

AN ACT for the Registration of the Slave Population.

Preamble.

WHEREAS it is expedient, for the purpose of giving efficacy to the Acts of His Majesty now in force, the 46th Geo. III. cap. 52, for the prevention of the illicit importation of slaves by any of His Majestys' subjects, into the colonies or territories of foreign states or powers, or into the settlements, islands, colonies or plantations on the continent of America, or the West Indies, which have been surrendered unto His Majesty's arms during the late war; the 47th Geo. III. cap. 36, for the abolition of the African Slave Trade; the 51st Geo. III. cap. 23, for rendering the said last-mentioned Act more effectual, for the purposes in the said Act declared; and 53d Geo. III. cap. 112, for enlarging the time for commencing prosecutions for forfeitures under the same: And whereas, although the Governor and Council are fully satisfied that no illicit importation of slaves is or has been carried on within this colony, nor any attempt at the same has at any time taken place; yet to obviate all doubts, which might be injuriously, but erroneously entertained

entertained by certain classes of His Majesty's subjects in Great Britain or elsewhere, or by foreign potentates or powers, or the subjects thereof, that the aforesaid Acts of His Majesty, or any of them, may be infringed, or are liable to be infringed by any of His Majesty's subjects, inhabitants or residents in this Colony, by the unlawful importation of slaves into the same, contrary to the intent, meaning, or provisions of the said Acts, to which the return of peace is supposed to lend particular facilities: And whereas none of His Majesty's subjects are more ready and anxious to promote and carry into due effect the laws of the parent state, or to desire measures for enforcing the provisions of the same, than His Majesty's colonists of Berbice: And his Excellency Lieutenant Governor H. W. Bentinck, president of and in conjunction with the honourable the Council of Government of the said Colony, by law established, considering that a more exact specification, registration, and periodical return of the slaves within the Colony, may be conducive to the aforesaid desirable objects; Be it therefore enacted by his said Excellency, President as aforesaid, and by the said Council of Government, and by authority of the same,—

Sect. 1. That between the first day of the month of October, now next ensuing, and the first day of the month of January one thousand eight hundred and eighteen next ensuing, and in every third following year, every person who shall then be resident within this Colony, and who shall, on the thirtieth day of September, of the respective years of registration, be in the possession of any slave or slaves within the same, whether as proprietor, mortgagee, trustee, sequestrator, receiver, guardian, lessee, attorney, or in whatever other name or title he may hold the same, shall respectively make and deliver upon oath to the registrar, hereinafter to be named and appointed, such schedule, list, and particulars in writing, as are hereinafter mentioned, that is to say, every person in possession of any slave or slaves as aforesaid, shall so make and return a schedule or list, in writing, therein specifying, in the first place, his or her own name and description, and the name and description of such other person or persons, being the owner or owners of such slave or slaves, on whose behalf the return is made, together with the name of the plantation, if any, to which such slave is attached, and the right or character in which the party making such return, holds possession of and claims title to such slave or slaves, namely, whether as proprietor or mortgagee, trustee, sequestrator or receiver, attorney, executor, administrator, guardian, or otherwise; and after such descriptions as aforesaid, shall proceed to name, describe, and enumerate distinctly the several negroes, mulatto or other slaves belonging to the said owner or owners, in manner following, that is to say; the schedule or paper containing the said list, shall be divided into six perpendicular columns of convenient breadth respectively, entitled at the heads thereof, "Name, Colour, Age, Employment, Sex, and Country:" and in the first of the said columns shall be inserted the name of each slave, by which he or she has been usually called or known; in the second of the columns shall be inserted the colour of such slave, including under the term Colour, all those who are not black; in the third of the said columns shall be inserted the age of such slave; in the fourth of the said columns, shall be inserted the particular trade, occupation or ordinary employment of the slave; in the fifth of the said columns, shall be inserted the sex of the slave; and in the sixth of the said columns shall be inserted whether the slave is an African or Creole, and if a Creole, the name of the Island or Colony in which such slave was born, or from which he or she was brought, according to the best of the knowledge, information, and belief of the owner, or other party making the return, according to the form of the Schedule to this Act annexed, to which all persons are required, so far as it shall be found practicable, to conform.

And where proprietors, managers, attornies, or other representatives are owners of, or acting for more than one estate or plantation, then that such proprietors, managers, attornies, or other representatives, shall make a separate and distinct return, after the manner and in the form afore-mentioned, for every separate estate or plantation so held or represented by them.

Sect. 2. That in all lists or schedules to be made and returned as aforesaid, after the first general returns required by this Act, there shall be in every succeeding return contained a true and particular account of all births and deaths of slaves belonging to the person or persons on whose behalf such return is made, within the three years next preceding since the last returns were made; and also an account

When, by, and to whom, and under what forms and solemnities, returns of slaves are to be made.

Possessors of slaves to return a schedule thereof, with his or her own name, and name of owner, and description of such slaves, with other particulars.

Schedules to contain six columns. How the same are to be filled up.

Distinct returns to be made for every separate estate or plantation:

Account of births and deaths, and of all deductions or additions of slaves, and the cause thereof, to be specified in every succeeding return.

office hours, namely from 10 to 2, to examine the same; every person paying the sum of three guilders for such access and examination. And the said registrar is hereby further directed and required, upon application for the same, to give copies in writing, certified by himself, of any list or lists that may be desired; the person requiring the same, paying for each several list so required, the sum of one guilder ten stivers, if the number of slaves therein contained do not exceed twenty, and the further sum of fifteen stivers, for every further number of slaves not exceeding ten, after the first twenty that shall be contained therein.

Sect. 6. And be it further enacted by the authority aforesaid, That when and so soon as all the returns, lists, or schedules which shall have been delivered to the said registrar, pursuant to this Act or Ordinance, shall have been entered and recorded as aforesaid, the said registrar shall give notice thereof to the inhabitants of this Colony, in the manner as aforesaid, that the said books are and will continue open at the proper office, for the inspection, free of expense, of all persons who have made returns of slaves, for insertion therein, for the term of two months from the date of such notice; to the intent that all persons interested may be satisfied with the accuracy of the said books, and of the said returns therein contained: And also, that if any owners and possessors of slaves within this Colony, shall from any accident or unavoidable impediment, have omitted to return full and proper lists or schedules of their slaves, as by this Act is required, they may immediately on discovering such error or omission, apply to the Governor for the time being of this Colony, in non-session of the honourable the Council of Government, or to the same, in conjunction with the honourable the Council of Government, during its established and ordinary session, who, upon satisfactory proof that such omission has not been wilful, may thereupon order the admission, registration, and correction of such returns or schedules by the said registrar.

Sect. 7. And be it further enacted by the authority aforesaid, That in case any person or persons whatsoever shall wilfully neglect to give into the said registrar a list or lists, schedule or schedules of his or her or their slave or slaves, as above directed, every such person or persons so neglecting, shall forfeit and pay the sum of twelve hundred guilders, Holland's currency, for every such slave so neglected to be given in, to be distributed or disposed of as hereinafter directed, with respect to fines and penalties to be levied in and by virtue of this Act; such forfeiture or fine to be levied and recovered by the honourable the fiscal, or by the registrar himself, who in such matters is hereby empowered and authorized to levy and recover the same by fiscal action, before the honourable the court of civil justice of this Colony; and all and every slave or slaves so neglected to be given in, if such slave be an African, shall be entitled to his her or their freedom, unless such person so omitting to give in any such slave or slaves, shall within six months after the discovery of such omission, establish by sufficient evidence before the Governor for the time being, that such African slave or slaves, so omitted to be given in, had been legally imported, and such African so rendered free, shall hereby become entitled to the usual sum for maintenance allowed in such or similar cases by the Colony.

Sect. 8. And be it further enacted by the authority aforesaid, That any person or persons who may be at any time resident in this Colony, and who may have, keep, and retain in his her or their possession, as a slave or slaves, any African or Africans who may have been illicitly imported into this Colony, shall upon conviction thereof, in like manner as above mentioned, by action brought by his honour the fiscal, or by the registrar himself, as empowered and authorized so to do by this Act or Ordinance, forfeit and pay a sum not exceeding six thousand guilders, Holland's currency, and be imprisoned in the common jail of this Colony, for any time not exceeding the period of two years.

Sect. 9. Provided always, and it is hereby enacted by the authority aforesaid, That all persons who shall think themselves aggrieved by any proceedings of the said registrar, in any matter relating to this Act, may petition the Governor and the Council of Government for the time being, who are hereby required and fully empowered to hear the parties, upon any such application, and determine thereon, and either to remit or otherwise, as to them may seem just and fitting, the penalties and forfeitures hereby imposed.

BERBICE.

open to inspection during office hours from 10 to 2.

Registrar to give certified copies of lists.

Fees allowed for same.

When all the schedules recorded, registrar to give notice thereof.

His books to be open for public and gratuitous inspection for two months from date of such notice.

How errors or omissions in returns may be corrected.

Penalty on wilful neglect to make the returns directed.

Unregistered slave (if an African), to be entitled to freedom, unless, &c.

Persons retaining an African slave, knowing him or her to have been illicitly imported, liable to penalty not exceeding 6,000 g.;

and imprisoned not exceeding two years.

Persons thinking themselves aggrieved by registrar, may petition governor and council.

BERBICE.

Registrar to make
duplicates of books
and certify same
on oath.

Form of oath.

Sect. 10. And be it further enacted by the authority aforesaid, That the said registrar shall make and prepare, or cause to be made and prepared, perfect and accurate duplicates of the said books, and shall authenticate and certify the said duplicates by the following affidavit :

“ Before *A. B.* [*inserting the name and title of the Governor for the time being,*] personally appeared *C. D.* [*naming himself,*] registrar of slaves of this Colony, who being duly sworn on the Holy Evangelists, makes oath and saith, That the said *C. D.* has carefully examined and compared all the preceding entries in this book, with all the different returns of slaves delivered to him, or to his knowledge or belief, to any deputy, clerk, or assistant by him appointed ; and that he is hereby enabled to depose, and does depose, that the preceding return of the slaves of this Colony, is in all respects correctly and faithfully made.”

To be sworn before
governor.

Which affidavit, being subscribed by the said registrar, shall be sworn before the Governor for the time being, who shall subjoin thereto the following certificate under his hand :

Form of governor's
certificate thereof.

“ I, *A. B.* [*inserting the name and title of office,*] do hereby certify, That the above affidavit was duly sworn before me, this day of
“ one thousand eight hundred and
“ Witness my hand, this day of one thousand
“ eight hundred and

(Signed) “ *A. B.*”

Duplicate books to
be delivered to the
governor for trans-
mission.

And the said duplicate books, when so authenticated and certified, shall be delivered by the said registrar to his Excellency the Governor for the time being, who shall forthwith transmit the same to His Majesty's principal secretary of state for the colonial department in England.

No erasure in regis-
trar's books to be
permitted.

Sect. 11. And be it further enacted by the authority aforesaid, That no erasure shall, on any pretence or for any cause whatever, be at any time permitted to be made in any of the said books ; but if any clerical error shall occur in the insertion of any name, description, or particulars contained in the Schedule or return from which the same was made, or if any other mistake shall occur in the making up and keeping the said books, a line of red ink shall be drawn through any word or words improperly inserted, so as to leave the original word or words legible, and the correction thereof, by the insertion of any word or words which may have been erroneously omitted, shall either be interlined or written in the margin ; and the registrar shall, either under such word or words written in the margin, or under a mark of reference there made to any such interlineation, subscribe his name at length.

How mistakes are
to be corrected.

In case registrar
wilfully make or
suffer fraudulent
entries or erasures,
&c.

Sect. 12. And be it further enacted by the authority aforesaid, That if the said registrar shall wilfully make, or knowingly permit or suffer to be made any false or fraudulent entry in the book or books in his office, or shall fraudulently erase, obliterate or alter, or knowingly permit or suffer to be fraudulently obliterated or altered, any entry which shall have been duly made in the said book or books, the said registrar shall, upon conviction of any such offence before the honourable the court of criminal justice of this Colony, forfeit and pay a sum not exceeding the sum of six thousand guilders, Dutch currency, and be imprisoned for any time not exceeding two years, in the common jail of this Colony ; and if any deputy, assistant, or clerk of the said registrar, shall commit, or knowingly permit or suffer to be committed, any such offence as aforesaid, he shall, upon the like conviction thereof, forfeit and pay a sum not exceeding the sum of six thousand guilders, and be imprisoned in the common jail of this Colony for any time not exceeding the period of two years ; and if any other person or persons in this Colony shall wilfully make or cause, or procure to be made, any false or fraudulent entry in the said book or books, or shall fraudulently erase, obliterate or alter, or cause or procure to be erased, obliterated or altered, any entry which shall have been made in the said book or books, every such person or persons so offending, shall, upon like conviction thereof, forfeit and pay a sum not exceeding the sum of six thousand guilders, of like current money, and be imprisoned in the common jail of this colony, for any term not exceeding the period of two years.

On conviction
thereof, how punish-
able.

The like as to de-
puty or assistant in
such case.

To what penalties
others are liable in
similar cases.

Sect.

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Sect. 13. And be it further enacted by the authority aforesaid, That all and every the forfeitures and penalties arising out of this Act or Ordinance, shall be distributed in such manner and in such proportions as is directed by local provisions in respect to fines or penalties in general.

BERBICL.
How penalties and forfeitures under this Act shall be distributed

Sect. 14. And be it further enacted by the authority aforesaid, That there shall be paid to the said registrar, hereafter to be appointed, out of any of the public monies of this Colony, at and after the rate of two thousand four hundred francs, colonial money, annually and every year, by four equal quarterly payments, to be made in guilders, Holland's currency, during all such time as he shall hold and exercise the said office of registrar, and the further sum of four thousand eight hundred francs, Holland's currency, at such time as he shall complete and produce to his Excellency the Governor for the time being, authenticated duplicates of the aforesaid books of registry.

Registrar's salary and allowance for duplicates of books

Sect. 15. That it shall and may be lawful for the Governor for the time being of this Colony, to appoint, and he is hereby authorized and required to appoint, by commission under his sign manual, some fit and proper person resident within this Colony, to be registrar of slaves therein; and that such registrar shall be personally resident within this Colony while he shall continue to hold his said office, except when from ill health or other necessitous cause, his temporary absence from this Colony shall be permitted by the Governor for the time being: Provided nevertheless, that such temporary absence shall not exceed the period of twelve months; and if the said registrar shall be at any time absent from this Colony, without such permission or licence as aforesaid, he shall absolutely forfeit his office; and in case of death, absence, or incapacity of the said registrar, or any avoidance of the said office, a new registrar shall be in like manner appointed under the sign manual of the Governor for the time being as aforesaid.

Governor to appoint registrar, &c.

Sect. 16. And be it further enacted by the authority aforesaid, That all and every the fines, forfeitures, and penalties hereinbefore imposed, shall be recovered on complaint to his honour the fiscal, or to the registrar, as an officer of the Colony, for the especial purposes or matters arising out of this Act or Ordinance, who shall bring the aforesaid claim, and levy of forfeitures and penalties, before the honourable the court of civil justice, in the usual and ordinary manner, as in the case of fiscal actions.

Fines and forfeitures how to be recovered.

Sect. 17. And in order to prevent the giving in of double returns, which might occur from a doubtful construction of this Act or Ordinance as to the party, whether the actual proprietor or the party in possession shall make the aforesaid return: It is hereby enacted, That the usual proprietor, or his representative, and not the party who, by hire or otherwise, may have temporary possession of any slave or slaves, is bound to give in the returns as above directed.

Provision to obviate double returns.

Persons hiring slaves not bound to make return thereof.

Sect. 18. And whereas, in case of litigated claims to and concerning any individual slave or slaves, where returns under this Act or Ordinance shall have been made by different persons claiming the same, it may be difficult and impossible for the registrar, as above named, for the purpose of this Act or Ordinance, justly to ascertain the rights thereto of such litigated parties; he, the aforesaid registrar, is hereby directed and authorized, as much as in him lies, to insert the required return, with reference solely to the direct occupation and possession, at the time of the return made, of the party making the same: And it is further, therefore, hereby declared and ordained, that the returns of registry under this Act or Ordinance, shall be receivable only as evidence for the express purposes of this Act, and shall in no ways be deemed or considered admissible as substantiating any claims betwixt individuals in litigation.

In case of litigated claims on slaves, how registrar is to insert required return.

Returns to be used solely for the purposes of this Act.

Lastly. His Excellency the Governor and the Council of Government reserve to themselves all right, from time to time, of explaining further the enactments of this Ordinance; hereby confirming, however, all previous laws and regulations touching and concerning this matter, not contrary to the regulations of this Act or Ordinance now published and established.

Confirmation of former ordinances not contrary to the present.

And that no ignorance may be pretended of the several orders contained in this Ordinance, these presents shall be published and sent round for general information.

BERBICE.

Thus done and enacted at our adjourned session, held at the King's House, New Amsterdam, Berbice, this third day of September, in the year one thousand eight hundred and seventeen.

H. W. Bentinck,

E. Samuel,
A. Melville,

J. G. C. de Nieuwerkerk,
B. J. Schwierts,

W. Helder, and
J. Paterson.

In presence of *R. C. Downer, Sec.*

And published the same day; present, his Excellency Lieutenant Governor Bentinck, and the whole of the honourable members of council.

In presence of *R. C. Downer, Sec.*

Form of Schedule. RETURN of Slaves attached to Plantation situate
the property of

This RETURN, made by [*person's name*], [*quality of the person*].

Name of Slaves.	Colour.	Age.	Employment.	Sex.	Place of Birth.