

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

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

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

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

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

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

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

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

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

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

That

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

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

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

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

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

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

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

*Hand-cuffs*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

God save the King.

By his Excellency's command,

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