

SLAVES, MAURITIUS.

N° 1.

ORDINANCE in COUNCIL for Improving the condition of the Slave Population of Mauritius.

Ordinance of His Excellency the Governor in Council.

FOR the improvement of the condition of Slaves in the island of Mauritius and its dependencies. Title.

Considering that with the view of improving the condition of slaves in the island of Mauritius and its dependencies, it is proper to annul certain clauses of the letters patent of the month of December 1723, allowing others at the same time to remain in force, with such modifications as they may admit of; Preamble.

In virtue of the authority and powers vested in his Excellency the Governor, by His Most Gracious Majesty, his Excellency in Council has been pleased to ordain—

ARTICLE I.

WHEREAS the King's Procureur-General in the island of Mauritius has, up to this day, by the attributes of his office, and in virtue of the letters patent of 1723, discharged the functions of protector and guardian of slaves, receiving the complaints of the latter, and carrying them before the tribunals, and it becomes important to fix definitively the establishment of that office, and to regulate its duties in a clear and precise manner, the King's Procureur-Général is maintained and confirmed in the functions of Protector and Guardian of Slaves, with such increase of salary as His Majesty may please to determine. The King's Procureur-Général maintained in the functions of Protector and Guardian of Slaves.

The protector and guardian of slaves shall appear before his Excellency the Governor, or in his absence before the acting Governor, whenever called upon, and in his presence take the following oath:—

" I, A. B. swear to perform faithfully, and to the best of my knowledge and ability, the duties of the office of Protector and Guardian of Slaves in the island of Mauritius and dependencies, and to discharge the same without fear, favour or partiality.—So help me God!" Oath of the Protector and Guardian of Slaves.

It is to be well understood, and is hereby ordained, that the power shall be always reserved to His Majesty of separating the office of protector and guardian of slaves from that of procureur-general, and of nominating such other officer as he may think proper to select for performing the functions of protector and guardian of slaves. Power reserved to His Majesty of separating the office of Protector of Slaves, from that of Procureur-General.

ARTICLE II.

So long as the procureur-general shall retain the functions of guardian and protector of slaves, his office in the town of Port Louis shall be applied to the discharge of both duties. In the said office, and no where else, shall be deposited, kept and preserved the different registers, books, and generally all papers whatsoever which may be connected with the duty of protector and guardian of slaves. In case it should please His Majesty to appoint any other officer to the function of protector and guardian of slaves, the latter shall have his office in the town of Port Louis, and be in attendance there at the days and hours that may be determined by the Governor, or the acting Governor, according to such general or special order as they may think proper to issue on the subject. Clauses relating to the office of Protector and Guardian of Slaves, and to the custody of the Registers, Books, and all other papers that relate to such office.

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ARTICLE III.

The Protector of Slaves cannot be the owner of any plantation, or of any slaves employed in agricultural labour.

Exception made in respect to Slaves attached to the personal service of the guardian.

He cannot hold a mortgage upon any plantation, or upon slaves employed in agricultural labour.

He cannot act as agent, in any way, of a person possessing a plantation or slaves employed in agricultural labour.

The Protector of Slaves replaced by another in the event of his acquiring any plantation or slaves employed in agricultural labours; in the case also of his becoming agent of whatever description, for a person holding any plantation or slaves

The protector and guardian of slaves is not to be the owner of any plantation in the island of Mauritius or its dependencies, nor of any slaves employed or working on any plantation, or in any kind of agricultural labour. He may possess them, however, in the capacity of servants attached to the service of his person or of his family. He must hold neither mortgage, security, nor interest of any kind whatsoever upon any plantation, or upon any slave attached to any plantation, or employed in any kind of agricultural labour; and he is hereby declared incompetent to act as manager or overseer of any plantation in this island and its dependencies, as the agent or attorney of any person possessing a plantation; or of being the guardian, trustee, or executor of any person possessing plantations, or slaves, or exercising any rights over a plantation or a slave. In the event of the protector and guardian of slaves becoming possessed, by acquisition or otherwise, either in his own person, or in virtue of his wife, as guardian of minors, or as proxy, under whatsoever title, of any plantation situated in the said island and its dependencies, or of any slave employed or working upon any plantation or in any kind of agricultural labour; in case, moreover, of his holding any security, mortgage, or interest whatever, upon any plantation or slave, or of his acting in the manner above described, as manager, overseer, agent, attorney, guardian, trustee, executor, or as proxy, under whatever title; then, and in each of these cases, and within the ensuing month, without further delay, the said protector and guardian of slaves shall be under the obligation of apprizing thereof, in writing, the governor or acting governor, who is hereby authorized to appoint a deputy, or to adopt such other course as he may think proper for the due fulfilment of the clauses contained in the present ordinance until His Majesty's pleasure shall be known.

It is further ordained, that if the protector and guardian of slaves shall, after his appointment, acquire any plantation or any slaves, excepting such as are intended for his personal service, or that of his family, or act as manager, overseer, agent, attorney, guardian, executor, or trustee of individuals possessing slaves employed in agricultural labour, or hold any security, mortgage, or interest upon any plantation or slave, unless such slave be attached to the personal service of the master or of the members of his family, and shall neglect to give a written notice thereof to the governor, or acting governor, then, and in each such case, the said protector and guardian of slaves shall, *de facto*, cease to be protector, lose the salary annexed to that office and be immediately replaced. It is nevertheless ordained, that all acts that might have emanated from the said protector and guardian of slaves, or by his orders, previously to his place being declared vacated, through a public notice to that effect in the Government Gazette, shall be as valid and effectual in law as if the vacancy had not occurred.

ARTICLE IV.

The Protector of Slaves cannot absent himself from Mauritius, where he is to reside, without the leave described in this Article.

The protector and guardian of slaves shall reside in the island of Mauritius, and not absent himself from it without a special leave, which will be granted to him in His Majesty's name, either by one of the principal secretaries of state, or by the Governor or acting Governor of the colony. In no case can this leave be granted for a longer period than _____, or unless it shall have been proved to the satisfaction of the Governor or acting Governor, by a declaration upon oath of a doctor or of an officer of health, that such leave is necessary for the recovery of the health of the protector and guardian of slaves.

ARTICLE V.

The Protector and Guardian of Slaves to be replaced in case of death, resignation, or absence, from the colony.

In the event of death or resignation, illness or any other physical or moral indisposition of the protector or guardian of slaves, or during his temporary absence from the colony, the Governor or acting Governor shall have the power to name any other person he may think proper to fulfil, in the character of his deputy, the functions of the said protector and guardian of slaves, until the pleasure of His Majesty shall be known. The person so named as deputy shall receive such salary as may be determined upon to be deducted from that of the protector and guardian of slaves. It is to well understood that this deputy is to have the same duties, and be subject to the same obligations as the protector and guardian himself.

It is further to be well understood, that so long as the Procureur Général shall add to the duties of his office, that of protector and guardian of slaves, he is to discharge in person, at all times, his duties of protector and guardian, except in the cases of lawful impediment, whereof he is to apprise the Governor or acting Governor who may then, in such cases only, authorize him to employ one of his substitutes.

The Procureur General, so long as he may add to his office that of Protector of Slaves, and with the approbation of the Governor, may act by one of his substitutes, in the event of lawful impediment on his part.

ARTICLE VI.

The civil and police commissaries in the different quarters of the islands are, by the present ordinance, declared and named assistant protectors and guardians of slaves; and in this capacity they are required to aid and assist the protector and guardian of slaves in the execution of any orders and instructions whatever which they may require from him in this important part of the public administration.

The civil Commissaries of quarters are named assistant Protectors and Guardians of Slaves.

ARTICLE VII.

The actions, prosecutions, and generally all suits instituted with reference to a freeman in virtue of existing laws, shall in respect to slaves be laid before the protector and guardian of the latter, in all cases hereafter described.

Specific cases in which the actions, prosecutions, and generally all suits in respect to slaves, shall be laid before the Protector and Guardian.

1st. When it may be question of criminal prosecution against a slave before any tribunal or court of justice in this island, for any crime punishable by death or transportation, or any other corporal punishment.

2dly. When it may be question of an accusation against any person charged with murdering a slave, or with any serious injury done to the person of a slave.

3dly. When any question may arise respecting the right to liberty of a pretended slave.

4thly. Lastly, when any question may arise respecting the right of any slave to such property as by the following clauses of the present ordinance, a slave is declared competent to acquire, the protector and guardian of slaves shall always take the case in hand, and in the manner most advantageous and most useful to the slave in all the forementioned cases. The Procureur Général, so long as he shall unite in his person the office of protector and guardian of slaves, shall name a counsel for the latter when under an accusation, or when he may be personally unable, from the nature of his functions, to take up the slave's defence before the tribunals.

The Procureur General shall name a counsel to the accused slaves, when personally unable to take up their defence.

ARTICLE VIII.

One of the principal means calculated to effect an improvement in the condition of slaves, being the adoption of effectual measures for their religious instruction, the inhabitants are ordered to cause their slaves to be baptized and instructed in the Christian religion, within a reasonable time, under pain of an arbitrary fine.

Slaves to be baptized and instructed in the Christian religion, under pain of a fine.

The slave cannot be deprived by his master, or by any other individual having an authority over him, from going on Sunday to church, or any other place where divine service is performed; any refusal given to the slave in such a case, and duly proved, shall be punished by a fine which shall not exceed *one dollar* nor be less than *one dollar* except the master can prove that he had a valid reason for the refusal given by him.

ARTICLE IX.

It is forbidden to expose for sale, in any market on Sundays, any kind of provisions, meats, commodities, or goods of any kind, excepting from the time when the gun is fired from the Diane, until the hour of nine in the morning during summer, and until ten in the morning during winter; any person transgressing the present article shall be punished by a fine which shall not exceed *one dollar* nor be less than *one dollar*.

Regulation to be observed for the markets on Sundays, under pain of a fine and confiscation of the articles exposed for sale.

The article exposed for sale after the above stated hour shall be confiscated and sold for the benefit of the Caisse de Bienfaisance.

ARTICLE X.

The inhabitants are required to attend to the punctual observance of Sundays; they are also forbidden to make their slaves work from sun-set on Saturdays until sun-rise on Mondays, or in the said interval to induce or compel any slave to execute or undertake any work for the profit or advantage of his master, or the person who may

The inhabitants required to observe the Sundays; and forbidden to make the slaves work during those days consequent to the observance of religious duties.

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Fine, in case of infraction.

may have hired him, under pain, for the first time, of a fine which shall not be less than nor exceed and in case of relapse to a fine not less than nor exceeding

Exception in regard to slaves whose services are necessary near their master or his family, or for the indispensable protection of cattle and other animals, as also of gardens and plantations.

The present article cannot be interpreted nor understood as applicable to work which a slave is called upon to perform on Sundays in the ordinary course of his duties, near his master or his family, or the person that has hired him, or for the necessary protection and preservation of the cattle and other animals, as also for the protection of gardens and plantations; or when there is need of prompt assistance in case of fire or other accidents.

The slave may hire himself voluntarily in the cases determined in this article, and under the conditions therein named.

The slave may, however, hire himself voluntarily either to his master, or to any other person, with his master's consent, to work on Sundays, but merely when it is intended by such work to preserve the crops liable to perish by remaining a longer time uncut, in which case the said slave shall be paid, with reference to age and sex, a salary to be determined by the protector and guardian of slaves, which shall be paid to the slave after he has completed his work.

It is to be well understood that there shall not be due any salary when the slave shall have merely been employed on Sundays in his usual service, near his master or the members of his family, or even in the other cases of exception recited in the present article.

ARTICLE XI.

The whip, or any other like instrument, is forbidden to every one exercising a superintendence over slaves working in fields or plantations.

It is forbidden to every free person or slave to carry a whip, a chabouc, or any other instrument of a like kind, whilst he is exercising his superintendence over slaves working in fields or plantations; or also to use such whip, or other like instrument, to compel a slave or slaves to work at any labour that may be ordered of them.

The superintendent of slaves can only carry a switch.

The commander or superintendent of slaves can merely carry a switch, as a mark to distinguish him from the slaves confided to his charge.

Punishment against all infringers of the present article.

Every person convicted of infringing the clauses of this article, by ordering, authorizing, or facilitating the use or display of the whip, or any other instrument of the like kind, shall be deemed and found guilty of an offence, and as such undergo the punishment hereafter defined.

ARTICLE XII.

Punishment to be inflicted on male slaves.

It is forbidden to any person, of whatsoever quality or condition, to inflict or cause to be inflicted, in one and the same day, to any slave, for any offence, crime or other cause whatever, a correction of more than twenty-five lashes; or to inflict or cause to be inflicted, to any male slave, any punishment or correction with the whip, or any other instrument of the kind, until hours, at least, shall have elapsed since the commission of the offence which has given cause to the punishment. It is further forbidden to inflict or cause to be inflicted the said punishment or correction, except in the presence of a free person or of six slaves, whose testimony may be appealed to and received. Such presence shall be required independently of that of the person who shall have ordered the punishment or correction.

Clauses for limiting the correction, or preventing its exceeding the limits of justice and humanity.

Obligations to be fulfilled in such cases.

Punishment against any person infringing the clauses in the present article.

In case any person shall inflict or cause to be inflicted, in one day, upon a male slave, upwards of twenty-five lashes; shall whip, beat, or caused to be whipped or beaten, any male slave, whilst he may yet bear on his person any marks of laceration occasioned by a previous chastisement; or else inflict or cause to be inflicted, upon any male slave, any correction until hours have elapsed since the offence has been committed, or unless there be present during the correction any free person or the number of six slaves, independently of the presence of the person who shall have ordered the correction, such person who shall order, authorize or facilitate such punishment, or be present at it, shall be considered as guilty of an offence, and after conviction undergo the punishment hereafter defined.

Exception in respect to any punishment to be inflicted upon any male slave, in virtue of a judgment or ordinance of a competent tribunal.

It is to be well understood, that nothing contained in the present article can or shall be interpreted as applicable to any punishment that might be inflicted on a male slave in virtue of a judgment or ordinance of a competent tribunal.

ARTICLE

ARTICLE XIII.

It is forbidden henceforward to correct or punish any female slave in the Island of Mauritius and its dependencies, by means of the whip, for any cause whatever, unless, however, such correction be ordered by the Judge, the chief commissary of police or the civil commissaries of districts, who must in all cases fix the number of lashes which the female slave shall receive, and which shall not exceed and name the persons to be present at the correction and to bear witness to it when called upon; and if beyond the cases of exception above named any person should flog or correct, cause to be flogged or corrected, any female slave with a whip, a stick or any other instrument of the like kind, such person who shall order, authorize or encourage such chastisement, or assist at it, shall be considered as guilty of an offence, and after conviction undergo the punishment here defined.

Offence to punish in future any female slave by means of the whip, unless such correction be ordered as it is stated in the present article.

Punishment against any infringer of the present article.

But as it is indispensable that effectual means be adopted for the punishment of offences that may henceforward be committed by female slaves, it is ordained that any female slave who shall be guilty of any fault or offence which, according to the laws in force up to this moment, was punishable with the whip, shall always, excepting the cases already mentioned, be punished with imprisonment, the stocks or any other chastisement which shall be specially determined and sanctioned by a proclamation which the Governor or acting Governor shall cause to be published in His Majesty's name.

Offences committed by female slaves.

Punishments that may be inflicted upon them.

The Governor or acting Governor is, however, authorized to make such regulations as shall appear to him to be necessary to prevent any excess in the punishments or any abuse in the mode of inflicting them. Those regulations shall have to be forwarded without delay to the Governor or acting Governor, to the Right Honourable Noble Secretary of State for the Colonial Department, to be submitted for His Majesty's approbation; and they shall cease to be in force in the Island of Mauritius and dependencies, if the approbation of His Majesty has not been notified to the Governor or acting Governor within the space of two years from the date of the said regulations.

Authority given to the Governor to make such regulations as shall to him appear necessary to prevent any excess in punishments, or any abuse in the inflicting them.

ARTICLE XIV.

The slaves attached to plantations, or to any kind of agricultural labour shall, during working days, enjoy some time for rest, that is to say, one hour for breakfast and two hours for dinner; they shall be clothed and fed according to existing laws.

The slaves attached to plantations shall have, during working days, an hour for breakfast and two hours for dinner. They are to be clothed and fed conformably to existing laws.

The protector and guardian shall see to the strict execution of this clause.

Every infraction, properly attested, and proceeding from the master, manager or overseer of the plantation, shall be punished by a fine, which cannot be less than nor exceed

Punishment against any infringer.

Every complaint from a slave shall be strictly inquired into; in the event of its not being deemed well founded, the slave may be visited with such punishment by the police as shall be arbitrated.

Inquiry into all complaints of slaves. Punishment by the police against the slave whose complaints shall not be well founded.

ARTICLE XV.

There shall be kept upon every plantation upon which upwards of twenty slaves may be employed a book, to be called *The Plantation Record Book*.

Record book to be kept on every plantation on which upward of twenty slaves shall be employed.

The owner, manager or overseer, or others having the direction or principal authority on any plantation, are enjoined to register in the said book, at the very moment of punishment or immediately after the infliction of any punishment whatever upon a female slave, or any male slave, exceeding three stripes, the nature and particulars of the offence or fault occasioning such punishment, the period and place where it may have been committed, the period and place where the punishment has been inflicted, the nature, description and particulars of the punishment, and, when it may relate to a male slave, the number of lashes applied to the slave, and the names of the person, who shall have inflicted the said punishment or by whose orders it shall have been inflicted, as also the names of the free persons or slaves as before mentioned who shall have been present at the punishment.

Clauses relative to the mode of keeping the record book, and to what object destined.

ARTICLE XVI.

Punishment against any person who shall neglect or omit to register in the plantation record book, the articles that should be there inserted.

Punishment against any person who shall register, or cause to be registered, fraudulently in the said book any false article, or make any fraudulent alteration therein.

It is ordained, that if any owner, manager, overseer or other person having power and authority over any plantation having more than twenty slaves attached to it, shall neglect or omit to register in the said book any article that should be there inserted, agreeably to the clauses of the present ordinance, or shall not register the said article within the two days following the infliction of the punishment, then and in each of those cases such person shall suffer a fine of _____ pounds sterling at most, and of _____ pounds sterling at least; those fines shall be recovered and applied in the manner hereafter mentioned. And if any person shall voluntarily or fraudulently register or cause to be registered in the said book any false article, or make in it any erasure or fraudulent alteration, or burn, destroy, annul through fraud, any name or any part of a name, such person shall be deemed guilty of an offence, and after conviction shall suffer such punishment as shall be hereafter determined.

ARTICLE XVII.

The original plantation record book to be presented on any requisition from a competent authority.

Copy to be furnished of the articles registered in the said book.

The original record book shall be produced by every owner, manager, overseer, or other person having the chief authority over a plantation, as often as the production of the said book shall be demanded of him by a competent authority; that is to say, by the Governor, acting Governor, the chief Judge, or the tribunals; and it is moreover enjoined to every owner, manager, overseer, or other person having the principal authority over any plantation, to repair, on the first Monday following the 5th April, 24th June, 29th September, and 25th December, in each year, to the office of the civil commissary, as assistant protector of slaves in the quarter in which the said plantation is situated, and there give an exact copy of the articles that shall have been registered during the preceding three months in the plantation record book. He shall there take and subscribe the following oath, which is to remain annexed to the copy he shall have furnished of the articles by him registered :

Form of Oaths to be taken.

“ I, *A. B.* owner, manager, or overseer [*as the case may be*] of the plantation called _____ in the quarter _____ of the Island of Mauritius, swear, That the annexed writing contains a true and exact copy of all the articles transcribed in the plantation record book above mentioned, since the _____ last. I swear, moreover, that the said plantation book, as the law directs, has been kept in regular order, and with care, since the said _____ and that no fraudulent article has been inserted nor any erasure effected by me, or by any person whatever, to my knowledge, with my consent, or through my interference. “ So help me God.”

In case the owner, manager, overseer, or any such aforesaid person, shall not have inflicted or caused to be inflicted, since his preceding report, any punishment on any female slave, or any punishment exceeding three lashes on any male slave, belonging to the said plantation, then, instead of the above oath, the said owner, manager, overseer, or other person, shall take at the above-stated periods, and before the civil commissary, as assistant protector of slaves in this district, the following oath :

“ I, *A. B.* swear, That since the _____ last, no punishment has been inflicted by me, or by my order, or to my knowledge, upon any female slave, belonging or attached to the plantation called _____ situated _____ in the quarter called _____ and of which I am the owner; manager, or overseer. I further swear, that no punishment exceeding three lashes has been inflicted since the _____ upon any male slave belonging or attached to the said plantation, and that no article relating to such punishment has been registered since the said _____ in the book intended for that purpose. “ So help me God.”

ARTICLE XVIII.

Form to be furnished by the Assistant Protector and Guardian of Slaves, of the oaths to be taken and subscribed by them.

The civil commissary is required, as assistant protector and guardian of slaves in each quarter, to cause to be delivered, at least fourteen days after the period fixed for the delivery of the reports to the owner, manager, or overseer of each plantation, situated in his quarter, a printed form of the oaths to be taken and subscribed, and

to give him intimation of the time and place when he is to present himself, in order to deliver his report, and take the oath required of him; and the civil commissary, as assistant protector of slaves, shall have to bestow three successive days to receiving the reports and oaths. In case of its being satisfactorily proved to him, by the certificate of a doctor or officer of health, that such person so required to make his report, and to take his oath, is, owing to illness, unable to present himself at the time and place pointed out, then, and in such case, the civil commissary, as assistant protector of slaves, shall repair to the dwelling of the said person, for the purpose of receiving his report, and shall cause him to take and subscribe the oaths required by law.

Time and place which the owner is to present himself, to deliver his report, and take the oath required of him. The Assistant Protector and Guardian to repair to the dwelling of the owner, in the cases provided for in the present article.

ARTICLE XIX.

In case any person shall refuse or neglect to make his report, or to take and subscribe the oaths required by the present ordinance, such person shall incur a penalty which is not to exceed _____ pounds sterling, or be less than _____ pounds sterling. Those penalties shall be recovered and applied in the manner hereafter determined.

Penalty against whoever shall refuse or neglect to make his report, or to sign the oaths required by the ordinance.

ARTICLE XX.

The civil commissary, as assistant protector of slaves in each quarter, shall transmit, within the fourteen days following the delivery of the reports, to the protector and guardian of slaves, at his office in the town of Port Louis, all the reports that shall have been made to him, with the original oaths. In case a civil commissary, as assistant protector of slaves, shall himself be the owner, manager, or overseer of a plantation, he shall deliver, at the same period, to the protector and guardian of slaves, a copy of his own plantation record book for the preceding three months of that year, as well as the oath he has taken, in the manner and form above prescribed, before one of the Judges of the tribunal of First Instance of this Island, under pain of incurring the punishments and penalties to which are liable all other persons who may have refused or neglected to make their report, or to take the oath required of them.

Delay within which the reports should be made to the Protector or Guardian of slaves.

Obligation binding upon the Assistant Protector and Guardian, in case of his being owner or manager of a plantation.

ARTICLE XXI.

The protector and guardian of slaves is ordered to register in the record books, kept by him for the purpose, all the reports transmitted to him, and to preserve in his office the said reports and the original oaths; and in order to avoid, as much as possible, any error or mistake, the protector and guardian of slaves shall be obliged to keep a distinct and separate book for each quarter of the island, and transcribe into it, by alphabetical order, each report, according to the name by which the habitation shall be designated therein.

Obligation imposed on the Protector and Guardian of Slaves to register the reports forwarded to him, and to keep, to that effect, a distinct and separate book for each district of the island.

ARTICLE XXII.

It is ordered that, in the event of any person, whether owner, manager, overseer, or authorized agent of any plantation, be accused of inflicting, or causing or permitting to be inflicted, upon any slave or slaves, any chastisement, either forbidden or declared illegal by the present ordinance, if the slave who may complain of having been illegally punished shall present himself before the protector and guardian of slaves, or before the civil commissary, as assistant protector of slaves in his quarter; and if the marks or traces of a recent flogging or laceration shall appear on the body of the said slave, the protector and guardian, or the civil commissary, as assistant protector of slaves, shall then immediately draw up an act of the slave's declaration, and transmit a certified copy thereof to the magistrate charged with the public ministry near the tribunal of First Instance, in order that prosecutions be instituted without delay; and if, on the occasion of the discussions that shall have taken place, the slave shall declare before the tribunal that the traces or marks which he bears on his body are the effect of such illegal chastisement; and after having been duly and carefully examined by the tribunal, he proves, by a precise, detailed, and probable account, all the circumstances that have attended the said illegal correction, then and in each of those cases, although the slave cannot be deemed a competent witness according to the clauses of the present ordinance, the owner, manager, overseer, or any other person having power and authority over the said slave, shall be bound to prove by oath, either that the correction, the marks and traces of which are apparent, has not been inflicted by him, or by his order, or

Clauses relative to any person accused of having inflicted, or caused to be inflicted, any forbidden and illegal chastisement.

Form of proceeding in such a case.

Proofs to be urged by the complaining slave, or by the accused party.

Punishment against the person who, in default of proofs required by the present

article, shall be convicted of inflicting, or causing to be inflicted, an illegal correction.

with his knowledge and consent, or that such correction was a legal and allowable punishment according to the present ordinance, and was inflicted in the presence of the competent witnesses, as it is required by the foregoing clauses: in default of proofs upon oath, the owner, manager, or overseer shall be convicted and adjudged guilty of the offence that may have given cause to the accusation.

The Tribunal allowed to come definitively to such determination as equity may require.

The tribunal, however, whatever may be the result of the depositions upon oath that shall be made to it by all the witnesses summoned to depose, whatever also may be the nature of the declarations insisted upon by the owner, manager, overseer, or other person, may take, in respect to the guilt or innocence of the accused, such determination as equity may require. It is moreover ordered, that the magistrate charged with the public ministry in the First Instance shall not discontinue the pursuits he may have instituted at the suit of the protector and guardian of slaves, except in virtue of a written order, bearing the signature and seal of the Governor or acting Governor.

The public ministry are forbidden to discontinue pursuits, without a written order bearing the Governor's signature.

ARTICLE XXIII.

Marriages between slaves.
Forms to be used in such a case.

All individuals in a state of slavery may contract marriage. To this effect they are to apply to the protector and guardian of slaves, or to the civil commissaries of quarters, to whom they are to produce the written consent of the owners, managers or overseers. In the event of the owner, manager or overseer of the two slaves, who may be desirous of marrying, or one of them only, refusing to give to the said marriage his written consent, then and in such case the protector and guardian of slaves, to whom information shall be given of the refusal, shall issue a summons, bearing his signature and seal, to the owner, overseer or person having the direction of the said slaves, to appear before him in person, or by his attorney at the time and place fixed upon. That time shall not be more remote than fourteen days from that on which the demand of the slaves shall have been presented to the protector and guardian. If the owner, manager or overseer, or any other person having the direction of the said slaves, after receiving the summons above-mentioned, shall refuse to appear before the protector and guardian of slaves; or else, if on appearing, he does not shew sufficient proof that the intended marriage is contrary to the welfare of the slaves, or manifestly injurious to the master's interest, then and in each of those cases the protector and guardian shall authorize the marriage, by a declaration bearing his signature and seal, and the marriage shall be celebrated with the formalities prescribed for validating the marriage between free persons.

Children of slaves become legitimate by right, through the marriage of their parents.

In case of the marriage between slaves, who shall have had children from previous connection, such children shall by right become legitimate, after the protector and guardian shall have previously ascertained that there exists no fraud in the declaration which the parents of the said children shall have made.

ARTICLE XXIV.

Defence of selling children without their parents.

Explanatory clauses relative thereto.

It is forbidden to seize or sell, even in execution of any ordinance, sentence or decree of any court of justice in this island, any slave having a wife or legitimate children or natural ones, the latter until the age of twelve for boys and of fifteen for girls, and belonging to the same person or persons, unless the said husband, wife or children, legitimate or natural, be sold together to the same person or persons; and if in execution of any ordinance, sentence or decree, any slave shall be sold separately from his wife or children, whether legitimate or natural, then and in that case it is ordered, that the sale shall by right be declared null and void.

It is moreover ordered, that in the cases when a slave having a wife, or legitimate or natural children of the age above determined, shall be seized or sold, without the said wives and children being included in the said seizure or sale, the seizure in such case shall be, by right, considered as comprising the husband, wife and children.

ARTICLE XXV.

The slave may have a stock. He may acquire and possess moveable and immoveable property.

The slave is declared competent to have a stock of his own, and to buy, acquire and possess moveable and immoveable property; to alienate and dispose of them, with the united concurrence of the master and the protector and guardian. Any action that may take place, in consequence of the faculty given to the slave by the present

present article, must be brought in the name of the master, and in case of refusal by the protector and guardian; and in case the pretensions of the slave shall not be admitted in a court of justice, his property shall be answerable, as in ordinary affairs, for the costs and damages to which the action may have given rise.

Clauses relative to the action, that may take place in consequence of the faculty given to the slave by the present article.

ARTICLE XXVI.

Savings Banks shall be established in this island, for the better preservation of the property of slaves.

Establishment of Savings' Banks.

The funds that may be deposited therein, shall bear an interest of five *per cent per annum*. Whatever may relate to that interest, and its application, shall become the object of private regulations, which it is left to the Governor or acting Governor to publish as often as he may think proper. Any slave making a deposit of money in savings banks, shall be allowed to declare in what manner he wishes that, in the event of his death, the funds belonging to him shall be paid and distributed, and to name the person or persons to whom its delivery or distribution is to be made. This declaration of the slave shall be registered in a book kept for that purpose in the savings banks, and at the death of the slave, it shall be considered as his last will, if there does not exist some other subsequent declaration from him. In case the said slave shall happen to marry after having made the said declaration, the marriage shall be deemed as a legal revocation of it. If the slave shall die *intestate*, and without having made the foregoing declaration, then and in such case the property of the slave shall devolve to the person or persons who, according to the laws which regulate successions in the colonies, shall be entitled to the said property. Lastly, if the slave shall leave neither wife nor children nor any relation in degree, whether natural or legitimate, requisite for giving a claim to succeed to his property, that property shall devolve to his master.

Clauses relative to that establishment and to the deposit of sums therein lodged by the slaves.

ARTICLE XXVII.

The savings banks that shall be established at Mauritius, shall be under the authority and inspection of the protector and guardian of slaves. The Governor or acting Governor is authorized to name such persons as he may deem most proper for forming a commission to carry on the savings banks, and such persons as shall be employed in the service of those banks. The Governor or acting Governor is also authorized to make such regulations as shall appear suitable to secure order and correctness, and prevent the misapplication of the sums deposited therein. These regulations shall be submitted without delay for the approbation of His Majesty through the channel of one of his Principal Secretaries of State.

The Savings Banks shall be under the authority of the Protector and Guardian of Slaves. The Governor shall form a commission to carry on the Savings Banks. The Governor shall issue the necessary regulations for carrying on the Savings Banks.

ARTICLE XXVIII.

No deposit of money shall at any time be received in the said savings banks from any slave when the deposit shall exceed the sum of two pounds sterling, unless the slave shall produce the written consent of the master, manager or overseer and in case the slave who shall be desirous at any period or any particular time whatever, to make a deposit of money exceeding the said sum of two pounds sterling shall meet from the manager, master or overseer a refusal to give his written consent, then and in such case the protector and guardian of slaves, when he shall be informed of the refusal of the master, manager or overseer, is ordered to send him a summons, bearing his signature and seal, to make him appear before him, either in his own person or through his attorney, at the time and place determined upon; and if the said owner, manager or overseer shall not appear, or if when he appears he does not assign valid grounds to shew that the deposit should not be effected, then the protector and guardian of slaves shall issue an order, under his signature and seal, to the director of the savings banks to receive and register the amount of the deposit. On the first of each month, the director of the bank shall ascertain the state of the deposits made in the preceding month, and make it public through the Government Gazette.

Regulation ordered to be adopted in respect to deposits exceeding two pounds sterling.

Clauses relative to the means to be adopted for receiving into the Savings Banks any deposits exceeding two pounds sterling.

Publication to be made every month of the state of the deposits made in the preceding month.

ARTICLE XXIX.

The manumission of any slave, or the registering of any act of manumission, shall no longer be subject henceforward to any duty or tax of any kind, with the exception, however, of a duty not exceeding 20 s. to be paid to the registrar for registering

Manumission of slaves. Exemption of all duty or tax, excepting a duty to be paid

to the registrar for registering the slaves, and which shall not exceed 20s.

Penalty against any one who shall infringe the present article.

the slaves, by the protector and guardian; who shall be reimbursed from the public revenue of the colony; and if contrary to the above clause any person in this island shall take, ask, or receive in future any duty or tax, always excepting the duty allowed to the registrar for registering the slaves, such person shall suffer a penalty not exceeding 50*l.* sterling, nor less than 10*l.* sterling.

The slave may purchase the freedom of himself, his wife, children, parents, brothers or sisters.

Course directed to be pursued in respect to this clause.

Form to be adopted in case of the master's refusal, or of his being prevented from consenting, as also in case the master shall demand an extravagant price for the slave's redemption,

Certificate to be produced by the slave, in case the funds tendered for his liberty should not be the produce of his labour.

Forfeit of the power of purchasing his liberty, during a certain time, with respect to any slave convicted of robbery, larceny, or other offences.

Clauses directed to be enforced by the present article.

Form of proceeding on the part of the Chief Judge.

Cases foreseen and for which appraisers and an umpire shall be appointed.

ARTICLE XXX.

It is ordered by the present article, that in case any slave in the island of Mauritius and its dependencies, shall wish to obtain his liberty by redeeming from slavery his own person, or the person of his wife, of his child or children, of his father, mother, legitimate or natural brothers or sisters, by also purchasing their freedom; and also in the case of the female slave being desirous of availing herself of the same privilege in respect to her husband, children, parents, legitimate or natural brothers or sisters, by purchasing their freedom, the said redemption from slavery shall be permitted to the slave, provided he proves to the satisfaction of the protector and guardian, that he has lawfully acquired the property which he destines to that object; and if the owner of the slave shall refuse to consent to the manumission, or shall be really prevented from consenting to it, whether owing to a mortgage or any other incumbrance affecting the said slave, and giving any right whatever over him to a third person, whether from the interest vested in a minor, a woman under her husband's control, or owing to a prohibitory decree, or from any law-suit pending before a court of justice concerning the right of property in the said slave, or any right to his services, whether also owing to the extravagant price demanded by the owner for the redemption of the slave, then and in each of the cases just named, the protector and guardian of slaves shall repair to the Chief Judge of the colony, who, upon the report made to him, shall send a summons bearing his seal and signature, to order to appear in his presence, either personally or by his attorney, at the time and place fixed for that purpose, the owner, manager or overseer of the said slave, or any other person having the said slave under his charge. The protector and guardian of slaves shall, on his part, cause to be published in three successive Government Gazettes, a notice declaring the time and place fixed upon by the Chief Judge, and having for its object to give intimation to all persons having rights or claims to exercise over the slave whose manumission has been applied for, whether in their own name, or as guardians, attorneys, trustees or executors, that they should present themselves and exhibit their titles and pretensions.

In case the funds which the slave should offer for his liberty should not proceed from his labour or industry, but should arise from any other cause, in such case, and in order to enjoy the benefit of liberty, the slave shall bring a certificate from his master, attesting his good conduct during a period of five years.

The slave convicted of robbery, larceny, or other offences, having for their object to procure him by unlawful means, any stock whatever, is by the present article declared to have forfeited the power of purchasing his freedom, for the period of five years for the first offence, and ten years in case of relapse.

ARTICLE XXXI.

At the period fixed upon by the summons of the grand Judge, and in the presence of the protector and guardian of slaves, and of the owner of the slaves whose manumission shall be under consideration, as well as in the absence of the said owner, if it be duly proved that the latter, or any other person has been regularly appraised by the notice published in the Government Gazette, the Chief Judge shall summarily give hearing to what may be said by the protector and guardian of slaves, and by the owner, and any other person pretending to any right over the slave whose manumission is applied for; or in case the parties or any of them shall refuse to effect the manumission, or it shall appear to the Chief Judge that such a manumission cannot be effected through a voluntary or amicable understanding between the parties; or in case that it shall be demonstrated to the Chief Judge, that the owner of the said slave or the person having any right over him is a minor, or a woman under the control of her husband, or an individual interdicted from disposing of him, or that the real owner or person having any right over the slave is absent from the colony, without having any one to represent him, or that any suit

suit is pending before a court of justice concerning the right of property in the said slave, or any right to his services, or in case it shall appear to the Chief Judge that there exists some difference of opinion between the protector and guardian of the slaves and the owner of the slave to be manumitted in respect to his real value, then and in each of those cases above-mentioned; the protector and guardian of slaves, and the owner of the slave to be manumitted, shall each name an appraiser: an umpire shall be appointed by the Chief Judge. The appraiser and umpire, after having taken an oath in the hands of the Chief Judge, binding them to proceed equitably, and to the best of their knowledge and belief, to the appraisement of the slave whose manumission shall be demanded, shall jointly, within seven days of their taking the oath, make the appraisement, which is the only object of the duty entrusted to them. For this purpose, the slave to be appraised shall be brought before them by the protector and guardian. Within the same period of seven days, the appraisers and umpire shall deliver to the Chief Judge their act of appraisement, under their hands and seals; and this act after being approved by the Chief Judge shall be deemed as law by the parties, and be inrolled in the office of the protector and guardian of slaves, and in the registry office.

Oath to be taken by the appraiser and umpire.
Appraisement of the slaves by the appraisers.
Act of appraisement to be approved by the Chief Judge, and inrolled in the office of the Protector and Guardian of Slaves, and in the registry office.

ARTICLE XXXII.

The sum proceeding from the appraised value of the slave shall be deposited in His Majesty's Treasury in this island, and the treasurer shall deliver a receipt of it which shall be inrolled in the registry office; this receipt must be accompanied by a declaration of the Chief Judge, which is to certify that the forms required by law for the manumission of the said slave have been complied with; by means of which the slave shall be free, and enjoy the advantages attached to that condition.

Sum proceeding from the appraised value of the slaves, to be deposited in His Majesty's Treasury.
Declaration of the Chief Judge that the forms required by Law have been complied with.

The slave declared free, after the forms shall have been complied with.

ARTICLE XXXIII.

The funds proceeding from the manumission of any slave shall, after authority obtained from the Chief Judge, be delivered by the treasurer to the person or persons having right to the same. In case no claim shall be immediately made, they shall remain in the treasury. In such case they shall bear an interest of six per cent per annum; this interest to be drawn out of the public revenues of the colony, shall form with the capital a property belonging to the person or persons entitled legally to claim it. It will give a title to the exercise of any right which a person might have exercised over the slave himself previously to his manumission. The definitive delivery of the sums forming such deposit, can in no case be made by the treasurer except by the Chief Judge's authority.

Delivery to the owner of the slave of the funds proceeding from the manumission.
Clauses in case the funds shall not be immediately applied for.
The funds deposited shall give a title to the exercise of any right which a person might have exercised over the slave himself before his manumission.

ARTICLE XXXIV.

Previously to the manumission of any slave, and when the master shall have determined to effect it of his own free will, the latter must give notice of it in writing to the protector and guardian, who, on behalf of the slave to be manumitted, shall ascertain if the owner is possessed of a proper title, and if the means of support will be sufficient to guard against the slave's being at any time a burden to the colony. When the information shall be satisfactory, the protector and guardian of slaves shall draw up, without any charge or fee, the act of manumission, which, independently of the signature of the protector and guardian, shall bear that of a witness called in for that purpose. The act of manumission shall, within the period of one month from its date, be transcribed and deposited in the registry office, under pain against the protector and guardian of slaves of a penalty not to exceed pounds sterling, nor less than pounds sterling.

Course which is to precede any voluntary manumission.

The Protector and Guardian to draw up the act of manumission without charge or fee.

Forms to be attended to on the occasion.
Deposit of the act of manumission in the registry office, under pain of a penalty against the Protector and Guardian.

ARTICLE XXXV.

Every clergyman of the established church of England, every minister of the kirk of Scotland, and every priest professing the Roman Catholic religion in this island, and every person duly authorized by the government as a public teacher of religion in the Island of Mauritius and dependencies, shall transmit to the civil commissary of the quarter in which he may be resident certificates, setting forth the name and place of dwelling of any slave who, in his opinion, shall be sufficiently instructed in his religion to know the nature and obligation of an oath. The civil commissary

Certificate to be transmitted to the Civil Commissaries of Quarters, by every minister or priest duly authorized by Government, for the purpose of attesting the religious instruction of slaves.

Those certificates to be addressed to the Protector and Guardian of Slaves, who is to register them in a book kept by him for that purpose.

commissary in each quarter shall transmit those certificates, within eight days from the day of his receiving them, to the protector and guardian of slaves, who shall register them in a book kept by him for the purpose, with an insertion therein of the date of the certificate, the name and place of residence of the person who shall have delivered it, and the name of the slave to whom the certificate shall apply.

No minister or clergyman not acknowledged by Government can deliver such certificates, without having obtained special leave, as stated in this article.

It is to be well understood, that no minister, clergyman or other person, being a public teacher of religion in this island, who shall not be also a minister or clergyman of the churches of England or Scotland, shall be entitled to give the certificates just mentioned, unless His Majesty's Principal Secretary of State for the Colonial Department, or the Governor or acting Governor of the Island of Mauritius, shall have granted to such minister, clergyman or other aforesaid person, a permission in writing authorizing him to deliver such certificates; and the said leave, before it can have effect, must be inrolled in the office of the protector and guardian of slaves.

ARTICLE XXXVI.

The evidence of a slave shall henceforth be admitted in a Court of Justice, if it be proved, by the certificate of the Protector and Guardian, that the said slave sufficiently understands the nature and obligation of an oath.

This certificate should be delivered by the Protector, without charge or fee, to any person applying for it.

No person shall henceforth be considered incompetent to give evidence before a court of civil or criminal justice in this island by reason of his or her being in a state of slavery, if such person so called upon to give evidence shall produce and exhibit to the court the certificate of the protector and guardian of slaves, declaring that the name of the witness is inscribed, as required by law, in the book kept by him for the purpose. The protector and guardian must also, without any charge or fee whatever, deliver, to any person demanding it, a certificate that the slave called upon as a witness has or has not been registered in the said book. It is, however, to be well understood, that the evidence of no slave can be received in any law suit in which his master might be directly interested.

The slave cannot give evidence in any law-suit, in which his master may be directly interested.

The Tribunals are nevertheless, maintained in the power of admitting the evidence of slaves in certain cases.

Nothing that is contained in this article can be interpreted in such a way as to destroy or diminish the power and authority which any criminal court in this island already possesses, of admitting in certain cases the evidence of slaves, and of rendering it as valid as if it were given by free persons.

ARTICLE XXXVII.

The salary of the Protector and Guardian of Slaves, is to be in lieu of all fees and emoluments.

Fine against the Protector, and dismissal from his office, in case of infringement of the present article.

The salary of the protector and guardian of slaves, such as it shall be regulated and determined, shall be to him in lieu of all fees and emoluments whatever. In case the protector and guardian shall demand or receive, directly or indirectly, any fees or emoluments others than those fixed for his salary, and so receive it for any act or duty of his office, he shall suffer a penalty double the amount he may have unlawfully received, and be declared incapable of filling any longer the functions of protector and guardian.

ARTICLE XXXVIII.

Report to be presented twice a year by the Protector and Guardian of Slaves.

Details which the report shall contain.

The protector and guardian of slaves shall make a report in writing to the Governor or acting Governor, on the first Monday after the 25th of December and the first Monday after the 24th of June, in each year.

This report shall specify the manner in which the duties of that office shall have been fulfilled during the six months preceding the date of the report; the number of actions and law suits in which the protector shall have acted in that capacity; the date and result of the suits; the details of all the reports that shall have been made to him by the civil commissaries of the different quarters of the island; the names of the persons against whom he may have instituted any criminal suit in consequence of inhuman treatment of the slaves; the names of the slaves who shall have been pointed out to him as competent to give evidence in a court of justice; the number of permissions granted by the protector and guardian for the marriage of slaves; the number of marriages celebrated in virtue of such permissions; the amount of the sums deposited in any savings bank; lastly, the names of all the slaves manumitted in virtue and under the authority of the present ordinance. The protector and guardian of slaves shall make oath before the Governor or acting Governor that his report contains the truth and nothing but the truth, on all the points therein recited; and when that oath shall have been taken, the Governor or acting Governor shall deliver to the protector and guardian of slaves an order on His Majesty's treasurer

Oath to be taken by the Protector before the Governor

Order to be delivered to the Protector, after he shall have made oath, for the

treasurer in this island for the amount of the portion of the additional salary allowed to him in that capacity due for the six months preceding the date of the report; which order shall be transmitted by the Governor or acting Governor, on the first favourable opportunity, to His Majesty's Principal Secretary of State for the Colonial Department.

amount of the portion of the additional salary allowed to him, due for the six months preceding the date of the report.

ARTICLE XXXIX.

In case the protector and guardian of slaves, or any civil commissary of a district, or any other person, shall voluntarily or fraudulently make any erasure or interlineation in any of the books, registers or reports mentioned in this ordinance, wilfully falsify any of the said books, registers or reports; wilfully insert or cause to be inserted any false entry in any of the said books, registers or reports; voluntarily and fraudulently burn, cancel or obliterate the said books, registers or reports, or merely one or any of them, or any part of them, then and in each such case they shall have been guilty of a serious offence; and the guilty, after due correction, shall suffer such punishment as is hereinafter directed.

Punishment, decreed against any person, guilty of the serious offences mentioned, in this article.

ARTICLE XL.

In case any of the people called Quakers, residing in the colony, shall be required to take one of the oaths enjoined by the present ordinance, it is ordered that the solemn affirmation of such person shall stand in lieu of such oath; and if such person making, as a Quaker, such solemn affirmation, shall be convicted of affirming falsely, he or she shall have incurred such punishment as the laws of the colony pronounce against persons guilty of corrupt perjury.

Clauses relative to the oath to be taken by persons called Quakers.

ARTICLE XLI.

Any person convicted of any of the offences named in the present ordinance, if a free person, shall incur a penalty not exceeding _____ pounds sterling, nor less than _____ pounds sterling, or suffer an imprisonment not exceeding six months nor less than one month; or even suffer both penalty and imprisonment, if the tribunal shall think fit so to order it. In case any person shall be convicted of inhuman treatment of any slave, the tribunal shall declare that such person has forfeited all his rights over the slave, who shall be declared confiscated to His Majesty. The trials which the above offences shall give rise to shall be heard and tried by the ordinary tribunals of the colony. One-half of the penalties pronounced shall be lodged in His Majesty's Treasury; the other half shall devolve to the Caisse de Bienfaisance.

Punishment against any person convicted of any of the offences named in the present ordinances. Nature of the punishment. Competency of the ordinary tribunals of the Colony, to hear and try the causes in the cases above mentioned. Penalties, how to be applied.

ARTICLE XLII.

In case any person shall be convicted for the second time before a court of justice, of having inflicted or caused to be inflicted upon any slave a treatment of a cruel and inhuman nature, such person, independently of the punishment he shall have incurred, shall be declared by the tribunal as incompetent for the future to be owner, manager or overseer of any slave in the Island of Mauritius and its dependencies; and all slaves of whom the said person shall be owner at the time of such second condemnation, shall be confiscated to His Majesty. There is no alteration made, however, in the existing laws in what concerns the power possessed by the tribunals of ordering the confiscation and sale of slaves towards whom the masters shall have exercised any inhuman treatment.

Article relating to a relapse, in respect to the inhuman treatment of a slave. Punishment decreed in such a case. The Tribunals maintained in the power they possess, of ordering, in certain cases, the confiscation and sale of slaves.

ARTICLE XLIII.

Whenever difficulties shall arise in consequence of the present ordinance, with respect to the different degrees of relationship between slaves, the protector and guardian shall have recourse to the records kept by the registrar for registering slaves, whose certificate shall be deemed valid, either before the tribunals or before any other competent authority.

In case of difficulty with respect to the different degree of relationship between slaves, recourse to be had to the records kept by the Registrar for registering the slaves.

ARTICLE XLIV.

In case of any unfounded complaint of a slave against his master, the protector and guardian, or the tribunal before which the said complaint shall have been carried, shall determine, in respect to the said slave, such correctional punishment as shall be inflicted upon him.

Correctional punishment against the slave who shall have brought an unfounded complaint against his master.

ARTICLE XLV.

This ordinance to be published, inrolled and carried into execution within the time prescribed by the present article.

The present ordinance shall be published, in order that no person may plead ignorance of it; it shall be inrolled in the tribunals and carried into execution in the Island of Mauritius, and in its dependencies, within the period of one month after the Governor or acting Governor shall have received the instructions of the Right Honourable His Majesty's Secretary of State for the Colonial Department.

All clauses of anterior laws maintained in force, in so far as they do not militate against the present ordinance.

All other clauses of anterior laws and regulations are maintained in full force, in so far as they do not militate against the present ordinance.

GOD save the KING!

Given at Port Lewis, Island of Mauritius, at the Government House, the 1st of September 1827.

(signed)

G. Lowry Cole.

BY Order of his Excellency the Governor,

(signed)

Arch. W. Blane,
Chief Secretary to Government.

BY Order of Council,

(signed)

W. N. Leitch,
Clerk to the Council.

A true copy,

(signed)

W. N. Leitch,
Clerk to the Council.