

1738.

Bills of Exchange.

tested and returned into this island, either for non-acceptance or non-payment, a re-exchange of eight pounds *per Centum*, and so after that rate for a greater or lesser sum, shall be allowed and recovered, over and above the common and usual exchange on such bills and interest.

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An Act for confirming the Articles executed by Colonel John Guthrie, Lieutenant Francis Sadler, and Cudjoe the Commander of the Rebels; for paying Rewards for taking up and restoring runaway Slaves, and making Provision for four white Persons, residing or to reside at Trelawney Town; and for granting Freedom to Five Negroes who were Guides to Parties †.

Act 120.

WHEREAS upon the late submission of *Cudjoe*, and all the rebels then under his command to his Majesty's government, and his engaging for *Accompong*, and the party of rebels under his command, to accept of such terms as the said *Cudjoe* sued for, articles of agreement were entered into and executed by Colonel *John Guthrie*, who commanded a party of militia, and Lieutenant *Francis Sadler*, who had the command of a detachment of soldiers in the late expedition against the rebels, and the said *Cudjoe*; the tenor of which articles is as follows, *viz*

Articles of Pacification.

JAMAICA, *ff. at the Camp near Trelawney Town, March 1st, 1738-9.*

IN the name of God, Amen. Whereas Captain *Cudjoe*, Captain *Accompong*, Captain *Joanny*, Captain *Cuffee*, Captain *Zuaw*, and several other negroes, their dependants and adherents, have been in a state of war and hostility for several years past against our Sovereign Lord the King, and the inhabitants of this island: And whereas peace and friendship amongst mankind, and the preventing the effusion of blood, is agreeable to God, consonant to reason, and desired by every good man; and whereas his Majesty *George* the second, King of *Great Britain, France and Ireland*, and of *Jamaica* Lord, Defender of the Faith, &c. has by letters patent, dated *February* the twenty-fourth, one thousand seven hundred and thirty-eight, in the twelfth year of his reign, granted full power and authority to *John Guthrie* and *Francis Sadler*, Esquires, to negotiate and finally conclude a treaty of peace and friendship with the aforesaid Captain *Cudjoe*, the rest of his Captains, adherents, and others his men, they mutually, sincerely, and amicably have agreed to the following articles, *1st*, That all hostilities shall cease on both sides for ever. *2^{dly}*, That the said Captain *Cudjoe*, the rest of his Captains, adherents and men, shall be for ever hereafter in a perfect state of freedom and liberty, excepting those who have been taken by them, or fled to them within two years last past, if such are willing to return to their said masters and owners, with full pardon and indemnity from their said masters or owners for what is past. Provided always, That if they are not willing to return, they shall remain in subjection to Captain *Cudjoe*, and in friendship with us, according to the form and tenor of this treaty. *3^{dly}*, † That they shall enjoy and possess for themselves and posterity for ever, all the lands situate and lying between *Trelawney* town and the cockpits, to the amount of fifteen hundred acres, bearing north-west from the said *Trelawney* town,

† Vide Acts 126 and 233, Vol. 1; and an Act for the better government of the Maroon Negroes, passed Dec. 3, 1780. ‡ Vide Act 9, Cl. 1, Vol. 1.



4^{thly}, That they shall have liberty to plant the said lands with coffee, cocoa, ginger, tobacco and cotton, and to breed cattle, hogs, goats, or any other stock, and dispose of the produce or increase of the said commodities to the inhabitants of this island. Provided always, That when they bring the said commodities to market, they shall apply first to the *Custos*, or any other Magistrate of the respective parishes where they expose their goods to sale, for a licence to vend the same. 5^{thly}, That Captain *Cudjoe*, and all the Captain's adherents, and people now in subjection to him, shall all live together within the bounds of *Trelawney* town; and that they have liberty to hunt where they shall think fit, except within three miles of any settlement, crawl or pen. Provided always, That in case the hunters of Captain *Cudjoe*, and those of other settlements meet, then the hogs to be equally divided between both parties. 6^{thly}, That the said Captain *Cudjoe*, and his successors, do use their best endeavours to take, kill, suppress or destroy, either by themselves, or jointly with any other number of men commanded on that service by his Excellency the Governor or Commander in Chief for the time being, all rebels wheresoever they be throughout this island, unless they submit to the same terms of accommodation granted to Captain *Cudjoe*, and his successors. 7^{thly}, That in case this island be invaded by any foreign enemy, the said Captain *Cudjoe*, and his successors herein after named, or to be appointed, shall then, upon notice given, immediately repair to any place the Governor for the time being shall appoint, in order to repel the said invaders with his or their utmost force; and to submit to the orders of the Commander in Chief on that occasion. 8^{thly}, That if any white man shall do any manner of injury to Captain *Cudjoe*, his successors, or any of his or their people, they shall apply to any commanding Officer or Magistrate in the neighbourhood for justice; and in case Captain *Cudjoe*, or any of his people, shall do any injury to any white person, he shall submit himself, or deliver up such offenders to justice. 9^{thly}, That if any negroes shall hereafter run away from their masters or owners, and fall into Captain *Cudjoe's* hands, they shall immediately be sent back to the Chief Magistrate of the next parish where they are taken; and those that bring them are to be satisfied for their trouble, as the legislature shall appoint. 10^{thly}, That all negroes taken since the raising of this party by Captain *Cudjoe's* people, shall immediately be returned. 11^{thly}, That Captain *Cudjoe*, and his successors, shall wait on his Excellency, or the Commander in Chief for the time being, every year, if thereunto required. 12^{thly}, That Captain *Cudjoe*, during his life, and the Captains succeeding him, shall have full power to inflict any punishment they think proper for crimes committed by their men among themselves (death only excepted) in which case, if the Captain thinks they deserve death, he shall be obliged to bring them before any Justice of the Peace, who shall order proceedings on their trial equal to those of other free negroes. 13th, That Captain *Cudjoe* with his people shall cut, clear, and keep open, large, and convenient roads from *Trelawney* town to *Westmoreland* and *St. James's*, and if possible to *St. Elizabeth's*. 14th, That two white men to be nominated by his Excellency, or the Commander in Chief for the time being, shall constantly live and reside with Captain *Cudjoe* and his successors, in order to maintain a friendly correspondence with the inhabitants of this island. 15th, That Captain *Cudjoe* shall, during his life, be Chief Commander in *Trelawney* town, after his decease the command to devolve on his brother Captain *Accompong*; and in case of his decease, on his next brother Captain *Jobney*; and, failing him, Captain *Cuffee* shall succeed, who is to be succeeded by Captain *Quaw*, and after all their demises, the


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Governor or Commander in Chief for the time being, shall appoint from time to time whom he thinks fit for that command.

In Testimony of the above Presents, we have hereunto set our Hands and Seals, the Day and Date above written.

JOHN GUTHRIE. (L.S.)

FRANCIS SADLER. (L.S.)

The Mark  *of Captain CUDJOE. (L.S.)*

And whereas notwithstanding his Excellency the Governor hath approved of the said articles, and that they are generally esteemed such, as great advantages may be derived from them; yet it may be too much in the power of some ill disposed or inconsiderate persons, who have a right of property in the said negroes, or some of them, to defeat or render ineffectual the said articles of agreement, by disturbing or seizing upon the said negroes, who in confidence, or under the security of the said articles, may come in their way. To prevent therefore the discontentments and other ill consequences that may attend such a perverseness or indiscretion, we your Majesty's most dutiful and loyal subjects, the Assembly of this your island of *Jamaica*, do humbly beseech your most Excellent Majesty, that it may be enacted; be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's island; and it is hereby enacted by the authority of the same, That the said articles of agreement, and every clause and article therein contained be, and they are hereby ratified and confirmed upon the conditions and terms in the said articles expressed; and that no person whatsoever give any interruption, or presume to seize upon, or detain the said negroes, or any of them, upon a pretence or claim of property, or disturb the said negroes in the possessions and privileges granted, or intended to be granted to them by the said articles of agreement, until a manifest breach shall appear to be made on the part of *Cudjoe*, or his successors, of the said articles, or some or one of them, under the penalty of five hundred pounds for every such interruption, seizure, detention or disturbance, to be recovered in the Supreme Court of Judicature of this island, by action of debt, bill, plaint, or information, wherein no essoin, protection, imparlance, or wager of law shall be granted or allowed, or *Non vult ulterius profequi* be entered; and one moiety whereof shall be to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to him or them who shall inform or sue for the same.

The articles ratified.

This clause is obsolete, see act 63, vol. 2.

Runaway slaves, how to be disposed of.

II. † AND whereas *Cudjoe* has engaged to send all slaves, who shall hereafter run away and fall into his hands, to the Chief Magistrate of the next parish where they shall be taken; be it enacted by the authority aforesaid, That all runaway slaves to be taken by *Cudjoe*, or any of the negroes at *Trelawney Town*, under his command, shall be by him or them delivered to the next Magistrate, who is hereby directed and obliged to pay the said *Cudjoe*, or the said negroes bringing such runaways to him, the sum of ten shillings, under the penalty of five pounds, for every neglect or refusal of such Magistrate to pay the same; and every such Magistrate to whom any negro or negroes shall be delivered by the said *Cudjoe*, or any of the negroes under his command, as aforesaid, shall be, and he is hereby obliged, under the penalty of five pounds, within ten days after such negro or negroes shall be so delivered to him, to send such negro or negroes to the respective owner or owners, if the said Magistrate shall know the owner or owners, and shall receive from the owner, for each slave so sent, the said sum of ten shillings, paid by him to *Cudjoe*, or any of the negroes

† Vide Act 133, Cl. 1, vol. 1.

under his command as aforesaid, with a poundage at and after the rate of two shillings and six-pence *per* pound for laying out his money, besides moneys, such as is ordered or directed to be paid by the owners of runaways; by an act, entitled, *An Act for the better Order and Government of Slaves*; and in case the owner shall neglect or refuse to pay the said sums herein before directed to such Magistrate, or his order, and oath be made thereof before any other Justice of the Peace, the said Justice is hereby authorized and required, under the penalty of five pounds, to issue his warrant, and direct the same to any Constable to distrain on the goods of the said owner, and the same, or so much thereof as will satisfy and pay the said sums herein before directed to be paid to the said Magistrate; and in case the Magistrate, to whom any runaway slave shall be delivered as aforesaid, shall not know, nor be informed, who the owner of such runaway slave shall be, such Magistrate shall send the said runaway slave to the next Marshal, who is hereby required to pay to the said Magistrate the sums herein before directed to be paid by the owner, in case such runaway slave shall be brought to him, and to be recovered in the same manner of the said Marshal, in case of neglect or refusal; and that it shall and may be lawful for the said Marshal to detain and keep in his custody the body of such runaway slave, until the owner shall reimburse him what he shall have paid as aforesaid, for such runaway slave, together with such poundage and other charges as are allowed to Marshals paying for runaway slaves, by the said act, entitled, *An Act for the better Order and Government of Slaves*.

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Act 57.

III. AND whereas it is thought necessary, that four white persons should reside among the said negroes, who have lately surrendered and submitted themselves to the government, in order that such white persons may receive and communicate such orders as shall be sent by his Excellency the Governor to the said negroes; be it enacted by the authority aforesaid, That each of the said four persons who are or shall be appointed by his Excellency the Governor, or the Commander in Chief for the time being, for the above mentioned service, shall be paid at and after the rate of two hundred pounds *per Annum*, for and during such time as he hath resided, or shall reside, and be upon actual duty among the said negroes.

Four white persons to reside in the negro towns.

IV. AND whereas a negro man named *Cuffee*, belonging to the heirs or representatives of *John Lawrence*, Esq; deceased, and *Sambo*, belonging to *John Roach* of the parish of *St. Elizabeth*, and *Quashey* belonging to the heirs or representatives of *William Williams*, Esq; deceased, being lately taken by the rebels, deserted them, and engaged in the service of the country, by going out as guides with the said party, and led them to the negro town; be it further enacted by the authority aforesaid, That as an encouragement for their service, the said negroes named *Cuffee*, *Sambo* and *Quashey*, be, and they are hereby absolutely manumitted, and for ever set and made free, and they are hereby accordingly manumitted, and for ever set and made free.

Cuffee, *Sambo*, and *Quashey*, made free.

V. AND be it further enacted by the authority aforesaid, That the Receiver-General, do out of any publick money in, or that shall come to his hands unappropriated, forthwith pay to the respective owners of the said several negroes, the sum of forty pounds for each of them.

VI. AND whereas a negro woman, named *Keeta*, lately belonging to ——— *Lampert* of the parish of *Clarendon*, deceased, having deserted from *Accompong's* town, acquainted Colonel *Blake*, that most of the rebels were gone out a hunting or robbing, and that it was a proper opportunity to take the town, and lead a party into the same: And whereas a negro woman named *Assaba*, about six years since, belonging to Mr. *Garbrand's* estate, of her own accord deserted the rebels, and guided Colonel *Dwarris* to the negro town, which he took; be it therefore enacted by the authority aforesaid, That the said two negro women be also manumitted, and for ever absolutely set free;

Keeta & *Assaba*, made free.

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and they are hereby accordingly manumised, and forever set free; and that the Receiver-General do forthwith pay to the proprietors of the said respective negro women the several sums of thirty pounds for each of them, out of any money in, or that shall come to his hands unappropriated.

VII. AND be it further enacted by the authority aforesaid, That the Secretary of this island do within thirty days after the passing of this act, make out copies thereof, and cause the same to be transmitted to the *Custos*, or Chief Magistrate of each of the respective parishes in this island, for each of which copies he shall be paid the sum of twenty shillings by the Receiver-General, out of any fund or funds in his hands unappropriated.

Act 121.
Obsolete.

An Act for the uniting of those Parts of Carpenters Mountains, heretofore esteemed Part of the Parishes of St. Elizabeth and Clarendon, to the Parish of Vere.

An Act for the better securing and collecting his Majesty's Fines, Forfeitures, and Amerciaments†.

Act 122.
Act 99.

WHEREAS by an act of the Governor, Council, and Assembly of this island, entitled, *An Act for securing and collecting his Majesty's Quit-rents, Fines, Forfeitures, and Amerciaments, and for regulating the Manner of Escheats, and for securing the Possessors of Lands already forfeited and settled, and further Discovery of such forfeited Land, and encouraging the settling thereof*, passed the seventeenth day of August one thousand seven hundred and thirty-three, it is enacted that for the future, all fines, forfeitures, and amerciaments shall be paid into the hands of the Receiver-General, or his deputy; and that no other person or persons presume to receive or discharge the same, or any part of them, or any other publick money, not otherwise particularly directed by any act as to the payment thereof, under the penalty of five hundred pounds; any law, custom, or usage to the contrary notwithstanding; and whereas the said clause is found to be attended with many inconveniencies, may it therefore please your most excellent Majesty: that it may be enacted; be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's island; and it is hereby enacted by the authority of the same, that the aforesaid* clause and every part thereof be, and is hereby repealed, annulled, and made void, and that all fines, forfeitures, and amerciaments already laid and not paid into the Receiver-General, as well as all such as shall hereafter arise in any courts of Judicature within this island, where his Majesty's grace and favour is not extended, shall be raised, levied, collected, and paid in such manner, as is directed by an act, entitled, *An Act for the more speedy collecting his Majesty's Quit-rents, Fines, Forfeitures, and Amerciaments*, passed in sixteen hundred and ninety-six; the said recited act, or any other law, custom, or usage to the contrary in any wise notwithstanding.

* Clause XII.
of Act 99
repealed.

Act 37, Cl. 5.

Act 123.

Obsolete.

An Act for vesting a Number of Negroes in the Crown, for the Use of the Barracks, and cutting and clearing of Roads, and for exempting the Parish of Vere from joining with the Parish of Clarendon, in building and repairing the Cave River Barrack.

† Vide Act 19, vol. 2d.

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