

(Translation.)

(No. 28.) *Ordinance of His Excellency the Governor in Council.*

FOR amending the dispositions of the article 20th of the letters patent of the month of December 1723, and the 15th article of the Ordinance des Administrateurs généraux of the islands of France and Bourbon, under date of 26th September 1767, as also the dispositions of the 18th and 19th, articles of the arrêté of 28th April 1808.

Having had under consideration the aforesaid articles which are as follows: Preamble.

Article 20th, des Lettres Patentes.

“ Infirm slaves, whether from age, sickness or otherwise, be their disease curable or incurable, shall be kept and maintained by their masters; and in case these latter should abandon such slaves, the said slaves shall be adjudged to belong to the nearest hospital, to which hospital the master shall be condemned to pay four sols per day, for the food and maintenance of each slave; for the due payment of which sum the said hospital shall have a privileged lien upon the real estates of the said master, into whomsoever’s hands they may pass.”

Article 15th, of the Ordinance of Administrateurs Généraux.

“ Infirm slaves, whether from age, sickness, or otherwise, be their disease curable or incurable, shall be kept and maintained by their masters; and in case these latter shall abandon such slaves, the said slaves shall be adjudged to belong to the hospital, to which latter the master shall be compelled to pay six sols per day, for the food and maintenance of each slave; for the due payment of which sum the said hospital shall have a privileged lien upon the plantations of the master, into the hands of whomsoever such plantations may pass.”

Article 18th, of the Arrêté of 28th April 1808.

“ Shall be punished in a penalty of from 50 to 100 francs those persons, who, by reason of the infirmities of their slaves, or for any other cause, shall dismiss them from their home, or abandon them, or suffer them to seek an asylum and maintenance elsewhere.”

Article 19th, of the same Arrêté.

“ Under circumstances, offenders against the foregoing article may be punished by an imprisonment of eight days, but not longer.”

Whereas in the event of the abandonment of a slave the sum, as fixed by the

nourriture et l'entretien de chaque esclave abandonné, ne se trouve plus en rapport avec la valeur actuelle des objets de première nécessité ; et qu'en laissant subsister plus long-tems l'évaluation, ainsi qu'elle a été déterminée à une époque fort reculée, ce serait, en quelque sorte, encourager l'abandon des noirs infirmes par vieillesse ou autrement, pour mettre leur nourriture et entretien à la charge du Gouvernement.

En vertu de l'autorité et des pouvoirs conférés à Son Excellence le Gouverneur par Sa Très-Gracieuse Majesté, il a plu à Son Excellence en conseil d'ordonner.

I.

Dispositions pénales.

Les maîtres qui auront abandonné des esclaves infirmes, par vieillesse ou autrement, soit que la maladie soit incurable ou non, seront poursuivis, à la requête du ministère public, devant le tribunal de police correctionnelle, et en cas de conviction, condamnés à une amende qui ne pourra être moindre de quatre livres sterling, ni excéder vingt livres sterling.

Les esclaves ainsi abandonnés, et à l'occasion desquels une amende aura été prononcée contre les maîtres, seront adjudés à l'hôpital, auquel les maîtres seront en outre, obligés de payer un shelling par jour, pour la nourriture et l'entretien de chaque esclave, pour le paiement de laquelle somme, l'hôpital aura privilège sur les propriétés immobilières des maîtres, en quelques mains qu'elles passent.

II.

Recouvrement et application des amendes.

Le recouvrement des amendes fixées par l'article ci-dessus, se fera à la diligence du ministère public. Les amendes seront applicables à la caisse de bienfaisance. Le paiement de l'amende pourra se poursuivre par la voie de la contrainte par corps. Après trois mois d'emprisonnement, par l'effet de cette contrainte, le condamné, lorsque son absolue insolvabilité sera prouvée par les voies de droit, obtiendra sa liberté.

III.

Dérégation à toutes dispositions contraires à la présente Ordonnance.

Il est dérogé à toutes dispositions contraires à la présente Ordonnance.

Publication et enregistrement de l'Ordonnance dans les tribunaux.

Et afin que personne n'en prétende cause d'ignorance, la présente Ordonnance sera lue, publiée et enregistrée dans les tribunaux : copie en sera, à cet effet, présentée par le Procureur-General, à Son Honneur le Grand-Juge et Commissaire de Justice.

Vive le Roi !

Donné au Port-Louis, Ile Maurice, le 9 Janvier 1828.

(Signé)

G. LOWRY COLE.

Par ordre de Son Excellence le Gouverneur,

(Signé)

A. W. BLANE,

Secrét. en chef du Gouvernement *par interim.*

Par ordre du Conseil,

(Signé)

W. N. LEITCH,
Secrétaire du Conseil.

409

existing laws, which the master is compelled to pay for the daily maintenance of the slave abandoned, bears, at this day, no proportion to the actual value of the first necessaries of life; and that therefore any longer to maintain such valuation would be, in some measure, to encourage the abandonment of infirm slaves by their masters, for the purpose of throwing them upon the government for maintenance and protection.

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

I.

Masters who shall abandon their slaves on account of infirmity arising from age or otherwise, or on account of disease, curable or incurable, shall be protected at the suit of the Ministère Public, before the Court of Police Correctionnelle; and, upon conviction, shall be condemned in a penalty not exceeding £20 sterling, nor less than £4. Penal Dispositions.

The slaves thus abandoned, and whose master shall be condemned in a penalty on their account, shall be adjudged to belong to the hospital, to which hospital the said master shall be compelled to pay, notwithstanding the aforesaid penalty, the sum of 1s. per day for the maintenance of each slave; for the due payment of which sum the hospital shall have a privileged lien upon the real estates of the master into the hands of whomsoever they may pass.

II.

The recovery of the penalties, imposed by the foregoing Article, shall be prosecuted at the suit of the Ministère Public. The penalties shall be applied to the uses of the Caisse de Bienfaisance. The payment of the penalty may be sued for and enforced by personal arrest. After three months imprisonment, on arrest, the delinquent shall be set at liberty on furnishing legal proof of his total insolvency. Recovery and application of the penalties.

III.

All antecedent laws and regulations repugnant to the dispositions of the present Ordinance are abrogated and repealed. Repeal of all former laws repugnant to this 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 Procureur-General, to His Honour the Chief Judge and Commissary of Justice. Present Ordinance to be read and registered in the courts.

God save the King!

Given at Port Louis, in the Island of Mauritius, this 9th day of January, in the year 1828.

(Signed) G. LOWRY COLE.

By order of His Excellency the Governor,
(Signed) A. W. BLANE,
Acting Chief Secretary to Government.

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

(A true Copy)
W. N. LEITCH,
Clerk to the Council.