

AN Act to re-enact and amend certain Clauses of an Ordinance for promoting the religious instruction, and bettering the State and Condition of the Slave Population in His Majesty's Colony of Berbice.

PUBLICATION 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. and the Honourable the Council of Government of said Colony.

WHEREAS by an Order in Council bearing date the 2d day of February 1830, the King's most Excellent Majesty was pleased to revoke and annul an Ordinance for the religious instruction of Slaves in His Majesty's colony of Berbice, dated the 25th day of September 1826, together with all laws, ordinances and proclamations passed, enacted or promulgated within the said colony for the explanation or amendment of the said Ordinance :

And whereas the Right honourable the Secretary of State for the Colonies by his Despatch to his Excellency the Lieutenant Governor, bearing date 9th February 1830, has conveyed his Majesty's authority in furtherance of the said Order, to re-enact and amend certain clauses of the said Ordinance of the 25th September 1826, which are highly necessary, and important to the well being and protection of the slave population in this colony ;

In pursuance therefore of such authority we have deemed it necessary and expedient to re-enact and amend as follows :

1. It is hereby ordered, for the purpose of securing the impartial execution of justice in all cases in which slaves may be parties concerned, that whenever it may become the duty of the fiscal to institute a criminal prosecution against a slave, (which prosecution is always to be carried on as heretofore in the same manner as against every person of free condition,) it shall be his duty when applying to the court of justice, or in non-session, to the president of said court, for authorization to institute

institute such criminal action, suit and prosecution, to demand at the same time the appointment of one or more advocates (according to the nature of the charge) to defend such slave in the suit to be commenced against him; when it shall be the duty of the court of justice, or the president thereof, to whom the application is made, to appoint such advocate or advocates without any delay: Provided always, that such advocates shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the criminal law, and the practice thereof, as it is established in this colony, if the party accused and under trial were a person of free condition. And in order to secure the zealous and active exertion on the part of such advocates in the defence of such slave or slaves, they shall be entitled to such fees as shall have been taxed and certified by the court of justice as due to them, the amount whereof shall be ordered by the *Lieutenant Governor in Council* to be paid to them out of the colonial *treasury*, on proper application being made for the same.

2. And it is hereby further ordered, that the exemption of labour secured to the slaves by the 17th section of the said Order in Council shall not authorize them to leave the estates to which they belong without having thereto obtained permission from their owner, manager or employer, but that they shall during that period continue to remain subject to such regulations as are established by law, as well for their own protection as for the preservation of good order, and the general tranquillity of the colony; nor shall it extend to prevent weekly allowance, and rations being delivered to the slaves on Sunday morning, which, however, may not be protracted beyond the hour of eight, A. M.

3. And it is further ordered, that every female slave who may have a child while she preserves her fidelity in marriage, or reputed marriage, or is reputed to do so, shall six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner, or his *or her* attorney, twelve guilders, and fifteen guilders for every other child she shall thereafter bear, and have under the same circumstances; and if any owner or attorney shall omit in any respect to comply with and fulfil the direction of this clause, he or she shall incur a penalty of 20*l.* for every such offence. And it is further ordered, that as soon as any female slave shall have six children living, and who have been born during marriage, or such cohabitation as aforesaid with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female slave shall not thereafter oblige such female slave to do any labour in the field, or any other than light work, under a penalty of 20*l.*

4. Every planter or proprietor of slaves shall take the necessary precaution that his or her slaves be properly supplied with provisions, and shall therefore be obliged to have provision-grounds prepared on the estate, and properly planted, calculating one acre for five negroes; allowing moreover a reasonable weekly allowance, according to the custom of the colony, and as may best be obtained; and also to provide them with proper clothing, *according to the custom of the colony*, under a penalty of 5*l.* for every acre less in provisions than required, and 10*l.* for every slave who shall not have been properly supplied with his *or her* allowance, *or his or her clothing*. Provided always, that whenever the provision-grounds to be upon an estate shall be inadequate to furnish the requisite provisions, for the due subsistence of the negroes *thereon, then and in such case it shall not be compulsory on such proprietor, or his or her representative, to cultivate or keep up such provision-grounds as aforesaid; but such proprietor, or his or her representative, shall in lieu thereof purchase or otherwise procure such an equivalent supply of provisions as may be proper for their support.*

5. And be it further ordered, that the hours for field-work of slaves shall be from six o'clock in the morning until six in the evening, and not longer, and that two hours shall be allowed them during that period for rest and meals, under a penalty of 20*l.*; and that with regard to slaves employed *in and about the buildings for the manufacturing and* preserving of crops, there shall be allowed at least eight hours of rest, not less than six hours of which shall be between sunset and sunrise, and the whole eight hours without interruption, under a like penalty of 20*l.*

6. And it is further ordered, that every proprietor of slaves, or his *or her* attorney, shall employ a legally-qualified medical practitioner, *duly authorized to practise by a certificate from the Lieutenant-Governor, or acting Lieutenant-Governor*, to attend their sick slaves, and shall provide such medicines, food, and other necessaries, as such medical practitioner shall from time to time reasonably order and direct, and that there shall be on every estate or place where the slaves (*other than domestic*

BERBICE.

slaves) usually reside, a commodious hospital or sick-house, furnished with proper conveniences and attendants for the sick, under a penalty of 40*l.* And that a book or register shall be kept in every *such* hospital, in which the names and treatment of all *such* slaves shall be respectively entered by the medical attendant; and in case any *such* medical attendant shall omit, or refuse to make such entries as aforesaid, from time to time, he shall incur a fine of 1*l.* for each and every such offence.

7. And it is further ordered, that no person shall under a penalty of 30 *l.* bury, or allow to be buried, any slave who has died suddenly, or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in *New Amsterdam*, at the office of the Fiscal, or if in the country, until such information be sent to the *civil magistrate* of the district in which such death took place, or if this be impracticable, to some other respectable inhabitant, who shall with some legally-qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the *civil magistrate of the said district*; or if it should happen, as it possibly may in particular cases of death, under peculiar local or other circumstances, that it is impracticable to obtain either of the certificates above mentioned, then and in every such case, some proof equally strong and satisfactory, or the best which the nature and incidents of the case can afford, must be produced to the said *civil magistrate*, in support thereof, the person offering such proof to verify by oath the circumstances which put it out of his or her power to procure one or other of the certificates as above directed; and in every such case the said *civil magistrate* shall forthwith transmit to the fiscal the said certificates, or other the proof hereinbefore required.

8. And in order to prevent any irregularities tending to the prejudice of the slave by persons employing the slaves of others without their owners consent, which it is highly necessary to guard against, it is hereby further ordered, that no slaves shall or may be lawfully hired or employed in the service of any person or persons except his or their owner, manager, or other person having the charge of them, unless with the special consent in writing of such owner or manager, or other person having the charge of them; and every person thus unlawfully hiring or employing one or any greater number of slaves, shall for every slave so unlawfully hired or employed incur and be liable to a fine of 5*l.*

9. And it is hereby further ordered, that a savings bank shall be established in this colony for the better preserving the property of any slaves therein, and that interest at the average rate of 5*l.* per cent shall be allowed upon any sum of money which may be deposited in any such savings bank; and any slave making any deposit of money in such savings bank, shall bequeath the said money to whomsoever he or she may please in case of his or her death, by a declaration to be lodged in the records of the bank, which declaration shall be equivalent to a will; the whole, however, to be subject to such rules and regulations as may be hereafter deemed advisable; such savings bank to be under the immediate direction of the protector or deputy-protector of slaves (as the case may be) subject to the general superintendence of the Lieutenant-Governor, or acting Lieutenant-Governor, and the Council of Government.

10. And whereas the said Order in Council does not include certain salutary regulations contained in the before-recited ordinance passed in this colony on the 25th September 1826, respecting the time and place of inflicting the punishment of flogging on male slaves, it is therefore hereby further ordered, that it shall not be lawful to inflict on any male slave the punishment of flogging until after sunrise of the day next following that on which the offence has been committed, for or in respect of which any such punishment may be inflicted, nor shall any such punishment be inflicted, but at or near the buildings of the estate.

11. And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner or manager to impose any or either of the following punishments upon any male slave or slaves for any offences to be hereafter committed by such male slave or slaves in lieu of the punishment of flogging, it shall be lawful for such owner or manager so to do, complying in all respects with the provisions hereinafter mentioned.

Solitary Confinement.—With or without work in any fit and proper place, on any estate or in any place in the said colony, provided that such place be approved by some

some duly-licensed medical practitioner in the said 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; and provided, that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

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 be only inflicted between the hours of sunrise and sunset.

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 thirty minutes.

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 confinement of the feet during the night.

Hand Cuffs.—

Distinguishing Dresses,—to be used either with or without the stocks.

Distinguishing Marks, to be suspended from the neck by collars, and secured by padlocks; the collars and marks to be made of tin, and to be of a form approved by the Government, and as well as the handcuff, 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 12 hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food at least once in every 12 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 not greater than 40 *l.* and not less than 10 *l.* And no other mode of punishment than is specified herein *in lieu of the punishment of flogging* shall be inflicted on any male slave under a penalty not exceeding 50 *l.*, nor less than 20 *l.*

And it is hereby further ordered, that if any offence to be hereafter committed by any male slave in the said colony, shall be of such a nature and of such an extent as in the opinion of his or her owner, or of any person under whose charge such slave may be placed, to require greater punishment and correction than such owner or person is empowered to inflict, such owner or person shall in writing give information in such case to the *civil magistrate 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 or other of the modes of punishment hereinbefore provided, or otherwise to proceed according to the existing laws of the colony.

12. And it is hereby further ordered, that the protector of slaves shall proceed for the recovery of all fines or penalties in the same manner as the fiscal is authorized to proceed for the enforcement of pecuniary penalties, *according to the existing laws of the colony.*

And it is hereby further ordered, that the protector of slaves shall institute all proceedings in prosecution under this Act *in his own name*, and the same shall be conducted by *some legally-qualified person*, duly authorized thereto by the President of the Court of Justice; and the protector of slaves and assistant protectors shall have the like powers as the fiscal to procure evidence and enforce the attendance of witnesses, according to *the existing laws of the colony*; provided also, that all prosecutions under this Act shall be commenced within 12 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.

13. And it is hereby further ordered that all fines imposed by this Act shall be taken to be so imposed in British sterling money.

BERBICE.

And it is hereby further ordered, that the provisions of this Act shall take effect and be in force 14 days from the date of publication hereof.

And that no ignorance may be pretended of the several orders contained in this our Act these presents shall be published as customary.

Thus done and enacted at an extraordinary meeting of the Honourable Council of Government, held at the King's House, New Amsterdam, Berbice, this 27th day of April 1830; present, His Excellency the Lieutenant Governor, and the honourable members Wm. Scott, Charles Kyte, A. R. Hollingsworth, Isaac Barré Phipps, and D. Fraser; absent, James Culley.

By command,

(signed)

Jas. Shanks, Dep. Secretary.

A true copy.

Jas. Innes, Col^l Sect^y.