

FOR amending, by certain modifications, the laws and regulations relative to emancipations at the island of Mauritius and its Dependencies; and for establishing, by a fixed regulation, and in one and the same ordinance, all that regards such emancipations.

Title.

Whereas, upon a revision of the several laws and regulations relative to emancipations in the island of Mauritius and its Dependencies, and more particularly the Proclamation of the 30th December 1814, it results, that such laws and regulations require certain modifications, the necessity and equity of which experience has demonstrated; and whereas, to effect the end proposed, it is deemed expedient and desirable, that the said laws and regulations should be embodied in a single ordinance,

Preamble.

His Excellency the Governor, by virtue of the powers and authority conferred upon him by His Most Gracious Majesty, has been pleased, in council, to order:

I.

No slave shall be emancipated in the island of Mauritius and its Dependencies without the permission of His Excellency the Governor; which permission must be solicited by petition to His Excellency. This petition must contain the motives of emancipation; and if the same be favourably received, the petitioner will be required to fulfil the formalities hereinafter mentioned.

Emancipations. Manner of proceeding thereto.

II.

The name and profession of the master, the name, sex, cast, and age of the slave to be emancipated, shall be thrice published, from week to week, in the Government Gazette; these advertisements having for object the prevention of any emancipation prejudicial to the rights of creditors or to public order, all

Three advertisements of an intended emancipation to be made in the Government Gazette.

Oppositions to be notified to the Procureur-General.

persons are to notify to the Procureur-General the grounds of opposition which, to their knowledge, may exist against the intended emancipations; oppositions arising from objections subject to litigation shall be determined by the ordinary courts, as summary causes.

III.

Means of subsistence. Manner of assuring the same to emancipated slaves.

In the eight days following the third advertisement, (which, together with the two first, must be certified by a declaration of the government printers) and upon a certificate of the Procureur-General that there exists no opposition to the intended emancipation, the master shall make known in writing to His Honor the Chief Judge and Commissary of Justice, the means which he purposes placing at the disposal of the slave he wishes to emancipate, whether such means consist in a piece of ground susceptible of culture, in slaves, or in other objects likely to ensure the means of subsistence; in order that the person emancipated may not become a burden to the colony. If it results from the decision of His Honor the Chief Judge, upon the report of the Procureur-General, that such means are sufficient, the master shall assure the property in the same, to the person emancipated by notarial act: the master shall moreover be bound to pay into the Caisse de Bienfaisance the sum of £5. sterling for every slave he would emancipate, of whatever age the said slave may be. This sum shall be applied to the wants of the poor.

Sum to be paid into the Caisse de Bienfaisance for the use of the indigent.

IV.

Children under seven years of age emancipated *de jure* on the emancipation of their mother.

Children under the age of seven years, born of a slave who shall be emancipated, are to follow the lot of the mother; in this case the master must add to the means of subsistence, in such proportion as may be regulated by His Honor the Chief Judge, on the report of the Procureur-General.

V.

Manner of proceeding to obtain the confirmation of the Government to an emancipation.

When the following formalities and obligations have been complied with, the master must present a second petition to His Excellency the Governor for the purpose of obtaining a confirmation of the emancipation. This petition must be accompanied by,

1st. The certificate of the insertion of the advertisement in the Government Gazette;

2nd. The certificate of the Procureur-General that no opposition exists to the emancipation;

3rd. The decision of His Honor the Chief Judge and Commissary of Justice as to the means of subsistence;

4th. A copy of the notarial act assuring the means of subsistence to the emancipated person;

5th. And lastly the receipt of the Treasurer of the Caisse de Bienfaisance for the sum of £5. sterling for the use of the poor.

VI.

Act, confirmatory of an emancipation, to be delivered and registered free of expense.

The confirmatory act of emancipation shall be delivered gratis, and it shall be registered free of expense, in the Registry of the Court of First Instance, at the Civil Commissariat of the quarter where the emancipated person shall reside, at the Police Office at Fort Lewis, and wherever else occasion may require. The papers relative to the emancipation shall be taken to, and deposited in the Registry Office.

VII.

Emancipations by will. Dispositions relative thereto.

All emancipations under wills must be confirmed by His Excellency the Governor, and the formalities and obligations set forth in the present Ordinance, complied with and fulfilled. His Excellency, nevertheless, may grant certain exemptions, with reference to the estate of the deceased, the services of the slave, or any other circumstance.

VIII.

In the event of the marriage of a free black or emancipated negro with his slave, this latter shall be emancipated *de jure*; in like manner, on the marriage of a free woman of colour or emancipated negress with her slave, such slave shall be emancipated *de jure*. In either of the above cases, the free man of colour or emancipated negro, free woman of colour or emancipated negress, shall not be required to deposit the sum of £5. sterling to the Caisse de Bienfaisance, as is directed by article III. of the present Ordinance. To obtain the confirmation of a like emancipation, they must justify,

Emancipations by marriage. Dispositions relative thereto.

1st. The three advertisements in the Gazette;

2nd. The certificate of the Procureur-General that no opposition exists to such emancipation;

3rd. A certificate of the Chief Commissary of Police in the town of Port Lewis, or of one of the Civil Commissaries in the several quarters, verifying that the free man of colour or emancipated negro, free woman of colour or emancipated negress, have sufficient means of subsistence.

IX.

Masters emancipating a slave shall give to him a surname, which shall ever after serve as a family name to be borne by such slave and his children.

Masters to give a surname to slaves emancipated.

X.

All anterior laws and regulations contrary to the dispositions of the present Ordinance are and remain repealed.

Repeals all anterior laws and regulations contrary to the dispositions of the present ordinance.

And to the end that no person may pretend ignorance of the same, the present Ordinance shall be read, published, and registered in the courts; for which purpose a copy thereof shall be presented by the Recorder-General to His Honor the Chief Judge and Commissary of Justice.

Present Ordinance to be read and registered in the courts.

God save the King!

Given at Port Lewis, in the Island of Mauritius, 27th January 1827.

(Signed) G. LOWRY COLE.

By order of His Excellency the Governor,

(Signed) ARCHD. WM. BLANE,
Acting Chief Secretary to Government.

By order of the Council,

(Signed) W. N. LEITCH, Secretary to the Council.

A true Copy,

(Signed) W. N. LEITCH, Clerk to the Council.