to the prejudice of the creditors of his master, under the specious form of a free grant, it is hereby ordered that in cases where an opposition filed by a creditor to such act of liberation, has been declared valid, the same shall not have effect and be definitive until the master of the apprentice, or, if the discharge be by will, his heirs shall have deposited in the registry of the Supreme Court the amount of the valuation which shall have been made of the service of such apprentice; either amicably between the parties, or by appraisal conformably to clause 6, c. 8 of the Order of His Majesty in Council.

Art. 35. In case of appraisal, conformably to clause 6, c. 8 of the Order in Council of 17 September 1834, being rendered necessary by any difference of opinion as to the value of the period of service of an apprentice, the expenses occasioned by such appraisal shall be borne by the apprentice, and added to the amount of the appraisal, if such amount be equal to or more than that which the master or his agents shall have demanded; but if the appraised value be less than the amount demanded by the master or his agents, in such case the expense of appraisal shall be borne by the master. In case any such appraisal shall have been rendered necessary by any other cause than a difference of opinion as to the price to be paid, the expense of the appraisal shall be equally divided between the apprentice and the person or persons having claim to his services.

Art. 36. For the due fulfilment of all and every the formalities required on the discharge of apprentices from the period of their apprenticeship, as well as to comply with the regulations regarding oppositions which may be made to such discharge, the special justices of the district of Port Louis shall (except in cases where personal presence is indispensable) supply the place of the special justices of the other districts; for which purpose every necessary and requisite information shall be given by the latter to the former.

Art. 37. The right of any person to the service of an apprentice may be taken in execution, and publicly sold, even with the land, when the execution relates to prædial attached or even to non-attached prædial apprentices belonging to the owner of the plantation and employed thereon: provided always, that such executions and sales shall not prejudice in anywise the rights and condition of the apprentices as secured to them by the Act of Parliament.

MAURITIUS.

Appendix, No. 111.

Fine in case of non-declaration of mariners or fishermen.

Fine against those who harbour runaway apprentices.

Formalities previous to the discharge of apprentices.

Certificate from registrar of slaves to be obtained.

To be announced in the Official Gazette.

Opposition may be formed to liberation.

Certificate of non-opposition to be delivered by registrar of Supreme Court.

Opposition to be disposed of by court having jurisdiction.

In case of opposition to liberation the value of servitude to be deposited.

Expense of appraisal, by whom to be borne.

The special justices of Port Louis to supply the place of rural justices for the fulfilment of certain formalities required previous to liberation.

Servitude of apprentices may be sold.

MAURITIUS.

Appendix, No. 111.

A list of prædial attached and of non-prædial attached apprentices belonging to and working on the estate of such owner, delivered in virtue of an order of court by the registrar of slaves, or by the registrar of the Supreme Court, as the case may be, shall be substituted for the extract of *recensement* required by art. 38 of the *arrêté* of 20 July 1808, in the act of seizure of a prædial estate, and shall replace the designations and indications prescribed by the 40th article of the said *arrêté*.

Sale thereof to be advertised.

Art. 38. An extract of every act of sale, cession, hire or transfer, of what nature or kind soever it may be, of the right to the service of any prædial apprentices, attached or non-attached to a plantation and working thereon, for the whole or part of their period of apprenticeship, shall be published in two consecutive numbers of the Official Gazette; such extract shall set forth the description of the act, the names of the contracting parties, those of the apprentices, the plantation on which the apprentices are employed, and the stipulated price and conditions of the contract. Within 14 days from the first publication any creditor may form an opposition by a written declaration, to be served on the registrar of the Supreme Court, either to the execution of the act itself, or to the payment to the party of the stipulated price.

Creditors may form opposition thereto.

Delay of 14 days granted.

No act of transfer of the right of service of an apprentice shall be binding or final with regard to a third party until the expiration of the aforesaid delay of 14 days, nor unless the registrar shall have certified under his hand that no opposition has been made to the same, or if the opposition relate to the consideration-money only, that the deposit thereof has been made at the registry of the Supreme Court.

Guards may be employed by proprietors.

Art. 39. It shall be lawful for every proprietor of a plantation, either by himself or conjointly with other proprietors, to keep and maintain, at his or their cost, a guard for the internal police and safe custody of his or their property.

Their duty and functions.

These guards shall be under the immediate superintendence of the superintending special justice; they shall be approved of by him, and shall wear such uniform, or other distinguishing dress, and carry such arms as shall be determined on by such special justice. It shall also be lawful for such special justice, in cases of necessity, to require their aid in the service of the establishment of special police; and, in case of any complaint being preferred against such guards, he may direct their dismissal, without prejudice, however, to nomination of others by the proprietor to replace those dismissed.

It shall be lawful for these guards to order off any person or persons who may be found, without permission or authority, on the property entrusted to their care, to arrest such person or persons in case of resistance, and to take them before the special justice, or, if the party be not an apprentice, before the police commissary of the district.

They may arrest any apprentices found straying on the said property during the night without any authority from their masters, or who shall be found thieving or committing depredations on the plantation. They may confine such apprentice in a place of safety, and even in the stocks, in case of resistance, until the following morning, when they shall take their prisoners before the special justice, to whom they shall make their report.

Apprentice to compensate for lost time arising from imprisonment.

Art. 40. Every apprentice who, during the period of his apprenticeship, shall have been condemned in matters within the competency of the special justice to imprisonment, shall be bound either during the period of his apprenticeship, or after its expiration, to replace the period of labour which the master, or person entitled to his services, shall have lost from the effect of such imprisonment.

For this purpose the special justice shall establish the account of the apprentices with regard to the said condemnation, in the manner and form pointed out by art. 15.

Apprentices not liable to arrest for debt.

Art. 41. No apprentice shall be liable to arrest or imprisonment for debt by virtue of any judgment or sentence obtained against him.

Duty of apprentices to masters extended to superintendents.

Art. 42. It is hereby declared and ordered, that all and every the dispositions of the present ordinance relative to masters, as far as the same concerns the service and duty of apprentices, shall be made to extend and apply to all persons employed by the master or his representative in the management and superintendence of the apprentices.

Signification of the word "night" in the present ordinance.

Art. 43. The word "night" employed in the present ordinance is meant to comprise that space of time which elapses between gunfire in the evening and gunfire in the morning.

Extra labour to be at the rate of 15 hours per week.

Art. 44. Whenever any apprentice has been condemned to extra labour, such extra labour shall always be taken to be at the rate of 15 hours per week.

Apprentices may be sent to the prisons of Port Louis to undergo punishment.

Art. 45. In case an apprentice shall be condemned to imprisonment with hard labour, the special justice is provisionally authorized, taking into consideration the duration of the imprisonment, the character of the individual, and the circumstances of the case, to send him to undergo his punishment in the prisons of Port Louis.

Application of fines.

Art. 46. The fines and penalties imposed by the present ordinance shall, in all cases where provision has not been otherwise made thereby, be applied as follows: one moiety shall be paid into the public treasury, and the other moiety into the poor's fund.

By whom to be recovered.

They shall be recovered at the suit of the public accusator (*ministère public*).

Acts exempt from stamp and registry duties.

Art. 47. All and every the acts and procedure of the special justices of peace, as also all acts made and done in the interest of apprentices, shall be exempt from the stamp and registry duties.

Jurisdiction of special justice with respect to fines.

Art. 48. All and every the fines, pains and forfeitures imposed by the present ordinance shall, except in cases where it is otherwise ordered, be pronounced by the special justices.

Complaint to be preferred within 15 days.

Art. 49. No master or apprentice shall be at liberty to prefer a complaint either before the special justices, or before the ordinary courts, of any act committed more than 15 days previously

viously to the beginning of such complaint, and which shall not have been preferred to the special justice of his section; except in cases where there may be grounds for a public action, or unless the apprentice shall justify, that he has been prevented either by fraud or violence on the part of the master, or by unavoidable obstruction from preferring his complaint. In such cases the period allowed the apprentice shall not be taken to be lapsed until 15 days after the obstruction shall have ceased.

Art. 50. Any person, on the plea of abuse or excess of power, or of incompetency only, may appeal to the Supreme Court for the reversal of any sentence, whether rendered by the special justices of peace or by those of the said justices who may hold a general commission of justice of peace in virtue of the 14th article of the Act of Parliament. The act of appeal shall be served on the procureur-général, and shall be served under pain of nullity within 10 days from the date of the sentence appealed from.

Art. 51. The different forms which have been made or published with Ordinance No. 1 of this year, shall continue to be used by the special justices until they shall have received other instructions.

Art. 52. The Ordinances No. 11 of 1834, and No. 1 of 1835, are hereby repealed.

Art. 53. The present Ordinance shall come into effect from the date of its publication.

Passed in Council at Port Louis, island of Mauritius, this 21st day of March 1835.

D. W. Ricketts, Secretary to the Council.

MAURITIUS.

Appendix, No. 111.

Appeal against sentence of special justice.

Forms to continue to be used.

Ordinances repealed. Promulgation.

Appendix, No. 112.

(Enclosure in Sir *William Nicolay's* Despatch, 19 November 1835. No. 284.)

ORDINANCE.—(No. 14 of 1835.)—Enacted by his Excellency the Governor of the Mauritius, by and with the consent of the Council of Government of the said Island.

Appendix, No. 112.

Ordinance respecting Misdemeanors committed by Apprentices.—Passed 12 October 1835.

Title.

WHEREAS doubts have arisen with respect to the extent of jurisdiction of the special justices with regard to breaches of the police laws and regulations committed by apprentices who are subject to the provisions of the Slavery Abolition Act, and whereas it is essential in the general interests of the public peace that infractions of such laws and regulations should be disposed of by the same magistrates as now possess a special and immediate authority over such apprentices,

Preamble.

His Excellency in Council has decreed and decrees—

Art. 1. All misdemeanors placed by the law of the colony within the jurisdiction of the ordinary justice of peace, which shall be committed by apprentices who are subject to the applications of the clauses of the Slavery Abolition Bill, shall be heard and determined before the special justices of peace of the section where the offender resides.

The special magistrates have jurisdiction in misdemeanors committed by apprentices.

Art. 2. The special justices of peace shall, in such cases and according to circumstances, condemn the offenders in one or more of the punishments to which apprentices are liable under the Order of His Majesty in Council of the 17th September 1834, and the local Ordinance of the 21st of March last.

Punishments to be awarded in such cases.

It shall also be lawful for such special justices to condemn the apprentice to the payment of a fine, or to a pecuniary compensation to the party injured, proportionate however to the means which the apprentice may be known to possess, or to the profits likely to accrue to him from his extra labour, and without prejudice to the rights of the master.

Art. 3. The concealment of maroon apprentices, or the aiding of them in their escape, is an infraction of police law, and shall be punished in like manner as offences against the said law, according to the circumstances of the case.

Concealment or assistance given to fugitive apprentices a misdemeanor.

Art. 4. The present Ordinance to take effect from the day of its publication.

Promulgation.

Passed in Council at Port Louis, Island of Mauritius, the 12th October 1835.

D. W. Ricketts, Secretary to the Council.

Appendix, No. 113.

(Enclosure in Sir *William Nicolay's* Despatch, 23 January 1836. No. 289.)

ORDINANCE.—(No. 16 of 1835.)—Enacted by His Excellency the Governor of the Mauritius, by and with the consent of the Council of Government of the said Island.

Appendix, No. 113.

Respecting Field Labourers and Workmen.—Passed 2 November 1835.

Title.

WHEREAS the progressive changes which must take place in the population and the habits of the colony from the effect of the abolition of slavery; the natural inclination to idleness and sloth of individuals passing from a state of servitude to one of liberty; the daily introduction into the colony of foreign labourers; and, lastly, the insufficiency of the existing laws to compel the lower classes of society to labour; urgently require that measures should

Preamble.

MAURITIUS.

Appendix, No. 113.

A general return of all the inhabitants to be made from verified statements and the declarations of individuals.

Return to be verified annually.

Vagrants to be placed under the superintendence of the police.

In all cases to be tried by the Court of "Police Correctionnelle." Punishments.

Persons under the age of 60 years to find employment within a given period.

If not, to be placed at the disposal of the police.

After three months passed without employment, to be placed by sentence in a manufactory for

Power of appeal to the Court of First Instance.

At the expiration of three years to be subjected to a new engagement, if there be

Persons above the age of 21 years bound to declare if they intend to go into service. Punishment.

Formality *ex-officio* in certain cases.

Ticket to be delivered.

No person to be hired without a ticket: penalty.

Cases in which a ticket must be renewed.

Minors apprenticed.

Formalities relative to the indentures of apprenticeship.

Ticket to be delivered.

Children and adults under the age of 21 years, of poor parents, may be apprenticed out by the justice of peace, and the civil

Punishments of apprentices under the age of 14 years.

be taken of a nature to conciliate the maintenance of good order with the demands of industry and agriculture, as well as to protect the respective interests of masters and servants, His Excellency in Council has decreed and decrees—

Art. 1. There shall be made before the 1st day of January 1836, by the chief commissary of police of Port Louis, and by the civil commissaries of the districts, a general census or return of all the inhabitants of the colony (except the apprentices subject to the provisions of the Act for the Abolition of Slavery), by means of statements to be made and verified by the said officers, and on the declaration which all persons are hereby required to make within a month from the publication of the present ordinance, setting forth their names, age, place of birth, last residence, profession, occupation or means of subsistence, under a penalty not exceeding 2*l.* sterling.

This general census shall be verified at the end of every year, at which period any changes that may have taken place during the 12 months shall be noted.

Art. 2. All persons capable of labour, who shall have neither occupation nor employment, nor the known means of subsistence, shall be reputed vagabonds, and shall be placed under the superintendence of the police of their district without prejudice to the dispositions which follow.

Any person so reputed committing a breach of police law shall be sentenced by the Court of "Police Correctionnelle" for a first offence to imprisonment, with or without hard labour, for any period not exceeding three months; and in case of a repetition of any such offence, the period of imprisonment, with or without hard labour, may be extended to a year.

Art. 3. All persons under the age of 60 years, capable of labour, and who shall be unable to prove that they follow some business, or possess sufficient means of subsistence, shall be bound to take to some trade, or to find employment, or to hire themselves as field-labourers, within a given period, to be fixed respectively by the chief commissary of police or the civil commissaries; and in default of such persons so doing within the period of proving as aforesaid, they shall be delivered over to the police of the district or to the general police, to be employed on the public works.

If, within the period of three months, such persons shall not have found employment, they may be placed by sentence on some plantation, or in some manufactory, to be there employed at such labour as they may be most adapted for, for any period not exceeding three years.

An appeal may, however, be made from such sentence by a simple declaration before the register of the Court of First Instance within eight days from the service of the sentence; such appeal shall be brought before the Court of First Instance, whose judgment shall be final.

If, at the expiration of the three years, the said individual shall not find employment, he may be subjected to a new engagement in the same manner as before.

Art. 4. Within one month from the publication of the present ordinance, all persons above the age of 21 years, who are at present, and all persons who shall be for the future, desirous of hiring themselves out to service, whether as field-labourers, artificers or apprentices of any denomination, for any period exceeding one month, shall be bound to cause themselves to be registered in a register kept for that purpose at Port Louis by the police, and in the country districts by the civil commissaries, under pain of a fine not exceeding 1*l.* sterling, or imprisonment not exceeding three days.

This formality shall be complied with, *ex officio*, on behalf of those persons subjected to the dispositions set forth in the 3d article.

A ticket shall be delivered to every individual thus registered, setting forth his names, place of birth, occupation and description, whether he be married, and who is the master that employs him.

Art. 5. No person shall take to hire any labourer, workman or voluntary apprentice, unless such labourer, workman or apprentice have a ticket, as above directed, under a penalty not exceeding 10*l.* sterling.

Art. 6. The ticket required by article 4, shall be renewed at every change of master, under pain of imprisonment of the labourer or workman for any period not exceeding eight days.

Art. 7. Children above the age of eight years, minors, with the consent of their parents, tutor or guardian, or of their own free will, if the father, mother or guardian do not oppose it, may be apprenticed, or apprentice themselves out, to be instructed in a trade, or to be employed as a labourer, or workman of whatsoever denomination.

The indenture or act of apprenticeship shall be made in writing, and in the presence of the justice of peace of Port Louis, or in that of the civil commissaries of the districts, agreeably to the form which shall be given to them; it shall be registered gratis in a book to be kept for that purpose; the duration of the apprenticeship cannot extend beyond the age of 21.

A similar ticket to that prescribed by the 4th article shall be delivered to the apprentice thus bound in apprenticeship.

Art. 8. Children and adults under the age of 21 years, when parents are unable to maintain them, may be apprenticed out under the superintendence of the justice of peace and the civil commissaries respectively, in the same manner, and under the same conditions as those prescribed by 7th article.

Art. 9. It shall be lawful for the master of all apprentices under the age of 14 years, if the apprentices fail in their duty, to confine such apprentices for any period not exceeding 24 hours

24 hours, or to inflict such domestic correction as may be proportionate to their age and fault.

Art. 10. Any labourer, workman or apprentice above the age of 14 years, who shall commit a serious offence, or who shall not fulfil the conditions of his contract or act of apprenticeship, whether by a refusal to work, negligence, bad will, absence or otherwise, shall, independently of the special conditions embodied in the contract or act of apprenticeship, be sentenced to pay a fine not exceeding 5*l.* sterling, or to imprisonment, with or without hard labour, for a period of not more than three months.

Art. 11. Any labourer, workman or apprentice who shall menace or strike his master, or his master's representative, shall be punished by imprisonment, with or without hard labour, for any period not exceeding 12 months.

Art. 12. In the cases mentioned in the preceding articles the contract for hire, or articles of apprenticeship, may be cancelled at the request of the master, without prejudice to a Crown action, should there be occasion for it.

Art. 13. Any master who shall not fulfil the terms of his contract, or act of apprenticeship, with any labourer, workman or apprentice, may be compelled thereto at the suit of the labourer, workman or apprentice, and shall be sentenced to pay such damages awarded by the sentence according to the circumstances of the case.

Art. 14. In case of excessive punishment, or of ill treatment by a master towards any labourer, workman or apprentice, the master shall be sentenced to pay to such labourer, workman or apprentice such damages as the court shall award by its judgment, and to a fine not exceeding 10*l.* sterling.

Art. 15. In either of the cases mentioned in the two preceding articles the contract for hire or act of apprenticeship may be cancelled at the request of the labourer, workman or apprentice, without prejudice to proceedings before the ordinary courts, or to a Crown action, should the case call for it.

Art. 16. Labourers, workmen or apprentices, who shall form, to the number of three or more, an association or conspiracy, having for its object to quit or neglect their service, or to change the condition of their contract, or to enforce an increase of wages, shall be punished by imprisonment, with or without hard labour, for any period not exceeding six months, without prejudice to a public or Crown action, should the case call for it.

Art. 17. It is prohibited, under a penalty of 100*l.* sterling, against the contravener, to introduce into the colony from abroad any number of individuals hired as labourers, workmen or apprentices, without the express permission of the Governor.

Art. 18. Persons obtaining the permission mentioned in the preceding article shall be bound to subscribe, or to deposit at the general police office, a bond in the form annexed to the present ordinance.

Art. 19. All contracts and agreements of apprenticeship made and executed abroad with labourers, workmen or others, shall be reduced to writing; they shall be registered at the office of the general police, and from thence shall have the same force and effect as if made and executed within the colony.

A ticket in the same form as that prescribed by the 4th Article shall be delivered to the said parties hired or engaged as apprentices.

Art. 20. Every labourer, workman or apprentice who shall absent himself or herself from work without justifiable cause, shall be sentenced to indemnify his or her master at the rate of the value of two days' labour for each day's absence; and shall further, if the absence of such labourer, workman or apprentice shall have exceeded three days, be condemned to an imprisonment not exceeding five days.

The place of imprisonment shall be determined by the judgment.

Art. 21. In the event of the absence of several workmen, labourers or apprentices, being simultaneous, or resulting from a conspiracy, provided for by the 16th Article, the master shall be at liberty to bring his action for damages before the judge of the Court of First Instance, who, after summarily hearing the parties, shall pronounce his judgment, from which there shall be no appeal.

Art. 22. In all other cases when a labourer, workman or apprentice shall have been condemned to imprisonment, the master shall be at liberty to retain from his or her wages the value of two days' labour for each day's imprisonment.

Art. 23. Pecuniary compensations which masters, under this ordinance, may be sentenced to pay to their labourers, workmen or apprentices, may be recovered at the suit of the latter by attachment and execution, to be carried into effect by any person attached to the public force of the district possessing the authority of the civil commissary, with the privilege appertaining to officers of the public force.

Art. 24. Any labourer, workman or apprentice, hired abroad, who shall commit an offence against public order, may be sent out of the colony at the expense of the party who introduced him, under an order from the supreme authority of the island.

Art. 25. Any person who shall be convicted of having enticed or having endeavoured to entice any labourer, workman or apprentice to leave the service of his master, or his master's representative, shall be sentenced to pay a fine not exceeding 5*l.* sterling, without prejudice to the claim of damages competent to the master.

Art. 26. The justice of peace of Port Louis, and the civil commissaries in the several districts (or, in case of hinderance, their assistants) shall take cognizance of all complaints made by masters against their labourers, workmen or apprentices for breaches of contract,

Appendix, No. 113.

Punishments of labourers, workmen and apprentices above the age of 14 years.

Punishment for threats or blows exercised towards the master.

Cancellation of the act of apprenticeship.

Damages in case of breach of contract by the master.

Damages and penalty against the master in case of ill treatment.

In the cases provided for by the two last articles the contract may be annulled.

Punishment for conspiracy tending to quit or neglect service, &c.

All introduction of foreign labourers ought to receive the authority of the Governor.—Penalty.

Bond to be furnished on obtaining permission.

All foreign contracts for hire to be in writing, and to be registered at the police office

Punishment in case of absence without justifiable cause.

In the event of the simultaneous desertion of several labourers, workmen or apprentices, the master may prosecute before the Court of First Instance.

Retention of wages in case of imprisonment.

Pecuniary compensations awarded to the parties hired.

Foreign labourers guilty of an offence against public order may be sent out of the colony by an order from the Governor.

Penalty for enticing labourers, workmen or apprentices to quit service.

Jurisdiction of the justice of peace and of the civil commissaries.

MAURITIUS.

Appendix, No. 113.

They are to take cognizance of suits for payment of wages.

Powers and attributions of the civil commissaries.

Their audiences.

Mode of executing their orders, &c.

Arrest of accused in certain cases.

The meaning of the word "apprentice," in the present law, explained.

Promulgation.

either by refusal to work, by negligence, bad will, or absence, or every other act of insubordination which is not of a nature requiring to be sent before the ordinary law courts. They shall also take cognizance of all suits for wages of labourers, workmen and apprentices; and of the execution of all contracts between them and their masters, and generally of all contraventions to the present ordinance.

They shall decree the several punishments and penalties hereinbefore set forth, either accumulatively or separately, in the respective cases before them.

Their judgments shall be final, except in the case provided for by the 3d Article.

Art. 27. The civil commissaries of the districts are in consequence authorized in the above matters to require all persons to appear before them, to issue summonses and subpoenas, to make all visits, examinations and inquiries which the case may require, either ex-officio or on the complaint of the master, or on that of any labourer, workman or apprentice.

They may also proceed to the spot, to hear the complaints of the master or of the labourers, workmen or apprentices, and may then and there decide thereon.

Their audiences shall at all times be public.

Their orders, warrants and decrees shall be carried into effect by the civil force of the district.

Art. 28. It shall be lawful for the civil commissaries, according to the seriousness of the case, to arrest any person accused: provided always, that such person be immediately sent to the prisons of Port Louis, and instant information thereof be given to the Procureur du Roi.

Art. 29. The word "apprentice" made use of in the present ordinance is to be understood as applicable only to individuals other than the apprentices who are subject to the provisions of the Act for the Abolition of Slavery.

Art. 30. The present ordinance shall come into force from the date of its publication.

Passed in Council at Port Louis, Island of Mauritius, the 2d day of November 1835.

D. W. Ricketts, Secretary to the Council.

Appendix, No. 114.

(Enclosure in Sir *William Nicolay's* Despatch, dated 23 January 1836. No. 289.)

ORDINANCE.—(No. 17 of 1835).—Enacted by his Excellency the Governor of the Mauritius, by and with the consent of the Council of Government of the said Island.

Title.

On Servants, Porters, and Jobmen or Daily Workmen.—Passed 2 November, 1835.

Preamble.

WHEREAS it is necessary in the present condition of the lower classes to subject domestic and other servants and labourers by the day to police regulations:

His Excellency in Council has decreed and decrees,

All servants and hired persons to be registered at the office of the chief commissary of police, or that of the civil commissaries of the districts.

Art. 1. Within a month from the publication of the present ordinance, all persons of either sex (except the apprentices under the Slavery Abolition Act,) who are at present in service, and all those who for the future may propose to take service by the year, by the month, or even by the day, under whatsoever denomination, shall be registered; to wit, for Port Louis at the general police office, and in the districts at the office of the civil commissary, either upon their own declaration, or upon returns which are to be prepared by the chief commissary of police and civil commissaries; under a penalty against the person who shall fail to make such declaration, of an imprisonment not exceeding three days, to be awarded in Port Louis by the justice of peace, and in the districts by the civil commissaries.

A ticket to be delivered to them.

A ticket shall be delivered to each individual registered, specifying his or her surname, Christian name, place of birth, trade, description, if married, and the address of the master whom he or she serves.

A monthly statement to be forwarded by the civil commissaries to the chief commissary of police.

The civil commissaries shall forward every month to the chief commissary of police a return of the declarations they have received, and of the tickets they have issued.

Masters of apprentices who wish to hire out the latter are to declare the same at the above offices.—Penalty.

Art 2. Masters of apprentices under the Slavery Abolition Act intending, to hire them out as servants, of any denomination whatever, shall be bound within the same period to make for their apprentices the declaration above prescribed, under a penalty against the master of a fine not exceeding 1 *l.* sterling.

A ticket to be delivered to them, which is to undergo the visa of the special justice.

A ticket shall be delivered to them of the same kind as that mentioned in Article 1st, which, however, shall not be valid until it has been countersigned by the special justice of the apprentice's section.

No person to be hired who is unprovided with a ticket.—Penalty.

Art. 3. It shall not be lawful to take into service a servant who is not provided with a ticket of registration, under the penalty of a fine which shall not exceed 5 *l.* sterling, and of being responsible, according to the case, for the offences that may be committed by such servants.

The ticket shall remain in the possession of the master in whose service the apprentice may be.

The master to return to the commissary the ticket of the servant leaving service.

Art. 4. The person whose service a servant shall leave, shall, within three days, transmit the ticket of registration either to the chief commissary of police, if in Port Louis, or to the civil commissary of his district, after having inserted upon it the day and causes of the servant going away.

The

The servant, if not an apprentice under the Slavery Abolition Act, shall be bound within three days of leaving service, to appear at the general police office or at the civil commissary's, to make there his or her declaration, whether he or she wishes to continue to serve or to take a trade, under a penalty of an imprisonment not exceeding four days. declare the same.—

MAURITIUS.
Appendix, No. 114.
Servant leaving, to
Penalty.

A similar declaration is to be made by the master of an apprentice under the Slavery Abolition Act whenever the apprentice shall leave the person with whom he or she may have been hired as a servant, in order that it may be known whether it continues to be his intention to hire him or her out in that capacity, under a penalty of a fine not exceeding 1 l. sterling.

A like declaration to be made by masters of apprentices.
Penalty.

The ticket shall be returned to the servant or to the master of the apprentice, certified agreeably to their declaration. That of the apprentice shall further be countersigned by the special justice of his section.

The ticket to be returned to the servant or master of the apprentice.

The civil commissaries shall transmit every month a return of the declarations to the chief commissary of police.

Declarations to be forwarded to the chief commissary.

Art. 5. No persons may take into their service a servant under the circumstances mentioned in the preceding article, if the servant's ticket of registration be not delivered to them certified as prescribed in the said article, under the penalties set forth in the 3d Article.

No servant to be hired who has not complied with the above formalities.
Penalty.

Art. 6. Any servant making use of a ticket belonging to another, or of a forged or falsified ticket, shall be punished by imprisonment for a month with hard labour, and shall forfeit any wages that may be due to him, which shall be paid into the poor's fund, "Caisse de Bienfaisance."

Making unlawful use of tickets.
Punishment.

Whoever shall counterfeit, fabricate or falsify such a certificate, or shall deliver to a servant a counterfeited, fabricated or falsified certificate, shall be prosecuted before the Court of Correctional Police, and punished by a fine not exceeding 5 l. sterling, or by imprisonment with or without hard labour, not exceeding one month.

Counterfeiting or forging tickets.
Penalty.

Art. 7. Every servant not being an apprentice under the Slavery Abolition Act, who shall be without a place for more than three months, and who shall not prove that he has sufficient means of existence, shall be placed at the disposal of the police for employment on the public works.

All servants without employment for a period of three months to be placed at the disposal of the police.

If he has been allowed only a temporary residence in the colony, he may be sent out of it.

Strangers may be sent out of the colony.

Art. 8. There shall be always at the police office an officer specially charged to receive all complaints relative to domestic robberies, to follow them up without delay, and to take all necessary measures for discovering and prosecuting those concerned in them.

Officers of police to receive complaints and to follow them up.

The civil commissaries in the districts shall perform the same duties; they shall forward from time to time to the chief commissary of police a summary statement of the complaints of this nature received by them.

The civil commissaries to do the same.

Art. 9. Prosecutions for the recovery of the penalties enacted in the present ordinance shall be prescribed by a lapse of six months. The period of prescription shall be three months, if the individual obtains a place in the service of a new master.

Limitation of punishments.

Art. 10. The masters of apprentices under the Slavery Abolition Act who intend to allow them to hire themselves out in the service of individuals or to work on their account, with or without any fixed remuneration, shall be bound, under the same penalties that are set forth in the 2d Article, to make a declaration to that effect to the special justice of their section, who will grant or refuse his sanction according to the information which he may obtain of the conduct and character of the apprentices.

Masters of apprentices who wish to permit the latter to hire themselves out, to declare the same to the special justices.

Art. 11. All those who, agreeably to the declarations made at the general police office, as above prescribed, intend to employ themselves or to employ their apprentices under the Slavery Abolition Act, as labourers by the day, porters, messengers, chairmen or other similar occupations, in the town of Port Louis, shall wear a badge or other distinctive mark which shall be furnished to them at the police office. When not employed they shall be bound to remain in the place set apart for that purpose by the chief commissary of police.

Porters or messengers to wear a badge, and to remain in a given spot.

Every person offending against this regulation shall be condemned to a fine of an amount not exceeding the value of six days' labour, or to an imprisonment with labour not exceeding three days.

Penalty.

Art. 12. The penalties enacted in the preceding article are applicable to all those who shall make use of a mark or badge not belonging to them, or which may have been fabricated or falsified.

Fraudulent use of badges.

All persons who may have counterfeited, fabricated or falsified the said marks or badges, shall be prosecuted before the Court of the Correctional Police, and be liable to the penalties enacted by the 6th Article.

Counterfeiting or forging the same.
Penalties.

Art. 13. All persons employing, on any business whatsoever, as labourers by the day, within the meaning of the 11th Article, individuals not wearing the distinctive mark or badge above prescribed, shall be punished by a fine not exceeding 1 l. sterling.

Labourers, porters, messengers, &c. not to be hired unless they wear a badge.
Penalty.

Art. 14. The civil commissaries in the districts, or in case of hinderance, their substitutes, shall have cognizance in like manner as the Justice of Peace Court in Port Louis, of the hire due to labourers, of the wages of servants, and of the fulfilment of the engagements respectively of masters and their servants, or labourers and others described in the present ordinance, as well as of the offences that may be committed against it.

Jurisdiction of the civil commissaries,

MAURITIUS.

Appendix, No. 114.

Powers conferred on those officers.

Mode of executing process.
Promulgation.

They shall apply according to the different cases the penalties and fines above enacted, either separately or jointly.

Art. 15. The civil commissaries in the districts, or their substitutes, are in consequence empowered to summon all persons before them, to issue warrants of appearance in all cases within the meaning of the present law.

Their orders, warrants, and judgments shall be executed by persons employed in the public service.

Art. 16. The present ordinance shall take effect from the day of its publication.

Passed in Council at Port Louis, Island of Mauritius, the 2d day of November, 1835.

D. W. Ricketts, Secretary to the Council.

 Appendix, No. 115.

(Enclosure in Sir *William Nicolay's* Despatch, dated 25 January 1836. No. 291.)

ORDINANCE.—(No. 18 of 1835.)—Enacted by his Excellency the Governor of the Mauritius, by and with the consent of the Council of Government of the said Island.

Title.

On Public Instruction.—Passed 16 November 1835.

Preamble.

WHEREAS it has become necessary to subject the public instruction in the colony to one general and uniform system, calculated to insure its beneficial effects; and whereas the means to effect this object is to embody in a single law the several arrêtés, proclamations and regulations which relate thereto, adding to the same such dispositions as experience has shown to be useful.

Taking into consideration the several reports of the Committee on Public Instruction;

Also the arrêté of the 5 Brumaire, of the year 12; the arrêté of the 12 September 1806, the arrêté of the 28 September 1806; the proclamation of the 23 April 1811; and the proclamation of the 27 January 1815;

His Excellency the Governor in Council has decreed and decrees:—

Public instruction is to be placed under the protection of the government, and the superintendence of a

committee of public instruction.

The committee is composed of 13 members.—Designation of the official members.—Mode of electing the rest.

Art. 1. Public instruction is under the protection of the Government; its direction and superintendence are confided to a committee, to be called "The General Committee of Public Instruction."

It may deliberate, 5 members being present.—Members may be re-elected.

Art. 2. The members of this committee shall be 13 in number, as follow: the colonial secretary (president de jure); the head of the Catholic church; the head of the Protestant church; the procureur-general, and nine other members, of whom each year three shall be chosen by the Governor, and six shall be elected by the Assembly of Notables named for the formation of the double list of assessors for the assize court, or by such other elective body as shall be substituted for the said assembly.

The committee may sit, five members being present.

The same members may be re-elected.

Private schools established with the authority of the Governor.

Art. 3. Any private school, or establishment for instruction whatsoever, may be established, with the previous sanction of the Governor.

Teachers of schools already established to renew their authority.

Teachers of private schools already established are forthwith to renew their permission, which will be granted to them.

The authority may be withdrawn.

The sanction required as above may be withdrawn whensoever his Excellency the Governor, on the report of the Committee of Public Instruction, shall think that necessary.

Penalty against those who shall keep a school, or teach publicly without an authority.

Art. 4. Whosoever shall teach publicly, or keep a school without the prescribed authority, shall be cited before the Police Correctionnelle, at the suit of the ministère public, and, on conviction, condemned to pay a fine to the Caisse de Bienfaisance not exceeding 20 l. sterling. The court shall, by its sentence, order the school to be shut up.

All prospectuses or programmes to be submitted to the committee, which may require any information on the nature of the studies, discipline, &c.

Art. 5. Every prospectus or programme, setting forth the studies, discipline, the terms of schooling, and management of the scholars in the several schools, shall be communicated to the Committee of Public Instruction. The committee are empowered to demand from the teacher of any private school such information as it may judge necessary as to the plan of instruction which he adopts, or on any other points relative to the good order of his establishment.

Boarders, half-boarders, and day-scholars.

Art. 6. There shall be received into the Royal College, boarders, half-boarders, and day-scholars.

The price of schooling to be fixed by the committee.

The terms of schooling shall be fixed by the Committee of Public Instruction.

The scholars shall wear an uniform.

The amount of schooling shall be regularly paid; if not, the scholar is to be refused further admittance.

Art. 7. The amount of schooling at the Royal College shall be paid regularly at the end of each month; otherwise, at the expiration of the 15 days following, the scholar shall be no longer admitted.

Purveyor to make known to the committee the parties in arrears.

The purveyor shall be bound, on his own responsibility, to make known to the committee any delay which shall take place in the payment of the schooling of the pupils.

Art. 8.

Art. 8. There shall be allowed to the college, in the annual budget, the sum of 1,500 *l.* sterling, for the purpose of paying the masters, the maintenance of the establishment, and the expense of educating those pupils who shall have been admitted, gratis, as boarders or day-scholars.

Allotment of 1500 *l.* sterling on the colonial budget. Scholars admitted gratuitously.

Art. 9. The number of these scholars shall be fixed by the Committee of Public Instruction, which shall present them for the nomination of the Governor.

The number to be fixed by the committee.

Art. 10. The Committee of Public Instruction shall be permitted to accept of donations made, or endowments proffered to the Royal College, subject to the prescribed formalities, on the acceptance of donations and legacies.

The committee may authorize the acceptance of donations made and benefices granted to the college.

Art. 11. The names of donators and benefactors shall be inserted in the books of the Committee of Public Instruction, and proclaimed at the general distribution of the prizes.

The names of donators and benefactors to be inserted in a book.

Donators and benefactors shall occupy a place of distinction in all the public examinations and festivals which shall take place at the college.

They are to occupy a distinguished seat at the examinations and college festivals.

Art. 12. The Committee of Public Instruction shall be charged with the direction and superintendence of the Royal College; of all public schools; and it shall likewise watch over the private schools: it shall meet every month, and oftener if necessary.

The committee superintends the college and other schools. It is to meet once a month, or oftener if necessary.

Art. 13. The masters of the college, and teachers of public schools, shall be presented by the committee to the choice of the Governor. They shall receive commissions.

The masters are to be presented for the nomination of the Governor.—They are to be commissioned.

Governor.—They are

Art. 14. There shall be at the Royal College a rector, a sub-rector and a purveyor.

Rector, sub-rector and purveyor.

The rector shall direct all the details of the establishment, in conforming himself to the regulations established by the Committee of Public Instruction; he shall superintend the masters and ushers, and every thing which relates to the discipline, schooling and management of the scholars.

Attributes of the rector.

The sub-rector is to be chosen from among the masters; he is to assist the rector, and to replace him in case of absence or other impediment.

Those of the sub-rector.

The purveyor shall direct the expenses of the establishment, collect the revenues, and order its supplies of all kinds; he shall render an account of his funds monthly to the committee.

Those of the purveyor.

Art. 15. The number of masters of the college shall be fixed by the Governor, on the recommendation of the committee, with reference to the wants and pecuniary resources of the establishment.

The number of masters of the college to be fixed by the Governor.

The salaries of the rector, sub-rector, purveyor, masters, and of all persons employed in the college, shall be fixed by the committee.

Their salaries to be determined by the committee.

Art. 16. The committee shall recommend to the Governor such masters as it shall deem worthy of a retiring pension.

The committee to recommend to the Governor the masters having a claim to a pension. Disciplinary punishments of the masters.

Art. 17. The disciplinary punishments which the Committee of Public Instruction is authorized to inflict upon the masters of the Royal College are—

1. Reprimand by the president in the presence of the committee assembled.
2. Striking out of the list of masters.

Reprimand. Erasure from the list.

Art. 18. Independently of those privations which are usually employed as punishments, the scholars of the Royal College who shall be guilty of any fault or misdemeanor in the interior of the establishment, or in any public place (*lieu public*), may be punished by order of the rector, or in his absence by order of the sub-rector, according to the gravity of the case, by confinement not exceeding three days, in a building of the college set apart for that purpose.

In certain cases, scholars are liable to a confinement of three days at the utmost.

The confinement may be extended by order of the committee to 10 days.

This period may be prolonged by the committee.

Dismissal from the college may be pronounced by an order of the committee.

The committee may order a dismissal.

Art. 19. If the parents or guardians oppose the execution of the measures prescribed in the two first paragraphs of the preceding article, the offending scholar shall be given up to them, and shall not be re-admitted into the college except on an order from the committee.

Case in which the scholar is to be delivered over to his parents; and not to be re-admitted into the college without a decree of the committee.

Art. 20. All former arrêtés, proclamations, and regulations on Public Instruction and the Royal College are and remain repealed so far as they may be contrary to the present ordinance.

Repeal of all former regulations.

Passed in Council at Port Louis, Island of Mauritius, the 16th day of November, 1835.

D. W. Ricketts, Secretary to the Council.

MAURITIUS.

Orders in Council
and
Colonial Laws.
Appendix, No. 116.

Appendix, No. 116.

(Enclosure in Lord *Glenelg's* Despatch, 11 August 1836. No 292.)

At the Court of St. James's, 10 August 1836. The King's Most Excellent Majesty in Council. Present, the Lord President, &c. &c.

WHEREAS, under and by virtue of certain laws now in force in the island of Mauritius, no private school for the education of youth can be there established, without the previous sanction or license of the officer administering the government thereof; and whereas, the continuation or revocation of such licenses is dependent entirely upon the pleasure of the officer aforesaid; and whereas, under and by virtue of such laws a Committee of Public Instruction hath been constituted, and the said committee is thereby invested with a superintendence or control over the private schools aforesaid, and over the system of instruction pursued therein; and whereas, such restrictions on the right of teaching scholars in the private schools are unnecessary and burthensome, and tend to obstruct the progress of education in the said Island: It is therefore ordered by the King's Most Excellent Majesty, by and with the advice and consent of his Privy Council, that all such laws as aforesaid, now existing within the said island, and especially a certain law respecting public education dated on the 5th Brumaire, year 12 (28th day of October 1803), and a certain proclamation bearing date the 27th day of January 1813, so far as the same relate to private schools, shall be and the same are hereby abrogated, repealed and annulled.

And it is hereby further ordered and declared, that it shall be lawful for any natural born subject or subjects of His Majesty, or for any person or persons duly naturalized as such subject or subjects, to establish, maintain and keep open any school or schools for the education of youth in Mauritius, at his, her or their discretion, without the previous license or sanction of the Governor or of the officer for the time being administering the government of the said island, and without any control or superintendence on the part of such Governor or officer, or of any committee of public instruction, or of any other persons or person acting under the authority of the government of the said island: provided, nevertheless, that nothing herein contained extend or shall be construed to extend to interfere with or take away any powers now by law vested in any court of justice in the said island, of interdicting to any person convicted before such court in due course of law of any crime or misdemeanor, the future discharge of the office of a schoolmaster or teacher of youth, or from enforcing by all usual and accustomed penalties the due observance of any such prohibition.

And the Right Hon. Lord Glenelg, one of His Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

(signed) *W. L. Bathurst.*

A N T I G U A.

Appendix, No. 117.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 29 August 1834. No. 295.)

ANTIGUA.

An Act for the punishment of idle and disorderly persons, rogues and vagabonds, incorrigible rogues and other vagrants in this Island.—Passed 3d July 1834.

Appendix, No. 117.

Preamble.

Clause 1.

Every person able to work wilfully refusing so to do; every common prostitute on the public streets or highway behaving riotously; every person wandering abroad to beg alms, or encouraging children to do so, deemed an idle and disorderly person; lawful for justice of peace to commit offender to gaol or house of correction, to be worked on streets or public highways for one calendar month, maximum.

WHEREAS, it is necessary to make provision for the suppression of vagrancy, and for the punishment of idle and disorderly persons, rogues and vagabonds, incorrigible rogues or other vagrants in this island; we, therefore, your Majesty's dutiful and loyal subjects, the Governor and Commander in-chief in and over your Majesty's islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin islands and Dominica, and the Council and Assembly of this your Majesty's island of Antigua, do humbly pray your most excellent Majesty, that it may be enacted and ordained, and be it and it is hereby enacted and ordained, by the authority of your Majesty's said Governor and Commander-in-chief, and the Council and Assembly of this your Majesty's island of Antigua aforesaid, that every person being able wholly or in part to maintain himself or herself, or his or her family, by work or by other means, and wilfully refusing and neglecting so to do; every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous and indecent manner; and every person wandering abroad, or placing himself or herself in any public place, street, highway, court or passage, to beg or gather alms, or causing or procuring, or encouraging any child or children so to do, shall be deemed an idle and disorderly person within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender, being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses, to the gaol or house of correction, there or on the public streets and highways to be kept to hard labour for any time not exceeding one calendar month.

2. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that any person committing any of the offences hereinbefore mentioned, after having been convicted as an idle and disorderly person; every person pretending to be a dealer in obeah; every person pretending or professing to tell fortunes, or using any subtle craft, means or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects; every person wandering abroad and lodging in any outhouse or shed, or in any deserted or unoccupied building, or in any mill, sugar-works, watch-house, trash-house or other plantation buildings, or within any cane or provision piece, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving any good account of himself or herself; every person wilfully exposing to view in any street, road, highway or public place, any obscene print, picture or other indecent exhibition; every person wilfully, openly, lewdly and obscenely exposing his person in any street, public road or highway, or in the view thereof, or in any place of public resort, with intent to insult any female or otherwise; every person wandering abroad, and endeavouring, by the exposure of wounds or deformities, to obtain or gather alms; every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence; every person playing or betting in any street, road, highway or other open and public place, at or with any table or instrument of gaming, at any game or pretended game of chance; every person having in his or her custody or possession any picklock, key, crow, jack, bit or other implement, with intent feloniously to break into any dwelling-house, warehouse, store, shop, coach-house, stable or outbuilding, or being armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, or having upon him or her any instrument with intent to commit any felonious act; every person being found in or upon any dwelling-house, warehouse, coach-house, stable or outhouse, or in any inclosed yard, garden or area for any unlawful purpose; every suspected person or reputed thief frequenting any quay or wharf, or warehouse near or adjoining thereto, or any street, highway or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway or place adjacent, with intent to commit felony; and every person apprehended as an idle and disorderly person, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed a rogue and vagabond within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender, being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses, to the gaol or house of correction, there to be kept to hard labour for any time not exceeding three calendar months; and every such picklock, key, crow, jack, bit and other implement, and every such gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, and every such instrument as aforesaid shall, by the conviction of the offender, become forfeited to His Majesty.

Any person convicted as an idle and disorderly person; every person pretending to deal in obeah; persons professing to tell fortunes; persons wandering abroad and lodging in outhouses, sheds, &c., not giving good account of himself or herself; persons wilfully exposing to view any obscene print, picture, &c.; persons exposing their person to view to insult any female; persons wandering abroad to gather alms; persons playing or betting at any game in the streets, &c.; persons having in their possession any picklock, key, crow, &c. with intent feloniously to enter into any dwelling-house, &c., or armed with any gun, pistol, hanger, &c. with intent to commit any felonious act; every suspected person or reputed thief, found lurking about any dwelling-house, wharf, &c.; every person apprehended as an idle and disorderly person, resisting peace officer, to be deemed a rogue and vagabond. Justice, on conviction,

tion, may commit offender to gaol or house of correction, to hard labour, for three; calendar months, maximum.

3. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that every person breaking or escaping out of any place of legal confinement before the expiration of the term for which he or she shall have been committed or ordered to be confined by virtue of this Act; and every person committing any offence against this Act, which shall subject him or her to be dealt with as a rogue and vagabond, such person having been at some former time adjudged so to be, and duly convicted thereof; and every person apprehended as a rogue and vagabond, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed an incorrigible rogue within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender, being thereof convicted before him by the confession of such offender, or by the evidence of one or more credible witness or witnesses, to the gaol or house of correction, there to remain until the next Court of King's Bench and grand sessions of the peace, or other sessions of the peace; and every such offender who shall be so committed to the gaol or house of correction shall be there kept to hard labour during the period of his or her imprisonment.

Every person breaking or escaping from legal confinement; every person committing offence against this Act which shall subject him or her to be dealt with as a rogue and vagabond, having been previously convicted thereof; every person apprehended as a rogue and vagabond, resisting peace officer, shall be deemed an incorrigible rogue. Justice, on conviction,

may commit offender to gaol or house of correction until next sessions of the peace; offender to be kept to hard labour during such imprisonment.

4. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that it shall be lawful for any person whatsoever to apprehend any person who shall be found offending against this Act, and forthwith to take and convey him or her before some justice of the peace, to be dealt with in such manner as is hereinbefore directed, or to deliver him or her to any constable or other peace officer, to be so taken and conveyed as aforesaid; and in case any constable or other peace officer shall refuse or wilfully neglect to take such offender into his custody, and to take and convey him or her before some justice of the peace, or shall not use his best endeavours to apprehend and convey before some justice of the peace any person that he shall find offending against this Act, it shall be deemed a neglect of duty in any such constable or other peace officer, and he shall on conviction be punished in such manner as is hereinafter directed.

Lawful for any person to apprehend offenders against this Act, and to take them before justice to be dealt with as hereinbefore directed, or to deliver offender to constable or peace officer. Constable or peace officer refusing, guilty of neglect of duty, and to be

punished as hereafter directed.

5. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that it shall be lawful for any justice of the peace, upon oath being made before him that any person

Justice, upon oath made to him that any person has com-

mitted or is suspected of any offence against this Act, to issue warrant for apprehension of such offender.

person hath committed, or is suspected to have committed any offence against this Act, to issue his warrant to apprehend and bring before him, or some other justice of the peace, the person so charged, to be dealt with as is directed by this Act.

If person committed to gaol or house of correction as an incorrigible rogue till next grand sessions, shall give notice of intention to appeal against conviction, and shall enter into recognizance to prosecute appeal, justice to bind over prosecutor and witnesses to appear at sessions. Court to order prosecutor and witnesses to be reimbursed for loss of time in attending court. Clerk of the Crown to draw order on treasurer for payment; 3 s. fee to clerk of the Crown.

Persons refusing to enter into recognizance to be committed to common gaol till discharged by due course of law.

If person committed as an incorrigible rogue to gaol or house of correction till next grand sessions, lawful for court to examine into the case, and if they think fit to order offender to be further committed to hard labour for one year, maximum; and, if a male, to be

whipped, at such times and places as the court shall think fit.

Constable or other peace officer neglecting his duty, or persons hindering any constable or peace officer in the execution of his duty, or abetting therein, and thereof convicted before any two or more justices, to be fined. Fine to be levied by distress and sale of offender's goods.

Lawful for justice, on oath made before him, that any person described as a rogue, vagabond or incorrigible rogue, is harboured or suspected to be concealed in any house of entertainment, to issue warrant to constable for apprehension of such person:

No proceedings before justices under this Act to be quashed for want of form.

6. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that when any justice as aforesaid shall commit any such incorrigible rogue to the gaol or house of correction, there to remain till the next Court of King's Bench and grand sessions of the peace, or when any such idle and disorderly person, rogue and vagabond, or incorrigible rogue, shall give notice of his or her intention to appeal against the conviction of him or her, and shall enter into recognizance, as hereinafter directed, to prosecute such appeal, such justice shall require the person by whom such offender shall be apprehended, and the person or persons whose evidence shall appear to him to prove the offence, and to support such conviction, to become bound in recognizance to His Majesty, his heirs and successors, to appear at the said Court of King's Bench and grand sessions of the peace, or other sessions of the peace, to give evidence against such offender touching such offence; and the said Court of King's Bench and grand sessions of the peace, or other sessions of the peace, is hereby authorized and empowered, at the request of any person who shall have become bound in any such recognizance, to order the treasurer of the island to pay unto such prosecutor, and unto the witness or witnesses on his or her behalf, such sum or sums of money as to the court shall seem reasonable and sufficient to reimburse such prosecutor, and such witness or witnesses respectively, for the expenses he, she or they shall have been severally put to, and for his, her or their trouble or loss of time in and about such prosecution, which order the clerk of the Crown is hereby directed and required forthwith to make out and deliver to such prosecutor, or unto such witness or witnesses, upon being paid the sum of three shillings and no more; and the said treasurer is hereby authorized and required, upon sight of such order, forthwith to pay unto such prosecutor, or other person or persons authorized to receive the same, such money as aforesaid; and the said treasurer shall be allowed the same in his account. And in case any such person or persons as aforesaid shall refuse to enter into such recognizance, it shall be lawful for such justice to commit such person or persons so refusing to the common gaol, there to remain until he, she or they shall enter into such recognizance, or shall be otherwise discharged by due course of law.

7. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that when any incorrigible rogue shall have been committed to the gaol or house of correction, there to remain until the next Court of King's Bench and grand sessions of the peace, or other sessions of the peace, it shall be lawful for the court to examine into the circumstances of the case, and to order, if they think fit, that such offender be further imprisoned in the gaol or house of correction, and there kept to hard labour for any time not exceeding one year from the time of making such order, and to order further, if they think fit, that such offender (not being a female) be punished by whipping, at such time during his imprisonment, and at such place, as, according to the nature of the offence, the said court in its discretion shall deem to be expedient.

8. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that in case any constable or other peace officer shall neglect his duty in anything required of him by this Act, or in case any person shall disturb or hinder any constable or other peace officer in the execution of this Act, or shall be aiding, abetting or assisting therein, and shall be thereof convicted, upon the oath of one or more witness or witnesses, before two or more justices of the peace, every such offender shall for every such offence forfeit any sum not exceeding ten pounds; and in case such offender shall not forthwith pay such sum so forfeited, the same shall be levied by distress and sale of the offender's goods by warrant from such justices, and if sufficient distress cannot be found, it shall be lawful to and for one or more such justices to commit the person so offending to the gaol or house of correction, there to be kept for any time not exceeding three calendar months, or until such fine be paid; and the said justices shall cause the said fine, when paid, to be paid over to the treasurer of the island, to be by him carried to the public stock.

9. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that it shall be lawful for any justice of the peace, upon information on oath before him made that any person hereinbefore described to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is or are reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception, lodging or entertainment of travellers, by warrant under his hand and seal to authorize any constable, or other person or persons, to enter at any time into such house, and to apprehend and bring before him, or any other justice of the peace, every such idle and disorderly person, rogue and vagabond, and incorrigible rogue, as shall be found therein, to be dealt with in the manner hereinbefore directed.

10. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that no proceeding to be had before any justice or justices of the peace, under the provisions of this Act, shall be quashed for want of form; and every conviction of any offender as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue under this Act, shall

be in the form or to the effect following, or as near thereto as circumstances will permit, that is to say :

ANTIGUA.

“ Antigua—Be it remembered, that on the _____ day of _____ in the year of our Lord _____ A. B. is convicted before me, C. D., one of His Majesty’s justices of the peace in and for the said island, of being an idle and disorderly person (or a rogue and vagabond, or an incorrigible rogue), within the intent and meaning of the Act, made in the _____ year of the reign of His Majesty King William the Fourth, intituled, An Act (here insert the title of this Act), that is to say : for that the said A. B., on the day of _____ (here state the offence proved before the said magistrate), and for which said offence the said A. B. is ordered to be committed to the gaol or house of correction, there or on the public streets and highways to be kept to hard labour for the space of _____ (or until the next Court of King’s Bench and grand sessions of the peace, or other sessions of the peace, as the case may be).—Given under my hand and seal the day and year first above written.”

Appendix, No. 117.
Form of conviction.

And the justice or justices of the peace before whom any such conviction shall take place, shall, and he and they is and are hereby required to transmit the said conviction to the next Court of King’s Bench and grand sessions of the peace, or other sessions of the peace to be holden in and for the said island, there to be filed and kept on record ; and a copy of the conviction so filed, duly certified by the clerk of the Crown, shall and may be read as evidence in any court of record, or before any justice or justices of the peace, acting under the powers and provisions of this Act.

Justices to transmit conviction to next court of grand sessions to be filed and kept on record ; copy thereof, under hand of clerk of the Crown, may be read as evidence in any court of record or before justices.

11. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that any person aggrieved by any act or determination of any justice or justices of the peace out of sessions, in or concerning the execution of this Act, may appeal to the next Court of King’s Bench and grand sessions of the peace, or other sessions of the peace, giving to the justice or justices of the peace, whose act or determination shall be appealed against, notice in writing of such appeal, and of the ground thereof, within seven days after such act or determination, and before the next Court of King’s Bench and grand sessions of the peace, or other sessions of the peace ; and entering within such seven days into a recognizance, with sufficient surety, before a justice of the peace of said island, personally to appear and prosecute such appeal ; and upon such notice being given, and such recognizance being entered into, such justice is hereby empowered to discharge such person out of custody ; and the said Court of King’s Bench and grand sessions of the peace, or other sessions of the peace, shall hear and determine the matter of such appeal, and shall make such order therein as shall to the said court seem meet ; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall issue the necessary process for the apprehension and punishment of the offender, according to the conviction.

Any person aggrieved may appeal to next court of grand sessions, giving notice to justice within seven days, and entering into recognizance to prosecute appeal. Justice in such case to discharge person from custody. Court to hear appeal and make order in case of dismissal or affirmance. Justices to issue warrant for apprehension and punishment of offenders.

12. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that in all cases where an action shall be brought against any justice of the peace, constable or other person, for or on account of any matter or thing whatsoever done or commanded by him in the execution of his duty or office under this Act, such justice, constable or other person, if he shall have judgment in his favour, shall have treble costs awarded to him by the court, unless the judge shall certify that there was a reasonable cause for such action.

If action brought against justice or constable on account of this Act, and judgment given in favour of justices or constable, treble costs to be awarded, unless judge certify reasonable cause.

13. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that every such action shall be commenced within three calendar months after the cause of action or complaint shall have arisen, and not afterwards ; and if any person or persons shall be sued for any matter or thing which he, she or they shall have done in the execution of this Act, he, she or they may plead the general issue, and give the special matter in evidence.

Such action to be commenced within three calendar months after cause of action. Persons sued under this Act to plead the general issue and give the special matter in evidence.

Dated at Antigua, the 5th day of July, in the year of our Lord 1834, and in the 5th year of His Majesty’s reign.

(signed) *Nicholas Nugent*, Speaker.

Passed the Assembly the 13th day of June 1834.

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

Passed the Council the 3rd day of July 1834.

(signed) *Thomas Lane*, Clerk of the Council.

(signed) *E. J. Murray* (L. S.) *MacGregor*, Governor.

Duly published this 31st day of July, 1834.

Henry Berkeley, D.P.M.

ANTIGUA.

Appendix, No. 118.

Orders in Council
and
Colonial Laws.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 29 Aug. 1834. No. 295.)

Appendix, No. 118.

AN ACT for the establishment and regulation of a Market in the town of St. John, and for regulating the sale of various commodities throughout the Island.—Passed 14 Aug. 1834.

WHEREAS the unlimited permission which has been hitherto allowed to slaves to sell or otherwise dispose of various commodities throughout this island is calculated, under the new system, to induce many thefts and frauds, to the serious injury of the proprietors of estates and to the corruption of good morals among the labouring classes.

The space from the west gate of the church-yard to the spot whereon the cage stands in Church-street, to be occupied as market place, wherein a suitable market-house to be built. Clerk of the market to be appointed by the magistrates generally, or the major part of them, who shall assemble for that purpose within seven days after publication of Act. £. 200 per annum salary for clerk of market.

1. May it therefore please your most excellent Majesty, that it may be enacted, and be it, and it is hereby enacted and ordained, by the authority of your Majesty's Governor and Commander-in-chief in and over your Majesty's islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this your Majesty's island of Antigua; that the space from the west gate of the churchyard to the spot whereon the cage at present stands in Church-street (which shall be removed for the purpose), and no further westward, shall be occupied as a market-place, wherein shall be erected a suitable market-house or houses; that there shall be a clerk of the said market, with a salary of 200 *l.* per annum, to be appointed in manner and form following, that is to say, that within seven days after the passing and publication of this Act, the magistrates generally of this island shall be convened by the secretary at the court-house in the town of St. John, and the major part of those assembled shall elect and appoint the said clerk.

Clerk of the market, or some person properly authorized by him, shall attend at the market place every day in the week, Sundays excepted, from six A.M. to five P.M. Market to be opened and closed by ringing of bell. Clerk to weigh or measure, if required, and give note in writing of weight or measure and price. Nothing herein to prevent the sale of grass, trash, &c. within market-place during the evening until eight o'clock, under inspection of police.

2. And be it further enacted, that the said clerk, or some person by him properly authorized, and for whose conduct the said clerk shall be responsible, shall attend at the said market on every day in the week, Sundays excepted, from the hour of six o'clock in the morning, when he shall intimate the opening of the market by ringing a bell, until the hour of five in the afternoon, when he shall in like manner intimate its close, to weigh or measure, if required, any commodity brought to the said market for sale, and if required, to deliver unto the person who shall bring such commodity, a note, in writing, signifying the weight or measure thereof, and the price for which the same was sold or agreed to be sold: provided that nothing herein contained shall be construed to prevent the sale of grass or other fodder, or cane trash within the said market-place during the evening, until eight of the clock, under the due inspection of the police of this island.

All fees to be received by clerk, and the minor details of the market to be regulated by justices of the peace for town and division of St. John.

3. And be it enacted, that all fees to be demanded and received by the said clerk, and all the minor details of the said market, shall be ordered and regulated from time to time by the justices of the peace for the division and town of St. John in this island, or any three of them.

All dues or emoluments taken under this Act to be accounted for on oath before the treasurer.

4. And be it further enacted, that all dues or emoluments demanded and taken under the authority of this Act shall be accounted for monthly, on oath, by the said clerk of the market, before the treasurer of this island or his lawful deputy; and the amount of the same, after deducting all authorized expenses, shall be regularly and punctually paid over to that officer, to be applied to the uses of the colony.

All stinking and decayed provisions to be viewed by four inhabitants, to be summoned by clerk, and on return of any three that such provisions are a nuisance, to be forthwith, by order of the clerk, burnt or thrown into the sea, and the owner shall pay the charge of destroying.

5. And be it also enacted and ordained, by the authority aforesaid, that all provisions stinking and decayed (either fish, flesh or any other kind), so as to become noisome, shall be viewed by four inhabitants, summoned by warrant from the clerk of the market directed to the next constable; on return of any three of which, on oath, if required by the owner of the said provisions, that such provisions are a nuisance, they shall forthwith, by order of the said clerk, be burnt or thrown into the sea; and the owner or possessor thereof shall be obliged to pay such charge as any justice of the peace shall judge reasonable for destroying same.

No live stock, flesh, poultry, fish, fruit, vegetables, or any sort of provisions to be bought or sold or offered for sale in the streets or any other place than the market. Persons offending to forfeit commodity offered

6. And be it enacted, that no live stock, flesh, poultry, fish, shell-fish, fruit, vegetables, butter, milk, eggs, wood, grass or other fodder or cane trash shall be bought or sold, or offered for sale in the streets, or carried about from house to house for the purpose of sale in the said town of St. John, or in any place within one mile thereof, but only in the said market-place; and on conviction before any magistrate of any person or persons offending against this Act, the seller shall forfeit the commodity so offered for sale, to be sold by any constable; and the buyer shall forfeit and pay treble the value of the commodity so bought; and in default of such payment, such offender or offenders shall be committed by such justice

justice to the common gaol or house of correction of this island for any time not exceeding ten days, nor less than three days, or until the fine, with all costs and charges, in the meantime be paid; the proceeds of the said fine, after deduction of all reasonable charges to the constable, shall be paid, two-thirds to the informer who procured the conviction, and one-third into the island treasury.

for sale, and the buyer to forfeit treble the value: in default of payment to be committed to common gaol or house of correction for 10 days, maximum.

7. And be it further enacted, that every person in this island who shall slaughter for sale any ox, cow, calf, sheep, lamb, goat or kid shall, under the penalty of 40 s., furnish the clerk of the market each week with a correct list, in writing, of the animals so slaughtered by him or her, and shall retain the skins of the same three days thereafter for inspection, if required; and in default of payment of such fine, on conviction before any one of His Majesty's justices of the peace, shall be committed to the common gaol or house of correction for a period not less than seven nor more than 21 days, unless the said fine be sooner paid.

Every person slaughtering for sale any ox, cow, calf, sheep, &c. under penalty of 40s. to furnish clerk of market with list in writing of the number of animals

slaughtered in each week, and shall keep the skins of the same three days after for inspection; in default of payment of fine to be committed to common gaol or house of correction for 10 days, maximum; 7 days, minimum.

8. And be it enacted, that it shall not be lawful for any person to sell, barter, expose or offer for sale any sugar or molasses, syrup or sugar canes in the said market, or in the public street, or highways of this island, under penalty of the same being seized, and the offender being sent, by any magistrate before whom he may be convicted, to the house of correction for seven days, with or without hard labour, at the discretion of the magistrate.

Unlawful for any person to sell, barter, expose or offer for sale, sugar or molasses, syrup or sugar-canes in market, streets, or highways, under penalty of being seized and committed to house of correction for seven days, with or without hard labour.

9. And be it enacted, that no person shall be permitted to carry about or offer for sale or barter in any part of this island whatsoever, any wood, grass, cane-tops, trash or magoss, milk or fresh butter without a regular pass, dated and properly signed by the owner, manager or director of the particular estate from which the same is sent; and it shall be lawful for any person, and all persons are hereby required to take, seize and secure any person so offending, and to carry immediately, or as soon as conveniently may be, him, her or them before some one of His Majesty's justices assigned to keep the peace for this island, who is hereby authorized and directed to investigate the matter, and on satisfactory proof being adduced of the offence having been committed, to take away and dispose of to the party informing all and every the articles that shall have been so illegally offered for sale; and in case such person or persons shall not be able to account fairly for the manner in which such articles came into his or their possession as aforesaid, he, she or they shall be subject to and incur all the pains and penalties endured by persons who shall be convicted of receiving stolen goods.

No person to sell, barter or dispose of milk or fresh butter without license from treasurer's office; 4 s. 6 d. fee for license for each year. Persons offending to forfeit 20 s. In default of payment, to be committed to common gaol or house of correction for one calendar month, maximum, or seven days, minimum.

10. And be it enacted, that no person shall be permitted to sell, barter or dispose of milk or fresh butter, either by wholesale or retail, in any part of this island, without taking out a license from the treasurer's office; for which license the treasurer is required to receive the sum of 4 s. 6 d., such license to be of effect for the space of one year only, and renewable at the end of each year, on payment of a similar sum at the treasurer's office; and any person convicted before any magistrate of offending against this Act, shall forfeit and pay the sum of 20 s., and in default of payment thereof shall be committed to the common gaol or house of correction in this island, for not more than one calendar month nor less than seven days, unless the said penalty, with all reasonable costs and charges, be in the meantime paid.

Milk, butter, &c. not to be sold without license. License from treasurer's office on payment of 4 s. 6 d. Penalty 20 s. or imprisonment in default of payment.

11. And be it enacted, that all persons so licensed as before mentioned, shall be liable to be examined on oath by any magistrate, as to the manner in which any milk or fresh butter came into their possession, and from what estate, and shall be subject, if detected in a false oath, to all such pains and penalties as persons convicted of perjury; and in case such persons shall not be able fairly to account for the possession of any such milk or fresh butter, they shall be subject to and incur all the pains and penalties endured by persons convicted of receiving stolen goods.

Persons so licensed liable to be examined on oath as to how he, she or they came by such milk or fresh butter; if detected in false oath, liable to all the pains and penalties endured by persons convicted of receiving stolen goods.

12. And be it further enacted, that all fines and penalties imposed by this Act shall be recoverable, under warrant from the convicting magistrate, directed to any constable, by distress and sale of the offender's goods and chattels.

All fines and penalties to be recovered by warrant to constable, by distress and sale of offender's goods and chattels.

13. And be it enacted, that this Act shall continue and be in force for five years from the publication thereof, and thenceforward to the next meeting of the Council and Assembly of this island.

Act to continue in force for five years.

Dated at Antigua the 23d day of August, in the year of our Lord 1834, and in the fifth year of His Majesty's reign.

(signed) *Nicholas Nugent*, Speaker.

Passed the Assembly the 14th day of August 1834.

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

Passed the Council the 14th day of August 1834.

(signed) *Thomas Lane*, Clerk of the Council.

(signed) *E. J. Murray* (L. s.) *MacGregor*, Governor.

Duly published this 23d day of August 1834.

(signed) *Henry Berkeley*, D.P.M.

ANTIGUA.

Appendix. No. 119.

Orders in Council
and
Colonial Laws.
—
Appendix, No. 119.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 22 December 1834. No. 297.)

AN ACT for more effectually preventing the purchase of stolen Iron, Copper, Lead and Brass in this Island; and for repealing sundry Laws at present in force in the said Island relative thereto.—Passed 6 November 1834.

WHEREAS it is necessary to check the practice at present very prevalent in this island, of purchasing iron, copper, lead and brass from persons who have illegally obtained possession thereof:

We therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-chief in and over your Majesty's islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this your Majesty's island of Antigua, do humbly pray your most excellent Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, by the authority of the same, that the following Acts passed in the said island; that is to say, "An Act for more effectually preventing the purchase of stolen Iron, Copper, Lead and Brass in this Island," dated the 18th day of September, 1794; and also "An Act for reviving and making perpetual an Act, intituled, 'An Act for more effectually preventing the purchase of stolen Iron, Copper, Lead and Brass in this Island,'" dated the 5th day of August 1800; and "An Act for extending the provisions of an Act intituled, 'An Act for more effectually preventing the purchase of stolen Iron, Copper, Lead and Brass in this Island, and for increasing the punishment to Persons convicted of such Offences,'" dated the 15th day of February 1823; and another Act intituled, "An Act to alter and amend an Act, intituled, 'An Act for extending the Provisions of an Act, intituled, An Act for more effectually preventing the purchase of stolen Iron, Copper, Lead and Brass in this Island, and for increasing the Punishment to Persons convicted of such Offences,'" dated the 19th of October 1833, shall from and after the passing and publication of this Act be repealed; and the same are hereby repealed and declared void and of none effect.

Repeal of former Acts.

Iron, copper, lead and brass not to be exported without notice to officer of customs, under a penalty of 100*l.*

2. And be it enacted and ordained, by the authority aforesaid, that from and after the publication of this Act no person or persons shall export from the island of Antigua, or remove or carry from any part of the said island by water, or lade or put on board any vessel or boat, with an intent to be exported or removed as aforesaid, any iron, copper, lead or brass, without giving notice in writing of such intended exportation or removal to some officer of His Majesty's customs for this island 48 hours before any such iron, copper, lead or brass shall be shipped or water-borne; which notice shall be signed by the person intending to ship the same, and shall contain a true and satisfactory description of the iron, copper, lead or brass intended to be so shipped, under the penalty and forfeiture of 100 *l.* lawful money of this island, to be recovered, with full costs of suit, by action, debt, bill, plaint or information, in any court of record in this island of Antigua, where no wager of law shall be allowed.

No wager of law allowed.

Fraudulent notice punished by fine of 100*l.* maximum, and 50 *l.* minimum, and also imprisonment. Second offence to be punished corporally.

3. And be it also enacted and ordained, by the authority aforesaid, that if in any such written notice any false account shall be wilfully given of the quantity of iron, copper, lead or brass intended to be shipped or water-borne, or any fraud shall appear to be intended as to the shipping or removing of the said iron, copper, lead or brass, the person or persons signing such notice shall for such offence be prosecuted by indictment or information, and being thereof convicted, shall be fined in any sum not exceeding 100 *l.* nor less than 50 *l.* lawful money of this island, and be imprisoned in the common gaol or house of correction for three calendar months; and for any subsequent offence shall be punished corporally, either by imprisonment in the gaol or house of correction, or otherwise, at the discretion of the court of sessions.

Persons possessed of iron, copper, lead and brass, bound to prove the possession lawful, or be deemed to have stolen the same. Penalty 100*l.* maximum, and 20 *l.* minimum, and imprisonment or corporal punishment. Second offence, fine of 200 *l.* maximum, and 50 *l.* minimum, with imprisonment for 12 months, with or without hard labour. No indictment after 12 months from the time the offence was committed. Informer or plaintiff to pay treble costs, if he fail to prosecute to conviction. If defendant be found not guilty, in-

4. And be it also enacted and ordained, by the authority aforesaid, that if any iron, copper, lead or brass shall be found in the possession of any person or persons not being the proprietor or renter of a sugar plantation, and such person or persons shall not be able to prove to the satisfaction, in the first instance, of the magistrates entertaining the complaint, or in the event of trial, to that of the court and jury, how and by what means the same iron, copper, lead or brass came into his, her or their possession, or to show some reasonable cause to induce a belief that they were lawfully possessed thereof, such person shall be deemed to have unlawfully stolen the same, and shall be prosecuted for the said offence by indictment, and being thereof convicted, shall forfeit and pay any sum of money not more than 100 *l.* nor less than 20 *l.* of lawful money of this island, and be either imprisoned for six calendar months in the house of correction, with or without hard labour, or undergo other corporal punishment, at the discretion of the court; and for a second offence shall forfeit and pay any sum not more than 200 *l.* nor less than 50 *l.* of like money, and be imprisoned in the house of correction, with or without hard labour, for 12 calendar months, or undergo other corporal punishment, at the discretion of the court: provided always, that no action, bill, plaint, information or indictment shall be commenced, preferred, filed or prosecuted for any offence hereinbefore mentioned, after the expiration of 12 calendar months next after such offence was committed or discovered; and that if the informer or plaintiff in any such action, bill, plaint or information shall discontinue his suit or become nonsuit, or judgment shall be given for the defendant, such informer or plaintiff shall pay treble costs, to be taxed and recovered as costs of suit are recovered in other cases; and that if upon any indictment or information the defendant shall be found not guilty of the offence charged in or by such indictment

indictment or information, the informer or prosecutor shall pay to the defendant such costs as shall be awarded by the jury trying such defendant; provided the said costs do not amount to more than treble costs, to be immediately taxed and assessed by the court.

5. And whereas great facility is afforded to the secreting and exporting of stolen copper, iron, lead and other commodities, by the almost constant traffic which is pursued in the harbour of St. John and other ports in this island, in canoes and other small craft; be it, and it is hereby enacted and ordained, that from and after the publication of this Act, any master or chief officer of any trading vessel who shall connive at or encourage such traffic in any description of goods, wares or merchandize, in any of the harbours, roads, bays or creeks within this island, or thereunto belonging, shall, on conviction thereof before any two or more of His Majesty's justices of the peace for this island, forfeit and pay for every such offence the sum of 100 *l.* current gold and silver money of the said island, to be levied under the warrant of such justices on the goods and chattels of the delinquent; and in default of such goods and chattels, the party so offending shall be committed to the common gaol of this island, there to remain until such penalty and all expenses accruing are paid. And the harbour-masters of the ports of St. John and Parham are hereby required to warn the master, or other chief officer of any trading vessel to the said ports, of the nature of this Act, under a penalty of 5 *l.* for his neglect thereof, recoverable before any one justice of the peace.

6. And be it further enacted, that if any officer of His Majesty's customs, or any police officer or constable, shall seize on shore, or in any vessel or boat, any iron, copper, lead or brass which shall have been shipped or laden, or intended to be shipped or laden contrary to the intent and meaning of this Act, such officer of His Majesty's customs, police officer or constable, upon proof thereof before any two of His Majesty's justices of the peace for this island, certified under their hands and seals, shall be entitled to demand and receive from the treasurer of the said island such sum of current gold and silver money, not exceeding the sum of 10 *l.*, as the said two justices, in consideration of all the circumstances, shall think proper to award; and the said certificate of the said two justices shall be to the treasurer a sufficient voucher for the payment of the sum so awarded as aforesaid, anything in any former or other Act of this island to the contrary notwithstanding.

7. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that if any officer of His Majesty's customs, police officer or constable, shall apprehend or cause to be apprehended any person or persons concerned in such shipment or intended shipment of iron, copper, lead or brass as aforesaid, and shall duly prosecute to conviction the offender in the Court of King's Bench and grand sessions of the peace for this island, such officer of His Majesty's customs, police officer or constable shall be entitled to demand and receive from the treasurer of the said island the sum of 33 *l.* current gold and silver money, without any warrant or order, except the certificate of the president of the said court before which such conviction shall take place; and which certificate shall be to the said treasurer a sufficient voucher or warrant for having paid the said sum of 33 *l.*, anything in any former or other Act of this island to the contrary notwithstanding.

8. And be it further enacted, that all pecuniary penalties imposed by this Act shall be divided as hereinafter set forth; that is to say, one moiety to His Majesty, his heirs and successors, for the use and benefit of the public of this island, and the other moiety to the informer, who is hereby declared a competent witness.

Dated at Antigua, the 7th day of November, in the year of our Lord 1834, and in the fifth year of His Majesty's reign.

(signed) *Nicholas Nugent*, Speaker.

Passed the Assembly the 6th of November 1834.

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

Passed the Council the 6th day of November 1834.

(signed) *Thomas Lane*, Clerk of the Council.
(signed) *E. J. Murray (L.S.) MacGregor*, Governor.

Duly published this 7th day of November, in the year of our Lord 1834.

(signed) *Henry Berkeley*, D. P. Marshal.

Appendix, No. 120.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 10 August, 1835. No. 301.)

AN ACT for the better adjusting and more easy Recovery of the Wages of Servants in Husbandry, and of Artificers, Handicraftsmen and other Labourers employed upon Estates, and for the better Regulation of such Servants, Artificers, Handicraftsmen and other Labourers.—Passed 6th August 1835.

WHEREAS it is expedient that the hirings of servants in husbandry, and of artificers, handicraftsmen and other labourers employed upon estates in this colony, should be properly regulated, and that all grievances connected with such hirings should be always promptly and adequately redressed, agreeably to the principle of the laws which regulate the hirings of

former or plaintiff to pay such costs as shall be awarded by the jury trying such defendant.

Masters of vessels conniving at or encouraging secret traffic in these articles to forfeit 100 *l.*

Harbour-masters to give masters of vessels notice of their liability, under a penalty of 5 *l.*

Seizing officer to receive a sum not exceeding 10 *l.* from treasury for seizure.

Officer apprehending persons guilty of shipping these articles as aforesaid, to receive from treasury 33 *l.* if he prosecute offender to conviction.

Moiety of the pecuniary penalties to His Majesty, the other to informer.

ANTIGUA.

Appendix, No. 120.

All disputes or differences between masters or mistresses and servants in husbandry for a year or any longer or lesser time, to be heard and determined by one or more justice or justices residing in or near the parish where such master or mistress shall inhabit, and shall make order for payment of such wages as shall be due. In default of payment to levy the amount by distress and sale.

Misdemeanor, miscarriage or ill-behaviour on the part of servants in husbandry, &c. punishable with one month's imprisonment in house of correction, or by abating wages or discharging of such servants, &c.

Masters or mistresses, or employers of servants in husbandry, &c. may abate a reasonable part of wages of servant for such days or parts of days as he shall be absent. Proviso not to prevent servant in husbandry from appealing to justice as in first clause of Act.

Servant in husbandry absenting without reasonable cause, or wilfully neglecting or refusing to work, or wilfully damaging employer's property, guilty of misdemeanor.

of the labouring classes in the mother country; may it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the Governor and Commander-in-chief of your Majesty's islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this your Majesty's island of Antigua; and it is hereby enacted and ordained by the authority of the same, that from and after the publication of this Act, all complaints, differences and disputes which shall happen or arise in this colony between masters or mistresses and servants in husbandry who shall be hired for one year or longer, or for a less time than a year, or which shall happen or arise between masters or mistresses and artificers, handicraftsmen and other labourers employed upon plantations or estates for any certain time, or in any other manner, shall be heard and determined by one or more justice or justices of the peace residing in or near to the parish where such master or mistress shall inhabit, which said justice or justices is and are hereby empowered to examine upon oath any such servant in husbandry, or artificer, handicraftsman or other labourer so employed as aforesaid, or any other witness or witnesses, touching any such complaint, difference or dispute, and to make an order for payment of so much wages to such servant in husbandry, or artificer, handicraftsman or other labourer so employed as aforesaid, as to such justice or justices shall seem just and reasonable, with costs and damages not exceeding treble the amount of the wages which shall have been unjustifiably withheld, provided that the sum in question do not exceed 5*l.*; and in case of refusal or nonpayment of any sums so ordered to be paid within the space of three days next after such determination, such justice or justices shall and may issue forth his and their warrant to levy the same by distress and sale of the goods and chattels of such master or mistress or person employing such servant in husbandry, artificer, handicraftsman or other labourer, rendering the overplus to the owners after payment of the charges of such distress and sale.

2. And be it further enacted, that it shall and may be lawful to and for such justice or justices, upon application or complaint made upon oath by any master, mistress or employer, or by his or her manager or agent, against any such servant in husbandry, or artificer, handicraftsman or other labourer so employed as aforesaid, touching or concerning any misdemeanor, miscarriage or ill-behaviour in such his or her service or employment (which oath such justice or justices is and are hereby empowered to administer), to hear, examine and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by abating some part of his or her wages, or by discharging such servant in husbandry or artificer, handicraftsman or other labourer from his or her service or employment; and in like manner also it shall and may be lawful to and for such justice or justices, upon any complaint or application upon oath by any such servant in husbandry, or artificer, handicraftsman or other labourer so employed as aforesaid, against such master, mistress or employer, touching or concerning any misusage, cruelty or other ill treatment of, to or towards such servant in husbandry, or artificer, handicraftsman or other labourer so employed as aforesaid (which oath such justice or justices is and are hereby empowered to administer), to summon such master, mistress or employer to appear before such justice or justices at a reasonable time, to be prefixed in such summons; and such justice or justices shall and may examine into the matter of such complaint, whether such master, mistress or employer shall appear or not (proof being made upon oath of his or her being duly summoned), and upon proof thereof made upon oath to his or their satisfaction, to discharge such servant in husbandry, artificer, handicraftsman or other labourer of and from his or her said service or employment, which discharge shall be given under the hand and seal, or hands and seals of such justice or justices, gratis.

3. And be it further enacted, that it shall and may be lawful to and for the master, mistress or employer of any such servant in husbandry, or artificer, handicraftsman or other labourer, to abate a reasonable part of the wages of such servant in husbandry, or artificer, handicraftsman or other labourer, for such days or parts of days as he or she shall be absent from his or her work or employment; provided always, that nothing herein contained shall be construed to prevent any such servant in husbandry or artificer, handicraftsman or other labourer so employed as aforesaid, from recovering any wages that shall be so abated or withheld on the plea or ground of absence from his or her work or employment, or any part thereof, with costs and damages in the manner and to the extent prescribed by the first clause of this Act, if the justice or justices to whom the application shall be made by the party aggrieved in the nature of an appeal, shall consider such wages, or any part thereof, to have been unjustifiably abated or withheld.

4. And be it further enacted, that every such servant in husbandry, or artificer, handicraftsman or other labourer so employed as aforesaid, who shall absent himself or herself from the service of his or her master, mistress or employer, without a reasonable excuse, or who shall wilfully neglect or refuse to perform his or her ordinary duty or allotted work, or who shall damage the property of his or her master, mistress or employer, by any unlawful act or culpable neglect, or endanger the same by a careless or improper use of fire, or who shall ill use any cattle or other live stock that shall be entrusted to his or her care, shall be considered to be guilty of a misdemeanor within the intent and meaning of this Act; and that the words "miscarriage" and "ill behaviour" shall not be held or taken to embrace any acts, defaults or delinquencies in service, but such as shall or may be clearly understood to be punishable on summary conviction under the same words, when used with reference to the same class of persons in the Acts of the Imperial Parliament.

And

5. And be it further enacted, that upon all points or questions of law arising upon causes of discharge from service, or any other incidental matters connected with hirings of servants in husbandry, and of artificers, handicraftsmen and other labourers employed upon estates, which shall not be distinctly explained or provided for by local enactments, the justices in this colony shall always decide thereon to the best of their judgment, agreeably to the principle and spirit of the approved adjudications that have taken place under the law of master and servant in the mother country, as far as the same shall appear to them to be justly applicable to the circumstances of any particular case.

Points or questions at law, arising upon causes of discharge, to be decided by justices according to the approved adjudications under the law of master and servant in the mother country. Party aggrieved may appeal to Court of King's Bench and grand sessions.

6. Provided always, that if any person shall think himself or herself aggrieved by any determination, order or warrant of any justice or justices of the peace as aforesaid (except an order of commitment), every such person may appeal to the next Court of King's Bench and grand sessions to be held for this colony, such person giving six days' notice of his or her intention of bringing such appeal, and of the cause and matter thereof, to such justice or justices of the peace, and the parties concerned, and entering into a recognizance within three days after such notice, before some justice of the peace, with sufficient surety conditioned to try such appeal at, and abide the order or judgment of, and pay such costs as shall be awarded by the justices at such Court of King's Bench and grand sessions, which said justices at their said sessions, upon due proof of such notice being given, and of entering into such recognizances as aforesaid, shall and are hereby directed to proceed in, hear and determine the causes and matters of all such appeals, and shall give relief and costs to the parties appealing or appealed against, as they in their discretion shall judge proper and reasonable, and their judgments and orders therein shall be final and conclusive to all parties concerned.

7. And be it further enacted, that all servants in husbandry, and artificers, handicraftsmen and other labourers who shall be employed to work upon estates at a particular rate of wages, shall, in the absence of sufficient proof to the contrary, be considered as employed under a "general hiring," as contradistinguished from what is termed a "special or particular hiring" in the mother country; but such general hiring shall be determinable at any time within a twelvemonth by either the master, mistress or employer, or the servant in husbandry, or artificer, handicraftsman or other labourer, upon giving a calendar month's notice to the other party of his or her intention to dissolve the same.

Persons employed to work on estates at a particular rate of wages, in the absence of proof to the contrary, to be considered under a general hiring.

8. And be it further enacted, that the receipt of a week's wages by any such servant in husbandry or artificer, handicraftsman or other labourer, from his or her master, mistress or employer, or the entering into the occupation of a house or tenement situate upon the estate of such master, mistress or employer, in the character of a servant in husbandry, or artificer, handicraftsman or other labourer, to such master, mistress or employer, shall be sufficient *prima facie* evidence of a retainer in service under a general hiring within the terms and provisions of this Act.

9. And be it further enacted, that it shall and may be lawful to and for any master, mistress or employer of any such servant in husbandry, or artificer, handicraftsman or other labourer, so employed to work under a general hiring, to abate a proportionable part of the wages of such servant in husbandry, or artificer, handicraftsman or other labourer, for such period as he or she shall or may be absent from his or her service or employment by reason of sickness; but such master, mistress or employer shall always provide every such servant in husbandry, or artificer, handicraftsman or other labourer, so employed to work under a general hiring, with proper medicine and medical attendance during such his or her sickness, under a penalty of 5*l.* for every offence, to be recovered on conviction on oath before any justice or justices of the peace, in the same manner as is hereinbefore prescribed for the recovery of wages, and paid into the public treasury.

Employer may abate wages of servant in case of sickness, but shall provide servant during sickness with medical care under penalty of 5*l.*

10. And be it further enacted, that all special or particular hirings of servants in husbandry, or of artificers, handicraftsmen and other labourers employed upon estates, shall be entered into in the presence of a justice of the peace, and the terms of such hirings shall be reduced into writing, and distinctly read, and fully explained by such justice to such servants in husbandry, or artificers, handicraftsmen or other labourers, and officially attested by him, in proof of the free assent of such servants in husbandry, or artificers, handicraftsmen or other labourers, to the terms of such hirings, after receiving such explanation of the same respectively; and no special or particular hiring shall be valid or effectual under this Act unless the same shall be entered into with such formalities, and attested as aforesaid.

All special or particular hiring of servants in husbandry to be entered into in presence of justice of peace, and officially attested by him.

11. And be it further enacted, that if any person shall knowingly employ any such servant in husbandry, or artificer, handicraftsman or other labourer, who shall be under either a general hiring or special or particular hiring, upon the estate of another person, or if any person shall continue to employ any such servant in husbandry, or artificer, handicraftsman or other labourer, so under a general hiring, or a special or particular hiring, upon the estate of another person, after receiving due notice of the relation in which such servant in husbandry, or artificer, handicraftsman or other labourer stands to such other person, the person so offending shall, on conviction on oath before any justice or justices of the peace, forfeit for every offence the sum of 10*l.*, to be recovered in the same manner as is hereinbefore prescribed for the recovery of wages, and paid into the public treasury.

Persons knowingly employing any servant in husbandry under general hirings, &c. to forfeit 10*l.*, recoverable as in first clause.

12. And be it further enacted, that the wages of such servants in husbandry, and artificers, handicraftsmen or other labourers, so employed as aforesaid, shall (in the absence of a particular agreement to the contrary) be payable weekly on some specific day of the week,

Wages of servants in husbandry, &c. payable weekly on week,

some day in the week, Sunday excepted.

week, to be appointed by the respective masters, mistresses or employers of such servants in husbandry, artificers, handicraftsmen or other labourers, Sundays always excepted.

Dated at Antigua, the 6th day of August, in the year of our Lord 1835, in the sixth year of His Majesty's reign.

(signed) *Nicholas Nugent*, Speaker.

Passed the Assembly the 6th of August 1835.

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

Passed the Council the 6th day of August 1835.

(signed) *Thomas Lane*, Clerk of the Council.

Duly published this 8th day of August 1835.

(signed) *George Lowen*, Prov. Mar. Gen.

Appendix, No. 121.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 15 Sept. 1835. No. 308.)

AN ACT for the better adjusting and more easy Recovery of the Wages of Artificers, Handicraftsmen and other Labourers working under Hirings in the several Towns in this Colony, and for the better Regulation of such Artificers, Handicraftsmen and other Labourers.—Passed 22nd August 1835.

Appendix, No. 121.

WHEREAS an Act has been recently passed by the Legislature of this colony, intituled "An Act for the better adjusting and more easy Recovery of the Wages of Servants in Husbandry, and of Artificers, Handicraftsmen and other Labourers employed upon Estates, and for the better Regulation of such Servants, Artificers, Handicraftsmen and other Labourers," dated the 6th day of August in the present year of our Lord 1835; and whereas it is expedient that such of the provisions of the said Act as relate to the hiring of artificers, handicraftsmen and other labourers employed upon estates, should be extended to the hirings of persons of the same classes working in the several towns and other places in this colony; may it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the Governor and Commander-in-chief of your Majesty's islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this your Majesty's island of Antigua; and it is hereby enacted and ordained by the authority of the same, that from and after the publication of this Act, all and every the provisions and regulations contained in the said recited Act of the 6th day of August 1835, which relate or are in any wise applicable to the hirings of artificers, handicraftsmen and other labourers employed upon estates, and grievances connected with such hirings, shall extend to and be in full force and operation over all artificers, handicraftsmen and other labourers who shall be hired to work in any of the towns and other places in this colony, and over their respective masters, mistresses and employers.

Former Act referring only to artificers and labourers on estates made by this Act applicable to the same description of persons in the towns and other places of the colony.

All Acts at variance with or repugnant to the said Act of the 6th August last repealed.

And be it further enacted, that so much and such parts of any other Act or Acts of this colony as shall or may be repugnant to or at variance with any of the provisions of the said recited Act of the 6th day of August 1835, shall be and the same is and are hereby repealed.

Dated at Antigua, the 24th day of August, in the year of our Lord 1835, and in the sixth year of His Majesty's reign.

(signed) *Nicholas Nugent*, Speaker.

Passed the Assembly the 22d day of August 1835.

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

Passed the Council the 22d day of August 1835.

(signed) *Thomas Lane*, Clerk of Council.
(signed) *E. J. Murray* (L. S.) *MacGregor*, Governor.

Duly published this 25th day of August 1835.

George Lowen, Prov. Mar. Gen.

Appendix, No. 122.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 15 Sept. 1835. No. 308.)

AN ACT for better regulating Menial Servants.—Passed 10th Sept. 1835.

Preamble.

WHEREAS it is expedient that the hirings of menial servants should be properly regulated, and that all grievances connected with the same should be redressed in the manner prescribed by a recent Act of this colony for the redress of grievances connected with the hirings of servants in husbandry and other labouring classes; may it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the Governor and Commander-in-chief of your Majesty's islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this your

your Majesty's island of Antigua; and it is hereby enacted and ordained by the authority of the same, that from and after the publication of this Act, all menial servants in this colony shall, in the absence of a particular agreement to the contrary, be considered to be under a general hiring to their respective masters, mistresses or employers, determinable by either party upon a week's notice or warning, or payment of a week's wages, as the case may be.

Menial servants (in the absence of particular agreement) to be considered under a general hiring, and to be dealt with in the same manner and intitled "An Act for Husbandry," &c.

have the same remedies as prescribed under Act of the 6th August 1835, the better adjusting and more easy Recovery of the Wages of Servants in Husbandry, &c.

2. And be it further enacted, that such menial servants shall have the same remedies for the redress of grievances connected with their respective hirings, and shall be liable to be dealt with and punished for any misdemeanors which they shall commit in the service of their respective masters, mistresses or employers, in the same manner and under the same rules, regulations, reservations and restrictions as is and are respectively mentioned and prescribed with respect to servants in husbandry and other labouring classes, in and by an Act of this colony dated the 6th day of August, in the present year of our Lord 1835, intituled, "An Act for the better adjusting and more easy Recovery of the Wages of Servants in Husbandry, and of Artificers, Handicraftsmen and other Labourers employed upon Estates, and for the better Regulation of such Servants, Artificers, Handicraftsmen and other Labourers."

Dated at Antigua, the 10th day of September, in the year of our Lord 1835, and in the 6th year of His Majesty's reign.

(signed) *Nicholas Nugent*, Speaker.

Passed the Assembly the 10th of September 1835.

(signed) *Nathaniel Humphrys*, Clerk of Assembly.

Passed the Council the 10th of September 1835.

(signed) *Thomas Lane*, Clerk of Council.

(signed) *E. J. Murray* (L.S.) *MacGregor*, Governor.

Duly published this 14th day of September 1835.

(signed) *Geo. Lower*, Prov. Mar. Gen.

M O N T S E R R A T.

Appendix, No. 123.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 10 December 1834. No. 313.)

AN ACT for the Summary Punishment of Common Assaults and Batteries, and of riotous and disorderly Conduct.—Passed 22 November 1834. MONTSERRAT.

Appendix, No. 123.

WHEREAS it is expedient that a more summary power of punishing persons guilty of common assaults and batteries, and of riotous and disorderly conduct, or abusive, provoking, blasphemous or improper language, than there exists at present, should be provided by law: we, therefore, your Majesty's dutiful and loyal subjects, the President administering the government, and the Council and Assembly of this your Majesty's island of Montserrat, do pray your most excellent Majesty that it may be enacted, and be it and it is hereby enacted, by the authority aforesaid, that where any person shall unlawfully assault and beat any other person within this island, or in any of the roadsteads or harbours of this island, or if any person shall be guilty of any riotous or disorderly conduct, or shall make use of any abusive or provoking language addressed to any other person, tending to a breach of the peace, or any blasphemous or improper language in the public streets or highways in this island, it shall and may be lawful for any one or more justices of the peace in this island, upon complaint of any party aggrieved thereby, to hear and determine such offence, and the offender upon conviction thereof before the said justice or justices, shall forfeit and pay such fine as shall appear to be meet, not exceeding, together with costs (if ordered), the sum of 10 l. current gold and silver money of the said island, which fine shall be paid over to the treasurer for the use and benefit of this colony; and the evidence of any inhabitant of this island or of any other credible witness shall be admitted in proof of the offence; and if such fine as shall be awarded by the said justice or justices, together with the costs (if ordered), shall not be paid either immediately after the conviction or within such period as the said justice or justices shall at the time of the conviction appoint, it shall be lawful for him or them to commit the offender to the common gaol of this island, there to be imprisoned for any time not exceeding two calendar months, unless such fine and costs be sooner paid, but in any case not to be kept in prison after the payment of such fine and costs: provided always that in all cases of assaults and batteries in which the complainant shall prove, to the satisfaction of the said justice or justices, any loss of personal property by such assault, such justice or justices may appropriate the whole or part of any fine they think fit to impose, as compensation to the complainant for such injury.

And be it enacted, that if the justice or justices aforesaid, upon hearing of any such complaint as aforesaid, shall deem the offence not to be proved, or shall find the matter complained

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 123.

complained of justified by the circumstances, or so trifling as not to merit any punishment, they shall accordingly dismiss the complaint, and with or without costs, in their discretion; and the said justice or justices shall forthwith make out a certificate under their hands, stating that they have so dismissed the case, and shall deliver such certificate to the party against whom the complaint has been preferred.

And be it enacted, that if any person against whom any complaint shall have been preferred under this Act, for any such offence as aforesaid, shall have obtained such certificate, or having been convicted shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded in consequence of the nonpayment thereof, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

Provided, and be it enacted, that in case the said justice or justices shall find any assault and battery complained of to have been accompanied by an attempt to commit felony, or shall be of opinion from any circumstance whatever that the same is a fit subject for indictment, they shall abstain from any adjudication thereupon, and shall deal with such case in all respects in the same manner as they would have done before the passing of this Act; and provided also that nothing herein contained shall authorize any justice of the peace to hear and determine any case of assault and battery in which any question shall arise as to the title of any lands and tenements or hereditaments, or any interest existing thereon, or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any court of justice.

Dated at Montserrat this 22d day of November, in the year of our Lord 1834, and in the fifth year of His Majesty's reign.

Passed the Assembly this 18th day of October 1834.

(signed) *Henry Dyett*, Clerk of Assembly.
John Alley, Speaker.

Passed the Council this 18th day of October 1834.

(signed) *Henry W. Dyett*,
Deputy Clerk of Council.

Duly published this 22d day of November 1834.

(signed) *P. Burns*, D. P. M.
(signed) *Henry Hamilton*.

Appendix, No. 124.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 27 June 1835. No. 316.)

Appendix, No. 124. AN ACT for the Protection and Maintenance of Apprenticed Labourers in this Island, and for ensuring the punctual discharge by such Apprenticed Labourers of the Services due by them to their Employers, and generally for regulating the conduct and for the punishment of any offences committed by such Apprenticed Labourers.—Passed 14 August 1834.

WHEREAS by an Act of this island, intituled "An Act for the Abolition of Slavery," it is enacted, that slavery shall be utterly abolished and declared unlawful in the said island on the first day of August, in the present year of our Lord 1834, and that in conformity with the laws now in force in the said island, that all slaves who shall on or before the said 1st day of August 1834, appear by the registration in the Registrar of Slave's Office, to be of the full age of six years or upwards, shall by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship or other deed or instrument for that purpose, become and be apprenticed labourers; provided for the purposes of the said Act, any slave engaged in his ordinary occupation on the seas shall be deemed and taken to be within the said colony: and whereas, it is enacted in and by the said recited Act, that proper rules and regulations should be framed and established for determining the manner and form in which, and the solemnities with which the voluntary discharge of any apprenticed labourer from such his or her apprenticeship may be effected, and for prescribing the form and manner in which, and the solemnities with which the purchase of any such apprenticed labourer, or his or her discharge from such apprenticeship, without or in opposition, if necessary, to the consent of the person entitled to his or her services shall be effected, and how the necessary appraisement of the future value of such services shall be made, and how and to whom the amount of such appraisement shall in each case be paid and applied, and in what manner and form, and by whom the discharge from any such apprenticeship shall thereupon be given, executed and recorded; and for the maintenance of order and good discipline amongst the said apprenticed labourers, and for ensuring the punctual discharge of the services due by them to their respective employers, and for the prevention and punishment of indolence or neglect, or improper performance of work by any such apprenticed labourer of any contract in which he or she may voluntarily enter into for any hire, during the time in which he or she may not be bound to labour for his or her employer, and for the prevention and punishment of insolence and insubordination on the part of any such apprenticed labourer towards their employer, and for the prevention or punishment of vagrancy, or of any conduct on the part of any such apprenticed labourer injuring or tending to the injury of any such employer; and for the suppression and punishment of any riot or combined resistance of the laws on the part of any such apprenticed labourer, and for preventing the escape of any such apprenticed labourer during their term of

of apprenticeship from the colonies to which they respectively belong: and it is further provided by the said Act, that rules and regulations should be framed and established for securing punctuality and method in the supply to them of such food, clothing, lodging, medicines, medical attendance and such other maintenance and allowances as they are hereinafter declared entitled to receive, and for regulating the amount and quality of all such articles in cases where the laws at present existing in this colony may not in the case of slaves have made any regulation or any adequate regulation for that purpose; and it is necessary that proper rules should be established for the prevention and punishment of any frauds which might be practised, or of any omissions or neglects which might occur respecting the quantity or the quality of the supplies so to be furnished, or respecting the periods for the delivery of the same: and whereas it is necessary in those cases in which the food of any such prædial apprenticed labourers as aforesaid may either wholly or in part be raised by themselves in the cultivation of ground to be set apart and allotted for that purpose, that proper regulations should be made and established as to the extent of such grounds, and as to the distance at which such grounds may be so allotted from the ordinary place of abode of such prædial apprenticed labourers, and respecting the deductions to be made for the cultivation of such grounds from the annual time during which such prædial apprenticed labourers are hereinafter declared liable to labour; and whereas it may also be necessary by such regulations as aforesaid, to secure to the said prædial apprenticed labourers the enjoyment for their own benefit of that portion of their time during which they are not hereby required to labour in the service of their respective employers, and for securing exactness in the computation of the time during which such prædial apprenticed labourers are hereby required to labour in the service of such their respective employers; and it is also necessary that provision should be made for preventing the imposition of task-work on any such apprenticed labourer without his or her free consent to undertake the same; but it may be necessary by such regulations in certain cases, to require and provide for the acquiescence of the minority of the prædial apprenticed labourers attached to any plantation or estate in the distribution of an apportionment amongst the whole body of such labourers of any task-work which the majority of such body shall be willing and desirous collectively to undertake; and it is also necessary that regulations should be made respecting any voluntary contracts into which any apprenticed labourer may enter with their respective employers, or any other person, for hired service for any future period, and for limiting the greatest period of time to which such voluntary contract may extend, and for enforcing the punctual and effectual performance of such voluntary contracts on the part both of such apprenticed labourers, and of the person or persons engaging for their employment and hire; and it is also necessary that regulations should be made for the prevention or punishment of any cruelty, injustice or wrong or injury which may be done to or inflicted upon any such apprenticed labourers by the persons entitled to their services; and it is also necessary that proper regulations should be made respecting the manner and form in which such indentures of apprenticeship as aforesaid shall be made on behalf of such children as aforesaid, and respecting the registering and preservation of all such indentures: we, therefore, your Majesty's dutiful and loyal subjects, the Honourable Harry Hamilton, the president, administering the government, and the Council and Assembly of this your Majesty's island of Montserrat, do pray your most excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained, that it shall and may be lawful for any apprenticed labourer, or for any other person on his behalf, to purchase his discharge from such apprenticeship for such sum of money or other consideration as may be agreed upon between such apprenticed labourer or any person on his behalf, and the person entitled for the time being to the services of such apprenticed labourer; provided nevertheless, that if any person discharged from such apprenticeship by any such voluntary Act as aforesaid, shall at that time be of the age of 50 years or upwards, or shall be then labouring under any such disease or mental or bodily infirmity, as may render him or her incapable of earning his or her subsistence, then and in every such case the person or persons so discharging any such apprenticed labourer as aforesaid, shall continue and be liable to provide for the support and maintenance of such apprenticed labourer during the remaining time of such original apprenticeship, as fully as if such apprenticed labourer had not been discharged therefrom; but if it shall happen that the person or persons entitled to the services of such apprenticed labourers shall be unwilling to grant such discharge from apprenticeship as aforesaid for the consideration in that behalf proposed, or if such person or persons or any of them shall be a minor, or married woman, or idiot, or lunatic, or shall be under any legal or other disability, or shall be absent from this island without having a lawful and authorized representative therein, or cannot be found or known, or if any suit or action shall be depending in any court, either in this island or elsewhere, touching the right or title to the services of such apprenticed labourer, then and in every such case it shall and may be lawful for such apprenticed labourer to appoint one appraiser on his part, and for the person entitled to the services of such apprenticed labourer, or having the immediate direction and control of such apprenticed labourer, as the case may be, to appoint another appraiser on his behalf, which two appraisers shall determine the price to be paid for the full discharge of such apprenticed labourer from his apprenticeship; but if the appraisers so appointed shall not agree in their determination respecting the price to be paid by or on account of such apprenticed labourer for his discharge from apprenticeship as aforesaid, the said appraisers shall refer the whole matter in difference to an umpire, to be by them chosen, and the determination of such umpire shall in all respects be final and conclusive upon all parties concerned therein; and in all cases where the person or persons entitled or claiming to be entitled to the services of any such apprenticed labourers, shall be subject to any of the disabilities hereinbefore mentioned, or shall be absent from this island without

MONTSERRAT.

 Orders in Council
and
Colonial Laws.

Appendix, No. 124.

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 124.

having a lawful and authorized representative therein, or cannot be found or known, it shall and may be lawful for such apprenticed labourer to pay the money so assessed as the value of his discharge from apprenticeship by the appraisers or umpire, as the case may be, into the hands of the treasurer of this island or his lawful deputy, which money shall remain and be a lien on the public revenues of this island, for the benefit of such person or persons, his or their heirs, executors, administrators or assigns, who may be or may become legally or equitably entitled thereto; and upon the payment of such money by such apprenticed labourer to the treasurer or his lawful deputy as aforesaid, the apprenticeship of such apprenticed labourer shall immediately cease and determine.

2. And be it further enacted, that no apprenticed labourer shall be subject or liable to be removed from this island; and that no prædial apprenticed labourer who may in manner aforesaid become attached to the soil, shall be subject or liable to perform any labour in the service of his or her employer or employers, except upon or in or about the works and premises of the plantations or estates to which such prædial apprenticed labourer shall have been attached, or on which he or she shall have been usually employed on or previously to the said 1st day of August 1834; provided nevertheless, that with the consent, in writing, of any one or more justices of the peace holding special commission, it shall be lawful for the person or persons entitled to the services of any such attached prædial apprenticed labourer or labourers to transfer his or their services to any other estate or plantation within this island to such person or persons belonging, which written consent shall, in no case, be given, or be of any validity, unless any such justice or justices of the peace shall first have ascertained that such transfer would not have the effect of separating any such attached prædial apprenticed labourer from his or her wife or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her, and that such transfer would not probably be injurious to the health or welfare of such attached prædial apprenticed labourer; and that such consent shall be in the form following: "These are to certify that upon the application of A. B. for liberty to remove certain prædial attached labourers, according to the provisions of an Act of this island, intituled 'An Act for the Abolition of Slavery' within this island, we have inquired into the circumstances of the case, and being satisfied that such removal may be made without infringing any of the regulations in the said Act, in this respect contained, we do hereby permit the said A. B. to remove the several prædial apprentices, named (here name them, setting them out in families, where it can be done) from plantation, in the parish of to plantation, in the parish of . Given under hands, this day of 18 ."

Which said certificate shall be recorded in the Registrar's Office of this island, and for which service the registrar shall receive the sum of 2s. 6d. current gold and silver money, and no more; and such record, or a copy thereof, certified by such registrar, shall be received and taken as evidence in all courts.

3. And be it further enacted and declared, that the right and interest of any employer or employers to and in the services of any such apprenticed labourers as aforesaid, shall pass and be transferable by bargain and sale, contract, deed, conveyance, will or descent, in the same manner as personal estate passes, or is transferred or descends according to the laws of this island; provided that no such apprenticed labourer shall by virtue of any such bargain and sale, contract, deed, conveyance, will or descent, be subject or liable to be separated from his or her wife or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her.

4. And be it further enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer, shall be and is and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance and such other maintenance and allowances as by an Act intituled, "An Act more effectually to provide for the Support and to extend certain Regulations for the Protection of Slaves, to promote and encourage their increase, and generally to meliorate their condition," now in force in this island, an owner is required to supply to and for any slaves being of the same age and sex as any such apprenticed labourer shall be.

5. And whereas it may happen that children who have not attained the age of six years on the said first day of August 1834, or that children who after that day may be born to any female apprenticed labourers, may not be properly supported by their parents, and that no other person may be disposed voluntarily to undertake the support of such children; and it is necessary that provision should be made for the maintenance of such children in any such contingency; be it therefore enacted, that if any child who, on the 1st day of August 1834, had not completed his or her sixth year, or if any child to which any female apprenticed labourer may give birth on or after the said 1st day of August 1834, shall be brought before any justice of the peace holding special commission, and if it should be made to appear to the satisfaction of such justice that any such child is unprovided with an adequate maintenance, and that such child hath not completed his or her age of 12 years, it shall be lawful for such justice, and he is hereby required on behalf of any such child, to execute an indenture of apprenticeship, thereby binding such child as an apprenticed labourer to the person or persons entitled to the services of the mother of such child, or who had been last entitled to the services of such mother; but in case it should be made to appear to any such justice that such person or persons aforesaid is or are unable or unfit to enter into such indenture, and properly to perform the condition thereof, then it shall be lawful for such justice, and he is hereby required by such indenture to bind any such child to any other person or persons, to be by him for that purpose approved, and who may be willing and able properly to perform such conditions; and it shall by every such indenture of apprenticeship

ticeship be declared whether such child shall thenceforward belong to the class of attached prædial apprenticed labourers, or to the class of unattached prædial apprenticed labourers, or to the class of non-prædial apprenticed labourers, and the term of such apprenticeship of any such child shall by such indenture be limited and made to continue in force until such child shall have completed his or her 21st year, and no longer; and every child so apprenticed as aforesaid, by the order of any such justice of the peace as aforesaid, shall, during his or her apprenticeship, be subject to all such and the same rules and regulations respecting the food and other supplies to be to him or to her furnished, as any other such apprenticed labourer as aforesaid; provided always, that the said indenture of apprenticeship shall contain sufficient words of obligation upon the employer to allow reasonable time and opportunity for the education and religious instruction of such child.

6. And be it further enacted, that it shall not be lawful for any person or persons entitled to the services of any such apprenticed labourer, or any other person or persons, other than such justices of the peace, holding such special commissions as aforesaid, to punish such apprenticed labourer for any offence by him or her committed, or alleged to have been committed, by the whipping, beating or imprisonment of his or her person, or by any other personal or other correction or punishment whatever, or by any addition to the hours of labour hereinbefore limited, nor shall any court, judge or justice of the peace punish any such apprenticed labourer, being a female, for any offence by her committed, by whipping or beating her person; provided always, that nothing in this Act contained shall extend to exempt any apprenticed labourer from the operation of any law or police regulation for the prevention or punishment of any offence which is or shall hereafter be enforced in this island in respect to all other persons of free condition.

7. And be it enacted, that all offences under this Act shall be tried in a summary manner before any justice, appointed by special commission, and that any apprenticed labourer convicted of absenting himself or herself from the service of his or her employer without reasonable cause, for half or any smaller portion of the day, shall forfeit to such employer not exceeding a whole day's labour of his or her own time.

8. And be it further enacted, that any apprenticed labourer convicted before any magistrate, having special jurisdiction as aforesaid, of being absent without reasonable cause for more than half a day, shall, in like manner, forfeit not exceeding three days' labour of his or her own time; provided always, that it shall be lawful for the special justice before whom such complaint shall have been heard, and which he shall have adjudged, that the said apprentice shall forfeit three days' labour of his or her own time, and he is hereby authorized and required so to divide the said three days' labour as shall not impose the obligation on such apprentice of working for more than 15 extra hours in any one week.

9. And be it further enacted, that any apprenticed labourer convicted as aforesaid of being absent without any reasonable cause for two successive days, or on two distinct days within the same fortnight, shall be adjudged a deserter, and sentenced to hard labour for a period not exceeding one week, in the house of correction or the penal gang of the island, or to receive a flogging, not exceeding 20 stripes.

10. And be it further enacted, that any apprenticed labourer convicted as aforesaid of being absent without any reasonable cause for three or more successive days, or for three days during any one fortnight, shall be adjudged a vagabond, and sentenced to hard labour for a period not exceeding 14 days, in the house of correction or penal gang of this island, or to receive a flogging, not exceeding 30 stripes.

11. And be it further enacted, that any apprenticed labourer convicted as aforesaid of being absent without reasonable cause for one entire week, or any longer time, shall, in addition to such punishment by hard labour as aforesaid, be further sentenced to receive, at the house of correction, in the presence of the superintendent thereof, any number of stripes not exceeding 39.

12. And be it further enacted, that any apprenticed labourer who shall be found wandering as a vagrant beyond the limits of the plantation of his or her employer, without a written permission from such employer, and who shall not be able to give a satisfactory account of himself or herself, shall be liable to be apprehended, and upon conviction before any special justice, shall be adjudged a vagabond, and sentenced accordingly; provided that nothing in this clause contained shall be applied to apprenticed labourers on their way to or from any place of Divine worship, or to or from market, or at such market or place; provided that nothing herein contained shall be deemed or construed to abridge or in anywise interfere with the full and free use and enjoyment by such apprentices of the time allotted to them as their own, under and by virtue of the provisions of this Act.

13. And be it further enacted, that any apprenticed labourer who shall refuse or neglect to perform any labour required under this Act, or who shall by wilful negligence damage the property of his or her employer, or who shall be guilty of drunkenness, shall upon conviction thereof as aforesaid, forfeit to such employer any number of days' labour not exceeding four, out of his or her own time, or be sentenced to receive any number of stripes, not exceeding 20; and for the second offence within one month, shall be sentenced to double that amount of punishment; provided always, that it shall be lawful for the special justice before whom such complaint shall have been heard, on which he shall have adjudged that the said apprentice shall forfeit three days' labour of his or her own time, and he is hereby authorized and required so to divide the said three days' labour as shall not impose the obligation on such apprentice of working for more than 15 hours in any one week.

14. And be it further enacted, that any apprenticed labourer who shall be convicted as aforesaid of insolence or insubordination to his or her employer, shall be sentenced to hard labour

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 124.

MONTSERRAT. labour in the house of correction or the penal gang of the island, for any time not exceeding two weeks, or to receive any number of stripes not exceeding 39.

Orders in Council
and
Colonial Laws.

Appendix, No. 124.

15. And be it further enacted, that any apprenticed labourer who shall by the careless use of fire endanger the property of his or her employer, or of any other person, or shall ill use any cattle or other stock, or who shall wantonly destroy or injure the property of his or her employer, entrusted to his or her charge, shall upon conviction thereof as aforesaid, be sentenced to hard labour in the house of correction or the penal gang of the island, for any time not exceeding three months, or to receive any number of stripes not exceeding 39.

16. And be it further enacted, that in case of any riot or combined resistance to the laws on the part of any three or more apprenticed labourers, the police of the island shall, on receiving information thereof, immediately repair to the spot and act as they shall be directed by any special justice, for the repression of any such riot or lawless proceedings; and all apprenticed labourers engaged in any such riot shall, on conviction thereof as aforesaid, be sentenced to hard labour as aforesaid, for any term not exceeding six months, or to receive any number of stripes not exceeding 39.

17. And be it further enacted, that any special justice resorting to or present at any such riotous assemblage, shall cause a flag or some other appropriate signal to be exhibited as a warning to all persons there present to separate and quietly disperse; and all apprenticed labourers who, after the exhibition of such flag or signal shall not immediately disperse, shall on conviction thereof before any one or more such special justices, be sentenced to hard labour as aforesaid, for any time not exceeding six months, and to receive any number of stripes not exceeding 39; provided that in the event of the unavoidable absence of such special justice, nothing herein contained shall be taken to prevent any justice of the peace from quelling any riot or disturbance among such apprentices in the same way and by the same means as by law he is now authorized to use in quelling any riot or preventing any breach of the peace among or by any of His Majesty's free subjects of this island; and be it enacted, that it shall not be lawful for any apprenticed labourer to keep, use or have in his or her possession any gunpowder, gun, swords, pistols or fire-arms of any description whatsoever, or any other offensive weapons, unless with the knowledge and consent of his or her master or manager.

18. And be it enacted, that every apprentice so offending shall, on conviction before any special justice, be punished with whipping, imprisonment, hard labour in the penal gang or house of correction of the island, or of any two or more of those punishments as may be awarded by such special justice; provided that such whipping shall not exceed 39 lashes, and such imprisonment shall not exceed one month.

19. And be it further enacted, that it shall be lawful for any such master, manager or lawful employer to seize and detain to his own use any gunpowder, guns, swords, pistols or fire-arms of any description whatsoever, or any other offensive weapon unlawfully in the possession of any apprenticed labourer.

20. And be it further enacted, that any apprenticed labourer quitting or attempting to quit this island without the permission in writing of his or her employer, shall, on conviction thereof before any special justice, be sentenced to hard labour in the house of correction or the penal gang of the island, for a term not exceeding six months, or to receive any number of stripes not exceeding 39.

21. And be it further enacted, that in all cases wherein any apprenticed labourer shall have been convicted of having absented himself or herself from the service of his or her employer without reasonable cause, for more than one day at a time or during 14 days, such time so lost to such employer shall be made up to him or her by such apprenticed labourer out of his or her own time, not exceeding 15 hours in each week; provided that such extra service or compensation shall not be compellable after the expiration of seven years.

22. And be it further enacted, that if any apprenticed labourer shall by wilful neglect or indolence during his or her own time, suffer his or her house or provision ground to fall into decay and bad order, it shall and may be lawful for the employer of such apprenticed labourer, with the sanction in writing of any special justice, to be obtained upon proof before him of such neglect or indolence, to put the house or provision ground of such apprenticed labourer into proper order for his or her comfort and support, and to deduct an equivalent quantity of labour from his or her own time, not exceeding 15 hours in one week.

23. And be it enacted, that on every plantation the special justices shall appoint one or more of the apprenticed labourers thereon, with the consent of the master or manager, to be constables, who shall be empowered to maintain peace and order on such plantation under the directions of the proprietor or manager thereof, and to secure and place in confinement any apprenticed labourer who shall commit any offence on such plantation, or any apprenticed labourer not employed on such plantation who may be found loitering thereon without the knowledge or permission of the proprietor or manager thereof, such apprentice confined as aforesaid not to be kept in custody longer than shall be necessary to procure the attendance of the special justice: provided always, that if the attendance of a special justice cannot be procured within 24 hours, it shall and may be lawful for the proprietor or manager aforesaid to order the release of such apprentice so confined as aforesaid, after the expiration of 24 hours; provided nevertheless, that in the event of such apprentice being discharged as aforesaid, the proprietor or manager shall and is hereby required to prefer the complaint on which such apprentice was confined, before the special justice when he shall next come upon the estate; and provided that nothing shall be construed to give any such constable

constable any power or authority over any of His Majesty's subjects, except such apprenticed labourers. MONTERRAT.

24. And be it enacted, that for all offences where punishment by flogging is authorized to be awarded by this Act, it shall be lawful for the special justices, in case such offences shall be committed by females, to sentence such females to solitary confinement for any period not exceeding 10 days. Orders in Council
and
Colonial Laws.

25. And be it enacted, that it shall be lawful for any special justice to substitute solitary confinement in any case where punishment by flogging or hard labour is hereinbefore directed, provided such solitary confinement shall not exceed for any offence at any one time, 10 days. Appendix, No. 124.

26. And be it further enacted, that in all cases of solitary confinement, the persons so confined shall be fed on such diet as the special justice shall direct, and no other.

27. And be it enacted, that all inferior misdemeanors and other crimes committed by apprenticed labourers against each other, or against the person entitled to his or her service, or against any other person, and not hereinbefore mentioned, shall be heard and determined before any justice appointed by special commission, reasonable notice of the time and place of such trial being given to the person entitled to the services of the apprentice complained against, where such person so entitled to his or her services is not the complainant; and such justice upon conviction of such apprentice shall order and direct punishment to be inflicted as he may think proper, not exceeding 39 lashes, nor three months' imprisonment to hard labour, nor 20 days' solitary confinement; provided that nothing in this clause contained shall be taken to authorize such magistrate to sentence any female apprentice to be flogged or beaten; and provided also, that nothing herein contained shall be deemed or taken to deprive any of His Majesty's subjects of his or her right to proceed against any such apprentice in any of the courts of this island, for remedy against any apprentice for any wrong or injury done or committed to or against the person or property of such subject; and provided also, that when any apprenticed labourer shall be convicted of indolence, or neglect, or improper performance of work, the special justice before whom such conviction shall take place may, if he sees fit, sentence the offender, either alone or in addition to the punishment by flogging or hard labour hereinbefore directed, to labour for such number of hours or days in his or her own time, for the benefit of the persons entitled to his or her services, as the justice of the case may seem to require, not exceeding 15 hours in any one week.

28. And be it further enacted, that in cases in which the food of any such prædial labourer is supplied, not by the delivery to him or her of provisions, but by the cultivation of such prædial apprenticed labourer of grounds set apart for the growth of provisions, the persons entitled to their services shall and are hereby required, during the term of such apprenticeship and no longer, to provide such prædial apprenticed labourer with ground adequate both in quality and quantity for his or her support, and within a reasonable distance from his or her usual place of abode, under a penalty not exceeding 5 *l.* for each offence.

29. And whereas it is necessary that proper regulations should be made and established as to the extent of such provision grounds hereinbefore mentioned, and as to the distance at which such grounds may be so allotted from the ordinary place of abode of such prædial apprenticed labourer; be it enacted, that for the purposes of this Act all grounds hitherto allotted to every slave during such his or her state of slavery, for his or her maintenance and support, shall, during the term of his or her apprenticeship, in quantity, quality and locality be deemed adequate and proper for the maintenance and support of every prædial apprenticed labourer, unless good and sufficient cause be shown to the contrary; provided and be it enacted, that such prædial or non-prædial apprenticed labourer shall satisfy, in case of complaint, such special justice that he has kept his grounds in a due and proper state of cultivation.

30. And whereas one day in every fortnight has heretofore been allowed to the slaves for the cultivation of their provision grounds, so as to make the number of days 26 in the year, for the purpose aforesaid, exclusive of Sundays and holidays; and whereas a provision made in the hereinbefore recited Act for the Abolition of Slavery within this island confines the hours of labour which the master is entitled to from such prædial apprenticed labourer to 45 hours, or five days of nine hours each in any one week; and whereas a further allowance for the cultivation of their ground, and the raising and securing the crops grown thereon, is allotted to them by the Act of the said island hereinbefore recited; be it enacted, that from and after the 1st day of August next, every prædial apprenticed labourer shall be entitled to 4 $\frac{1}{2}$ hours out of the 45 weekly working hours hereinbefore mentioned, for the cultivation of his or her grounds, and such portion of time shall be allowed to each apprentice, either on any day or days in one week, or by any number of days consecutively, at such period of the year as may be deemed by the possessor or manager of such property least detrimental and injurious to the cultivation of the plantation on which he or she shall reside, and the gathering in of the crops, and the manufacture of the produce thereof; and any person entitled to the service of any such prædial apprenticed labourer who shall refuse to allow such portion of time to any such labourer, shall be subject and liable to a penalty of 40 *s.* for each offence, to be recovered as hereinafter provided; provided always, that such number of days so allowed to the apprenticed labourer shall exceed three consecutive days at one time; provided that it shall and may be lawful for the employer and apprentice to enter into an agreement in writing, of which a copy shall be given to the apprentice, to pay to the said apprentice such sum as may be agreed on between them in lieu of time; and provided also, that in the event of nonpayment of the sum agreed on at such time

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 124.

time as shall be stipulated in the said agreement, it shall and may be lawful for the special justice, on the application of the apprentice, of which the employer shall have due notice, to issue a warrant against the goods of such employer for the amount of the money due at the time of such application, which warrant any constable within this island or district may and is hereby required to execute, and make sale of the goods so taken under the warrant, unless the amount for which the same is issued shall be paid within three days, and the money to be received or levied under such warrant shall, immediately after the receipt thereof by such constable, be paid over to the said apprentice.

31. And whereas in certain parts of this island there may not be lands proper for the cultivation of provisions, or by reason of long continuance of dry weather or other casualty, the grounds hitherto appropriated for negro grounds may be rendered unproductive; be it enacted, that in such case the master, owner or other person entitled to the service of such apprenticed labourer shall by some other ways and means make good and ample provision for all such apprenticed labourers to whose services they shall be entitled, in order that they may be properly supported and maintained, under penalty not exceeding 40*s.* for each offence; provided always, that in such case no diminution of the 45 hours as hereinbefore mentioned shall take place.

32. And be it further enacted, that all complaints made by an apprenticed labourer against the person entitled to his or her services touching any fraud practised or refusal to furnish any such apprenticed labourer with sufficiency of provision ground, or of other means of maintenance and support, in cases where such apprentice hath no provision ground, or of illegally and improperly withholding from such apprentice any portion of the time allowed him or her to cultivate such ground, or of imposing task-work on any apprenticed labourer contrary to the provisions of this Act, or of breach of any contract on the part of any person engaged in the voluntary services of any apprenticed labourer, or any cruelty, injustice or other wrong or injury done to or inflicted upon any apprenticed labourer by the person entitled to his or her services, shall be heard, adjudged and determined before any one or more special justice or justices, and he or they is or are hereby empowered to punish any offender in any of these respects last mentioned, with a fine not exceeding 5*l.*, and for default of goods and chattels whereon to levy, the offender shall be committed to gaol until he or she shall pay or satisfy the same, but such imprisonment shall not exceed five days; provided that nothing herein mentioned shall be deemed or taken to bar or destroy the right of any apprenticed labourer to proceed in the courts of law of the said island, for any wrong or injury done to or committed against his or her property or person, by any person whomsoever.

33. And be it further enacted, by the authority aforesaid, that in cases where it shall be necessary for the cultivation of any plantation, sugar-work or other settlement, or for gathering in or manufacturing the crops and produce thereof, to impose task-work on the prædial apprenticed labourers thereof or working thereupon, it shall be lawful for any special justice to sanction such task-work; provided such apprenticed labourers, or a majority of the adults among them, shall be willing and desirous collectively to undertake the same.

34. And be it enacted, that it shall and may be lawful for any employer and apprenticed labourer mutually to contract together for work to be done either by the day or by the task, for such wages or consideration as they may agree upon; provided always, that such contracts or engagements shall be sanctioned by a special justice, and that no such agreement shall be for a longer period than one year, and that no task-work shall be imposed upon any body of apprenticed labourers, except by consent of the majority thereof.

35. And be it further enacted, by the authority aforesaid, that all indentures of apprenticeship of children required by this Act shall be, as nearly as the nature of the case will admit, in conformity with, and upon the same terms and conditions as indentures of apprenticeship of children made by the parochial or municipal authorities in any town in England, and shall be recorded in the secretary's office in this island.

36. And be it further enacted, that any apprenticed labourer who shall during his or her apprenticeship wilfully absent himself or herself from the service of his or her employer for a period exceeding three months at any one time, may be sentenced by a special justice, either to serve his or her employer after the expiration of his or her apprenticeship, for so long a time as he or she shall have absented himself or herself from such service, or to make satisfaction to his or her employer for the loss sustained by such absence, except so far as he or she shall have made satisfaction for such absence either out of such extra hours as aforesaid or otherwise; provided that such extra service or compensation shall not be compellable after the expiration of seven years next after the termination of the apprenticeship of such apprentice.

37. And be it further enacted, that no apprenticed labourer shall be compelled or compellable to labour on Sundays, except in works of necessity or in tending of cattle, nor shall any apprenticed labourer, except as aforesaid, be liable to be hindered or prevented from attending anywhere on Sundays for religious worship at his or her free will or pleasure, but shall be at full liberty so to do without any let, denial or interruption whatever.

38. And be it further enacted, that from and after the 1st day of August 1834, no person whatsoever shall on Sunday expose to sale in any market or other place, or in any shop or other place, any goods, wares, or merchandize, or provisions, under a penalty not exceeding 5*l.* for every offence, provided that in case the goods or provisions so exposed for sale shall not exceed in value the sum of 5*l.*, the same may in lieu of such penalty 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; and provided also, that nothing herein shall extend to prevent the keeping

keeping open of any druggist shop, tavern, or lodging-house, or the sale of fresh meat, fresh fish, or milk on Sunday, such sale however not to take place during the celebration of Divine service; and that from and after the 1st day of August 1834, Saturday in each week shall be the day given to every prædial labourer; provided that prædial labourers employed in works of necessity, tending cattle, domestic services, and protecting property, shall have some other day in lieu of Saturday.

MONTSERRAT.
Orders in Council
and
Colonial Laws.
Appendix, No. 124.

39. And be it enacted, that in all cases of urgent necessity, it shall be lawful for the owner or other persons in management of such property, where such necessity shall occur, to require and compel the immediate and continued services of any or all the apprenticed labourers during such emergency.

40. And be it enacted, that no such apprenticed labourer shall, during the continuance of such apprenticeship, be liable to be arrested or imprisoned for debt, or be liable to be called on or be competent to serve in the militia of this island, or to serve as a juror.

41. And be it enacted, that all such apprenticed labourers shall, during the term of such their apprenticeship, be and they are hereby disqualified from being elected members of Assembly or Coroners, or of voting at any election for any of the offices aforesaid, or being appointed justices of the peace.

42. And be it further enacted, that if any slave or slaves shall be guilty of any offence now triable under any Act of this island for the trial of slaves, and not brought to trial before the 1st day of August 1834, it shall and may be lawful to bring such slave or slaves to trial, under and by virtue of the power and provisions of the said Act, and to award such punishment as the law provides.

43. And be it enacted, that all fines and penalties imposed by this Act shall be recovered before any special justice of the peace by warrant of distress and sale of the offender's goods and chattels, to be applied for the use of the public of this island.

44. And be it enacted, that a certain statute made in the 52d year of his late Majesty King George the Third, intituled "An Act to repeal certain Acts and amend other Acts relating to Religious Worship and Assemblies, and Persons teaching or preaching therein," shall be and is hereby declared to be in force in this island: provided nevertheless, that any two or more justices of the peace holding special commission under the 3 & 4 Will. 4, c. 73, shall have, exercise and enjoy all and every the jurisdiction, powers and authorities whatsoever, which by force and virtue of the said Act are within the realm of England had, exercised and enjoyed by the several justices of the peace, and by the general and quarter sessions therein mentioned.

45. And be it further enacted, that if any apprenticed labourer shall, without lawful authority, enter upon and take possession of any land belonging to any other person, it shall and may be lawful for any magistrate having special jurisdiction therein, to dispossess and eject such apprenticed labourer from such land, and to cause the same, with all crops growing thereupon, and all buildings thereon erected, to be delivered up to the owner of such land; and may further adjudge such apprenticed labourer to suffer imprisonment for any time not exceeding three calendar months, if it shall appear to the satisfaction of such magistrate that such apprenticed labourer had wrongfully and fraudulently taken such possession.

Dated at Montserrat, the 14th day of August 1834, and in the year of our reign the fifth.

Passed the Assembly this
29th day of May 1834.

(signed) *Henry Dyett*,
Clerk of Assembly.
W. D. Furlonge, Speaker.
(signed) *Henry Hamilton*.

Passed the Council this
29th day of May 1834.

(signed) *Henry William Dyett*,
Deputy Clerk of the Council.

Appendix, No. 125.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 25 June 1835. No. 317.)

AN ACT for the Classification of Apprenticed Labourers.—Passed 13 October 1834. Appendix, No. 125.

WHEREAS by an Act of this island, intituled "An Act for the Abolition of Slavery," it is enacted, that slavery should be utterly abolished and declared unlawful in the said island on the 1st day of August, in the present year of our Lord 1834; and that in conformity with the laws now in force in the said island, that all slaves who shall on or before the said 1st day of August 1834, have been duly registered as slaves in the said island, and who on the said 1st day of August 1834 shall appear by such registries of the full age of six years or upwards, shall by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship or other deed or instrument for that purpose, become and be apprenticed labourers; provided, for the purposes of the said Act, any slave engaged

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 125.

engaged in his ordinary occupation on the seas shall be deemed and taken to be within the said colony: and whereas, by the fourth clause of the said Act, intituled "An Act for the Abolition of Slavery," it is enacted, that all apprenticed labourers shall be divided into three classes, viz. prædial attached, prædial unattached, and non-prædial, and that such division of the said apprenticed labourers shall be carried into effect in the same manner and form, and subject to such rules and regulations as should for that purpose be established under such authority and by such Acts of the Legislature as thereafter mentioned; and that no person above the age of 12 years should be included in the class of prædial apprenticed labourers, unless for 12 months before the passing and publication of the now reciting Act he had been habitually employed as a prædial labourer: and whereas for the purpose of carrying into effect the said fourth clause of the said Act, intituled "An Act for the Abolition of Slavery," we, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-chief in and over your Majesty's islands of Antigua, Montserrat, Barbuda, St. Kitts, Nevis, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this your Majesty's island of Montserrat, do pray your most excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority aforesaid, that the registrar of slaves shall, within 14 days after the passing and publication of this Act, deliver to every owner of slaves, or to the attorney or agent of such owner, or to any other person or persons appearing on the registry to be in the possession of any slave in any capacity whatsoever, a list of such slaves, for which the registrar shall receive the sum of 3 *d.* cash for the name of each slave named in such registry, and 9 *s.* for certificate.

And be it enacted, that every such person as aforesaid, shall, within 14 days, return such list so given to him as aforesaid to the registrar, distinguishing, in reference to each slave therein mentioned, to which of the said classes he or she belongs; and to every such return shall be annexed an affidavit to the effect that the distinction therein made corresponds with the occupation usually pursued for 12 months next preceding the date of the said Act, intituled "An Act for the Abolition of Slavery," by each of the slaves to whom such returns may refer, under the penalty of 10 *l.* gold and silver money, to be recovered by warrant under the hand and seal of any justice of the peace for the said island, to be applied to the uses of the said island; and in case the said registrar shall not be satisfied that the return so made as aforesaid is correct, the said registrar shall issue a summons to any person or persons with whose return he is dissatisfied to attend him the said registrar at a time and place to be mentioned in such summons, and if he thinks proper, direct that the person or persons to whom such summons is directed, to bring with him any slave or slaves respecting whom any doubts shall or may arise; and the registrar shall at the time and place mentioned in the said summons proceed to examine the person or persons making such return or returns, and any witness or witnesses that may be produced to hear the truth of such return, and shall either confirm or correct the said return, and give notice of such correction or confirmation to the person or persons making the said return and to the slaves respectively, of his judgment and decision; and if either the party making such return or the slave or slaves to whom it may refer shall be dissatisfied with the decision and judgment of the said registrar, such party may on his own behalf, and the registrar may on the behalf of such slave, apply to the chief or to any other judge of the superior court in the said island, by petition, setting forth the nature of such decision and the objections thereto; and the judge to whom any such petition may be preferred shall proceed in a summary way to hear and determine upon the same, and his decision shall be final and conclusive.

And be it enacted, that when such proceedings as aforesaid shall have taken place, there shall be affixed to the entry of the name of each prædial attached slave in the registry the letters P. A.; of each prædial unattached slave the letters P. U.; and of each non-prædial slave the letters N. P.; and during the continuance of the apprenticeship the slave registry, so corrected as aforesaid, shall be deposited amongst the records of the superior court of the said island, and when any question shall arise respecting the class to which any apprenticed labourer belongs, such corrected registry, or a certified extract thereof, shall be taken as conclusive evidence of the fact; and any person neglecting or omitting to make the return or the affidavit before-mentioned, or to attend the registrar when summoned by him for that purpose, shall incur a penalty of not more than 10 *l.* nor less than 20 *s.*; and in the event of the wilful absence of any such person, it shall be lawful for the registrar to proceed to decide any such question, as though such party had attended.

Dated at Montserrat the 13th day of October 1834, and in the fifth year of His Majesty's reign.

Passed the Assembly this
5th day of April 1834.

(signed) *Henry Dyett*,
Clerk of Assembly.
W. D. Furlonge, Speaker.

Passed the Council this
26th day of April 1834.

(signed) *Henry William Dyett*,
Deputy Clerk of Council.

Published the 13th day of October 1834.

(signed) *Dudley Semper*, D.P.M.
(signed) *Henry Hamilton*.

Appendix, No. 126.

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 126.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 25 June 1831. No. 317.)

AN ACT for giving to the Special Magistrates Jurisdiction over Apprenticed Labourers, and directing their Mode of Proceeding in the exercise of such Jurisdiction.

WHEREAS, by an Act of this island, intituled "An Act for the Abolition of Slavery in this Island," it is amongst other things enacted, that from and after the 1st day of August 1834, that all persons who in conformity with the laws in force in the said island, should on or before the said 1st day of August 1834 have been duly registered as slaves in the said island, and who on the said 1st day of August 1834, should be actually within the said island, and who should by such registries appear to be on the said 1st day of August 1834 of the full age of six years or upwards, should by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship or other deed or instrument for that purpose, become and be apprenticed labourers, with a proviso, that for the purposes aforesaid, every slave engaged in his ordinary occupation upon the seas, should be deemed and taken to be within the said island: and it was further enacted, in and by the said Act, that subject to the obligations imposed by the said Act, or to be imposed by any Act of Legislature upon such apprenticed labourers, all and every the persons who on the said 1st day of August 1834, should be holden in slavery within the said island, should upon and from and after the said 1st day of August 1834, become and be to all intents and purposes free and discharged of and from all manner of slavery, and should be absolutely and for ever manumitted, and that the children thereafter to be born to any such persons, and the offspring of such children should in like manner be free from their birth; and that from and after the said 1st day of August 1834, slavery should be and was thereby utterly and for ever abolished in the said island; and whereas, by an Act of the 3 & 4 Will. 4, c. 73, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," special justices are to be appointed in the manner directed in and by the now reciting Act, for the special purpose of giving effect to the now reciting Act, and to any laws that may thereafter be made for giving more effect to the said Act; and whereas, by an Act of this island, intituled "An Act for Establishing a Police in the said Island," the said police thereby established is placed under the superintendance of the said special justices appointed or to be appointed by the said Act of the 3 & 4 Will. 4, c. 73; and whereas, by the said Act of this island, it is enacted that provision should be made for insuring promptitude and dispatch, and for preventing all unnecessary expense in the discharge of the justices of the peace holding such special commissions as aforesaid, of the jurisdiction and authority committed to them by the said Acts, and for enabling such justices to decide in a summary way such questions as might be brought before them in that capacity, and for the division of the said island into one or more districts for the purposes of such jurisdiction, and for the frequent and punctual visitation of such justices of the peace of the apprenticed labourers within such their respective districts, and that regulations should be made for indemnifying and protecting such justices of the peace in the upright execution and discharge of their said duties: we, therefore, your Majesty's dutiful and loyal subjects, the Governor and Commander-in-chief in and over your Majesty's islands of Antigua, Montserrat, Barbuda, Nevis, St. Christopher, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this your Majesty's island of Montserrat, do pray your most excellent Majesty, that it may be enacted, and be it and it is hereby enacted and ordained by the authority aforesaid, that for making provision and for ensuring promptitude and dispatch, and for preventing all unnecessary expense in the discharge by the justices of the peace holding such special commission as aforesaid of the jurisdiction and authority committed to the said justices, and for enabling the said justices to decide in a summary way such questions as shall be brought before them; and for the division of the said island into one or more district or districts for the purposes of such jurisdiction, and for the frequent and punctual visitation of such justices of the peace of the apprenticed labourers within their respective districts, and for indemnifying such justices of the peace in the upright discharge and execution of their office; that it may be enacted and ordained, and be it enacted and ordained, that every special magistrate shall reside within the district to which he is appointed, unless when prevented by sickness or other reasonable cause, to be allowed by the Governor; and every such magistrate shall one day in each week, or oftener if need be, at the place of his residence, hold a session for the hearing and deciding upon such cases as may be brought before him; and shall once in each month, or oftener if need be, repair to such plantation within his district, upon which 10 or any greater number of apprenticed labourers shall be employed, there to take cognizance of such cases as may be brought before him.

And be it enacted, that every such special justice shall keep a journal of all the cases brought before him, in which he shall enter, first, the date of the complaint; secondly, the name of the complainant; third, the substance of the complaint; fourth, the names of the witnesses adduced on either side; fifth, the substance of the evidence; sixth, his decision on the case; seventh, whether the decision has been carried into effect; eighth, any general remarks which he may think desirable: and all such journals shall be kept in one uniform manner, to be prescribed for that purpose by the Governor; and the said special justice, at the end of each quarter, shall transmit to the Governor a duplicate of his journal for the preceding

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 126.

ceding quarter, with an affidavit thereto annexed, to the effect that it has been faithfully kept, and that with the exception of unintentional errors, it contains a true account of all the proceedings in which the deponent has been engaged as such special justice during the quarter to which it refers.

And be it enacted, that it shall be the duty of the special justice, on receiving any complaint, to reduce it to writing, and to cause it to be read by, or to read it over to, the complainant, by whom it shall then be subscribed; and if the complaint shall appear to the justice immaterial, and not to deserve further inquiry, he may at once dismiss the complaint; but if he shall think inquiry necessary, he shall call upon the complainant to make oath that the complaint is true; and upon taking any complaint, to the truth of which such oath shall have been so made, the special justice shall either issue his warrant for the arrest of the party charged, or shall issue a summons for his attendance, as the case may require. The warrant of arrest shall be in the form annexed, marked A., and the summons in the form annexed, marked B.

And be it enacted, that in all cases which impute to the party charged a capital or transportable offence, the special justice shall issue his warrant to apprehend and bring the party charged before him, to answer the said charge; also, in all cases where there is reason to apprehend danger to the peace from delay. In all other cases the justice is to proceed in the first instance by summons.

And be it enacted, that in cases in which it may be necessary to adduce witnesses in support of, or in answer to any such complaint, the justice shall issue a summons to every such witness in the annexed form, marked (C); and the justice shall, in the presence of all parties, first read over the written complaint, and then take down in writing the answer of the party charged, and then proceed to examine on oath the party complaining and the witnesses, taking down in writing the deposition of each witness, which shall be read over to and signed by him. And the justice may from time to time adjourn any such proceeding for further inquiry, and, if necessary, commit the party charged to custody pending such adjournment, or take bail for his appearance. Every such commitment or bail shall be in the annexed forms, marked (D) and (E). And at the close of such proceedings, the justice shall pronounce his decision thereupon, which decision he shall reduce into writing, and subscribe with his hand; and the justice shall, as law and reason may seem to him to require, either dismiss the complaint, or sanction any compromise between the parties which he may think just, or convict the party charged, or commit him to prison to take his trial for the imputed offence. And if the complaint shall be dismissed, the justice shall, in such his written decision, state whether it was so dismissed as being unproved, or as being frivolous and vexatious, or as being malicious; and if any such complaint shall be so dismissed as frivolous and vexatious, the justice may adjudge the complainant, if a labourer, to work in the service of his employer for any time not exceeding in the whole 15 extra hours in any one week, or if the complainant be the employer, to the payment of a penalty, for the use of the labourer, of not less than 20 s., and not greater than 5 l.; and if such complaint shall be so dismissed as malicious, it shall be competent to the justice, at the instance of the party charged, to adjudge the complainant, if an apprenticed labourer, to imprisonment with hard labour for any time not exceeding one month, or, if the employer of any such labourer, to a fine not exceeding 40 s., for the benefit of the party charged, which judgment shall be a bar to any suit, action or prosecution against such complainant for calumny, defamation or otherwise, in respect of such his complaint.

And be it enacted, that if the justice shall by his decision convict the party charged, or shall convict the complainant of preferring a frivolous and vexatious or a malicious complaint, such conviction shall be severally drawn up according to the forms annexed, marked (F), (G), (H), or if such magistrate shall commit the party charged to take his trial for the imputed offence, such commitment shall be drawn up in the form annexed, marked (I), and upon any such conviction as aforesaid, by such special justice, he shall forthwith issue a warrant for the execution thereof, which warrant shall be in the form annexed, marked (K).

And be it enacted, that all summonses, warrants, commitments and other orders so to be issued by any such justice as aforesaid, shall be executed by the police officers of his district, such justice being nevertheless authorized, as occasion may require, to address the same to any other person or persons jointly with, or instead of such officers of police as to him may seem requisite; and any summons, warrant or order issued by any such special justice within his own district, may, without any further authority, be carried into execution in any part of the colony, though beyond such district; and if any person summoned by any such justice as a witness, shall not appear in obedience to such summons, or appearing shall refuse to be sworn or examined, or to answer any question proposed to him by such justice in relation to the matters depending before him, it shall be lawful for such justice to issue his warrant for the arrest of any such defaulter, and to commit him to close custody, there to remain until he shall submit to be so sworn and examined, and to make such answers as aforesaid, and every such warrant of arrest or commitment shall be in the form annexed, marked (L) and (M).

And be it enacted, that if any suit or action shall be commenced against any special justice in respect of any act, matter or thing by him done by virtue and in pursuance thereof, and if the court shall give judgment for the defendant, the plaintiff shall by such judgment be condemned to pay treble costs of suit; and if in any such suit or action, such justice shall at any time before final judgment tender to the plaintiff sufficient amends for the wrong or injury, in respect of which the same may be brought, and submit to pay the costs of suit up to that time incurred, and if the plaintiff shall refuse to accept such amends

and

and costs of suit, then, upon proof made to the court at the trial of such suit, that such amends have been so tendered and were sufficient, judgment shall be given to the plaintiff in the amount of the sum so tendered, subject nevertheless to the reduction therefrom of the costs of suit of the defendant.

And be it enacted, that no suit or action shall be brought against any such justice, in respect of any matter or thing by him done under or in pursuance hereof, unless the same shall be commenced within six months after the cause of action occurred.

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 126.

Passed the Assembly this 12th
day of March 1834.

(signed) *Henry Dyett*,
Clerk of Assembly.
Edmond Semper, Speaker, P. T.

Passed the Council this 26th
day of April 1834.

(signed) *Henry W. Dyett*,
Deputy Clerk of Council.

Published this 13th day of October 1834,
(signed)

Dudley Semper, D.P.M.
Henry Hamilton.

FORMS to which the foregoing Bill refers.

Montserrat.

(A.)

To
(Montserrat ss.)—FORASMUCH as *A. B.*, of _____ in the said island, hath this day made information and complaint before me, *C. D.*, that *E. F.*, of _____ in the said island (*here state or describe the complaint*). These are therefore to command you forthwith to apprehend and bring before me the body of the said *E. F.* to answer unto the said complaint, and to be further dealt with according to law. Given under my hand and seal, this _____ day of _____ 1833

Montserrat.

(B.)

To
(Montserrat ss.)—You are hereby required on sight hereof, to summon *A. B.*, of _____ personally to be and appear before me _____ at _____ in the said island, on the _____ day of _____ next, at _____ o'clock in the forenoon, then and there to answer to the complaint and information of *C. D.* (*here state the complaint*), and you the said _____ are then and there to appear and make your return of your due execution hereof. Herein fail not at your peril. Given under my hand and seal this _____ day of _____

Montserrat.

(C.)

To
(Montserrat ss.)—WHEREAS oath hath been made before me, _____ by *C. D.*, of _____, that the said *C. D.* was lately (*here insert the charge*), at _____ in the said island, and that he hath good cause to believe that *E. F.*, of _____ in the said island is a material witness to prove the said complaint. These are therefore to require you to summon the said *E. F.* to appear before me at _____, on the _____ day of _____, and at _____ of the clock in the forenoon, to testify and give evidence as he knoweth concerning the said offence, that such further proceedings may be had therein as to the law doth appertain. Given under my hand and seal, at _____, in the said island, this _____ day of _____ 18 .

Montserrat.

(D.)

To the Provost Marshal of the said Island or his lawful Deputy.
RECEIVE into your custody the body of *G. H.* herewith sent you, brought before me, _____ by _____ of _____, being charged on the oath of _____ in the said island, with (*here insert the complaint*), and him safely keep in your custody for further examination, and until he shall be discharged by due course of law.
Given under my hand and seal, the _____ day of _____ 18 .

(E.)

Montserrat.

BE it remembered, that on the _____ day of _____ in the _____ year of the reign of our sovereign Lord _____ by the Grace of God of the United Kingdom of Great Britain and Ireland King, defender of the faith, before me came *A. B.*, of the parish of _____, in the said island, and acknowledged to owe to our said sovereign Lord the King, the sum of _____ pounds, and *C. D.*, of _____ and *E. F.*, of _____, became bound in the sum of _____ pounds, each, that the said *A. B.* (*here insert the condition of the recognizance*).

MONTserrat.

(F.)

Orders in Council
and
Colonial Laws.

Montserrat.

A. B. is convicted before me, of having (*here state the offence*). And I do order and adjudge (*here insert the sentence*). Given under my hand and seal this day of 18 .

Appendix, No. 126.

(G.)

Montserrat.

A. B. is convicted before me, of having preferred a frivolous and vexatious complaint against *C. D.* I do therefore adjudge the said *A. B.* (if an apprenticed labourer) to work in the service of his employer for hours and (if the complainant is the employer,) that the said *A. B.* has forfeited the sum of gold and silver money, to the use of *C. D.*, according to the statute in such case made and provided. In witness whereof, I do hereby affix my hand and seal this day of 18 .

(H.)

Montserrat.

A. B. is convicted before me, of having preferred a malicious and unfounded complaint against *C. D.* I do therefore adjudge the said (if an apprenticed labourer) to imprisonment with hard labour for (if the complainant is the employer), that the said *A. B.* hath forfeited the sum of gold and silver money for the benefit of the said *C. D.*, according to the statute in such case made and provided. Given under my hand and seal, the day of 18 .

(I.)

Montserrat.

To the Provost Marshal of the said Island, or his lawful Deputy.
I send you herewith *A. B.*, late of , brought before me this present day and charged upon the oath of *C. D.*, that (*here state the offence*). These are therefore to command you that immediately you receive the said *A. B.*, and him or her safely keep in the common gaol of the said island, until he or she (as the case may be,) be thence delivered by due course of law. Given under my hand and seal, the day of 183

Montserrat.

(K.)

To
WHEREAS *A. S.*, labourer, hath complained to me , that (*here state the complaint*). And I the said , upon due consideration had thereof, did on the day of now last past, by writing under my hand and seal, order and direct that he the said should pay to him the said *A. S.*, the sum of gold and silver money. And whereas the said has not as yet paid the said sum of or any part thereof, although demanded: These are therefore to command you, to make distress of the goods and chattels of the said , and if within the space of four days next after such distress by you made, the said sum of , together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising from the sale thereof, that you pay the said sum of unto him the said *A. S.*, returning the overplus, if any, to the said , the reasonable charges of taking, keeping and selling the said distress being thereout first deducted. Given under my hand and seal, the day of 18 .

(L. & M.)

Montserrat.

To the Provost Marshal of the said Island, or his lawful Deputy.
WHEREAS, *A. B.* hath been duly summoned as a witness, to appear and give evidence before me , on this day, the day of , at being the time and place appointed for hearing and determining the complaint made before me against , of having (*here state the offence*), contrary to the statute in such case made and provided. And whereas the said *A. B.* hath not appeared before me at the time and place aforesaid, specified for that purpose, or offered any reasonable excuse for his default. (Or whereas he the said *A. B.* having appeared before me, hath not submitted to be examined as a witness, and to give his evidence before me, touching the matter of the said complaint, but hath refused so to do.) Therefore I, the said justice, do in pursuance of the said statute, commit the said *A. B.* to the common gaol, there to remain without bail or mainprize for his contempt aforesaid, until he shall submit himself to be examined and give his evidence before me touching the matter of the said complaint, or shall otherwise be discharged by due course of law. Given under my hand and seal, the day of

Appendix, No. 127.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 25 June 1835. No. 317.)

AN ACT for establishing a Police in the said Island.—Passed 13 Oct. 1834.

WHEREAS by an Act of this island, intituled "An Act for the Abolition of Slavery," it is enacted that slavery shall be utterly abolished and declared unlawful in the said island, on the 1st day of August, in the year of our Lord 1834; and that in conformity with the laws now in force in the said island, that all slaves who shall, on or before the said 1st day of August 1834, have been duly registered as slaves in the said island, and who, on the said 1st day of August 1834, shall appear by such registries of the full age of six years or upwards, shall by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship or other deed or instrument for that purpose, become and be apprenticed labourers; provided, for the purposes of the said Act, any slave engaged in his ordinary occupation on the seas, shall be deemed and taken to be within the said colony.

And whereas, by an Act of the 3 & 4 Will. 4, c. 73, intituled, "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such Slaves," it is, amongst other things, enacted, that for the insuring the effectual superintendence of the said apprentices, that it should be lawful for His Majesty to issue, or to authorize the governor of any colony, in the name and on the behalf of His said Majesty, to issue, under the public seal of such colony, one or more special commission or commissions to any one or more person or persons, constituting him or them a justice or justices of the peace for the whole of any colony, or for any parish, precinct, quarter or other district within the same, for the special purpose of giving effect to the now reciting Act, and to any laws which may in manner thereinafter mentioned be made for giving more effect to the same.

And whereas it is necessary, for the peace and quiet of the island, that a police should be established in the said island, to be under the superintendence of the said special justice or justices; we, therefore, your Majesty's dutiful and loyal subjects, the Governor and Commander-in-chief in and over your Majesty's islands of Antigua, Montserrat, Barbuda, St. Kitts, Nevis, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this your Majesty's island of Montserrat, do pray your most excellent Majesty that it may be enacted, and be it, and it is hereby enacted and ordained by the authority aforesaid, that for the purpose of this Act this island shall be divided into two districts.

And be it and it is hereby enacted, that it shall and may be lawful for the Governor-in-chief, or person administering the government of the said island, to issue his proclamation, defining the limits of such districts, and shall and may alter the limits of such districts in such manner as he may think necessary, or occasion require, in each of such districts, to be under the control and superintendence of a special magistrate appointed, or to be appointed by virtue of the said recited Act of 3 & 4 Will. 4, which said special magistrate shall reside in the said district, or as near thereto as possible.

And be it enacted, by the authority aforesaid, that in each district a tract of land, containing 20 acres, shall be set apart and appropriated to the use of the police, upon which said tract of land shall be erected and built, as soon as conveniently can be, proper buildings and habitations for the use of the said police, together with a house of correction; which said tract of land, with the buildings thereon erected or to be erected, shall be called the police settlement of the district, and the said police shall be established in the vicinity of as large a body as may be of the population of the district.

And be it enacted, by the authority aforesaid, that each police settlement shall consist of 10 able-bodied privates and one sergeant of police, between the ages of 20 to 50 years, to be appointed by the person in chief command in the said island, and removable by him for any misconduct or inefficiency. And the privates of such police settlement shall each receive at and after the rate of 4 s. 6 d. cash, per day, and the sergeant at and after the rate of 6 s. per day, payable quarterly, and shall each be furnished once a year with a suitable uniform, consisting of a blue cloth jacket, turned up with yellow, with a badge fastened to it, with the word "Police" and their respective numbers marked upon it; and their arms shall be a pair of pistols, sword, and a staff with the word "Police" marked upon it. And such police shall carry into execution such orders as they may from time to time receive from the said special magistrate for the prevention or repressing of crimes, and for enforcing obedience to the laws.

And be it enacted and ordained, by the authority aforesaid, that there shall be established at each police settlement a penal gang, to consist of such persons as shall be condemned for any offence to imprisonment and hard labour; and such penal gang shall, as often as the said special magistrate shall so direct, under the superintendence of the sergeant, or, in his absence, under the direction of any other member of the police, be employed in any laborious work, either upon the high roads or upon the provision grounds of the police settlement, for the support of the prisoners at such establishment, and towards the general maintenance of the establishment.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that at the first establishment of the said police settlement, the members thereof, assisted by such hired labourers as may be indispensable, shall be employed in erecting such temporary buildings for their occupation as may be necessary, until more permanent buildings can be erected; and that the said police, when not actually engaged in the discharge of their duty as policemen, and the said penal gang, under their direction, shall be employed in the erecting or repairing of such buildings at each police settlement.

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 127.

MONTSERRAT.

Orders in Council
and
Colonial Laws.

Appendix, No. 127.

And oe it, and it is hereby enacted and ordained by the authority aforesaid, that it shall and may be lawful for the special magistrate of any district, as often as he may deem it necessary, to suspend any member of the police, and shall forthwith report the same to the governor, or person in chief command in the said island, together with the cause or causes of such suspension, who shall confirm or disallow such suspension, as shall seem to him most proper.

And be it enacted, by the authority aforesaid, that the special justice of each district shall, once in each quarter, make a report to the governor, or person in chief command in the said island, of the state and condition and effective strength of the police establishment under his superintendence, and of the state of the buildings and provision grounds on such police settlement, and of the state and conduct of prisoners confined therein; and the said governor or person in chief command as aforesaid, shall from time to time establish all necessary rules for the internal discipline of the said police settlement, for a due separation of prisoners of different sexes, for the classification of prisoners for their religious instruction, for the maintenance of cleanliness, order and sobriety among them, and for the prevention and prompt punishment of any violation or neglect of such rules.

Dated at Montserrat, the 13th day of October 1834.

Passed the Assembly the

5th day of April 1834.

(signed) *Henry Dyett*,
Clerk of Assembly.
W. D. Furlonge, Speaker.

Passed the Council this

25th day of April 1834.

(signed) *Henry William Dyett*,
Deputy Clerk of Council.

Published this 13th day of October 1834.

(signed) *Dudley Semper*, D.P.M.
Henry Hamilton.

Appendix, No. 128.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 25 June 1835. No. 318.)

Appendix, No. 128. AN ACT to repeal the Proviso contained in the Fourth Clause of an Act, intituled, "An Act for the Abolition of Slavery in this Island."—Passed 28 May 1835.

WHEREAS by the 4th clause of an Act, intituled, "An Act for the Abolition of Slavery in this Island," it is enacted that all apprenticed labourers should, for the purposes thereafter mentioned, be divided into three distinct classes, the first of such classes consisting of prædial apprenticed labourers attached to the soil, and comprising all persons who in their state of slavery were usually employed in agriculture, or in the manufacture of colonial produce or otherwise, upon lands belonging to their owners; the second of such classes, consisting of prædial apprenticed labourers not attached to the soil, and comprising all persons who in their state of slavery were usually employed in agriculture, or in the manufacture of colonial produce or otherwise, upon lands not belonging to their owners; and the third of such classes, consisting of non-prædial apprenticed labourers, and comprising all apprenticed labourers not included within either of the two preceding classes; and it was further enacted, that such division as aforesaid of the said apprenticed labourers should be carried into effect in such manner and form, and subject to such rules and regulations as should for that purpose be established under such authority, and in and by such Acts of Assembly as thereafter mentioned, with a proviso that no person of the age of 12 years or upwards should, by or by virtue of any such Act of Assembly, be included in either of the said two classes of prædial apprenticed labourers, unless such person should for 12 calendar months at the least, next before the passing of the now recited Act, have been habitually employed in agriculture, or in the manufacture of colonial produce; and whereas there is a mistake in the aforesaid proviso, which it is necessary to alter: we, therefore, your Majesty's most dutiful and loyal subjects, the President administering the government of the said island, and the Council and Assembly of the same, do pray your most excellent Majesty that it may be enacted, and it is hereby enacted, that the said proviso, and every matter and thing therein contained shall be, and the same is hereby repealed and made void, and that instead thereof that the said proviso shall be as follows: provided always, that no person of the age of 12 years or upwards shall, by or by virtue of any such Act of Assembly, be included in either of the two classes of prædial apprenticed labourers, unless such person shall have been habitually employed in agriculture, or in the manufacture of colonial produce, for 12 calendar months at the least before the 28th day of July, which was in the year of our Lord 1833.

Dated at Montserrat the 28th day of May, in the fifth year of His Majesty's reign, and in the year of our Lord 1835.

Passed the Assembly this

11th day of May 1835.

(signed) *Henry Dyett*,
Clerk of Assembly.
John Allen, Speaker.

Passed the Council this

11th day of May 1835.

(signed) *Henry William Dyett*,
Deputy Clerk of Council.

Published this 28th day of May 1835.

(signed) *Dudley Semper*, Prov. Marshal.
Henry Hamilton.

Appendix, No. 129.

MONTSERRAT.

(Enclosure in Lord *Glenelg's* Despatch, 15 February 1836. No. 321.)Orders in Council
and
Colonial Laws.

ORDER IN COUNCIL, dated 3 February 1836, declaring that adequate and satisfactory Provision has been made by Law in the Island of Montserrat, for giving effect to the Act 3 & 4 Will. IV., c. 73, for the Abolition of Slavery throughout the British Colonies.

Appendix, No. 129.

AT the Court of St. *James's*, the 3d of February 1836;

Present, the KING's most Excellent Majesty,

Lord Chancellor, Lord President, Lord Steward, Lord Chamberlain, Earl of Albermarle, Earl of Minto, Viscount Palmerston, Viscount Melbourne, Viscount Howick, Lord Holland, Lord Hill, Lord Glenelg, Sir W. Fremantle, Mr. Poulett Thomson, Sir John Hobhouse, bart., and Mr. Chancellor of the Exchequer.

WHEREAS by an Act of Parliament made and passed in the third and fourth year of the reign of His present Majesty, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such slaves," it is enacted, that from and after the 1st day of August 1834, all persons who, in conformity with the laws now in force in the said colonies respectively, shall, on or before the 1st day of August 1834, have been duly registered as slaves in any such colony, and who, on the said 1st day of August 1834, shall be actually within any such colony, and who shall by such registers appear to be on the said 1st day of August 1834 of the full age of six years or upwards, shall, by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship, or any other deed or instrument for that purpose, become and be apprenticed labourers: and whereas by the said Act it is further enacted, that, subject to the obligations imposed by the said Act, or to be imposed as therein mentioned, upon such apprenticed labourers as aforesaid, all and every the persons who, on the said 1st day of August 1834, shall be holden in slavery within any such British colony as aforesaid, shall, upon and from and after the said 1st day of August 1834, become and be, to all intents and purposes, freed and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and that from and after the said 1st day of August 1834, slavery shall be and is thereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations and possessions abroad: and whereas by the said Act it is provided, that the Lords Commissioners of His Majesty's Treasury may raise the sum of 20,000,000 *l.* sterling towards compensating the persons entitled to the services of the slaves to be manumitted and set free by virtue of the said Act, for the loss of such services:

And whereas in the said Act it is recited, that various rules and regulations are or may be necessary for the purposes therein specified, and that such regulations could not, without great inconvenience, be made, except by the respective Governors, Councils and Assemblies, or other local legislatures of the said respective colonies, or by His Majesty with the advice of his Privy Council in reference to those colonies to which the legislative authority of His Majesty in Council extends; and it is therefore by the said Act enacted and declared, that nothing in the said Act contained shall extend, or be construed to extend, to prevent the enactment by the respective Governors, Councils and Assemblies, or by such other local legislatures as aforesaid, or by His Majesty, with the advice of his Privy Council, of any such Acts of General Assembly or Ordinances, or Orders in Council, as might be requisite for making and establishing such several rules and regulations as aforesaid, or any of them, or for carrying the same, or any of them, into full and complete effect:

And whereas it is by the said Act further enacted, that no part of the said sum of 20,000,000 *l.* sterling shall be applied or shall be applicable to the purposes therein aforesaid, for the benefit of any person entitled to the services of any slave in any of the colonies aforesaid, unless an Order shall have been first made by His Majesty therein with the advice of his Privy Council, declaring that adequate and satisfactory provision hath been made by law in such colony, for giving effect to the said Act, by such farther and supplementary enactments as therein mentioned, nor unless a copy of such Order in Council, duly certified by one of the clerks in ordinary of His Majesty's Privy Council, shall, by the Lord President of the Council, have been transmitted to the Lords Commissioners of His Majesty's Treasury, or to the Lord High Treasurer for the time being, for their or his guidance or information; and every such Order shall be published three several times in the London Gazette, and shall be laid before both Houses of Parliament within six weeks next after the date thereof, if Parliament shall be then in session, and if not, within six weeks from the then next ensuing session of Parliament:

And whereas, in order to carry into effect the objects of the said recited Act, certain Acts have been passed by the President, Council and Assembly of the island of Montserrat, intituled "An Act for the Abolition of Slavery in this Island;" also, "An Act for the protection and maintenance of Apprenticed Labourers in this Island, and for ensuring the punctual Discharge by such Apprenticed Labourers of the Services due by them to their Employers, and generally for regulating the Conduct and for the Punishment of any Offences committed

by such Apprenticed Labourers;" also, "An Act for the classification of Apprenticed Labourers;" also, "An Act for giving to the Special Magistrates jurisdiction over Apprenticed Labourers, and directing their mode of proceeding in the exercise of such Jurisdiction;" also, "An Act for establishing a Police in the said Island;" and also "An Act to repeal the proviso contained in the fourth clause of an Act, intituled 'An Act for the Abolition of Slavery in this Island.'"

And whereas it is considered by His Majesty in Council that adequate and satisfactory provision hath been made law in the said island of Montserrat for giving effect to the said recited Act of Parliament, by such further and supplementary enactments as therein mentioned, according to the true intent and meaning of the said Act:

His Majesty is therefore pleased, by and with the advice of his Privy Council, to declare, and it is hereby declared, that adequate and satisfactory provision hath been made by law in the said island of Montserrat, for giving effect to the said recited Act of Parliament, by such further and supplementary enactments as therein are mentioned; and the Right honourable the Marquis of Lansdowne, the President of His Majesty's Privy Council, and the Right honourable Lord Glenelg, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

(signed)

C. C. Grenville.

Vide Act, No. 125,
p. 93, of this Paper.
Vide Act, No. 126,
p. 95, of this Paper.
Vide Act, No. 127,
p. 99, of this Paper.
Vide Act, No. 128,
p. 100, of this Paper.

ST. CHRISTOPHER.

ST. CHRISTOPHER.

Appendix, No. 130.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 15 September 1834. No. 327.)

Appendix, No. 130.

AN ACT for the summary Punishment of Common Assaults and Batteries, and of riotous and disorderly Conduct in the Island of St. Christopher.—Passed 9 July 1834.

WHEREAS it is expedient that a more summary power of punishing persons guilty of common assaults and batteries and of riotous and disorderly conduct, or abusive, provoking, blasphemous or improper language, than there exists at present, should be provided by law; we, therefore, your Majesty's dutiful and loyal subjects the Lieutenant-governor of the islands of St. Christopher and Anguilla and the Council and Assembly of this your Majesty's said island of St. Christopher, do pray your most excellent Majesty that it may be enacted,

1. And be it and it is hereby further enacted, by the authority aforesaid, that where any person shall unlawfully assault or beat any other person within this island, or in any of the roadsteads, harbours or creeks of this island, or if any person shall be guilty of any riotous or disorderly conduct, or shall make use of any abusive or provoking language addressed to any other person tending to a breach of the peace, or any blasphemous and improper language in the public streets or highways in this island, it shall be lawful for any two justices of the peace of this island, upon complaint of any party aggrieved thereby, to hear and determine such offence; and the offender, upon conviction thereof before them the said justices, shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of 10*l.* current money of the island aforesaid, which fine shall be paid over to the treasurer of this island for the use and benefit of this colony; and the evidence of any inhabitant of this island shall be admitted in proof of the offence, notwithstanding such application of the fine; and if such fine as shall be awarded by the said justices, together with the costs (if ordered), shall not be paid immediately after the conviction, or within such period as the said justices shall at time of the conviction appoint, it shall be lawful for them to commit the offender to the common gaol of this island, there to be imprisoned for any term not exceeding two calendar months, unless such fine and costs be sooner paid, but in any case not to be kept in prison after the payment of such fine and costs: provided always, that in all cases of assault and battery in which the complainant shall prove to the satisfaction of the said justices any loss of personal property by such assault, such justices may appropriate the whole or any part of any fine they think fit to impose as compensation to the complainant for such injury.

2. And be it enacted, that if the two justices aforesaid upon the hearing of any such complaint as aforesaid, shall deem the offence not to be proved, or shall find the matter complained of justified by the circumstances, or so trifling as not to merit any punishment, they shall accordingly dismiss the complaint, and, with or without costs, in the discretion of the said justices, shall forthwith make out a certificate under their hands, stating that they have so dismissed the case, and shall deliver such certificate to the party against whom the complaint had been preferred.

3. And be it enacted, that if any person against whom any complaint shall have been preferred under this Act for any such offence as aforesaid shall have obtained such certificate as aforesaid, or having been convicted shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded in consequence of the nonpayment thereof, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

4. Provided, and be it enacted, that in case the said two justices shall find any assault or battery complained of, to have been accompanied by any attempt to commit felony, or shall be of opinion, from any circumstance whatever, that the same is a fit subject for indictment, they will abstain from any adjudication thereupon, and shall deal with such case in all respects in the same manner as they would have done before the passing of this Act; and provided also,

also, that nothing herein contained shall authorize any justices of the peace to hear and determine any case of assault or battery in which any question shall arise as to the title to any land, tenements or hereditaments, or any interest existing therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any court of justice.

ST. CHRISTOPHER.

Orders in Council
and
Colonial Laws.

Appendix, No. 130.

(signed) *George H. Burt*, Speaker.

Passed the Assembly this 26th day of June 1834.

(signed) *John Hazell*, Clerk of Assembly.

Passed the Council the 7th day of April 1834.

(signed) *Thomas Harper*, Clerk of Council.

Dated at St. Christopher this 29th day of July, in the year of our Lord 1834, and in the 5th year of His Majesty's reign.

(signed) *J. Lyons Nixon*.

Appendix, No. 131.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 15 September 1834. No. 327.)

AN ACT to punish and prevent the Commission of Petty Thefts and the unlawful detention of Personal Property.—Passed 29 July 1834. Appendix, No. 131.

WHEREAS it is expedient that justices of the peace should have authority to punish summarily offenders convicted of petty thefts and of the unlawful detention of personal property, we, therefore, your Majesty's dutiful and loyal subjects, the Lieutenant-governor of the island of St. Christopher and Anguilla, and the Council and Assembly of the said island of St. Christopher, pray your most excellent Majesty that it may be enacted,

1. And be it, and it is hereby enacted, by the authority aforesaid, that from and after the passing of this Act, it shall be lawful for any two justices of the peace to hear and decide summarily on all charges of petty theft, and on conviction, after due inquiry into all the circumstances of each case, to inflict such punishments as shall be hereinafter directed, instead of sending the parties so charged to the common gaol of this island, to be tried at the court of sessions or other superior court in this colony; provided always, that no case shall be deemed a case of petty theft, however small in value the property stolen may be, if such property shall have been taken under any actual or threatened violence, or by putting in fear the lawful owner or party entitled to the custody of such property, or by breaking into any dwelling-house in the day or night time.

2. And be it further enacted, by the authority aforesaid, that the said number of justices shall have full power and authority on all complaints of the unlawful detention made on the oath of the party aggrieved, of any personal property of any sort or kind soever, and the value of the same shall not exceed 4 *l.*, to inquire into all the circumstances of the said alleged detention, and to award and enforce the restoration of any and all articles detained under pain of commitment to the common gaol for one month, or to confirm the detention of such articles by the defendant.

3. And be it further enacted, by the authority aforesaid, that the authority of the said justices in all charges of petty theft shall be confined to those cases in which the value of the article stolen shall not exceed 3 *l.* 12 *s.* currency, and in all cases of conviction shall sentence offenders to confinement in the common gaol or at any police station, with hard labour, for any period not exceeding one month, or to receive any number of stripes not exceeding 50.

4. And be it further enacted, by the authority aforesaid, that the said justices shall not be compellable in any case to exercise the authority given by this Act, but in all cases of doubt as to the guilt of the party charged with petty theft as aforesaid, or in cases accompanied by circumstances that might make in their judgment a more formal trial and heavier punishment advisable than by this Act is authorized, such justice shall bail the party charged, or commit him or her to the common gaol of the island, to be determined according to law; and in any cases of doubt as to the proof of any charge of unlawful detention of personal property, shall dismiss such charge, and apportion the costs and charges of investigating the same between the parties, or order all such costs and charges to be paid by any one party only as reason and equity may seem to the said justices to require.

5. And be it further enacted, by the authority aforesaid, that every justice of the peace acting in execution of this Act shall have full authority, either by summons or warrant, to compel the attendance of all parties whose knowledge may be supposed to establish or refute any charge made under this Act, and to the evidence of all witnesses under this obligation of an oath.

G. H. Burt, Speaker.

Passed the Council the 30th day of April 1834.

(signed) *Thomas Harper*, Clerk of Council.

Passed the Assembly this 26th June 1834.

(signed) *John Hazell*, Clerk of Assembly.

Dated at St. Christopher this 29th day of July, in the year of our Lord 1834, and in the 5th year of His Majesty's reign.

(signed) *J. Lyons Nixon*.

ST. CHRISTOPHER.

Orders in Council
and
Colonial Laws.

Appendix, No. 132.

Preamble.

Former Act con-
tinued for three
years.

This Act may be
altered during the
present session.

Appendix, No. 132.

(Enclosure in Governor Sir *E. J. M. MacGregor's* Despatch, 8 September 1835. No. 332.)

AN ACT to continue an Act, intituled "An Act for dividing this Island into Districts, and for establishing a sufficient Police within the same."—Passed 6 July 1835.

WHEREAS the said Act is about to expire, and it is expedient that the same be continued in full force and virtue, we, therefore, your Majesty's dutiful and loyal subjects, the Lieutenant-governor of your Majesty's islands of St. Christopher and Anguilla, and the Council and Assembly of the said Island of St. Christopher, pray your most excellent Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid,

1. That the said Act, intituled "An Act for dividing this Island into Districts, and for establishing a sufficient Police within the same," shall be and remain in full force and effect for the space of three years from and after the passing of this Act.

2. And be it further enacted, that this Act may be altered or varied, amended or explained, by any Act or Acts to be passed during this session, or during the existence of the present Assembly.

G. H. Burt, Speaker.

Passed the Assembly this 18th June 1835.

John Hazell, Clerk of Assembly.

Passed the Council this 18th June 1835.

Thomas Harper, Clerk of Council.

Dated at St. Christopher the 6th day of July, in the 6th year of His Majesty's reign, and in the year of our Lord 1835.

(signed) *J. Lyons Nixon*.

Appendix, No. 133.

(Enclosure in Governor Sir *E. J. M. MacGregor's* Despatch, 8 September 1835. No. 332.)

Appendix, No. 133. AN ACT for the Prevention of the wilful and malicious Destruction of Cattle, and for the Punishment of Persons guilty of the same.—Passed 6 July 1835.

Preamble.

WHEREAS the cruel and wicked practice of maliciously and wantonly injuring and destroying cattle unhappily prevails to some extent in this island at the present, and whereas the present laws are inadequate for the due punishment thereof, we, therefore, your Majesty's dutiful and loyal subjects the Lieutenant-governor of your Majesty's islands of St. Christopher and Anguilla, and the Council and Assembly of the said island of St. Christopher, pray your most excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid,

Persons injuring
cattle so as to cause
death subject to
transportation for 10
years.

1. That if any person or persons, from and after the passing of this Act, shall wilfully or maliciously so beat, maltreat or in any way injure any bull, cow, ox, steer, bullock, heifer or calf, or any horse, mule or ass, as to cause his, her or their death, or shall aid or assist any person or persons to commit any such offence or offences, such person or persons committing or aiding in the commission of any such offence or offences shall, upon being convicted thereof, in due form of law, be adjudged guilty of felony, and be subject to transportation for any term not exceeding 10 years.

Persons concealing
the names of others
destroying cattle
punishable by a mis-
demeanor.

2. And be it enacted, by the authority aforesaid, that if any person shall wilfully conceal from the owner or person in charge of any bull, cow, ox, steer, bullock, heifer or calf, or any horse, mule or ass, the name of the person or persons destroying the same, or the circumstances connected therewith, each person or persons so withholding such information, as aforesaid, shall, on conviction, be judged guilty of a misdemeanor, and punished accordingly.

Any person who
shall injure or threat-
en to injure another
giving information
guilty of a misde-
meanor.

3d. And be it further enacted, by the authority aforesaid, that if any person shall injure, or threaten to injure, any one giving the information required by this Act, such person or persons shall, upon conviction, be deemed guilty of a misdemeanor, and punished accordingly.

George Henry Burt, Speaker.

Passed the Assembly this 26th March 1835.

John Hazell, Clerk of Assembly.

Passed the Council this 4th day of June 1835.

Thomas Harper, Clerk of Council.

Dated at St. Christopher the 6th day of July in the 6th year of His Majesty's reign, and in the year of our Lord 1835.

(signed) *J. Lyons Nixon*.

Appendix, No. 134.

(Enclosure in Governor Sir *E. J. M. MacGregor's* Despatch, 8 September 1835. No. 332.)

AN ACT to repeal all former Acts relating to the Repairs of the Highways, and to make other Provisions in lieu thereof.—Passed 6 July 1835.

WHEREAS it has become necessary, in consequence of the great change that has taken place in the condition of the labouring population of this island, to repeal an Act, intituled "An Act for the more effectual cleaning and amending the Highways of this Island," and to repeal an Act, intituled "An Act for repairing her Majesty's Highways," and further to repeal an Act, intituled "An Act to repeal an Act, intituled 'An Act to alter and amend an Act, intituled An Act for the more effectual cleaning and amending the Highways in this Island,'" and to repeal an Act, intituled "An Act for repairing her Majesty's Highways," and for reviving and amending an Act, intituled "An Act for the more effectual cleaning and amending the Highways in this Island," and to repeal an Act, intituled "An Act for repairing her Majesty's Highways," and to repeal an Act, intituled "An Act to alter and amend an Act for the more effectual cleaning and amending the Highways in this Island," and to repeal an Act, intituled "An Act for repairing her Majesty's Highways;" we, therefore, your Majesty's most dutiful and loyal subjects, the Lieutenant-governor of your Majesty's islands of St. Christopher and Anguilla, and the Council and Assembly of the said island of St. Christopher, do pray your most excellent Majesty that it may be enacted and ordained,

1. And be it, and it is hereby enacted and ordained by the authority aforesaid, that from and after the passing of this Act all the above-recited Acts shall be repealed, and the same are hereby repealed accordingly.

2. And be it further enacted, by the authority aforesaid, that from henceforth the justices assembled in quarter sessions shall, some time in the month of January in every year, nominate and appoint two sufficient inhabitants from each and every parish to be waywardens of the same; and the persons so appointed, after due notice thereof in any public newspaper of this island, shall immediately undertake the office of waywarden for the parish for which they are appointed, and shall execute the same until others shall be appointed the year following; and the persons so appointed as waywardens shall, within 10 days, repair to some one or more justices of the peace and there take the following oath:

"I, *A. B.*, do swear that I will impartially execute the office of waywarden for the parish of [*here name the parish*] according to the powers and directions given by an Act of this island, in such case made and provided, without hatred or favour to any person whatsoever.
"So help me GOD."

3. And be it further enacted, by the authority aforesaid, that as soon as possible after the passing of this Act, the justices of the court of sessions, or any two justices of the peace in the different parishes of this island, shall swear into office the waywardens now acting, or in their absence, any other person or persons as waywardens, to carry into effect the provisions of this Act.

4. And be it further enacted, by the authority aforesaid, that if any person so appointed to be waywarden for any parish shall refuse to accept the said office and to procure himself to be sworn as herein is directed, he shall forfeit the sum of 20*l.* current money of this island, to be levied by distress on his goods and chattels, and sale thereof by public outcry, as is usual in like cases, by warrant under the hands and seals of any two justices of peace, directed to the provost-marshal or his lawful deputy; and in such case the justices of the peace shall nominate some other fit person to serve as waywarden, who shall upon notice thereof take upon him the office, under the like penalty: provided always, that no person shall be liable to any penalty for his refusal to serve as waywarden, who shall prove to the said justices of the peace that there are other persons legally qualified, and residing in the parish, who have not served that office since himself last did serve it, or that he was fined for the same; and if the said justices shall not allow the said excuse, then the party conceiving himself aggrieved may appeal to the Governor and Council, who are empowered to hear and finally determine the confirmation or disallowance of such his nomination to that office.

5. And be it further enacted, by the authority aforesaid, that in case it shall hereafter happen that any waywarden shall die, or remove off the island, during the time of his appointment to serve that office, or that by the justices' neglect to nominate waywardens at the time directed by this law, or that by any other occasion whatsoever, there shall not be two waywardens in any parish, that then two justices shall have the same powers as are before given by this Act to nominate and appoint one or more fit person or persons to serve the said office, until others shall be legally appointed, which person or persons so appointed shall be obliged to take upon him or them the said office, or else shall be fined, as before in this Act is directed.

6. And be it further enacted, by the authority aforesaid, that all waywardens shall, within 10 days after being sworn into office, and within three days after all great rains, view the several highways within their respective parishes; and whenever the said highways shall want amending, the said waywardens shall hire and employ labourers to labour in repairing the said highways within the respective parishes of the said island, and to assess the rate of wages or hire to be given for such labour as aforesaid, or to enter into contract with any person or persons, to amend and repair, and keep in repair for any given space of time, the whole or any part of the said highways within the respective parishes as aforesaid;

ST. CHRISTOPHER.

Orders in Council
and
Colonial Laws.

Appendix, No. 13

Preamble.

Former Acts re-
pealed.

Justices to appoint
waywardens in Jan-
uary in every year.

The present way-
wardens to be sworn
in as soon as possible.

Penalty on waywar-
den's refusal to serve.

How to be recovered.

Person not to pay
penalty if he prove
that there is some
other person in the
parish who has not
served since he did.
Party may appeal to
Governor and Council.

Power of justices to
appoint in case of
death or absence
from the island.

Waywardens to view
the highways within
10 days after being
sworn, and three days
after great rains, and
hire labourers when
necessary for the
repairs.

Contracts for labour to be in writing, and inserted by churchwarden in a book and signed by contractor.

Waywardens limited in expending money for repairs of roads.

Waywardens to submit contracts and accounts for labour to the vestry of their parish.

Certificate of vestry shall be a sufficient voucher to first in command to draw on the Treasurer.

When labourers cannot be hired, waywardens may issue a warrant to compel the service of apprentices not exceeding one-fifteenth of the whole.

Managers to deliver to waywardens a list of the apprentices employed by them.

Two-thirds of the hire of the apprentices to go to the owner or possessor, and one-third to the apprentice.

Thirty-six hours' notice to be given when the attendance of apprentices shall be required.

Penalty on owner, possessor or manager for not obeying warrant.

Penalty on apprentices for disobedience or neglect.

Owners, possessors or managers of estates worked by labourers other than apprentices to send a like proportion.

such contract to be in writing, inserted by the churchwarden in a book to be kept for that purpose, and signed by the contractor; and all such agreements so registered and signed as aforesaid, shall be taken and deemed as evidence in any court of law or equity within this island; provided also, and be it further enacted, that no waywarden or waywardens shall lay out and expend any sum upon any piece of work or any particular part of the highways, or upon the whole line of road in their respective parishes, beyond such sum as an allowance of 5*l.* for each mile in such line of road would amount unto; but in all cases where it shall be necessary to expend any greater sum for the purposes aforesaid, the sanction of the vestry of the parish in which the same shall be acquired shall be first obtained.

7. And be it further enacted, by the authority aforesaid, that the waywardens or one of them shall, when and as occasion shall require, apply to the churchwarden to summon a meeting of the vestry of the parish of which he or they is or are waywarden or waywardens, for the purpose of laying before the said vestry any contract or contracts for any work requiring a larger amount than the sum hereinbefore allowed to be expended at any one repair of the highways in each respective parish, and which he or they may be desirous of entering into as aforesaid, or for the purpose of examining any account for labour or contract performed as aforesaid, for repairing the highways, or for obtaining payment for the same, or for any other purpose relating to the repairs of the highways within the several parishes: provided always, that whenever any account shall have been approved by the vestry of any of the respective parishes within this island, as being in conformity with the provisions of this Act, the certificate of the minister of the parish or other person presiding at such vestry, shall be a sufficient voucher and authority to the person first in command on the island to issue an order on the treasurer for the payment of the sum mentioned and specified in such certificate; provided also, that it shall not be lawful for the respective vestries to certify for any greater sum than 100*l.* in any one year for each respective parish; provided also, that when the damage to the highways shall be so great that the sum of 100*l.* shall be insufficient for the necessary repairs thereof, then and in such case it shall and may be lawful for the Council and Assembly, by their joint vote, with the approbation and concurrence of the person first in command on the island, to authorize the expenditure of such further sum as to them shall seem expedient for such last-mentioned repairs.

8. And be it further enacted, by the authority aforesaid, that whenever it shall become necessary to make repairs on the roads of this island, and labourers cannot be obtained for hire, it shall and may be lawful for the said waywardens to issue their warrant to the constable or constables of their parish to summon the several owners, possessors or managers of estates cultivated by apprentices, to send such a proportion of their prædial apprentices to work on the highways, as the waywardens in their warrant shall direct, not exceeding one-fifteenth part of the apprenticed labourers on each estate; and all owners, possessors or managers, are hereby required, within 10 days after notice as aforesaid of the appointment of the waywardens, to deliver to the said waywardens a true statement, sworn to before some justice of the peace, of the number of apprentices employed by them, under a penalty of 5*l.* for every neglect or refusal to deliver such statement as aforesaid; and the said prædial apprenticed labourers are hereby required to work on the said public roads for the purposes aforesaid, and the sum assessed by the said waywardens as the price of such labour shall be apportioned as follows: that is to say, two-thirds to the owner or possessor of the estate, and one-third to the apprenticed labourers so employed; and the said apprenticed labourers, while so employed, shall work 10 hours each day and no more; provided always, that such fifteenth part as aforesaid, shall be composed of effective labourers and furnished with all such implements and tools as may be necessary for the purposes aforesaid: and whenever the apprentices shall be required to mend the highways the waywardens may direct them to meet at any place that they shall appoint within their respective parishes, and the said apprentices shall continue to work on the said highways in such manner as the said waywardens shall direct, and for as many days as the said waywardens may think their services necessary.

9. And be it further enacted, by the authority aforesaid, that the said summons for the attendance of the apprentices, to work on the highways, shall be given to each owner, possessor or manager, at least 36 hours before the time appointed for the attendance of such apprentices; and if any person or persons duly summoned shall refuse or neglect to send their full proportion of apprentices, he, she or they shall forfeit for every apprentice so wanting of their quota, the sum of 3*s.* for each day; and if any prædial apprenticed labourer shall refuse to obey the orders of the person in charge of the estate to which such prædial apprentice shall be attached, when required by such person to work on the highways, as by this Act is directed, or attending, shall refuse to obey the orders of the waywarden or waywardens, or shall negligently perform such work, every prædial apprentice so offending shall, on complaint to the special magistrate, and on conviction, be liable to suffer all such pains and penalties as by the apprentice laws of this island he or she would be subject to for neglect or refusal to work on the estate to which such apprenticed labourer is attached: provided also, that in case any estate in this island shall be worked by labourers other than apprentices, the owner, possessor or manager of such estate shall, on requisition of such waywarden or waywardens, send a like proportion of labourers to work on the said highways, being guided in such proportion by the average number of labourers employed on such estates for three months previously, under the like penalties in case of neglect or refusal as are provided by this Act with respect to the owners, possessors or managers of estates worked by apprentices; and the said labourers when so employed shall be entitled to the same proportion of the price of labour as is by this Act awarded to the apprentices when so employed; provided also, that the said labourers shall not, by reason of such working on the highways

highways in obedience to the provisions of this Act, forfeit any wages or allowance to which they may be entitled from any engagement or agreement with the owner, possessor or manager of the estate on which they may happen to be employed, at the time of the issuing of such warrant as aforesaid; provided also, that it shall and may be lawful for the said waywardens, in all cases of estates cultivated by labourers other than apprentices, to assess such estates in such sum as the said waywardens may deem a reasonable commutation for the services of such a proportion of labourers as such estates are bound by this Act to furnish; and on the payment of such sum the owners, possessors or managers of such estates, shall be relieved from the obligation of sending any proportion of labourers as aforesaid.

ST. CHRISTOPHER.

Orders in Council
and
Colonial Laws.

Appendix, No. 134.

10. And be it further enacted, by the authority aforesaid, that when the highways shall happen to be washed by great rains, or otherwise rendered impassable, and not capable of being amended, it shall be lawful for the waywardens, with consent of the major part of the freeholders, or the attornies of freeholders, as shall be present at a meeting to be called for that purpose, (which meeting the churchwarden is hereby required to summon upon the application of the waywarden or waywardens), to turn the highways through the nearest adjacent land, and in that case the waywarden or waywardens, and two freeholders or the attornies of freeholders, shall agree with the proprietor of the said lands for the value of the said island so taken up for the highway, which if the proprietor shall refuse to do, or be absent from the island, then the waywarden or waywardens, and two freeholders, or the attornies of freeholders, shall appraise the said land or damage which the owner or possessor, or both, shall sustain by the highway being made through his or her land, and report the same under their hands, and upon oath taken before any justice of the peace, which report shall be a sufficient voucher for the person first in command to order the treasurer to pay the amount of the said appraisement.

Highways to be
turned through lands
if necessary.

11. And be it further enacted, by the authority aforesaid, that the King's lower highway which leads round the island shall be full 24 feet wide, and the upper highway shall be 12 feet wide, except the hill-sides of the several guts, and except particular places on Old Road Bay and elsewhere, where the path cannot be extended to that breadth without very great labour and difficulty; and in those places it shall be sufficient that the highway be kept repaired to the breadth it has usually been or can be conveniently extended to, and all other highways in any parish shall be kept open and amended to the width they have customarily been.

Breadth of roads.

12. And be it further enacted, by the authority aforesaid, that if any person shall encroach, or be found to have encroached on the highway with his fences, or shall hereafter neglect to cut, trim, and keep low all the trees, hedges and fences within his respective plantation, so as the same may not be an encroachment, or shall allow the stones forming part of any wall to fall down and become a nuisance to the highway, or shall throw any of the trimmings or loppings of his or their fences, or anything out of his or their land into the highway, in such case the waywardens or one of them shall give notice under their hands to the possessor or occupier of the land to remove his fences, or cut and trim the same, so as the highway may be of the full breadth or extent directed by this Act, or to remove any stones from the road which may have fallen from any wall as aforesaid, which if the said possessor or occupier shall refuse or neglect to do, within three days after such notice given him, and being thereof convicted by the oath of one of the waywardens, before any justice of the peace, he shall forfeit the sum of 5*l.* to be levied on his goods and chattels by warrant from the said justice, directed to the provost-marshal or his lawful deputy as usual, and the waywardens at the next repairing the highways may cut down and lay waste all the fences of such person or persons so refusing as aforesaid to remove or trim their fences, that the path may be of its just breadth; provided always, that where the lands on the two sides of a highway are possessed by two distinct owners, then the person who, by the evidence of the neighbours or otherwise, shall appear to the waywardens to have encroached on the highways by his fences shall be deemed the offender, and the only person liable to the penalty aforesaid.

Penalty on persons
encroaching on the
highways.

13. And whereas several persons have made a practice of feeding and pasturing their cattle and stock along His Majesty's highways in this island, which not only proves an obstruction to the roads and inconvenient to passengers, but is frequently attended with damages and trespasses to persons whose lands lie contiguous to the said roads, be it enacted, by the authority aforesaid, that immediately from and after the passing of this Act, no person or persons whatever shall presume to feed or pasture any cattle or other stock in the highways or public paths of the said island, under penalty of 3*s.* for each head of cattle or other stock, to be levied by warrant under the hand and seal of one of His Majesty's justices of the peace for the said island.

Penalty on feeding
cattle by the side of
the road.

14. And whereas the highway which leads through the mountains from the parish of Christ-church, Nichola Town, on the windward side of this island, to the parish of St. Thomas, Middle Island, on the leeward side of the same, though it be not of that general advantage as formerly to the whole island, yet is still of great convenience to travellers who have occasion to pass from one of these parishes to another, and may be of greater advantage by keeping a communication of one part of the island with the other; be it therefore enacted, by the authority aforesaid, that the waywardens of Nichola Town shall, twice in every year, clean and repair the path leading up to Spooner's Lower Work, and from thence to the bottom of Nine-Turn Gut, making the same at least eight feet wide, and fit for travellers on foot or on horseback; and in like manner the waywardens of St. Thomas, Middle Island, shall clean and amend the said highway on the leeward side of the said island, from the lower highway to the bottom of the said Nine-Turn Gut.

Directions to the
waywardens of
Nichola Town;
and of St. Thomas,
Middle Island.

How disputes about private paths shall be settled.

15. And be it further enacted, by the authority aforesaid, that where any proprietor of land claims a right, or hath a necessity for a path which is to go through another person's land below him, and any dispute shall arise thereon, then the waywardens or one of them, with two freeholders, one to be made choice of by each party, shall have full power to adjudge and determine the same, and to lay out a path at the expense of the party that desires the path, with the least inconvenience that may be to each party, but the waywardens shall first swear the freeholders, and which oath the said waywardens or one of them are hereby empowered to administer, and to do justice without favour or affection, and if one party doth neglect to make choice of a freeholder, or doth not appear at the time appointed, the waywardens or one of them, and the freeholder made choice of by the other party, shall determine the same; provided that no person shall be entitled to two private or plantation paths through another person's lands at one and the same time.

Penalty on disturbing officers in the execution of their office.

16. And be it further enacted, by the authority aforesaid, that every constable refusing or neglecting to execute any precept of the waywardens, and any person disturbing the waywardens or constables, or any of them, in the due execution of their offices, and being thereof convicted upon oath before any justice of the peace, shall forfeit the sum of 10 *l.* for every offence, to be levied by warrant under the hand and seal of the said justice, directed to the provost-marshal or his lawful deputy.

Common footpaths to be six feet wide.

17. And whereas it is highly necessary that the common paths leading up to the several rivers in this island be kept open for the convenience of the inhabitants thereof, to fetch water from thence, be it enacted, by the authority aforesaid, that all paths commonly known and used for river paths be kept open at least six feet wide, so that free ingress may be had thereto, and in case they should be less, the waywardens are hereby authorized and empowered to open the same, so that they do not exceed six feet, and any person offending or stopping any of the said paths shall forfeit and pay the sum of 5 *l.* current money; provided that this clause or any part thereof does not extend to such persons who have any real property in any of the rivers aforesaid.

Penalty on public nuisances.

18. And whereas several persons have used a practice very pernicious to the inhabitants and others in the several towns of this island, of throwing of dung and other filth, and making sinks, so that the same runs through the high roads or streets thereof, to the great nuisance of the said inhabitants; for the remedying so great an evil, be it enacted, by the authority aforesaid, that any person so offending, either by throwing dung or other filth, or by making sinks, and do not immediately upon notice thereof by any of the waywardens in the parish where any of the offences aforesaid are committed remove the same, and being convicted thereof before one or more justices of the peace for the said island, shall forfeit and pay the sum of 5 *l.* for each such offence, to be levied by warrant of distress under the hand and seal of one or more justices of the peace for the said island, which warrant shall be directed to any constable of the parish where such offence is committed.

Penalty on cutting down woods near spring-heads.

19. And whereas great inconveniences arise by clearing the mountains and woods near the heads of rivers and springs, in drying up the streams by exposing them to the sun, be it enacted, by the authority aforesaid, that all persons that shall clear or cut down, or cause to be cleared or cut down, such woods near any heads of rivers or springs that run into the public rivers of this island, within 40 yards of such heads of rivers or springs, shall forfeit and pay the sum of 10 *l.* current money, to be levied and disposed of as is hereinafter directed; and if any waywarden shall neglect his duty by suffering the ways to lie unrepaired and uncleaned or otherwise contrary to this Act, he shall, upon complaint made to any justice of the peace upon oath, be compelled to appear at the next session of the peace to answer the same, or may be presented at the sessions for the same, and be there proceeded against in the discretion of the court.

Waywardens for neglect of duty to be proceeded against at the court of session.

Drains to be cut to carry water out of the highways, if necessary.

20. And be it further enacted, by the authority aforesaid, that it shall be lawful for the waywardens, or one of them, to direct or cause to be made convenient drains or sluices for carrying the waters out of the highways into any adjacent lands, without being liable to molestation or action for the same, provided it can be done without great apparent damage to the possessors of the said lands.

Justices on neglect of duty to forfeit 20 *l.*

21. And be it further enacted, by the authority aforesaid, that if any justice of the peace shall fail to do his duty in any respect, as by this Act is required, he shall forfeit the sum of 20 *l.* current money of this island for every offence or neglect, to be recovered in any court of this island, by action of debt, wherein no essoign, protection or wager of law or any more than one imparlance shall be allowed.

Roads injured by water flowing from the lands of any person, such person to repair such damage, or pay 5 *l.*

22. And be it further enacted, by the authority aforesaid, that in case it shall happen that any public road in this island be injured by any water flowing from the ranges and paths on the land of any person or persons, such person or persons shall forthwith repair the injury so done as aforesaid, or in default thereof forfeit and pay the sum of 5 *l.*, to be recovered as hereinafter directed.

Fines and forfeitures how to be recovered and applied.

23. And be it further enacted, by the authority aforesaid, that all fines, forfeitures and penalties, created, imposed or arising by virtue of this Act shall, when inflicted or imposed, be recovered by warrant under the hands and seals of any two or more justices of the peace of this island, directed to the provost-marshal or his lawful deputy, or to any constable, commanding him to levy the same upon the goods and chattels, lands and tenements of the person or persons subject to pay the same; and the said provost-marshal or his lawful deputy, or constable, is hereby required and enjoined to execute the said warrant within the space of five days from the date of such warrant as aforesaid; and whatsoever goods and chattels, lands and tenements shall be attached and levied by virtue of such warrant or warrants as aforesaid, shall, at the expiration of 10 days after such attachment

attachment or levy, be exposed to sale by public outcry in the nearest town to which such levy took place, by the said provost-marshal or his lawful deputy, or constable; and if there be any overplus, after deducting five per cent. upon the amount levied to the said provost-marshal or constable for his trouble and the expense of publishing the sale, the same shall be returned to the owner thereof, and in default of such levy, or the sufficiency thereof, then the provost-marshal or his deputy, or constable, as aforesaid, shall take the body of such defaulter or defaulters, and him, her or them convey to the common gaol of this island, there to remain until the amount specified in such warrant, with all costs and charges therein, be fully paid and satisfied.

24. And be it further enacted, by the authority aforesaid, that the provost-marshal or his lawful deputy, or any constable refusing or neglecting to do his duty as enjoined and commanded by this Act, shall for every such offence forfeit and pay the sum of 10*l.* current money of the said island, to be recovered by the treasurer in an action of debt in any court of record within the same, wherein but one imparlance shall be allowed; and all fines, forfeitures and penalties to be levied by virtue of this Act, shall be paid to the treasurer of this island for the use of the said island.

George Henry Burt, Speaker.

Passed the Assembly this 26th day of March 1835.

John Hazell, Clerk of Assembly.

Passed the Council this 21st day of May 1835.

Thomas Harper, Clerk of Council.

Dated at St. Christopher, the 6th day of July, in the 6th year of His Majesty's reign, and in the year of our Lord 1835.

(signed) *J. Lyons Nixon*.

ST. CHRISTOPHER.

Orders in Council
and
Colonial Laws.

Appendix, No. 134.

N E V I S.

NEVIS.

Appendix, No. 135.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 2 August 1834. No. 338.)

AN ACT to establish a local Constabulary Force on the several Plantations in this Island.—Passed 2 August 1834. Appendix, No. 135.

WHEREAS it is expedient that means should be taken to preserve peace and good order on the several plantations in this island by a constabulary force, established and resident on the said plantations; be it therefore enacted, by his Honor, James Daniell, esquire, President, administering the government of this island, and by the Council and Assembly of the same, that it shall and may be lawful for the proprietor or director of any plantation in this island on which any body of labourers shall be settled either as apprentices or otherwise, to appoint as local constables such of the said labourers, not exceeding two for every hundred, as he shall think most trustworthy and eligible for such office; and such local constables shall be sworn by any judge or justice of peace to the due and faithful discharge of their duty, and shall be responsible for the tranquillity and good order of the plantation for which they shall respectively be appointed by the proprietor or director thereof, and shall be removable for misconduct or neglect, and shall, moreover, have power to act in all cases as ordinary and general constables; and each of the said local constables shall receive the same fees for the performance of his duties which other constables are by law entitled to or may be entitled to receive, and shall also be supplied once in every year at the public expense with a uniform jacket of green cloth, with scarlet collar and cuffs, and a black glazed hat.

And be it further enacted, that every proprietor or director of a plantation shall from time to time return into the secretary's office a list of the names of such persons whom he shall appoint to be local constables in manner aforesaid on the plantation or estate belonging to him or under his control, and the secretary of this island is hereby required to prepare from such returns a general list of such local constables, specifying the plantations to which they shall be respectively attached, and shall keep the same at all times suspended publicly in his office upon pain of incurring a penalty of 5*l.* for neglecting so to do, which penalty shall be recovered in a summary manner before any two magistrates; and no local constable shall be competent to act in such capacity before his name shall be inserted in such general list.

And be it further enacted, that if any proprietor or director of any plantation shall omit or refuse to appoint and return such local constables in manner aforesaid before the expiration of one week from and after the passing and publication of this Act, he shall incur a penalty for such his omission or neglect of 50*l.* current money, to be recovered by a warrant under the hands of any two magistrates, directed to the provost-marshal or his lawful deputy, requiring him to levy the same on the goods and chattels of the person in such case offending, two-thirds of which penalty shall be paid into the public treasury for the public uses of this island, and one-third to the person who shall inform and sue for the same.

NEVIS.

Orders in Council
and
Colonial Laws.

Appendix, No. 135.

And be it further enacted, that this Act shall continue in force for the space of three years from and after the passing and publication thereof, and from thence until the expiration of the then sitting House of Assembly.

Dated at Nevis, this 2d day of August, in the year of our Lord 1834.

George Webbe, Speaker.

Passed the Assembly the 18th day of July 1834.

S. A. Rawlins, Clerk of Assembly.

Passed the Board of Council this 31st day of July 1834.

Thomas Slater, Secretary and Clerk of the Council.

(signed) *James Daniell*.

Appendix, No. 136.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 2 August 1834. No. 338.)

Appendix, No. 136.

AN ACT for the summary Punishment of Common Assaults and Batteries, and of riotous and disorderly Conduct in the Island of Nevis.—Passed 2 August 1834.

WHEREAS it is expedient that a more summary power of punishing persons guilty of common assaults and batteries, and of riotous and disorderly conduct, or abusive, provoking blasphemous or improper language, than exists at present should be provided by law, be it therefore enacted, by his Honor, James Daniell, esquire, President, administering the government of the said island, and by the Council and Assembly of the same, that if any person shall unlawfully assault or beat any other person within this island, or in any ship or vessel which shall be in any of the roadsteads, harbours or creeks of this island, or if any person shall be guilty of any riotous or disorderly conduct, or shall make use of any abusive or provoking language addressed to any other person, tending to a breach of the peace, or any blasphemous or indecent language in the public streets or highways in the said island, it shall be lawful for any two justices of the peace of the said island, upon complaint of any party aggrieved thereby, to hear and determine such offence, and the offender, upon conviction thereof before the said justices, shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered) the sum of 10*l.* current money of the said island, or shall be imprisoned at the discretion of the said justices for any time not exceeding 60 days; and such fine shall be paid over to the treasurer of the said island for the use and benefit of the same, and the evidence of any inhabitant of the said island shall be admitted in proof of the offence, notwithstanding such application of the fine; and if such fine as shall be awarded by the said justices, together with costs (if ordered), shall not be paid either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, it shall be lawful for them to commit the offender to the common gaol of the said island, there to be imprisoned for any time not exceeding two calendar months, unless such fine and costs be sooner paid; provided always, that in all cases of assault and battery in which the complainant shall prove to the satisfaction of the said justices any loss of personal property by such assault, such justices may appropriate the whole or any part of the fine which they may think fit to impose as compensation to the complainant for such injury.

And be it further enacted, that if any two justices, upon the hearing of such complaint as aforesaid, shall deem the offence not to be proved, or shall find the matters complained of so trifling as not to merit any punishment, they shall accordingly dismiss the complaint, with or without costs, in their discretion, and the said justices shall forthwith make out a certificate under their hands, stating that they have so dismissed the case, and shall deliver such certificate to the party against whom the complaint had been preferred.

And be it further enacted, that if any person against whom any complaint shall have been preferred under this Act, for any such offence as aforesaid, shall have obtained such certificate as aforesaid, or having been convicted, shall have paid the whole amount of the fine adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded, in every such case such person shall be released from all further or other proceedings, civil or criminal, for the same cause.

Provided always, and be it further enacted, that in case the said two justices shall find any assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion, from any circumstance whatever, that the same is a fit subject for indictment, they shall abstain from any adjudication thereupon, and shall deal with such case in all respects in the same manner as they would have done before the passing of this Act; provided also, that nothing contained herein shall authorize any justices of the peace to hear and determine any case of assault or battery in which any question shall arise concerning the

title to any lands, tenements or hereditaments, or concerning any interest existing therein or accruing therefrom, or concerning any writ of execution under the process of any court of law.

Dated at Nevis, this 2d day of August, in the year of our Lord 1834.

George Webbe, Speaker.

Passed the Assembly this 31st July 1834.

S. A. Rawlins, Clerk of Assembly.

Passed the Board of Council this 31st July 1834.

Thomas Slater, Secretary and Clerk of the Council.

2 Aug. 1834, published this day.

Walter Maynard, Dep. Pro.-Marshal.

(signed) *James Daniell*.

NEVIS.

Orders in Council
and
Colonial Laws.
Appendix, No. 136.

Appendix, No. 137.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 28 October 1835. No. 344.)

AN ACT to alter and amend an Act, intituled "An Act to provide for the Maintenance, Protection and good Government of Apprenticed Labourers, and to settle the Jurisdiction and Authority of Special Magistrates."—Passed 16 October 1835. Appendix, No. 137.

WHEREAS it is expedient that certain provisions contained in an Act, passed by the Governor and Commander-in-chief in and over the islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla and the Virgin Islands, and by the Council and Assembly of the said island of Nevis, in the fifth year of the reign of His present Majesty, intituled "An Act to provide for the Maintenance, Protection and good Government of Apprenticed Labourers, and to settle the Jurisdiction and Authority of Special Magistrates," should be amended and rendered more effectual; be it therefore enacted, by his Honor the President administering the government of the island of Nevis, and by the Council and Assembly of the same, that the 6th, the 15th, the 22d, the 23d, and the 33d clauses of the said Act hereinbefore cited, be repealed and made void to all intents and purposes whatsoever. Preamble and reciting Abolition Act.

2. And be it further enacted, that every person for the time being entitled to the services of any apprenticed labourer, shall supply every such apprenticed labourer weekly with nine pints of Indian or Guinea corn or beans, or eight pints of pease or wheat, or rye-flour or Indian corn-meal, or nine pints of oatmeal, or seven pints of rice, or eight pints of cassava-flour or farine, or eight pounds of biscuit, or 20 pounds of yams or potatoes, or 16 pounds of eddoes or tancias, or 30 pounds of plantains or bananas, and also one pound and one-quarter of herrings, shads, mackerel or other salted provisions, or two pounds and one-half of fresh fish or other fresh provisions, all which said provisions shall be of good and wholesome quality, upon pain of incurring a penalty of any sum not exceeding 10 s. current money per week, for every apprenticed labourer whom he shall wilfully neglect to supply with provisions as aforesaid: provided always, that no penalty shall be recoverable for or on account of any neglect to supply provisions to any apprenticed labourer as aforesaid, unless complaint of such neglect shall be made to any magistrate, having special jurisdiction therein, within one calendar month after the time that such provisions ought to have been supplied as aforesaid; provided also, that it shall and may be lawful for such person, entitled for the time being to the services of any apprenticed labourer, to reduce the quantity of provisions hereinbefore-mentioned, to four-fifths in the whole of the quantity hereby required to be given to such apprenticed labourer, during such time as such apprenticed labourer shall be actually employed in the manufacture of sugar. Repealing sundry clauses of said Act. Provisions to be allowed to each apprenticed labourer.

3. And whereas, great benefits have frequently been obtained by removing the labourers, or some of them, from one plantation to another, being the property of one and the same proprietor, be it therefore enacted, that it shall and may be lawful for any person entitled to the services of any attached prædial apprenticed labourer or labourers, to transfer his or their services to any other estate or plantation within this island, to such person belonging, having previously obtained the written consent and approbation so to do of any two justices of the peace having special jurisdiction therein. Penalty for neglect. When to be recovered.

4. And be it further enacted, that if any apprenticed labourer shall without lawful authority, enter upon and take possession of any land belonging to any other person, it shall and may be lawful for any magistrate having special jurisdiction therein, to dispossess and eject such apprenticed labourer from such land, and to cause the same with all crops growing thereupon, and all buildings thereon erected, to be delivered up to the owner of such land, and may further adjudge such apprenticed labourer to suffer imprisonment for any time not exceeding three calendar months, if it shall appear to the satisfaction of such magistrate that such apprenticed labourer had wrongfully and fraudulently taken such possession; provided always, that no such apprenticed labourer shall be dispossessed and ejected in manner and form as aforesaid from any land belonging to any other person, if such apprenticed labourer shall have had undisturbed and peaceable possession of such land for the space of two years. Allowance may be reduced to four-fifths during crop. Apprentice unlawfully entering on land of another person to be ejected by magistrate, who shall restore the same, with all crops thereon, to the rightful owner, the ejected apprentice being subject to three months' imprisonment.

Apprentice not to be so ejected if having had possession of said land for two years previous.

5. And be it further enacted, that if any apprenticed labourer shall depart or attempt to depart from this island, without a passport under the hand of the Governor or the officer administering Prædial apprentice departing the island without a passport, 166.—II.

under the hand of person first in command on the island, subject to six months' imprisonment.

Non-prædials, if willing, may accompany employer or any part of his family without passport.

Any person sentenced to be imprisoned under this Act for a misdemeanor, may be also kept to hard labour, and if a male be once whipped, and if a female once or twice or thrice confined in the stocks for any time not exceeding eight hours in each confinement.

Date of Act,
16 October 1835.

administering the government of this island for the time being, which passport shall not be granted except with the consent in writing of the employer of such apprenticed labourer, such apprenticed labourer shall be liable to suffer imprisonment for any time not exceeding six calendar months; provided always, that nothing herein contained shall be deemed or taken to prevent any non-prædial apprenticed labourer, who shall be truly a domestic servant, or an attendant upon the person of his employer, or of any part of his family, from departing from this island, in attendance upon or in the same ship or vessel with his said employer, or any part of his family, if such apprenticed labourer shall be willing so to do, without any passport or other written authority whatsoever.

6. And be it further enacted, that when any person shall be convicted of any misdemeanor or other offence punishable under this Act, for which imprisonment may be by this Act awarded, it shall be lawful for the court or justice having jurisdiction therein, to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour; and if a male, to be whipped with any number of stripes not exceeding 30, in addition to such imprisonment; and if a female, to be once or twice or thrice confined in the stocks, for any number of hours not exceeding eight in each confinement, in addition to such imprisonment; and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour.

Dated at Nevis, the 16th day of October, in the year of our Lord 1835.

Joseph Stanley, Speaker.

Passed the Assembly this 29th day of January 1835.

S. A. Rawlins, Clerk of Assembly.

Passed the Board of Council this 29th day of September 1835.

Thomas Slater, Sec. and Clerk of the Council.

Published this day by beat of drum.

Walter Maynard, Provost-Marshal.

October 13, 1835.

(signed) *James Daniell*.

Appendix, No. 138.

(Enclosure in Lord *Glenelg's* Despatch, 1 February 1836. No. 346.)

Appendix, No. 138.

ORDER IN COUNCIL, dated 16 January 1836, declaring that adequate and satisfactory Provision has been made by Law in the Island of *Nevis*, for giving effect to the Act 3 & 4 Will. IV. c. 73, for the Abolition of Slavery throughout the British Colonies.

AT the Court at *Brighton*, the 16th January 1836 :

Present, The KING's most Excellent Majesty,

Lord Chancellor, Lord President, Viscount Howick, Lord *Glenelg*, Sir *Launcelot Shadwell*, Mr. *Poulett Thomson*, Sir *John Hobhouse*, Bart., Mr. Justice *Bosanquet*, Mr. Chancellor of the Exchequer, Mr. *Bickersteth*.

WHEREAS by an Act of Parliament made and passed in the third and fourth years of the reign of His present Majesty, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," it is enacted, that from and after the 1st day of August 1834, all persons who in conformity with the laws now in force in the said colonies respectively, shall, on or before the 1st day of August 1834, have been duly registered as slaves in any such colony, and who on the said 1st day of August 1834 shall be actually within any such colony, and who shall by such registries appear to be, on the said 1st day of August 1834, of the full age of six years or upwards, shall by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship, or any other deed or instrument for that purpose, become and be apprenticed labourers; and whereas by the said Act it is further enacted, that, subject to the obligations imposed by the said Act, or to be imposed as therein mentioned, upon such apprenticed labourers as aforesaid, all and every the persons who, on the said 1st day of August 1834, shall be holden in slavery within any such British colony as aforesaid, shall upon and from and after the said 1st day of August 1834 become and be to all intents and purposes freed and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted, and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and that from and after the said 1st day of August 1834, slavery shall be and is thereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations and possessions abroad; and whereas by the said Act it is provided, that the Lords Commissioners of His Majesty's Treasury may raise the sum of 20,000,000 *l.* sterling, towards compensating

NEVIS.

Orders in Council
and
Colonial Laws.
Appendix, No. 138.

compensating the persons entitled to the services of the slaves to be manumitted and set free by virtue of the said Act for the loss of such services :

And whereas in the said Act it is recited, that various rules and regulations are or may be necessary for the purposes therein specified, and that such regulations could not, without great inconvenience, be made, except by the respective governors, councils and assemblies, or other local legislatures of the said respective colonies, or by His Majesty, with the advice of his Privy Council, in reference to those colonies to which the legislative authority of His Majesty in Council extends, and it is therefore by the said Act enacted and declared, that nothing in the said Act contained shall extend or be construed to extend to prevent the enactment by the respective governors, councils and assemblies, or by such other local legislatures as aforesaid, or by His Majesty, with the advice of his Privy Council, of any such acts of General Assembly, or Ordinances or Orders in Council, as might be requisite for making and establishing such several rules and regulations as aforesaid, or any of them, or for carrying the same, or any of them, into full and complete effect :

And whereas it is by the said Act further enacted, that no part of the said sum of 20,000,000 *l.* sterling shall be applied or shall be applicable to the purposes therein aforesaid, for the benefit of any person entitled to the services of any slave in any of the colonies therein aforesaid, unless an Order shall have been first made by His Majesty, with the advice of his Privy Council, declaring that adequate and satisfactory provision hath been made by law in such colony for giving effect to the said Act, by such further and supplementary enactments as therein mentioned, nor unless a copy of such Order in Council, duly certified by one of the clerks in ordinary of His Majesty's Privy Council, shall, by the Lord President of the Council, have been transmitted to the Lords Commissioners of His Majesty's Treasury, or to the Lord High Treasurer for the time being, for their or his guidance or information ; and every such Order shall be published three several times in the London Gazette, and shall be laid before both Houses of Parliament within six weeks next after the date thereof, if Parliament shall be then in session, and if not, within six weeks from the then next ensuing session of Parliament :

And whereas, in order to carry into effect the objects of the said recited Act, an Act hath been passed by the President, Council and Assembly of the island of Nevis, intituled " An Act to provide for the Maintenance, Protection and good Government of Apprenticed Labourers, and to settle the Jurisdiction and Authority of Special Magistrates ;" also " An Act to establish a local Constabulary Force on the several Plantations in this Island ;" and also " An Act to alter and amend an Act, intituled ' An Act to provide for the Maintenance, Protection and good Government of Apprenticed Labourers, and to settle the Jurisdiction and Authority of Special Magistrates : "'

And whereas it is considered by His Majesty in Council, that adequate and satisfactory provision hath been made by law in the said island of Nevis for giving effect to the said recited Act of Parliament, by such further and supplementary enactments as therein mentioned, according to the true intent and meaning of the said Act :

His Majesty is therefore pleased, by and with the advice of his Privy Council, to declare, and it is hereby declared, that adequate and satisfactory provision hath been made by law in the said island of Nevis, for giving effect to the said recited Act of Parliament, by such further and supplementary enactments as therein are mentioned ; and the Right Honourable the Marquis of Lansdowne, the President of His Majesty's Privy Council, and the Right Honourable Lord Glenelg, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

(signed) *Wm. L. Bathurst.*

Appendix, No. 139.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 1 February 1836. No. 347.)

AN ACT for establishing a Police Force and House of Correction in and for the Island of Nevis.—Passed 3 November 1835.

Appendix, No. 139.

WHEREAS it is necessary for the safety of property, the preservation of the public peace, and the prevention of crime in this island, that a police force should be organized, and that a house of correction be established for the reception and confinement of offenders, be it therefore enacted, by his Honor the President, administering the government of the island of Nevis, and by the Council and Assembly of the same, that any two members of His Majesty's Council, to be appointed by the President of the same, and five members of the House of Assembly, to be appointed by the Speaker of the House, and so from time to time as vacancies occur, shall be and are hereby constituted commissioners for carrying this Act into execution, and they or any three or more of them (one at least being of the Council), are hereby deemed and constituted a board for carrying on the business of this Act, and in case any member or members of the Board of Council or of the House of Assembly so appointed, shall leave the island, or become incapacitated, or cease to be a member or members of Council or of the House of Assembly, his and their place or places as such commissioner or commissioners shall be considered and is and are hereby declared to be vacant, and such vacancy or vacancies shall be supplied in manner aforesaid.

Preamble.

Two members of Council and five of Assembly constituted commissioners for carrying on the business of this Act.

Commissioners, immediately after publication of this Act, to adapt as much of barracks as may be necessary for a house of correction and station for police, to contract for the necessary alterations and repairs, and to draw orders on treasurer for payment of the same, and may appoint any person to superintend the work for a reasonable remuneration.

Said building, when so altered and repaired, shall be used as a house of correction and station for police.

Commissioners may, with consent of Council and Assembly, purchase any spot or spots of land in trust for the public, and erect thereon one or more station-houses.

Executive to appoint one superintendent, who shall be master of the house of correction, and 12 police constables, six on horseback and six on foot; said police constables to be able-bodied men, between the age of 20 and 55; when such situations shall become vacant, such vacancies to be filled up in manner aforesaid.

Such superintendent and police constables to form the police force, and reside at the police station when not on actual duty, and shall receive the following pay; viz. superintendent, 300 l. per annum; each constable on horseback, 100 l., and each on foot, 80 l.

Commissioners may augment or diminish the number or the pay of such police force, subject to approval of Council and Assembly.

Superintendent to be responsible for the good conduct of police force, and may call any other constable to his aid, who is required to afford a prompt and ready assistance, on pain of dismissal from office and fine, not exceeding 5 l.

Superintendent to enter into recognizance, himself in 400 l. and two sureties in 200 l. each, for the due and faithful performance of his duty, and may appoint any police constable to be deputy keeper of the house of correction, but himself alone to be responsible.

Said police constables to act as conservators of the peace, to exercise and enjoy all powers, &c. incidental to the office, and shall carry into execution all orders from any justice of peace.

Said police constables to wear such uniform, and be accoutred and armed as the commissioners shall determine, such uniform, arms and accoutrements to be furnished at the public expense.

Form of oath to be taken by every police constable on his appointment.

2. And be it further enacted, that the said commissioners or any board of them shall, immediately after the passing and publication of this Act, proceed to adapt all or so much of the public building commonly called the barracks, as shall in their judgment be necessary for the purposes of a house of correction and station for police, and the said commissioners or any board of them are hereby directed and empowered to contract for the necessary alterations and repairs with any person or persons willing to contract for the same, and from time to time to draw orders on the treasurer of this island for the payment of the same, and to appoint any person to superintend the work, and see that it be performed in a faithful and workmanlike manner, if they or any board of them shall deem meet, and to pay to such person a fit remuneration by order on the treasurer, all which orders the treasurer is hereby authorized and required to pay, and the said building, when so altered and repaired, shall and may be lawfully used as a station for police, and a house of correction for the safe custody and imprisonment of persons charged with or convicted of offences.

3. And be it further enacted, that it shall be lawful for the said commissioners or any board of them, with the consent and approbation of the Board of Council and House of Assembly, at any time as need may be, to purchase in trust for the public of this island any one or more spots of land within this island, and thereon cause to be erected at the public expense one or more small buildings, to be termed station-houses, for the safe keeping of any offenders.

4. And be it further enacted, that the Governor or officer administering the government shall appoint one superintendent or chief of police, who shall moreover be master of the house of correction, and also 12 police constables, six of whom may be mounted on horseback, and the remaining six shall be on foot; and the said police constables shall be all able-bodied men, between the ages of 20 and 55, and when any such situation shall become vacant by death or otherwise, the said vacancies shall be forthwith filled up in manner aforesaid, and such superintendent and police constables shall form the police force, and reside at the police station when not on actual duty, and shall receive the following pay; that is to say, the chief of police shall receive the sum of 300 l. per annum, and each police constable serving on horseback the sum of 100 l. per annum, and each police constable serving on foot the sum of 80 l. per annum; all which salaries shall be paid in quarterly payments by the treasurer of this island, by order of the aforesaid commissioners or any board of them; provided always, that it shall be lawful for the said commissioners or any board of them to augment or diminish the number, and to augment or diminish the pay of the police force herein established, as may be found requisite, such alteration to be subject nevertheless to the approval of the Board of Council and House of Assembly.

5. And be it further enacted, that the said chief of police shall be responsible for the general conduct and good order of the police force, and shall not only order and regulate the duties of the same, but is hereby authorized at any time to call to his aid and assistance any constable or constables, whether the same be the ordinary constables appointed by the justices in grand sessions or the local constables on plantations, who are each and all hereby required to afford a ready and prompt assistance, on pain of dismissal from office and fine, not exceeding 5 l., on conviction of neglect or refusal before any two justices of the peace.

6. And be it further enacted, that the said superintendent shall enter into a recognizance to our Sovereign Lord the King, with two good and sufficient sureties, himself in the sum of 400 l. current money, and the said two sureties respectively in the sum of 200 l. of like money, for the due and faithful performance of the duties of his office, and the said superintendent shall have authority to appoint from the policemen any one to be deputy keeper of the house of correction; provided nevertheless, that the said master only shall be responsible for the due performance of the duties incidental to the custody of the said house of correction.

7. And be it further enacted, that the members of the police force hereby established shall act as conservators of the peace, and shall have, exercise and enjoy all the powers authorities and immunities which are incidental to the office of constable, and which are by the general law of the land vested in and given to constables, and shall carry into execution all such orders as they shall receive from any justice or justices for the prevention and suppression of crime, and enforcing obedience to the law.

8. And be it further enacted, that the said police constables shall wear such uniform and be accoutred and armed in such manner as the commissioners or any board of them shall determine, such uniform, arms and accoutrements to be provided at the public expense, and paid for by order of the said commissioners or any board of them on the treasurer of this island.

9. And be it further enacted, that every member of the police force shall on his appointment take the following oath: "I, A. B., do swear that I will, to the utmost of my ability, faithfully execute the several duties as _____ in the preservation of the public peace as as is required of me by and under an Act of this island, intituled 'An Act to establish a Police Force and House of Correction in and for the Island of Nevis.'"

10. And be it further enacted, that the superintendent of police shall not follow or carry on any other calling or occupation whatever, upon pain of forfeiting his office.

11. And be it further enacted, that if any person engaged in the duties of police shall demand or receive any fee or reward from any person whomsoever, for or on account of any matter or thing connected with the duties of his office, he shall be liable to a penalty to His Majesty of 20 *l.* current money, to be recovered before any two magistrates, and shall also be incapable of holding any office in the police force.

12. And be it further enacted, that in all cases in which any police constable shall be guilty of impropriety of conduct or breach of duty as police constable, or of any disobedience or infringement of any of the regulations for the government of the police establishment, it shall and may be lawful for any two justices of the peace, before whom such police constable shall be convicted, to impose on him a penalty of any sum not exceeding 5 *l.* current money.

13. And whereas obstructions often happen, and damage is frequently done on the several highways of this island, by the negligence or wilful misbehaviour of persons driving vehicles thereon, be it therefore enacted, that if the driver of any carriage, cart or vehicle of any kind, shall ride upon any such carriage, cart or vehicle (such carriages or vehicles as are commonly driven or conducted by some person holding the reins of the horses excepted), or if the driver of any carriage, cart or vehicle of any description whatsoever, or any person riding, shall by negligence, wilful misbehaviour or other misconduct, cause any hurt or damage to any person or property being upon any highway, or if any driver of any carriage, cart or vehicle whatsoever, shall wilfully be at such distance from such carriage, cart or vehicle, that he cannot have the direction or government of any horse or horses or cattle drawing the same (not having employed some proper person to take care of the same) or shall by negligence, wilful misbehaviour or other misconduct interrupt the free passage of any vehicle or of His Majesty's subjects, or shall obstruct any highway, and being required by any police constable or any other constable to move on or pass, shall continue to obstruct the same, every person so offending, and being convicted before any justice of the peace, either upon confession or the oath of a credible witness, shall for every such offence forfeit any sum not exceeding 40 *s.* currency, to be paid in the public treasury; and in every case where any such hurt or damage shall have been caused, such driver aforesaid shall further pay such sum, not exceeding 10 *l.*, as shall appear to the said justice a reasonable compensation to the person so aggrieved or injured, and in default of payment thereof immediately or within such time as such justice shall appoint, such justice shall commit such offender to the common gaol or house of correction of the district in which such offence shall have been committed, to be there imprisoned for any term not exceeding two months, unless such penalty, together with the costs and compensation (if ordered), be sooner paid; provided always, that nothing herein contained shall deprive or debar any person or persons from any civil or other remedy which he or she may lawfully have on occasion of such damage or injury as aforesaid.

14. And be it further enacted, that it shall be lawful for any police constable or any other constable to take up all animals straying or feeding in the public streets of any town, or in any highway of the said island, or found trespassing on any lands whatsoever, and to convey the same to any pound now or hereafter to be established; and to destroy all hogs and goats found loose in the public streets of any town, or found trespassing on any cultivated lands in the said island.

15. And be it further enacted, that all such persons as shall be condemned to imprisonment with hard labour at the house of correction may be formed into a penal gang, under the direction of one or more police constables, to be appointed by the said superintendent, and may be employed in repairing the highways or otherwise, in such manner and under such rules and regulations as the said commissioners or any board of them shall deem fit.

16. And be it further enacted, that all persons committed to the house of correction shall be supplied with proper food at the public expense; and the master of the said house of correction shall have power to contract for the said supplies, in such manner and quantity as the commissioners or any board of them shall direct, provided that tenders shall be advertised for by the said master, and security taken for the due and faithful performance of any contract; and the said commissioners or any board of them are from time to time to draw orders on the treasurer for the payment of the same.

17. And be it further enacted, that the said police constables, upon reasonable cause, shall be allowed to visit the several plantations, estates and places within this island, and search for absentees or stolen property, and that every employer, or person having the charge of any apprenticed labourer or labourers shall, within 24 hours after he or she shall know that any one or more of such apprenticed labourers has absented himself, herself or themselves without the permission of such employer or person having such charge as aforesaid, make a report at the police station, in order that measures may be forthwith adopted for the apprehension of such absentee or absentees as aforesaid; and every person having such charge as aforesaid who shall omit to make such report, shall forfeit for each absentee the sum of 5 *l.* current money, to be recovered in a summary manner before any two or more justices of the peace.

18. And be it further enacted, that the said commissioners or a board of them shall once every quarter of a year, or oftener if they deem it necessary, meet for the purpose of arranging the affairs and auditing the accounts of the said police establishment and house of correction, and the said commissioners or a board of them are hereby empowered to allow and draw upon the treasurer of this island for the payment of all incidental expenses not herein specially provided for; and the said commissioners or a board of them shall frame and establish all proper and necessary rules and regulations for the management and internal discipline

Superintendent shall not carry on any other trade &c. on pain of forfeiting his office.

Any police constable receiving a bribe from any person, subject to 20 *l.* penalty and dismissal from office.

Any police constable guilty of impropriety, &c. liable to a penalty of 5 *l.*

If driver of any carriage &c. (except such as are excepted) shall ride upon the same, or cause hurt to property on the highway, or shall be at such distance from such carriage, &c. as not to be able to govern the same, or shall interrupt the free passage of any vehicle or of His Majesty's subjects or obstruct any highway and being required to move on or pass shall continue to obstruct the same, shall be liable for every offence to a penalty of 2 *l.*, and in cases of damage shall pay to the party aggrieved a reasonable compensation, in default of which payments, to be committed to the gaol or house of correction for any time not exceeding two months.

Any person may, notwithstanding, have his civil remedy.

Lawful to take up all animals found straying, and to destroy all hogs and goats straying in streets or trespassing on lands.

Persons sentenced to hard labour may be formed into a penal gang, under the direction of one or more police constables, and may be employed in public work.

Persons committed to house of correction to be supplied with proper food, as herein provided.

Lawful for any police constable to visit any plantation, and search for absentees or stolen property.

On apprenticed labourers absenting themselves, directors of estate to report to police station within 24 hours, under penalty of 5 *l.*

Commissioners to meet quarterly, or oftener, to arrange the affairs and audit the accounts of the establishment, and shall frame rules and regulations for the management and internal discipline of the same, and shall keep a record

of their proceedings; and also at each meeting shall be allowed a clerk and stationery at the public expense.

Superintendent to report quarterly on the state and effective strength of the police force, and on the state of the buildings and conduct of the prisoners, which report to be laid before Council and Assembly as soon as may be.

Executive members of Council, Speaker of Assembly, chief justice and special justices, to be visitors and inspectors of the said police station and house of correction, 21st and 22d, general indemnity clauses.

discipline of the said police settlement and house of correction, and shall from time to time, if expedient, alter and add to the same, regard being had to the due classification of the prisoners and separation of the different sexes, and to the maintenance of order, cleanliness and sobriety among them; all which rules and regulations so to be made shall be written or printed and hung up in some conspicuous place in the said house of correction, and the several police constables are to govern themselves accordingly; and the said commissioners are hereby required to keep a record of their proceedings, and shall at each meeting be allowed a clerk and stationery at the public expense.

19. And be it further enacted, that the said superintendent shall once in each quarter of a year make to the said commissioners a report of the state and effective strength and condition of the police force, and of the state of the buildings, and the state and conduct of the prisoners confined therein, which report the said commissioners are required to lay before the legislature of this island as soon as practicable after it has been received by them, with remarks thereon, as to them shall seem expedient.

20. And be it further enacted, that the Governor and Commander-in-chief of this island for the time being, the members of His Majesty's Council, the Speaker of the House of Assembly, the chief justice of the Court of King's Bench, and special justice or justices for this island, are hereby declared to be visitors and inspectors of the said police station and house of correction.

21. And be it further enacted, that no action shall be brought against any police constable or other officer acting or employed in the duties of police, or against any other person acting by the order of any such police constable or officer and in his aid, for anything done in obedience to the warrant of any justice of the peace, until demand hath been made or left at his usual place of abode by the party or parties intending to bring such action, or by the attorney or agent of such party or parties in writing of the perusal and copy of such warrant, and until the same hath been neglected or refused for the space of six days after such demand; and if after compliance therewith any such action shall be brought without making the justice who signed such warrant a party to such action, the jury shall give their verdict for the defendant, notwithstanding any defect of jurisdiction in such justice; and if such action be brought jointly against such justice and also against such police constable or other officer or person or persons acting in his or their aid as aforesaid, then on proof of such warrant, the jury shall find for such police constable or officer, or person or persons acting in his or their aid as aforesaid, notwithstanding such defect of jurisdiction as aforesaid, and if the verdict shall be given against such justice, the plaintiff shall recover his costs against him, to be taxed in such manner by the proper officer as to include such costs as the plaintiff is liable to pay to the defendant for whom such verdict shall be found as aforesaid.

22. And be it further enacted, that no action or suit shall be commenced against any such police constable for anything by him done in the exercise of his office, until 14 days notice thereof in writing shall have been given to such police constable, nor after a sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, nor after six calendar months next after the fact committed; and the defendant or defendants in such action or suit shall or may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and if it shall appear that the same was done in the exercise of such office, or such action or suit shall be brought after the time hereinbefore limited, or shall be brought without 14 days' notice thereof, or shall be brought after a sufficient satisfaction made or tendered as aforesaid, that the jury shall find for the defendants; and if the plaintiff or plaintiffs shall become nonsuited or suffer a discontinuance of his, her or their action or suit, or if a verdict shall pass against the plaintiff, the defendant or defendants shall have treble costs, and shall have such remedy for recovering as any other defendant or defendants hath or have by law for the recovery of costs of suit in any other cases.

23. And be it further enacted, that every penalty and forfeiture hereinbefore imposed shall be levied and recovered in a summary manner upon the goods and chattels of any offender convicted of any offence against this Act, by virtue of a warrant of distress under the hands and seals of any two justices of the peace, and such warrant shall be executed, and the property thereby taken in execution shall be sold according to the form and manner, and subject to the rules and regulations which are now in force respecting proceedings had under writs of execution issuing out of the Court of King's Bench and Common Pleas, except that property may be taken in execution and sold by virtue of any process which shall issue under the authority of this Act at any season of the year; and in default of sufficient goods and chattels to satisfy any fine which may be imposed on any offender as aforesaid, it shall be lawful to commit such offender to the common gaol for any time not exceeding 30 days.

24. And be it further enacted, that this Act shall continue and be in force for the space of five years from the publication thereof, and thenceforward to the termination of the then sitting House of Assembly.

Dated at Nevis the 3d day of November, in the year of our Lord 1835.

Joseph Stanley, Speaker.

Passed the Assembly the 22d day of October 1835.

S. A. Rawlins, Clerk of Assembly.

Passed the Board of Council this 22d day of October, in the year of our Lord 1835.

Thomas Slater, Secretary and Clerk of the Council.

Published this day by beat of drum by his Honor's command,

W. Maynard, Provost-Marshal.

4th November, 1835.

(signed) *James Daniell*.

Penalties and forfeitures, how to be recovered.

Act to be in force five years.

Date of Act, 3d Nov. 1835.

VIRGIN ISLANDS AND TORTOLA.

Appendix, No. 140.

(Enclosure in Sir *E. J. Murray MacGregor's* Despatch, 16 October 1835. No. 358.)

AN ACT to repeal the 7th Clause and the Proviso contained in the 10th Clause of an Act, intituled "An Act for regulating the Division of Apprenticed Labourers into their respective Classes, and for providing for the Dissolution of the Apprenticeship by Contract or otherwise;" and to repeal the 12th, 13th, 15th, 19th, 39th, and 51st clauses of an Act, intituled "An Act prescribing the Duties of Apprenticed Labourers and Employers respectively, and imposing Penalties for the nonperformance thereof, and providing other Regulations for the maintenance of good Order;" and to repeal the 22d clause of an Act, intituled "An Act for prescribing the Powers and Duties of Special Justices, and for defining the Jurisdiction of the same;" and to repeal the 1st, 2d, and 4th, clauses of an Act, intituled "An Act to regulate the Removal of Prædial Apprenticed Labourers from one Plantation or Estate to another, the alienation by sale, inheritance, or will, of the Services of Apprenticed Labourers, the Apprenticeship of Children of Apprenticed Labourers, and the relation in which Apprenticed Labourers will stand towards the State in the said Virgin Islands; and thereby to carry more effectually into operation the Enactments contained in that behalf in an Act of the Imperial Parliament of Great Britain, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves.'" And to amend the said Acts relative to Apprenticed Labourers.—Passed 5 October 1835.

WHEREAS it is deemed expedient to repeal certain clauses in the four Acts relative to the apprenticed labourers within the Virgin Islands, and to amend the said laws by certain other regulations, we, therefore, your Majesty's dutiful and loyal subjects, the chief officer administering the government of the said Virgin Islands, and the Council and Assembly of the same, do humbly pray your most Excellent Majesty, that it may be enacted by the authority aforesaid, that from and after the publication of this Act, the 7th clause and the proviso contained in the 10th clause of an Act, intituled "An Act for regulating the Division of Apprenticed Labourers into their respective Classes, and for providing for the Dissolution of the Apprenticeship by Contract or otherwise;" and the 12th, 13th, 15th, 19th, 39th, and 51st clauses of an Act, intituled "An Act prescribing the Duties of Apprenticed Labourers and Employers respectively, and imposing Penalties for the Nonperformance thereof, and providing other Regulations for the Maintenance of good Order;" and the 22d clause of an Act, intituled "An Act for prescribing the Powers and Duties of Special Justices, and for defining the Jurisdiction of the same;" and the 1st, 2d, and 4th clauses of an Act, intituled "An Act to regulate the Removal of Prædial Apprenticed Labourers from one Plantation or Estate to another, the alienation by Sale, Inheritance, or Will, of the Services of Apprenticed Labourers, the Apprenticeship of Children of Apprenticed Labourers, and the relation in which Apprenticed Labourers will stand towards the State in the said Virgin Islands, and thereby to carry more effectually into operation the Enactments contained in that behalf in an Act of the Imperial Parliament of Great Britain, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,'" shall be, and the same are hereby repealed accordingly.

clauses of an Act, intituled "An Act to regulate the removal of prædial Apprenticed Labourers," &c.

And be it enacted, by the authority aforesaid, that when any apprenticed labourer shall be sentenced to imprisonment upon any estate or plantation, or other place than the common gaol of the Virgin Islands, such imprisonment shall not be carried into effect until a special justice shall have previously approved of the place of confinement intended for such imprisonment.

And be it further enacted, that no prædial apprenticed labourer, whether attached or not attached to the soil, shall be bound or liable, by virtue of such apprenticeship, to perform any labour in the service of his or her employer or employers for more than 45 hours in the whole in any one week, such time to include a reasonable period to be allowed for the arrival at the field or place where such labour is to be performed, at the rate of two miles per hour; provided always, that such limited time of labour shall not extend or be taken or construed to extend to any such prædial apprenticed labourers who shall be employed in attendance on stock, or as watchmen, or by sentence of any special justice for any offence committed against this or any other Act of these islands which may subject him her, or them, to labour for any extra time in his, her, or their employer's service.

Not to extend to stock-minders, watchmen and persons under sentence of special justices.

And be it further enacted, that no prædial apprenticed labourer who may in the manner provided and declared of and concerning the same in and by the Imperial Act of Parliament be or become attached to the soil, shall be subject or liable to perform any labour in the service of his or her employer or employers, except upon, or in, or about the works and business

VIRGIN ISLANDS and TORTOLA.

Orders in Council, and Colonial Laws.

Appendix, No. 140.

Title.

Preamble.

Clause 1.

Repealing 10th clause of An Act, intituled "An Act for regulating the division of Apprenticed Labourers," &c., and repealing 12th, 13th, 15th, 19th 39th and 51st clauses of an Act, intituled "An Act prescribing the Duties of Apprenticed Labourers and Employers respectively," &c., and the 22d clause of an Act, intituled "An Act for prescribing the Powers and Duties of special Justices," &c., and the 1st, 2d & 4th prædial Apprenticed

Clause 2.

Approval of special justice required for place of confinement on estates.

Clause 3.

Limiting the time of labour of apprenticed labourers to 45 hours, and allowing them to walk, at the rate of two miles an hour, to and from their work included in such time.

Clause 4.

No prædial apprentice subject to work off the plantation to which he or she

is attached without the consent in writing of two special justices, and not to separate husband, wife, child, &c.

business of the plantations or estates to which such prædial apprenticed labourer shall have been attached, or on which he or she shall have been usually employed on, or previously to the 1st day of August 1834; provided nevertheless, that with the consent in writing of any two or more justices of the peace holding special commissions, it shall be lawful for the person or persons entitled to the services of any such attached prædial apprenticed labourer or labourers to transfer his, her, or their services to any other estate or plantation within the same colony to such person or persons belonging * * * which written consent shall in no case be given, or be of any validity, unless any such justices of the peace shall have ascertained that such transfer would not have the effect of separating any such attached prædial apprenticed labourer from his or her wife or husband, parent, or child, or from any person or persons reputed to bear any such relation to him or her, and that such transfer would not probably be injurious to the health or welfare of such attached prædial apprenticed labourer, and such written consent to any such removal shall be expressed in such terms, and shall be in each case given, attested, and recorded, in such manner as such special justices, or any two of them, shall think fit and proper.

Dated at Tortola this 5th day of October, in the year of our Lord 1835, and in the 6th year of His Majesty's reign.

(signed)

Thomas Marsh, Speaker.

Passed the Assembly the 2d day of October 1835.

(signed)

Thomas William Crooke, Clerk of Assembly.

Passed the Council this 2d day of October 1835.

(signed)

John C. Isaacs, Clerk of the Council.

(signed)

William Rogers Isaacs,

President, administering the Government of the Virgin Islands.

DOMINICA.

Appendix, No. 141.

DOMINICA.

(Enclosure in Sir *E. J. M. MacGregor's* Despatch, 15 Sept. 1835. No. 364.)

Appendix, No. 141.

AN ACT to give effect to the 59th Clause of an Act passed the 19th day of May last, intituled "An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the manumitted Slaves;" and to form efficient Police Establishments in the Judicial Districts of the Justices holding Special Commissions in aid of the Power and Authority in them vested under and by virtue of the said Act.—Passed 19 September 1834.

Preamble.

WHEREAS by the 59th clause of an Act passed on the 19th day of May last, intituled "An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the manumitted Slaves," power was given to the Governor to issue his proclamation in order to make division of the island into districts, for the purposes of the said Act; and whereas, since the passing of the said Act, it has been communicated from His Majesty's Government, that not more than three stipendiary special magistrates will be appointed for this island, it is therefore considered necessary that an Act should be passed for the purpose of dividing the island into three judicial districts, and of forming efficient police establishments in the said districts to aid and protect the justices holding special commissions in the exercise of the powers and authority in them vested; we, therefore, the Lieutenant-governor, the Council and Assembly of this your Majesty's island of Dominica, humbly pray your most Excellent Majesty that it may be enacted and ordained;

Clause 1. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that for the purposes of the said recited Act this island shall be divided into three judicial districts, to be called the Leeward, the North Windward, and the South Windward Districts; the Leeward District shall comprise the parishes of St. Mark, St. Luke, St. George, St. Paul, St. Joseph and St. Peter; the North Windward District shall comprise the parishes of St. John and St. Andrew; and the South Windward District, the parishes of St. David and St. Patrick.

Clause 2. That the stipendiary special magistrate who shall be appointed to the Leeward District shall reside or have his office in the town of Roseau; that a guard, such as the special magistrate shall from time to time require, and the Governor direct and approve of, shall be in daily attendance at the office of such special magistrate, and to be placed under his orders, for the performance of any of the duties required; that all offenders adjudged by such special magistrate to confinement, otherwise than on the plantation or estate to which they may be attached, shall be by him committed to the public gaol of Roseau; and all offenders adjudged as aforesaid to hard labour shall be employed in cleaning the streets of Roseau, or any other work of public utility, at the discretion of such magistrate.

Clause 3. That the stipendiary special magistrates appointed to the North and South Windward Districts shall reside at the most eligible places within the limits of their respective districts, and the officer commanding the corps of Colonial Rangers is hereby required to furnish to each such magistrates a guard such as the special magistrate shall from time

to time require, and the Governor direct and approve of; and the said guard shall be subject to the orders and direction of such magistrate in regard to the performance of any of the duties required of it.

Clause 4. That all offenders adjudged to hard labour by any of the special magistrates of the North and South Windward Districts, shall, under the direction and at the discretion of such magistrate, be employed in repairing or keeping in repair any of the high roads of the parishes of the district, or in any of the works of public utility, or shall, under an efficient guard, be sent up to Roseau to be committed to the common gaol, there to be punished by solitary confinement, or by hard labour, according to the sentence of such magistrate.

Clause 5. That each offender, adjudged by any special magistrate to imprisonment, shall be allowed the sum of 3s. per week for his or her support, and each offender so adjudged to hard labour shall be allowed the sum of 4s. 6d. per week, which allowances the special magistrate by whom every such offender was adjudged, or the provost-marshal in cases of confinement in the gaol of Roseau, shall cause to be issued to them, and who is hereby authorized to draw for the amount of such allowances on the colonial treasurer by monthly orders or otherwise, at his option; provided always, that it shall be competent to the magistrate or provost-marshal, as the case may require, to order a supply of food instead of a pecuniary allowance not exceeding 6d. per day in cases of imprisonment, and 9d. per day in cases of sentences to hard labour.

Clause 6. That the non-commissioned officers and privates composing the Ranger Guards aforesaid shall have, and they are hereby vested with full powers to act as constables during the period they remain under the direction of the special magistrates for the purpose of serving all process issued by such magistrates.

Clause 7. That any non-commissioned officer or private on guard as aforesaid, who shall misconduct himself while under the direction of the special magistrate, shall by the order of such magistrate be put under arrest and sent to head-quarters of the corps, with a specification of the charge alleged against him, and if found guilty shall be punished as directed by the 8th clause of the Ranger Act.

Clause 8. That on the written requisition of any of the special magistrates, the officer commanding the corps of Colonial Rangers is hereby directed and required to furnish any additional number of men required by such requisition, and in the event of such required number not being at head-quarters, then to furnish so many as he may be able to detach at the time of receiving the said requisition.

Clause 9. That in the event of any sudden and serious riot or disturbance breaking out in the district of any of the special magistrates where the distance and emergency of the case will not admit of timely communication with the Governor or Commander-in-chief, then, and in such case only, it shall and may be lawful for such special magistrate to call out such part of the militia corps in his district as may appear to him to be requisite for the suppression of such riot or disturbance, and for that purpose he is hereby invested and entrusted with the same power which by the 28th clause of the Militia Act is invested in the Governor or Commander-in-chief. That the militia force, so called out in aid of the civil power, shall act solely by the direction and with the personal superintendence of the said magistrate until instructions shall be received from the Governor or Commander-in-chief, to whom such magistrate shall immediately transmit a report of the cause which compelled him to have recourse to the militia force.

Clause 10. That this Act shall continue in force for the period of 12 months from the 1st day of August next, and no longer.

Clause 11. That this Act may be altered, amended or repealed during the present session of the legislature.

(signed) *James Corlet*, Speaker.

Passed the House of Assembly this 28th day of July 1834.

(signed) *J. H. Newman*, Clerk of Assembly.

Passed the Board of Council this 28th day of July 1834.

(signed) *Henry Trew*, Clerk of Council.

Passed the Patent Office this 19th day of September 1834.

(signed) *Howard Lloyd*, Clerk of Patents.

(signed) *C. M. Schomberg*, Lieut.-Governor.

Appendix, No. 142.

(Enclosure in Sir *E. J. Murray MacGregor's* Despatch, 15 September 1835. No. 364.)

AN ACT for the immediate Repair of the Public High and Bye Roads throughout the Island.—Passed 30 September 1834. Appendix, No. 142.

WHEREAS the late dreadful hurricane has totally destroyed the high and bye-roads of this colony, and it is expedient that an Act should be immediately passed, in order that the same should be opened to admit of communication throughout the island, with the least possible delay; we, therefore, your Majesty's dutiful and obedient subjects, the Lieutenant-governor,

Preamble.

DOMINICA.
 Orders in Council
 and
 Colonial Laws.
 Appendix, No. 142.

governor, Council and Assembly of this your Majesty's island of Dominica, humbly pray your most Excellent Majesty that it may be enacted and ordained ;

Clause 1. And be it, and it is hereby enacted and ordained, by the authority aforesaid, that all persons empowered as waywardens on the 31st day of July last, and in those parishes where there may not be any waywardens, or a sufficient number to act, that the magistrates of such parish or parishes shall be, and they are hereby empowered to carry this Act into full force and effect.

Clause 2. That within seven days after the passing of this Act, the said wardens or magistrates shall forthwith issue a warrant directed to any constable, to summon all the proprietors of estates or employers of prædial apprenticed labourers, to turn out on the third day after date of such summons one-third part of all such labourers, according to the last registry return, for the repair of the public high and bye-roads, and that it shall and may be lawful for the said waywardens or magistrates to keep out and work such proportion of the said prædial apprenticed labourers until the said roads are put in a proper state of repair.

Clause 3. That the said waywardens or magistrates are hereby authorized and empowered to direct that each party of prædial labourers, consisting of not less than 20, so furnished, shall be accompanied by one or more of the constables appointed by the special magistrates, which said constables shall work their respective parties under the direction and according to the orders of the said waywardens or magistrates.

Clause 4. That any waywarden, magistrate, proprietor, manager, or other person in charge of any apprenticed labourers, who shall neglect to perform the duty hereby imposed, shall, upon conviction thereof, at a court of grand sessions, forfeit a penalty not exceeding 50 *l.*, at the discretion of the said court.

James Corlet, Speaker.

Passed the House of Assembly this 30th day of September 1834.

J. H. Newman, Clerk of Assembly.

Passed the Board of Council this 30th day of September 1834.

Henry Trew, Clerk of Council.

(signed) *C. M. Schomberg*, Lieut.-Governor.

Appendix, No. 143.

(Enclosure in Sir *E. J. Murray MacGregor's* Despatch, 13 January 1836. No. 366.)

Appendix, No. 143. AN ACT to Abolish the Punishment of Females by Whipping.—Passed 20 November 1835.

Preamble.

WHEREAS there is no law in force in this island to prevent the court of grand sessions from passing sentence of flogging on female offenders ; and whereas it is deemed expedient and proper to abolish such punishment of females ; we, therefore, your Majesty's dutiful, loyal and obedient subjects, the Commander-in-chief, the Council and Assembly of this your Majesty's island of Dominica, do humbly pray your most Excellent Majesty that it may be enacted and ordained ;

Clause 1.

Be it therefore enacted and ordained, by the authority aforesaid, that from and after the passing of this Act it shall not be lawful for any court of judicature to be held in this island, or any other tribunal whatsoever, to sentence any prisoner, being a female, to the punishment of whipping her person, any law, custom, or practice, heretofore existing notwithstanding.

James Corlet, Speaker.

Passed the House of Assembly this 16th day of November 1835.

Charles Miller, Acting Clerk of Assembly.

Passed the Board of Council this 20th day of November 1835.

James Laidlaw, Acting Clerk of Council.

Passed the Patent Office this 21st day of November 1835.

Howard Lloyd, Clerk of Patents.

(signed) *J. P. Lockhart*, President and Commander-in Chief.

ST. VINCENT.

ST. VINCENT.

Appendix, No. 144.

Orders in Council
and
Colonial Laws.

(Enclosure in Governor Sir *Lionel Smith's* Despatch, 26 September 1835. No. 377.)

Appendix, No. 144.

AN ACT to repeal certain Clauses, and to alter and amend an Act, intituled "An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and good conduct of the manumitted Slaves."—Passed 29 July 1835.

WHEREAS it has been deemed expedient to repeal certain parts, and to alter and amend other parts of an Act, intituled "An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and good conduct of the manumitted Slaves;" may it therefore please your most excellent Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Lieutenant-governor, Council and Assembly of the said island of St. Vincent and its dependencies, and by authority of the same, that from and after the publication of this Act, the 22d, 25th, 34th, 35th, 45th, 46th, 51st, and 62d clauses of the above-mentioned Act for the abolition of slavery shall be and are hereby repealed; provided always, that such repeal shall not invalidate or annul any matter or thing heretofore done in pursuance of the said Act.

And whereas, by the 15th clause of the before-recited Act, 11 days are allowed to every prædial apprenticed labourer out of the 45 working-hours in each week, over and above the one day allowed in each week and Sundays in every year, at the discretion of the employer, and it is expedient to increase the time; be it therefore enacted, that 19 days in addition to the 11 be allowed to each prædial apprenticed labourer during the continuance of his apprenticeship term, at the like discretion of the employer, as to the period when such time shall be given, or such an equivalent as may be agreed upon between the apprenticed labourer and his employer, provided that the whole number of days so allowed to the prædial apprenticed labourer shall not exceed three consecutive days in one week.

Clause 2.

And whereas by the 11th clause of the hereinbefore recited Act, it is amongst other things enacted, that the consent in writing of one special justice shall be sufficient to authorize the removal of apprentices, with the consent of the party to be removed, and it is expedient to amend the same; be it therefore enacted, that from and after the publication of this Act, such parts of the said 11th clause as relates to the consent of the party to be removed shall be and is hereby repealed, and the consent in writing for such removal shall be by two or more special justices instead of one as heretofore.

Clause 3.

And be it further enacted, that so much of the 13th clause of the said recited Act as relates to the consent of the party whose services are proposed to be sold or transferred shall be and is hereby repealed.

Clause 4.

And whereas it is necessary to define the good and ample provision intended by the 18th clause of the before-recited Act in cases where it may be impracticable to maintain the apprenticed labourers by allotments of land, be it therefore enacted, that in all cases each and every apprenticed labourer above the age of 10 years shall receive in each week not less than four quarts of wheat-flour or of farine, or of the flour or meal of Guinea or Indian corn, or 20 pounds of yams or potatoes; and every apprenticed labourer below the age of 10 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 apprenticed labourer.

Clause 5.

And be it further enacted, by the authority aforesaid, that all persons who became apprenticed labourers on the 1st day of August 1834 shall be and are hereby declared to be entitled to all the rights and privileges of free persons, except as the same be restricted by this or any other Act passed in conformity with the provisions of the Imperial Act of the 3 and 4 Will. IV. c. 73; provided always, that no such apprenticed labourer, during the time of his apprenticeship, shall have or exercise any political franchise whatsoever, by virtue of any property which he may acquire, nor be capable of serving as a juror, or of holding any office except as a constable or beadle, nor shall he be eligible to serve in the militia, unless in cases of great emergency, to be judged of by the Governor, Lieutenant-governor or person administering the government and a council of war, when he shall be compelled to serve with the same liabilities as all others serving in the militia.

Clause 6.

And whereas it may happen that children who had not attained the age of six years on the 1st day of August 1834, or that children who after that day may have been born or may hereafter be born to any female apprenticed labourer, may not be properly supported by their parents, and that no other person may be disposed voluntarily to undertake the support of such children, and it is necessary that provision should be made for the maintenance of such children in any such contingency; be it therefore enacted, that if any child who on the said 1st day of August 1834 had not completed his sixth year, or if any child to which any female apprenticed labourer may have given birth on or after the said 1st day of August 1834, or may hereafter give birth to, shall be brought before any special justice, and it shall be made to appear to the satisfaction of such justice that any such child is unprovided with an adequate maintenance, and that such child hath not completed his age of 12 years, it shall be lawful for such justice, and he is hereby required on behalf of any such child, to execute an indenture of apprenticeship, thereby binding such child as an

Clause 7.

apprenticed

- ST. VINCENT.** apprenticed labourer to the person or persons entitled to the services of such mother; but in case it shall be made to appear to any such justice that such person aforesaid is unable or unfit to enter into such indenture, and properly to perform the conditions thereof, then it shall be lawful for such justice, and he is hereby required by such indenture to bind any such child to any other person, to be by him for that purpose approved of, and who may be willing and able properly to perform such conditions; and it shall by every such indenture of apprenticeship be declared whether such child shall thenceforward belong to the class of attached prædial apprenticed labourers or to the class of unattached prædial apprenticed labourers, or to the class of non-prædial apprenticed labourers, and the term of such apprenticeship of any such child, shall by such indenture be limited and made to continue in force until such child shall have completed his 21st year and no longer; and every child so apprenticed as aforesaid by the order of any such justice as aforesaid, shall during his apprenticeship be subject to all such and the same rules and regulations respecting the work or labour to be by them done or performed, and respecting the food and other supplies to be to him furnished, as any other apprenticed labourer as aforesaid; provided always, that the said indenture of apprenticeship shall contain sufficient words of obligation upon the employer to allow reasonable time and opportunity for the education and religious instruction of such child.
- Orders in Council and Colonial Laws.**
- Appendix, No. 144.**
- Clause 8.** And be it further enacted, that all complaints between employer and apprenticed labourer shall be tried in a summary manner by any special justice, and if such justice shall either dismiss the complaint, or sanction any compromise between the parties which he may think just, or convict the party charged, or commit him to prison to take his trial for the imputed offence, or if the complaint shall be dismissed, the justice shall in such his decision, to be in writing, state whether it was so dismissed as being unproved or as being frivolous and vexatious, or as being malicious, and if any such complaint shall be so dismissed as frivolous and vexatious, the justice may adjudge the complainant, if a labourer, to work in the service of his employer for any time not exceeding in the whole 15 extra hours in any one week, or if the complainant be the employer the justice may adjudge such employer to the payment of a penalty for the use of the labourers of not less than 10 s., and not greater than 20 s.; and if any such complaint shall be so dismissed as malicious, it shall be competent to such justice, at the instance of the party charged, to adjudge the complainant, if an apprenticed labourer, to imprisonment with hard labour for any time not exceeding one month, or if the employer of any such labourer, to a fine not exceeding 40 s. for the benefit of the party charged, which judgment shall be a bar to any suit, action or prosecution against such complainant for calumny, defamation or otherwise in respect of such his complaint.
- Clause 9.** And whereas it is expedient provision should be made in cases of imprisonment on plantations by the special justice against the use of unhealthy or otherwise improper places of punishment, be it therefore enacted, that in every such case the special justice is hereby required and directed to satisfy himself that such places of imprisonment be not unhealthy or otherwise improper places for imprisonment.
- Clause 10.** And be it further enacted, that all offences specified in the 42d, 43d and 44th clauses of the above-recited Act for the Abolition of Slavery, shall be inquired of by one of the special justices, unless he shall see cause to refer any case for trial to the court of grand sessions of the peace; and no employer shall be authorized to inflict any corporal punishment on any male apprenticed labourer, nor shall any female be subject to be punished by whipping for any offence by her committed, but in all cases in which that punishment is authorized it shall be understood as applying to the case of males only, and that all the offences in respect of which such punishment may be inflicted on any such male offender, shall, when committed by women, be punished by confinement in the stocks, or solitary confinement for any period not exceeding 10 days, or by hard labour on the treadmill for any period not exceeding 30 days, as the special justice shall direct.
- Clause 11.** And be it further enacted, that when any apprenticed labourer shall be convicted of indolence or neglect, or improper performance of work, the special justice before whom such conviction shall take place, may, if he sees fit, sentence the offender to corporal punishment, not exceeding 50 stripes, or three months' imprisonment to hard labour, or 10 days' solitary confinement, or to labour for such number of hours or days in his own time, for the benefit of the person entitled to his services, as the justice of the case may seem to require, not exceeding 15 hours in any one week; provided always, that nothing herein contained shall be deemed or taken to deprive any of His Majesty's subjects of their right to proceed against any such apprentice in any of the superior courts of this island for remedy against any apprentice for any wrong or injury done or committed to or against the person or property of such subject.
- Clause 12.** And be it further enacted, that all complaints made by any apprenticed labourer against the person entitled to his services, touching any fraud practised, or refusal to furnish any such apprenticed labourer with sufficiency of provision grounds, or of other means of maintenance and support in cases where such apprenticed labourer hath no provision grounds, or of illegally and improperly withholding from such apprentice any portion of the time allowed him to cultivate such grounds, or of imposing task-work on any apprenticed labourer contrary to the provisions of the Act or Acts regulating the same, or of breach of any contract on the part of any person engaging the voluntary services of any apprenticed labourer, shall be heard, adjudged and determined before any one or more special justices, and he or they are hereby empowered to punish the offender in any of these respects, with a fine not exceeding 5 l., and for default of goods and chattels whereon to levy such fine, the offender to commit to gaol until he shall pay or satisfy the same, but such imprisonment not to exceed five

five days; provided that nothing herein mentioned shall be deemed or taken to bar or destroy the right of any apprenticed labourer to proceed, either civilly or criminally, in the superior courts of these islands for any private wrong or injury done to or committed against his property or person, by any person whomsoever, nor to bar or destroy the right of His Majesty to proceed by bill of indictment or information.

And be it further enacted, that the punishments enumerated in the 56th clause of the before-recited Act for the Abolition of Slavery, shall only be inflicted for the offences therein particularly mentioned and expressed.

And be it further enacted, that if any person shall buy, barter, or truck for, or receive by any means of or from any apprenticed labourer, sugar, cotton, rum, molasses, cocoa, coffee, charcoal or fire-wood, without the knowledge or consent of the employer of such apprenticed labourer, signified by a note in writing specifying the nature and quantity of the goods, upon complaint made to any two or more justices, the person so offending shall, on conviction, be fined in any sum not exceeding 5*l.*, or double the value of the goods so clandestinely bought, to be levied by warrant and sale of the offender's goods, and for default of such goods, the offender shall be imprisoned in the common gaol for any number of days not exceeding five days.

Dated at Kingston, this day of in the 6th year of the reign of our Sovereign Lord King William the Fourth, and in the year of our Lord 1835.

G. C. Grant, Speaker.

Passed the Assembly this 29th July 1835.

P. Hobson, Clerk of Assembly.

Passed the Council this 29th day of July 1835.

John Beresford, Clerk of Council.

In accordance with my instructions, I assent to this Bill.

(signed) *George Tyler*, Lieut.-Governor.

Orders in Council
and
Colonial Laws.

Appendix, No. 145.

Clause 13.

Clause 14.

Appendix, No. 145.

(Enclosure in Governor Sir *Lionel Smith's* Despatch, 26 September 1835. No. 377.)

AN ACT supplementary to an Act, intituled, "An Act to provide for the General Registration of all Slaves belonging to or settled in these Islands."—Passed 30 July 1835. Appendix, No. 145.

WHEREAS in the Act, intituled "An Act to provide for the General Registration of all Slaves belonging to or settled in these Islands," provision is not made in cases of dispute for distinguishing in reference to each apprenticed labourer to which of the three classes he belongs, whether prædial attached, prædial unattached, or non-prædial, or for summarily correcting the returns on appeal to any judicial authority; be it therefore enacted, by authority of the Lieutenant-governor, Council and Assembly of the island of St. Vincent and its dependencies, that if any apprenticed labourer shall be dissatisfied with or dispute the title to his services or occupation assigned to him, in the return made to the registrar of slaves, by virtue of the hereinbefore recited Act, such apprenticed labourer shall or may apply to the stipendiary justice of the division wherein he is resident, and such stipendiary justice shall thereupon petition the chief justice, or in his absence any other judge of the Court of King's Bench and Common Pleas, setting forth the nature of the objections to such return, and the judge to whom any such petition may be presented shall associate himself with the senior member of Council present in the colony and the speaker of the Assembly jointly, and proceed in a summary way to hear and decide upon the subject matter of such petition, and their decision shall be final and conclusive for establishing the title, class and occupation to which such apprenticed labourer shall belong.

Clause 1.

And be it further enacted, by the authority aforesaid, that the judges of the said Court of King's Bench and Common Pleas shall make all necessary rules for regulating the proceedings upon any such petition as aforesaid in the manner most conducive to method, punctuality and dispatch.

Clause 2.

And be it further enacted, by the authority aforesaid, that when such proceedings shall have taken place, and decision made as aforesaid, the secretary, with whom the original registry is directed to be deposited shall make an entry in the registry in conformity with such decision.

Dated at Kingstown, this day of in the 6th year of the reign of our Sovereign Lord King William the Fourth, and in the year of our Lord 1835.

G. C. Grant, Speaker.

Passed the Assembly this 30th day of July 1835.

P. Hobson, Clerk of Assembly.

Passed the Council this 30th day of July 1835.

John Beresford, Clerk of the Council.

In accordance with my instructions, I assent to this Bill.

(signed) *George Tyler*, Lieut.-Governor.

ST. VINCENT.

Appendix, No. 146.

Orders in Council
and
Colonial Laws.

Appendix, No. 146.

(Enclosure in Governor Sir *Lionel Smith's* Despatch, 26 September 1835. No. 377.)

AN ACT to Legalize the Police Settlement of the Windward Division as a Place of Confinement and Punishment.—Passed 30 July 1835.

Clause 1. WHEREAS there is now erected in Charlotte parish the buildings necessary to the police settlement of the Windward Division, be it therefore enacted, by the Lieutenant-governor, Council and Assembly of the island of St. Vincent and its dependencies, that it shall and may be lawful for any court, justice or justices, having cognizance of offences committed by apprenticed labourers, to sentence the apprenticed labourers of the Windward Division found guilty thereof, to be confined and punished at the above settlement, for such time and in such manner as the law prescribes.

2. And be it further enacted, that the periods of labour and duration of spells which the apprenticed labourers in the Windward Division shall be sentenced to undergo in the treadmill at the above settlement, shall be the same as those prescribed by the Act for regulating the treadmill in Kingstown.

3. And be it further enacted, that the precautions directed by the Treadmill Act to be observed by the keeper of the treadmill in Kingstown, in case of alleged inability on the part of prisoners to undergo punishment, shall be observed in the like cases by the serjeant of police at the above settlement.

4. And whereas one acre of the land at the police establishment aforesaid, on which the buildings hereinbefore mentioned have been erected for the purposes of this Act, has been purchased from Alexander Cumming, esq., as the attorney of the heir of John Gerard, deceased, at or for the sum of 100*l.* current money, as the full and true value of such acre, being part of the land belonging to the heirs of the said John Gerard, deceased, and the payment of the said sum of money has been actually made or satisfactorily secured to the said Alexander Cumming as such attorney; be it therefore further enacted, that the said one acre of land and the buildings thereon erected, shall be and are hereby vested in His Majesty, his heirs and successors, for the public uses of the colony.

Dated at Kingstown this 9th day of September, in the sixth year of the reign of our Sovereign Lord King William the Fourth, and in the year of our Lord 1835.

G. C. Grant, Speaker.

Passed the Assembly this 30th July 1835.

P. Hobson, Clerk of Assembly.

Passed the Council this 30th day of July 1835.

John Beresford, Clerk of Council.

In accordance with my instructions, I assent to this Bill.

(signed) *George Tyler*.

Appendix, No. 147.

(Enclosure in Lord *Glenelg's* Despatch, 30 November 1835. No. 379.)

Appendix, No. 147. ORDER IN COUNCIL, dated 20 November 1835, declaring that adequate and satisfactory Provision has been made by Law in the Island of *St. Vincent*, for giving effect to the Act 3 & 4 Will. IV. c. 73, for the Abolition of Slavery throughout the British Colonies.

AT the Court at *Brighton*, 20 November 1835 :

Present, The KING's most Excellent Majesty,

Lord President; Lord John Russell, Viscount Palmerston, Viscount Melbourne, Lord Denman, Lord Glenelg, Sir William Fremantle, the Chancellor of the Exchequer.

WHEREAS by an Act of Parliament made and passed in the third and fourth year of the reign of his present Majesty, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," it is enacted, that from and after the 1st day of August 1834, all persons who, in conformity with the laws now in force in the said colonies respectively, shall on or before the said 1st day of August 1834 have been duly registered as slaves in any such colony, and who, on the said 1st day of August 1834, shall be actually within any such colony, and who shall by such registries appear to be, on the said 1st day of August 1834, of the full age of six years or upwards, shall by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship, or any other deed or instrument for that purpose, become and be apprenticed labourers: and whereas by the said Act it is further enacted, that, subject to the obligations imposed by the said Act, or to be imposed as therein mentioned, upon such apprenticed labourers as aforesaid, all and every the persons who, on the said 1st day of August

August 1834, shall be holden in slavery within any such British colony as aforesaid, shall upon and from and after the said 1st day of August 1834, become and be to all intents and purposes freed and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted, and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and that from and after the said 1st day of August 1834 slavery shall be and is thereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations and possessions abroad: and whereas by the said Act it is provided, that the Lords Commissioners of His Majesty's Treasury may raise the sum of 20,000,000 *l.* sterling towards compensating the persons entitled to the services of the slaves to be manumitted and set free by virtue of the said Act for the loss of such services:

And whereas in the said Act it is recited, that various rules and regulations are or may be necessary for the purposes therein specified, and that such regulations could not without great inconvenience be made except by the respective governors, councils and assemblies, or other local legislatures of the said respective colonies, or by His Majesty, with the advice of his Privy Council, in reference to those colonies to which the legislative authority of His Majesty in Council extends; and it is therefore by the said Act enacted and declared, that nothing in the said Act contained shall extend or be construed to extend to prevent the enactment by the respective governors, councils and assemblies, or by such other local legislatures as aforesaid, or by His Majesty, with the advice of his Privy Council, of any such Acts of General Assembly or Ordinances, or Orders in Council, as might be requisite for making and establishing such several rules and regulations as aforesaid, or any of them, or for carrying the same or any of them into full and complete effect:

And whereas it is by the said Act further enacted, that no part of the said sum of 20,000,000 *l.* sterling shall be applied or shall be applicable to the purposes therein aforesaid for the benefit of any person entitled to the services of any slave in any of the colonies therein aforesaid, unless an Order shall have been first made by His Majesty, with the advice of his Privy Council, declaring that adequate and satisfactory provision hath been made by law in such colony for giving effect to the said Act by such further and supplementary enactments as therein mentioned, nor unless a copy of such Order in Council, duly certified by one of the clerks in ordinary of His Majesty's Privy Council, shall, by the Lord President of the Council, have been transmitted to the Lords Commissioners of His Majesty's Treasury, or to the Lord High Treasurer for the time being, for their or his guidance or information, and every such Order shall be published three several times in the London Gazette, and shall be laid before both Houses of Parliament within six weeks next after the date thereof, if Parliament shall be then in session, and if not, within six weeks from the then next ensuing session of Parliament:

And whereas, in order to carry into effect the objects of the said recited Act, an Act hath been passed by the Lieutenant-governor, Council and Assembly of the island of St. Vincent, intituled "An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and good conduct of the manumitted Slaves;" and also an Act, intituled "An Act for establishing a Police for the regulation of Apprenticed Labourers, and for carrying into effect certain Provisions of an Act, intituled 'An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and good conduct of the manumitted Slaves;'" and also an Act, intituled "An Act to repeal the 21st and 22d clauses of an Act, intituled 'An Act for establishing a Police for the regulation of Apprenticed Labourers, and for carrying into effect certain Provisions of an Act, intituled 'An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and good conduct of the manumitted Slaves, and to increase the Pay of the Policemen in each police Settlement;'" and also an Act, intituled "An Act to repeal certain Clauses, and to alter and amend an Act, intituled 'An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and good conduct of the manumitted Slaves;'" and also an Act intituled, "An Act to legalize the Police Settlement of the Windward Division as a place of confinement and punishment:"

And whereas it is considered by His Majesty in Council that adequate and satisfactory provision hath been made by law in the said island of St. Vincent for giving effect to the said recited Act of Parliament, by such further and supplementary enactments as therein mentioned, according to the true intent and meaning of the said Act:

His Majesty is therefore pleased, by and with the advice of his Privy Council, to declare, and it is hereby declared, that adequate and satisfactory provision hath been made by law in the said island of St. Vincent for giving effect to the said recited Act of Parliament, by such further and supplementary enactments as therein are mentioned; and the Right Honourable the Marquis of Lansdowne, the President of His Majesty's Privy Council, and the Right Hon. Lord Glenelg, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

(signed) *William L. Bathurst.*

ST. VINCENT.

Orders in Council
and
Colonial Laws.

Appendix, No. 147.

GRENADA.

Orders in Council
and
Colonial Laws.

GRENADA.

Appendix, No. 148.

(Enclosure in Sir *Lionel Smith's* Despatch, 9 March 1835. No. 388.)

Appendix, No. 148. AN ACT for establishing a Common Gaol and Treadmill in the Island of Carriacou.—
Passed 6 November 1834.

Preamble.

WHEREAS considerable expense has from time to time been incurred in consequence of there not being any proper place of confinement for offenders against the laws of this colony in the island of Carriacou, and by reason that it has been in such cases necessary to convey such offenders to the common gaol in the town of St. George, and to provide the means of conveyance; and whereas a commodious building has been erected and established in the town of Hillsborough, in the said island of Carriacou, as a gaol or place of public confinement, and a treadmill attached thereto, and it is expedient that such building and treadmill should be used and recognised as the public gaol and treadmill of the island of Carriacou; be it therefore enacted, by the Lieutenant-governor, Council and Assembly of the island of Grenada and its dependencies, and it is hereby enacted by authority of the same, that from and after the publication of this Act, the building, with treadmill belonging thereto, in the town of Hillsborough in the island of Carriacou, intended to be used as a place of confinement and punishment shall be, and be henceforth designated, established and known as the public gaol and treadmill of the island of Carriacou.

Clause 1.

After publication of this Act, a certain building and treadmill in Carriacou to be designated and known as public gaol and treadmill.

Clause 2.

Grenada Treadmill Act to be in force in Carriacou as regards offences committed in that island.

And be it further enacted, that the provisions and regulations contained in an Act of these islands, passed upon the 20th day of August 1827, intituled "An Act to alter and reduce into one Act two several Acts of the Legislature for the establishment and regulation of a Treadmill in the Town of St. George," shall apply to, and be in equal force in the island of Carriacou in such respects as regard offences committed in that island, the commission of which subject offenders in the island of Grenada to the operation of that Act at the discretion of the justices of the peace.

Clause 3.

Powers of magistrates in Carriacou as regards committal to treadmill to be same as those in Grenada.

And be it enacted, that for all offences and delinquencies mentioned in any Act now in force in this colony, and authorizing justices of the peace, special or otherwise, to commit for punishment, or for security, to the common gaol in the town of St. George, or to the treadmill therein, the same shall be in full force and application as regards the powers of magistrates, and committal to gaol or treadmill in the island of Carriacou, anything to the contrary thereof in anywise notwithstanding; provided always, that for offences which may subject the offenders to trial before the supreme court of judicature, such offenders shall, as heretofore, be committed to the gaol of St. George to await their trial; provided also, that none of the provisions of this Act shall be construed to apply to executions or detainers on mesne process in civil causes.

Proviso that offenders to be tried by supreme court to be as heretofore committed to gaol of St. George's, to await their trial.

Provisions of this Act not to apply to executions, detainers on mesne process in civil causes.

Clause 4.

Gaoler entitled to sum of 1 s. 6 d. currency for daily maintenance of each prisoner, and to receive no other fees.

And be it enacted, that the keeper of the said gaol shall be entitled to receive the sum of 1 s. 6 d. currency for the daily maintenance of each prisoner during every such said prisoner's confinement, payable either by the public or by individuals, according to the form of their commitment, and he, the said gaol-keeper, shall not demand or receive any other fees whatsoever.

Passed Assembly 20th Sept. 1834.

Passed the Assembly this 20th day of September 1834.

(signed) *John Ch. Ker*, Clerk of Assembly.

Passed Council 20th Sept. 1834.

Passed the Council this 20th day of September 1834.

(signed) *Owsley Rowley*, Clerk of the Council.

Dated 6th Nov. 1834.

Dated at the town of St. George in the island of Grenada this 6th day of November, in the year of our Lord 1834, and of his Majesty's reign the 5th.

(signed) *John Hoyes*, Speaker.

Assent, 6th Nov. 1834.

Assented to by his Excellency the Governor and Commander-in-chief this 6th day of November, in the year of our Lord 1834, and of His Majesty's reign the 5th.

(signed) *Owsley Rowley*, Clerk of the Council.

Published 10th Nov. 1834.

Duly published in the town of St. George, in the island of Grenada, this 10th day of November, in the year of our Lord 1834.

(signed) *Jn. Douglas*, Dep. P. M. G.

(signed) *George (L.M.S.) Middlemore*.

T O B A G O.

Appendix, No. 149.

(Enclosure in Sir *Lionel Smith's* Despatch, 9 February 1835. No. 397.)

AN ACT to prevent the Clandestine Departure of Persons from this Island.—Passed 27 December 1834.

WHEREAS the Act, intituled, “ An Act to Prevent the Clandestine Departure of Persons from this Island,” passed on or about the 12th day of October 1799; also the Act, intituled “ An Act to amend an Act, intituled ‘ An Act to Prevent the Clandestine Departure of Persons from this Island,’ ” passed on or about the 6th day of May 1807; also the Act intituled, “ An Act to amend an Act, intituled ‘ An Act to Prevent the Clandestine Departure of Persons from this Island,’ ” passed on or about the 29th day of April 1814; also the Act, intituled “ An Act to carry into effect certain Provisions of an Act, intituled ‘ An Act to Prevent the Clandestine Departure of Persons from this Island;’ ” and a certain other Act, commonly called “ The Seamen’s Act,” passed on or about the 9th day of February 1827, have been, by an Act of the present session of the legislature of this island, repealed from and after the 31st December in the present year: and whereas it is expedient that the provisions respectively contained in the said Acts should be consolidated and re-enacted, we, therefore, your Majesty’s most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor in and over the island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your most Excellent Majesty that it may be enacted

And be it, and it is hereby enacted, by the said Henry Charles Darling, by and with the advice and consent of the said Council and General Assembly, in session assembled, and by the authority of the same, that this Act shall commence and come into operation on the 1st day of January 1835.

And be it and it is hereby enacted, by the authority aforesaid, that no person or persons whatsoever shall depart this island without first obtaining a ticket or certificate, under the hand of the secretary of the island for the time being, or his lawful deputy, setting forth that he, she or they have duly complied with the provisions of this Act; provided always, that no person actually in the service of his Majesty, his heirs or successors, shall be compelled to take out such ticket as aforesaid; and provided also, that nothing herein contained shall extend or be construed to extend to any apprenticed labourer departing the said island.

And be it, and it is hereby enacted, that all persons whatsoever (save and except as aforesaid) who shall have resided in this island for the space of 15 days or upwards, and intending to depart from the island, shall give in his or her name and designation to the secretary of the island or his deputy, who shall immediately enter the same in a list or table to be for that purpose kept, and set or put up in the most public part of his office, with the day of the month and year when such name is so set up; and if the person so intending to depart this island shall not do so within two months after the setting up his or her name as aforesaid, he, she or they shall be obliged and compelled to set up their name afresh in the said office before he, she or they shall be entitled to demand a ticket or certificate as aforesaid.

And be it, and it is hereby enacted, by the authority aforesaid, that the secretary or his deputy shall not sign or deliver unto any person or persons whatsoever, who may have resided in this island for upwards of the said space of 15 days, such ticket or certificate unless such person’s name hath been first put up as aforesaid in the said table in the secretary’s office for the time of 14 days at the least, or unless that such person or persons shall give bond, with two good and sufficient securities, to the King, his heirs and successors, jointly and severally, in the sum of 500 *l.* of lawful money of Great Britain, for the use of the person aggrieved or suffering damage, to answer all just demands contracted in this island.

And be it, and it is hereby enacted, by the authority aforesaid, that whenever any person’s name hath been publicly put up as aforesaid for the space of 14 days, and not underwrote, or if underwritten, satisfaction entered under or opposite the same by the person who so underwrote, or whenever any person or persons shall have given bond in manner aforesaid, or whenever a person hath not resided in the island for any longer time than 14 days, it shall and may be lawful for the said secretary or his deputy to deliver such person or persons a ticket as aforesaid.

And be it, and it is hereby enacted, by the authority aforesaid, that every person underwriting another whose name is set up in the secretary’s office, previously to underwriting shall

TOBAGO.

Orders in Council and Colonial Laws.

Appendix, No. 149.

Clause 1.
This Act to come into operation 1st January 1835.

Clause 2.
No person to depart the island without a ticket, except persons in service of His Majesty.

Clause 3.
All persons residing in said island for 15 days or upwards to set up their names, and to be repeated every two months.

Clause 4.
No ticket to issue to persons residing for upwards of 15 days, unless their names have been set up for 14 days, or give bond.

Clause 5.
Tickets to issue, unless underwritten.

Clause 6.
Before underwriting to make affidavit of the sum due.

TOBAGO.

Appendix, No. 149.

shall make an affidavit of the debt due to him or her by the person he, she or they is about to underwrite, before one of the justices of the Court of Common Pleas of the said island, and lodge the same in the secretary's office; and without such affidavit so made and lodged as aforesaid, no underwriting shall be sufficient to prevent the said secretary or his deputy from issuing a ticket to a person setting up his or her name as aforesaid.

Clause 7.
Persons' names set up to be inserted in the gazette weekly, and tickets taken out.

And be it, and it is hereby enacted, by the authority aforesaid, that the secretary of the said island shall publish, in the gazette of this island, every week, a list of persons setting up their names to depart this island, and also shall publish the date of his issuing tickets, whether taken out by complying with the setting up the name for 14 days, or of his or her giving security; provided always, that it shall not be necessary to publish any names more than once; and in case of neglect the secretary or his deputy shall be subject and liable to an action of damages at the suit of any person proving himself or herself endamaged thereby.

Clause 8.
Masters of vessels to give bond not to carry off the island any person without a ticket.

And be it, and it is hereby enacted, by the authority aforesaid, that every master or commander of every merchant ship or vessel trading to this island shall, before he be admitted to an entry at the custom-house, enter into bond at the secretary's office, with one good and sufficient security, to be bound jointly and severally in the sum of 500 *l.* of lawful money of Great Britain, conditioned not to carry off from this island any person or persons whatsoever without such ticket as aforesaid; and also conditioned not to carry off from this island any apprenticed labourer without a passport granted him or her by the Governor, Lieutenant-governor or Commander-in-chief of the said island.

Clause 9.
Any person aggrieved, how to obtain redress.

And be it, and it is hereby enacted, by the authority aforesaid, that in all cases when any person shall be aggrieved, or has damage in consequence of any person going off or being carried off this island contrary to the provisions of this Act, the secretary or his deputy shall, on being applied to and being tendered the fees for that purpose, immediately cause such bond or bonds to be put in suit, and judgment or judgments to be obtained thereupon, which judgment shall remain in the same nature as the bond or bonds was or were, but no execution shall issue thereupon before the person aggrieved or having damage shall, by *scire facias* or other process, summon the person or persons against whom the judgment or judgments aforesaid is or are obtained, to appear and show cause why execution should not issue thereupon; and if the plaintiff in the said *scire facias* shall duly prove what damages he has sustained and a verdict be thereupon given for him, execution shall then, in such cases, be awarded for so much as the jury shall then find and no more, and the former judgment is hereby declared still to remain cautionary for the satisfaction of such other persons as shall prove their damages in the manner aforesaid.

Clause 10.
Any person forging, procuring or delivering a ticket to get off the island, how dealt with.

And be it, and it is hereby further enacted, by the authority aforesaid, that any person or persons who may forge, procure or deliver, or cause to be forged, procured or delivered any ticket or tickets to enable any person or persons to get off this island, contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before the Court of King's Bench of the said island, suffer such punishment, by fine or imprisonment, or both, as the court shall think fit to impose or order.

Passed the Board of Legislative Council this 24th day of October 1834.

John Thornton,
Clerk of the Council.

W. T. Nicholson,
President of the Council.

Passed the House of General Assembly this 4th day of November 1834.

James Nicholson,
Clerk of the Assembly.

James Johnston,
Speaker of the House of General Assembly.

By order of his Excellency the Governor-in-chief, conveyed to me in his despatch of 27th December, I assent to this Bill.

Tobago, 31 December 1834.

Henry C. Darling,
Lieutenant-Governor.

Appendix, No. 150.

(Enclosure in Sir *Lionel Smith's* Despatch, 9 February 1835. No. 397.)

Appendix, No. 150. AN ACT to enable Apprenticed Labourers, Servants, and Poor Settlers, to recover Debts in a Summary Manner.—Passed 31 December 1834.

Preamble.

WHEREAS it is highly expedient and necessary that a more speedy method should be established for the recovery of debts due to apprenticed labourers, servants, and others; we, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-General Henry Charles Darling, Lieutenant-governor in and over the island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your most excellent Majesty, that it may be enacted, and be it, and it is hereby enacted, by the said Henry Charles Darling, by and with the advice and consent of the said Council and General Assembly in session assembled, and by the authority of the same, that all apprenticed labourers, servants and others who now have or hereafter shall have any cause of action against any person or persons in the said island for or on account of any work, labour or service

Clause 1.
Sums not exceeding 40*s.* complainable before a justice of the peace.

service done or performed within the said island, or for materials or necessary things provided and used in or about such work, labour or service, or for or on account of the purchase or sale of any meat, fish, poultry, live stock, or provisions of any description, for any sum not exceeding the sum of 40s. of lawful money of Great Britain, may make their complaints to the next or any neighbouring justice of the peace of the said island, who is hereby empowered and required to issue his warrant or warrants, expressing the cause of complaint, and commanding some sworn constable to summon the defendant, and any witnesses that may be required, to appear before him at his dwelling-house or usual place of residence, or wherever else he shall appoint, on some day and hour to be particularly mentioned in the warrant or warrants, such day not to be under 10 days and not to exceed 15 days from the time of making the complaint; and the justice is hereby authorized and empowered to hear, examine and determine such complaint; and he is also required to reduce the same into writing, with his judgment or determination thereon, which he shall forward to the secretary of the said island within 15 days after hearing such complaint, and the said secretary shall keep the said proceedings filed amongst the papers in his office; provided always, that nothing herein contained shall be construed to authorize any justice of the peace for this island to hear or adjudicate upon any cause of action for or on account of any task-work or extra labour arising between any apprenticed labourer and the person entitled to his or her services.

And be it, and it is hereby enacted, by the authority aforesaid, that upon the hearing of any complaint that shall be made in consequence of this Act, the complainant shall and may be examined on oath to prove such demand; and the justice, after hearing the defendant thereupon, is also authorized and empowered, if he shall see occasion so to do, to ask the defendant, on his or her oath, such questions as shall appear to him proper or necessary to discover the truth of the dispute between the parties; and in all such complaints mutual credit shall be given, and judgment given only for the balance due.

And be it, and it is hereby enacted, by the authority aforesaid, that when any complaint shall be made against any person or persons absent from this island, service of the warrant or summons on the attorney or other person entrusted with the care or management of the estate or affairs of such absent person or persons in this island, shall be deemed good service on the defendant.

And be it, and it is hereby further enacted, by the authority aforesaid, that no execution shall issue on the judgment of any such justice of the peace until 15 days after hearing and determining the complaint, unless the complainant shall make oath before such justice, that he verily believes the defendant intends departing from the said island before the expiration of the said 15 days, in which case, or at the expiration of 15 days, the said justice shall issue execution for the debt and costs (according to the form of executions issuing out of the Court of Common Pleas of the said island), directed to a sworn constable, who is hereby authorized and required to execute the same by attachment and sale of the defendant's estate and effects in the same manner as the marshal of the said island is now or hereafter shall be empowered to do; and in case the constable shall not be able to find estate or effects of the defendant sufficient to satisfy the debt and costs, then to arrest the body of the defendant, and him to convey to the common gaol of this island, there to be kept in safe custody until satisfaction shall be made of the debt and costs; and the constable shall be entitled to the same fees for serving warrants and raising the money as the marshal now is or hereafter shall be entitled for serving complaint actions, and levying executions issuing out of the Court of Common Pleas of the said island; and the constable is hereby made liable to the same remedy being had against him at the suit of the party injured, in case of his neglecting or delaying to serve or execute any process issued by any justice of the peace pursuant to this Act, or for delaying to pay the money that shall be received by him to the creditor, as the marshal of the said island now is or hereafter shall be liable to by any Act or Acts of this island; and the said justices shall have the same power to hear complaints, and give judgment against any such constable, as the judges of the Court of Common Pleas of the said island now have or hereafter shall have against the marshal; but all writs to be issued against any such constable, pursuant to this Act, shall be directed to and executed by the provost-marshal of the said island, or his lawful deputy.

Passed the Board of Legislative Council this 16th day of October 1834.

John Thornton,
Clerk of Council.

W. T. Nicholson,
President of the Legislative Council.

Passed the House of General Assembly this 23d day of October 1834.

James Willington,
Clerk of the House of General
Assembly, *pro tem.*

James Johnston,
Speaker of the House of General Assembly.

By order of his Excellency the Governor-in-chief, conveyed to me in his despatch of 27th December, I assent to this Bill.

Tobago, 31 Dec. 1834.

Henry C. Darling, Lieut.-Governor.

TOBAGO.

Orders in Council
and
Colonial Laws.

Appendix, No. 150.

Clause 2.
Complainant to be
examined on oath.

Clause 3.
Complaints against
absent persons, ser-
vice to be served on
their attorney or
person managing
their affairs.

Clause 4.
No execution to
issue until 15 days
after hearing com-
plaint, unless defen-
dant intends depart-
ing from this island.

TOBAGO.

Appendix, No. 151.

Orders in Council
and
Colonial Laws.

(Enclosure in Sir *Lionel Smith's* Despatch, 16 March 1835. No. 399.)

Appendix, No. 151.

AN ACT for the Prevention of Trespasses in the said Island.—Passed 26 January 1835.

Preamble.

WHEREAS the Act, intituled "An Act for regulating Trespasses," and which was revived by an Act of the Legislature of this island passed on or about the 15th day of March 1794; and also the Act, intituled "An Act to alter and amend an Act for regulating Trespasses," passed on or about the 19th day of July 1815; and also the Act, intituled "An Act to amend an Act for regulating Trespasses, and a certain other Act, intituled 'An Act to alter and amend an Act for regulating Trespasses,'" passed on or about the 20th day of August 1819, have been respectively repealed by an Act of the present session of the Legislature of this island, from and after the 31st day of December now next ensuing; and whereas it is expedient that the said respective Acts should be consolidated and amended, we, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor and Commander-in-chief in and over the island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your most Excellent Majesty that it may be enacted, and be it, and it is hereby enacted, by the said Henry Charles Darling, by and with the advice and consent of the said Council and General Assembly in session assembled, and by the authority of the same, that this Act shall commence and come into operation on the 1st day of January, in the year of our Lord 1835.

Clause 1.
Act come into operation 1st January 1835.

Clause 2.
Impounding stray horses, horned cattle, mules, asses or sheep, on estates, lots, pieces or parcels of land, and fixing rates of damage, &c.

And be it, and it is hereby enacted, by the authority aforesaid, that every owner, renter, possessor or person having the charge of any plantation or estate, lots, pieces or parcels of land in the said island, are hereby authorized and empowered to take up or cause to be taken up any stray horse, horned cattle, mules, asses or sheep trespassing in and upon any part of such plantation or estate, lots, pieces or parcels of land, and impound them until the owner or owners of such stray horse, cattle, mule, asses or sheep shall pay for the damage they may have committed; and it shall and may be lawful for such owner, renter, possessor or person having the charge of any plantation or estate, lots, pieces or parcels of land as aforesaid, to demand and receive, and the owner or owners or other person or persons claiming any such stray horses, cattle, mules, asses or sheep, are hereby required to pay at and after the rates following; that is to say, 4 s. sterling per head for the trespass by each horse, head of horned cattle, mule or ass, and 1 s. per head for the trespass by each sheep, and 1 s. 6 d. for each horse, head of horned cattle, mule or ass, and 6 d. per head for each sheep for every 24 hours they shall so remain impounded; and any person working any horse, cattle, mule or ass during the time they are so impounded, shall forfeit to the person or persons to whom the same belong the sum of 5 l., to be recovered before any justice of the peace of the said island; and the person impounding such stock shall provide and cause them to have a sufficient quantity of food and water, and in case any stock shall die for want of due care, such person so impounding them shall be liable to pay the owner double the value of all such stock so dying for want of due care as aforesaid; and notice shall be given to the owner or owners of such stock (if known) within 24 hours after the same shall have been so impounded; and if the person or persons impounding such stock shall fail, neglect or refuse to give such notice as aforesaid, he, she or they shall forfeit the rates hereinbefore directed to be paid for the stock so impounded.

Clause 3.
Rates not supposed sufficient, how to proceed.

And be it, and it is hereby enacted, by the authority aforesaid, that it shall and may be lawful to and for all and every such person and persons upon whose plantation or estates, lots, pieces or parcels of land any horse, horned cattle, mule, ass or sheep shall be found trespassing, or who shall have impounded such stray stock, and shall not think the rates hereby established sufficient to indemnify him or her for the damage that may have been committed, to apply to the next nearest justice of the peace, who shall issue his warrant, directed to any three neighbouring persons of respectability, to view the damage that may have been done, and to settle the value thereof, and make a return of such value in three days to him, upon oath, and such justice shall give notice to the owner of such stock (if known) of the time and place of such valuation 12 hours before the same shall take place. And if the damages so appraised shall not be paid within 48 hours after the return of such valuation, the said justice is hereby further authorized and required to issue his warrant, in the nature of an execution, directed to any sworn constable, to levy the amount of such appraisement, with the charges on the goods, chattels or other effects of the owner or owners of any such stock so trespassing; and the said constable is hereby authorized and required to expose the said goods, chattels or other effects so levied on to sale at public outcry, under the same regulations, restrictions and conditions as are appointed for the sale of goods and chattels of defendants taken in execution by the provost-marshal of this island; and it shall and may be lawful for such constable to take and deduct the same fees as the said provost-marshal may in like cases legally take, receive and deduct; and any justice, appraiser or constable neglecting or refusing to do and perform the several matters and things by this Act required of them, upon proof thereof shall for every such neglect or refusal forfeit to his Majesty, his heirs and successors, if a justice of the peace or appraiser, the sum of 10 l., and if a constable the sum of 2 l.; provided that nothing in this clause contained shall prevent or be construed to prevent the party whose property may have been

been damaged from seeking his or her remedy at law, in lieu of the proceeding hereby established.

TOBAGO.

Appendix, No. 151.

And whereas the owners of such stock found trespassing may not be known, and they may be suffered to lie so long impounded that the expense of keeping them and the damage they may have committed may be more than equal to their value, be it therefore, and it is hereby enacted by the authority aforesaid, that if any such stock as aforesaid shall not be claimed within eight days next and immediately after they have been so impounded, the person so impounding them may, and he or she is hereby required to advertise such stock in one of the public papers of this island, for the space of eight days, describing each of them as near as may be; and if such stock is not or are then claimed and full satisfaction made for the damages and expenses in manner as by this Act is already directed, it shall and may be lawful for such person or persons so impounding, at expiration of the said eight days, to cause such stock to be sold at public outcry, and the money arising from such sale shall be applied towards defraying the said expenses and damages, and the surplus, if any, shall be deposited in the public treasury of this island until the owner or owners of such stock shall appear and prove his, her or their property; but if the same shall not be proved within six months after the same shall have been lodged, then such surplus shall be forfeited to the use of the colony for ever.

Clause 4.
Owners' stock not known, how to proceed.

And be it, and it is hereby enacted, by the authority aforesaid, that if the person or persons taking up and impounding such stock shall have reason to believe that any such stock has the distemper called the glanders, or any other contagious disorder, in any such case such person or persons is and are hereby empowered and strictly required to call upon any three neighbouring persons of respectability to examine such stock, and if they or any two of them are of opinion that the distemper is the glanders, or of a contagious kind, and shall certify the same in writing upon oath, the person or persons impounding such stock are hereby empowered and strictly required immediately to cause such horse, mule or ass to be shot, and the body to be buried a sufficient depth or towed out to sea.

Clause 5.
Stock having distemper, how to proceed.

And be it, and it is hereby enacted, by the authority aforesaid, that it shall and may be lawful for all owners, renters, possessors or persons having the charge of any plantation or estate, pieces or parcels of land in the said island, and for their respective servants, to kill and destroy any wild or dangerous cattle, or any hogs or goats found trespassing upon their lands, and the heads shall become the property of the person so killing them as aforesaid; and if any wild or dangerous cattle, or any hogs or goats shall be killed while so trespassing, the owner may have the bodies thereof, if claimed, within two hours after they are killed, and paying for any damage that may have been committed, but if not claimed within the time aforesaid, or if the owner shall refuse to pay for any damage that may have been committed, then the bodies shall become the property of the person killing them, or of any other person who will take them away; and if any person shall be sued or prosecuted for such killing, he, she or they may plead the general issue and give this Act in evidence; but if any person shall wilfully or intentionally kill, wound, maim or destroy any horse, cattle or stock (wild or dangerous cattle, hogs and goats only excepted), although found in trespass, such person or persons shall on proof thereof forfeit and pay the owner or owners of any such stock so killed, wounded, maimed or destroyed, double the value of the same; provided always, that nothing herein contained shall be construed to prevent the killing of any sheep found in the streets or lots in the towns of Scarborough and Plymouth, as is by law now allowed.

Clause 6.
Wild cattle or hogs or goats trespassing on estates, lands, &c. may be killed and destroyed.

And be it, and it is hereby enacted, by the authority aforesaid, that any person or persons who shall rescue or drive away, or shall attempt to rescue and drive away any such stock when going to be impounded for trespass done or damage committed, or shall attempt to rescue or take out of any pound any stock that may be actually impounded, and shall be thereof convicted before any justice of the peace of the said island upon the oath of one or more credible witness or witnesses, shall for each and every such offence forfeit and pay double the value of the damage done or trespass committed, or in default of paying the same shall be committed to the common gaol of the said island for any time not exceeding 30 days.

Clause 7.
Any person rescuing or driving away stock from being impounded, how dealt with.

And be it, and it is hereby enacted, by the authority aforesaid, that all fines, penalties and forfeitures imposed by this Act shall be recovered and levied on the goods and chattels of the defaulter by warrant of distress under the hand and seal of any justice of the peace of the said island, and, when not otherwise directed, shall be paid into the public treasury of the said island for the uses of the colony.

Clause 8.
Fines and penalties, how recovered.

Passed the House of General Assembly this 13th day of November 1834.

(signed) *James Nicholson*,
Clerk of the Assembly.

(signed) *James Johnston*,
Speaker of the House of General Assembly.

Passed the Board of Legislative Council, this 27th day of November 1834.

(signed) *John Thornton*,
Clerk of the Council.

(signed) *W. T. Nicholson*,
President of the Legislative Council.

By order of His Excellency the Governor-in-chief, conveyed to me in his despatch of 16th instant, I assent to this Bill.

(signed) *Henry C. Darling*,
Lieutenant Governor.

Tobago, 26 January 1835.
166.—II.

TOBAGO.

Appendix, No. 152.

Orders in Council
and
Colonial Laws.

(Enclosure in Sir *Lionel Smith's* Despatch, 6 July 1835. No. 402.)

Appendix, No. 152.

AN ACT to regulate the Conduct, and to fix the Value of the Labour of Persons acting as Porters and Labourers in the said Island.—Passed 26 January 1835.

Preamble.

WHEREAS it is expedient that regulations should be made for the conduct of persons acting as porters and labourers in the said island, and that the value of their services should be fixed by law, we, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor and Commander-in-chief in and over the island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your most excellent Majesty that it may be enacted, and be it, and it is hereby enacted, by the said Henry Charles Darling, by and with the advice and consent of the said Council and General Assembly in session assembled, and by authority of the same, that this Act shall commence and come into operation on the 1st day of January, in the year 1835.

Bill to come into operation 1st Jan. 1835.

Clause 1.
After 1st January 1835, no person shall act as a porter and labourer without a license from sitting magistrate, and shall produce certificate of character before obtaining a ticket, to be numbered.

And be it, and it is hereby enacted, by the authority aforesaid, that from and after the said 1st day of January 1835, no person shall act as a porter and labourer in the towns or harbours of Scarborough or Plymouth, or in any of the out-bays in the said island, without first obtaining a license from the sitting magistrate of the said island so to do, and before any person or persons shall receive any license to act as a porter and labourer, every such person or persons shall produce to the said sitting magistrate a certificate, signed by two reputable inhabitants of the said island, attesting that the person so applying is of good character and reputation, and is a fit person to be licensed; and if such person or persons shall be an apprenticed labourer, he, she or they shall first produce to the said sitting magistrate a ticket or other document from the person entitled to his or her services, specifying that such apprenticed labourer has his or her permission to act as a porter and labourer, which ticket or other document shall be regularly filed by the said sitting magistrate, and entered, together with the number of each license granted, in a book to be kept by him for that purpose, and the sum of 4 s. sterling shall be charged for each license, which shall be paid into the hands of the public treasurer for the public uses of the colony; and every porter and labourer to whom a license is granted shall wear suspended from the neck a badge marked with his or her number, to be provided at the public expense; and any person or persons who shall presume to act as a porter and labourer in the said towns, harbours or out-bays, without having first obtained such license from the said sitting magistrate, or without wearing such badge as aforesaid, shall, for the first offence, forfeit and pay a sum not exceeding 20 s., and for every subsequent offence a sum not exceeding 5 l., and if unable to pay the said penalties shall, for the first offence, be imprisoned in the common gaol of this island for any period not exceeding 15 days, and for every subsequent offence for a period not exceeding 30 days; provided always, that nothing herein contained shall be construed to prevent any person in charge of apprenticed labourers from sending them to work for a temporary period on board of any ship or vessel that may be consigned to the estate to which such apprenticed labourers belong.

Clause 2.
Rate of fare fixed.

And be it, and it is hereby enacted, by the authority aforesaid, that a licensed porter and labourer shall be paid, if employed on shore, by the day, 1 s. 4 d., and if employed on board of any ship or vessel in the harbours or out-bays of the said island shall be paid at the same rate, and shall be found in the usual ship's fare for breakfast and dinner; and if a porter and labourer shall be employed for a less time than a day, whether on shore or on board, he shall be paid at and after the rate of 2 d. per hour, and if employed to carry letters or burthens, not exceeding 50 pounds' weight, shall be paid at the rate of 4 d. per mile.

Clause 3.
Penalty, demanding greater fare.

And be it, and it is hereby enacted, by the authority aforesaid, that if any porter and labourer, employed as aforesaid, shall ask or demand, or receive or take any greater sum or sums than the rates or prices hereinbefore fixed in that behalf, or shall refuse to be employed at such rates or prices as aforesaid, such porter and labourer shall for every such offence forfeit a sum not exceeding 10 s., nor less than 3 s., and on default of paying the same shall be imprisoned in the common gaol of this island for any period not exceeding 15 days, such imprisonment to be proportioned to the amount of the penalty inflicted.

Clause 4.
Payment of fare, how recovered.

And be it, and it is hereby enacted, by the authority aforesaid, that if any person shall neglect or refuse to pay any porter and labourer by him or her employed the money justly due for such employment, according to the rates aforesaid, it shall and may be lawful for such porter and labourer to recover the same in a summary manner as apprenticed labourers are now entitled to recover debts under 40 s. before any justice of the peace of the said island.

Clause 5.
Abuse of license, how punishable.

And be it, and it is hereby enacted by the authority aforesaid, that in case any porter and labourer shall let out, hire or lend his license or badge so granted as aforesaid, or shall act under colour of any license or badge granted unto any other person whatsoever, or shall forge or counterfeit any license or badge, or act under any forged or counterfeited license or badge,

badge, or shall be guilty of any neglect, misconduct or misbehaviour, each and every such person or persons being thereof convicted upon his confession, or by the oath of one or more credible witness or witnesses, before the said sitting magistrate, or any justice of the peace within whose jurisdiction the offence shall have been committed, shall forfeit for each and every such offence a sum not exceeding 5*l.* nor less than 10*s.*, and, if unable to pay the same, shall be imprisoned, with hard labour, for any period not exceeding 30 days, which imprisonment shall be proportioned according to the amount of the penalty inflicted.

And be it, and it is hereby enacted, by the authority aforesaid, that all pecuniary penalties by this Act imposed shall be recovered and levied on the goods and chattels of the offender by warrant of distress under the hand and seal of the sitting magistrate, or any justice of the peace within whose jurisdiction the offence has been committed, and shall be paid into the public treasury of the said island for the public uses of the colony.

Passed the House of General Assembly this 14th day of November 1834.

(signed) *James Nicholson*,
Clerk of the Assembly.

(signed) *James Johnston*,
Speaker of the House of General Assembly.

Passed the Board of Legislative Council, this 27th day of November 1834.

(signed) *John Thornton*,
Clerk of the Council.

(signed) *W. T. Nicholson*,
President of the Legislative Council.

By order of his Excellency the Governor-in-chief, conveyed to me in his despatch of the 16th instant, I assent to this Bill.

Tobago, 26 January 1835.

(signed) *H. C. Darling*.

TOBAGO.

Orders in Council
and
Colonial Laws.

Appendix, No. 152.

Clause 6.
Penalties, how
recoverable.

Appendix, No. 153.

(Enclosure in Sir *Lionel Smith's* Despatch, 6 July 1835. No. 402.)

AN ACT for the more Summary Punishment of Petty Thefts.—Passed 22 April 1835.

Appendix, No. 153.

WHEREAS from the frequent commission of petty thefts in the said island, and the same now being punishable only by the Court of King's Bench, a great expense is entailed upon the colony, and it is therefore expedient that a summary and less expensive remedy should be provided for the prompt punishment of the same; we, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor in and over the island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your Majesty that it may be enacted;

Preamble.

And be it, and it is hereby enacted, by the said Henry Charles Darling, by and with the advice and consent of the said Council and Assembly in session assembled, and by the authority of the same, that if any person shall steal any goods, chattels or property of any kind whatever in the said island, and the value thereof, to be ascertained as hereinafter mentioned, shall not exceed the sum of 25*s.* of lawful money of Great Britain, every such offender, being convicted thereof before two justices of the peace, shall be committed to the common gaol, or any house of correction or penitentiary hereafter to be established, there to be kept to hard labour or in solitary confinement for any time not exceeding three months, as the convicting justices shall think fit, and they may further order the offender, if a male, to be once publicly or privately whipped, not exceeding 30 stripes; and it shall be lawful for the said justices, and they are hereby directed before entering on any such complaint to inquire into and fix a value on the stolen property, and such valuation shall in all cases be conclusive as to the value of the same, unless the owner thereof, or the person making the complaint, shall object to the same, and make oath that the value of such stolen property is above 25*s.*, and that the said justices shall proceed as if this Act had not passed.

Clause 1.
Thefts not exceed-
ing 25*s.*, how dealt
with.

And be it, and it is hereby enacted, by the authority aforesaid, that in all cases in which any apprenticed labourer shall be charged with stealing any goods, chattels or other property under the value of 25*s.* from his or her owner, employer or other person having the charge and custody of such apprenticed labourer, the complaint shall be made to the special justice of the peace of the district in which the offence is committed, and such special justice shall have the sole jurisdiction on all such cases, and he is hereby authorized and directed to proceed to hear and determine the same in such manner, and on conviction thereof to inflict such punishment on such apprenticed labourer as in the preceding clause is mentioned, or as he is authorized by any clause under the Act of this island for the Abolition of Slavery to inflict on apprenticed labourers; provided always, that nothing in this Act contained shall extend, or be construed to extend to any chattel the stealing whereof is by any law in force in this island, a substantive felony, or to any case which, from the circumstance attending the stealing of the same, shall be by the common law, or any law in force in this island, a felony.

Clause 2.
Thefts charged on
apprenticed la-
bourers to be heard
and disposed of by
special justices of
the district.

Clause 3.
This Act not to take
from Court of King's
Bench any power
whatsoever.

And be it, and it is hereby enacted, by the authority aforesaid, that this Act shall not in any case whatsoever be held or deemed to take from the Court of King's Bench, held for the body of this island, any power, authority or jurisdiction whatsoever.

Passed the House of General Assembly this 16th day of March 1835.

(signed) *James Nicholson*,
Clerk of the Assembly.

(signed) *James Johnston*,
Speaker of the House of General Assembly.

Passed the Board of Legislative Council this 18th day of March 1835.

(signed) *John Thornton*,
Clerk of the Council.

(signed) *W. T. Nicholson*,
President of the Council.

By order of his Excellency the Governor-in-chief, conveyed to me in his despatch of the 14th instant, I assent to this Bill.

Tobago, 22 April 1835.

(signed) *H. C. Darling*, Lieut.-Governor.

Appendix, No. 154.

(Enclosure in Sir *E. J. Murray MacGregor's* Despatch, 4 August 1835. No. 404.)

Appendix, No. 154. AN ACT for establishing certain Rules and Regulations respecting Persons sentenced to Punishment by Hard Labour.—Passed 26 January 1835.

Preamble.

A new treadmill to be ordered from England, and established in the Windward Quarter of this island.

WHEREAS the Act intituled "An Act to establish and regulate the Treadmill in the Town of Scarborough," passed on or about the 4th day of September 1830, has been by an Act of the present session of the Legislature of this island, repealed from and after the 31st day of December now next ensuing; and whereas, it is proposed that a new treadmill should be ordered out from England, and established in the Windward Quarter of this island, and it is therefore expedient that certain rules and regulations should be established respecting persons sentenced to punishment by hard labour; we, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor and Commander-in-chief in and over the island of Tobago and its dependencies, the Council-general and General Assembly of the same, do humbly pray your most excellent Majesty that it may be enacted, and be it and it is hereby enacted, by the said Henry Charles Darling, by and with the advice and consent of the said Council and General Assembly in session assembled, and by the authority of the same, that this Act shall commence and come into operation on the 1st day of January 1835.

Treadmill in the gaol now erected in Scarborough to be kept under care of the provost-marshal, who is required to employ a fit person to superintend the same; when the treadmill shall be erected in the Windward Quarter, his Excellency the Lieut.-Governor or Commander-in-chief to appoint a proper person to superintend the same

2. And be it, and it is hereby enacted, by the authority aforesaid, that the treadmill now erected in the gaol in the town of Scarborough, shall continue to be kept under the care of the provost-marshal of the said island or his lawful deputy, who is hereby required and directed to employ a fit and proper person to be keeper of and superintend the same in person; and when and as soon as a treadmill shall be erected in the Windward Quarter of this island it shall be lawful for his Excellency the Lieutenant-governor or Commander-in-chief of the said island to appoint a proper person to be keeper of and superintend the same in person, and the said provost-marshal or his lawful deputy and the said superintendent so to be appointed as aforesaid, shall be respectively entitled to receive for the same, out of the public treasury of this island, a salary at and after the rate of 50*l.* sterling money per annum; and the provost-marshal or his lawful deputy and the said superintendent shall respectively keep and observe as well the rules and regulations which the Court of King's Bench may hereafter establish respecting persons sentenced to hard labour, as well as the rules and regulations hereby established, and the said superintendent shall be the keeper of any house of correction or place of confinement that may be established in the said Windward District.

Any person convicted of any misdemeanor or felony may be sentenced to imprisonment with hard labour on treadmill.

3. And be it, and it is hereby enacted, by the authority aforesaid, that whenever any person shall be convicted of any misdemeanor or felony, whereof the consequence shall not be death, it shall and may be lawful for the court before whom any such offender shall be convicted, or which by law is authorized to pass sentence upon any such offender, to award and order, if such court shall think fit, sentence of imprisonment with hard labour either upon the treadmill or in such other way as the court may direct, in lieu of any other punishment which may be inflicted on any such offender by any laws in force before the passing of this Act, and every such offender shall thereupon suffer such sentence in such place and for such time as such court shall think fit to direct.

Time of labour on treadmill six o'clock in the morning to six o'clock in the evening, one hour for breakfast and two hours for dinner (Sundays excepted); spells not to exceed 15 minutes in each working hour.

4. And be it, and it is hereby enacted, by the authority aforesaid, that all persons who shall or may be sentenced to labour at and upon either of the said treadmills shall labour thereon daily (Sundays excepted) from six o'clock in the morning to six o'clock in the evening, allowing one hour for breakfast and two hours for dinner; and that the spells shall not exceed 15 minutes in each working hour, the duration of which spells shall be determined by the court or magistrate by whom the person is committed to labour thereon; and the provost-marshal or his lawful deputy in Scarborough, and the superintendent of the said treadmill to windward, are hereby respectively directed and required to furnish, at the public expense, blankets for such persons as may be sentenced to labour on the said treadmills, for the

the purpose of wrapping up such persons when relieved from their spells thereon, and shall also respectively provide, at the public expense, and cause to be kept a book wherein they shall respectively enter the names of every person sentenced to work on such treadmill of which they are the superintendent, the date of their commitment and the time for which they may be sentenced and committed to labour respectively thereon.

TOBAGO.

Appendix, No. 154.

5. And be it, and it is hereby enacted, by the authority aforesaid, that in case any person or persons who shall be sentenced and adjudged to labour at and upon either of the said treadmills shall complain to the superintendent thereof that he, she or they is or are unable through sickness, weakness or otherwise to undergo such punishment, the said superintendent, if in Scarborough, is hereby strictly required and enjoined immediately to report such complaint to the medical practitioner that may hereafter be appointed to attend the gaol; but if no one is so appointed then to the next nearest medical practitioner, and the said superintendent to windward shall in like manner report to the next nearest medical practitioner, and if the opinion of such medical practitioner be that such person or persons is or are unable safely to undergo such punishment at and upon the said treadmill, then the superintendent is hereby required not to compel the person or persons complaining to undergo such punishment until the opinion of the medical practitioner be afterwards obtained that such person or persons may safely undergo the same; but if the opinion of such medical practitioner be that the person or persons so alleging himself, herself or themselves to be unable to undergo such punishment, is or are able to undergo and perform such labour at and upon the treadmill to which he, she or they shall be sentenced or adjudged, it shall and may be lawful for the said superintendent, and he is required to compel such person or persons to undergo and perform the same by whipping with a cat-o'-nine tails or by solitary confinement.

Persons sentenced to hard labour complaining of sickness or otherwise, how dealt with.

Passed the House of General Assembly this 17th day of November 1834.

(signed) *James Nicholson*,
Clerk of Assembly.

(signed) *James Johnson*,
Speaker of the House of Assembly.

Passed the Board of Legislative Council this 27th day of November 1834.

(signed) *John Thornton*,
Clerk of the Council.

(signed) *W. T. Nicholson*,
President of the Legislative Council.

By order of his Excellency the Governor, conveyed to me in his despatch of 16th inst., I assent to this Bill.

(signed) *Henry C. Darling*, Lieut.-Governor.

Tobago, 26 January 1835.

Appendix, No. 155.

(Enclosure in Sir *Lionel Smith's* Despatch, 21 January 1836. No. 416.)

AN ACT to Amend an Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves.'"—Passed 28 December 1835.

Appendix, No. 155.

WHEREAS it is expedient and necessary to amend an Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for Compensating the Persons hitherto entitled to the Services of such Slaves,'" and to repeal the 11th, 15th, 30th, 64th and 65th clauses of the said Act; we, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor and Commander-in-chief in and over the island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your most excellent Majesty that it may be enacted;

Preamble.
Former Act amended.

Clause 1. And be it, and it is hereby enacted, by the said Henry Charles Darling, by and with the advice and consent of the said Council and General Assembly in session assembled, and by the authority of the same, that the 11th, 15th, 30th, 64th and 65th clauses of the said recited Act shall be, and the same are hereby repealed, abrogated and annulled.

11th, 15th, 30th, 64th, and 65th clauses of former Act repealed.

2. And be it, and it is hereby enacted, by the authority aforesaid, that from and after the passing of this Act, every person in this island entitled to the service of any prædial apprenticed labourer, or his or her attorney, agent or representative shall be, and they are hereby bound and required to set apart for and allow to every such prædial apprenticed labourer, being of the age of 12 years and upwards, half an acre of land properly adapted for the growth of provisions, and not more than one mile distant from the place of residence of such labourer, and in respect of every prædial apprenticed labourer under the said age, every such person, or his attorney, agent or representative shall be, and they are hereby bound and required to set apart for and allow to the father, or reputed father or mother of every such infant labourer, one quarter of an acre of like ground, or if such infant labourer shall have no parent in the service of such employer, then such quarter of an acre shall be set apart for some other apprenticed labourer, who shall be charged with the cultivation of the same, for

Apprenticed labourer of age of 12 years and upwards to have half an acre of land each for growth of provisions, not more than one mile distant from their residence; all under that age one quarter of an acre; be entitled to 28 full working days in each and every year, out of the 45 weekly the

hours during which they are by law required to labour.

the benefit of such infant; and for the proper cultivation of such ground, and for the raising and securing the crops grown thereon, every such apprenticed labourer shall, instead of the portion of time now allowed by law, be entitled to 28 full working days in each and every year during the term of apprenticeship from and out of the 45 weekly hours during which they are by law required to labour; provided always, that nothing herein contained shall be construed to prevent any person entitled to the services of such apprenticed labourer or his or her attorney, agent or representatives, from setting apart for and allowing to every such apprenticed labourer such portion of land at a greater distance than one mile from the place of his or her residence, if such apprenticed labourer shall signify his or her consent to the special magistrate of the district in which he or she shall reside, that he or she is willing or desirous of cultivating provision grounds at a greater distance than hereinbefore specified.

Apprenticed labourer not to reside beyond limits of his plantation or estate without consent, in writing, of his or her employer.

3. And be it, and it is hereby enacted, by the authority aforesaid, that no apprenticed labourer shall hereafter reside beyond the limits of the plantation or estate in which he or she may then be resident, unless with the authority or consent in writing of his or her employer, or the special magistrate of the district, upon good cause shown; provided that the special magistrate shall not be at liberty to permit such residence off the plantation, if it would interfere with the prescribed duty of the apprenticed labourer on the estate to which he or she may be attached.

Passed the House of General Assembly this 20th day of October 1835.

(signed) *James Nicholson*,
Clerk of the Assembly.

(signed) *James Johnston*,
Speaker of the House of General Assembly.

Passed the Board of Legislative Council this 24th day of October 1835.

(signed) *John Thornton*,
Clerk of the Council.

(signed) *William T. Nicholson*,
President.

By order of his Excellency the Governor-in-chief, conveyed to me in his despatch of the 14th instant, I assent to this Bill.

(signed) *H. C. Darling*, Lieut.-Governor.

Tobago, 28 December 1835.

Appendix, No. 156.

(Enclosure in Sir *Lionel Smith's* Despatch, 21 January 1836. No. 416.)

Appendix, No. 156. AN ACT to provide for the Building of places of Confinement and Punishment, and to establish a Police Force in the said Island; and also to repeal the 55th, 56th and 57th clauses of the Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves.'"—Passed 28 December 1835.

A place of confinement to be erected in the Windward Quarter of this island; a treadmill established; Commander-in-chief to appoint a proper person to be keeper and superintend the same.

WHEREAS it is expedient that a place of confinement should be erected in the Windward Quarter of this island, and that a treadmill should be established therein for the punishment of such persons as may be sentenced to hard labour thereon; and whereas by the 2d clause of an Act, intituled "An Act for establishing certain Rules and Regulations respecting Persons sentenced to Punishment by Hard Labour," it was provided, that when and as soon as a treadmill should be erected in the said Windward Quarter of the island, it should be lawful for his Excellency the Lieutenant-governor or Commander-in-chief of the said island, to appoint a proper person to be keeper and superintend the same in person; and it was also provided that the said superintendent should be the keeper of any house of correction or place of confinement that might be established in the said Windward District; and whereas it is also expedient that a place of confinement should be erected in the north side of the island, and that a keeper thereof should in like manner be appointed; and whereas it is desirable that the 55th, 56th and 57th clauses of the Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,'" should be repealed, in order that the enactments regarding the police may be consolidated into one Act; and whereas it is also desirable that the said buildings should be erected with as little delay as possible, and that provision should be made for the same; we, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor in and over the island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your most excellent Majesty that it may be enacted;

Commander-in chief to appoint commissioners to carry this Act into execution.

Clause 1. And be it, and it is hereby enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor or Commander-in-chief of the said island, by warrant under his sign manual, to appoint two members of His Majesty's Council, and three members

members of the House of General Assembly, to be commissioners to carry this Act into execution, and from time to time to fill up the vacancies that may happen by death or otherwise amongst the said commissioners, and until any such vacancies shall be filled up it shall be lawful for the surviving or continuing commissioners to act as if no such vacancy or vacancies had occurred.

2. And be it, and it is hereby enacted, by the authority aforesaid, that all acts, matters and things which the said commissioners for the execution of this Act, are by this Act authorized to do or execute, may be done and executed by any three or more of such commissioners, one at least being of the Council.

3. And be it, and it is hereby enacted, by the authority aforesaid, that the said commissioners shall be empowered, and they are hereby directed to purchase, if necessary, three spots or parcels of land, with or without buildings thereon, one in the parish of St. Paul, one in the parish of St. David, and one in the parish of St. Andrew, and in such convenient situations as may be best adapted from their locality for the erection of places of confinement; provided always, that neither of such spots or parcels of land shall exceed three acres of land.

4. And be it, and it is hereby enacted, by the authority aforesaid, that it shall be lawful for all persons who are or shall be seised, possessed of or intrusted in any lands or buildings, which shall be deemed necessary for the purposes of this Act, to contract or agree for the sale of, and to sell, convey and assure such lands or buildings unto such person or persons as shall be named by the said commissioners, in trust for the purpose of erecting thereon such places of confinement and punishment as aforesaid, and upon the execution of such conveyance or conveyances, the said land, buildings and premises shall vest in the person or persons so to be named by the said commissioners, and his and their heirs, in trust for the purposes aforesaid.

5. And be it, and it is hereby enacted, by the authority aforesaid, that the said commissioners shall cause the buildings necessary for such places of confinement, punishment, and as residences for the police force to be erected on such plan or plans as may appear to the said commissioners best adapted therefor, and shall contract and agree with proper persons for the erection of such buildings, to be built according to such plan or plans, and subject to such alterations as may from time to time seem to the said commissioners to be necessary and expedient, and shall also contract and agree for the purchase of a treadmill, with the necessary machinery for grinding corn, &c., to be placed in the said building so to be erected in the parish of St. Paul; and the said commissioners are also hereby empowered and required from time to time to cause such necessary repairs to be made in such buildings as shall be required; and the said commissioners are hereby authorized to execute any agreement in writing on behalf of the public with any person or persons to be employed in the erection of such buildings, and for completing the same in a proper and workmanlike manner; provided always, that tenders for such contracts shall be advertised in one or more of the newspapers of this island, and that the lowest and most eligible tender, if approved, shall be accepted by the said commissioners, and they are hereby required to take a bond or bonds from the contractor or contractors in such penalty or penalties as shall seem proper to them, and with two good and sufficient securities, to be approved of by them, for the due and prompt performance of his or their contract or contracts, and from time to time, as any sum or sums of money shall become due to the person or persons from whom such spots or parcels of lands as aforesaid shall have been purchased, or to such contractor or contractors under and by virtue of any such contract or contracts as aforesaid, or for the purchase of such mill or for repairs, it shall and may be lawful for the Governor, Lieutenant-governor or Commander-in-chief in Council, to sign a warrant for payment of the same, which warrant the treasurer of the said island or his lawful deputy shall discharge out of the monies hereafter appropriated to that purpose.

6. And be it, and it is hereby enacted, by the authority aforesaid, that when and as soon as the said place of confinement shall be erected and finished in the parish of St. David, it shall be lawful for his Excellency the Lieutenant-governor or Commander-in-chief of the said island to appoint a proper person to be keeper and superintendent thereof, and the said superintendent so to be appointed shall be entitled to receive for the same, out of the public treasury of this island, a salary at and after the rate of 45*l.* per annum, and the said superintendent shall keep and observe, as well the rules and regulations established by an Act, intituled "An Act for the better Regulation of the Gaol in the Town of Scarborough," as well as the rules and regulations that may hereafter be established by the Court of King's Bench of the said island.

7. And be it, and it is hereby enacted, by the authority aforesaid, that the 55th, 56th, and 57th clauses of the Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,'" shall be, and the same are hereby respectively repealed, abrogated and annulled; provided always, that the repeal of the said clauses shall not alter or in anywise affect the construction of any other clause or clauses of the said Act for the Abolition of Slavery, which may refer to any of the clauses so repealed, but that such unrepealed clauses shall have and receive

Commissioners, any three or more to be a majority, one of which to be of the Council.

Commissioners empowered to purchase lands.

Lands to be conveyed to trustees, who are to be named by commissioners.

Commissioners to cause buildings of places of confinement and residences of police force to be erected, and to contract for treadmill for Windward Quarter.

Place of confinement to be erected in the parish of St. David; a proper person to be appointed as keeper, &c.

Clause 55th, 56th and 57th of the Imperial Abolition Slavery Act repealed.

TOBAGO.

Appendix, No. 156.

Commander-in-chief to appoint six able-bodied men to act as a police force.

receive the same construction, with reference to any clause by this Act substituted for such repealed clauses, as if these substituted clauses had been originally enacted.

8. And be it, and it is hereby enacted, by the authority aforesaid, that the Governor Lieutenant-governor or Commander-in-chief of the said island shall, and he is hereby authorized and empowered to nominate, and from time to time to appoint six fit and able-bodied men to act as a police force for the said island, two of which said men shall be attached to each justice of the district, to act as constables for preserving the peace, and shall have all such powers and authorities as any constable duly appointed now has or hereafter may have by virtue of any law or statute now made, or hereafter to be made, and shall carry into effect and execution all such orders and directions as they may from time to time receive from the special justice of the district to which they may be attached, for preventing and repressing all crimes and offences committed by any apprenticed labourers, and for enforcing obedience to the rules and regulations established by the Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,'" and shall obey all such lawful commands as they may from time to time receive from the special justice of the district to which they may be attached, for conducting themselves in the execution of their office.

Police force to apprehend all loose, idle, and disorderly persons.

9. And be it, and it is hereby enacted, by the authority aforesaid, that it shall and may be lawful for any man belonging to the said police force, during the time of his being on duty, to apprehend all loose, idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find between the hours of nine at night and five o'clock in the morning lying in any highway or other place, or loitering therein, and not giving a satisfactory account of themselves, and to deliver such persons so apprehended into the custody of the superintendent of the next nearest place of confinement, in order that such persons may be secured until they be brought before the special justice of the district or the next justice of the peace, as the case may require, to be dealt with according to law.

Special justices to frame such orders and regulations as expedient to the general government of police force.

10. And be it, and it is hereby enacted, by the authority aforesaid, that the special justices shall from time to time, subject to the approbation of the Governor, Lieutenant-governor or Commander-in-chief of the said island, frame such orders and regulations as they shall deem expedient, relative to the general government of the men to be appointed under this Act, the description of their arms, accoutrements and other necessaries to be furnished them, and all such orders and regulations relative to the said police force, as the said justices shall from time to time deem expedient for preventing neglect or abuse; and either of the said justices may at any time suspend or dismiss from his employment any man belonging to the said police force, whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; such suspension or dismissal nevertheless to be subject to the confirmation or disallowance of the Governor, Lieutenant-governor or Commander-in-chief of the said island; and when any man shall be so dismissed or cease to belong to the said police force, all powers vested in him by virtue of this Act as a constable shall immediately cease and determine.

Warrants, &c. of special justices to be executed by one of police force.

11. And be it, and it is hereby enacted, by the authority aforesaid, that all summonses, warrants, commitments or other orders to be issued by any such special justice of the peace, in the execution of his duty as aforesaid, shall be executed by one or other of the police constables of the district; provided always, that nothing herein contained shall be construed to prevent such special justice from addressing the same, as occasion may require, to any other constable or constables of the said island jointly with or instead of such police constables as to him may seem requisite.

Persons assaulting or obstructing police force, how dealt with.

12. And be it, and it is hereby enacted, by the authority aforesaid, that if any person shall assault or obstruct any person belonging to the said police force in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender being convicted thereof before two justices of the peace, shall for every such offence forfeit and pay such sum, not exceeding 5*L.*, as the said justices shall think meet; provided always, that nothing herein contained shall be construed to deprive the Court of King's Bench of its jurisdiction over such offences.

Clothing allowed to police force.

13. And be it, and it is hereby enacted, by the authority aforesaid, that each man attached to the said police force shall be allowed two suits of clothes per annum, each suit to consist of one blue cloth jacket, with red collar and cuffs, one linen shirt, one pair of blue cloth trowsers, and one cap or hat, and the said men shall be armed in such manner as the special justice shall order and direct.

Salary of police force.

14. And be it, and it is hereby enacted, by the authority aforesaid, that each of the said men so to be appointed as aforesaid, shall be entitled to receive for the duties to be by him performed as aforesaid, a salary at and after the rate of 35*L.* sterling money per annum, and shall be entitled to receive at the expiration of each and every quarter, from his Excellency the Lieutenant-governor or Commander-in-chief of the said island in Council, a warrant under his hand directed to the public treasurer for payment of the same, which said warrants the

the public treasurer is hereby authorized and required to pay out of the monies hereafter appropriated to that purpose.

TOBAGO.

15. And whereas under and by virtue of an Act, intituled "An Act to impose a Duty on the Tonnage of all Ships and Vessels entering the Ports of this Island, and to appropriate the Monies thereby raised to the Purposes herein mentioned," passed in or about the 12th day of November 1832, certain sums are from time to time paid into the public treasury of the said island by the collector of His Majesty's customs; and whereas it is desirable that the said monies should be appropriated towards the purposes of this Act, be it therefore, and it is hereby enacted, by the authority aforesaid, that all monies so paid or to be paid into the public treasury of the island by virtue of the said recited Act, shall be applied towards the erection of the said buildings directed by this Act, as far as the same may be required for that purpose.

Appendix, No. 156.
Tonnage duty money on vessels to be appropriated to the building of places of confinement, &c.

Passed the House of General Assembly, the 3d day of November 1835.

(signed) *John Hooper*,
Acting Clerk of the House of General Assembly.

(signed) *James Johnston*,
Speaker of the House of General Assembly.

Passed the Board of Legislative Council this 4th day of November 1835.

(signed) *John Thornton*, Clerk of the Council.
(signed) *William T. Nicholson*, President.

By order of his Excellency the Governor-in-chief, conveyed to me in his despatch of the 14th instant, I assent to this Bill.
Tobago, 28 December 1835.

(signed) *H. C. Darling*, Lieut.-Governor.

Appendix, No. 157.

(Enclosure in Lord *Glenelg's* Despatch to Sir *L. Smith*, 23 April 1836. No. 417.

ORDER IN COUNCIL, declaring that adequate and satisfactory Provision has been made by Law, in the Island of Tobago, for giving effect to the Act of Parliament for the Abolition of Slavery. Appendix, No. 157.

AT the Court at St. James's, the 13th of April 1836 ;

Present, the KING's most Excellent Majesty,

The Lord Chancellor, the Lord President, the Lord Steward, the Lord Chamberlain, the Marquess of Winchester, the Earl of Albemarle, the Earl of Minto, Lord John Russell, Viscount Palmerston, Viscount Melbourne, Viscount Howick, Lord Holland, Lord Glenelg, Mr. Poulett Thomson, the Chancellor of the Exchequer.

WHEREAS by an Act of Parliament made and passed in the third and fourth year of the reign of his present Majesty, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," it is enacted, that from and after the 1st day of August 1834, all persons who, in conformity with the laws now in force in the said colonies respectively, shall on or before the 1st August 1834 have been duly registered as slaves in any such colony, and who on the said 1st day of August 1834 shall be actually within any such colony, and who shall by such registries appear to be on the said 1st day of August 1834 of the full age of six years or upwards, shall, by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship, or any other deed or instrument for that purpose, become and be apprenticed labourers :

And whereas by the said Act it is further enacted, that subject to the obligations imposed by the said Act, or to be imposed as therein mentioned, upon such apprenticed labourers as aforesaid, all and every the persons who on the said 1st day of August 1834 shall be holden in slavery within any such British colony as aforesaid, shall, upon and from and after the said 1st day of August 1834, become and be to all intents and purposes freed and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted ; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth ; and that from and after the said 1st day of August 1834, slavery shall be and is thereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations and possessions abroad :

And whereas by the said Act it is provided, that the Lords Commissioners of His Majesty's Treasury may raise the sum of 20,000,000 *l.* sterling towards compensating the persons entitled to the services of the slaves to be manumitted and set free by virtue of the said Act, for the loss of such services :

And whereas in the said Act it is recited, that various rules and regulations are or may be necessary for the purposes therein specified, and that such regulations could not without

TOBAGO.

Orders in Council
and
Colonial Laws.

Appendix, No. 157.

great inconvenience be made, except by the respective governors, councils and assemblies, or other local legislatures of the said respective colonies, or by His Majesty, with the advice of his Privy Council, in reference to those colonies to which the legislative authority of His Majesty in Council extends; and it is therefore by the said Act enacted and declared, that nothing in the said Act contained shall extend or be construed to extend to prevent the enactment by the respective governors, councils and assemblies, or by such other local legislatures as aforesaid, or by His Majesty, with the advice of His Privy Council, of any such Acts of General Assembly or Ordinances, or Orders in Council, as might be requisite for making and establishing such several rules and regulations as aforesaid, or any of them, or for carrying the same or any of them into full and complete effect:

And whereas it is by the said Act further enacted, that no part of the said sum of 20,000,000 £. sterling shall be applied or shall be applicable to the purposes therein aforesaid, for the benefit of any person entitled to the services of any slave in any of the colonies therein aforesaid, unless an order shall have been first made by His Majesty, with the advice of his Privy Council, declaring that adequate and satisfactory provision hath been made by law in such colony for giving effect to the said Act, by such further and supplementary enactments as therein mentioned; nor unless a copy of such Order in Council, duly certified by one of the clerks in ordinary of His Majesty's Privy Council, shall, by the Lord President of the Council, have been transmitted to the Lords Commissioners of His Majesty's Treasury, or to the Lord High Treasurer for the time being, for their or his guidance or information; and every such order shall be published three several times in the London Gazette, and shall be laid before both Houses of Parliament within six weeks next after the date thereof, if Parliament shall be then in session, and if not, within six weeks from the then next ensuing session of Parliament:

And whereas, in order to carry into effect the objects of the said recited Act, an Act hath been passed by the Governor, Council and Assembly of the island of Tobago, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves;'" and also an Act to amend an Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,'" and to repeal certain Clauses of an Act, commonly called the Slave Act, passed on or about the 15th day of August 1829, and to substitute other Clauses in this Act in lieu thereof;" and also an Act, intituled "An Act to establish Rules and Regulations for the Classification of those Persons hereafter to become Apprenticed Labourers, and for ascertaining to which Class they shall respectively belong;" and also an Act, intituled "An Act to authorize the temporary Appointment of special Magistrates for the purpose of giving effect to the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,'" and also an Act, intituled "An Act to provide for the Building of Places of Confinement and Punishment, and to establish a Police Force in the said Island; and also to repeal 55th, 56th and 57th Clauses of the Act, intituled 'An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves:'"

And whereas it is considered by His Majesty in Council, that adequate and satisfactory provision hath been made by law in the said island of Tobago for giving effect to the said recited Act of Parliament by such further and supplementary enactments as therein mentioned, according to the true intent and meaning of the said Act;

His Majesty is therefore pleased, by and with the advice of his Privy Council, to declare, and it is hereby declared, that adequate and satisfactory provision hath been made by law in the island of Tobago for giving effect to the said recited Act of Parliament, by such further and supplementary enactments as therein are mentioned; and the Right Honourable the Marquess of Lansdowne, the President of His Majesty's Privy Council, and the Right Honourable Lord Glenelg, one of His Majesty's principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

(signed) *Wm. L. Bathurst.*

TRINIDAD.

Appendix, No. 158.

(Enclosure in Sir G. F. Hill's Despatch, 26 January 1835. No. 424.)

AN ORDINANCE enacted by the Lieutenant-governor of the Island of Trinidad, with the advice and consent of the Council of Government thereof, for the more speedy Administration of Justice in cases of Contracts for the performance of Labour, and of Apprenticeships and Contracts of the nature thereof, and to regulate the formation of Apprenticeship, and to Prevent and Punish the harbouring of Runaway Apprentices.—Passed 29 November 1834.

WHEREAS it is expedient that provisions should be made for the more speedy and effectual administration of justice in all cases of the breaches of contracts made for the performance of agricultural, manufacturing or prædial labour, and of the nonperformance and misperformance of the respective duties of persons standing to each other in the relation of masters and apprentices, where such relation has been created by the voluntary act of such parties, or in such manner as is hereinafter mentioned; be it therefore, and it is hereby enacted, by his Excellency the Right Hon. Sir George Fitzgerald Hill, bart., colonel of the Londonderry regiment of militia, Lieutenant-governor and Commander-in-chief in and over the said island and its dependencies, Vice-admiral thereof, by and with the advice and consent of the Council of government thereof, that it shall and may be lawful to and for any two justices of the peace or other magistrates in this colony, to hear and determine, in a summary manner, all complaints arising out of or relating to the breaches or nonperformance of any contract which now is or hereafter may be made between any parties whomsoever for the performance of any agricultural, manufacturing or prædial labour, wherein the question in dispute between the parties doth not exceed the sum of 40*l.* currency, and after hearing and examination on oath of the parties and the respective witnesses, to order and adjudge any of such parties to pay such sum of money as shall to the said justices or other magistrates appear to be justly due from such party for and on account of the breach or nonperformance of such contract and the damages sustained by reason thereof, not exceeding 40*l.* currency, together with all the costs of the proceedings before such justices or magistrates, such costs not in any case to exceed 50*s.* currency; and in default of the payment of the sum so adjudged within seven days after judgment, such justices or magistrates shall and may, on affidavit of such nonpayment, direct execution to issue against the party in default, and cause the same to be levied on the goods and chattels of such party, and such goods and chattels to be sold, and the proceeds of the sale thereof applied in payment of the said execution; provided always, and be it further enacted, that in case it shall be proved by affidavit, to the satisfaction of any such justices or other magistrates, that the party or parties who may, by any such judgment be ordered to pay any sum of money as aforesaid, hath no goods or chattels by the sale whereof such judgment can be satisfied, that then and in such case it shall and may be lawful to and for such justices or magistrates forthwith to commit the party so adjudged to pay such sum of money to prison for a period not exceeding three calendar months, unless in the meantime the amount of such judgment and of all such costs shall be fully paid and satisfied.

And be it further enacted, by the authority aforesaid, that it shall and may be lawful for any two such justices of the peace or other magistrates to hear and determine, in a summary manner, all complaints of the master or employer of such persons as are hereinafter defined to be apprentices, in the fifth clause of this ordinance, or of the agents or attornies, and the managers and overseers of estates on which such apprentices are employed, for the nonperformance or misperformance of their duties or services which such apprentices are or may be bound to perform for such masters or employers, or such managers or overseers as aforesaid; and if it shall be made to appear to the satisfaction of such justices or magistrates, on their own view, or on confession of the parties, or by satisfactory evidence on oath, that any such apprentice hath wilfully neglected to perform any such service or labour as he is or may be lawfully bound to perform for such master or employer, or that he hath unlawfully absented himself from the service of such master or employer without reasonable cause, or that he hath contumaciously disobeyed any commands of such master or employer which he was lawfully bound to obey, that then and in every such case it shall and may be lawful for such justices or other magistrates to adjudge such apprentice to be punished by imprisonment, with or without hard labour, for any period not exceeding one calendar month.

And be it further enacted, by the authority aforesaid, that all complaints of any such apprentice as aforesaid against his master or employer, or the manager or overseer of the estate or property on which such apprentice is placed, of ill-usage or ill-treatment of any such apprentice by such master or employer, manager, overseer or other person by his or her authority, or of the nonperformance by such master or employer, or manager or overseer, of any stipulation or agreement of the indentures or contract of apprenticeship for the benefit of such apprentice, shall be heard and determined in a summary manner by any two such justices or other magistrates as aforesaid; and if it shall be made to appear to such justices or magistrates, either by their own view, or on confession of the party, or by the evidence of credible witnesses, that any such master or employer, manager or overseer, or any person by

TRINIDAD.

Orders in Council
and
Colonial Laws.

Appendix, No. 158.

Complaints for the breaches of contracts for the performance of labour, not exceeding 40*l.* currency, may be heard and determined by two justices or magistrates.

Complaints of employers against apprentices for the nonperformance or misperformance of labour, or abuse, or disobedience, to be heard by two justices or magistrates.

Complaints of ill-usage of apprentices heard by magistrates.

TRINIDAD.**Appendix, No. 158.**

Penalty not to exceed 40*l.* currency.

Magistrates may order indentures to be cancelled.

Magistrates may award damages to apprentices in case of their being deprived of any advantage to which they are entitled.

Definition of apprentices under this ordinance.

Persons above 14, notwithstanding minority, may execute indentures of apprenticeship.

Parents and guardians, with authority of magistrate, may execute indentures for persons under 14.

Regulations respecting such indentures.

his or their or any of their direction or authority, hath been guilty of ill-using or ill-treating such apprentice, it shall and may be lawful for such justices or magistrates to award to such apprentice such damages, not exceeding the sum of 40*l.* currency, as the said justices or magistrates may think such apprentice entitled to recover for his damages in that behalf, to be recovered in the manner mentioned and provided in the first clause of this ordinance; or shall and may adjudge such offender to be punished by fine not exceeding 40*l.* currency, and in default of the payment of such damages or fine, shall and may order the party adjudged to pay the same to be imprisoned for a period not exceeding three calendar months. And in case any such employer shall be convicted of gross or repeated ill-usage or improper treatment of any apprentice, such justices or magistrates may, if they think fit, order that the indentures or contract of apprenticeship or other instrument, whereby such apprentice is bound or engaged, to be cancelled; and thereupon such indentures, contract or other instrument shall be and the same are hereby declared to be wholly cancelled, and rendered null and void to all intents and purposes whatsoever.

And be it further enacted, by the authority aforesaid, that in case it shall be made to appear as aforesaid to any two such justices or magistrates, on any such complaint as aforesaid, that any such apprentice hath been deprived by any such master or employer, manager or overseer as aforesaid, of any benefit, privilege or advantage to which such apprentice is or may be entitled, or that such master or employer, manager or overseer hath committed any breach in the performance of any agreement, matter or thing whatsoever for the benefit and advantage of the said apprentice in the indenture or contract of apprenticeship contained, that it shall and may be lawful to and for such justices or magistrates to adjudge such master, employer, manager or overseer to pay to such apprentice such damages as the said justices or magistrates shall reasonably think such apprentice hath sustained by reason thereof, which shall be recovered in the same manner as is mentioned and provided in the first clause of this ordinance.

And be it further enacted, by the authority aforesaid, that all persons who are or shall be bound to other person or persons for the performance of any agricultural, manufacturing or prædial labour or services, by any written contract in the nature of indentures of apprenticeship or bond for service, or other such like instrument, whether the same be made or entered into in this colony or elsewhere; and all persons who shall or may be bound or described and defined as apprentices under and by virtue of any order of His Majesty in Council or colonial ordinance, shall be and be considered as apprentices; and the person or persons to whom such apprentices shall be so bound, shall be and be considered as the masters and employers of such apprentices for all the purposes of this ordinance; provided always, that nothing in this ordinance contained shall extend or be construed to extend to persons who are described or declared to be apprentices under and by virtue of the Statute, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," except such parts thereof as are expressly declared to be applicable to such apprentices.

And be it further enacted, by the authority aforesaid, that it shall and may be lawful to and for any minor above the age of 14 years, notwithstanding his or her minority, to enter into and make and execute, either in this colony or elsewhere, any indentures of apprenticeship or bond for service, or articles or agreement for the performance of any agricultural, manufacturing, prædial or other labour or service in the nature thereof; and such indentures, bonds, articles, agreement or other contract shall be and be taken to be as good, valid and effectual to all intents and purposes as if the party making the same were of the full age of majority.

And be it further enacted, by the authority aforesaid, that it shall and may be lawful to and for the father or surviving parent, or, in default of parents, for the guardian or next of kin of any person under the age of 14, either in this island or elsewhere, to enter into, make and execute for or on behalf and in the name of such person, any such indentures of apprenticeship, bond, articles, agreement or contract, as in the preceding clause of this ordinance mentioned, which shall be binding on the party for and on behalf of whom, or in whose name the same is so made and executed, notwithstanding his or her minority, and be as good, valid and effectual to all intents and purposes as if such party had made and executed the same being of the full age of majority; provided always, that in case any indentures, bond, articles, agreement or contract shall be so made and entered into in this colony for and in respect of any such person under the age of 14 years as aforesaid, the same shall be made and entered into and executed with the consent, approbation, and in the presence of a justice of the peace or magistrate of this colony, whose duty it shall be to examine the parties and ascertain, as far as they are able, that it will be advantageous to the party in whose name such indentures, bond, articles, agreement or contract are to be made, that the same should be entered into and executed in his or her behalf; and such justice or magistrate shall affix his signature thereto in token of his consent to and approbation thereof; and also provided always, that no such indentures, bond, articles, agreement or contract as aforesaid, so to be made and entered into in this colony on behalf of any person under the age of 14 years, shall be valid and effectual, unless the same contains such covenants, stipulations and agreements on the part and behalf of the party to whom such person is so engaged or bound, as are contained in the form of indenture of apprenticeship or articles for service set forth in the Schedule hereto annexed, marked (A); and also

also provided always, that no such indentures, bond, articles, agreement or contract as aforesaid made and executed out of this colony, whereby any person under the age of 14 is bound or engaged as aforesaid shall be valid and effectual, unless the same shall be made and entered into with the approbation and authority of the chief magistrate or some minister of religion, or of two magistrates or justices of the peace of the place or country where the same was made and entered into, testified by his or their signature to such indentures, bond, articles, agreements or contracts as aforesaid, or in some paper or document of authentication thereto annexed; and also provided always, and be it further enacted, by the authority aforesaid, that if any person shall come or be brought to this colony who shall be engaged or bound to any other person by any such indentures, bond, articles, agreement or contract as aforesaid, made, entered into and executed out of this colony by the party so bound or engaged, or for or on his or her behalf at any time when such person was below the age of 14 years, the person or persons to whom such infant is so bound or engaged shall cause him or her, at some time within 14 days after his or her arrival in this colony, to appear before one of the justices or magistrates thereof, together with the original instrument under and by virtue whereof such infant was bound or engaged as aforesaid, and a translation thereof duly certified, in case the same is written in a foreign language, under a penalty, in case of default, of 40*l.* currency, to be recovered in a summary manner before any justice or magistrate of the said colony, one-half to the use of His Majesty, his heirs and successors, and the other half for the use of the person who may inform or sue for the same; and in case such justice or magistrate shall find that such original indentures, bonds, articles, agreement or contract contain such covenants, stipulations and agreement on the part and behalf of the party to whom such infant is bound, for the benefit and advantage of such infant, as are contained in the form of indenture of apprenticeship or articles for service in the Schedule last-mentioned, and marked (A), or others to the same effect, or more advantageous and beneficial to such infant, then and in such case the justice or magistrate shall affix his signature thereto in token of his approbation thereof; but in case such justice or magistrate shall find that the original indenture, bond, articles, agreement or other contract do not contain such covenants, stipulations and agreement, or others more beneficial and advantageous to such infant as aforesaid, such justice or magistrate shall and may refuse to sign such original indentures or contracts, and instead thereof shall and may make and execute for and on behalf of such infant indentures of apprenticeship or articles for service in favour of the person or persons to whom such infant was bound or engaged as aforesaid, as nearly as may be in the form contained in the Schedule hereto annexed, marked (B), for the same time for which such infant was bound and engaged by such original instrument as aforesaid, and procure the same to be executed by the person or persons to whom such infant was bound or engaged, which shall be as binding and effectual to all intents and purposes as if the same were executed by the party so bound and engaged being of the full age of majority; provided always, that no such indentures, bond, articles, agreement or contract as aforesaid, made or executed out of this colony by or for or on behalf of any such infant under the age of 14 years, shall be binding or valid for any period exceeding the time of three months from the time of the arrival of such infant in this colony, unless the same be signed by some justice or magistrate in token of his approbation thereof, as is hereinbefore provided.

TRINIDAD.

Orders in Council
and
Colonial Laws.

Appendix, No. 158.

Infant apprentices
to be brought before
magistrate with
indentures.

Authority to magis-
trate to execute
other indentures.

And be it further enacted, by the authority aforesaid, that it shall and may be lawful for any persons to whom any other person shall be bound or engaged by any such indentures of apprenticeship or bond for service, or articles, agreements or other contracts, for the purpose of any agricultural, manufacturing, or prædial or other labour or service in the nature thereof, with the permission and approbation of any justice or magistrate of the colony, and not otherwise, to assign and make over to any other person or persons whomsoever such indentures, bond, articles, agreement, or other contract as aforesaid, and the consent of such justice or magistrate shall be written or indorsed thereon, with his signature thereto; and thereupon the apprentice or person so bound and engaged shall become and be, and be considered to be the apprentice of the person to whom or in whose favour such assignment is made, in the same manner as if he or she had been originally bound or engaged to such person.

Indentures may be
assigned with autho-
rity of magistrates,
but not otherwise.

And be it further enacted, by the authority aforesaid, that no contract in the nature of apprenticeship or bond of service, by which any person shall be bound for the performance of any agricultural, manufacturing or prædial labour in the said island, shall be and continue in force for any period of time exceeding seven years from the commencement thereof, except the party or person who shall be bound thereby, shall at the expiration of such term of seven years be under the age of 21 years, in which case such contract may continue in force until such persons shall attain the age of 21 years, and no longer; provided always, that nothing herein contained shall prevent any such contracts as shall or may be made either in this colony or elsewhere for any longer space from being and continuing in full force until the expiration of the said term of seven years from the commencement thereof, when such contract shall, except in the cases aforesaid, actually cease and determine, and shall be null and void, and of no effect, in the same manner as if the said term of seven years had been therein fixed for the expiration and determination thereof.

No contract of ap-
prenticeship to re-
main in force more
than seven years.

Provided always, and be it further enacted, by the authority aforesaid, that whenever any such apprentice shall by a sentence of any court of justice in this colony, or by the order or judgment of any such justices or magistrates as aforesaid, be adjudged to imprisonment with or without hard labour, for any offence by him or her committed, by means whereof the master or employer of such apprentice is deprived of his or her services during the term

Apprenticeship pro-
longed for as long a
time as apprentice
imprisoned for any
offence whereby his
employer has been
deprived of his
services.

TRINIDAD.

Orders in Council
and
Colonial Laws.

Appendix, No. 158.

Magistrates authorized to issue warrants, &c., and signature of one justice sufficient, except in convictions.

Persons harbouring or employing apprentices liable to penalties.

Persons harbouring or employing apprentices to pay damages to employers over and above penalty.

Apprentices not to quit colony without passport, under penalty of six months' imprisonment.

Persons assisting apprentices to remove from colony liable to penalty.

Apprentices not to absent themselves more than five miles,

of such imprisonment, such apprentice shall be bound to serve his master or employer for as long a time after the period when the apprenticeship would have been otherwise determined as such master or employer has been deprived of by reason of such imprisonment; and in all such cases the indentures or contract of apprenticeship of such apprentice to his or her master or employer shall be continued, and shall be taken to be and be continued in full force until the expiration of the further period to which such apprentice is bound to serve as aforesaid; provided always, that nothing in this clause contained shall extend or be construed to extend to persons who are described or declared to be apprentices under and by virtue of the Statute, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves."

And be it further enacted, by the authority aforesaid, that in taking cognizance of and hearing and determining any complaints or cases under the provisions of this ordinance, all such justices or magistrates as aforesaid shall have the authority to make and issue all such summonses, warrants, arrests, commitments of parties and witnesses, and to take all such bailbonds and recognizances, and as nearly as may be in the same manner and form as in cases wherein any such justice or magistrate might solely and by himself take cognizance or have jurisdiction; and that, save as hereinafter provided, the signature of any one such justice thereto shall be sufficient; provided always, that all convictions or judgments by or before two justices or other magistrates under this ordinance, and executions and warrants for carrying the sentences of such justices or other magistrates into effect, shall be signed by both the justices or other magistrates by or before whom such judgment or conviction was had as aforesaid.

And whereas it is expedient that provision should be made for the punishment of persons improperly harbouring or employing runaway apprentices, be it further enacted, by the authority aforesaid, that any person who shall wrongfully harbour, conceal or employ, or who shall knowingly and wilfully entice away, or solicit or endeavour to persuade any apprentice or other person bound to any other persons by any indenture or contract of apprenticeship or bond for service, or in the nature thereof, for the performance of any work or service whatsoever, or any person being a prædial or non-prædial apprentice under the provisions of the said Act of Parliament, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," to quit or remain absent from the service or employment of the person or persons to whom he or she may be so bound or engaged, shall for every such offence forfeit and lose any sum not exceeding the sum of 40*l.* currency money of account, to be recovered in a summary manner before any two justices or magistrates of the said colony, or any district or inferior court therein, one-half for the use of His Majesty the King, his heirs and successors, and the other half to the person or persons who shall inform and sue for the same; or in default of payment of the penalty, and of such costs as may have been incurred in consequence thereof, to cause such offender to be imprisoned for any time not exceeding three calendar months.

And be it further enacted, by the authority aforesaid, that every person who shall so harbour, conceal or employ any such apprentice or other person in the preceding clause of this ordinance mentioned and described, shall over and above the penalty therein awarded for such offence, also be bound to pay to the master or employer, or other person or persons to whom such apprentice or other person is bound or engaged, damages at the rate of 10*s.* current money of the said island, for every day that such apprentice or other person shall have been so harboured, concealed or employed, to be recovered in a summary manner before any two justices or other magistrates, or the court of complaints in the said island, provided the amount thereof doth not exceed the sum for which such courts or justices may have jurisdiction, and if exceeding that sum, then before any court of civil jurisdiction therein.

And be it further enacted, by the authority aforesaid, that no such apprentice as is hereinbefore mentioned, shall quit the colony except he shall be furnished with a passport from the Lieutenant-governor, which shall not be granted except with the written consent of the employer of such apprentice; and that every such apprentice quitting or attempting to quit the colony without such passport, shall, on conviction before any two such justices or magistrates as aforesaid, be punished by imprisonment, with hard labour, for any time not exceeding six months.

And be it further enacted, by the authority aforesaid, that all persons removing or assisting to remove any such apprentice from the colony, in any boat or vessel, without a passport from the Lieutenant-governor, shall, on conviction before any two such justices or magistrates as aforesaid, be liable to a penalty of 40*l.* currency, one-half for the use of His Majesty the King, his heirs and successors, and the other half for the use of the person who may inform and prosecute for the same; and also to order such person to be imprisoned until such penalty is paid, such imprisonment not to exceed three calendar months, or instead of such penalty to adjudge such party to imprisonment not exceeding one calendar month.

And be it further enacted, by the authority aforesaid, that it shall not be lawful for any such apprentice as aforesaid, to absent himself or herself, without permission from the plantation

plantation or estate, or other place where his or her services are required to be performed, except in his or her way to or from some place of public worship; and except as aforesaid every such apprentice who shall be found in any place more than five miles distant from the estate or plantation, or other place where his or her services are required to be performed, without a written pass from his or her employer for that purpose, shall be liable to be apprehended and brought before any justice or magistrate of the colony; and every such apprentice shall be liable to all the penalties and punishments provided in the cases of apprentices wilfully absenting themselves from the service of their employers.

except on the way to and from public worship.

And be it further enacted, by the authority aforesaid, that all persons removing or assisting to remove any such apprentices as aforesaid, or any person declared to be an apprentice under the provisions of the said Statute, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," in any boat or vessel to any part of the colony, except to the district in which such apprentice is or hath been usually employed, without the permission in writing of the employer of such apprentice, or manager or overseer of the estate or plantation on which such apprentice is employed, or of some justice of the peace or other magistrate of the district from which such apprentice is removed, shall, on conviction before any two such justices or magistrates as aforesaid, be liable to a penalty not exceeding 40 *l.* currency, one-half for the use of His Majesty the King, his heirs and successors, and the other half for the use of the person who shall inform and sue for the same.

Persons assisting apprentices to remove from the district in which they are employed, in any boats, without permission of employer, liable to penalties.

And be it further enacted, by the authority aforesaid, that if any suit or action shall be prosecuted against any person for anything done in pursuance of this Ordinance, such person may plead the general issue, or contest such suit or action, or by not pleading, permit the same to be declared contested generally, and under such plea or contestation may give this Ordinance and the special matter in evidence at the hearing or trial thereof, and that the same was done by the authority of this Ordinance; and if a judgment should pass for the defendant, or the plaintiff shall withdraw or otherwise discontinue such suit or action, or that the same be dismissed after contestation or judgment shall be otherwise given against the plaintiff therein, the defendant shall recover double costs, and have the like remedy for the same that any defendant hath by law in other cases; unless the court should think it necessary, for the purposes of justice, that such costs should not be allowed.

And be it further enacted, that no summons, warrant, order, conviction or other proceedings under this Ordinance, shall be set aside or annulled for want of form, and that no person acting under the authority of any such warrant, order, conviction or other proceeding, shall be deemed a wrongdoer or trespasser, by reason of any defect of form therein; nor shall any such person be deemed a trespasser or wrongdoer by reason of any irregularity in the carrying into execution any sentence, conviction, levy, order for sale or other proceedings under the authority of this Ordinance; but the person aggrieved by any such irregularity shall and may recover full satisfaction for any special damage, if any, which he may have thereby sustained by an action on the case, or in the nature thereof before any court of competent jurisdiction, but no plaintiff shall recover in any action for such irregularity, if tender of sufficient amends shall or may have been made by or on behalf of the party defendant before such action brought.

Persons prosecuted for anything under this Ordinance, may plead the general issue and give special matter in evidence, and entitled to double costs.

Schedule (A.)

THIS indenture made the day of , in the year of our Lord 18 , between *A. B.* in the said island (the father, guardian or next of kin, as the case may be) of *C. D.* of in the said island, an infant aged , for and on behalf of the said *C. D.*; the said *A. B.* acting herein with the authority, approbation and consent of *E. F.* one of His Majesty's justices (or magistrates) of the said island on the one part, and *G. H.* the employer of in the said island (esquire) of the other part.

Whereas the said *G. H.* has in the presence and with the authority, approbation and consent of the said *E. F.*, testified by his signature thereto, agreed with the said *A. B.* (the father, guardian, &c.) to take the said *C. D.* (the infant) as his apprentice for the term of years, to be taught, or instructed, or employed in the trade or business of in consideration and subject to the terms and conditions hereinafter contained: Now this indenture witnesseth, that in pursuance of the said agreement, and in virtue of the Ordinance in this case made and provided, he the said *G. H.* (the employer) doth hereby, for himself, his heirs, executors and administrators, covenant, promise and agree with and to the said *A. B.* (the father, guardian, &c.) in the manner following; that is to say, that he the said *G. H.* (the employer) shall and will during the term of years according to the best of his skill and knowledge, teach and instruct, or cause to be taught and instructed the said *C. D.* (the infant) in the trade or business of , and all and every the matters and things whatsoever incident or relating thereto; and also shall and will during the same time find and provide the said *C. D.* (the infant) with suitable and sufficient diet, clothing, lodging and medical attendance, in a like and equal manner with the rest of apprenticed labourers in this colony, and according to the laws in such cases made and provided, and to all other ordinances and laws which may hereafter be made touching or concerning the clothing, feeding and lodging and medical attendance of apprenticed labourers in this colony; and shall also allow to the said *C. D.* (the apprentice) such reasonable time and opportunity for education and religious instruction as shall be appointed or assigned by a justice in the quarter in which the said *C. D.* shall reside; and in con-

sideration

TRINIDAD.

Orders in Council
and
Colonial Laws.

Appendix, No. 158.

sideration of the covenants and agreements hereinbefore contained on the part of *G. H.* (the employer), he, the said *A. B.* (the father, guardian, &c.) with the authority, approbation and consent of the said *E. F.* (the justice or magistrate), hath placed and bounden and by these presents doth place and bind the said *C. D.* (the apprentice) unto and with the said *G. H.* for the said term of _____ years, to be computed from the date of these presents, and doth hereby covenant, promise and agree that he the said *C. D.* (the apprentice) shall and will during all and every part of the said term of _____ years, truly and faithfully serve the said *G. H.* (the employer) as an apprentice in the said business or employment of _____, and diligently attend to and employ himself in the business and concerns thereof, according to the rules, regulations and laws now or hereafter to be in force of and concerning apprentices in this colony. In witness whereof they, the said *A. B.* (the father, guardian, &c.) for and on behalf of the said *C. D.* (the apprentice) and the said *G. H.* (the employer), have hereunto set their hands and seals the day and year first before written, before and in the presence of the said *E. F.* (the justice or magistrate), and the said *E. F.* (the justice or magistrate) in testimony that the same has been made and entered into in his presence, and by and with his authority and approbation, hath also set his hand and seal the day and the year first above written.

(B.)

THIS indenture, made the _____ day of _____, in the year of our Lord 18____, between *E. F.* (the justice or magistrate) in the said colony, commandant of the quarter of _____, (or as the case may be) for and on behalf of *C. D.* (the apprentice) and infant of the age of _____ years, lately brought to this colony, of the one part, and *G. H.* the employer, of _____, in this colony, esquire, of the other part.

Whereas, the said *G. H.* hath lately brought, or caused or procured to be brought, to this colony the said *C. D.*, (the apprentice), as an apprentice bound and engaged under and by virtue of a certain written contract in the nature of indentures of apprenticeship, (or as the case may be), made and executed at _____ aforesaid, by _____, as the father, guardian or next of kin (as the case may be), on behalf of the said *C. D.*, bearing date the _____ day of _____ in the year of our Lord 18____, to serve him, the said *G. H.*, as an apprentice for the space of _____ years next ensuing the date thereof.

And whereas the said *G. H.* (the employer) hath applied to him the said *E. F.* (the justice or magistrate) to affix his signature thereto in token of his approbation thereof; and whereas the said *E. F.* (the justice or magistrate) hath carefully perused the said original written contract (or as the case may be) or the translation thereof duly certified, and being of opinion that the same does not contain all and singular the covenants, stipulations and agreements on the part of the said *G. H.* (the employer) for the benefit of the said *C. D.* (the apprentice) which are by law required, or others more advantageous, hath refused to affix his signature to the said original written contract, (as the case may be), and thereupon the said *G. H.* (the employer) hath called upon him the said *E. F.* (the justice or magistrate) to make and execute on behalf of the said *C. D.* according to the provisions of the Ordinance in such case provided, he the said *G. H.* (the employer) being ready and willing to join in and execute the same: Now, therefore, this indenture witnesseth, that in virtue of the Ordinance in such case made and provided, and in consideration of the covenants, promises and agreements, on the part and on behalf of the said *G. H.* hereinafter contained, he the said *E. F.* (the justice or magistrate) has placed and bound, and by these presents doth place and bind the said *C. D.* (the apprentice) to and with the said *G. H.* (the employer) as an apprentice for the term of _____ years, to be computed from the day of the date of these presents; and doth hereby, for and on behalf of the said *C. D.* (the apprentice) to and with the said *G. H.* (the employer) covenant, promise and declare that he the said *C. D.* (the apprentice) shall and will, during all and every part of the said term of _____ years, truly and faithfully serve the said *G. H.* (the employer) as an apprentice in the said business or employment of _____, and diligently attend to and employ himself in the business and concerns thereof, according to the rules, regulations and laws now or hereafter to be in force of and concerning apprentices in this colony.

And the said *G. H.* doth hereby, for himself, his heirs, executors and administrators, covenant, promise and agree to and with the said *E. F.* (the magistrate or justice) for and on behalf of the said *C. D.* (the apprentice) in the manner following; that is to say, that he the said *G. H.* (the employer) shall and will, during the said term of _____ years, according to the best of his skill and knowledge, teach and instruct, or cause to be taught and instructed the said *C. D.* (the apprentice) in the trade or business of _____, and all and every the matters and things whatsoever, incident or relating thereto; and also shall and will during the said term, find and provide the said *C. D.* (the apprentice) with suitable and sufficient diet, clothing, lodging and medical attendance, in a like and equal manner with the rest of apprenticed labourers in this colony, and according to the laws in such case made and provided; and to all other ordinances and laws which may hereafter be made, touching or concerning the clothing, feeding, lodging and medical attendance of apprenticed labourers in this colony; and shall also allow to the said *C. D.* (the apprentice) such reasonable time and opportunity for education and religious instruction as shall be appointed or assigned by a justice in the quarter or district in which the said *C. D.* shall reside. In witness whereof he the said *E. F.* (the justice or magistrate) for and on behalf of the said *C. D.* (the apprentice), and he the said *G. H.* (the employer), have hereunto set their hands and seals the day and year first above written.

Appendix, No. 159.

Orders in Council
and
Colonial Laws.

(Enclosure in Sir G. F. Hill's Despatch, 23 November 1835. No. 437.)

AN ORDINANCE enacted by the Lieutenant-Governor of Trinidad, by and with the Advice and Consent of the Council of Government thereof, for establishing an Effective System of Police within the Town of Port of Spain.—Passed 7 September 1835. Appendix, No. 159.

[L. s.] G. F. Hill.

WHEREAS divers orders and proclamations of Government, and divers orders and regulations of the illustrious Board of Cabildo of the town of Port of Spain, relating to matters of police within the said town, have been from time to time made and published: and whereas it is expedient to amend the same and to make provision for the establishing an effective system of police within the town of Port of Spain and the suburbs thereof, as hereinafter limited, and also for the more speedy and effectual administration of justice in all cases of petty misdemeanors and offences within the said town and suburbs; be it enacted, by his Excellency the Right honourable Sir George Fitzgerald Hill, baronet, colonel of the Londonderry regiment of militia, Lieutenant-governor and Commander-in-chief in and over the said island and its dependencies, by and with the advice and consent of the Council of Government thereof, that from and after the passing of this Ordinance, the twelfth article of the Ordinance of the 21st day of March 1797, intituled "Regulations to prevent Abuses in the retail of Rum and other Spirituous Liquors:" The instructions to Alcaldes de Barrio of the 25th day of November 1808: The Regulations of police for the wharf, approved by his Excellency the Governor and the illustrious Board of Cabildo on the 12th day of June 1809: The Orders of the said illustrious board of the 2d day of March, the 3d day of April and the 12th day of April 1812, of the 21st day of June, the 2d day of July, and the 24th day of July 1813: The Order of Government of the 1st day of October 1813: The Order of Government of the 19th day of February 1814: The Proclamation of his Excellency Sir Ralph James Woodford of the 22d day of December 1814: The Order of Government of the 16th day of November 1815. The Order of his Excellency the Governor and the illustrious Board of Cabildo of the 8th day of July 1816: The Order of the illustrious Board of Cabildo of the 16th day of December 1816: The Resolutions of his excellency the Corregidor and the illustrious Board of Cabildo of the 19th day of January 1817: The Order of his excellency the Corregidor and the illustrious Board of Cabildo of the 21st day of July 1817: The Regulations for Carts, approved in Cabildo on the 22d day of December 1817: The Resolutions of the illustrious Board of Cabildo of the 5th day of January, the 2d day of March, the 27th day of April, and the 16th day of December 1818: The Order of Government of the 1st day of January 1819, so far as regards the sale of rum within the town of Port of Spain, or the suburbs thereof, as hereinafter limited: The additional Regulations for the licensed liquor shops ordered and approved by the Board of Cabildo on the 14th day of June 1819: The Order of the said Board of Cabildo of the 6th day of September 1819: The Orders of the said Board of Cabildo of the 23d day of November, the 6th day of December, and the 22d day of December 1819: The Orders of the said Board of Cabildo of the 24th day of January, the 21st day of February, the 13th day of March, and the 24th day of April 1820: The Regulations of his Excellency Sir Ralph James Woodford of the 28th November 1820 for houses that receive lodgers: The Order of Government, of the 13th day of November 1821, containing additional articles to the Order of Government relative to the licensed retailers of rum and other spirituous liquors, dated the 1st day of January 1819: The Orders of the illustrious Board of Cabildo of the 22d day of July and the 26th day of August 1822: The Order of the said Board of Cabildo of the 21st day of April 1823: The Order of the said Board of Cabildo of the 11th day of July 1825: An Ordinance, bearing date the 30th day of January 1826, and intituled "An Ordinance for the better Regulation of the Hucksters' Shops in the Town of Port of Spain and its Suburbs:" The Regulations of the illustrious Board of Cabildo of the 10th day of November 1828, intituled "Regulations for the seizing, apprehending, impounding and sale of Goats and Sheep found at large in the Streets and Squares of the Town of Port of Spain and its Suburbs:" And the Order of Government of the 27th day of May 1831, relating to the establishment of cooperages within the boundaries of the town of Port of Spain: And all other laws, orders and proclamations of Government, and all orders and regulations of the illustrious Board of Cabildo, touching or concerning any offence, matter or thing hereinafter provided for, so far as the same have any effect in law, and in so far as the same relate to any such offence, matter or thing, shall be, as the same are hereby repealed, except in so far as the same repeal any other laws, ordinances, orders or proclamations of Government.

Repeals certain orders of Government, regulations of police, &c., an all other laws, orders and proclamations touching any offence hereinafter provided for.

2. And be it enacted, that every person wandering abroad and lodging in any outhouse or in any deserted or unoccupied building, or under any gallery, or in the open air, not having any visible means of subsistence, and not giving a good account of himself or herself; every person wandering abroad or placing himself or herself in any public place, street, highway, court, avenue or passage, to beg or gather alms, or causing or procuring or encouraging any child or children so to do; every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous and indecent manner; every person found boxing, wrestling or fighting in the public streets or public highways, or in any place of public resort; any such offence being committed within the town of Port of Spain or the suburbs thereof as hereinafter limited, shall be deemed an idle and disorderly person

Who shall be deemed idle and disorderly persons.

TRINIDAD.**Punishment.**

Who shall be deemed rogues and vagabonds.

person within the true intent and meaning of this Ordinance, and it shall be lawful for any magistrate for the town of Port of Spain to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the Royal Gaol, with or without hard labour, as the committing magistrate may direct, for any time not exceeding 14 days.

3. And be it further enacted, that every person committing any of the offences hereinbefore mentioned, after having been convicted as an idle and disorderly person; every person wilfully, openly, lewdly and obscenely exposing his or her person in any public street, road or highway, or in the view thereof, or in any place of public resort; every person wandering abroad and endeavouring, by the exposure of wounds or deformities, to obtain or gather alms; every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence; every person playing or betting in any street, road, highway or other open and public place; at or with any table or instrument of gaming, at any game or pretended game of chance; every person having in his or her custody or possession any picklock, key, crow, jack, bit or other implement, with intent feloniously to break into any dwelling, store, warehouse, coach-house, stable or outbuilding, or being armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, or having upon him or her any instrument with intent to commit any felonious act; every person being found in or upon any dwelling-house, store, warehouse, stable or outhouse, or in any inclosed lot, yard, garden or area for any unlawful purpose; every suspected person or reputed thief frequenting any quay, wharf or warehouse, near or adjoining thereto, or any place of public resort, or any avenue leading thereto, with intent to commit felony; any such offence being committed within the town of Port of Spain or the suburbs thereof, and every person apprehended as an idle and disorderly person, and violently resisting any constable or policemen so apprehending him or her, and being subsequently convicted of the offence, for which he or she shall have been so apprehended, shall be deemed a rogue and vagabond within the true intent and meaning of this Ordinance; and it shall be lawful for any magistrate for the town of Port of Spain, to commit such offender (being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the Royal Gaol, with or without hard labour, as the committing magistrate may direct for any time not exceeding one calendar month; and every such picklock, key, crow, jack, bit and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such instrument as aforesaid, shall, by the conviction of the offender, become forfeited to the King's Majesty.

Punishment.

Who shall be deemed incorrigible rogues.

4. And be it further enacted, that every person committing any offence against this Ordinance which shall subject him or her to be dealt with as a rogue and vagabond, such person having been at some former time adjudged so to be, and duly convicted thereof; every person apprehended as a rogue and vagabond, and violently resisting any constable or peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed an incorrigible rogue within the intent and meaning of this Ordinance; and it shall be lawful for any magistrate for the town of Port of Spain, to commit such offender (being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses), to the Royal Gaol, with or without hard labour, as the committing magistrate may direct, for any term not exceeding two calendar months.

Punishment.

Any person may apprehend offender.

5. And be it enacted, that it shall be lawful for any person whatsoever to apprehend any person who shall be found committing any offence hereinbefore provided for, and to take and convey him or her before some magistrate for the town of Port of Spain, to be dealt with in such manner as is hereinbefore directed, or to deliver him or her to any constable or other police officer, to be so taken and conveyed as aforesaid.

Persons found drunk, swearing, &c., to the disturbance of the public peace.

6. And be it enacted, that all persons found drunk and lying in any public place, street, highway or avenue, or on any quay or wharf in the town of Port of Spain, or the suburbs thereof, and all persons cursing and swearing, or using any violent or obscene language to the disturbance of the public peace in any public place, street, highway or avenue, or any quay or wharf within the town of Port of Spain, or the suburbs thereof, shall, on conviction thereof in the manner hereinafter mentioned, forfeit and pay for every such offence any sum not exceeding 40s. nor less than 10s. currency; and it shall be lawful for any constable or other police officer to apprehend any person found committing any such offence, and to take and convey the person so apprehended before any magistrate for the town of Port of Spain, to be dealt with according to law.

Penalty.

Persons discharging any gun, &c., or firework, furiously riding or driving or goading any animals; persons appearing masked.

7. And be it enacted, that if any person shall discharge any gun, pistol or other fire-arm, or fire or let off any squib, rocket or other firework, or shall throw any stone or other missile whereby any person or property might be liable to be injured, or shall furiously ride or drive any horse or other cattle, or cruelly or furiously goad, hunt, pelt or set any dog at any other dog, or at any ox, bull, heifer, cow or steer, or at any horse, mule, donkey or other cattle, or shall appear masked (except when public leave to appear masked shall have been given by the chief of police, with the authority of the Governor); any such offence being committed in any public square or place, street, highway or avenue, or on any wharf or quay, or on any basse within the town of Port of Spain or the suburbs thereof, every such offender, being convicted before any magistrate for the town of Port of Spain, shall forfeit and pay for every such offence such sum, not exceeding 10l. nor less than 10s. currency, as to such magistrate shall seem fit; provided always, that it shall be lawful for any person who shall have obtained a licence from the illustrious Board of Cabildo of the town of Port of Spain to use fire-arms for the purpose

Penalty.

Proviso, that the illustrious Cabildo may grant licences for shooting on the Basse.

of sporting on any day not being a Sunday, on any part of the Basse to the eastward of the Dry River, and not less than 200 yards from the high road or any inhabited house or dwelling; and the secretary of the said Board shall, upon the application of any person, and on payment by the person so applying of the sum of 4*l.* currency, make and deliver to such person a licence in the following form of words; viz.

TRINIDAD.

Appendix, No. 159.

(TRINIDAD.)

A. B. is hereby duly licensed by the illustrious Board of Cabildo of the town of Port of Spain to sport on the Basse, to the eastward of the Dry River, subject to the regulations in that behalf provided.

Form of licence.

A. B., Secretary.

And such licence shall remain in force for the space of 12 calendar months from the day of the date thereof, and no more.

To be in force for 12 months.

8. And be it enacted, that when any person shall unlawfully assault or beat any other person within the town of Port of Spain, or the suburbs thereof, it shall be lawful for any magistrate for the town of Port of Spain, upon complaint of the party aggrieved, to hear and determine such offence, and the offender, upon conviction thereof, shall forfeit and pay such fine as shall appear to such magistrate to be meet, not exceeding, together with costs, if ordered, the sum of 20*l.* currency; but if such magistrate, upon hearing of any such case of assault or battery, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, he shall forthwith make out a certificate, under his hand, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

Common assault or battery may be determined in a summary way by magistrate of Port of Spain, who may dismiss the case and grant his certificate.

9. And be it enacted, that if any person against whom any such complaint shall have been preferred for any common assault or battery, shall have obtained such certificate as aforesaid, or having been convicted shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded for nonpayment thereof, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

Such certificate, or payment of the fine imposed, a bar to any further proceedings.

10. Provided always, and be it enacted, that in case such magistrate shall be of opinion that the assault or battery complained of is, from any circumstance, a fit subject for prosecution before the court for the trial of criminal prosecutions, he shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as he would have done if this Ordinance had not been passed; provided also, that nothing herein contained shall authorize any magistrate to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements or hereditaments, or any interest therein, or accruing therefrom, or as to any execution under the process of any court of justice.

Magistrate may in serious cases abstain from any adjudication; proviso, no magistrate to hear any case involving any question as to title to lands, &c., or to any execution under process from any court.

11. And be it enacted, that it shall not be lawful for any person to establish any foundry, forge or farrier's shop, or any cooperage, or to carry on or pursue within the town of Port of Spain the trade or business of a blacksmith, tinman, founder, farrier or cooper, unless such person shall have first obtained a licence from the illustrious Board of Cabildo, under the hand of the secretary of the said Board for the time being, authorizing him to establish such foundry, forge, farrier's shop or cooperage, or to carry on such trade or business as a blacksmith, tinman, founder, farrier or cooper in some particular house, workshop or premises to be in such licence specified; and any person who shall establish any such foundry, forge or farrier's shop or cooperage, or who shall carry on or pursue within the town of Port of Spain any such trade or business as aforesaid without having obtained such licence, or in any other house, workshop or premises therein as in such licence for that purpose specified, shall, on conviction before any magistrate, forfeit any sum not exceeding 20*l.* currency; provided always, and be it enacted, that any person who shall without such licence establish any such foundry, forge, farrier's shop or cooperage, or carry on any such trade or business as a blacksmith, tinman, founder, farrier or cooper within the said town of Port of Spain, or who shall establish or carry on any other trade, business or employment therein which shall be generally injurious or annoying to His Majesty's subjects, or to such of them as may reside or be in the neighbourhood, shall be deemed guilty of a nuisance, and shall and may be prosecuted before the court for the trial of criminal prosecutions, and on conviction before the said court, shall forfeit and pay such sum, not exceeding 100*l.* currency as to the said court shall seem fit; and it shall and may be lawful for such court, if it shall see fit, to order and direct such nuisance to be abated, for this purpose to issue a warrant to the alguacil mayor, who thereupon shall or may forthwith cause such nuisance to be abated in such manner as shall or may be directed by the said court in that behalf.

No person to establish any foundry, &c., without a licence from the Cabildo.

Penalty.

Party guilty of a nuisance may be prosecuted.

Nuisance to be abated.

12. And be it further enacted, that no person shall offer or expose to sale in any part or place of the said town any putrid or impure and unwholesome meat, poultry, fish or other provisions, or other offensive commodities whatsoever, or keep the same in any market, store, shop, dwelling-house, out-office, or other building or place to the annoyance of the inhabitants of the said town, under a penalty not exceeding 20*l.* for any such offence, to be recovered before any magistrate of the said town; and for prevention thereof, it shall and may be lawful for the chief of police, or any police-officer, on view of selling or publicly exposing to sale any putrid or impure and unwholesome meat, poultry, fish or other provisions, or other offensive commodity whatsoever in any part or place of the said town,

Impure provisions may be seized by chief of police or police-officer.

How to be dealt with.

TRINIDAD.

town, forthwith to cause the same to be seized and brought before any magistrate for the said town, who may thereupon order and cause the same to be immediately destroyed or burnt.

Sale, &c., of rum by, or purchase of rum from, any person not licensed by Cabildo, prohibited.

13. And be it enacted, that any person within the town of Port of Spain, or the suburbs thereof, other than such as is now duly licensed by the illustrious Board of Cabildo of the town of Port of Spain, or as shall be hereafter licensed by the said Board of Cabildo, who shall sell, barter or exchange, or deliver or offer, or expose for sale, barter or exchange; or if any person within the town of Port of Spain, or the suburbs thereof, shall purchase or take by way of barter or exchange from any person or persons other than such as now is or are, or shall or may be hereafter licensed as aforesaid, any rum, the quantity whereof actually sold, bartered or exchanged, or offered or exposed for sale, barter or exchange, or actually purchased or taken by way of barter or exchange, or removed at any one time, shall be less than 25 gallons, every such person, on conviction thereof before any magistrate for the town of Port of Spain, in the manner hereinafter directed, shall forfeit and pay for every such offence such sum not exceeding 20*l.* currency, nor less than 40*s.* currency, as to the convicting magistrate shall seem fit.

Penalty.

Licence to retail rum to be disposed of by the Cabildo.

14. And be it enacted, that on or before the 31st day of December in each year the licence to retail rum within the town of Port of Spain and the suburbs thereof, for the space of 12 calendar months from the 1st day of January then next ensuing, shall be disposed of by the illustrious Board of Cabildo by public tender in such manner as the said Board shall from time to time deem fit; provided always, that no licence or licences shall be given by such Board authorizing or empowering any person or persons either jointly or severally to sell, retail or otherwise dispose of rum in any shops within the town of Port of Spain, or the suburbs thereof, the whole number of which shops shall exceed ten, and that of such shops there shall not be more than two in any one Barrio.

Not more than 10 shops to be licensed.

Licensed retailer to have his name and the words Licensed Liquor Shop placed over the street-door of the shop.

15. And be it enacted, that every person now licensed, or that may be hereafter licensed as a retailer of rum within the town of Port of Spain, or the suburbs thereof, shall affix over the outside of the street or outer door of every shop or store in which such persons may retail rum, a board having his or her names, and underneath the same the words "Licensed Liquor Shop," painted thereon in white characters, not less than two inches in length, on a black ground; and if any person or persons shall sell, purchase, barter or exchange, or offer to sell, purchase, barter or exchange, or expose for sale, barter or exchange any rum in any such licensed shop, not having such board affixed over the outside of the street or outer door as is hereinbefore directed, such person, being convicted thereof in the manner hereinafter directed, shall forfeit and pay for every such offence such sum not exceeding 20*l.* nor less than 40*s.* as to the convicting magistrate shall seem fit.

Penalty.

No such shop to be kept open within certain hours.

16. And be it further enacted, that no such licensed shop for the sale of rum shall be kept open after the hour of eight in the evening, or before the hour of six in the morning on any day not being Sunday, or on any Sunday before the hour of six in the morning or between the hours of nine in the forenoon and one in the afternoon, or after the hour of four in the afternoon; and if any such shop shall be open within the hours hereinbefore prohibited, or being shut up, if any person shall during such prohibited hours be found therein, except the persons actually dwelling there, or having lawful excuse for being there; or if any person or persons shall be at any time found gambling in any such licensed shop, or in any outhouse or building being in the same curtilage, and occupied with such licensed shop, then and in every such case the licensed owner of such shop shall upon conviction thereof before any magistrate for the town of Port of Spain in the manner hereinafter directed, forfeit and pay for every such offence such sum not exceeding 20*l.* nor less than 10*s.* currency, as to such magistrate shall seem fit.

Persons found there during such prohibited hours, or found gambling there, may be fined.

No person to ply as a huckster, or to keep a private or public cart, unless licensed by Cabildo.

17. And be it enacted, that from and after the 1st day of January next it shall not be lawful for any person to follow the trade or business of a pedlar or travelling huckster, or to sell or barter, or offer to or expose for sale any merchandize, goods or provisions, or any other thing whatsoever (save and except bread, milk, mawby, spruce, syrup, vegetables, candles, fruit and confectionery) within the town of Port of Spain or the suburbs thereof; or to keep any private cart for his or her own use, or to ply or cause to ply any cart for hire or reward within the town of Port of Spain, or the suburbs thereof, or to ply, hire or engage himself as a porter for hire or reward, either on shore in the town of Port of Spain, or the suburbs thereof, or in any boat or vessel in the harbour of Port of Spain, unless such person shall have first obtained a licence from the illustrious Board of Cabildo of the town of Port of Spain, and the secretary of such Board shall upon the application of any person, and upon the payment by such person of such fees as are hereinafter mentioned, make out a licence in the following form of words:

(TRINIDAD.)

Form of licence.

Private Cart, (or Public Cart), (or Porter, as the case may be), No. —

A. B. is hereby duly licensed to keep a private cart, (or to ply a public cart), (or to ply as porter), (or as a pedlar or travelling huckster, as the case may be), in the town of Port of Spain and the suburbs thereof, for the term of _____ Given under my hand this _____ day of _____

Secretary.

Licences to be numbered.

And such secretary shall number every such licence with a particular and distinct number, and shall deliver the same so numbered to the party applying for the same, and such licence shall be and continue in force until and upon the 31st day of December next ensuing the date thereof; and if any person shall follow the trade or business of a pedlar or travelling

travelling huckster, or shall, as such huckster or pedlar, sell or barter or offer for sale or barter any merchandize, goods or provisions, or any other things whatsoever, save and except such as are hereinbefore excepted; or shall keep any such private cart for his or her own use, or shall ply or cause to ply any cart for hire or reward within the town of Port of Spain, or the suburbs thereof, or shall ply or work, or offer or engage himself to ply or work as a porter within the town of Port of Spain, or the suburbs thereof, or on board of any boat or vessel in the harbour of Port of Spain, without having a sufficient licence so to do, such person being convicted of any such offence in the manner hereinafter directed, shall forfeit and pay for every such offence such sum, not exceeding 10*l.* currency, as to the convicting magistrate shall seem fit.

18. And be it enacted, that every such licence shall be granted either for one whole year, or for three, six or nine calendar months, and for every such licence there shall be paid to the secretary of the illustrious Board of Cabildo, and for the use of the said Board the following sums; that is to say, for each licence for a private cart the sum of 6*l.* currency for the year, and for each public cart the sum of 12*l.* currency for the year, and 4*l.* currency for each quarter of a year, where such licence shall be taken for any time less than a year; and for each licence as a pedlar or travelling huckster, or as a porter, the sum of 3*l.* currency for each and every year, and 20*s.* currency for each quarter of a year, when such licence shall be taken for any time less than a year; and such secretary shall in a proper book, to be by him kept for the purpose, insert, under separate and distinct heads, the names of every person taking out such licence, and the number of every such licence, and the date whereon, and the time for which such licence shall have been granted, and the sum paid for the same.

19. And be it enacted, that every person taking out such licence for any private cart shall cause his or her name and the words "Private Cart," together with the number mentioned in such licence, to be painted in white letters, not less than one inch in length, on a black ground, in some conspicuous place on the outside of each shaft of such private cart; and if any such person shall use or employ such private cart without having his or her name and the words "Private Cart," and the number of such licence painted on such cart in the manner hereinbefore directed, or shall let out, or ply or work such private cart, or shall cause, permit or suffer such cart to be let out, or plied or worked for hire or reward, such person shall on conviction thereof in the manner hereinafter directed forfeit and pay for every such offence such sum, not exceeding 10*l.* nor less than 20*s.* currency, as to the convicting magistrate shall seem fit.

20. And be it enacted, that every person taking out any such licence for any public cart, shall, before plying any such cart, cause the words "Public Cart," and the number mentioned in such licence to be painted in white letters not less than one inch in length, on a black ground, in some conspicuous place on the outside of each shaft of such cart; and every person having the care, charge or conduct of any such public cart, shall carry affixed to the outside of the front of his hat a metal plate or badge, having the word "Carter," and a number corresponding to the number mentioned in the licence for such cart painted thereon in white letters, not less than one inch in length on a black ground; and every licensed porter shall in like manner carry affixed to the outside of the front of his hat a metal plate or badge having the word "Porter," and a number corresponding to the number of his licence as a porter painted thereon in white letters, not less than one inch in length, on a black ground; and every licensed huckster shall in like manner cause his or her name, and the words "Licensed Huckster," and a number corresponding to the number of his or her licence, to be painted in white letters, not less than one inch in length, on a black ground, on some conspicuous part on the outside of every trunk, box, tray, pack or basket, or other thing in which he or she shall carry about or expose any goods for sale; and every person taking out such licence for a public cart who shall fail or neglect to cause his or her name and the number of the licence to be painted on such cart in the manner hereinbefore directed, and every carter or licensed porter who shall work or ply, or shall offer himself to be employed or hired as a carter or porter without having such badge affixed to his hat as is hereinbefore directed, and every licensed huckster who shall carry about or expose for sale any goods in any trunk, box, tray, pack or basket not having his or her name, and such words and number painted thereon as hereinbefore directed, shall on being convicted thereof as hereinafter directed, forfeit and pay for every such offence such sum, not exceeding 10*l.* nor less than 10*s.* currency, as to the convicting magistrate shall seem fit.

21. And be it further enacted, that if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited any such licence, or shall have in his or her possession any licence so forged or counterfeited, or if any person shall wilfully make in such licence, or the date thereof, any change or alteration, or if any porter shall transfer or lend to, or allow or permit any other person to wear or carry his badge, every person being convicted of any such offence in the manner hereinafter directed, shall be liable to be imprisoned in the Royal Gaol for such term, not exceeding three calendar months, with or without hard labour, as to the convicting magistrate shall seem fit.

22. And be it enacted, that if any carter having the charge of any cart, now licensed as a public cart, or that may be hereafter licensed as a public cart under this Ordinance, or any such licensed porter being called upon at any time between the hours of six in the forenoon and seven in the afternoon, shall refuse any fare, or shall extort or demand any extraordinary hire, or any greater or other reward than such as is mentioned in the Schedule annexed to this Ordinance, and marked (A.); or if any carter having the care, charge or management of any such cart shall, when not actually plying, station or place or leave such cart in any other place

TRINIDAD.

Orders in Council
and
Colonial Laws.

Appendix, No. 159.

Penalty.

Time for which licence
to be granted.

Amount to be paid for
licence.

Owner of private cart to
have his name and the
number mentioned in
his licence painted on
such cart.

Public carts to have the
words Public Carts and
the number of licence
painted on the shafts,
and carter to carry a
badge on his hat.

Porter to carry a badge.

Huckster to have the
words Licensed Huck-
ster and number of his
licence painted on his
pack, &c.

Penalty.

Person counterfeiting
such licences, or altering
or lending the same, to
be imprisoned.

Carter or porter refusing
a fare, or demanding
any extraordinary pay.

TRINIDAD.

Appendix, No. 159.

Penalty.

Selling grass, &c., except in places licensed by Cabildo.

Penalty.

Leaving goods, &c., in public street, or causing any obstruction to street.

Penalty.

Persons beating any tambour, &c., at any prohibited time.

Constable or police officer may enter.

Person refusing to depart may be apprehended.

Penalty.

Housekeepers to clean the footway and gutters in front of their lots.

Penalty.

Throwing any filth into the public street or into any lot.

Penalty.

Owners to keep lots enclosed with a good fence.

place or station than shall from time to time be appointed by the said illustrious Board of Cabildo by public notice in the Gazette, as a station for carts, or shall ride on his cart, or leave the same unattended in any public place, street, square, highway or avenue, or any wharf or quay within the town of Port of Spain, or the suburbs thereof, every such carter or porter being convicted of any such offence in the manner hereinafter directed, shall forfeit and pay for every such offence such sum, not exceeding 40s., nor less than 10s. currency, as the convicting magistrate shall deem fit.

23. And be it enacted, that if any person shall offer or expose for sale any grass, canetops, corn-trash or other herbage or forage in any public place, square, street, highway or avenue, or any quay or wharf within the town of Port of Spain, or the suburbs thereof, except in such place or places as may from time to time be specified and appointed for such purpose by the said illustrious Board of Cabildo, by notice in the Royal Gazette, every person being convicted of any such offence in the manner hereinafter directed, shall forfeit and pay for every such offence such sum, not exceeding 40s. nor less than 5s. currency, as to the convicting magistrate shall seem fit.

24. And be it enacted, that if any person shall place or leave, or cause to be placed or left, any lumber, bricks or stones, or any bale, package, puncheon, barrel or cask, or any box or basket, tray or other impediment whatsoever, in any public place, square, street, highway or avenue, or upon any wharf or quay within the town of Port of Spain, or the suburbs thereof, except within the space of 20 feet from the outward edge of such wharf or quay, or within such space, for any time exceeding 60 hours from the time of the same being first placed there; or if any person shall expose or leave, or shall wash or clean any carriage, cart or gig in any public place, square, street, highway or avenue, or on any quay or wharf within the town of Port of Spain, or the suburbs thereof, or shall wilfully ride, place or leave any horse or mule in any enclosed public place or square, or on the footway of any public street, place or highway within the town of Port of Spain, or the suburbs thereof, or shall cause any impediment or obstruction, or do any other thing whatsoever, whereby the free passage of any such public place, square, highway or avenue shall or may be impeded or obstructed, every such offender, being convicted thereof, shall forfeit and pay for every such offence such sum, not exceeding 40s. currency, as to the convicting magistrate shall seem fit.

25. And be it enacted, that it shall not be lawful for any person to beat or play any drum, gong, tambour, bangee or chac-chac within the town of Port of Spain, or the suburbs thereof, at any hour on any day earlier than the hour of five and later than the hour of eight in the afternoon; and if any person shall beat or play any drum, gong, tambour, bangee or chac-chac in any house, outhouse, building or yard within the town of Port of Spain, or the suburbs thereof, within any such prohibited hours, it shall and may be lawful for any constable or other police officer, by himself or with such assistants as he may take to his aid, to enter any such house, outhouse, building, yard or other place where any person beating such drum, gong, tambour, bangee or chac-chac may be, or may reasonably be suspected to be, and seize, take and carry away such drum, gong, tambour, bangee or chac-chac, and warn all persons therein collected forthwith to depart; and if any person, being so warned as aforesaid, except the persons actually dwelling there, shall refuse or neglect forthwith to depart, it shall and may be lawful for such constable or other police officer, or any other person or persons whom he may have called to his aid, to apprehend any person so refusing or neglecting to depart; and every person, being convicted of such offence in the manner hereinafter directed, shall forfeit and pay for every such offence such sum, not exceeding 5*l.* currency, as to the convicting magistrate shall seem fit; and such drum, gong, tambour, bangee or chac-chac shall be forfeited to the King's Majesty.

26. And be it enacted, that every occupant of any store, shop or dwelling-house within the said town of Port of Spain, and every owner of any lot or parcel of land within the said town of Port of Spain whereupon there shall not be erected any store, shop or dwelling-house, or where any store, shop or dwelling-house being erected shall not be occupied, shall weed or cause to be weeded and kept free and clean from all loose dirt, filth and other incumbrance; and shall also, before the hour of 10 in the forenoon of each and every Tuesday and Friday in each week, sweep or cause to be swept the whole extent of footway, and the drains, gutters and channels fronting or bounding upon such store, shop or dwelling-house, or such lot or parcel of land, and shall remove and deposit all such loose dirt, filth and other incumbrance on the outer side of such channel, drain or gutter, in order that the same may be from time to time removed by the scavenging carts of the Cabildo of the town of Port of Spain; and every such owner or occupant as aforesaid who shall offend in the premises, shall, on conviction thereof in the manner hereinafter directed, forfeit and pay for every such offence such sum, not exceeding 20*s.* currency, as to the convicting magistrate shall seem fit.

27. And be it enacted, that if any person shall cast or throw any dead animal, filth, rubbish or nauseous or unwholesome substance into any public place, street, highway, square or avenue, or into any drain, gutter or channel thereof, or into any vacant or unoccupied lot other than such as shall be from time to time specified for such purpose by the illustrious Board of Cabildo, by public notice in the Royal Gazette, within the said town of Port of Spain, or the suburbs thereof, such person, being convicted thereof in the manner hereinafter directed, shall forfeit and pay for every such offence such sum, not exceeding 40*s.* currency, as to the convicting magistrate shall seem fit.

28. And be it enacted, that every owner of any lot or parcel of land within the town of Port of Spain shall keep the same enclosed by some good and sufficient fence, and shall be bound to keep such fence in good and sufficient order and repair; and if any lot or parcel

of land shall remain unenclosed with such fence for the space of three months next after the passing of this Ordinance, or if such fence shall at any time hereafter become out of order or repair, it shall and may be lawful for the illustrious Board of Cabildo, on complaint made by the chief of police, forthwith to cause a written notice to be served on the owner of such lot or parcel of land, or his or her attorney, directing such owner forthwith to cause such lot or parcel of land to be sufficiently enclosed, or the wall or fence thereof to be repaired; and in case such lot or parcel of land shall not be well and sufficiently enclosed, or such fence shall not be sufficiently repaired within the space of one month next after the service of such notice, the said Board shall cause the same to be enclosed with a substantial wooden fence, and shall also cause every such fence so found out of repair or insufficient, to be forthwith repaired, and such Board may recover the expense of erecting or repairing such fence in an action of debt in the name of the procurador syndico of the said Board against such owner or owners, or his or their heirs, executors or administrators, in which it shall be sufficient to declare as for money paid by the said Board to the use of such owner or owners; provided always, that if such owner or owners shall not be resident within the said island of Trinidad or its dependencies, and shall also be unrepresented by any attorney therein, it shall be sufficient to cause such notice as is hereinbefore required to be inserted three times in the Royal Gazette.

In default, Cabildo may have the same done, and recover the expense in action of debt.

29. And be it enacted, that if any person shall keep or harbour any hog or pig within the said town of Port of Spain, such person, on being convicted thereof in the manner hereinafter mentioned, shall forfeit and pay for every such offence such sum for each hog or pig so kept or harboured, not exceeding 10*l.* nor less than 10*s.*, as to the convicting magistrate may seem fit; and it shall and may be lawful for any police constable or other person to seize and take any hog or pig found at large in the town of Port of Spain, or the suburbs thereof, and such hog or pig shall belong to and become the property of the person so taking the same.

Persons harbouring pigs in Port of Spain.

Penalty.

Pig found at large may be seized by any person.

30. And be it enacted, that all horses, mares, geldings, asses, mules, oxen and other cattle, sheep and goats found at large straying or grazing, or found tethered in any public place or square, street, highway or avenue; or on any public quay or wharf, or trespassing on any lot of land, garden or messuage within the town of Port of Spain, or the suburbs thereof, shall and may be taken up by any police constable, or the owner or occupier of such lot of land, garden or messuage, or his or her servant, or any person authorized by him or her, and forthwith lodged in the pound within the Royal Gaol.

Animals found at large in public street or trespassing may be taken and pounded.

31. And be it enacted, that every police constable or other person impounding any such animal as aforesaid, shall be entitled to receive from the alcaide of the Royal Gaol for every such animal, at the time of impounding the same, the sum of 10*s.* currency; and unless the owner of any such animal so impounded shall, within three days thereafter, reclaim the same and repay the said sum, together with the expense of feeding the same, to be computed at the rate of 2*s.* currency for each and every day or portion of a day during which such animal shall have remained impounded, it shall and may be lawful for the alcaide of the Royal Gaol to dispose of the same by public auction at the market-house in the town of Port of Spain, at any time between the hours of eight and ten in the forenoon on the Wednesday in each week; and the proceeds of such sale, after deducting such sum and expenses as aforesaid, besides the expenses of sale, shall be paid over on demand by such alcaide to the owner of the animal so sold and disposed of.

Person pounding entitled to fee.

Animals to be sold at the market-house.

32. And whereas the expense of maintaining the police of the town of Port of Spain has been hitherto chiefly defrayed from and out of the funds of the illustrious Board of Cabildo of the said town; and whereas the said Board, by vote of the 28th day of July 1835, resolved that there should be paid from and out of the funds of the said Board the following sums; that is to say, to a justice of the peace for the town of Port of Spain, an annual salary of 800*l.* currency; to a clerk of police, an annual salary of 400*l.*; to the chief of police, an annual salary of 400*l.*; to three serjeants of police, 18*l.* currency each per month; and to 15 police constables, 15*l.* each per month; and that the expenses of keeping up and lighting the Cabildo hall and a police office, and the expense of stationery and other incidental expenses, should be defrayed from and out of the funds of the Board: and whereas it is expedient that the police of the said town should, until some further provisions may be made in that behalf, be appointed, regulated and paid in the manner hereinafter mentioned; be it enacted, that it shall be lawful for his Excellency the Governor, by warrant under his hand and seal of office, to appoint some fit and proper person as justice of the peace for the Port of Spain police district, and also in like manner to appoint some other fit and proper person as chief of police to execute the duties of chief of police within the said district, together with such other duties as shall from time to time be directed by the Lieutenant-governor for the time being for the more effectual administration of the police; and also in like manner to appoint some other fit and proper person to act as clerk of police for the said district; and such Governor for the time being may remove such justice of the peace, chief of police, or clerk of the police, if he shall see occasion so to do, and may, upon any vacancy in either of the said offices by death, removal or otherwise, confirm and appoint some other fit and proper person to the office so vacant in lieu of the person making such vacancy; and a sufficient number of fit and able men, not exceeding 18, shall be from time to time appointed by the Governor as a police force for the town of Port of Spain, and the suburbs thereof, and of such men three shall be named and appointed as serjeants of police; and to the several persons who may be so appointed from time to time by the Governor shall be paid, out of the funds of the illustrious Board of Cabildo, the several salaries and monthly allowances hereinafter mentioned; that is to say, to such justice of the peace, the sum of 800*l.* currency per annum, payable quarterly; to such clerk of police, the sum of

Governor to appoint a justice of the peace for the Port of Spain police district, a chief of police and clerk of police, and policemen.

Salaries to be paid from the funds of the Cabildo.

TRINIDAD.

Orders in Council
and
Colonial Laws.

Appendix, No. 159.

400*l.* currency per annum, payable quarterly; to such chief of police, the sum of 400*l.* currency per annum, payable quarterly, in addition to the sum of 200*l.* sterling per annum, payable and to be paid out of the colonial treasury; to each serjeant of police, a monthly allowance of 18*l.* currency; and to each police constable, a monthly allowance of 15*l.* currency.

33. And be it enacted, that every person to be appointed justice of the peace, or chief of police, or clerk of police by virtue of this Ordinance, shall, before he shall begin to execute the duties of his office, take the following oath before the Lieutenant-governor for the time being; that is to say,

Oath.

I, *B. H.*, do swear, that I will faithfully, impartially and honestly, according to the best of my ability, execute the duties of _____ according to an Ordinance of this island, intituled "An Ordinance for establishing an Effective System of Police within the Town of Port of Spain."

Justice of the peace,
clerk of police, and chief
of police, not to have any
other employment, un-
der penalty of forfeiture
of office,

34. Provided always, and be it enacted, that no person so to be appointed as such justice of the peace, clerk of police, or such chief of police as aforesaid, shall, at the time of his appointment, or at any time during the period he continues to hold such office, exercise or be in any manner engaged or concerned in any mercantile trade or business, or in the management or superintendence of any sugar, cocoa or coffee estate, or in any buying or selling of goods or other trading within the said colony, or in any other calling or employment whatsoever; and if any person shall at the time of his appointment as such justice of the peace or clerk of the peace, or as such chief of police, or at any time when he shall hold any such office, exercise or be in any manner concerned or engaged in any mercantile trade or business, or in the management or superintendence of the cultivation of any sugar, cocoa or coffee estate, or in any buying and selling of goods, or other dealing, or trade within the colony, or in any other calling or employment whatsoever, such person shall forthwith forfeit his office, and shall *de facto* cease to be such justice of the peace, clerk of the peace or chief of police; and shall further forfeit and pay the sum of 200*l.* currency to any person who will sue for the same, to be recovered by action in the Court of First Instance of civil jurisdiction; and some other fit and proper person shall forthwith be appointed to succeed to the office as forfeited; provided always, that all acts done by such justice of the peace, clerk of police or chief of police, after any such avoidance or forfeiture as aforesaid of such his office, and before the same shall by public notice in the Royal Gazette have been declared void, shall be as valid and effectual in the law as if no such forfeiture or avoidance had taken place.

and fine.

Limits of Port of Spain
police district.

35. And be it enacted, that the town of Port of Spain and the suburbs thereof, within the following limits; that is to say, on the north, a line drawn from east to west from the bed of the River St. Ann's, at the north side of the Circular Road, until it meets the turn to Maraval; on the west, a line drawn from the turn to Maraval and running south upon the west side of the Tragarete cross road, and thence over the land of the Woodbrook Estate to the sea; on the south, the sea; and on the east, a line drawn from the spring at Madame Monereau's to the east end of the causeway over the River St. Ann's near Orange Grove Barracks, and from thence over the bed of the River St. Ann's northward until it meets the eastern point of the northern boundary above described, shall be constituted for the purposes of this Ordinance into one district, to be called "The Port of Spain Police District," and the men of the police force to be appointed as aforesaid shall be sworn in before such chief of police to act as constables for preventing and detecting robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall not only within the said district, but also within any part of the said island and its dependencies, have all such powers, authorities, privileges and advantages, and be liable to such duties and responsibilities as by virtue of the law of England are incident to the office of constable within his constablewick, and shall obey all such lawful commands as they may from time to time receive from any such chief of police for conducting themselves in the execution of their duties; provided always, that no such constable as aforesaid shall be compelled to execute the duties of his office beyond the said police district, unless on the order of his Excellency the Governor, His Majesty's Attorney-general, or the chief of police.

Governor may frame
rules for the government
of policemen.

36. And be it enacted, that the Governor for the time being may from time to time frame such orders and regulations as he shall deem expedient relative to the general government of the men to be appointed members of the police force under this Ordinance; the classification, rank and particular service of the several members; their distribution and inspection; the description of arms, accoutrements and other necessaries to be furnished to them; and all such other orders and regulations relative to the said police force as such Governor for the time being shall from time to time deem expedient for preventing neglect or abuse; and for rendering such force efficient in the discharge of all its duties, and in the event of any incapacity, disobedience, insobriety or other misconduct on the part of any man belonging to such police force, such chief of police shall report the same to the Governor for the time being; and such Governor may, whenever he shall see fit, suspend or dismiss any man belonging to such police force from his employment; and when any such man shall be so suspended or dismissed, or otherwise cease to belong to the said police force, all powers vested in him as a constable by virtue of this Ordinance shall immediately cease and determine.

Police office to be estab-
lished in Port of Spain.

37. And be it enacted, that a police office shall be established within the said town of Port of Spain as a station for such police force, having suitable and convenient room and suitably furnished for the use and occupation of the chief of police whilst on duty, and the serjeant

serjeant of police during his attendance in the night-time; and such police office shall be lighted up during the night-time; and in some part of such police office, or attached thereto, shall be some strong and convenient room for the temporary confinement of offenders detained for examination.

Appendix, No. 159.

38. And be it enacted, that it shall be the duty of such chief of police to act as general conservator of the peace within the said Port of Spain police district; to apprehend, or by warrant under his hand cause to be apprehended, all persons guilty, or whom such chief of police may have reasonable cause to suspect of being guilty of any crime or offence, and all persons actually committing, or whom such chief of police may have reasonable cause to suspect of intending to commit, any breach of the peace; and also to enforce the performance and observance of all laws, rules and regulations relating to matters of police within the said Port of Spain police district; and in case of any breach or neglect of any such law, rule or regulation, to inform against and prosecute any person guilty of any such breach or neglect.

Duties of chief of police.

39. And be it enacted, that if such chief of police shall, from information on oath, have reasonable cause to suspect that any person has sent or carried any challenge to any other person with an intent to provoke such person to commit a breach of the peace, or that any person is about or intends to commit any breach of the peace, it shall and may be lawful for such chief of police to apprehend, or by warrant under his hand, directed to any police constable, to cause to be apprehended every such person sending or carrying any such challenge, or intending to commit, or whom he shall have reasonable cause to suspect of intending to commit any such breach of the peace, and if he shall see fit, it shall be lawful for such chief of police to compel every such person so apprehended to enter into his recognizance, with one or more sufficient surety or sureties, to appear at the next sitting of the court for the trial of criminal prosecutions, and in the meantime to be of good conduct, and to keep the peace towards all His Majesty's subjects within the island of Trinidad; and if any person so apprehended shall refuse to enter into such recognizance, with such surety or sureties as aforesaid, it shall and may be lawful for such chief of police by warrant under his hand to commit such person to the Royal Gaol, there to remain until the next sitting of the court for the trial of criminal prosecutions.

Chief of police may bind over persons intending to commit any breach of the peace to appear before the court for the trial of criminal prosecutions.

40. And be it further enacted, that if on information given on oath it shall appear to any magistrate for the town of Port of Spain that there are reasonable grounds for suspecting that any articles, having been stolen or unlawfully procured, are concealed or otherwise lodged in any dwelling-house, warehouse, outhouse, store, yard, garden or any other place, it shall be lawful for such magistrate by warrant under his hand, directed to any police constable or other person within his jurisdiction authorized by law to execute criminal warrants, to cause every such place to be searched at any time of the day or by night, if power for that purpose be especially given in and by such warrant; and such magistrate, if it shall appear to him necessary, may moreover empower such police constable or other person as aforesaid, with such assistance as to such magistrate may appear, or by such police constable or other person as aforesaid may be found necessary (such police constable or other person as aforesaid having first made known such his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise; and if upon search thereupon made any such suspected article shall be found, then to convey the same away, or to guard the same on the spot, or otherwise dispose of the same in some place of safety, subject to the orders of a magistrate in manner abovementioned, and moreover to apprehend and convey before such magistrate the person or persons in whose house, lodging or other place the same shall so have been found, and also every person found in such house, lodging or place who shall appear to have been privy to the depositing such article in such place, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained. And if such persons respectively shall not immediately, or within some reasonable time, to be assigned by such magistrate, make it appear to the satisfaction of such magistrate by what lawful means such article or articles came to be deposited or situated in such place as aforesaid, without any default on the part of such persons respectively, then and in such case the person or persons in whose house, lodging or other place any such suspected article was found, and also every other person so appearing to have been privy to the depositing thereof, knowing or having cause to suspect the same to have been stolen or otherwise unlawfully obtained, shall be deemed and adjudged guilty of a misdemeanor, and shall at the discretion of the convicting magistrate either forfeit or pay any sum not exceeding 20*l.* currency, or suffer imprisonment in the Royal Gaol for any term not exceeding two calendar months.

Persons refusing to become bound may be committed to gaol.

Power to search premises where stolen goods may be suspected to be, and bring all persons before a magistrate.

Persons not accounting for such goods, and all parties privy to the depositing of the same, may be fined or imprisoned.

41. Provided always, and be it further enacted, that if any person, on being so produced before any such magistrate to give an account of any articles seized in any of the cases aforesaid, shall declare himself or herself to have bought, received or otherwise obtained such articles of some other person, such magistrate is hereby authorized and required to summon before him and to examine every such other person, and also every other prior or pretended purchaser. And if upon the whole evidence it shall appear to such magistrate that the party suspected, or the party upon whom such articles were found, or the person so produced, or such prior purchaser or pretended purchaser, at the time of his or her receiving such articles into his or her possession, did believe, or had reasonable cause to believe, that such articles, or any part thereof, were at any time and by any person unlawfully come by or obtained, it shall be lawful for such magistrate to adjudge such party to be guilty of a misdemeanor, and the person so convicted shall suffer any such punishment as is hereinabove last mentioned.

Power to examine any prior purchaser.

Such prior purchaser, if convicted, to be punished as above.

42. And be it enacted, that when any articles shall be seized by virtue of this Ordinance, and the person in whose possession the same shall have been found shall have known or had

Articles seized to be advertised.

cause

TRINIDAD.

Orders in Council
and
Colonial Laws.

Appendix, No. 159.

Duties of policemen.

Policemen may detain
person carrying any
package suspected to
contain stolen goods.

Persons apprehended
shall be forthwith taken
before the sitting mag-
istrate, or in his ab-
sence to the chief of po-
lice or serjeant of police.

A serjeant of police to
be in attendance at po-
lice office during the
night.

Chief of police or ser-
jeant of police may take
bail by recognizance
from person brought
into his custody.

Proceeding on such
recognizance if forfeited.

Magistrate may dis-
charge the recognizance.

cause to suspect the same to have been stolen or otherwise unlawfully obtained, and shall have been therefore convicted of a misdemeanor in respect thereof, it shall be lawful for the magistrate before whom the conviction shall take place, to cause such articles to be advertised in the Royal Gazette, to the end that persons having a right thereto may claim and receive the same within 30 days from the date of such advertisement; and if no person shall prove his property and right to the said articles within the said term of 30 days, then and in such case such articles shall be disposed of at public auction to the highest bidder, and the proceeds thereof paid over to the colonial treasurer for the use of the colony.

43. And be it enacted, that it shall be the duty of the men belonging to such police force to keep watch and ward, to patrol, visit and inspect at such hours during the day and night, and in such rotation as such chief of police may direct, the precincts, streets, lanes, wharfs, purlieus and outskirts within such police district; and it shall be lawful for any man belonging to such police force during the time of his being on duty to apprehend all persons hereinbefore declared punishable as idle and disorderly persons, or rogues and vagabonds, or incorrigible rogues, and loose, idle or disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil design, and all persons whom he shall find between the hours of sunset and sunrise lying in any highway, yard or other place, or loitering therein, or on or about the harbour or wharfs of the town of Port of Spain and the suburbs thereof, and not giving a satisfactory account of themselves; all persons furiously, carelessly or negligently riding or driving any horse or other cattle, or cruelly or furiously goading, hunting, pelting or setting any dog at any ox, bull, heifer, cow, steer or other cattle in the said town of Port of Spain, or the suburbs thereof; all carters found riding on their carts; all persons discharging or firing any gun, pistol or other fire-arms, or firing or letting off any squib, rocket or other firework, or flying any kite, or playing at bat and ball or other game; all persons found masked (except where any public license to such effect shall have been first given), and all persons committing any nuisance or other offence, for which the party found committing the same may be liable to be apprehended under this Ordinance, in any public square or place, street, highway or avenue, or on any wharf or quay within the said town of Port of Spain, or the suburbs thereof.

44. And be it enacted, that it shall be lawful for any man belonging to such police force to apprehend and detain any person carrying or conveying along any public square or place, street, highway, quay or avenue, any box, parcel, basket or other package which such policeman may have reasonable cause to suspect of containing any goods stolen or unlawfully procured, and to examine any such box, parcel, basket or other package as aforesaid.

45. And be it enacted, that every person who shall be so apprehended under or by virtue of this Ordinance, shall be forthwith taken before the sitting magistrate of the town of Port of Spain, and in case no such magistrate shall be then sitting, then and in such case the person so apprehended shall be delivered into the custody of the chief of police, or of some serjeant of police, to be dealt with in the manner hereinafter directed.

46. And be it enacted, that one of the serjeants of police to be appointed under this Ordinance shall be in attendance at the police office during all hours of the night, and that where any person charged with any petty misdemeanor or offence shall be brought, without the warrant of a magistrate, into the custody of the chief of police, or any serjeant of police, during his attendance in the night-time at the police office, it shall be lawful for such chief of police or such serjeant of police to cause such person to be safely secured until the next sitting of a magistrate for the town of Port of Spain, and thereupon to cause such person to be brought before such magistrate to be dealt with according to law; or such chief of police, or such serjeant of police, into whose custody any person so charged may be delivered, may take bail by recognizance without fee or reward from such person, conditioned that such person shall appear for examination before a magistrate at some place to be specified in the recognizance, at the hour of ten in the forenoon of the day next ensuing after the taking of such recognizance, unless such day shall be Christmas Day, Good Friday or Corpus Christi Day, and in that case on the like hour on the succeeding day; and every recognizance so taken shall be of equal obligation on the parties entering into the same as if the same had been executed before a justice of the peace; and such chief of police, or serjeant of police, shall enter in a book to be kept for that purpose at such police office the names, residence and occupation of the party and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such magistrate as shall be present at the time and place, when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the magistrate shall cause a record of the recognizance to be drawn up, to be signed by the chief of police or serjeant of police, whichever of the two shall have taken such recognizance, and shall return the same to the next sessions of the court for the trial of criminal prosecutions, with a certificate at the back thereof, signed by such magistrate, that the party has not complied with the obligation therein contained, and thereupon such court shall declare such recognizance to be forfeited, and such court may, if it shall see fit, order execution to be issued for the whole sum mentioned in such recognizance, or such part thereof as the court shall think proper, against the real and personal property, and in default thereof, against the bodies of the parties bound by such recognizance; provided always, that if the party not appearing shall apply by any person on his behalf to postpone the hearing of the charge against him, the magistrate, if he shall think fit to consent thereto, shall be at liberty to enlarge the recognizance to such future time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by committing the party for trial, or binding such party over to answer the matter thereof before the court for the trial of criminal prosecutions,

tions, the recognizance for the appearance of the party before a magistrate shall be discharged without fee or reward.

47. And for the more speedy administration of justice in all cases of petty misdemeanors and offences, be it enacted, that it shall be lawful for the Governor for the time being, by commission under his hand and seal of office, from time to time to nominate such persons as he may think fit to act as magistrates for the purpose of this Ordinance; and the persons so appointed, and the alcaldes in ordinary for the time being, and such justice of the peace as aforesaid, shall be magistrates within the intent and meaning of this Ordinance, and shall have power to hear and determine all offences under this Ordinance, and all cases of petty theft and other offences and misdemeanors which now are or may be hereafter declared or made punishable on summary conviction, where the offence shall have been committed within the Port of Spain police district, and for such purpose such justice of the peace, and one other such magistrate in rotation, shall diligently attend at such place in the town of Port of Spain as may be from time to time appointed by the Governor for such purpose, and the hours of attendance shall be from the hour of ten in the forenoon until the hour of four in the afternoon of each day; provided always, that no such attendance shall be given on Sunday, Christmas Day, Good Friday or Corpus Christi Day, or on any day appointed for a public fast or thanksgiving, unless in cases of urgent necessity, or when it shall be directed by such Governor.

Governor to name magistrates for the purposes of this Ordinance.

Such persons, the alcaldes in ordinary and the justice of the peace, to hear all petty offences, and to sit daily.

48. And be it enacted, that the clerk of police shall attend all sittings of such magistrates; shall take correct notes in writing of the evidence which may be given on the trial of any offence before any such magistrate; make out all summonses, warrants, convictions and commitments, and file and preserve all documents relating to any such offence; and shall keep a register, in a proper book to be provided for that purpose, of all complaints and offences which may be tried or inquired into before any such magistrate, distinguishing the nature of the offence charged, the names and residences of the parties by whom and against whom such offence may be charged, and also the mode in which every such case respectively shall have been determined or otherwise disposed of; and shall also, in another book to be provided for that purpose, keep a full, true and particular account of all penalties and forfeitures which shall have been recovered or received in pursuance of any adjudication, conviction or order had or made by any such magistrate; to which books the colonial treasurer and the attorney-general shall at all times have access.

Duty of clerk of police.

49. And with regard to the application of all penalties under this Ordinance, be it enacted, that every sum which shall be imposed as a penalty shall be paid one moiety to the colonial treasurer for the use of the colony, and the other moiety to the informer, unless such informer shall have been examined in support of such charge, in which case the whole of such sum shall be paid to such colonial treasurer for the use of the colony.

Application of penalties.

50. And be it further enacted, that such justice of the peace shall, on the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December in each and every year, make out and deliver to the Governor for the time being a return in writing, to be signed by such justice of the peace, containing a correct statement of all convictions during the three months next preceding such return by which any penalty or forfeiture, or any share or portion thereof, shall have been adjudged and made payable to the colonial treasurer, distinguishing such penalties as shall have been recovered from those which shall remain unpaid, and shall, at the time of making such return, pay over all such penalties and forfeitures, and all such shares or portions of penalties and forfeitures, as may have been so recovered to the colonial treasurer for the uses of the colony.

Justice of the peace once in every quarter to make a return of all penalties and forfeitures, and to pay over so much as may have been recovered to the colonial treasurer.

51. And be it enacted, that where any person shall be charged, on the oath of a credible witness, before any such magistrate, with any offence now punishable, or that may hereafter be declared or made punishable on summary conviction, before such magistrate, such magistrate may summon the person charged to appear before him or any other such magistrate at a time and place to be named in such summons, and if he shall not appear accordingly, then upon proof of the due service of the summons upon such person, by delivering the same to him or her, or leaving the same at his or her usual place of abode, the magistrate may issue his warrant for apprehending and bringing such person before him, or any other such magistrate, or the magistrate before whom the charge shall be made may, if he shall so think fit, issue such warrant in the first instance, without any previous summons.

Magistrate may summon offender, and in default of appearance may issue his warrant for apprehending him, or may issue such warrant in the first instance.

52. Provided always, and be it enacted, that the prosecution for every offence now punishable, or herein declared or made punishable on summary conviction by any such magistrate, shall be commenced within three calendar months after the commission of the offence, and not otherwise.

Limitation of prosecutions.

53. Provided also, and be it enacted, that if upon inquiry it shall appear to any such magistrate that such offence is from its nature deserving of prosecution before the court for the trial of criminal prosecutions, such magistrate shall abstain from any adjudication thereon, and proceed in the same manner as he would have done if this Ordinance had not been made.

Magistrate may, in case of serious offence, abstain from any adjudication.

54. And be it enacted, that in every case of a summary conviction by any such magistrate, where the sum which shall be forfeited, or which shall be imposed as a penalty by such magistrate shall not be paid either immediately after the conviction, or within such period as the magistrate shall at the time of the conviction appoint, it shall be lawful for the convicting magistrate, unless where otherwise specially directed, to commit the offender to the Royal Gaol, there to be imprisoned for any term not exceeding one calendar month, where the amount of the sum forfeited, or of the penalty imposed, or of both, as the case may be, together with the costs, if ordered, shall not exceed 10 *l.*; and for any term not exceeding two calendar months where the amount, with costs, shall not exceed 20 *l.*; and for any term

If penalty not paid, party to be imprisoned.

Scale of imprisonment.

TRINIDAD.

In case of a first conviction, magistrate may discharge the offender.

not exceeding three calendar months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

55. Provided always, and be it enacted, that where any person shall be summarily convicted before any magistrate of any offence hereinbefore declared or made punishable, or that may hereafter be declared or made punishable on summary conviction, it shall be lawful for such magistrate, if he shall think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the magistrate.

56. And be it enacted, that the magistrate before whom any person shall be convicted of any offence hereinbefore declared or made punishable, or that may hereafter be declared or made punishable on summary conviction, may cause the conviction to be drawn up in the following form of words, or any other form of words to the same effect, as the case shall require :

Form of conviction.

Trinidad. Be it remembered, that on the _____ day of _____ in the year of our Lord 18____, at Port of Spain in the island of Trinidad, *A. O.* is convicted before me *H. S.* alcalde in ordinary [or as the case may be] on the evidence of *E. F.* [or *E. F.* and *G. H.*] a credible witness [or credible witnesses], examined before me on oath in the presence of the said *A. O.* [or, in the absence of the said *A. O.*, the said *A. O.* having failed to appear, although duly summoned so to do] for that he the said *A. O.* did [specify the offence, and the time and place when and where the same was committed, as the case may be]; and I, the said _____ adjudge the said *A. O.* for his said offence to forfeit and pay the sum of [here state the amount of the fine imposed], and in default of immediate payment of the said sum, to be imprisoned in the Royal Gaol for the space of _____ unless the said sum shall be sooner paid [or, and I direct that the said sum shall be paid by the said *A. O.* on or before the _____ day of _____]; and I direct that the said sum shall be paid, one moiety thereof to the said *G. H.* of _____ and one moiety to the colonial treasurer for the use of the colony, (or, that the whole of the said sum be paid to the colonial treasurer for the use of the colony).

Given under my hand the day and year first above mentioned.

Appeal to the Court of First Instance of civil jurisdiction.

57. And be it enacted, that in all cases where the sum adjudged to be paid on any summary conviction before any magistrate shall exceed 10*l.* currency, or the imprisonment adjudged shall exceed one calendar month, any person who shall think himself aggrieved by any such conviction, may appeal to the Court of First Instance of civil jurisdiction, provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at least before the sitting of such court, and shall also either remain in custody until the sitting of such court, or enter into a recognizance, with two sufficient sureties, before any magistrate conditioned personally to appear before the said court, and to try such appeal and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizance being entered into, the magistrate before whom the same shall be entered into shall liberate such person if in custody, and the court shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs, to either party, as to the court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

Party appealing to enter into recognizance.

If appeal dismissed, court to carry conviction into execution.

No conviction to be set aside for want of form.

58. And be it enacted, that no such conviction shall be quashed or set aside for want of form, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Conviction to be transmitted to Court of First Instance.

59. And be it enacted, that every magistrate before whom any person shall be convicted of any offence now punishable, or that may hereafter be declared or made punishable on summary conviction, shall transmit the conviction to the Court of First Instance of civil jurisdiction, there to be kept by the proper officer among the records of the court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

Limitation of actions.

60. And for the protection of persons acting in the execution of this Ordinance; be it enacted, that all actions to be commenced against any person for anything done in pursuance of this Ordinance shall be laid and tried in the Court of First Instance of civil jurisdiction, and shall be commenced within three calendar months after the fact committed, and not otherwise; and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Ordinance and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant, or if the defendant shall prove in any case where any such action shall have been brought after the conviction shall have been set aside on appeal, that the plaintiff was guilty of the offence wherewith he was charged, and has suffered no greater or other punishment than by law he was liable to undergo for the same, and if the plaintiff shall withdraw or discontinue any such action after contestation,

Tender of amends.

or if such action shall be dismissed, or judgment shall be otherwise given against the plaintiff, the defendant shall recover triple costs, and have the like remedy for the same as any defendant hath by law in other cases, and though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judges of the said court shall expressly so direct.

TRINIDAD.

Costs.

Costs.

61. And be it enacted and declared, that the words "Port of Spain," wherever the same are used in this Ordinance, without being followed by the words "or the suburbs thereof," shall, within the intent and meaning, and for the purposes of this Ordinance, be taken to include and describe so much of the said town as lies within the following limits; that is to say, on the north, a line drawn from the lands of John Miller, esq., along the northern side of Barrack-street to Orange Grove barracks, and the western bank of the River St. Ann's; on the south, the sea; on the east, the western bank of the River St. Ann's, from the sea to Orange Grove barracks; and on the west, the sea, including Corbeau Town, along the boundary of the Ariapita pasture to the western side of Richmond-street, and in a direct line to the western point of the northern boundary as aforesaid.

Words "Port of Spain," when used alone, to include certain parts of the town.

62. And be it enacted, that within the meaning, and for the purposes of this Ordinance, every person who, for the time being, shall be in the lawful administration of the government of the said island, shall be taken to be Governor thereof.

Term Governor, whom to include.

63. And be it enacted, that this Ordinance shall take effect on the expiration of one calendar month from and after the promulgation thereof, and shall continue in force until the 1st day of January 1837, and no longer.

Ordinance to take effect

Passed in Council this 7th day of September 1835.

Thomas F. Johnston, Clerk of Council.

— (A.) —

Rates of Cartage.

| | s. | d. |
|---|----|-------------|
| From or to the wharfs, to or from any place in a line } with King-street - - - - - } | 1 | 6 currency. |
| Ditto - - - ditto - to Duke-street - - - | 2 | - - |
| Ditto - - - ditto - to the gaol - - - | 2 | 6 - - |

Rates payable to Licensed Porters or Labourers.

| | | |
|--|---|-------------|
| For the day - - - - - | 6 | - currency. |
| For half a day - - - - - | 4 | - - |
| For the hour - - - - - | 1 | 6 - - |
| For every trip or job in the town or suburbs - - - | 1 | 6 - - |

Appendix, No. 160.

(Enclosure in Sir G. F. Hill's Despatch, 23 November 1835. No. 437.)

AN ORDINANCE enacted by the Lieutenant-Governor of Trinidad, by and with the Advice and Consent of the Council of Government thereof, to explain and amend an Ordinance, intituled "An Ordinance for establishing an Effective System of Police within the Town of Port of Spain."—Passed 16th September 1835.

Appendix, No. 160.

[L. S.] G. F. Hill.

WHEREAS by a certain Ordinance passed by his Excellency the Lieutenant-governor and Council of Government, on the 7th of September instant, and intituled "An Ordinance for establishing an effective System of Police within the Town of Port of Spain," it was enacted, by the first clause thereof, that from and after the passing of the said Ordinance certain laws, orders and proclamations of Government, and certain orders and regulations of the illustrious Board of Cabildo should be, as the same were thereby declared to be, repealed: and whereas by the last clause of the said Ordinance it was enacted that the said Ordinance should take effect on the expiration of one calendar month from and after the promulgation thereof: and whereas doubts have arisen whether the said laws, orders, proclamations and regulations do or do not continue in force until one calendar month after the promulgation of the said Ordinance; be it therefore declared and enacted, and it is hereby declared and enacted, by his Excellency the Right honourable Sir George Fitzgerald Hill, bart., colonel of the Londonderry regiment of militia, Lieutenant-governor and Commander-in-chief in and over the said island and its dependencies, Vice-admiral thereof, by and with the advice and consent of the Council of Government thereof, that all the laws, orders, proclamations and regulations mentioned in the first clause of the said Ordinance of the 7th September 1835, shall have the same force and effect of law as they had previous to the passing of the said Ordinance, until one calendar month after the promulgation of the said Ordinance, and no longer.

Passed in Council this 16th day of September 1835.

Thomas F. Johnston, Clerk of Council.

TRINIDAD.

Orders in Council
and
Colonial Laws.

Appendix, No. 161.

Appendix, No. 161.

(Enclosure in Sir G. F. Hill's Despatch, 19 December 1835. No. 441.)

AN ORDINANCE enacted by the Lieutenant-Governor of the Island of Trinidad, by and with the Advice and Consent of the Council of Government thereof, for the Protection and Relief of Persons who have transferred or may hereafter transfer their Claims on the Compensation Fund.—Passed 19 December 1835.

[L. S.] G. F. Hill.

All assignments of compensation-monies shall stand as securities only, to insure to the assignee the repayment of the money advanced, 6 per cent. interest, expenses properly incurred, and commission.

Summary mode for the recovery of the balance by the person entitled thereto.

All proceedings by virtue of this Ordinance to be commenced within 12 months after notice of the receipt of the compensation-money. Power to the judges.

Ordinance not to apply to cases where compensation-money received shall not

WHEREAS many persons in this colony, through ignorance or by fraudulent representations or otherwise, have been induced, for inadequate considerations, to assign over their share and interest in the fund or sum of 20,000,000 *l.*, granted by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the third and fourth years of the reign of His present Majesty, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves;" and whereas all such and the like assignments are opposed to public policy, and to the spirit and true intent of the said Act of Parliament; be it therefore and it is hereby enacted and ordained by his Excellency the Right honourable Sir George Fitzgerald Hill, bart., colonel of the Londonderry regiment of militia, Lieutenant-governor and Commander-in-chief in and over the said island and its dependencies, Vice-admiral thereof, by and with the advice and consent of the Council thereof, that all deeds, assignments, transfers, powers of attorney, contracts or agreements whatsoever, whereby any interest, share or portion of any person whomsoever (of or in the said fund or sum of 20,000,000 *l.*), was or was intended to be, or shall hereafter be, or be intended to be, assigned, conveyed, sold or delivered, shall stand and operate as securities only to insure to the assignees or purchasers of such interest, share or portion, the repayment or receipt of the value of the money or other consideration truly and really paid, advanced, allowed or taken, as and for the consideration for all such deeds, assignments, transfers, powers of attorney, contracts or agreements, together with interest upon such consideration-money, at and after the rate of 6 *l.* for every 100 *l.* by the year; and also all sums of money that may have been actually and *bonâ fide* expended by such assignee or purchaser in prosecuting the claim to such interest, portion or share, and in receiving the money payable in respect thereof, and also a commission of five per cent. on the amount of the compensation-money so transferred, and for no other purpose whatsoever. And every such assignee or purchaser is hereby authorized and required, immediately upon the receipt by him of the compensation-money purchased by or assigned to him, to retain to his own use the principal sum so advanced or paid by him, together with interest, expenses and commission as aforesaid, and to pay over the balance that shall remain, after deducting such principal sum, interest, expenses and commission, to the person or persons who would have been entitled to the compensation-money in case such assignment had not been effected.

2. And be it further enacted, that in every case where a purchaser, having received any such compensation-money, shall not pay over the balance as aforesaid to the person or persons entitled thereto, it shall be lawful for such person or persons to apply to the Court of First Instance of civil jurisdiction, stating his or their complaint, and praying such relief as the nature of the case may require. And it shall be lawful for the judges of the said court, and they are hereby required to hear such application by way of motion in a summary way; to examine, if they shall think necessary, the applicant, the party complained against, their or either of their agents or attorneys in the effecting any such assignment, and all other persons whomsoever, and upon affidavits, or *vivâ voce* or such other evidence as shall be produced upon such hearing, either to adjourn the hearing of or to determine the application, and to make such order therein, and with respect to the costs of such application as to the judges of the said court shall seem just, which order shall be enforced by way of attachment or execution against any party refusing to comply with the same.

3. And be it enacted, that all such applications as are hereinbefore mentioned, and all actions and other proceedings under and by virtue of this Ordinance for the recovery of any such balance or compensation-monies as aforesaid, shall be brought within 12 calendar months after the time when notice in writing of the actual receipt of such compensation-monies shall be given by the party who has received the same, to the party who shall or may be entitled to such balance or compensation-money as aforesaid, and not afterwards.

4. And be it further enacted, that the said judges shall possess and exercise all such powers and authorities, in compelling the attendance of witnesses, in carrying into execution and enforcing obedience to any order, or in any other matter relating to such application, the subject matter of it, or the hearing thereof, as the said Court of First Instance of civil jurisdiction, or the judges thereof, would possess or exercise in any action or suit pending in the said court.

5. Provided always, that nothing in this Ordinance contained shall apply to any case in which the net amount of the compensation-monies actually received under and by virtue of any such transfer, assignment, contract, power of attorney as aforesaid, after deducting all expenses actually paid in the recovery thereof, shall not exceed, by one-fourth, the amount of the consideration-money actually paid, given or allowed by the purchaser or assignee thereof,

thereof, unless such purchaser or assignee shall be proved to have been guilty of some imposition or fraudulent misrepresentation in respect of such transfer.

6. And be it enacted, that this Ordinance shall take effect from and immediately after the promulgation thereof.

Passed in Council this 19th day of December 1835.

Thomas F. Johnston, Clerk of Council.

exceed by one-fourth the consideration-money paid. Ordinance to have immediate effect after promulgation.

ST. LUCIA.

Appendix, No. 162.

(Enclosure in Sir *D. Hill's* Despatch, 5 February 1835. No. 446.)

BY his Excellency Sir *Dudley St. Leger Hill*, K. C. B.—Passed 3 Feb. 1835.

ST. LUCIA.

Appendix, No. 162.

A PROCLAMATION.

WHEREAS by an Order of the King's Most Excellent Majesty, by and with the advice of His Privy Council, bearing date the 2d day of November 1831, it was ordered, *inter alia*, that it should be lawful for the Governor of the colony of St. Lucia and the other colonies therein mentioned respectively, and he was thereby 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 this said colony, at which it has heretofore been customary to hold markets on Sunday, and to determine the hours of the day during which such markets should be holden, and from time to time, as occasion might require, to alter the day or the hours of the day so to be appointed as aforesaid :

And whereas by a proclamation bearing date the 26th day of May 1832, his late excellency Major-general James Alexander Farquharson, Governor of the said island, by the second section thereof proclaimed, ordered, appointed and declared, that Monday in each week should be the weekly market-day in all places within this said colony :

And whereas it is expedient to alter and change the day heretofore appointed as aforesaid for holding the market-day within this said colony, and in lieu thereof to fix and appoint one other day in each week for that purpose, and to determine the hours of the day during which such weekly markets shall be holden;

Now, therefore, I, Sir Dudley St. Leger Hill, knight, Lieutenant-governor and Commander-in-chief in and over the island of St. Lucia and its dependencies, and Vice-admiral thereof, by virtue and in exercise of the powers and authority in me so vested as aforesaid, do hereby proclaim, order, appoint and declare,

That Saturday in each and every week shall be and is hereby declared and appointed to be in future the market-day at all places within the said colony in which it hath heretofore been customary to hold markets on Monday, and such weekly markets on Saturday shall commence at sunrise and shall continue until sunset.

Saturday declared to be in future the market-day instead of Monday.

Given under my hand and the seal of this said island this 3d day of February, in the 5th year of His Majesty's reign, and in the year of our Lord 1835.

By his Excellency's command,

(signed) *H. E. F. Young*,
Acting Colonial Secretary.

Duly proclaimed in the town of Castries this 3d day of February 1835.

(signed) *Henry M'Leod*,
Acting Provost-Marshal.

Appendix, No. 163.

(Enclosure in Lieutenant-Governor Sir *D. Hill's* Despatch, dated 8 July 1835.—No. 447.) Appendix, No. 163.

AN ORDINANCE enacted by the Lieutenant-Governor and Legislative Council for Punishing Persons employing and harbouring Runaway Apprenticed Labourers.—Passed 6 July 1835.

Dudley Hill, Lieutenant-Governor.

WHEREAS it is expedient to repress the prevailing practice of employing and harbouring apprenticed labourers who have deserted from the persons entitled by law to their services, by imposing penalties on all persons guilty of so employing or harbouring.

Be it, and it is hereby enacted, by his Excellency Sir Dudley St. Leger Hill, K. C. B., Lieutenant-governor and Commander-in-chief in and over the island of St Lucia and the dependencies

- ST. LUCIA. dependencies thereof, and Vice-admiral of the same, by and with the advice and consent of the Legislative Council of Government, in exercise of the power and authority in him and them vested by His Majesty in that behalf;
- Orders in Council and Colonial Laws. 1. That if any person shall employ or knowingly and wilfully harbour any apprenticed labourer without having the authority of the person entitled by law to the services of such apprenticed labourer for so doing, such person shall, on conviction before any justice of the peace, be fined 100 livres, one-half of which shall go to and be paid to the informer, and the remaining moiety to the colony. And in default of payment, the person so convicted shall be imprisoned, with or without hard labour, for the space of 20 days, unless the fine be sooner paid; or to whipping, not exceeding 25 stripes, if the offender be a male; provided always, that nothing herein contained shall bar the right of the person or persons entitled by law to the services of any apprenticed labourer so employed or harboured from proceeding against the party so convicted for the recovery of a fair compensation for the lost services of his or her apprenticed labourer; provided always, that the person so claiming compensation shall be bound to produce proof of the denunciation of the desertion to a special magistrate of his or her district.
- Appendix, No. 163. 2. And be it enacted, by the authority aforesaid, that this Ordinance shall take effect and be enforced in this said island of St. Lucia, from and after the day of the promulgation thereof.

Given under my hand and the seal of the said island this 6th day of July, in the 6th year of His Majesty's reign, and in the year of our Lord 1835.

By his Excellency's command,

William Hanly, Colonial Secretary.

Appendix, No. 164.

(Enclosure in Sir *Dudley Hill's* Despatch, 2 September, 1835. No. 456.)

- Appendix, No. 164. AN ORDINANCE enacted by the Lieutenant-Governor and Legislative Council of St. Lucia, for providing more effectually for the General Police of the Town, Suburbs and Harbour of Castries, for constructing and repairing the Wharfs, and consolidating and amending all Laws, Ordinances and Regulations relating to the subject of this present Ordinance.—Passed 24 August 1835.

WHEREAS it is expedient and necessary to provide for the more effectual measures for maintaining the general police and good order of the town, suburbs and harbour of Castries, for constructing and repairing the public wharfs, abating certain nuisances, regulating the public markets at Castries, fixing standard and weights throughout the limits of the said island, appointing certain persons to act as townwardens for the purposes of the said Ordinance, appointing policemen and constables, defining their respective duties, and finally for consolidating and amending all laws, ordinances and regulations relating to the subject of this present Ordinance;

Now, therefore, be it enacted and ordained by his Excellency Sir *Dudley St. Leger Hill*, knight, Lieutenant-governor and Commander-in-chief in and over the island of St. Lucia, and the dependencies thereof, and Vice-admiral of the same, by and with the advice and consent of the Legislative Council of Government of this said island, in exercise of the powers and authority in him and them vested by His Majesty in that behalf;

1. That a Regulation, bearing date the 21st day of October 1814, "relating to the Slaughter-houses in the Town of Castries;" also an Ordinance, bearing date the 23d January 1818, "relating to Rewards to Persons for discovering and informing against Incendiaries in the Town of Castries;" and also an Ordinance, bearing date the 26th January 1818, "for providing Fire-engines for the Town of Castries;" and also another Ordinance, bearing date the 26th January 1818, "providing more effectual Measures in case of Fire occurring in the Town of Castries;" and also another Ordinance, bearing date the 26th March 1826, "concerning Grants of Land and Water Lots in the Town of Castries;" and also an Order of Government, bearing date the 20th March 1826, intituled "An Order of Government for establishing Fire-engines;" and also an Ordinance, bearing date the 14th August 1826, intituled "an Ordinance concerning the Pavements in the Town of Castries;" and also a Proclamation by the late General *Farquharson*, bearing date the 15th March 1830, "providing for the better Fulfilment of the Terms on which certain Water Lots had been granted in the Town of Castries;" and also an Ordinance, bearing date the 15th March 1830, by the late Governor *Farquharson*, "for the better filling up of certain Water Lots in the Town of Castries;" and also an Ordinance, bearing date the 25th of November 1833, intituled "An Ordinance for preventing Nuisances arising from Horses and other Animals within the Town and Villages of this Island;" and also two Orders of Government, bearing date respectively the 13th October 1830 and 28th January 1831, "regulating the Police Guard of the said Island," shall also be and the same are hereby repealed, save and except in so far as they may have repealed any prior laws, ordinances, enactments or regulations.

2. That the town police shall consist of a superintendent and four privates, to be appointed by the Lieutenant-governor during pleasure; and that each man shall be provided at the public

public expense with a uniform dress of a pattern to be determined by the Lieutenant-governor or officer administering the government for the time being, consisting of a cloth jacket for dress, two duck trousers, two duck jackets, two pair of shoes, and one glazed hat, to be furnished annually.

3. And be it enacted, by the authority aforesaid, that it shall be the duty of the said police to carry into prompt execution, within the quarter of Castries, all orders and commands which they shall respectively receive from the provost-marshal, or from any magistrate, for the apprehension of criminals, the prevention of crimes, maintaining the public peace, and enforcing obedience to the laws.

4. And be it enacted, by the authority aforesaid, that in all cases in which any policeman shall be guilty of any disobedience of any lawful command, or other improper conduct in the execution of his duties, or breach of duty, it shall be lawful for any justice of the peace by whom such policeman shall be convicted of any such offence, to condemn him to pay a fine not exceeding six days' pay, or to imprisonment not exceeding two days, or to both fine and imprisonment.

5. And be it enacted, by the authority aforesaid, that it shall be the duty of the superintendent of police so to distribute the police force as shall best secure the property of the inhabitants and the public tranquillity, and that he shall require a daily verbal report from each policeman of the transactions of the preceding 24 hours; and on these verbal reports the superintendent shall form a written report, which he shall transmit daily to the colonial secretary's office; and the superintendent shall keep a copy of such reports, and likewise an order-book, in which shall be inserted all orders he may receive from his Excellency the Governor.

6. And be it enacted, by the authority aforesaid, that the police as conservator of the public peace, shall be bound and are hereby authorized to arrest and convey to the gaol of Castries, or to the lock-up house, all idle and disorderly persons found wandering about the streets after nine o'clock at night, and all sailors whom they shall find on shore after eight o'clock at night shall be by them warned to return to their respective ships, and if any such person shall neglect or refuse so to do after nine o'clock, the police are hereby ordered to arrest and convey to the gaol of Castries, or to the lock-up house, all sailors offending against these regulations, to be dealt with according to law, save and except any sailors who may be in charge of boats in waiting to return to the ships.

7. And be it enacted, by the authority aforesaid, that it shall be the duty of the said police to watch over the conduct of the persons frequenting the grog-shops in the town of Castries, to prevent all quarrelling and disorder in these places of public resort, to enforce the regulations for closing these houses at nine o'clock at night, to prevent the beating of negro drums within the town of Castries, to watch for and prevent all street gambling, and arrest the parties so offending, and to bring all such persons before a justice of the peace, to prevent servants or other persons from galloping horses in the streets, to prevent persons indecently exposing themselves within the precincts of the town, to prevent the exposure of chamber-utensils in the streets between the hours of seven o'clock in the morning and eight in the evening, to prevent all persons casting ordure or rubbish in any other place or places except such places as shall be pointed out by the townwardens who are hereinafter appointed, and to arrest all persons so offending, and convey them forthwith before a magistrate or justice of the peace to be dealt with according to law in the day-time, and to the lock-up house if at night.

8. And be it enacted, by the authority aforesaid, that if any person be convicted of doing or committing any of the acts enumerated in the preceding section, shall on conviction be fined not exceeding 20 livres, or in default of payment to imprisonment, with or without hard labour, not exceeding eight days; or if male under the age of 16 years, to whipping, not exceeding 21 stripes.

9. And be it enacted, by the authority aforesaid, that the police are authorized and they are hereby ordered to arrest all horses, cattle, mules or other animals which shall be tethered or shall be loose in the streets or public squares of the town, and to prevent the exposure of any clothing, blankets or bedding in the streets; and the owner of all such horses, cattle, mules or other animals so impounded shall pay a fine of 10 livres, one-half to be paid to the use of the policeman arresting, and the other half to be applied as all other fines levied by virtue of this Ordinance as hereinafter directed to be applied; and all swine found loose in the streets shall be killed, and the meat confiscated for the use of the prisoners in the gaol.

10. And be it enacted, by the authority aforesaid, that the public wharfs at present existing shall be carefully maintained, and that the line shall be extended along the whole seaboard of the town as soon as the funds (levied for the special purpose) permit; and these wharfs shall henceforth be under the special superintendence of the townwardens hereinafter provided; and the said townwardens, having first obtained permission from the Lieutenant-governor or officer administering the government, are hereby authorized and empowered to call for the services of the chain and penal-gang for sweeping and cleaning these wharfs so often as they may judge necessary, by a written requisition to the gaoler 24 hours before their services are required.

11. And be it enacted, by the authority aforesaid, that the townwardens shall be charged with the superintendence of the square or public, and of all public places in the town, and shall have the chain and penal-gang in like manner at their disposal for cleaning and weeding these places.

12. And be it enacted, by the authority aforesaid, that the portion of road called the Chausseu, which is maintained at the charge of the town, shall be under the superintendence

ST. LUCIA.

 Orders in Council
and
Colonial Laws.

 Appendix, No. 164.

ST. LUCIA.

Orders in Council
and
Colonial Laws.

Appendix, No. 164.

ence of the townwardens, and the chain and penal-gang shall be in like manner at their disposal for executing the necessary repairs of this road.

13. And be it enacted, by the authority aforesaid, that the part of the road to Government-house, where it leaves the line of the garrison-road, shall be under the charge of the townwardens, and shall be kept in repair in the same manner by the same means as the other road heretofore at the charge of the town.

14. And be it enacted, by the authority aforesaid, that when any vessel shall arrive in the port of Castries with ballast on board which it may be necessary to discharge, it shall be the duty of the harbour-master and he is hereby ordered to give notice in his daily harbour-report of the nature and quality of such ballast, and if such ballast be for sale, the townwardens on all occasions shall have the preference over any private purchasers, on tendering the value offered by such private purchasers; and if any master of a vessel shall contravene these regulations, he shall, on conviction before any justice of the peace, be fined 100 livres, and in default of payment to imprisonment for five days.

15. And be it enacted, by the authority aforesaid, that if any ballast of any kind be thrown from any vessel into the harbour of Castries, the master of the vessel from which such ballast shall be cast shall, on conviction before any two or more justices of the peace, be condemned to pay a fine of 500 livres, and to imprisonment until such fine be paid, and for the information of all persons concerned the above regulations shall be inserted in the harbour regulations.

16. And be it enacted, by the authority aforesaid, that every occupier of the ground-floor of any house, store or lot, or the proprietor of any unoccupied house or lot in the town of Castries, shall be bound every Saturday to have swept and removed the rubbish from that portion of the street which is opposite their premises, and to have all filth and rubbish removed from the kennels which may impede the free course of the water; and if any occupier or proprietor as aforesaid shall neglect or refuse so to do, he shall, on conviction before any justice of the peace, be fined five livres.

17. And be it enacted, by the authority aforesaid, that every occupier or proprietor as aforesaid of every house, store or lot in the town of Castries shall be bound to have the grass removed from the pavement of that portion of the street which is opposite to his, her or their premises so often as he or she shall receive notice to that effect from the townwardens, or either of them, which notice may be given in writing by a policeman or by beat of drum; and if any person to whom such notice shall have been given shall neglect so to do within the next six days, to remove all such grass from before his or her premises, he or she shall, on conviction before any justice of the peace, be fined 10 sous for every square yard not so cleaned; provided always, that no person or persons shall be called upon to take up or remove the grass before his, her or their premises more than once in every two months.

18. And be it enacted, by the authority aforesaid, that every proprietor of land in the town of Castries shall be bound to repair the present pavements, or to lay down a pavement where none exists, whenever he or she shall receive notice in writing to that effect from the townwardens; and if any proprietors on whom such notice has been served shall neglect or refuse, within three months, to conform to such notice, it shall and may be lawful for the townwardens, by public notice, to contract for the performance of the work required, either for laying down or repairing the pavement, as the case may be; and the expense so incurred by the townwardens shall be levied on the proprietor of the lot, in the same manner and by the same means as the colonial taxes are levied.

19. And be it enacted, by the authority aforesaid, that if, two months after the promulgation of this Ordinance, any vacant lots in the town of Castries shall remain uninclosed, the owner of such lot shall, on conviction before any justice of the peace, be fined 50 livres, and the proprietor shall be subject, on conviction, to the same fine for every succeeding two months such lots shall remain uninclosed; provided always, that if the proprietor of any vacant lot is unknown, or being absent is not represented, it shall and may be lawful for the Governor to direct the provost-marshal to enter into the possession of the same; and if, after public notice shall have been given in the Gazette of this island during six months, no person shall appear to claim, the provost-marshal shall and he is hereby authorized to expose the same to public sale; and the proceeds of such sale shall be deposited in the colonial chest, to abide any future claim on the part of the unknown or absent proprietor.

20. And be it enacted, by the authority aforesaid, that if any house or building in the town of Castries be in a dilapidated state, endangering His Majesty's subjects or their properties, it shall and may be lawful for the townwardens to give notice in writing to the proprietor of such building to demolish or commence the repairs of the same within the delay of 20 days; and if the proprietor, after such notice duly served, shall neglect or refuse to conform to such notice, the townwardens shall present such house or building as a nuisance to a bench of justices of the peace, who are hereby authorized summarily to inquire into the presentment, and at their discretion to make orders for the removal of such nuisance, and may authorize the townwardens to sell so much of the materials of any such building as will suffice to defray the expense incurred by them for the removal.

21. And be it enacted, by the authority aforesaid, that it shall and may be lawful for the Lieutenant-governor or officer administering the government for the time being, annually to appoint two or more persons or townwardens for carrying into effect the provisions of this Ordinance; and that all persons, except females, who shall be owners or tenants of any house or store in the town of Castries, rated in the treasurer's books at or above 1,200 livres currency rent per annum, shall be eligible to be appointed townwardens; and any person so appointed shall be bound to serve the office for one year from the notification of his appointment made by the colonial secretary; and any person so appointed refusing or neglecting to perform

perform the duties of the office, shall, on conviction, be fined 200 livres; provided always, that nothing herein contained shall preclude the Governor or officer administering the government for the time being from granting leave of absence, or exempting any person from this service, upon their showing reasonable cause.

22. And be it enacted, by the authority aforesaid, that if it should appear expedient to the townwardens to make any improvement in the town, tending to preserve the health and comfort of the inhabitants, the said townwardens are hereby authorized to prepare a specification of such improvement, and to make an estimate of the probable expense of carrying the same into effect; the specifications and estimates shall then be submitted to the approbation of the Governor and Legislative Council, and if approved by them, and the cost does not exceed the amount of the municipal funds disposable at the time of such approval, the same shall be carried into effect under the superintendence of the townwardens; but if the costs of the work exceed the disposable means of the municipal funds, the specifications and estimates shall, before being submitted to the Governor and Council, be proposed for the adoption of the proprietors of the town, who shall be assembled for the purpose by the townwardens, on a requisition to the Governor to that effect; and if adopted and approved by the proprietors of two-thirds of the rental of the houses in the town, as fixed by the treasurer's books, the specification and estimates so approved shall be submitted to the Governor and Legislative Council for final approbation, who may, by legislative enactments, fix the assessment necessary for raising the funds required for carrying such work into effect.

23. And be it enacted, by the authority aforesaid, that all persons bringing butchers' meat, fish or any other provisions, into the public markets for sale, shall have full liberty to dispose of all such provisions at any such price as shall be agreed to by the purchaser, any law, ordinance or regulation to the contrary notwithstanding.

24. And be it enacted, by the authority aforesaid, that if any person, not being a grower of produce, or the servant of a grower duly authorized by his employer to that effect, or not being a shop or storekeeper retailing produce, shall expose for sale any sugar, coffee, cocoa, molasses or syrup or dyewood, it shall and may be lawful for any constable or policeman to detain such person, and convey him or her before any justice of the peace, to be dealt with according to law; and if any person so detained shall not satisfactorily account for his or her possession of such produce, such produce shall be confiscated and sold, and the proceeds divided, and one-half to the informer, and the other half to be applied as all other monies levied by virtue of this ordinance are directed to be applied.

25. And be it enacted, by the authority aforesaid, that if any person shall intercept, by purchasing, any provisions coming by land or water to the market of Castries, such person shall, on conviction before any justice of the peace, be fined any sum not exceeding 200 livres, and in default of payment shall be imprisoned for any term not exceeding 10 days; and any provisions so bought shall be confiscated, and be applied for the use of the prisoners in gaol; provided always, that nothing herein contained shall be construed to prevent any person purchasing any provisions *bonâ fide* for his or her own consumption, at his or her own doors, from any person or persons passing to or from the public markets.

26. And be it enacted, by the authority aforesaid, that the townwardens shall have the superintendence of all the markets of the town of Castries; and for this purpose all policemen are specially ordered to act under these instructions, and to obey all such orders as they may respectively receive from the said townwardens to this effect.

27. And be it enacted, by the authority aforesaid, that it shall be the duty of the said townwardens, and they are hereby authorized to verify and inspect all scales, weights and measures employed for weighing and measuring all articles sold in the shops and stores, or in the public market; and if, on such inspection, any scales, weights or measures are found to be less than they purport to be, the person or persons employing such scales, weights or measures shall, on conviction before any justice of the peace, be fined 100 livres, and in default of payment, he or she shall be exposed in the public stocks on a market-day for a term of eight hours; and all such false scales, weights or measures shall be destroyed.

28. And be it enacted, by the authority aforesaid, that no weights other than the English avoirdupois weight shall be made use of in the retail trade of this colony; that the liquid measures shall be by the Winchester gallon; and for the dry measures, the pot in present use shall continue to be employed; and to secure the necessary exactitude, a pot, half pot and quarter pot, standard measures, shall be procured, stamped and deposited in the townwarden's office, by which all disputes respecting the dry measures used by the retailers shall be decided.

29. And be it enacted, by the authority aforesaid, that the townwardens shall have the fire-engines under their charge when not in the custody of the officer commanding the artillery and fire-company; and it shall and may be lawful for the townwardens, in the event of fire breaking out in any part of the town, to press into the service of the engines for carrying water any able-bodied men or women who they shall find in the streets or public places, such man not being a militia-man on duty, of this town; and any person, on being called upon so to assist, who shall neglect or refuse, shall, on conviction, be fined 40 livres; in default of payment, to imprisonment for the space of four days, unless the fine be sooner paid.

30. And be it enacted, by the authority aforesaid, that all fines not otherwise disposed of and levied by virtue of this Ordinance, shall be paid into the hands of a receiver to be appointed for that purpose by the Governor and Legislative Council; and that all assessments levied on the inhabitants of the town of Castries, for carrying into execution any of the provisions of this Ordinance, shall be paid to the receiver so appointed; and the said receiver's account shall be examined every six months by the townwardens, and transmitted

ST. LUCIA.

Orders in Council
and
Colonial Laws.

Appendix, No. 164

to the Legislative Council; provided always, that the receiver shall be entitled, and he is hereby authorized to deduct, out of all sums received by him, a commission of five per cent. as a remuneration for his services.

31. And be it enacted, by the authority aforesaid, that this Ordinance shall take effect and be in force, in this said island of St. Lucia, from and after the day of the promulgation thereof.

Given under my hand and seal of this said island this 24th day of August, in the sixth year of His Majesty's reign, and in the year of our Lord 1835.

By command,

(signed) *William Hanley*, Colonial Secretary.

Appendix, No. 165.

(Enclosure in Sir *Dudley Hill's* Despatch, 3 September 1835. No. 458.)

Appendix, No. 165.

AN ORDINANCE enacted by the Lieutenant-Governor and Legislative Council of St. Lucia, appointing a Day for the Registrar of Slaves to deliver to every Employer of Apprenticed Labourers a List for the purpose of Classification.—
Passed 24 August 1835.

WHEREAS by an Order of The King's most excellent Majesty, by and with the advice of His Privy Council, bearing date the 5th June 1834, certain rules and regulations have been framed and established, for carrying into full and complete effect, within this island of St. Lucia, an Act of the British Parliament, passed in the third and fourth year of the reign of His Majesty, for the Abolition of Slavery; and whereas by the said recited Order in Council it is, amongst other things, ordered and directed, by the third chapter thereof, that a day shall be appointed on which the registrar of slaves, in and for the said island, shall deliver to every owner of slaves a list of the slaves appearing in the registry to belong to him before the 31st July 1834, for the purpose of the division thereof into separate classes; and also that a time shall be fixed at which every such owner of slaves shall return such list to the said registrar;

Now, therefore, be it and it is hereby enacted and ordained, by his Excellency Sir *Dudley St. Leger Hill*, knight, Lieutenant-governor and Commander-in-chief in and over the said island of St. Lucia and its dependencies, and Vice-admiral of the same, by and with the advice and consent of the Legislative Council of Government, in exercise of the powers and authority in him and them vested by His Majesty in that behalf,

That the registrar of slaves in and for the said island of St. Lucia shall, on or before the 1st of October next, deliver or cause to be delivered to every owner a list of the slaves appearing in the registry to belong to him her or them before the 31st July 1835; and also that such owner or owners shall return such list to the registrar on or before the 15th December next, under the penalty prescribed by the said Order in Council, viz. not more than 10 *l.*, not less than 20 *s.* sterling.

And be it enacted, by the authority aforesaid, that the present Ordinance shall take effect and be in force within the said island and the dependencies thereof, from and after the day of the promulgation thereof.

Given under my hand and the public seal of the said island this 24th day of August, in the 6th year of His Majesty's reign, and the year of our Lord 1835.

By command,

(signed) *William Hanley*, Colonial Secretary.

B A H A M A S.

Appendix, No. 166.

BAHAMAS.

Appendix, No 166.

4 Will. IV. c. 2.—AN ACT to prevent the Resort of Rogues, Vagabonds and other idle and disorderly Persons to the Bahama Islands, for the Punishment and Correction of certain Offences therein specified, and for other Purposes therein mentioned.—Passed 12 November 1833.

Preamble.

WHEREAS it is highly necessary and proper that the resort to these islands of rogues, vagabonds and other idle and disorderly persons should be prevented; may it therefore please your Majesty that it may be enacted, and be it therefore enacted by his Excellency *Blayne Townley Balfour*, esq., Lieutenant-governor of your Majesty's Bahama Islands, the Council and Assembly of these islands, and it is hereby enacted and ordained, by the authority of the same, that all persons of idle, drunken or other disorderly habits, not exercising any regular trade or calling, and without visible means of a livelihood, and who, on being examined touching such their habits, and absence of employment and want of honest means

Who deemed va-
grants.

means of subsistence, shall not satisfy the magistracy of the correctness of their lives, shall be deemed and taken as vagrants within the meaning of this Act, and liable to be dealt with as such, according to the provisions of the same.

2. And be it further enacted, that any two magistrates, or any one magistrate in islands on which there shall not be more than three, shall have power to summon, or by warrant of arrest cause to be brought before him or them, any person charged with vagrancy, and the party so accused, and all others who may give evidence for or against such party in the premises, on oath to examine; and the said party and witnesses, should they refuse to be so sworn and examined, to prison to commit, until purged of such their contempt and contumacy, to the satisfaction of the said magistrates or magistrate; and if the said magistrates or magistrate shall, after a summary trial of the case, find the accused party guilty of vagrancy within the meaning of this Act as aforesaid, the said magistrates or magistrate shall commit the person so convicted to any gaol, workhouse, house of correction or other place of confinement for one calendar month, unless the party so convicted shall, at the time of his or her conviction, or before the expiration of the said month, enter into recognizance, with one or more sureties, before and to the satisfaction of some magistrate, to be of good behaviour and keep the peace for at least six months; and, upon a second conviction for a like offence, the offender may be in like manner committed for two months, and also kept at hard or moderate labour, at the discretion of the magistrates or magistrate as aforesaid; and if, after a second conviction, any offender shall persist in his or her vicious or disorderly courses, the judges of the general court, or the chief or other presiding justice of the same for the time being, shall, on complaint to them or him made, proceed in like manner as aforesaid against the party accused, and on conviction commit all delinquents to confinement as aforesaid, at hard labour or otherwise as aforesaid, for not less than three nor more than 12 calendar months; and upon such second or third conviction the delinquent shall not be enlarged as a matter of right, as upon a first conviction, on entering into recognizance as aforesaid, unless with the consent and approbation and at the discretion of the magistrates or magistrate, justices or justice who shall have committed him or her, or of two other magistrates or justices as aforesaid.

Two magistrates, or one where there shall not be two resident on the island, to take cognizance of vagrancy.

3. And be it further enacted, by the authority aforesaid, that all persons who shall, for hire, gain or reward, act, represent or perform, or cause to be acted, represented or performed, any interlude, tragedy, comedy, opera, farce, play or other like entertainment, or any part or parts therein, not being authorized by licence under the hand and seal of his Excellency the Governor or Commander-in-chief for the time being, and all persons playing or betting at unlawful games or plays, shall be deemed rogues and vagabonds, within the true intent and meaning of this Act.

Who deemed rogues and vagabonds.

4. And whereas it would greatly conduce to the quiet and comfort of the well-disposed inhabitants of the island of New Providence, if the several places of public resort therein, and the streets and highways in the same, should not be infested by noisy and turbulent persons, idly and offensively assembled in greater or lesser numbers, to the obstruction of passengers and general annoyance of the neighbourhood; be it further enacted, that all assemblages of persons of either or both sexes, and of whatsoever age, by day or night on the public parade, or in or about the market-house, the vendue-house or elsewhere in or near the streets or highways aforesaid, for any lewd, vicious, idle or disorderly purpose or purposes whatsoever, or otherwise than in the regular performance or in pursuance of some lawful duty, calling, employment or object; all loitering, carousing or the like, in or about any shop or place where liquors are sold by retail; all loud wrangling, scolding, quarrelling, shouting, singing or whistling, in or near the said streets or highways; all violent, scurrilous or highly abusive terms of reproach, tending to a breach of the peace, in or near the same; all profane cursing or swearing, obscene or other indecent language in or near the same; all indecent exposure of the person within view of the same; all wanton discharging of guns, pistols or other fire-arms, and firing of rockets, squibs, crackers or other fireworks in or near the same, or on the public parades as aforesaid; all playing of cricket or other like game or games on the said parades, or in or near the said streets or highways, and all flying of kites or other like pastimes in or near the same, be and the same and each and every of the same are hereby declared to be unlawful, and shall subject all those therein offending to such punishment as is hereinafter provided in such cases. And it shall be the duty of all constables, on being credibly informed of the existence of any such disorders as aforesaid, to repair without delay to the place designated, in order to repress or assist in repressing the same; and any person who shall presume to resist, abuse, disturb or otherwise wilfully impede or wantonly insult, threaten or otherwise annoy any constable in the performance of any duty required of him as aforesaid, shall be held guilty of a misdemeanor, and liable to punishment as is hereinafter provided.

All assemblages of persons in or near the vendue-house, market-house, or elsewhere in or near the streets, &c. for any lewd, vicious, idle or disorderly purpose declared to be unlawful.

All loitering, carousing, or the like, in or about any shop or place where liquors are sold by retail; all loud wrangling, scolding, quarrelling, shouting, singing or whistling, &c.; all violent, scurrilous or highly abusive terms, &c. also declared to be unlawful.

5. And be it further enacted, that any two magistrates may take cognizance of the several offences in the section last aforesaid enumerated, and try the offenders in a summary way for the same, by summoning or by warrant of arrest, causing the party accused to be brought before them, and all necessary witnesses for or against such party in that behalf, on oath to examine, and on conviction to punish them by fine, imprisonment and payment of the costs of prosecution, or any or either of the three, the fine for each offence not to exceed 5 l., nor the term of imprisonment 20 days; provided, however, that when any person so convicted shall be an old or hardened offender, of general bad character, well-known loose and disorderly course, hard labour, solitary confinement, sitting in the stocks once or twice for not more than two hours at a time, or if a male, whipping, but with not more than 39 stripes for one offence, may be added to the sentence; the hard labour or solitary confinement to be limited and regulated by the ordinary regulations of the prison to which the offender may be committed;

Two magistrates to take cognizance of the offences last mentioned.

Punishment of offenders.

When the offence shall be of an aggravated or peculiar nature, magistrates to proceed in the same manner as if this Act had not been passed.

Duty of masters of vessels arriving in any port within these islands.

£. 10. penalty on masters of vessels neglecting or refusing to make a report to a magistrate.

If it shall appear that any passenger has not any visible means of livelihood, or has been considered in the place whence he last came in the light of an idle and disorderly person, or a rogue, vagabond or swindler, such magistrate shall immediately report the same to the Governor who is authorized to direct such magistrate to issue a warrant to the master of such vessel in which such passenger shall have arrived, ordering and requiring him to keep such passenger on board his vessel, and to convey him to the port from whence such vessel shall have departed, or any other port or place without the limits of this government.

On masters of vessels refusing to obey and comply with such order or warrant, the sureties shall forfeit the sum of 200 l.

Rogues confined in gaol, how dealt with.

Lunatics, how dealt with.

Persons sued for anything done in pursuance of this Act may plead the general issue.

provided, however, that when the offence shall appear to the said magistrates of an aggravated or otherwise of a peculiar nature, by reason of which the purposes of justice would be better promoted by a trial in the general court, the magistrates may proceed in the premises in the same manner as if this Act had not been passed; and provided also, that if, by reason of any of the disorders aforesaid, individuals shall have suffered injury in person or property, no conviction or sentence as aforesaid shall be a bar to any civil action that may be brought for damages touching the premises.

6. And whereas many persons have resorted to the Bahama Islands from parts beyond sea, not under the dominion of His Majesty, greatly to the danger of the peace and good order of the same, be it further enacted, by the authority aforesaid, that whenever any vessel shall arrive in the port or harbour of Nassau, or at any other port or place within the government of the Bahamas, from any port or place not under the dominion of His Majesty, that the master or other person having the command thereof shall, within 24 hours after the arrival of such vessel in such port or harbour, report, upon oath, to the acting magistrate or some other magistrate, the name and description of every passenger being on board the said vessel at the time of her arrival, and of what profession, trade or occupation every such passenger may be, under penalty of 10 l. for every neglect or refusal to do so, which penalty shall be levied by warrant under the hand and seal of the police or other magistrate as aforesaid, who is hereby authorized to issue such warrant; and in case no goods and chattels of such offender or offenders can be found, and the said penalty shall not be paid, then the said police or other magistrate as aforesaid is hereby authorized and empowered to commit the person or persons so offending to the common gaol, for any time not exceeding 30 days; and if it shall appear that by such report, or any other authentic information to the said magistrate, that any such passenger hath not any visible means of livelihood, or is or hath been considered in the place or places from whence he or they last came in the light of an idle and disorderly person, or a rogue, vagabond or swindler, such magistrate shall immediately thereupon report the same to his Excellency the Governor, who is hereby authorized and empowered to order and direct the said magistrate to issue a warrant under the hand and seal of such magistrate, to be directed to the master or other person having the command of the vessel in which such passenger shall have arrived, thereby ordering and requiring such master or other person to take and keep such passenger on board his said vessel, and to convey him, her or them, either back to the port or place from whence such vessel shall have departed upon the commencement of her voyage, or to any other port or place to which she may be bound without the limits of the Bahama Islands; and every master or other person, having the command of such vessel, refusing to obey and comply with such order or warrant, the sureties of such vessel shall forfeit and pay the sum of 200 l., to be sued for and recovered in the general court of these islands, by bill, plaint or information in the name of the King, all which sums, when recovered, shall go and be applied in aid and support of this government.

7. And whereas such rogues, vagabonds and others, are frequently of such evil and wicked dispositions as to be callous to shame, and indifferent to punishment and correction, and are oftentimes confined in the common gaol for offences not within this Act, to the expense and inconvenience of this government; be it enacted, by the authority aforesaid, that whenever any such person or persons, so confined, shall appear to be unable to maintain himself, herself or themselves in the said gaol, he, she or they, if not British subjects, may, by order of the Governor or Commander-in-chief for the time being, by and with the advice of His Majesty's Council, upon application to him made by any two or more magistrates, be sent to any port or place without the limits of the Bahama Islands; the passage-money and other necessary expenses of such person or persons to be paid out of the public treasury of these islands, by warrant under the hand seal of the said Governor or Commander-in-chief.

8. And whereas there are sometimes persons who, by lunacy or otherwise, are furiously mad, or are so far disordered in their senses that it may be dangerous for them to be permitted to go abroad, be it further enacted, by the authority aforesaid, that it shall and may be lawful for any two or more justices of the peace where such lunatic or mad person shall be found, by warrant under their hand and seal, directed to any constable, to cause such person to be apprehended and kept safely locked up in some secure place within the island or district where such lunatic or mad person shall be found, until the care and custody of such lunatic or other mad person shall be demanded by his or her nearest relations or friends, or until he or she shall be removed out of such custody as aforesaid, by legal process out of chancery or otherwise; and the reasonable charges of keeping and maintaining such person during such restraint, by order of the magistrates as aforesaid, shall be paid and satisfied (the charges being first proved upon oath), by order of any two or more justices of the peace, directing the provost-marshal or any constable to seize and sell so much of the goods and chattels of such person as is necessary for that purpose, and to account to the general court for what is so seized and sold; and in default of such goods and chattels, the same to be paid for out of the public treasury.

9. And be it further enacted, by the authority aforesaid, that if any person or persons shall be sued for anything done in pursuance of this Act, he or they may plead the general issue, and give the special matter in evidence; and if judgment shall be given for the defendant or defendants, or if the plaintiff or plaintiffs shall discontinue his or their suit, or be nonsuited, judgment shall be entered up for double costs for such defendant or defendants.

10. And

10. And be it further enacted, by the authority aforesaid, that this Act shall be and remain in full force and virtue, from and after the passing thereof, for and during the term of 10 years, and from thence to the end of the then next session of the General Assembly, and no longer.

Ten years' duration.

Appendix, No. 167.

(Enclosure in Lieutenant-Governor *Colebrooke's* Despatch, 4 June 1835. No. 412.)

4 William IV. c. 37.—AN ACT to provide a Summary Remedy against the Occupation of Land by Persons having no Title to the same.—Passed 20 March 1834.

Appendix, No. 167.

WHEREAS sundry lands within these islands have been and still are occasionally occupied and used by persons having no pretence of title to, or right of occupation in the same, to the injury of the just rights of your Majesty and other proprietors, and frequently to the annoyance of planters and other landholders in the vicinity of such unlawfully occupied lands; and whereas proceedings in ejection are in these islands attended with great uncertainty, trouble, expense and delay, and it is expedient that a more summary mode of proceeding should be provided to expel all such unauthorized intruders; may it please your Majesty that it may be enacted, and be it enacted, by his Excellency Blaney Townley Balfour, esq., Lieutenant-governor and Commander-in-chief, the Council and Assembly of your Majesty's Bahama islands, and it is hereby enacted and ordained, by the authority of the same, that from and after the passing of this Act, it shall be lawful for, and be the duty of any one or more justice or justices of the peace, who shall have reason to believe (from any affidavit sworn to before him or them by any person on behalf of the Crown, if such intruder be required to be ejected from public or Crown lands, and if from private or granted lands, then by the owner thereof, or by his or her attorney, and in case such owner shall be absent from these islands, then from the affidavit of any other person willing and competent to swear to the fact of such unlawful intrusion,) that any land or any island on which he or they may reside or for the time be, is occupied by any person or persons having no title to or right of occupation in the same, by written summons to require the occupant or occupants to appear before him or them, within some reasonable time to be therein appointed, and to him or them set forth, under oath, if required, the nature of his, her or their right, title or interest, or asserted right, title or interest in or to the said land, or the occupation of the same, and also produce his, her or their titles to the same, if any such there may be, or any other documentary evidence of his, her or their right of occupation as aforesaid; and the party so summoned may also be permitted to produce witnesses, to be examined under oath, by and before the said justice or justices touching the premises; and it shall be lawful for the said justice or justices, when necessary or expedient, to adjourn such investigations from time to time, for the convenience of parties and the furtherance of justice; and every such summons as aforesaid shall contain a notice to the party to which it is addressed, that unless the requisitions of the same are complied with, or a reasonable excuse for such non-compliance be offered to the said justice or justices, at or within the time limited as aforesaid, sentence of ejection will be pronounced against him her or them so guilty of default in the premises; and every such summons shall be served by some literate person, capable of explaining the contents and tenor thereof, to him, her or them, to whom the same may be addressed; and every such summons so served, shall be so explained to him or them accordingly, or so many of them as may be found on the premises or elsewhere; but when the alleged occupant or occupants shall not be found on the premises or elsewhere, then the leaving of the summons in any dwelling or affixed to a door of any dwelling on the premises, and should there be no dwelling, then to any gate or conspicuous post or tree on the premises, shall be held and acted on as a good and sufficient service of the same, such circumstances being duly sworn to by the person so serving the same; and if the party so summoned shall refuse or neglect to appear accordingly, sentence of ejection shall thereupon be pronounced against the said occupant or occupants by the said justice or justices.

Preamble.

Mode of inquiry relative to persons residing on land who have no title to the same.

2. And be it further enacted, that if after due investigation of any such case as aforesaid, it shall appear to the said justice or justices that the occupant or occupants have no pretence of title to or right of occupancy in the land in question, or that any pretence of title or supposed right that may have been relied on by such occupant or occupants, is wholly groundless or insufficient, such justice or justices shall pronounce sentence of ejection against the said occupant or occupants; but, on the contrary, should such title or right appear to the said justice or justices legal and just, he or they shall pronounce his or their opinion accordingly, and dismiss the suit: provided, however, that when it shall appear to the said justice or justices doubtful whether the title or right so relied on by such occupant or occupants be lawful or not, it shall be the duty of the said justice or justices to notify the same to the Attorney-general in every case of Crown lands, and where the lands are alleged to be private property, then to the supposed adverse proprietor or proprietors of the same, if known and to be found; but if such actual or supposed adverse proprietor or proprietors is or are not known and found, then the notification shall be given to the Attorney-general, as in case of Crown lands; and after such notification the said justice or justices shall proceed to final sentence in the premises, but not until after a reasonable time shall be allowed to the party so notified as aforesaid, to furnish the said justice or justices with such further information and instructions touching the premises as may be deemed necessary.

Duty of justices to pronounce sentence after due investigation as to the validity of an alleged title to land.

In doubtful cases, notice to be given to the Attorney-general in case of Crown, and in case of private property to the supposed adverse proprietor thereof.

BAHAMAS.

Appendix, No. 167.

Appeal allowed from sentence of justices to the General Court.

How proceedings are to be conducted in cases of appeal from the decision of justices to the General Court.

The manner of executing a sentence of ejection.

3. And be it further enacted, that if within 10 days next after any sentence of ejection shall be so pronounced as aforesaid (during which time all proceedings in the premises shall be stayed), any occupant or occupants as aforesaid, or other person or persons on his, her or their behalf, shall appear before the said justice or justices, or either of them, and give notice of an appeal against such sentence to the General Court of these islands, and shall before such justice or justices enter into a recognizance with one or more good and sufficient sureties, as may be required, in the sum of 40*l.*, conditioned for the due prosecution of such appeal, and payment of all costs in which the party appellant may be condemned on any failure of or in the same in the said General Court, all proceedings before such justice or justices in the premises shall be thereupon further stayed until the judgment of the General Court shall be known therein; and all the papers in the cause, including the sentence and recognizance as aforesaid, shall by such justice or justices be forthwith transmitted to the prothonotary of the General Court, whose duty it shall be, on his receipt of the same, to give due notice thereof in writing to the Attorney-general, and if such appeal be not proceeded in within four calendar months next after the date of such recognizance, the same shall become forfeited and estreated accordingly; and the said justice or justices being certified thereof by competent authority, shall forthwith proceed to cause the sentence of ejection to be carried into effect, as is hereinafter provided, and upon the allowance, of any such appeal respecting lands, said or supposed to belong to any private proprietor or proprietors, and such proprietor or proprietors may be known and found, to cause notice of such appeal to be given to such proprietor or proprietors, or his, her or their agent or agents, representative or representatives, if any such there may be found within these islands.

4. And be it further enacted, that every such appeal shall be prosecuted in the General Court, by action of trespass *vi et armis*, in which the person who shall have served the original summons in the cause, shall be named as the defendant: provided however, that the Attorney-general may, on the part of the Crown, defend all such appeals; and when the land in question shall be claimed by or on behalf of any adverse proprietor or proprietors as private property, he, she or they may be, on motion, admitted either in person or by attorney, to defend the appeal in the name of the defendant on the record; and all such appeals shall be entered by the appellant's filing simultaneously a declaration or plea of the general issue and joinder, under which plea it shall be lawful for the Attorney-general or other party taking defence in the suit, to give all special matter in evidence, and on judgment for the defendant, to have full costs; and should judgment be for the plaintiff, the same shall be entered up against the defendant for nominal damages, without costs; but should the proceedings against the lands in question as aforesaid appear to have been originally instituted at the instance of any person or persons claiming a beneficial interest in the same, or the appeal be actually defended by or on behalf of any such person or persons, and judgment shall pass for the party appellant, such party appellant shall, at the discretion of the court, be awarded full costs, and have execution accordingly against such person or persons for the same; and upon every such judgment, the General Court shall cause a precept to be directed to the justice or justices who shall have first taken cognizance of the matter as aforesaid, commanding him or them to proceed or not to execution of his or their sentence in the premises, as the judgment of the General Court shall be; and if upon any appeal, duly entered as aforesaid, no person shall appear to defend the same, the judges, or any one or more of them, shall proceed to hear the case *ex parte*, in a summary way in chambers or elsewhere, at his or their discretion, and after due investigation of the merits of the same, give judgment, and cause the same to be recorded confirmatory of the sentence of the justice or justices of the peace as aforesaid, or reversing the same, as justice may require.

5. And be it further enacted, that the manner of executing a sentence of ejection shall be in conformity with a warrant to be issued by such justice or justices as aforesaid, or either of them, and addressed to some officer or other person specially appointed in such behalf, commanding him, should no person be found in the premises, forthwith to take down and remove, or cause to be taken down and removed all buildings and improvements that may appear to have been erected or made on the premises, by any such unlawful occupant or occupants as aforesaid; and the materials, together with all goods and chattels found on the premises, to sell or cause to be sold, at public sale on the premises or elsewhere, after due notice of such sale; and the proceeds, after deducting a commission of five per cent. on the gross amount of the sales to the selling officer, and the costs of the proceedings (which shall be the same as are in any like case allowed by law to justices of the peace, and those by them employed in the administration of justice), under the direction of such justice or justices as aforesaid, to pay over to him, her or them who shall appear to be the lawful proprietor or proprietors of the land in question; but if one or more occupants shall be found on the premises, to give him her or them 15 days' notice to remove from the same, and at the expiration of that term, whether the premises shall then have been evacuated or not, to proceed as is hereinbefore directed in cases in which the land in question may have been found without any occupant as aforesaid; and it shall be lawful for every such officer or other person charged with the execution of any such warrant, when necessary, to summon and call to his aid any one or more male inhabitant or inhabitants, of the age of 16 and under 50 years, to assist him in the execution of the said warrant, and any such inhabitant, who, when so summoned or called, shall refuse or neglect to render assistance accordingly, unless on showing good and sufficient cause to the contrary, and any person or persons being in possession of the premises against which such warrant as aforesaid shall have been issued, shall, by force or threats of violence, keep, or attempt to keep possession of the same, or refuse, when so required, to quit and remove from the same, each

each and every person so offending in the premises as aforesaid, shall be held guilty of a high misdemeanor, and liable to be tried for the same in the General Court, and on conviction, punished accordingly; provided however, that when the proprietor or proprietors of any such land shall be present personally, or by representative, and shall be desirous of preserving the said buildings and improvements, or either, the same shall not be taken down but delivered over as they may stand to such proprietor or proprietors, on his, her or their paying the costs of the proceedings as aforesaid, and two and a half per cent. on the probable value of the materials of the property so delivered over (to be determined by the justice or justices aforesaid), to the officer who would otherwise have sold the same.

6. And whereas it has been the practice of sundry persons applying for grants of land and obtaining warrants to have the same surveyed, to enter upon such lands, and to enclose and cultivate the same, no grant having been actually obtained therefor, such persons thereby being trespassers, be it further enacted, that it shall be lawful to dispossess all such persons of such lands under the provisions of this Act, any warrant of survey in the premises or proceedings had thereon short of a grant to the contrary notwithstanding.

7. Provided however, and it is hereby enacted, that 20 years' uninterrupted and adverse possession of any such land as aforesaid, shall be held and considered as a good and sufficient title against any private proprietor, and 60 years' like possession against His Majesty, his heirs and successors.

8. Provided also, and it is hereby enacted, that nothing in this Act contained shall be understood or construed to prevent His Majesty, his heirs and successors, or any other proprietor or proprietors of lands within these islands, from having and maintaining actions of ejectment in the usual course of law, against all trespassers, anything hereinbefore contained to the contrary notwithstanding; and provided further, that nothing in this Act contained shall be construed to affect the right to the occupancy of any land held by any individual, under a licence of occupancy duly granted under the authority of the Governor, Lieutenant-governor or Commander-in-chief for the time being, so long as such licence shall remain in force.

BAHAMAS.

Orders in Council
and
Colonial Laws.

Appendix, No. 167.

Persons having petitioned for land, and having neglected to take out a grant therefor, may be dispossessed, unless where the party has been in possession 20 years.

Nothing in this Act to prevent His Majesty or individual proprietors of land in this colony from maintaining actions of ejectment against all trespassers, nor to affect the occupation of lands by individuals under a licence of occupancy duly granted under the authority of the Governor for the time being, so long as such licence shall continue in force.

Appendix, No. 168.

(Enclosure in Lieutenant-Governor Colebrooke's Despatch, 4th June 1835. No. 482.)

5 Will. IV. c. 10.—AN ACT for the more effectual Punishment of Persons committing Malicious Injuries to Property.—Passed 6th October 1834.

Appendix, No. 168.

WHEREAS it is expedient that some of the provisions of an Act of the British Parliament, made and passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled "An Act for consolidating and amending the Laws in England relative to Malicious Injuries to Property," should be extended to these islands, and that some of the laws now in force relating to such offences should be suspended; may it therefore please your Majesty, that it may be enacted, and be it enacted by his Excellency Blaney Townley Balfour, esq., Lieutenant-governor and Commander-in-chief in and over the said Bahama Islands, chancellor, vice-admiral and ordinary of the same, the Council and Assembly of the said islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, if any person shall unlawfully and maliciously set fire to any church or chapel, or to any chapel for the religious worship of persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set fire to any house, coach-house, outhouse, warehouse, office, shop, barn, granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such offender shall be guilty of felony, and being convicted thereof shall suffer death.

Preamble.

Persons setting fire to any houses or outhouses, guilty of felony.

2. And be it further enacted by the authority aforesaid, that if any person shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel with intent thereby to prejudice any owner or part owner thereof, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon any such ship or vessel, or on the freight thereof, or upon any goods on board the same, every such offender shall be guilty of felony, and being convicted thereof shall suffer death.

Persons setting fire to, or in anywise destroying ships or vessels, guilty of felony.

3. And be it further enacted by the authority aforesaid, that if any persons shall unlawfully and maliciously set fire to any standing wood on these islands, or to any plantation of trees, or to any stacks of wood, timber or lumber, or to any crops on plantations, whether standing or cut down, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit,) in addition to such imprisonment.

Persons setting fire to woods or plantations of trees, guilty of felony.

4. And be it further enacted by the authority aforesaid, that if any persons riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, pull down or destroy, or begin to demolish, pull down or destroy

Persons who shall demolish or pull down any church or chapel, or any

dwelling-house, warehouse, office or shop, guilty of felony.

Persons who shall demolish or pull down any coach-house, outhouse, barn, granary, or any building or machinery used in carrying on any trade or manufacture, guilty of felony.

Persons destroying any ships or vessels, guilty of felony.

Persons who shall cut, break or destroy any machinery or fire-engine, guilty of felony.

Persons exhibiting false lights or signals to bring vessels into danger, or preventing any person from saving his life, shall be guilty of felony.

Persons destroying any part of any ship or vessel, or any goods or articles thereunto belonging, shall be guilty of felony.

Persons who shall kill or maim any horse or other cattle, guilty of felony.

Persons destroying any tree or shrub, guilty of felony.

Punishment of persons convicted of destroying any fence, wall, stile or gate.

Punishment of persons committing damage to real or personal property.

any church or chapel, or any chapel for the religious worship of persons dissenting from the United Church of England and Ireland, or any dwelling-house, warehouse, office or shop, every such offender shall be guilty of felony, and being convicted thereof shall suffer death.

5. And be it further enacted by the authority aforesaid, that if any persons riotously and tumultuously assembled as aforesaid, shall unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down or destroy any stable, coach-house, outhouse, barn or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or moveable, prepared for, or employed in, any manufacture, or in any branch thereof, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped in addition thereto, at the discretion of the court.

6. And be it further enacted by the authority aforesaid, that if any person shall unlawfully and maliciously damage otherwise than by fire, any ship or vessel, whether complete or unfinished, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years; and if a male, to be once, twice or thrice publicly or privately whipped in addition thereto, at the discretion of the court.

7. And be it further enacted by the authority aforesaid, that if any person shall unlawfully and maliciously cut, break or destroy, or damage with intent to destroy or to render useless any machine or engine, whether fixed or moveable, prepared for, or employed in any manufacture whatsoever, or any fire-engine, every such offender shall be guilty of felony, and being convicted thereof shall be liable to the punishments hereinbefore last mentioned.

8. And be it further enacted by the authority aforesaid, that if any person shall exhibit any false light or signal, with intent to bring any vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or shall by force prevent or impede any persons endeavouring to save his life from such ship or vessel (whether he shall be on board, or shall have quitted the same), every such offender shall be guilty of felony, and being convicted thereof, shall suffer death.

9. And be it further enacted by the authority aforesaid, that if any person shall unlawfully, maliciously or wantonly destroy any part of any ship or vessel which shall be in distress or wrecked, stranded or cast ashore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, every such offender shall be guilty of felony, and being convicted thereof shall be subject to imprisonment for any term not exceeding two years, and in addition thereto, if a male, may be once, twice or thrice publicly or privately whipped at the discretion of the court.

10. And be it further enacted by the authority aforesaid, that if any person shall unlawfully and maliciously kill, maim or wound any horse, mare, foal, mule, ass or neat cattle or sheep, every such offender shall be guilty of felony, and being convicted thereof shall be liable to the punishments hereinbefore last mentioned.

11. And be it further enacted by the authority aforesaid, that if any person shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling or shrub respectively, growing in any pleasure ground, garden, orchard, plantation or avenue, or in any ground adjoining or belonging to any dwelling-house, every such offender (in case the amount of injury done shall exceed the sum of 2*l.* Bahama currency), shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding six months.

12. And be it further enacted by the authority aforesaid, that if any person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile or gate, or any part thereof respectively, every such offender being convicted before any justice of the peace shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding 10*l.* Bahama currency, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of the same offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or workhouse, there to be kept to hard labour for such term not exceeding six calendar months, as the convicting justice shall think fit, and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

13. And be it further enacted by the authority aforesaid, that if any person shall wilfully and maliciously commit any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no remedy or punishment is hereinbefore provided, every such person being convicted thereof before a justice of the peace, shall forfeit and pay such sum of money as shall appear to the justice to be a reasonable compensation for the damage, injury or spoil so committed, not exceeding the sum of 10*l.* Bahama currency; which sum of money shall, in the case of private property, be paid to the party aggrieved, except where such party shall have been examined in proof of the offence, and in such case, or in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in such manner as every penalty imposed by a justice

a justice of the peace under this Act is hereinafter directed to be applied; and if such sum of money, together with the costs (if ordered), shall not be paid either immediately after the conviction or within such period as the justice at the time of the conviction shall appoint, the justice may commit the offender to the common gaol or workhouse, there to be imprisoned, with or without hard labour, for any term not exceeding two calendar months, unless such sum and costs be sooner paid; provided always, that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of.

14. And be it further enacted, by the authority aforesaid, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

15. And be it further enacted, by the authority aforesaid, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel or procure the commission of any misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal offender.

16. And be it further enacted, by the authority aforesaid, that when any person shall be convicted of any indictable offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or the workhouse, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the court in its discretion shall seem meet.

17. And be it further enacted, by the authority aforesaid, that for the more effectual apprehension of all offenders against this Act, any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended without a warrant by any peace-officer, or the owner of the property injured, or by his servant or any person authorized by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law.

18. And be it further enacted, by the authority aforesaid, that the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months after the commission of the offence, and not otherwise, and the evidence of the party aggrieved shall be admitted in proof of the offence.

19. And for the more effectual prosecution of all offences punishable on summary conviction under this Act, be it enacted, that where any person shall be charged, on the oath of a credible witness before any justice of the peace, with any such offence, the justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving it at his usual place of abode) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace, or the justice before whom the charge shall be made, may, if he shall so think fit, without any previous summons (unless where otherwise specially directed), issue such warrant; and the justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

20. And be it further enacted, by the authority aforesaid, that when any offence is by this Act punishable on summary conviction, either for every time of its commission or for the first or second time only, or for the first time only, any person who shall aid, abet, counsel or procure the commission of such offence, shall, on conviction before a justice of the peace, be liable for every first, second or subsequent offence of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty of a first, second or subsequent offence, as a principal offender, is by this Act made liable.

21. And be it further enacted, by the authority aforesaid, that all forfeitures upon summary convictions under this Act shall be applied in the first instance to the compensation of the parties aggrieved for the injury done (the amount of such compensation to be assessed in each case by the convicting justice), except where such party shall have been examined in proof of the offence, and in that case, or when the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such amount of compensation or otherwise, shall be paid to the receiver-general and treasurer of this colony, to be applied in aid of defraying the expenses of this government: provided always, that when several persons shall join in the commission of the same offence, and shall upon conviction thereof each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only, and the remaining sum or sums forfeited by the other offenders shall be paid to the receiver-general as aforesaid, to be applied as aforesaid.

22. And be it further enacted, by the authority aforesaid, that in every case of a summary conviction under this Act, where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid either

Proviso.

Every punishment and forfeiture imposed by this Act to be enforced.

Punishment of accessories before the fact of felony.

Punishment of accessories after the fact.

Persons convicted of indictable offences under this Act, how dealt with.

Persons found committing offences against this Act may be apprehended by any peace-officer without a warrant.

Offences punishable by summary conviction to be commenced within three months.

Duty of justices of the peace, on oath being made before them of any offence punishable by summary conviction under this Act.

Punishment of persons aiding, abetting or procuring the commission of any offence punishable by summary conviction under this Act.

Forfeitures on summary convictions under this Act, how applied.

Proviso.

Justices, how to proceed in default of payment of any

sum or penalty imposed on summary conviction under this Act.

immediately after conviction or within such period as the justice shall at the time of conviction appoint, it shall be lawful for the convicting justice (unless where otherwise specially directed) to commit the offender to the common gaol or workhouse, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed 10 *l.* Bahama currency, and for any term not exceeding four calendar months, where the amount, with costs, shall not exceed 20 *l.* Bahama currency, and for any term not exceeding six calendar months in any other case, the commitment to be determined in each of the cases aforesaid upon payment of the amount and costs.

Justices may discharge the offender in certain cases.

23. Provided always, and be it enacted, that when any person shall be summarily convicted before a justice of the peace of any offence against this Act, and if it shall be a first conviction, it shall be lawful for the justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the justice.

King may extend his royal mercy to persons imprisoned by virtue of this Act.

24. And be it further enacted, by the authority aforesaid, that it shall be lawful for the King's Majesty to extend his royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for nonpayment of money to some party other than the Crown.

Persons punished upon summary conviction under this Act released from further proceedings for the same cause.

25. And be it further enacted, by the authority aforesaid, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act, shall have paid the sum adjudged to be paid, together with the costs upon such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for nonpayment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in manner aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

26. And be it further enacted, by the authority aforesaid, that the justice before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; *videlicet*:

Form of conviction to be drawn by justices before whom any person may be convicted.

"Be it remembered, that on the _____ day of _____ at _____ one of the Bahama Islands, *A. O.* is convicted before me, *J. P.*, one of His Majesty's justices of the peace for the said Bahama Islands, for that he the said *A. O.* did [specify the offence, and the time and place when and where the same was committed, as the case may be, and on a second conviction state the first conviction]; and I, the said *J. P.*, adjudged the said *A. O.* for his said offence to be imprisoned in the _____ (or to be imprisoned in the _____ and there kept to hard labour for the space of _____), or I adjudged the said *A. O.* for his said offence to forfeit and pay [here state the penalty actually imposed, or state the penalty and also the amount of the injury done, as the case may be], and also to pay the sum of _____ for costs; and in default of immediate payment of the said sums to be imprisoned in the _____ (or to be imprisoned in the _____ and there kept to hard labour), for the space of _____ unless the said sums shall be sooner paid (or I order that the said sums shall be paid by the said *A. O.* on or before the _____ day of _____); and I direct that the said sum of _____ (that is, the penalty only) shall be paid to the receiver-general and treasurer, to be applied as aforesaid, and that the said sum of _____ (that is, the sum for the amount of the injury done) shall be paid to *C. D.* [the party aggrieved, unless he is unknown or has been examined in proof of the offence, in which case state that fact, and dispose of the whole like the penalty as before]; and I order that the sum of _____ for costs, shall be paid to _____ the complainant. Given under my hand and seal the day and year first above mentioned."

Any person convicted in a summary manner under this Act, and thinking himself aggrieved, may appeal to the General Court.

27. And be it further enacted, by the authority aforesaid, that in all cases where the sum adjudged to be paid on any summary conviction shall exceed 10 *l.*, or the imprisonment adjudged shall exceed one calendar month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by such conviction, may appeal to the next General Court which shall be holden thereafter, provided a notice in writing of such appeal, and of the cause and matter thereof be given to the complainant within ten days after such conviction by such person, who shall also either remain in custody for the time during which he has been sentenced to be imprisoned, or until the next session of the court, or he shall enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said General Court, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person, if in custody; and the court shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

No conviction or adjudication made on appeal there-

28. And be it further enacted, by the authority aforesaid, that no such conviction or adjudication made on appeal therefrom, shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged

alleged that the party has been convicted, and there be good and valid conviction to sustain the same. from to be quashed for want of form.

29. And be it further enacted, by the authority aforesaid, that every justice of the peace before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the clerk of the Crown, to be kept by him among the records of the said General Court, and upon any indictment or information against any person for a subsequent offence, a copy of such conviction certified by the said clerk of the Crown, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown. Justices of the peace to transmit conviction to clerk of the Crown.

30. And for the protection of persons acting in the execution of this Act, be it enacted, that all actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and no plaintiff shall recover in any action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuited, or discontinue any such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs unless the judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon. Actions against persons for anything done in pursuance of this Act to be commenced within six months.

31. And be it further enacted, by the authority aforesaid, that when any felony or misdemeanor punishable under this Act, shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried and determined, in the same manner as any other felony or misdemeanor committed within that jurisdiction. Felony committed within the jurisdiction of the Admiralty of England, how dealt with.

32. And be it further enacted, by the authority aforesaid, that an Act of Assembly made and passed in the third year of the reign of His Majesty George the Second, intituled "An Act to prevent the destroying by Fire any Timber Trees growing upon these Islands," and also so much of an Act of Assembly made and passed in the 15th year of the reign of His Majesty George the Second, intituled "An Act to prevent Damages done by Cattle running loose," as relates to persons killing, destroying, wounding or damaging horses, mares, foals, neat cattle or sheep; and also an Act of Assembly made and passed in the third year of the reign of His Majesty George the Second, intituled, "An Act to encourage the stocking of Keys with Cattle, and punishing such as destroy the same;" and also, that so much of an Act of Assembly of these islands, passed in the 40th year of his late Majesty King George the Third, intituled "An Act to declare how much of the Laws of England are practicable within the Bahama Islands, and ought to be in force within the same," as declares the following statutes; that is to say, all that Act or chapter of a certain statute, made in the 27th year of King Henry the Eighth, intituled "The Bill for the Burning of Frames;" also, all that Act or chapter of a certain statute, made in the 22d and 23d years of King Charles the Second, intituled "An Act to prevent the Malicious Burning of Houses, Stacks of Corn and Hay, killing or maiming of Cattle;" also, all that Act or chapter of a certain statute, made in the fourth year of King George the First, intituled "An Act for enforcing and making perpetual an Act of the 12th year of her late Majesty, intituled 'An Act for preserving all such Ships and Goods thereof, which shall happen to be forced on Shore, or stranded upon the Coasts of this Kingdom, or any other of His Majesty's Dominions, and for inflicting the punishment of Death on such as shall wilfully burn or destroy Ships,'" to be in force within these islands, be, and the same are hereby suspended during the continuance of this Act. Certain Acts and parts of Acts suspended during the continuance of this Act.

Appendix, No. 169.

(Enclosure in Lieutenant-Governor *Colebrooke's* Despatch, 4 June 1835. No. 482.)

5 Will. IV. c. 17.—AN ACT to Amend an Act, intituled "An Act to prevent the resort of Rogues, Vagabonds and other Idle and Disorderly Persons to the Bahama Islands; for the Punishment and Correction of certain Offences therein specified, and for other purposes therein mentioned."—Passed 27 January 1835.

WHEREAS it is expedient to amend an Act, intituled "An Act to prevent the resort of Rogues, Vagabonds and other Idle and Disorderly Persons to the Bahama Islands; for the Punishment and Correction of certain Offences therein specified, and for other purposes therein mentioned;" may it therefore please your Majesty that it may be enacted, and be it enacted by his Excellency Blayney Townley Balfour, esq., Lieutenant-governor and Commander-in-chief of the said islands, the Council and Assembly of the said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that every person having 166.—II. Appendix, No. 169. Preamble. Persons having certain articles in

their possession, or breaking into any building, or found in any building or enclosed yard, with intent to commit felony, and suspected persons and reputed thieves, to be dealt with as rogues and vagabonds, and punished accordingly.

in his or her custody or possession any picklock, key, crow, jack, bit or other implement, with intent feloniously to break into any dwelling-house, warehouse, store, shop, office, church, chapel, cellar, coach-house, stable or out-building, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him or her any instrument with intent to commit any felonious act; and every person being found in or upon any dwelling-house, warehouse, store, shop, office, church, chapel, cellar, coach-house, stable or out-house, or any enclosed yard, garden, plantation, farm or orchard, for any felonious purpose; and every suspected person or reputed thief frequenting places of public resort and other places, with the intent to commit felony, shall be deemed a rogue and vagabond, and dealt with accordingly.

Appendix, No. 170.

(Enclosure in Lieutenant-Governor *Colebrooke's* Despatch, 4th June 1835. No. 482.)

5 William IV. c. 20.—AN ACT for regulating the Public Market of the Town of Nassau, in the Island of New Providence, and for limiting the Price of Butchers' Meat, and for other Purposes therein mentioned.—Passed 31 March 1835.

Appendix, No. 170.

Preamble.

The wardens and vestry of Christ Church appointed commissioners of the market.

Commissioners to repair the buildings and wharfs.

No person to sell butchers' meat in the market without being licensed by the vestry.

Vestry may revoke any butcher's licence on complaint made and substantiated of improper conduct in such butcher.

£. 5. penalty on licensed butcher selling meat except during the periods allowed by this Act.

£. 10. penalty on unlicensed persons selling butchers' meat in the Nassau market.

Butchers' meat slaughtered in the slaughter-house may be sold in the market; but no meat killed elsewhere may be sold, except meat killed on a plantation by order of the owner of such plantation.

The market and its wharfs the only places for landing and exposing for sale any beef, mutton, turtle, fish, &c.

WHEREAS it is highly expedient and necessary that the public market in the town of Nassau and island of New Providence should be regulated by law, may it therefore please your Majesty that it may be enacted, and be it enacted by his Excellency Lieutenant-colonel William Macbean George Colebrooke, Lieutenant-governor and Commander-in-chief, the Council and Assembly of your Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that the churchwardens and vestry of the parish of Christ Church for the time being shall be and they are hereby appointed commissioners for carrying this Act into execution.

2. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners from time to time to make or cause to be made such repairs, alterations, improvements and additions to the buildings in the said market, and also to the fish and turtle crawls and wharfs thereto belonging, as they shall judge necessary and proper.

3. And be it further enacted, by the authority aforesaid, that no person in the island of New Providence shall presume to sell in the aforesaid market any butchers' meat, without first taking out a licence for that purpose from under the hands of the churchwardens and vestry of Christ Church parish, or a majority of them.

4. And be it further enacted, by the authority aforesaid, that on complaint being made and substantiated before the said vestry of any improper conduct being exercised in the said market, by any person to whom a licence for selling meat shall have been granted, it shall be lawful for the said vestry, at their discretion, to revoke the said licence; and such person shall be thenceforth incapable of selling in the said market until he shall be relicensed.

5. And be it further enacted, by the authority aforesaid, that any person or persons to whom such licence aforesaid shall be granted, who shall sell or dispose of any butchers' meat, otherwise than between the hours and times hereinafter mentioned and allowed, shall for every such offence forfeit and pay a sum not exceeding 5 *l.*

6. And be it further enacted, by the authority aforesaid, that no person or persons whosoever not having a licence, granted in manner hereinbefore mentioned, and in force, shall vend, sell, dispose of and deliver in the said market, any such butchers' meat by retail, under a penalty not exceeding 10 *l.* for such and every offence, to be sued for, recovered and applied as hereinafter directed.

7. And be it further enacted, by the authority aforesaid, that so long as there is a sufficient slaughter-house, it shall not be lawful for any person or persons except specially licensed by the said commissioners, to expose for sale in the aforesaid market any butchers' meat killed in any place except only in such slaughter-house; and it shall and may be lawful for the said commissioners, or any one of them, or the clerk of the market, and they are hereby authorized and required to seize any such butchers' meat, and dispose of the same as the said commissioners or any two or more of them shall think fit; provided always, that nothing herein contained shall extend or be construed to extend to butchers' meat killed on any plantation or pen by the order of the owner or possessor of such plantation or pen, whose servant or servants shall produce a ticket from his or their master or employer, authorizing him or them to carry such butchers' meat to market, and specifying the quantity or kind.

8. And be it further enacted, by the authority aforesaid, that the said market and wharfs shall be deemed and held to be the market and wharfs for landing, selling and exposing for sale any beef, mutton, veal, lamb, pork, kid or other flesh or butchers' meat, also turtle and fish of all kinds, between Culmer-street to the eastward and Fort Charlotte to the westward; and the said market and wharfs shall be kept open for the resort of all and any of the inhabitants of these islands, for buying of the provisions sold or exposed for sale therein; and that

that if any person or persons shall sell within the limits aforesaid in any other place than the said market, any butchers' meat as aforesaid, or any turtle and fish, within the market hours, every such person or persons so offending, and being thereof convicted before any one or more of the commissioners or any justices of the peace (who is and are authorized to examine into the matters and to administer oaths on the occasion), shall forfeit the meat, turtle and fish so offered for sale, and pay a fine not exceeding 40s., to be sued for, recovered and applied as hereinafter shall be directed; and it shall and may be lawful for all butchers, poulterers, fishermen, turtlers and other persons whatsoever, to sell, utter and put to open show or sale in the aforesaid market, his or their beef, mutton, veal, lamb, pork, kid or other butchers' meat, turtle, fish of all kinds, poultry, wildfowl, eggs, roots or vegetables, upon every day in the week, Sundays excepted, in open market, from sunrise or ringing of the bell until 12 o'clock at noon, except on Saturdays, when the same shall be kept open until eight o'clock in the evening, while they shall furnish the said market with good and wholesome flesh, fish or other provisions, and pay such stallage and rates as shall or may be fixed by the said commissioners, and comply with the provisions of this Act.

9. And be it further enacted, by the authority aforesaid, that if any person or persons shall expose or offer for sale in the aforesaid market, or within the limits before-mentioned, any unwholesome provisions, the commissioners aforesaid, or any two or more of them, are hereby authorized and required to cause the same to be taken away and burned, or otherwise destroyed; and if it shall appear that the offence was wilfully committed, it shall and may be lawful for the said commissioners to fine the offenders, for every offence, in any sum not exceeding 5*l.*, to be sued for, recovered and applied as hereinafter directed.

10. And be it further enacted, by the authority aforesaid, that the said commissioners shall have power and authority, and they are hereby required to nominate and appoint a fit and proper person to be clerk of the said market, who shall give constant attendance at the said market during market hours, and shall open the same, or cause the same to be done, by ringing the bell at sunrising every morning, and keep the same open every day of the week until 12 o'clock, Sundays excepted, for butchers' meat, and no longer; and the said clerk shall also follow and obey all such directions and regulations as may from time to time be made by the said commissioners in pursuance of this Act; and in case of disobedience of such orders or regulations, or neglect of duty as clerk of the market, he shall for every such offence, on conviction before the said commissioners, forfeit and pay a sum not exceeding 10*l.*; and in case any clerk appointed by the said commissioners shall grossly neglect his duty, or otherwise misbehave, the said commissioners may displace him, and nominate and appoint another clerk in his room and stead.

11. And the better to prevent forestalling, regrating and engrossing, be it further enacted, by the authority aforesaid, that no person or persons whatsoever, from and after the passing of this Act, shall buy or cause to be bought, before the time of closing the said market for the day, any kind of provisions, within the limits aforesaid, coming to the said market, or intended to be sold there, or make any bargain, contract or promise for obtaining or buying the same before the same shall be actually brought into the said market ready to be then sold; nor shall any person or persons whatsoever, by any means forestal, regrate, engross, obtain or get into their hands and possession any kind of victuals or provisions whatsoever, that shall be going or intended to be carried to the said market to be sold, with intent to sell the same again in the said market, or within the limits aforesaid, upon pain that every such forestaller, regrater, engrosser or other person offending in any of those matters shall pay for every offence, upon due conviction, a sum not exceeding 5*l.*, to be recovered as hereinafter directed, besides the forfeiture of all such provisions so bought, forestalled, bargained, regrated or engrossed: provided always, that nothing in this Act contained shall extend or be construed to extend to hinder any person from purchasing, to sell again on any future day, any live cattle, calves, sheep, lambs, hogs, goats or kids, or from carrying to any house in Nassau, or within the limits aforesaid, any milk, fruit or herbage, poultry, eggs, roots or vegetables, to sell and dispose of the same, anything in this Act contained to the contrary notwithstanding.

12. And be it enacted, by the authority aforesaid, that the said commissioners shall have full power and authority, and are hereby authorized to allow the clerk of the said market a salary not exceeding the sum of 150*l.*, to be paid out of the monies arising from stallage, or which may otherwise come into their hands in pursuance of the provisions of this Act; also, to fix and ascertain the rates of stallage, crawlage, slaughterage and wharfage, and from time to time make such rules and regulations as to them may appear necessary for the good government and order of the said market, and for carrying this Act and the provisions thereof into execution; and any person or persons refusing or neglecting to abide by and obey such rules and regulations shall for every offence forfeit and pay a sum not exceeding 10*l.*, to be recovered and applied as hereinafter directed.

13. And be it further enacted, by the authority aforesaid, that the clerk of the said market shall inspect all turtle cut up for sale therein, and no person or persons whatsoever who shall kill turtle for sale by retail shall cut up any of the calapach or bone part of the calapee, with intent to sell the same with the flesh, under the penalty of 3*l.*

14. Whereas it is highly necessary and expedient that the price to be taken for fresh beef and other butchers' meat should be limited, be it therefore enacted, by the authority aforesaid, that from and after the passing of this Act, no person or persons, upon any pretence whatever, shall presume to ask, demand or receive for fresh beef, veal, mutton, lamb, goat or pork, which shall be exposed for sale in the public market-house in the island of

between Culmerstreet to the eastward and Fort Charlotte to the westward, under a penalty of 40*s.*

Butchers may sell in the market every day in the week except Sunday.

On Saturday the market to be kept open until eight o'clock in the evening.

£. 5. penalty on persons exposing unwholesome provisions for sale in the market.

Commissioners to appoint a clerk; his duty.

£. 5. penalty on the forestalling, regrating and engrossing of provisions, for each offence.

Salary of the clerk of the market, and the rates of stallage and wharfage, to be fixed by the commissioners of the market, who are authorized to make rules and regulations for the government of the said market.

Clerk of the market to inspect all turtle cut up for sale, &c.

Price of butchers' meat limited.

- BAHAMAS.**
 Orders in Council
 and
 Colonial Laws.
 Appendix, No. 170.
- £. 5. penalty on opposing or obstructing the clerk of the market in the execution of his duty.**
 Penalty on smoking, shouting or making any offensive noise in the market.
- Commissioners to purchase measures, and to give them in custody of the clerk of the market.**
- Allowance to the clerk of the market for the use of measures for grain.**
- Actions, when brought against persons acting under the authority of this Act, to be within six months.**
- Proceedings for the recovery of penalties under this Act, final.**
- Appropriation of fines and penalties.**
- Surplus stallage-money accumulating in the hands of the commissioners of the market, to be passed to the credit of the parochial fund.**
- Ten years' duration.**
- New Providence, any more, greater or higher rates or prices than are hereinafter mentioned; to wit, for fresh beef, 1s. 6d. per pound; for veal, 2s. per pound; for mutton, lamb, goat, kid or pork, 1s. 6d. per pound; which beef, veal, mutton, lamb, goat, kid and pork shall be weighed without the entrails, head, feet, or any part thereof; and any person or persons who shall ask, demand or receive any greater or higher price for the same than is hereinbefore mentioned and prescribed, shall forfeit and pay for every such offence the sum of 5*l.* lawful money of these islands, to be recovered as hereinafter directed.
15. And be it further enacted, by the authority aforesaid, that if any person or persons shall oppose or obstruct the clerk of the said market in the execution of his duty, or shall by any ways or means make, create or cause any riot or disturbance in the said market, or at or near the same, during market hours, every person or persons so offending shall for every such offence forfeit and pay a sum not exceeding 5*l.*, to be recovered and applied as hereinafter directed.
16. Whereas the quiet and good order of the market is frequently disturbed by persons selling therein, or those employed by them offering for sale their meat, corn or other articles or things for sale, in a loud voice, to attract customers, and otherwise disturbing the said market by shouting, singing, smoking, screaming or otherwise, to the great annoyance of persons frequenting the same and the inhabitants of its vicinity; be it enacted, that such and the like practices are hereby declared to be unlawful, and any person or persons guilty of them, or either of them, shall on due conviction be liable to be punished as for a misdemeanor, at the discretion of the said commissioners or any justice of the peace, by fine, not exceeding 20*s.*, and in default of payment within the time appointed by the said commissioners or justice of the peace, to imprisonment, for any number of days not exceeding five, in the house of correction.
17. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the commissioners of the aforesaid market to purchase, from time to time, all such measures as may be necessary; which said measures shall be paid for by the aforesaid commissioners out of the public monies which may be in their hands, and shall be delivered to the clerk of the aforesaid market, who is hereby required to keep the same, in every respect, complete and in good order, under a penalty not exceeding 2*l.* for every default.
18. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the clerk of the aforesaid market to ask, demand and receive from the sellers of all grain the sum of 1*s.* per day for the use of every bushel or half bushel measure; provided always, that nothing herein contained shall extend to prevent any person or persons from measuring corn with any standard measure of his or their own.
19. And be it further enacted, by the authority aforesaid, that if any action or suit shall be brought or commenced against any person or persons for anything done in pursuance of this Act, or in relation to the matters therein contained, such action or suit shall be brought in six months next after the cause of action shall have arisen, and not afterwards; and the defendant in every such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence.
20. And be it further enacted, by the authority aforesaid, that when any proceedings for the recovery of fines and forfeitures shall be had in pursuance of this Act before the commissioners of the market, or before any magistrate, such proceedings, and conviction thereon had, shall not be removed by certiorari or any other writ or writs, but all such proceedings and judgment and determination of said commissioners or magistrates shall be final and conclusive.
21. And be it further enacted, by the authority aforesaid, that all fines and penalties imposed by this Act shall be recovered before any one of His Majesty's justices of the peace, or before the said commissioners, or a majority of them, who is and are hereby authorized and empowered to commit to the common gaol or house of correction, by warrant under his or their hands and seals, any offender or offenders against this Act, until such fine or fines shall be paid; one half of which fine or fines shall be paid to the informer or informers, and the other half to the commissioners aforesaid, to be by them applied to the use of the said market.
22. And whereas it may happen that the proceeds of the rates of stallage, slaughterage, crawlage and wharfage, or other rates or fees, and other sums of money from time to time to be imposed and received by the said commissioners under and by virtue of this Act, may be more than sufficient to meet the expenses attendant upon the said market, and other matters thereunto relating; be it therefore further enacted, by the authority aforesaid, that it shall and may be lawful to and for the said commissioners from time to time, and at all times, when and as often as the amount of any sums so received by them as aforesaid shall be more than sufficient to meet the expenses attendant upon the government and ordering of the said market, and all lawful and customary matters and disbursements thereunto relating, to pass the surplus thereof to the credit of the parochial fund, and to appropriate and apply the same to such ordinary parochial purposes as they may deem necessary.
23. And be it further enacted, by the authority aforesaid, that this Act shall continue and be in full force from the passing thereof for the term of ten years, and from thence to the end of the then next session of the General Assembly.

BAHAMAS.

Orders in Council
and
Colonial Laws.

Appendix, No. 171.

Appendix, No. 171.

(Enclosure in Lieutenant-Governor *Colebrooke's* Despatch, 4 June 1835. No. 482.)

5 Will. IV. c. 32.—AN ACT to amend the Law relative to the provision of Salaries to certain Special Magistrates.—Passed 24 April 1835.

WHEREAS it is expedient, with a view to the more efficient and economical expenditure in this respect to amend the law passed in the fifth year of your Majesty's reign, intituled "An Act to provide for the Payment of Salaries to certain Special Magistrates therein designated, and to repeal certain Clauses or Sections of an Act of the General Assembly, made and passed in the Fourth Year of his Majesty's Reign, intituled 'An Act, auxiliary to an Act of the Imperial Parliament, intituled An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,'" and to explain certain other clauses of the said Act: may it therefore please your Majesty that it may be enacted, and be enacted by his Excellency Lieutenant-colonel William Macbean George Colebrooke, Lieutenant-governor and Commander-in-chief in and over the said islands, the Council and Assembly in and for the same, and be it enacted, that so much of the said Act and Schedule as requires the Governor, Lieutenant-governor, or Commander-in-chief to appropriate specifically the several sums of money authorized to be expended for the payment of the salaries to special justices in the said Act mentioned, be suspended; and that the Governor, Lieutenant-governor, or officer administering the government for the time, be authorized to appropriate so much and such parts of the said sums so authorized by the said Act and Schedule to be specifically expended to and for such general purposes, for the better giving effect to the Act of Parliament, intituled "An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," and to the Act auxiliary thereto, as his Excellency, by and with the advice and consent of his Majesty's Council, may deem most expedient and advantageous to the public service, anything in the first recited Act to the contrary notwithstanding: provided, however, that there shall be annually laid before the House of Assembly a detailed account of the expenditure incurred by virtue of this Act; and provided further, that no greater expenditure shall take place under the authority of this Act than was authorized and could lawfully have taken place under and by virtue of the first above recited Act.

Preamble.

Certain parts of Act of 5 Will. 4, c. 7, suspended.

Governor authorized to appropriate any sums authorized by the Act.

Appendix, No. 172.

(Enclosure in Lieutenant-Governor *Colebrooke's* Despatch, 4 June 1835, No. 482.)

5 Will. IV. c. 38.—AN ACT to explain and amend certain parts of the 4 Will. 4, c. 21, intituled "An Act, auxiliary to an Act of the Imperial Parliament, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves, and for other Purposes.'"—Passed 11 May 1835.

Appendix, No. 172.

WHEREAS the 41st section of the Act to which this Act is an amendment recognises agreements voluntarily entered into, in writing, between employers and apprentices, and attested by some justice of the peace specially commissioned, by which such apprentices are hired to themselves on certain terms; and whereas it is just and proper that such agreements should be duly performed, where practicable, by the parties thereto; may it please your Majesty that it may be enacted, and be enacted by his Excellency Lieutenant-colonel William Macbean George Colebrooke, K. H., Lieutenant-governor and Commander-in-chief, the Council and Assembly of the said islands, and it is hereby enacted and ordained, by the authority of the same, that for the wilful and fraudulent evasion or non-performance of any such or the like contract already entered into by and between any such employer and apprenticed labourer, or hereafter to be entered into, the defaulter shall be liable, on complaint made before any justice specially commissioned as aforesaid, to be tried, and on conviction of such wilful fraud, punished by such justice, in the same way and manner as is provided for the nonperformance of any other contract or agreement duly made and entered into under the said Act, except corporal punishment by whipping, anything in the said 41st section of the Act to which this Act is an amendment, or any other part of the said Act, contained to the contrary notwithstanding.

Preamble.

Punishment for the fraudulent evasion of agreements

2. And whereas, in and by the 63d section of the aforesaid Act, provision is made for the appointment of assessors to classify the apprentices therein mentioned into prædial and non-prædial; and whereas no provision is made for the hearing any objection that may be urged by and on behalf of any apprentice to the class to which he or she may have been assigned by the said assessors; and whereas, it is expedient to authorize the said assessors to hear, receive, and determine in a summary way upon any such objection that may be offered

BAHAMAS.
 Orders in Council,
 and
 Colonial Laws.
 Appendix, No. 172.
 Governor may extend the time for the classification of apprentices.

offered by or on behalf of any such apprentice, as well before as after such classification, and when necessary, to revise any classification that may have taken place *ex parte*; and whereas, for the purposes aforesaid, it may become expedient to extend the time limited by the said section of the above recited Act for making such assessment, be it therefore enacted, that it shall and may be lawful for the Governor, Lieutenant-governor, or officer administering the government for the time being, from time to time, as may appear to him necessary for the due completion of the said assessment and classification, to extend the time for the final completion of the same, and to make such rules and regulations for the government of the said assessors in the due execution of the duty necessary to be done by the above recited Act, and for the enabling such assessors to hear, receive and determine on objections offered by the said apprentices, or any of them, to the classification as aforesaid, and for the production of such apprentices when necessary; provided that no such rules and regulations shall authorize or require the removal, for such purpose, of any such apprentice out of the district to which such apprentice may belong.

B E R M U D A.

Appendix, No. 173.

(Enclosure in Sir S. Chapman's Despatch, 8 October 1834. No. 504.)

BERMUDA.
 Appendix, No. 173.
 Preamble.

AN ACT, in addition to the "Act as well for the Relief of the Poor as for the putting out Apprentices and setting Idle Persons to work."—Passed 25 June 1834.

Apprentices to be bound by deed indented.

Overseers may bind poor male children as apprentices to the sea service.

Age of apprentice to be inserted in indentures.

WHEREAS by the Act, whereof the title is above recited, passed the 13th day of July, in the year of our Lord 1787, it is amongst other things enacted, that it shall and may be lawful for the churchwardens and overseers of the poor of any parish, by the assent of the justice or justices of the parish, to bind out any poor child that they shall think proper to be an apprentice until such child, if a male, shall arrive at the age of 21 years, and if a female, at the age of 20 years, or the time of her marriage, and that the same be as effectual to all intents and purposes as if such child was of full age, and by indenture of covenant bound himself or herself; and whereas it hath been usual for such apprentices to be bound by deed indented, but there being no express enactment to that effect, it may be doubtful how far it may be obligatory in law so to bind them, we, therefore, your Majesty's most dutiful and loyal subjects, the General Assembly of these your Majesty's Bermuda or Somers' Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the authority of the same, that all binding of such apprentices shall in all cases be by deed indented. And be it enacted and declared, that under and by virtue of the aforesaid Act, whereof the title is herein first recited, it is and shall and may be lawful for such overseers of the poor, by and with the consent of the justices as therein mentioned, to bind out by indenture any poor male child to be an apprentice to the sea service, and that every person to whom such apprentice shall have been bound may employ him at any time in any vessel of which such person may be the master or owner: always provided that such binding shall be to some one of His Majesty's subjects resident within these islands, and being at the time of the execution of such indenture master or owner of some ship or vessel used in the sea service, and registered as belonging to some port or ports within the said islands; and provided moreover, that such child be not under the age of ten years, and be in other respects fitly qualified, both as to health and strength of body, for such service; and to the end that the term of the continuance of the service of any such parish apprentice may more plainly and certainly appear, be it further enacted, that the age of every such apprentice shall be inserted in his indentures, being taken truly for a copy of the entry in the registry book wherein the time of his being baptized is or shall be entered, where the same can or may be had, which copy shall be given and attested by the minister of the parish wherein such baptism shall be registered, without fee or reward; and where no such entry of such child can be found, the said overseers and justices shall, as fully as they can, inform themselves of such child's age, and from such information shall insert or cause the same to be inserted in the said indentures; and the age of such child so inserted in such indentures shall, in relation to the continuance of the apprenticeship, be taken to be the true age of such child without any further proof.

2. And whereas in the indentures of apprenticeship for such apprentices it hath been usual to insert several agreements and covenants to be done and performed by the several parties thereto, that is to say, an agreement on the part of the apprentice that he will faithfully serve his master during the term of such apprenticeship, and also several covenants on the part of the master, for himself, his executors and administrators, that he, the said master, will teach or cause to be taught such apprentice in the business of husbandry, or of the sea service, or in the craft, mystery or occupation which such master then useth, as the case may be, and that such master shall also, during the term of such apprenticeship, find and allow unto such apprentice sufficient meat, drink, apparel, lodging, and all other things needful for an apprentice during such term; and whereas, in the event of the death of the master during

during the term of such apprenticeship, the agreement for service on the part of the apprentice is at an end, but the covenant for maintenance on the part of the master still continues in force as far as the master's assets will extend, or doubts have arisen with respect thereto; in order, therefore, to remove such doubts and to obviate any inconvenience therefrom, be it further enacted, that from and after the passing of this Act, in case of the death of the master or mistress of any poor apprentice during the term of such apprenticeship, such covenant as is before mentioned for the maintenance of such apprentice inserted in the indenture of apprenticeship, by which such apprentice shall have been or shall be bound, shall not continue and be in force for and during any longer time than for three calendar months next after the death of such master or mistress; and that during such three calendar months such apprentice shall continue to live with and serve as an apprentice the executors and administrators of such master or mistress, some or one of them, or such person or persons as such executors or administrators, some or one of them, shall appoint. And the master or mistress whom such apprentice shall accordingly serve during the said three calendar months, and also such apprentice, shall during that time be subject and liable to all the laws which are or shall be in force for the better government and regulation of masters and poor apprentices; and that in all such parish indentures of apprenticeship as aforesaid which shall be made from and after the passing of this Act there shall be annexed to the covenant in such indentures to be entered into on the part of the master or mistress of such apprentice, for such maintenance as aforesaid, a proviso declaring that such covenant shall not be made to continue and be in force for any longer time than for three calendar months next after the death of such master or mistress, in case such master or mistress shall die during the term of such apprenticeship, which proviso may be in the form or to the effect mentioned in the Schedule hereunto annexed, marked with the letter (A); and in case such proviso shall happen to be omitted in any such indenture, the covenant therein contained on the part of the master or mistress for the maintenance of the apprentice shall be deemed and taken to continue and be in force for no longer time than for three calendar months next after the death of such master or mistress, in case such master or mistress shall die during the term of such apprenticeship, anything in any such covenant to the contrary notwithstanding.

3. And whereas it is just and reasonable that such apprentice as aforesaid, in case of his master's death during his apprenticeship, should be obliged during the term of his apprenticeship to make some satisfaction by his labour to the family or representatives of his deceased master or mistress, for the advantages he has received from his apprenticeship in his childhood, when his services could not be equal to the expenses of his maintenance, be it further enacted, that within such three calendar months after the death of such master or mistress, it shall and may be lawful for any one or more justices of the peace of the parish where such master or mistress shall have resided at the time of such death, on application made to them by the widow of such master or the widower of such mistress, or by any son or daughter, brother or sister, or by any executor or executrix, administrator or administratrix of such master or mistress, by indorsement on any such indenture of apprenticeship, or the counterpart thereof, or by any other instrument in writing (which indorsement or instrument may be in the forms or to the effect in the Schedules hereunto annexed, marked (B) and (C), to order and direct that such apprentice shall serve as an apprentice any one of such persons so making such application as aforesaid (such person having lived with and having been part of the family of such master or mistress at the time of his or her death) as the said justices shall in their discretion think fit, for and during the residue of the term mentioned in such indenture of apprenticeship; provided, however, that in case of the death of the master of any apprentice to the sea service, upon such application made to any such justice or justices as aforesaid, it shall and may be lawful for them to order and direct such apprentice to serve any other such master or owner of a ship or vessel as aforesaid for and during the remainder of the term mentioned in his indenture of apprenticeship; and the person obtaining any such order shall declare his or her acceptance of any such apprentice as aforesaid, by subscribing his or her name to such order; and that from and after any such order shall be made, the executors and administrators, and the personal estate and effects of the master or mistress so dying as aforesaid, shall be released and discharged of and from any promise or covenant whatsoever contained in any such indenture of apprenticeship, on the part of such master or mistress, his or her executors or administrators, to be done and performed; and the person obtaining the same shall be and be deemed and taken to be the master or mistress of such apprentice, in like manner as if such apprentice had been originally bound to such master or mistress; and that such last-mentioned master or mistress, his or her executors and administrators, each and every of them, shall be held and bound by the several promises and covenants contained in any such indenture of apprenticeship on the part of the master or mistress therein named, his or her executors or administrators, to be done and performed, in like manner as if such master or mistress obtaining such order as aforesaid had duly executed the counterpart of such indenture; and that such master or mistress and apprentice shall be subject and liable to the several penalties, provisions and regulations which are or shall be in force for the better government and good order of masters and parish apprentices; and that all justices of the peace shall have the like powers and authority with respect thereto as they shall have by any Act or Acts relating to parish apprentices.

4. And be it further enacted, that all and singular the regulations and provisions hereinbefore made and directed to take place on the death of the original master or mistress shall be deemed and taken to relate to the like event of the death of any such subsequent master or mistress, and to their several relations and representatives, and other persons before enumerated,

BERMUDA.

Appendix, No. 173.

Covenants for maintenance of poor apprentices to be in force three months after death of masters.

In the event of masters dying, justices of the peace have discretionary powers over the services of apprentices.

BERMUDA.

Orders in Council
and
Colonial Laws.

Appendix, No. 173.

This Act applicable to such apprentices only as are domesticated in the families of masters.

Magistrates may issue distress warrants against masters not fulfilling covenants for maintenance and clothing of apprentices.

Services of apprentices assignable under attestation of magistrates.

merated, from time to time, as often as the case shall happen, during the continuance of the term mentioned in any such indenture of apprenticeship.

5. And be it further enacted, that in case no such application shall be made as aforesaid within three calendar months next after the death of such master or mistress, or in case such justice or justices to whom any such application as aforesaid shall have been made shall not think fit that such apprenticeship should be continued, then the said apprenticeship shall be determined, and the indenture of apprenticeship and covenants therein contained shall be at an end, in like manner as they would have been at the expiration of the term therein mentioned.

6. Provided always, and be it further enacted, that nothing hereinbefore contained shall extend or be construed to extend to any parish apprentice, but to such only as shall be living or shall make part of the family, or shall be in the actual employment of such original master or mistress, or of any subsequent master or mistress appointed under and by virtue of the several provisions of this Act, at the time of the death of any such master or mistress respectively.

7. And whereas much difficulty and delay must necessarily happen in bringing an action upon the covenant for maintenance before mentioned, contained in any such indenture or parish apprentices; be it further enacted, that in case any such original master or mistress as aforesaid, or any master or mistress appointed under or by virtue of this Act, shall, during the term of any such parish apprentice as aforesaid, or if the executors or administrators of such master or mistress, any or either of them, having assets, shall, during such three calendar months as aforesaid, refuse or neglect to maintain and provide for any such apprentice, according to the terms of such covenant, it shall and may be lawful for any one or more justices of the peace of the parish to which such apprentice shall belong, on complaint of such apprentice, or of the churchwardens and overseers of the poor of such parish, by warrant under their hands and seals, to levy, by distress and sale of the personal estate and effects or assets of such master or mistress respectively, such sum or sums of money as shall be necessary for the maintenance, provision and clothing of such apprentice, and as shall also be necessary to reimburse to the overseers of the poor of such parish any sum or sums of money that shall have been reasonably expended by them for that purpose.

8. And whereas it may happen that it may become highly inconvenient, or altogether impracticable, for a master or mistress of a parish apprentice to maintain or employ such apprentice, and it may therefore become expedient, for the benefit of such apprentice, to assign over such apprentice to some other person, and it is proper that such assignment should be legally made under the inspection and control of the magistrates, as well for the benefit of the apprentice, as that the original master or mistress may be discharged from his or her covenants in respect of such apprentice, and it is fit that the person to whom such assignment shall be made, and also the apprentice, should be made subject to the ordinary jurisdiction of justices of the peace with respect to masters and parish apprentices; be it further enacted, that it shall and may be lawful for any master or mistress of any such parish apprentice as aforesaid, by indorsement on the indenture of apprenticeship, or by other instrument in writing, by and with the consent of two justices of the peace of the parish where such master or mistress shall dwell, if they shall think fit that such assignment should be made, testified by such justices under their hands, to assign such apprentice to any person who is willing to take such apprentice for the residue of the term mentioned in such indenture of apprenticeship; provided always, that such person to whom such apprentice is intended to be assigned shall, at the same time, by indorsement on the counterpart of such indenture, or by writing under his or her hand, stating the said indenture of apprenticeship and the indorsement and consent aforesaid, declare his or her acceptance of such apprentice, and acknowledge himself, herself, his or her executors and administrators, to be bound by the agreements and covenants mentioned in the said indenture, on the part of the master or mistress of such apprentice to be done and performed, which indorsement or instrument may be in the forms or to the effect mentioned in the Schedules hereunto annexed, marked with the letters (D) and (F); and in such case such apprentice shall be deemed and taken to be the apprentice of such subsequent master or mistress to whom such assignment shall be made, to all intents and purposes whatsoever, and so from time to time, as often as it may be necessary or convenient for any such subsequent master or mistress to part with any such apprentice; and all justices of the peace shall have the like power and authority in the several cases last mentioned, with respect as well to the subsequent master or mistress, masters and mistresses, as to the apprentice, as such justices shall have by any law for the better regulation of parish apprentices.

9. And whereas no express provision has been made for the discharging of any such parish apprentice from a master or mistress who is become insolvent, or is so far reduced in his or her circumstances as to be unable to employ or maintain such apprentice; be it further enacted, that it shall and may be lawful for two justices of the peace of the parish where any such master or mistress shall live, on the application of such master or mistress requesting that any such apprentice may be discharged for the reasons aforesaid, to inquire into the matter of such allegations, and to discharge any such apprentice from his apprenticeship, in case the said two justices shall find such allegations to be true; or in such case, to authorize the assignment of such parish apprentice, if such justices shall think proper, in manner hereinbefore mentioned, if there be any suitable person, in the estimation of such justices, willing to take an assignment of such apprentice for the remainder of the term of his apprenticeship.

10. And whereas it is expedient to make certain regulations, relating not only to the apprentices but to certain servants hereinafter specified, be it further enacted, that all complaint

Magistrates may decide differences

plaints, differences and disputes which shall happen or arise between masters or mistresses and servants in husbandry, artificers, handicraftsmen and other labourers employed for any certain time, or in any other manner, shall be heard and determined by one or more justices of the peace of the parish where such master or mistress shall inhabit, which said one or more justices is or are hereby empowered to examine, upon oath, any such servant, artificer, handicraftsman or other labourer, or any other witness or witnesses, touching any such complaint, difference or dispute, and to make such order for payment of so much wages to such servant, artificer, handicraftsman or other labourer, as to such justice or justices shall seem just and reasonable, provided that the sum in question do not exceed 10*l.*; and in case of refusal or nonpayment of any sum so ordered, by the space of 10 days next after such determination, such justice or justices shall and may issue forth his or their warrant to levy the same, by distress and sale of the goods and chattels of such master or mistress, or person employing such servant, artificer, handicraftsman or other labourer, rendering the overplus to the owners, after payment of the charges of such distress and sale; and provided further, that nothing in this Act contained extend or be construed to extend to menial or domestic servants.

between masters and servants in husbandry, &c., and make order for the payment of wages to the amount of 10*l.*

Nothing in this Act to extend to menial or domestic servants.

11. And be it further enacted, that it shall and may be lawful to and for such justice or justices, upon application or complaint made, upon oath, by any master, mistress or employer, against any such servant, artificer, handicraftsman or labourer, touching or concerning any misdemeanor, miscarriage or ill behaviour in such his or her service or employment (which oath any such justice is hereby empowered to administer), to hear, examine and determine the same, and to punish the offender, by commitment to one of His Majesty's gaols, with or without hard labour for a reasonable time, not exceeding one calendar month, or otherwise by abating some part of his or her wages, or by discharging such servant, artificer, handicraftsman or labourer from his, her or their service or employment; and in like manner also it shall and may be lawful to and for such justice or justices of the peace, upon any complaint or application, upon oath, by any such servant, artificer, handicraftsman or other labourer against such master, mistress or employer, touching or concerning any misusage, refusal of necessary provision, cruelty or other ill treatment of, to or towards such servant, artificer, handicraftsman or other labourer, to summon such master, mistress or employer to appear before such justice or justices, at a reasonable time, to be prefixed in such summons; and such justice or justices shall and may examine into the matter of such complaint, whether such master or mistress or employer shall appear or not, proof being made, upon oath, of his or her being duly summoned; and upon proof of such complaint made, to his or their satisfaction, to discharge such servant, artificer, handicraftsman or other labourer of and from his said service and employment, which discharge shall be given under the hands and seals of such justice or justices gratis.

Misconduct of servants in husbandry, &c. may be punished by magistrates.

Servants in husbandry, &c., being ill treated by employers, may be discharged by magistrates from other services.

12. And be it further enacted, that it shall and may be lawful to and for any such justice or justices of the peace, upon any complaint or application by any parish apprentice, or any other apprentice, touching or concerning any misusage, refusal of necessary provision, cruelty or other ill treatment of or towards such apprentice, by his or her master or mistress, to summon such master or mistress to appear before such justice or justices at a reasonable time, to be named in such summons, and such justice or justices shall and may examine into the matter of such complaint, and upon proof thereof made, upon oath or otherwise, to their satisfaction (whether the master or mistress be present or not, if service of the summons be also upon oath proved), the said justice or justices may discharge such apprentice by warrant or certificate under their hands and seals, for which warrant or certificate no fees shall be paid.

Magistrates may discharge apprentices who are ill treated by masters.

13. And be it further enacted, that it shall and may be lawful to and for such justice or justices of the peace, upon complaint or application made by any master or mistress, and proved upon oath or otherwise against any such apprentice, touching or concerning any misdemeanor, miscarriage or ill behaviour in such his or her service, which oath any such justice is hereby empowered to administer, to hear, examine and determine the same, and to punish the offender by imprisonment, with or without hard labour, in any one of His Majesty's gaols for a reasonable time not exceeding one calendar month, or otherwise by discharging such apprentice in manner and form before mentioned; provided nevertheless, that if any person or persons shall think himself, herself or themselves aggrieved by such determination, order or warrant of such justice or justices as aforesaid, save and except any order of commitment, he, she or they may appeal to the next general quarter sessions of the peace for these islands, which said quarter sessions is hereby empowered to hear and finally to determine the same, and to give and award such costs to any of the respective persons, appellant or respondent, as the said sessions shall judge reasonable, not exceeding 40*s.*, the same to be levied by distress and sale in manner before mentioned.

Magistrates may punish apprentices for misconduct.

Apprentices may appeal to quarter sessions.

14. And whereas it is fit that the expectation of such discharge of any parish apprentice should not operate as an inducement to such ill treatment, be it further enacted, that in every case where any parish apprentice whatsoever shall be discharged from his apprenticeship by such justice or justices under and by virtue of this Act, for any such ill treatment as aforesaid by his or her master or mistress, it shall and may be lawful for such justice or justices, to order such master or mistress to deliver up to such apprentice his or her clothes and wearing apparel, and to pay a sum not exceeding 5*l.* in case such master or mistress shall refuse to deliver up such clothes and wearing apparel; and in case such master or mistress shall refuse to pay the sum so ordered by the said justice or justices to be paid as aforesaid, it shall and may be lawful for such justice or justices, by warrant under hand and seal, to levy the same by distress and sale of the goods and chattels of such master or mistress, together with reasonable expenses of such distress, and also, that it shall and may be lawful

Apparel of discharged apprentices to be delivered up, or equivalent paid.

BERMUDA.

Appendix, No. 173.

Masters from whom apprentices have been removed by reason of ill treatment, not to have others bound to them.

Masters may appeal to quarter sessions.

Apprentices absents themselves, to make up by additional service for time of absence.

Servants in husbandry, &c., under contract, absents themselves, may be apprehended under magistrates' warrants.

lawful for such justice or justices, if they shall so think fit, to compel such overseers of the poor, some or one of them, to enter into a recognizance for the effectual prosecution by indictment of such master or mistress for such ill treatment of any such apprentice so discharged as aforesaid.

15. And whereas it would not be expedient that any such master or mistress should be again entrusted with the care of another parish apprentice, be it further enacted, that in every case where any parish apprentice shall have been so discharged from any master or mistress as last aforesaid, under and by virtue of this Act, and such master or mistress shall have been convicted of such offence in consequence of such prosecution by indictment as aforesaid, or shall have been found guilty thereof in any action brought at the suit of the party injured, it shall not be lawful for the overseers of the poor of any parish to bind any other apprentice to such person; provided always, that it shall and may be lawful for such master or mistress as aforesaid, from whom any parish apprentice shall be discharged under and by virtue of this Act, for the cause last aforesaid, to appeal against the order made for such discharge as aforesaid; and also against any such order made for his or her payment of any such sum or sums of money in consequence thereof as aforesaid, to the next general quarter sessions of the peace of these islands, and upon such appeal the said court of general quarter sessions shall finally determine the same, and in their discretion allow to all parties their reasonable costs, and no such distress for enforcing the payment of any such sum as is last mentioned shall be taken until after the general quarter sessions of the peace to be holden next after any such order as aforesaid shall be made, in case the person who is ordered to pay the same shall, within seven days after notice given to him or her of such order being made, give notice to such overseers of the poor, some or one of them, of such intended appeal, and in case such person shall fail to appear in support of his or her appeal at such general quarter sessions, then the sum of 40s. shall be added to the expenses of the distress before directed to be taken and levied.

16. And whereas it is expedient to prevent the expectation of such a discharge being an inducement to ill behaviour on the part of any such apprentice as aforesaid, be it further enacted, that in all cases where any parish apprentice shall be discharged by such justice or justices under and by virtue of the enactment aforesaid, from his or her apprenticeship, on account of any misdemeanor, miscarriage or ill behaviour on the part of such apprentice in such his or her service as aforesaid, that it shall and may be lawful for such justice or justices if they shall think proper, by warrant under hand and seal, to punish such offender by imprisonment, with or without hard labour, in one of His Majesty's gaols, for a reasonable time, not exceeding three calendar months, as to such justice or justices shall seem meet.

17. And be it further enacted, that if any person shall be aggrieved by any matter or thing done or omitted to be done by any overseer of the poor, or by any of His Majesty's justices of the peace, or by any other person or persons whomsoever under and by virtue of this Act, besides such matters or things for which an appeal is hereinbefore specially given, it shall and may be lawful for such person or persons to appeal to the next general quarter sessions of the peace, where the same shall be heard and finally determined, and such court may award reasonable costs and expenses to either party before them.

18. And be it further enacted, that if any apprentice shall absent himself or herself from his or her master or mistress's service before the term of his or her apprenticeship shall be expired, every such apprentice shall, at any time or times thereafter, whenever he or she shall be found, be compelled to serve his or her said master or mistress for so long a time as he or she shall have so absented himself or herself from such service, unless he or she shall make satisfaction to his or her master or mistress for the loss he or she shall have sustained by his or her absence from his or her service, and so from time to time as often as any such apprentice shall, without leave of his or her master or mistress, absent himself or herself from his or her service before the term of his or her contract shall be fulfilled. And in case any such apprentice shall refuse to serve as hereby required, or to make such satisfaction to his or her master or mistress, such master or mistress may complain, upon oath, to any one or more justices of the peace where he or she shall reside, which oath any one of such justices is hereby empowered to administer, and to issue a warrant, under hand and seal, for apprehending any such apprentice; and such justice or justices, upon hearing the complaint, may determine what satisfaction shall be made to such master or mistress by such apprentice; and in case such apprentice shall not give security to make such satisfaction according to such determination, it shall and may be lawful for such justice and justices to commit every such apprentice to one of His Majesty's gaols for any time not exceeding three months.

19. Provided, however, that no apprentice shall be compelled to serve for any time or term, or to make any satisfaction to any master or mistress, after the expiration of seven years next after the end of the term of his or her apprenticeship, anything herein contained to the contrary notwithstanding.

20. And be it further enacted, that from and after the passing of this Act, if any servant in husbandry, artificer, handicraftsman or labourer shall contract with any person whomsoever, for any time or times whatsoever, and shall absent himself from his or her service before the term of his contract shall be completed, or be guilty of any other misdemeanor in his or her service or employment, that then and in every such case it shall and may be lawful for any justice or justices of the peace of these islands, upon the complaint of any such master or mistress, or his or her agent, upon oath, which oath any such justice is hereby empowered to administer, to issue his or their warrant for the apprehending every such servant, artificer, handicraftsman or labourer, and to examine into the nature of the complaint; and if it shall appear to such justice or justices that any such servant in husbandry, artificer, handicraftsman, labourer or other person shall not have fulfilled such contract, or hath been guilty of any

any misdemeanor in such service as aforesaid, it shall and may be lawful for such justice or justices to commit every such person to one of His Majesty's gaols for these islands, for any time not exceeding three calendar months, nor less than one calendar month; and that no person who shall retain any such servant, artificer, handicraftsman or labourer, shall put away any such servant, artificer, handicraftsman or labourer before the end of his term, under a penalty, not exceeding 10 *l.*, to the party grieved, unless it be for some reasonable and sufficient cause or matter to be allowed by one or more justices of the peace of and for the parish where the party grieved may reside, to whom any party grieved shall complain, and who shall take upon him or them the hearing and ordering of the matter.

Servants in husbandry, &c., under contract, may be committed to gaol for misconduct.

21. Provided further, that if any person shall think himself aggrieved by such determination, order or warrant of any such justice or justices of the peace as aforesaid, except an order of commitment, every such person may appeal to the next general quarter sessions of the peace to be holden for these islands, such person giving six days' notice of his intention of bringing such appeal, and of the cause and matter thereof, to such justice or justices of the peace, and the party concerned, and entering into a recognizance within three days after such notice, before such justice of the peace of the said islands, with sufficient surety conditioned to try such appeal at and abide the order or judgment of, and pay such costs as shall be awarded by the justices at such quarter sessions; which said justices at their said sessions, upon due proof of such notice being given, and of entering into such recognizance as aforesaid, shall and are hereby directed to proceed to hear and determine the causes and matters of all such appeals, and shall give such relief and costs to the parties appealing or appealed against, as they in their discretion shall judge proper and reasonable, and their judgments and orders therein shall be final and conclusive to all parties concerned; provided also, and be it further enacted, that no writ of *certiorari* or other process shall issue or be issuable to remove any proceeding whatever had in pursuance of this Act into any of the courts of record in these islands.

Parties who deem themselves aggrieved may appeal to quarter sessions.

22. And be it further enacted, that all and every person and persons to whom any poor parish boy hath been or hereafter shall be put apprentice to any trade or husbandry according to the Act whereof the title is hereinbefore first recited, or according to this or any other Act, may with the consent and approbation of one or more justices of the peace of the same parish, and with the written concurrence of such apprentice on the indentures, at the request of the master or mistress then being of such apprentice, or his or her executors, administrators or assigns, by indorsement, assign and turn over such poor boy apprentice to any master or owner as aforesaid, of any ship or vessel as aforesaid, using the sea service as aforesaid, for and during the then remaining time of his apprenticeship, which assignment of such apprentice so as aforesaid shall be and is hereby declared to be good and effectual in the law; and any poor parish boy, bound apprentice to the sea service, may, in like manner as aforesaid, be turned over as an apprentice to any master, to any trade or husbandry for the residue of his term of apprenticeship.

Parish apprentices may be removed from land to sea service.

23. And whereas it may tend to the benefit of children bound as apprentices pursuant to this or any other Act, if the said overseers were required to keep a register of all children who shall be so bound, be it further enacted, that the overseers aforesaid of every parish in these islands shall provide, at the parish expense, and keep a book or books in the vestry-room of the parishes to which they shall respectively belong, and enter or cause to be entered therein the name of every child who shall be bound out or assigned, by virtue of this or any other Act, as apprentice, and of the names of the persons to whom so bound or assigned, with the several other particulars in manner and form required by this or any other Act, according to the Schedule hereto annexed, marked (F); and every such entry, when made in such registry, shall be produced and laid before the justices, who shall signify their assent to the indenture of apprenticeship of every such child at the time when such indenture shall be laid before such justices for their assent, as required by the said first-recited Act; and each entry in the said registry shall, if approved of by such justices, be signed by them according to the form marked in the Schedule (F).

Overseers to keep registers of apprentices.

24. And be it further enacted, that if any such overseer shall refuse or neglect to provide and keep such a book or books, or to make such an entry therein, or shall destroy or permit to be destroyed any such book or books, or shall wilfully obliterate, deface or alter any such entry, so that the same shall not be a true entry of the several particulars hereby required, or shall make a false entry therein, or shall permit the same to be done, or shall not produce or lay such book or books before such justices as aforesaid for their signature, or shall not deliver or tender, or cause to be delivered or tendered such book or books to his successor in office within three days after the appointment of such successor, or if any such successor shall neglect or refuse to receive the same when offered to him by his predecessor in office, that every such person so offending shall, for every such offence, on conviction before any one or more of His Majesty's justices of the peace of the parish where the offence shall be committed, on the oath of any credible witness or otherwise, forfeit any sum not exceeding 5 *l.*, to be recovered as debts not exceeding 5 *l.* are recoverable.

25. And be it further enacted, that it shall and may be lawful for any person, upon application to such overseers, at all reasonable times to inspect such books, and to have a copy of such entry, upon payment to such overseers for such inspection and copy the sum of 2s. 6d., except that the justices of the peace acting in and for the said parish shall and may be entitled at all times to inspect any such book gratis; and that every such book shall be deemed sufficient evidence in all courts of law whatsoever in proof of the existence of the indentures of any parish apprentice, and of the several particulars specified in the said register respecting such indentures, in case it shall be proved to the satisfaction of such courts that the said indentures are lost, or have been destroyed.

Apprentice registers to be open to inspection.

BERMUDA.

Orders in Council
and
Colonial Laws.
Appendix, No. 173.

26. And whereas it is in and by the Act, intituled, "An Act as well for the Relief of the Poor as for the putting out Apprentices and setting idle Persons to Work," amongst other things enacted, "That the churchwardens and overseers therein mentioned be respectively authorized and empowered, by and with the advice and consent of the justice or justices of the peace of their respective parishes, to take up and hire, for any time not exceeding two years, all such persons, whether married or unmarried, as shall be found in their respective parishes having no means wherewith to maintain themselves, and using no daily trade, occupation, labour or business to obtain a livelihood by; and in case any idle person so taken up shall refuse to go to service, or having gone to service refuse to labour, or otherwise mis-behave himself or herself, it shall and may be lawful for any justice of the peace, upon complaint to him for that purpose made, to order such idle person, upon his or her naked back so may lashes, not exceeding 39 for each offence, as such justice shall think fit and meet;" and whereas it is believed that such enactment has never been carried into effect, and it is deemed expedient to repeal the same, be it enacted, and it is hereby enacted, that the same be and is hereby repealed.

27. And whereas it is in and by the said last recited Act provided, "that the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame and impotent person or other poor person, not able to work, being of sufficient ability, shall at their own charge relieve and maintain every such poor person in such manner, and according to such rate as by the justice or justices of the peace and vestry of the parish where such sufficient persons dwell, shall be decreed and ordered, upon pain that every one of them shall forfeit and pay 20s. for every month which they shall fail therein;" and whereas it is deemed just and proper to extend a similar obligation to a certain extent to the fathers and mothers of children born of slaves, and to the fathers and mothers of children of whom any mother may have been *enceinte* while in a state of slavery; be it further enacted, that on, from and after the 1st day of August next, the father and mother of every child born of a slave, and the father and mother of every child of whom any mother was *enceinte* while such mother was in a state of slavery, shall in like manner be liable to make provision for any such child, being under the age of 12 years; and that for the purposes of this Act, the persons generally reputed to be the fathers of such children shall be deemed and taken to be such fathers, until the contrary shall be reasonably made to appear; and be it further enacted, that the aforesaid penalty of 20s. shall in like manner apply to such mothers and reputed fathers last mentioned, and that in all cases the said penalty be sued for and recoverable by the overseers of the poor in the same manner as debts not exceeding 10*l.* are recoverable.

After the 1st August 1834, parents of children born in slavery, to maintain them till 12 years, of age.

Parents may bind or place their children as apprentices or servants.

28. And whereas parents of poor children may be desirous of binding out their children as apprentices or placing them out as servants, and it is advisable, as well to encourage persons to take such apprentices or servants, as to protect such children when so bound or placed out; be it further enacted, that it shall and may be lawful for the father of any poor child, by indenture to bind any such child to husbandry, or to any trade, or to the sea service, to any person who shall be willing and competent to take the same; or to place out such child as servant; or in case of there being no father living, for the mother to exercise such power until any such child, if a male, shall attain the age of 21 years, or if a female, shall attain the age of 21 years, or shall be married, and that every such binding or hiring shall be as effectual to all purposes as if such child were of full age, and by indenture had bound him or herself; always provided, that in every case of an illegitimate child it shall and may be lawful for the mother of such child either to apprentice or place out as a servant such child in manner aforesaid: and whereas it may happen that such parents as aforesaid may be unable to maintain such child or children, and may nevertheless be unwilling to place out such child or children to service, and the overseers of the poor may not be able to apprentice such child or children to any trade, or to husbandry or to the sea service under the authority of this Act; be it further enacted, that in all such cases it shall and may be lawful for such overseers, by the consent of the justice or justices of the parish where such child or children shall reside, by indenture to place out such child or children to service from time to time until such child, if a male, shall attain the age of 21 years, and if a female, until such age or her marriage.

29. And be it further enacted, that all such children so apprenticed, or placed out as servants, shall be in all cases entitled to the same protection and redress or relief from or against their masters or mistresses, and shall be subject to the like punishments or discharges for ill behaviour, and entitled and subject to all the provisions which are by this or any other Act made in relation to parish apprentices.

30. And be it further enacted, that in every case in which anything is required by this Act to be done by two or more justices of the peace of any parish, and there shall not be such a number of justices in such parish, it shall be the duty of such justice or justices of the peace of any neighbouring parish as may be applied to for the purpose, to aid in the discharge of the duties prescribed by this Act for the justices of any particular parish; and be it enacted and declared, that all justices of the peace appointed for these islands generally shall be deemed and taken, for the purposes of this Act, to be justices of the peace wherein they shall reside.

31. And whereas an Act was passed the 9th day of March 1827 intituled, "An Act for the Protection and Government of Masters and Apprentices," which Act was to be in force for and during the term of 10 years; and whereas the several provisions in the said Act contained are mostly, if not altogether, comprised, with various other enactments, in the present Act; be it enacted, that the said Act whereof the title is last-above recited be and the same is hereby repealed; provided always, that nothing done under or by virtue of the said

said Act be in anywise invalidated by such repeal, but that all persons apprenticed under or by virtue of the said Act, and all masters or mistresses of any such apprentice be, from and after the passing of this Act, subject and liable to the several provisions of this Act.

BERMUDA.

32. And be it further enacted, that the Act, intituled "An Act for putting out Apprentices and setting idle Persons to Work," confirmed the 3d of August 1704, be and the same is hereby repealed.

Act of 1704 repealed.

33. And be it further enacted, that all indentures of apprenticeship, and all deeds whereby any persons shall be placed out as servants by virtue and under the authority of this Act, shall contain a covenant or covenants (or in case such covenant shall happen to be omitted, it shall be obligatory upon the master or mistress) that such master or mistress will allow reasonable time and opportunity for the education and religious instruction of such apprentice or servant.

Education and religious instruction of apprentices and servants provided for.

34. And be it further enacted, that this Act shall continue and be in force for and during the term of seven years, and thence to the end of the next session of the legislature thereafter.

Act to be in force till 25th June 1841 and thence to the end of the next session.

Passed the Assembly this 18th day of June 1834, by order of the House.
(signed) *John Noble Harvey*, Speaker.

Concurred to by the Legislative Council the 24th day of June 1834.
(signed) *Robert Kennedy*, President.

Assented to this 25th day of June 1834.
(signed) *S. R. Chapman*,
Governor and Commander-in-Chief.

Schedule (A.)

FORM of Proviso to be added to the Covenant of Maintenance.

Provided always, that the said last-mentioned covenant on the part of the said (the master), his executors and administrators, to be done and performed, shall continue and be in force for no longer time than for three calendar months next after the death of the said in case the said shall happen to die during the continuance of such apprenticeship.

Schedule (B.)

FORM of the Order of one or more Justices of the Peace, directing a Parish Apprentice to continue with the Widow (or, as the case may be) of his deceased Master, by Indorsement on the Indenture or Counterpart thereof.

Parish }
Bermuda. }

Whereas the master within named, late of the parish of in the said islands, died on the day of being within three calendar months now last past, I, (or, we, as the case may be), of His Majesty's justices of the peace for the parish aforesaid, whose names are hereunto subscribed, on the application, and at the request of widow (or, as the case may be) of the said living with and being part of the family of the said at the time of his death, do hereby order and direct that the apprentice within named, who was in the service and actual employment of the said at the time of his death, shall serve the said as such apprentice for the residue of the term of such apprenticeship, according to the provisions of an Act, intituled "An Act in Addition to the Act, as well for the Relief of the Poor as for the putting out Apprentices, and setting idle Persons to Work."

Witness our hands this day of

I, the above named (*A. M.*), do hereby declare that the above order is made at my request, and that I do accept the said as my apprentice, according to the terms and covenants contained in the said indenture, and according to the provisions of the said Act.

Witness my hand the day and year above written.

Schedule (C.)

FORM of the like Order by a separate Instrument.

Parish }
Bermuda. }

Whereas it appears unto me, (or, us, as the case may be), of His Majesty's justices of the peace for the parish of in the said islands, that (the apprentice) was bound an apprentice by the overseers of the poor of the parish of to

BERMUDA. to (the master) late of the said parish and the said
 died on the day of being within three calendar months now last past.
 Orders in Council Now I, (or, we, as the case may be), the said justices, on the application and at
 and Colonial Laws. the request, &c. (then to the end as before, *mutatis mutandis*).
 Appendix, No. 173.

Schedule (D.)

FORM of the Assignment of a Parish Apprentice, with the Consent of Justice, by Indorsement on the Indenture or Counterpart.

Parish }
 Bermuda }

Be it remembered, that the within-named (the master), by and with the consent of of His Majesty's justices of the peace for the said parish, whose names are subscribed to the consent hereunder written, and with the concurrence of the said apprentice written on these indentures (if not thereby first bound to the like service), do hereby assign the apprentice within named, unto (the new master), being owner or master (as the case may be) of a vessel used in the sea service, and registered as belonging to the port of in these islands (as the case may be), to serve him during the residue of the term within mentioned; and that the said doth hereby agree to accept and take the said as an apprentice for the residue of the said term, and doth hereby acknowledge himself, his executors and administrators, to be bound by the agreements and covenants within mentioned on the part of the said to be done and performed according to the true intent and meaning thereof, and pursuant to the provisions of the Act, intituled "An Act in Addition to the Act as well for the Relief of the Poor as for the putting out Apprentices, and setting idle Persons to Work."

In witness whereof we the said have hereunto set our hands this day of

We, of His Majesty's justices of the peace above mentioned do consent thereto.
 Witness our hands this day of

Schedule (E.)

FORM of a like Assignment by a separate Instrument.

Parish }
 Bermuda }

Whereas it appears unto of His Majesty's justices of the peace for the said parish, whose name subscribed to the consent hereunder written, that was bound and apprenticed by the overseers of the poor of the parish to of by indenture, bearing date on or about the day of until the said should attain the age of 21 years. Now be it remembered, that the said by and with the consent, &c. (and with the concurrence of the said apprentice on these indentures written, if not first bound to the like service, and so on to the end as before, *mutatis mutandis*).

Schedule (F.)

FORM of the Register.

| Number. | Date of Indenture. | Name of the Apprentice. | Sex. | Age. | His or her Parents' Names. | Their Residence. | Names of Persons to whom bound or assigned, as the case may be. | His or her Trade. | His or her Residence. | Term of the Apprenticeship or Assignment. | Apprentice or Assignment Fee. | Overseers Parties to the Indenture or Assignment. | Magistrates assenting. |
|---------|--------------------|-------------------------|------|------|----------------------------|------------------|---|-------------------|-----------------------|---|-------------------------------|---|-------------------------------|
| | | | | | | | | | | | | | [To be signed by themselves.] |

Appendix, No. 174.

(Enclosure in Sir *S. R. Chapman's* Despatch, 8 October 1834. No. 504.)

Orders in Council
and
Colonial Laws.

Appendix, No. 174.

AN ACT to restrain and punish Vagrancy.—Passed 28 June 1834.

WHEREAS it is expedient to make regulations respecting idle and disorderly persons, rogues and vagabonds, and other vagrants in these islands, we, His Majesty's most dutiful and loyal subjects, the General Assembly of these your Majesty's Bermuda or Somers' Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the authority of the same, that all persons who are able, by labour or by other means, to maintain themselves and families, and wilfully refuse or neglect so to do, and all persons who shall return to any parish from which they have been legally removed by order of any justice or justices of the peace, and shall there become chargeable, and all common prostitutes and night-walkers wandering in the public streets or public highways, or elsewhere, not giving a satisfactory account of themselves, shall be deemed idle and disorderly persons, and that it shall and may be lawful for any justice of the peace to commit any such offender (being thereof convicted before him by his own view, or by his or her own confession, or by oath of one or more credible witness or witnesses) to one of His Majesty's gaols, there to be kept, with or without hard labour, for any time not exceeding one week, or to sentence such person to work on the public roads, or any public works, for any time not exceeding one week, at his discretion; provided always, that it shall and may be lawful for any such justice to commit such offender to safe custody in any of the watchhouses in these islands for the purpose of having any such offence heard and determined before two justices, which two justices the constable is in such case hereby directed immediately to notify; and the justices, when so or otherwise assembled, may, on the conviction before them of such person or persons, commit such offender to one of His Majesty's gaols, there to be kept, with or without hard labour, for any time not exceeding one calendar month, or to sentence him or her to work on the public roads, or other public works, for any time not exceeding one calendar month.

Preamble.

Description of persons liable to be committed as vagrants.

Punishment.

2. And be it further enacted, that all persons wandering in the woods, or elsewhere, without a home, or lurking on estates or settlements without permission of the owner or person in possession, all persons pretending to be dealers in obeah or witchcraft, all persons pretending to tell fortunes, or using any subtle craft, means or device, by palmistry or otherwise, to deceive or impose on any of His Majesty's subjects, or other persons sojourning in these islands, or playing or betting at any unlawful game, or playing at cards, dice or any other game in any grog-shop, low tavern, in or about the public roads, streets, squares or bye-ways, or in any house, building or place, being a common or frequent place of resort for the idle and disorderly; and all persons who run away and leave their wives or children chargeable to any parish, or without any visible means of support; and all persons wandering abroad and lodging in taverns, grog-shops, outhouses, or in the open air, or in huts, or under tents, or in carts or waggons, not giving a good account of themselves, and all persons openly exposing or exhibiting in any street, road, public place or highway, any indecent exhibition, or openly or indecently exposing their persons, and all other persons wandering about or placing themselves in streets, public places, highways, courts, alleys or passages, to beg or gather alms, or causing or procuring or engaging any child or children so to do, or endeavouring by the exposure of wounds or deformities to effect the same purpose; and all persons who shall be apprehended having in possession any picklock-key, crow, jack, bit, or other implement, with intent feloniously to break and enter into any dwelling-house, warehouse, coach-house, stable or outbuilding, or having in possession any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person, or commit any other illegal act, or who shall be found in or upon any dwelling-house, warehouse, coach-house, stable, outhouse or other house, or in or about any yard, garden or place, and shall not be able to give a good account of themselves, or who shall frequent any quay or warehouse, or the avenues to any such quay or warehouse, or the streets or highways leading thereto, or any place of public resort, the avenues leading thereto, or the streets, highways or places adjacent, with intent to commit felony; and all persons imposing or endeavouring to impose upon any churchwarden or overseer of the poor, or upon any charitable institution, or private individual, by any false or fraudulent representation, either verbally or in writing, with a view to obtain money or some other advantage or benefit, shall be deemed rogues and vagabonds within the true intent and meaning of this Act.

Persons to be deemed rogues and vagabonds.

3. And be it further enacted, that all persons apprehended as rogues and vagabonds, and escaping from the person or persons apprehending them, or refusing to go before a justice or justices of the peace to be examined by such justice or justices of the peace, or knowingly giving a false account of themselves at such examination, after warning given them of their punishment, or who shall refuse or wilfully neglect to go to any public roads or other public works on which they may be sentenced to labour, or having gone shall refuse to labour, or shall escape from the overseer of such works or other person under whom they shall be sentenced to labour thereon, or who shall break or escape out of any gaol, watchhouse or house of correction before the expiration of the term for which they were committed or ordered to be worked or confined by virtue of this Act, or who being charged with any offence against this Act, and being bound by recognizance in manner hereinafter mentioned

Persons to be deemed incorrigible rogues and vagabonds.

BERMUDA.**Appendix, No. 174.**

Offenders may be apprehended without warrant.

Liability of peace officers neglecting duty.

Liability of other persons refusing to aid and assist.

Recompence to peace officers and others.

Powers of justices of the peace under this Act.

Powers of justices of the peace under this Act.

Prosecutors and witnesses to be bound over.

What punishments may be adjudged by general or quarter sessions.

to appear at the next general or quarter sessions of the peace, shall neglect to appear accordingly, and all persons who after having been adjudged to be rogues and vagabonds and then discharged shall again commit any offence under this Act, shall be deemed incorrigible rogues and vagabonds within the true intent and meaning of this Act.

4. And be it further enacted, that if any person shall be found offending against this Act, it shall be lawful for any person whatever, without any warrant for that purpose, to apprehend and to carry or to cause to be carried and conveyed the person so apprehended, together with any horse, mule or ass, of which at the time he may be possessed and have with him or her, before any justice of the peace, to be dealt with in such manner as is hereinafter directed; and in case any watchman, constable or other peace officer shall refuse or wilfully neglect to use his best endeavours to apprehend or convey to some justice of the peace any such offender, it shall be deemed a neglect of duty in such watchman, constable or other peace officer, and he shall on conviction be punished in such manner as is hereinafter directed; and in case any other person being charged by any justice of the peace so to do, shall refuse or wilfully neglect to use his best endeavours to apprehend and deliver such offender to a constable, watchman or other peace officer, or to carry such offender before such justice of the peace, where no watchman, constable or other such peace officer can be found, such person so refusing or wilfully neglecting as aforesaid, being thereof convicted before one or more justice or justices of the peace, shall forfeit and pay the sum of 40s. to the use of the poor of the parish where such offence has been committed, to be levied by sale and distress of the offender's goods, by warrant from any one or more justice or justices, and the overplus, if any, after the charges of such distress are satisfied, shall be returned to such person so convicted; and in case any person (not being a watchman, constable or such other officer) shall apprehend any person offending against this Act, and shall deliver him or her to a constable, watchman or other peace officer, or shall convey or cause him or her to be conveyed to some justice of the peace, according to the directions of this Act, or if any constable, watchman or other peace officer, shall so apprehend and convey such person so offending, it shall and may be lawful for such justice, if he shall think fit, to give such person or persons a certificate under his hand and seal of his or their having so done, which certificate shall entitle such person or persons to a sum of money not exceeding 6s. 8d., to be provided for as other contingent charges of government.

5. And be it further enacted, that when any rogue and vagabond, or incorrigible rogue, shall be apprehended by any constable or person as aforesaid, and brought before any one or more justices of the peace as aforesaid, it shall and may be lawful for such justices, and he or they are hereby required to inform himself or themselves, by examination of the person or persons so apprehended, or of any other person or persons, upon oath, of the matter alleged and charged against the person or persons so apprehended; and if such matter be proved by confession or other legal evidence, to commit such person or persons to one of His Majesty's gaols, there to remain until the next general or quarter sessions of the peace, or for any time not exceeding three calendar months, nor less than one calendar month, as such justice or justices shall think proper, there to be kept with or without hard labour, according to the discretion of such justice or justices, or to sentence such offender to work on the public roads, or any other public works, for any term not exceeding nor less than the several periods last specified; provided always, that it shall also be in the discretion of the justice or justices of the peace before whom any person apprehended as a rogue or vagabond or idle and disorderly person shall be brought, either to commit or discharge such person, although an act of vagrancy be proved against him or her, or to bind him or her in a sufficient recognizance to appear before the next general or quarter sessions of the peace to answer such charge or charges as shall then be alleged against him or her.

6. And whereas it may happen that persons who are in possession of money or other property may commit acts of vagrancy, be it enacted, that any justice or justices of the peace by whom any person shall be adjudged to be a rogue and vagabond, or incorrigible rogue, shall order such rogue and vagabond, or incorrigible rogue, to be searched, and his or her boxes, bundles, parcels or packages to be inspected in the presence of such justice or justices, and shall also search, or cause to be searched, the person so offending, together with any vehicle which may have been found in his, her or their possession or use at the time; and that it shall and may be lawful for such justice or justices to order any money which may then be found to be paid, or so much of such effects found, or upon or in the possession of such rogue and vagabond, or incorrigible rogue, to be sold and applied for and towards the expense of apprehending, conveying to gaol or watchhouse, or to the public roads or other public works, and maintaining such rogue and vagabond, or incorrigible rogue, during the time for which he or she may be committed, returning the overplus, if any, after deducting the charges of such sale, to such rogue or vagabond or incorrigible rogue.

7. And be it further enacted, that when any justice or justices of the peace as aforesaid shall commit any such offender against this Act to gaol, there to remain until the next general or quarter sessions of the peace, the said justice or justices shall require the person or persons by whom such offender shall be apprehended to become bound by recognizance to His Majesty, his heirs and successors, to appear at the said general or quarter sessions to prosecute and give evidence against such offender touching his said offence.

8. And be it further enacted, that when any offender against this Act shall be committed as aforesaid to gaol, there to remain until the next general or quarter sessions of the peace, and the justices of such sessions shall, on examination of the circumstances of the case, adjudge such person a rogue or vagabond, or incorrigible rogue, they may, if they think fit, order such rogue and vagabond to be detained in the said gaol, there to be kept, with or without hard labour, for any time not exceeding six calendar months, and such incorrigible
rogue,

rogue, with or without hard labour, for any time not exceeding one year, nor less than six calendar months, from the time of making such order of sessions, or to sentence such persons to work on the public roads or any other public works, for any space of time not exceeding the terms in this section limited, at their discretion; and during the time of such person's confinement, to be corrected by whipping (not being a female) at such times as, according to the nature of such person's offence, they in their discretion shall think fit; and in case any such person shall have been before adjudged an incorrigible rogue, it shall and may be lawful for the justices at such sessions to order such person to be imprisoned in any of the gaols aforesaid, there to be kept, with or without hard labour, for any time not exceeding 18 calendar months, and during such imprisonment to be further corrected by whipping as aforesaid, if such justices in their discretion shall think fit.

BERMUDA

Orders in Council
and
Colonial Laws.

Appendix, No. 174.

9. And be it further enacted, that in case any watchman, constable or other peace officer shall wilfully neglect his duty in anything required of him by this Act, in any case for which no punishment is hereinbefore particularly provided, or in case any person shall disturb or hinder any watchman, constable or other peace officer in the execution of this Act, or shall be aiding, abetting or assisting therein, and shall be thereof convicted before any one or more justice or justices of the peace of the parish where such offence shall be committed, the person so offending for every such offence shall forfeit and pay any sum not exceeding 5*l.*, one-half whereof to be for the use of the poor of the parish where such offence shall be committed, and the other half to the person informing of such offence, and prosecuting for the same; to be levied by distress and sale of the offender's goods by warrant from such justice or justices, returning the overplus, if any, upon demand, after deducting all charges and expenses; and for want of such distress to commit the offender to gaol for any time not exceeding three calendar months.

Liability of persons
impeding peace
officers in the exe-
cution of this Act.

10. And be it enacted, that it shall and may be lawful for any justice or justices of the peace, upon information on oath before him or them made, that any persons hereinbefore described to be idle and disorderly persons, rogues and vagabonds, or incorrigible rogues, are, or are reasonably suspected to be harboured or concealed in any house or houses kept, or purporting to be kept, for the reception, lodging or entertainment of poor persons, by warrant under his hand and seal to authorize any constable or other person or persons to enter at any time into such house or houses, and to apprehend and bring before any two justices of the peace, all persons found therein, and so suspected as aforesaid; and if on examining such person or persons so apprehended and brought as aforesaid, it shall appear to such two justices of the peace, that they or any or either of them cannot give a satisfactory account of themselves, it shall and may be lawful for such two justices to commit such person or persons to one of the gaols aforesaid, there to be dealt with in the same manner as rogues and vagabonds, or incorrigible rogues, are hereinbefore directed to be dealt with by this Act.

On what occasions
search-warrants
may be issued.

11. And be it further enacted, that all expenses necessary for the execution of this Act, not herein otherwise provided for, shall be provided for as other contingent charges of government.

Expenses provided
for.

12. And be it further enacted, that no proceeding had before any justice or justices of the peace under the provisions of this Act, shall be quashed for want of form; and that every conviction of every offender against this Act may be in the form following; that is to say,

Be it remembered, that on the _____ day of _____ in the year of our Lord _____, at _____ parish of _____ in the islands of Bermuda, *A. B.* is convicted before His Majesty's justices of the peace in and for the (parish, islands or precinct, as the case may be), of being (an idle or disorderly person, rogue and vagabond, or incorrigible rogue, as the case may be), within the intent and meaning of the Act, intituled An Act (here insert the whole title of the Act), that is to say, for that the said *A. B.*, on the _____ day of _____ in the year _____, at &c., in the said islands, (here state the vagrancy proved before the magistrate).

Form of conviction.

Given under _____ hand and seal, the day and year, and at the place above written.

And the said justice or justices before whom any such conviction shall take place, shall, and he and they is and are hereby required to transmit the said conviction, fairly transcribed, to the next general or quarter sessions of the peace of these islands, there to be filed and kept on record, and a copy of the conviction so filed, duly certified by the clerk of the peace, shall and may be received in any court of record as evidence; and the said conviction shall and may be received in evidence in such courts of general or quarter sessions.

13. And be it further enacted, that in all cases where proceedings shall be had against any justice or justices of the peace, constable or other person, for or on account of any matter or thing whatsoever done, commanded or expressed by him or them in the execution of his or her duty or office, whether such proceedings be by action, motion, rule to show cause, indictment, information, affidavit, *certiorari*, or any other mode of application or process which may occasion or subject him, or either or any of them, to trouble or expenses, the said justice or justices, constable or other person, if he or they shall recover or be exculpated, shall have any sum, not exceeding treble costs, out of purse, awarded to him or them by the justice, court or jurisdiction wherein such proceedings shall have been had, examined or determined, to be paid to the said justice or justices, constable or other person, by the person or persons so having proceeded, who shall discontinue his suit, or become nonsuited, or shall have a verdict against him, or shall have his application in any manner whatsoever dismissed

Magistrates and
others.

BERMUDA.

Legal proceedings to be commenced within three months after cause of action.

To continue in force until 28 June 1837.

missed or defeated, unless the justice or court shall certify that there was reasonable cause for such proceeding, information, application or complaint.

14. And be it further enacted, that all actions, suits or other proceedings under this Act shall be commenced within three calendar months after the cause of action or complaint shall have arisen; and that if any person shall be sued for any matter or thing done in the execution of this Act, such person may plead the general issue, and give the special matter in evidence.

15. And be it further enacted, that this Act shall be and continue in force for and during the term of three years, and thence to the end of the next session of the legislature thereafter.

Appendix, No. 175.

(Enclosure in Sir S. R. Chapman's Despatch, 8 October 1834. No. 504.)

Appendix, No. 175.

AN ACT to repeal the Act "to prevent Parish Charges by Poor Persons removing from one Tribe to another," and to make other Enactments instead thereof.—Passed 9 July 1834.

Preamble.

WHEREAS in and by the Act whereof the title is above recited it is enacted, "that if any person or persons in these islands, being poor and likely to be chargeable to any tribe or parish, shall clandestinely or otherwise remove out of one parish or tribe, from and after the publication hereof, into any other, that such person or persons shall not be deemed to be legally settled until they have continued, without the disturbance of the officers, the space of 42 days in such tribe or parish;" and "that if any person of ability shall bring into any tribe or parish any poor persons or others as aforesaid, that in such case the said able person shall allow him or them so brought in sufficient land to manure for their maintenance, or else shall put in sufficient security to the churchwardens or overseers of the poor for the discharge and indemnity of the tribe or parish wherein such poor shall be brought; and that upon refusal of giving such security as above said, it shall and may be lawful for the said churchwardens or overseers, by warrant of one justice of the peace, to remove such poor persons brought in as aforesaid to the place of his or their last habitation;" and whereas it is deemed expedient to repeal the said Act, we, therefore, your Majesty's most dutiful and loyal subjects, the General Assembly of these your Majesty's Bermuda or Somers' Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council, and Assembly, and it is hereby enacted and ordained by the authority of the same, that the said Act be and hereby is repealed.

No poor person to be removed from any parish until he or she shall have become chargeable thereto.

2. And be it further enacted, that no person shall be removed by virtue of any warrant or order of removal from the parish where such poor person shall be inhabiting to the parish of his or her last legal settlement, until such person shall have become actually chargeable to the parish in which such person shall then inhabit; in which case it shall be lawful for any justice or justices of the peace of such parish, upon complaint made by the overseers of the poor of such parish, to authorize and require such overseers, by an order or warrant of removal, to remove such person to the parish in which he or she was last legally settled, and deliver him or her to the overseers of the poor of such last-mentioned parish, as might have been done before this Act by any one justice with respect to persons likely to be chargeable.

Penalty for refusing to receive poor persons.

3. And be it further enacted, that if the overseers of the poor of the parish to which any such person shall be so removed shall refuse to receive such person, they shall, on proof thereof, forfeit for each offence 5*l.* to the use of the poor of the parish from which such person was removed, to be levied by distress and sale by warrant of the justice or justices of the parish to which such person was removed to the constable of the parish where such offender dwells, and for want of sufficient distress the said justice or justices shall commit the offender to gaol for any term not exceeding 40 days.

Powers of justices of the peace.

4. And be it further enacted, that in case any poor person shall be brought before any justice or justices of the peace for the purpose of being removed from the parish where he or she is inhabiting or sojourning, by virtue of any order of removal or warrant, or of his being passed by virtue of any vagrant pass, and it shall appear to such justice or justices that such poor person is unable to travel by reason of sickness or other infirmity, or that it would be dangerous for him or her so to do, the justice or justices making such order of removal or warrant, or granting such vagrant pass, is and are hereby authorized to suspend the execution of the same until he or they is or are satisfied that it may be executed without danger to the person who is the subject thereof, which suspension shall be indorsed on the said order or warrant of removal, or vagrant pass, and signed by such justice or justices; and the permission to execute which order may be subsequently indorsed on such order, and be signed by the justice or justices who suspended the same, or any other justice or justices of the same parish, who shall have the same powers, to all intents and purposes, as the justice or justices who shall make or suspend any such order of removal; and that no act done by any such person continuing to reside in any parish under the suspension of any such order or warrant or vagrant pass shall be effectual, either in whole or in part, for the purpose of giving him

him or her a settlement in the same; and that the expenses proved upon oath to have been incurred by such suspension of any such order or warrant of removal, or vagrant pass, may by the said justice be directed to be paid by the vestry or assessors of the parish to which such poor person is ordered to be removed, in case any removal shall take place, or in case of the death of such poor person before the execution of such order or warrant of removal; and that it shall be the duty of such vestry or assessors to assess for the same in the same manner as for other parochial charges; always provided, that such vestry or assessors may appeal from any such order for payment of such expenses as hereinafter mentioned within ten days after demand thereof made; provided always also, that every person who shall have been convicted of larceny or any other felony, or who, by the laws now or hereafter to be in force, shall be deemed a vagrant, a rogue and vagabond, an incorrigible rogue, or idle and disorderly person, or who shall appear to any two justices of the peace where such person shall be, upon the oath of one or more credible witness or witnesses, to be a person of evil fame or a reputed thief, such person, not being able to give a satisfactory account of himself or herself, or of his or her way of living, shall be considered a person actually chargeable, within the true intent and meaning of this Act, to the parish in which such person shall reside, and shall be liable to be removed to the parish of his or her last legal settlement by the warrant or order or vagrant pass of the said justice of the peace of the parish where such person shall reside.

5. Provided also, and be it further enacted, that every unmarried woman with child shall be deemed and taken to be a person actually chargeable, within the true intent and meaning of this Act, to the parish in which she shall inhabit, and may be removed as such to the parish of her last legal settlement; and that in case any warrant or order of removal, obtained for such purpose, shall be suspended for any of the reasons before mentioned, and during such suspension such woman shall be delivered of any child which by the laws in force in these islands shall be a bastard, every such bastard child shall be deemed and taken to be settled in the same parish in which was the legal settlement of the woman at the time of her delivery.

6. Provided further, however, and be it enacted, that if any person who shall come to inhabit in any parish shall for himself or herself, and on his or her own account, execute any public annual office or charge in the said parish during one whole year, being legally placed in such office, then and in such case such person shall be adjudged and deemed to have a legal settlement in the same.

7. And be it further enacted, that if any unmarried person, not having child or children, shall be lawfully hired and serve in any parish for one year, such service shall be adjudged and deemed a good settlement therein.

8. And be it further enacted, that if any persons shall be bound apprentice by indenture, and inhabit in any parish, such binding and inhabitation shall be adjudged a good settlement.

9. And be it further enacted, that if any person or persons shall really and *bonâ fide* take a lease of any tenement in any parish, of the yearly value of 8*l.*, such person or persons shall be deemed to have thereby become settled in such parish.

10. And be it further enacted, that if any person or persons shall have any real estate in any parish, and shall reside therein, such person or persons shall be deemed to have thereby become settled in such parish; provided however, that no person shall be deemed to have acquired any such settlement by virtue of any purchase of any estate or interest in such real property, whereof the consideration for such purchase did not amount to the sum of 30*l.* *bonâ fide* paid, for any further or longer time than such person shall inhabit in such estate, and shall on ceasing to inhabit in such estate, then be liable, if chargeable, to be removed to such parish or place where such person or persons was or were last legally settled before the said purchase and inhabitation therein.

11. And be it further enacted and declared, that all persons who have been in a state of slavery shall be deemed and taken to have been settled at the time of their having become free, in the parish in which their owners were settled at the time of such their freedom; and that all persons now in a state of slavery shall in like manner be deemed at the time they may become free, to be settled in the parish in which their owners may be settled at the time of such their freedom; or in case of any such person having been or being owned by more than one person, then in the parish of that part owner with whom such person last resided; always provided, that it shall and may be lawful for the lawful wife or reputed wife, and the lawful or reputed children under the age of 21 years, such children not having in a state of freedom acquired a legal settlement elsewhere, of any such person, to remove to and settle in any parish where the lawful or reputed husband or father may be legally settled, or for such children being under 21 years of age, and not having acquired in a state of freedom a settlement elsewhere, to remove to and settle in the parish where the mother shall be legally settled in case the real or reputed father be dead or be absent from these islands, and not likely to return.

12. And be it further enacted, that all persons who think themselves aggrieved by any order, determination or judgment of any justice or justices in any matter or thing hereinbefore mentioned, may appeal to the next quarter or general sessions of the peace of these islands, who shall have full power finally to determine the same.

BERMUDA.

Orders in Council
and
Colonial Laws.

Appendix, No. 175.

Pregnant unmarried women to be deemed chargeable to the parish they inhabit, and may be removed to their last legal settlement.

Persons executing parish offices for one year to be held as legally settled.

Single persons, without children, serving one year, to be deemed settlers.

Apprentices entitled to settlement.

Leaseholders of 8*l.* yearly, entitled to settlement.

Residents on real property, for which the sum of 30*l.* has been paid, entitled to settlement.

Persons who have been in slavery, entitled to settlement in the parishes of their last owners.

Aggrieved parties may appeal to quarter or general sessions.

To continue in force until 9th July 1839, and thence to the end of the next session.

13. And be it further enacted, that this Act shall be and continue in force for and during the term of five years, and thence to the end of the next session of the Legislature thereafter.

Passed the Assembly this 2d day of July 1834.

By order of the House,

(signed) *John Noble Harvey*, Speaker.

Concurred to by the Legislative Council this 4th day of July 1834.

(signed) *Robert Kennedy*, President.

Assented to this 9th day of July 1834.

(signed) *S. R. Chapman*,
Governor and Commander-in-Chief.

Appendix, No. 176.

(Enclosure in Sir *S. R. Chapman's* Despatch, 8 October 1834. No. 504.)

Appendix, No. 176. AN ACT for the Establishment of a Civil Watch in these Islands, and to provide for an Occasional Increase of the Constabulary Force therein.—Passed 25 July 1834.

Preamble.

WHEREAS it is deemed expedient to provide for the establishment of a civil watch in these islands, and also for an occasional increase of the constabulary force therein, we, therefore, your Majesty's most dutiful and lawful subjects, the General Assembly of these your Majesty's Bermuda or Somers' Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the authority of the same, that it shall and may be lawful for the justices of the peace of the several parishes respectively of these islands, or a majority of them from time to time, as they may think fit, to constitute a watch for each of the said parishes respectively, including in the parish of Pembroke the town of Hamilton, and in the parish of St. George the town of St. George, to be composed of such number of men as may to such justices appear necessary; and that one person, as a leader in each watch, to be nominated by such justices, shall have, and is hereby declared to have in all respects, the authority of a constable for the time he shall be on duty as a watchman by virtue of this Act, and that it shall be the duty of the several parochial watches to co-operate with each other on all practicable occasions for the purposes of this Act.

Justices of the peace to constitute watches in their respective parishes.

Justices of the peace may hire watchmen.

Regulating the conduct and defining the powers of watches.

2. And be it further enacted, that it shall and may be lawful for the said justices upon all such occasions to hire watchmen at the expense of their respective parishes; and that the bills for such hire, upon being duly taxed by such justices, shall be assessed for by the vestries of the several parishes and collected, sued for and paid as other parochial charges.

3. And be it further enacted, that each watch appointed by virtue of this Act shall meet at such time and place, and watch and patrol in such parts of their respective parishes, during such hours, between sunset and sunrise, as shall by the justices aforesaid be from time to time appointed, and shall have power, if they shall discover any person of a vagrant or suspicious character loitering in or about any of the streets, lanes, wharfs, paths or bye-ways, or in or near the enclosures, gardens, storehouses, dwelling-houses, servants' rooms, or other buildings in the parishes or towns aforesaid, or in or about the shipping, boats or other craft, within the ports of Hamilton or St. George respectively, who shall not give a satisfactory account of him or herself, or shall discover any person offending against the Act, intituled "An Act to restrain and punish Vagrancy," or who shall be committing any nuisance in the public highways, streets or paths, by loud noises or uproar, whereby passengers may be obstructed or endangered, or the comfort of the neighbourhood destroyed, whether the same be by means of drums or other musical instruments or howsoever otherwise, or who shall be committing, or attempt to threaten to commit, any offence whatever against the peace and good order of society, to apprehend or cause to be apprehended, in like manner as any justice of the peace may now by law do every such person, and commit him or her to the nearest gaol or watchhouse; and in case any such person shall have in his or her possession any money, goods, wares or merchandize, or any article whatever of which such watch may reasonably suspect to have been stolen, such watch is hereby further authorized and required to seize the same, and take a true inventory thereof (whereof a copy is to be kept by at least two members of the watch), and to keep possession of the same until the ensuing day, when they are hereby required to deliver over the same to some justice of the parish by whom they were appointed, who shall in such case take such measures with respect to the person or goods so apprehended or seized, as the law may, in the particular case, authorize or require.

Riot or tumultuous assemblage.

4. And be it further enacted, that if three or more persons shall unite together in any riot or tumultuous assemblage, any justice of the peace who shall be present shall cause a white flag to be exhibited, as a warning to all persons there present to separate and disperse quietly; and that every person who, at the expiration of 10 minutes from the exhibition of such flag, shall continue present at any such riotous or tumultuous assemblage, shall be liable to be apprehended by any peace officer, and, on conviction of such offence before a justice

BERMUDA.

a justice of the peace, or at the court of quarter sessions or court of general assize, to be imprisoned, with or without hard labour, for any time not exceeding three calendar months.

5. And be it further enacted, that if any such watch shall have notice of any riotous, disorderly or unlawful meeting or assemblage of persons, it shall be the duty of such watch to require the same to separate and disperse quietly; and that every person who, at the expiration of 10 minutes from such requisition being made, shall continue present at any such meeting, and also every person who shall molest, obstruct or resist any watchman in the performance of his duty, as prescribed by this or any other Act, shall be liable to be apprehended, and, on conviction of the offence before a justice of the peace, court of quarter sessions, or court of general assize, to be fined any sum not exceeding 10*l.*, or fined and imprisoned, with or without hard labour, for any time not exceeding three calendar months; and that it shall and may be lawful for any watchman to commit to the nearest watchhouse or gaol any person offending against this Act, until such person can be brought before some competent tribunal to be dealt with according to law.

Any watch having notice of riotous, disorderly or unlawful meeting.

6. And be it further enacted, that the public treasurer be and he is hereby authorized and required to pay to the justices and vestries of the several parishes of these islands, to which similar grants have not already been made by virtue of some former Act or Acts, and in which there may not already be suitable watchhouses, any sum not exceeding 50*l.* for each watchhouse, to be employed in building one or more, not exceeding two, substantial watchhouses in such parish, and that as well such watchhouses as may be built by virtue of this Act, as such as have heretofore been built, be kept in order by the parishes to which they may respectively belong; and that the cost of all necessary repairs be provided for as other parochial charges.

Provision for parish watchhouses.

7. And be it further enacted and declared, that it shall and may be lawful for the several justices of the peace within these islands to appoint and swear in from time to time, within their several and respective districts (not including the island of Ireland), such and so many special constables as may appear necessary to aid the ordinary constables or authorities in the preservation of the peace and the due execution of the laws, and to keep the same, as well as the ordinary constables, on duty for any length of time as the particular occasion may seem to require; and that such special and other constables shall be entitled, when so on duty, to be paid by the public any sum not exceeding the daily allowance now paid the ordinary constables when in attendance on the court of general assize; and that all such constables, as well as the ordinary parish constables, shall at all times, when the public service may require it, be obliged to act in concert with each other, and in aid of the nightly watches to be appointed by virtue of this Act, and of all other the public authorities, although the services required of them may be to be performed in any parish in which they may not reside.

Justices of the peace may swear in special constables.

Payment of special constables, who are to act in concert with ordinary constables, and both in aid of nightly watches.

8. And whereas it is expedient to substitute some other mode of punishment in some cases instead of hard labour and whipping; be it further enacted, that within three months after the passing of this Act stocks be built, according to a model to be sanctioned by the Governor, and put up in each of the parishes of these islands, by the justices and vestry of such parish, near the watchhouse, or at some other suitable place, in each parish, to be determined by the justices and vestry of such parish, or a majority of them, and that the expense thereof be provided for as other parochial charges; and that every person committing any offence which (either by this Act or the said Act to restrain and punish vagrancy, or any other law that shall be in force in these islands,) shall be liable to be punished by whipping, or by hard labour and whipping, or which, if such offence had been committed by a male, would have been liable to have been punished by whipping, or by hard labour and whipping, shall, upon being convicted of such offence, instead of being punished by whipping, or by hard labour, or by hard labour and whipping as aforesaid (if the court or justice before whom such conviction shall take place shall so think fit), be confined in the stocks: provided always, that no such offender shall, for any offence, be confined in the stocks before sunrise or after sunset, or for more than two hours in the whole for any one day, or for more than two days consecutively, or for more than three days in the whole, for any one offence.

Establishment of stocks in each parish, and regulation for punishment therein.

9. And be it further enacted, that all fines and forfeitures arising by virtue of this Act, and not before appropriated, shall be recoverable by any person or persons who shall sue for the same, in like manner as debts not exceeding 10*l.* are recoverable, and shall go, one-half thereof to the person or persons so suing, and the other half to the use of the parish where such fines and forfeitures shall arise.

Recovery and appropriation of fines and forfeitures.

10. And be it further enacted, that this Act be in force for the term of two years, and until the end of the next session of the Legislature after the expiration of the said two years.

In force until 25 July 1836, and thence to the end of next session.

Passed the Assembly this 21st day of July 1834.

By order of the House,

(signed) *John Noble Harvey*, Speaker.

Concurred to by the Legislative Council this 23d day of July 1834.]

(signed) *Robert Kennedy*, President.

Assented to this 25th day of July 1834.

(signed) *S. R. Chapman*,
Governor and Commander-in-Chief.

BERMUDA.

Orders in Council
and
Colonial Laws.

Appendix, No. 177.

(Enclosure in Sir S. R. Chapman's Despatch, 8 October 1834. No. 504.)

Appendix, No. 177.

AN ACT for Regulating the Sale of Garden or Farm Productions, and the Establishment of Markets in the Towns of Hamilton and St. George.—Passed 30 August 1834.

Preamble.

WHEREAS great inconvenience is now experienced from the frequent thefts of garden and farm productions, and it is considered that certain restrictions upon the sale and transport of such productions, and the establishment of markets in the towns, may in some degree diminish the evil and encourage agricultural improvements; we, therefore, your Majesty's most dutiful and loyal subjects, the General Assembly of these your Majesty's Bermuda or Somers' Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the authority of the same, that from and after the commencement of this Act, Tuesday, Thursday and Saturday of every week shall be held and taken as market-days in the towns of Hamilton and St. George, for the sale and disposal of all kinds of garden and farm productions, of the growth or produce of these islands, to be sold on those days at such places or squares, and between such hours in the said towns as the mayor, aldermen and common council of those towns shall direct and appoint, but subject to no market dues whatever unless the same shall have been sanctioned by an Act of the Legislature.

Market days

Garden or farm productions not to be exposed for sale in Hamilton or St. George, except on market days.

2. And be it further enacted, that it shall not be lawful for any person or persons whatever (except as hereinafter authorized) to sell or vend, or to offer and expose for sale within the limits of either of the said towns, any kind of garden or farm production raised in these islands, except upon market-days, and at the appointed places as aforesaid; and all such articles sold or vended, or offered or exposed for sale, contrary to this Act, shall be forfeited and shall be liable to be seized by any constable and sold, the proceeds thereof to be paid by him to the churchwardens of the parish where such seizure shall be made, for the use of such parish.

Ownership and lawful possession of articles to be proved when required by constables.

3. And be it further enacted, that it shall be the duty of any person or persons exporting from these islands, or sending from one part of these islands to another, or carrying in any licensed boat, or offering, exposing or carrying about for sale, any kind of garden or farm production in either of the said towns of Hamilton and St. George, or in any other part of these islands, when thereunto required by any constable to prove to the satisfaction of such constable, either by certificate or otherwise, to whom the said articles belong, and that he came lawfully by the same.

Residents may sell on their premises under regulations.

4. And be it further enacted, that all persons residing or carrying on their business in either of the towns of Hamilton or St. George, and all persons residing in any other part of these islands, shall be allowed to sell on their own premises any kind of garden or farm production on any day (Sunday excepted), provided that all such persons who shall sell or purchase to sell again any garden or farm production (except such as are raised on their own premises) shall keep a book wherein shall be inserted the names, with the dates affixed thereto, of the persons from whom they purchased such articles, or for whom they are selling them; and such person or persons who shall neglect to keep such book, or refuse to a constable requiring the same, the perusal of such book, or who shall be found to have made any false entry therein, upon conviction thereof before any justice of the peace, shall forfeit for each and every offence the sum of 30s. and costs of prosecution.

Duty of constables.

5. And be it further enacted, that it shall be the duty of the constables of the several parishes and towns of these islands, if they know or have reason to suspect that any kind of garden or farm production has been stolen, or, upon notice being given them by any person who may have lost any such articles, to make inquiry after the same of persons exporting or sending from one part of these islands to another, or purchasing to sell again, or offering, exposing or carrying about for sale, or who may have sold within four weeks then past any kind of garden or farm production, and if upon inquiry such person or persons do not prove to the satisfaction of the constable how and in what manner they came to the possession of such garden or farm production then in their possession, or which can be proved to have been in their possession within four weeks then past, or produce the party of whom it was received or bought, then it shall be lawful for the constable, with or without warrant, to apprehend and carry such person before any neighbouring justice of the peace, who is hereby authorized and required to take cognizance of the offence; and if the person so brought can give no satisfactory evidence as aforesaid, such person shall forfeit a sum not less than 30s. and not more than 5*l.*, besides costs of prosecution, and in default of payment the justice of the peace shall issue distress warrant, and in default of distress shall commit the offender for any time not exceeding one month to gaol, and to be kept in solitary confinement, or put upon the treadmill, or both, at his discretion; and further, if such articles stolen as aforesaid shall be found in the possession of the person as aforesaid, and the owner thereof cannot be ascertained, so that such article may be restored, then and in such case the justice of the peace shall order such article to be sold, at public auction or otherwise, by the constable, and the proceeds to be paid over to the churchwardens for the use of the parish where such seizure was made; and in case any such article, after being stolen, shall be destroyed or consumed, so that the same cannot be restored to its proper owner, then such offender shall forfeit and pay to such owner twice the value of such stolen article, to be recovered in like manner.

Powers of justices of the peace.

manner as the penalties imposed by this Act, and in default of payment such offender may be punished in like manner as above prescribed, upon default of payment of the penalty in this clause mentioned and costs.

6. And be it further enacted, that upon information upon oath of any garden or farm production having been recently stolen, and of probable ground of suspicion of the same being secreted or kept at any place, any justice of the peace may grant a warrant to search for the same, and any constable with such warrant may, during the day-time, enter and search any such suspected place for any kind of garden or farm production stolen, and if he shall find any, he shall apprehend the occupant in whose house or place the same shall be found, and carry such occupant or person before any neighbouring justice of the peace, and if he do not give a satisfactory account how he came by such article, or produce the party of whom it was bought, or satisfactory proof of the purchase thereof, he shall be convicted of stealing the same, and punished as persons are punished by virtue of this Act for offering, exposing or carrying about for sale any kind of garden or farm production, without being able satisfactorily to prove how and in what manner they came to the possession of the same.

Appendix, No. 177.

Search warrant.

7. And be it further enacted, that no passenger carrying any garden or farm production for sale, or to be offered for sale, shall be carried or taken on board to be carried for hire or reward, nor shall any kind of garden or farm production be carried or taken on board to be carried for hire or reward, or for the purpose of being sold or offered for sale to Ireland island, or to any other island attached to His Majesty's naval establishment in these islands, or to or on board of any ship or vessel lying at or near the said naval establishment, or at any other anchorage, in any boat, under the penalty of 30s. and costs of prosecution, unless such boat be then furnished with a licence as hereinafter mentioned; and the constables of the several parishes are hereby authorized and required to enforce the said penalty against any person using such boat, or having the charge thereof, for the purpose of carrying passengers, or any kind of garden or farm production, contrary to the provisions of this Act.

Boats to be licensed.

8. And be it further enacted, that it shall and may be lawful for one or more justices of the peace in their respective parishes or townships in these islands to grant to any person of good character therein residing applying for the same, a licence according to the form in the schedule hereunto annexed for 12 calendar months next ensuing the date of the same, and they are hereby required to grant the same to any such applicant, he paying therefor 6s. 8d.

Residents may be licensed by justices of the peace.

9. And be it further enacted, that any person licensed as aforesaid to carry garden and farm productions in any boat as aforesaid, who shall start in any such boat on any such voyage on Sunday, or who shall start in any such boat on any such voyage from any place or places other than the place or places to be fixed upon and named in such licence, or who shall start upon any such voyage earlier than sunrise, or later than four o'clock in the afternoon of any day, or who shall start upon any such voyage, without first being furnished with a list in writing of the articles so carried by himself, and also of those carried by each of the passengers in such boat, such lists to be kept by such licensed person for reference and inspection when required, or who, having reason to think or suspect that any garden or farm production in the possession of any passenger in such boat may be stolen, shall not immediately, or within 24 hours after he has reason to suspect the same to have been stolen, inform the constable or magistrate thereof, shall forfeit and pay for each and every such offence the sum of 30s., besides costs of prosecution, and in default of payment the justice of the peace may commit the offender for any time not exceeding one month to gaol, and to be kept in solitary confinement, or put upon the treadmill, or both, at his discretion; and any person licensed as aforesaid, who shall be twice convicted under this Act, shall, upon such second conviction, in addition to the other penalties by this Act imposed, forfeit his or her licence, and neither such person, nor any other person for his or her benefit, shall be allowed to obtain another licence as aforesaid within one year from the time of such second conviction.

Regulations for licensed boats.

Penalties.

10. And be it further enacted, that corn and all other kinds of grain, fruits, esculent vegetables, and roots of all sorts, poultry of all sorts, grass, eggs and milk, palmetto tops and leaves, honey and honeycomb, be deemed and held to be garden and farm productions for the purposes of this Act, and to be of the growth and produce of these islands, until the contrary be proved.

Articles deemed garden and farm productions.

11. And be it further enacted, that milk may be carried to Ireland island in licensed boats on Sunday, and milk, eggs and grass may be sold in either of the said towns at all times, and any garden or farm production may be carried to either of the said towns for exportation at all times, anything in this Act to the contrary notwithstanding; always provided however, that the persons selling milk, grass or eggs, or carrying such articles as aforesaid, comply in all other respects with the requisitions of this Act.

Milk may be carried to Ireland island in licensed boats on Sundays, and any garden or farm production may be carried to Hamilton or St. George, for exportation, at all times.

12. And be it further enacted, that any person carrying any garden or farm production to the markets in either of the towns of Hamilton or St. George, to be appointed by virtue of this Act for the sale of such productions, may, after going to and remaining at such market one half hour, carry any such garden or farm production that may have been so carried to market and remain unsold, to any other parts of the said towns respectively, and sell or offer the same for sale for and during the remainder of such market-day.

Garden or farm-productions, after remaining unsold in markets half-an-hour, may, on market-days, be offered for sale elsewhere.

13. And be it further enacted, that the person from whom any kind of garden or farm production may be stolen shall have the same authority of inquiring about such articles as a constable has by virtue of this Act.

Persons from whom productions have been stolen authorized to make inquiry.

Corporations of Hamilton and St. George to appoint market constables.

14. And be it further enacted, that the mayor, aldermen and common council respectively of the towns of Hamilton and St. George shall have power and authority to appoint during pleasure a person to be a market constable, who shall have the authority of a constable under this Act, and shall be entitled to receive the annual sum of 10*l.* out of the public treasury, in addition to any other allowance, upon producing a certificate from the mayor, aldermen and common council of the said towns respectively of having regularly performed market duty.

Duties of market constables.

15. And be it further enacted, that it shall be the duty of the market constable to keep a book, wherein shall be inserted the names of all persons bringing to the market any garden or farm production, specifying from which parish it came, the description and quantity of such article, and the date, and whether they are selling it on their own account, or on that of any and what other person.

Provision for payments under this Act.

16. And be it further enacted, that all sums to be paid out of the public treasury by virtue of this Act, shall be provided for as other yearly contingent charges are by the Legislature.

Recovery and appropriation of fines, forfeitures and penalties.

17. And be it further enacted, that all fines, forfeitures and penalties imposed by this Act, be sued for and recovered as debts not exceeding 10*l.* are recoverable, and the delinquent and his or her property be proceeded against in every respect as in actions for such debts, and that all fines and penalties recovered under this Act shall be paid over to the churchwardens of the parish where such fine or penalty shall be recovered, for and towards the support of the poor of such parish, and other parish charges.

To continue in force until 1st September 1841.

18. And be it further enacted, that this Act shall commence in operation on the 1st day of September next, and shall continue in force for and during the term of seven years therefrom.

Passed the Assembly this 26th day of August 1834.

By order of the House,

(signed) *John Noble Harvey*, Speaker.

Concurred to by the Legislative Council this 28th day of August 1834.

(signed) *Robert Kennedy*, President.

Assented to this 30th day of August 1834.

(signed) *S. R. Chapman*,
Governor and Commander-in-Chief.

SCHEDULE referred to in the foregoing Act.

_____ Parish, }
Bermuda. }

By the worshipful
of the Peace.

one of His Majesty's Justices

These are to license you *A. B.*, to employ yourself and boat marked No. _____ to carry or take on board to carry any passenger having any garden or farm production for sale, or to be offered for sale, for hire or reward; to carry or take on board to be carried, any garden or farm production for hire or reward, or for the purpose of being sold or offered for sale to Ireland island, or to any other island attached to His Majesty's naval establishment in these islands, or to or on board of any ship or vessel lying at or near the said naval establishment, or at any other anchorage for 12 calendar months from the _____ day of _____ in the year 183____, and no longer (Sundays excepted), provided you start in such boat on any such voyage from _____ commonly known and called _____ and from no other place whatever, nor start upon any such voyage earlier than sunrise, or later than four o'clock in the afternoon of any day; nor start upon any such voyage without first being furnished with a list in writing of the articles carried by yourself, and also of those carried by each of the passengers in your boat, such lists to be kept by you for reference and inspection when required; and provided also, if you think or suspect any garden or farm production in the possession of any passenger in your boat to have been stolen, that immediately, or within 24 hours after you have reason to suspect the same to have been stolen, you inform a constable or magistrate thereof, and in all other respects conform to the requisites of the Act, intituled "An Act for regulating the Sale of Garden or Farm Productions and the Establishment of Markets in the Towns of Hamilton and St. George."

Appendix, No. 178.

(Enclosure in Sir *S. R. Chapman's* Despatch, 8th October 1834. No. 504.)

Appendix, No. 178.

AN ACT to amend an Act for the more effectual Prevention of Damage from Persons passing over any Wall, Ditch, Hedge or other Enclosure.—Passed 4 September 1834.

Preamble.

WHEREAS the Act, the title whereof is above recited, was passed by the Legislature of these islands in the year of our Lord 1784, for a certain period therein mentioned, and by a certain

a certain other Act passed in the year 1788 was renewed and prolonged unto the 1st day of May 1793, and by a certain other Act passed in the year 1793 was prolonged and rendered indefinite; and it is expedient to amend the same; we, therefore, your Majesty's most dutiful and loyal subjects, the General Assembly of these your Majesty's Bermuda or Somers' Islands, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the authority of the same, that if any person shall climb over or otherwise pass any wall, fence, hedge, ditch or gate of any enclosure, through which no road is established in the manner by law directed, or shall be found within any such enclosure without permission of the proprietor or occupier thereof, every such offender, being convicted thereof before a justice of the peace shall, for the first offence (instead of the penalty by the said Act prescribed), forfeit and pay, over and above the amount of the injury, if any, done by such offender within such enclosure, and costs of prosecution, the sum of 3s. 4d. to the proprietor or occupier of the land; and if any person so convicted shall afterwards be guilty of any of the said offences within the same enclosure, and shall be convicted thereof in like manner, every such offender shall for such second or subsequent offence forfeit and pay, over and above the amount of injury, if any, done by such offender within such enclosure, and costs of prosecution, the sum of 6s. 8d. to the proprietor or occupier of the land; such penalties and forfeitures and costs of prosecution to be sued for and recovered in like manner as debts not exceeding 5l. are recoverable by law.

BERMUDA.

Orders in Council
and
Colonial Laws.

Appendix, No. 178.

Penalties against
trespassers.

Passed the Assembly this 1st day of September 1834.

By order of the House,
(signed) *John Noble Harvey*, Speaker.

Concurred to by the Legislative Council this 2d September 1834.

(signed) *Robert Kennedy*, President.

Assented to this 4th day of September 1834.

(signed) *S. R. Chapman*,
Governor and Commander-in Chief.

Appendix, No. 179.

(Enclosure in Sir *S. R. Chapman's* Despatch, 8 October 1834. No. 504.)

AN ACT for the Regulation of the Public Gaols within these Islands.—Passed
5 September 1834.

Appendix, No. 179.

WHEREAS it is expedient to make certain regulations for the several gaols within these islands, which at the same time that they provide for the safe custody, shall also, as far as local circumstances and the size of the gaols will admit, tend to preserve the health and improve the morals of the prisoners confined therein, and shall ensure the proper measure of punishment to convicted offenders; we, therefore, your Majesty's most dutiful and loyal subjects, the General Assembly of these your Majesty's Bermuda or Somers' Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained, by the authority of the same, that at the general quarter sessions which shall be held in these islands next after the commencement of this Act, and at any subsequent general or quarter sessions to be held from time to time, the justices of the peace there assembled shall proceed in carrying this Act into effect as hereinafter mentioned.

Preamble.

2. And be it further enacted, that the following rules and regulations shall be observed and carried into effect in the several gaols in these islands, so far as such rules may be applicable, or can be applied to the particular description of persons confined therein.

Rules and regula-
tions.

1st. The keeper of every such gaol shall reside therein, or within the limits of the gaol yard, and shall occupy such rooms or apartments as may be assigned for his accommodation by the justices of the said court of quarter or general sessions.

2d. The keeper shall, as far as may be practicable, visit and see every prisoner, and inspect every cell once at least in every 24 hours.

3d. The keeper shall keep a journal, in which he shall record all punishments inflicted by him in pursuance of sentence or law, and the day and hours when such punishments shall have been inflicted, and all other occurrences of importance within the prison, in such manner as shall be directed by the regulations to be made under this Act, which journal shall be laid before the justices at every general or quarter sessions, to be signed by the chairman in proof of the same having been there produced, and before the justices of the court of general assize, at an early day in every term.

4th. The male and female prisoners shall be confined in separate cells or rooms of the prison; debtors, and persons confined for contempt of court on civil process, shall never be confined in any room or cell with persons charged with or convicted of misdemeanors or felonies, or with vagrants; and persons charged with or convicted of misdemeanors or felonies shall always, as far as the accommodations of the gaol will admit, be confined so as to avoid their being mixed with each other; such prisoners as are intended to be examined as witnesses in behalf of the Crown in any prosecution shall also be kept separate from others,

BERMUDA.

Orders in Council
and
Colonial Laws.

Appendix, No. 179.

and from each other, as far as the accommodations in the gaols shall admit: provided always, that nothing herein contained shall be construed to extend to prevent the justices from authorizing, at their discretion, the employment of any prisoner in the performance of any menial office within the prison.

5th. When the keeper of any gaol shall be under the necessity, from misbehaviour, of putting a prisoner in irons or solitary confinement, the particulars of the case shall be forthwith given to one of the visiting justices, who shall hear and determine upon it.

6th. Every prisoner shall be provided at the public expense, by the provost-marshal-general, with suitable bedding of plain but strong materials, to be judged of by the visiting justices hereinafter mentioned, and every male prisoner with a separate bed, hammock or cot, either in a separate cell or in a cell with not less than two other male prisoners, and each cell shall have one or more cribs erected therein, as may be approved of by the visiting justices.

7th. The provost-marshal-general shall have the walls and ceilings of the cells, rooms and passages used by the prisoners, throughout every prison, scraped and lime-washed at least once in the year at the public expense, and each gaoler shall have the rooms, passages and sleeping-cells washed or cleansed once a week, or oftener when requisite, and convenient places or tubs for prisoners or inmates to wash themselves shall be provided by the provost-marshal-general, under the direction of the visiting justices.

8th. All prisoners shall be allowed as much air and exercise within the walls of the prison yards, either separately or otherwise, as may be deemed proper for the preservation of their health, within such hours, and subject to such restrictions as shall be specified in regulations to be made by the justices of the court of quarter sessions, and approved of by the judges of the court of general assize as hereinafter mentioned.

9th. No spirituous liquors of any kind shall be sold in any prison, or admitted for the use of any of the prisoners, unless by an order from a surgeon or physician in writing, specifying the quantity, and for whose use; no wine, malt or other fermented liquor shall be sold in any prison, nor shall be admitted for the use of any prisoners, except in such quantities, in such manner and at such times, as shall be allowed by the rules hereafter to be made in pursuance of this Act; and any person who shall be guilty of contravening this rule, shall be put into solitary confinement for any period not exceeding one calendar month.

10th. No gaming shall be permitted in any prison; and the keeper shall seize and destroy all dice, cards or other instruments of gaming.

11th. No money, under the name of garnish, or whatsoever other term, shall be taken from any prisoner on his or her entrance into the prison, under any pretence whatever.

12th. Upon the death of a prisoner, notice thereof shall be given forthwith to one of the visiting justices, as well as to the coroner, and to the nearest relative of the deceased where practicable.

13th. Prisoners under the care of a surgeon shall be allowed such diet as he may direct. Prisoners who shall not receive any allowance from the country, whether confined for debt, or before trial for any supposed crime or offence, shall be allowed to procure for themselves, and to receive at proper hours, any food, bedding, clothing or other necessaries, subject to a strict examination, and under such limitations and restrictions to be prescribed by the regulations to be made in manner directed by this Act, as may be reasonable and expedient to prevent extravagance and luxury within the walls of a prison. All articles of clothing and bedding shall be examined by the provost-marshal-general or gaoler, in order that it may be ascertained that such articles are not likely to communicate infection or facilitate escape.

No prisoner who is confined under the sentence of any court, nor any prisoners confined in pursuance of any conviction before a justice, shall receive any food, clothing or necessaries, other than the gaol allowance, except under such regulations and restrictions as to the justices in general or quarter sessions assembled may appear expedient with reference to the several descriptions of prisoners, or under special circumstances, to be judged of by one or more of the visiting justices.

No prisoner shall be discharged from prison if labouring under any acute or dangerous distemper, nor until, in the opinion of a surgeon or physician, such discharge is safe, unless such prisoner shall require to be discharged. The wearing apparel of every prisoner shall be fumigated and purified if requisite, after which the same shall be returned to him or her; or in case of the insufficiency of such clothing, then other sufficient clothing shall be furnished according to the rules and regulations of the prison; but no prisoner before trial shall be compelled to wear a prison dress, unless his or her clothes be deemed insufficient or improper or necessary to be preserved for the purposes of justice, and no prisoner who has not been convicted of felony shall be liable to be clothed in a prison dress, but if it be found necessary to have a prison dress for prisoners not convicted of felony, the same shall be plain, and that the provost-marshal-general shall provide, at the public expense, suitable prison dresses of plain coarse stuff, according as the same may be approved of or directed by the visiting justices; such dresses to have the words "prison dress" durably marked on some conspicuous parts thereof.

Rules and regulations shall be made for the admission at proper times and under proper restrictions of persons with whom prisoners committed for trial may desire to communicate, and also for the admission of friends of convicted prisoners, and such restrictions shall be imposed upon the communication and correspondence of all such prisoners with their friends, either within or without the walls of a prison, as shall be judged necessary for the maintenance of good order and discipline in such prisons, and for the ends of justice; such rules and regulations to be made by the justices of the court of quarter sessions, and approved of by the judges of the court of general assize, as hereinafter mentioned.

3. And be it further enacted, that it shall be lawful for five or more justices of the peace in general or quarter sessions assembled, to make regulations for the several purposes within specified, and such further and additional rules for the government of such gaols, and for the duties to be performed by the officers of the same, as to them may seem expedient; provided that no such rules shall be enforced until the same shall have been submitted to the chief justice of the court of general assize, or in case of his absence from the island, or incapacity from sickness, to the assistant justices of such court, and until such chief justice or assistant justices, in case of his absence or incapacity as aforesaid, shall have subscribed a certificate or declaration that he or they (as the case may be) approve of the same; provided also, that such rules and regulations shall be consistent with and conformable to the rules and regulations in this Act contained; and the provost-marshal-general of these islands shall, and he is hereby required, upon being furnished with a copy of such rules so certified, to cause copies of so much of such rules as relates to the treatment and conduct of prisoners confined therein, to be printed in legible characters, and to be fixed in conspicuous parts of every prison, so that every prisoner may be enabled to have access thereto; and all rules and regulations made pursuant to the directions of this Act shall be binding upon the said provost-marshal-general, and upon all other persons; provided that no such rules shall be so construed as to interfere with the right or duty of such provost-marshal-general to appoint or remove any keeper of any gaol, subject to the authority of such provost-marshal-general; and provided also, that the said rules, or any of them, may at any time be altered or annulled by the same authority that made and approved of them.

Powers of justices of the peace, in general or quarter sessions, to make regulations.

4. And be it further enacted, that the chief or other justices of the said court of general assize shall, as soon as conveniently may be done, transmit to the Governor, or officer administering the government for the time being, a copy of all such rules and regulations as shall be in force for the government of the said gaols.

Copy of regulations to be transmitted to the executive.

5. And be it further enacted, that the justices of these islands, in quarter or special sessions next after the commencement of this Act, and at every ensuing general or quarter sessions, shall and they are hereby required to nominate two or more justices, who shall consent thereto, to be visitors of each gaol, and to report the names of such visiting justices to the Governor or person administering the government for the time being, or to arrange, if they shall see fit, among themselves to do such duties in turn; and one or more of the visiting justices so appointed, or having consented to do such duty, shall personally visit and inspect each of such gaols once a month, or oftener, if occasion shall require, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions or alterations which may appear necessary, and shall further examine into the behaviour and conduct of the respective officers, and the treatment, behaviour and condition of the prisoners, and the expenses attending the prison, and of all abuses within the same, and in matters of pressing necessity and within the powers of their commission as justices, shall take cognizance thereof and proceed to regulate and redress the same: provided always, and be it further enacted, that it shall be lawful for any justice of the peace for these islands, at his own free will and pleasure, and without being appointed a visitor, to enter into and examine any such gaol at such time or times and so often as he shall see fit; and if he shall discover any abuse or abuses therein, he is hereby required to report them in writing at the next general or quarter sessions of the peace, and next court of general assize, or at any adjourned sessions of either of such courts; and when and so often as a report of any abuse or abuses in any such prison shall be made by the visiting justices, or either of them, or by any other justice of the peace for these islands, the abuse or abuses so reported shall be taken into immediate consideration by the chief or assistant justices of the court of general assize and the justices of the court of quarter sessions, and they are hereby required to adopt the most effectual measures for inquiring into and rectifying such abuse or abuses as soon as the nature of the case will allow.

Visiting justices.

6. And be it further enacted, that at Easter term in every year, or oftener, if necessary, the visiting justices shall make a report in writing to the court of general assize of the state and condition of each of the said prisons, of such repairs, additions or alterations as have been made or required, and of any abuse or abuses which they may have observed or of which they may have received information in the management of the prison, as well as of the general state of the prisoners as to morals, discipline, and hard labour and observance of rules; provided also, and be it further enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower any visiting or other justice of the peace to converse or hold any intercourse or communication, except as hereinafter mentioned, with any person who may be committed by lawful authority to any such gaol, there to be kept in safe and close confinement, but that nevertheless it shall and may be lawful for any visiting justice so appointed as aforesaid to visit and inspect at all times when he shall think proper the apartment or place in which such person shall be kept or confined in any prison, and also to see such person, and to hear or receive any representation from him or her as to his or her treatment in such prison, and to inquire and examine into the same, anything herein contained to the contrary thereof notwithstanding.

Reports to be made by visiting justices.

7. And be it further enacted, that the provost-marshal or his deputy shall on the second day next after the termination of every session of the peace, session of oyer and terminer, or session of gaol delivery, or other session held for the trial of prisoners being in any such prison, transmit to his Excellency the Governor, or person administering the government for the time being, a calendar containing the names, the crimes, and the sentences of every prisoner tried at such session, distinguishing in such calendar how often, and for what offences, any prisoner had been convicted before; and that whenever the court shall adjourn for any longer term than one week after any sentence passed, the day upon which the adjournment shall

Provost-marshal to transmit calendar to executive the second day after termination of every session.

Sentence of death to be immediately reported.

Provost-marshal to make half-yearly reports to the judges of the state of the gaols, &c.

Gaolers to make half-yearly returns to court of general assize.

Punishment for carrying spirituous liquors into gaol.

Penalty on gaolers contravening prison rules.

Punishment of prisoners offending against regulations.

Persons aiding escape of prisoners shall be deemed guilty of felony.

To facilitate prosecutions under this Act.

Interior prison arrangements.

shall be made shall be deemed the termination of the session within the meaning of this Act; always provided, that in all cases in which sentence of death shall be passed, the provost-marshal-general shall make a report of such sentences without delay to the Governor, or the person administering the government for the time being.

8. And be it further enacted, that the provost-marshal-general shall make a report in writing of the actual state and condition of the said gaols, and of the number and description of prisoners confined therein, to the chief and other judges of the court of general assize in the first week of each term of its sitting in every year, and that himself and every gaoler appointed by him shall also attend at such court and give answer, upon oath if required, to all such inquiries as shall be made by the said judges at such sessions with respect to the state and condition of such gaols, and of the prisoners confined therein, and with respect to any other matters and things relating to the said gaols, respecting which such judges shall deem it necessary to make any inquiry for the purpose of proceeding and continuing to carry this Act into execution.

9. And be it further enacted, that the keeper of each of such gaols shall, on the first day of every term of the court of general assize, make out a true and just return in writing to such court of all persons in his custody, or who have been discharged since his last return, who have been sentenced to punishment by any court, specifying in such return the manner in which such sentences have been carried into execution, which return shall be signed by such keeper, and shall be delivered to the chief or presiding justice of the court of general assize, and shall be kept and filed by the proper officer amongst the records of the court.

10. And be it further enacted, that if any person, in contravention of the existing rules, shall carry or bring, or attempt, or endeavour to carry or bring into any prison any spirituous or fermented liquor, it shall be lawful for the gaoler, keeper, turnkey, or any assistant to the said gaoler or keeper, to apprehend or cause to be apprehended such offender, and to carry him or her before a justice of the peace (who is hereby empowered to hear and determine such offence in a summary way), and if he shall lawfully convict such person of such offence, he shall forthwith commit such offender to one of such gaols, there to be kept in custody for any time not exceeding three months, without bail or mainprize, without such offender shall immediately pay down such sum, not exceeding 10*l.* nor less than 20*s.*, together with costs of prosecution, as the justice shall impose upon such offender, to be paid one moiety to the informer and the other moiety to His Majesty, his heirs and successors, for and towards the support of the government of these His Majesty's islands; and if any justice shall receive information upon oath, that any spirituous or fermented liquor is unlawfully kept or disposed of in any prison, he may enter and search, and issue his warrant to enter and search for such liquor, and in case it shall be found it shall be lawful for the person so finding to seize the same, and cause it to be disposed of as the justice shall direct; and if any gaoler or keeper of any prison shall sell, use, lend or give away, or knowing permit or suffer to be sold, lent or given away in such prison, or brought into the same, any spirituous or fermented liquor, in contravention of the existing rules of such prison, he shall for every such offence, over and above any other punishment of dismissal or otherwise, forfeit and pay the sum of 10*l.*

11. And be it further enacted, that in case any prisoner shall be guilty of any repeated offence against the rules of the prison, the gaoler and keeper shall forthwith report the same to the visiting justices or one of them for the time being, and any one such justice or any other justice of these islands, shall have power to inquire upon oath, and to determine concerning any such matter so reported to him or them, and to order the offender to be punished by close confinement for any term not exceeding one month, or by personal correction in the case of prisoners convicted of felony or sentenced to hard labour.

12. And be it further enacted, that if any person shall convey or cause to be conveyed into any prison any disguise, or any instrument or arms proper to facilitate the escape of any prisoner, and the same shall deliver or cause to be delivered to any prisoner in any such prison, or to any person there, for the use of any such prisoner, without the consent or the privity of the keeper of such prison, every such person shall be deemed to have delivered such disguise, instrument or arms with intent to aid and assist such prisoner to escape or to attempt to escape, and if any person shall by any means whatsoever aid and assist any prisoner to escape, or in attempting to escape from any prison, every person so offending, whether an escape be actually made or not, shall be guilty of felony, and being convicted thereof, shall be transported beyond the seas for any term not exceeding 14 years.

13. And to the intent that prosecutions for escapes, breaches of prison and rescues, may be carried on with as little trouble and expense as is possible, be it further enacted, that in cases of any prosecution for any escape, attempt to escape, breach of prison or rescue, either against the offender escaping or attempting to escape, or having broken prison, or having been rescued, or against any other person or persons concerned therein, or aiding, abetting or assisting the same, a certificate, given by the clerk of assize or other clerk of the court in which such offender shall have been convicted, shall, together with due proof of the identity of the person, be sufficient evidence to the court and jury of the nature and fact of the conviction, and of the species and period of confinement to which such person was sentenced.

14. And be it further enacted, that separate rooms shall be set apart by the justices of the court of quarter sessions, if the size of the gaol will admit thereof, as infirmaries or sickwards for the two sexes, and at least one large bathing-tub, provided by the provost-marshal-general, at the public expense, for the use of the prisoners in each gaol; a separate sleeping-cell shall, if possible, be set apart by the justices aforesaid for every prisoner; but as the

numbers may sometimes be too great to admit of a separate cell to each, and as it is expedient that two male prisoners only should never be lodged together, a small proportion of cells or rooms shall be by such justices set apart for the reception of three or more persons.

15. And be it further enacted, that whenever the chief justice or the assistant justices of the court of general assize shall deem it necessary that the prisoners, or any part of them, shall be removed from any gaol, in order that the same may be repaired, improved, enlarged or rebuilt, or on account of any contagious or infectious disease therein, or of the overcrowded state of such gaol, or for any other purposes of this Act, it shall and may be lawful for the said chief or other justices, by an order in writing, to direct the provost-marshal-general, or his lawful deputy, or the keeper of such gaol, to remove such prisoners to such other prison or place of confinement as the said chief or other justices shall appoint, and to confine such prisoners therein during the time such necessity shall exist; and that when such gaols shall be repaired, enlarged, improved or rebuilt, or when such contagious disease shall have ceased to exist, or the purposes for which the prisoners shall have been so removed shall have been answered, it shall be lawful for such chief or other justices, by a like order in writing, to direct such provost-marshal-general, deputy or keeper, to remove back to such gaol from whence such prisoners came all such prisoners as shall then remain in his custody: provided that no removal made under the authority of this Act shall be deemed and be taken to be an escape, and that nothing herein contained shall extend to discharge the provost-marshal-general or other officer from being answerable for the actual escape of any prisoner in his custody.

16. And be it further enacted, that this Act shall be in force for and during the term of two years, and thence to the end of the next session of the Legislature.

BERMUDA.

Appendix, No. 179.

Removal of prisoners when gaols require repairs, &c.

In force until 5th of September 1836, and thence to the end of next session.