

Great Britain. Colonial Office. Original Correspondence: West Indies (CO 318): 1699-1830

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Document List - CO 318/76 – Commissioners of Legal Enquiry....1822-1828

Berbice – Title but no content; note written – “vide Legal Commiss^{rs} Correspondence 1825 Vol. 2.”

Dominica – [Folio 3-36, frames 5-57](#)

Summary – Various documents outlining the grievances of “coloured inhabitants” who are, as they related, “labouring under many oppressive Privations and Political disabilities” resulting from slave trade policy and being descendants of Africans, specifically legal distinctions and disabilities due to skin colour. Ask for equality under the law as British subjects; provide specific Acts which are “injurious” to their interests, “impolite”, “inexpedient” and “unjust” and which perpetuate prejudice, for which they request abolition and repeal. Specific Acts, reasons necessary and arguments against included.

British Committee responded to these grievances in their *Report* especially in relation to the inhabitants’ points about (1) their wealth in relation to the “white population”, and their loyalty and peaceable dispositions, (2) inequality of punishment inflicted by the law between “whites” and “free people of colour” and the degrading manner in which they are treated, and (3) the Book of Laws published 1818 in so far as its forming a new code or revisions of jurisprudence of the Island. (Inhabitants had argued some of the Acts of the legislature of Dominica complained about were not validated by the King’s confirmation, as decreed in an order-in-council, 1800.)

Folio 3, frame 6 – Petition and Memorial of the “Coloured Inhabitants” of His Majesty’s Island of Dominica to the Right Honourable Henry Earl Bathurst, one of His Majesty’s Principal Secretaries of State; signed Richard Wilson, Agent of the Petitioners. Pray will submit their “hard case” to the King so that Acts prejudicial to coloured inhabitants and not confirmed by the King disallowed, recommend repeal of those confirmed, and pass in law in future those which may tend to degradation of “coloured people” or deprive them of the benefits which free inhabitants possess.

Folio 9, frame 13 – Memorial of the “Coloured Inhabitants” of Dominica to Henry Maddock and Fortunatus Dwarris Esquires, His Majesty’s Commissioners appointed to enquire into the Administration of Justice in the Windward and Leeward Islands, dated 1823 July 11; signed Bermingham, Bellos, Larrieux, Doland, Rainy?, Ruse, in behalf of ourselves and the coloured inhabitants. Agent sent to England on their behalf and returned 1822 with favourable despatch from the secretary of state recommending colony take our case into consideration; we then petitioned both houses of the legislature stating “injurious” Acts to their best interests, which was rejected; only avenue left is Parliament but previous to doing this, had met with governor of Dominica about our petition to which he stated the legislature had granted to them all they wished for and referred them to the newspaper; legislature have repealed only three Acts in their petition which were published in the newspaper; beg leave to bring to the commissioners’ attention their situation and political condition; one specific case of oppression and “mortifying distinction” is in the protestant church.

Folio 12, frame 20 – Papers from The Free Coloured Inhabitants of the Island of Dominica:

1. Resolutions from a “Meeting of the Principal Coloured Inhabitants of the Island of Dominica held at the Rooms of the Literary Society in the Town of Roseau”, 1821 March 21. It is our duty to procure repeal and abolition of laws and customs depriving us of the benefits and rights as subjects enjoyed by other free inhabitants; King, Privy Council and Parliament to be petitioned if necessary about our grievances; choose Richard Wilson of Antigua, conveyancer and notary public and man of our complexion to represent us in London for the purpose of carrying our intentions into effect; voluntary contribution to be raised for this purpose; Committee of Correspondence appointed to communicate with Wilson and to include John Baptise Louis Bermingham, Michael Boland, Thomas Vings, Frederic Bellot and John Charles Larrioux; to meet regularly, and Wilson to be requested to leave for England as soon as possible.

2. Legal document appointing Richard Wilson their agent, 1820 May 26, with 2 pages of signatures (not originals), including John Larrioux, Thomas Winston, J. B. L. Bermingham, Edward Giraud, J. B. Carelle, P. Dubrisson, Andre Giraud, F. Lestrade, Joseph Bermingham, F. Simon, Leopold Dobrume, George Titre, R. Girodelle, Alex. Fillan, Bernard Degazon; sealed and delivered in the presence of John Haycock Coates. Attached to document no. 1 above and includes the Acts and relevant clauses which are “essentially prejudicial” and tend to “mark them as a degraded class of People”:

- 1774 Sept. 7 – Act “regulating the manumission of slaves for better preventing slaves so manumitted becoming burthensome to the colony and for punishing free negroes free mulattoes and mustees in a more summary and speedy manner than heretofore for any offence by them committed not being capital and for invalidating their evidences in capital prosecutions against white persons.” Justifications and consequential remedies or fines, for eg. persons who manumitted slave must pay into the public treasury for their support and to prevent public burdens; also included in Act - non-entitlement to vote for free coloured people.
- 1775 Dec. 23 – Act “for settling and regulating markets in the several towns of this island and for appointing clerks of the market and common whippers and fixing their fees and the price of all butchers meat and fish and for appointing standards for all weights and measures.” Specific concern is the abuse of “slaves” at market and the taking of their provisions knowing they dare not resist, and consequential punishment.
- 1785 August 20 – Act to regulate trespasses and for erecting public pounds.” Any “negro or descendant of a negro who shall wilfully gallop any horse mare or mule in any of the streets of any of the towns....shall on complaint...to any justice of the peace” be fined if a free person, or receive lashes if a slave.
- 1787 March 19 – “Act for the preservation of the game of this island.” Disallows hunting of specific species from March to July; punishment different depending on status – white (fined), free person of colour (fined and imprisoned), slave directed by free coloured person (fined and imprisoned), and slave with no authority (lashes not exceeding 30/day); also cannot sell during those months (white persons fined; free persons of colour and slaves imprisoned).
- 1790 June 7 – “Act for licencing taverns tipping houses and public billiard tables under certain regulations and restrictions for encouraging people to keep ordinaries or eating houses and lodgings and to prevent the proprietors of plantations their attornies agents managers or overseers from selling rum to slaves.” Sets amount of liquor sold requiring

a licence; retailer required sureties from freeholders or lease holders for 500 pounds plus other fees; no free person of colour entitled to licence; no person of colour permitted to keep public billiard tables; persons of colour included in the list of people not allowed to be on the premises.

- 1803 May 5 – “Act for establishing and regulating the proceedings in the courts of common pleas, kings bench, error, and grand sessions of the peace, for the island of Dominica; and also for repealing an Act, entitled, An Act for establishing courts of common pleas, error, king’s bench, and grand sessions of the peace, commonly called the Court Act.” Pertains to obtaining lists of people as jurors; French inhabitants, those under 21 years of age, and persons of colour not included.
- 1810 June 15 – “Act to regulate the manumission of slaves in this island to impose a tax upon manumissions and to impose a tax upon all free and manumitted persons coming to this island.” If no receipt for payment of the tax, the manumission is not deemed good. In cases of manumission by wills, executor responsible to manumit.
- 1811 Feb. 19 – “Act for ascertaining the number of white persons free persons of colour and slaves in this island.” Persons of colour claiming to be manumitted must show their manumission to the commissioners when asked and their names to be added to required list if not already.

3. Letter to Richard Wilson of Antigua, as their agent in England, from the Committee of Correspondence appointed by the “coloured inhabitants”, dated 1821 May 26 in Dominica, signed by J. B. L. Bermingham, Frederic Bellot, M. Boland, John C. Larrieux, Thomas Vings. Remarks and instructions on how to act on their behalf and on behalf of the “coloured people” while in England in hopes of procuring the same benefits and advantages enjoyed by fellow subjects in the Island and the establishment of equality.

Folio 22, frame 40 – copy, Petition to the two Houses of the Legislature of Dominica, from the “Coloured Inhabitants”, no date; signed by 289 persons. Details further their arguments or basis of complaints for the Acts related above.

Folio 33, frame 51 – Report of a Committee of the whole House on a Memorial addressed to the Right Honourable the Earl of Bathurst by the free coloured Inhabitants of the Island of Dominica, no date. The committee reported after having taken into consideration the memorial and petition of the coloured inhabitants of this island presented by their agent Mr. Richard Wilson, free man of colour, dated the 10th of Jan. last.

Grenada

Summary – Representation of the grievances of the “free coloured people” of Grenada; requesting redress. Grounds for redress: loyal and dutiful subjects, contributors of revenue, greatest part of the free population, possess no small portion of property and attached to the soil, and forming in their “class the most powerful check to the numerous Slave Populations.” Grievances: **1.)** degrading and unequal local laws, commonly called “Judge Smith’s Collection”, described as obnoxious and archaic, repeal requested; examples mentioned – Act numbers 11, 15, 16 (clause 2 and 5), 53; **2.)** British subjects

but excluded from the juries of the Colony; 3.) not represented in the legislative assembly, we possess freehold property but not considered freeholders, we have no vote, we elect no representatives. Final consideration – slave population so considerably outnumbers free population that it would be prudent policy to extinguish feelings of jealousy between free classes as it's their mutual interest to have one object in view – security of the colony.

Folio 38, frame 59 – Petition of Free Coloured People of Grenada to Henry Maddock and Fortunatus Dwarris, Esquires, His Majesty's Commissioners of Inquiry into the Administration of Justice in the Colonies, dated 1823 May 26, 3 pages of signatories including J. Garraway, James Smith, Thomas Begg, Ambrose Hayling, Peter Gibbs, Edward Gibbs, John Fergusson, George Penny, Robert Miller, Joseph Lyndsey, Joseph Boyle, George Arbuthnot. Represents grievances peculiar to their class and pray will lay the case before the King's ministers and support it with your recommendation of redress; states grounds for redress; laws include:

- “Judge Smith's Collection” in which characterisations of “free coloured persons” are lumped in with slaves (ignorant race not worthy of being entrusted with the most “trivial public service”), and whose crimes are represented as more “heinous” than those committed by white persons; specific laws:
 - **Act No. 11** – “Summonses to the Members of the Council and Assembly to be served by some White Person”
 - **No. 15** – “No Person to practise Physic without a Certificate from Surgeon's Hall or a Licence from the Governor” under penalty of a large fine, and imprisonment if cannot pay, and free people of colour or slaves, except those dressing sores, shall receive corporal punishment as the judge sees fit
 - **No. 16 clause 2** – “Any White Man firing a House” to pay a fine and if a free person of colour to receive corporal punishment
 - **No. 16 clause 5** – “Any white person throwing Squibs in the Street” fined, and if a person of colour or Indian to be whipped at the most public place on the bare back at the discretion of the magistrates
 - **No. 16 clause 8** – “All Negroes or Mulattoes whether Free or Slaves who shall be found cutting Canes Plantains etc. shall be punished by a number of Lashes at the discretion of a Justice of Peace”
 - **Act No. 53** – “the Police Act” in which the Preamble sets out sailors and free coloured and slave males in a degrading manner and charges them with associating for the purpose of committing crimes of the most despicable nature, and curtails their amusements and subjects them to the degradation of being committed to confinement in common with slaves (argue against)
 - **Next grievance** – exclusion from juries (argue against, including the effect the decrease in the white population has on the jury pool)
 - **Next grievance** – not represented in the Legislative Assembly (argue possess freehold property but not considered freeholders, pay taxes but not represented – the birth right of every Englishman)

Jamaica

Title Page - "Memorials & Papers respecting Free People of Color of Jamaica" with additional note – "These papers were received from the Legal Commissioners without any letter."

Folio 47, frame 73 – Letter, John Campbell, John Manderson, Tho. Reaburn on behalf of the "people of colour" of the Parish of Saint James to Henry Hill, Esquire, December 1825, Montego Bay, Jamaica. Submit as requested to the Commissioners of Legal Enquiry for the British government the Colonial Laws by which that class of subjects are limited in participating in the British Constitution; schedules attached, including the following:

A.) Colonial Laws which operate against "coloured persons":

- a. 10 Anne. Cap 4. Sec 35 (penalty on persons employing free people of colour in public offices, even though many are educated and competent)
- b. 21 Geo 3. Cap 15. Sec 20 (persons of colour prevented from voting at elections even though possess property and pay taxes)
- c. 41 Geo 3. Cap 26. Sec 78 & 79 (punishment of persons convicted in an illegal transportation of slaves or in aiding, abetting etc. (punishments unequal- free person of colour - transportation for life and white person - fined)
- d. 50 Geo 3. Cap 17. Sec 80 (Militia Law – unlike white persons, no allowance to widow and children for free persons of colour disabled in service , and cannot hold rank above a sergeant)
- e. 46 Geo 3. Cap 27. Sec 1 (taxes allowed to be raised for free school in the Parish of Saint James, persons of colour to pay same as white persons), and Sec 6 (provides who can be trustees of the school with powers to make regulations which deem children of colour inadmissible to free school)
- f. 60 Geo 3. Cap 13. Sec 19 (white juries only)

B.) Brief account of the population strength; includes totals for the Parish of Saint James for the years 1795 and 1825 – males (subcategories - doing duty in the militia, old and disabled, sea faring persons, pilots etc.), females, children, and total; indicates the fraction of males who have had the benefit of education and fraction of children who have not had education and reason; also shows totals for Jamaica in those two years for males, females and children; with additional caveat that the numbers are low.

C.) Summary of Petitions to the House of Assembly

- 1813 (requested removal of some of the many disabilities under which they laboured, state their situation, comment - characterised as little superior to the slaves, indicate some immunities were granted)
- 1816 and 1823 (asked the same to no avail)
- 1821 (application to the Vestry of Saint James for admission to the free school)
- 1822 (Address to the Duke of Manchester hoping their interests may be noticed)

D.) Brief account of the "people of colour", historical and present state. Request a favourable consideration towards them; supplement to schedule "D" - "A statement to shew in whom the property of the Free People of Color is Vested" shows how much property is in the hands of "free people of colour", for eg. 5 persons x property worth £ 100,000 = £500,000; summary statement –

“notwithstanding there is 15 million and a half of property in the people of color, there are only 400 of them rich, 5,500 in fair circumstances, and 22,900 absolutely poor.”

Folio 53, frame 79 – Letter from A. D. Sympson to Henry Hill, Esq., no date. Introduces his purpose for writing – provide a statement of the political condition of the coloured inhabitants of the Island to be transmitted to the British Commissioners of Enquiry into the administration of civil and criminal justice in the West Indian colonies; makes the point that increased means of education and employment were matters of the first importance; refers to the “evils detailed” in the Memorial of the free coloured inhabitants of Jamaica:

Memorial

Argues the characterisation of people of colour as lacking industry and intelligence more due to political institutions which repress exertions or neglect to foster capability for improvement; discusses the existing policies and the “evils” which accompany, hopes this will help remove ignorance and misrepresentations and facilitate remedy; examples shown of inherent prejudices in slave states - America and Rome, Spanish influence, and distinctions - mixed blood; provides the background to prejudices and exclusions by the English which resulted in one measure of justice for white persons and another for coloured.

Laws affecting mixed race:

- **1748** – First enactment which permitted a free man to stand in the presence of justice and give testimony as to acts among themselves; result - encouraged a spirit of industry and rendered confidence that small business transactions were less liable to uncertainty of payment
- **1761**- No bequests to be made to mulattoes and “negroes” or their descendants except under certain conditions (curbing Jamaicans’ property rights and combating interracial coupling); justification – large estates left by white persons to mulattoes whose offspring were not born in lawful wedlock tend to destroy the distinctions necessary between white persons and negroes and their offspring, and may in time decrease the number of white inhabitants, thus injurious to the community; examples of counter opinions - concession to morals and religion in a universal system of concubinage (further discussion of women), purpose was to arrest the progress of wealth and to perpetuate colour distinctions, decrease of white inhabitants seemed threatened where the mixed race were advancing in opulence and opulence was fast becoming a virtue; legacy – added distinction of poverty, excluded mixed people from becoming extensive landholders so most coloured families in towns
- **1813** – Known as the “Privilege Act” - persons of colour and “negroes” being Christians may be admitted as evidence in trials for assault etc. by white persons on themselves but not against white persons for assault on others, such persons wilfully giving false testimony are to be punished for perjury by loss of freedom and to be sold for transportation; counter opinions - excludes mixed race from giving testimony for one another where white persons were concerned – sister might be violated in front of brother, yet he was no evidence; describes situation of coloured persons and slaves in relation to industry and lifestyle; discusses the combination of circumstances (such as the “destruction of St. Domingo” (Haiti) and influx and influence of French refugees) which gave impulse to wealth and respectability of the mixed race, and paved the way in 1813 for political concessions (free people of colour had lobbied and

gained the ability to testify against white persons, to save “deficiency” on plantations, and to receive inheritances freely); includes remarks on institutions of transatlantic society

- **1796** - Persons of colour and “negroes” being Christian may be admitted as evidence in trials for assault etc. by whites or themselves with certificate of baptism or freedom, false testimony punishable by loss of freedom and sold for transportation; one of the contributors to this concession was the defensive roll coloured persons played during insurrections of Trelawny town maroons; complains - degrading to demand exaction of ticket to be able to testify against a white person; touches on the additional effect on society due to the end of the slave trade
- **1816** – Attempt at more concessions from legislature (lobbied for full civil rights); there was disagreement among coloured persons – full freedom or gradual amelioration, but rejected by the House as reasoned enlargement of the few franchises inconsistent with the Constitution; one advantage obtained – could pilot vessels and what that meant; Richard Barrett’s influence on the Assembly as a member – more cordial and conciliatory demeanour in the House
- **1818** – Mr. Stewart’s House speeches – aid for education for people of colour, brought hope to people, but rejected
- **1821** – Parish of Saint James’ application to the legislature for a school of elementary education, rejected; discusses advantages to coloured persons resulting from 1813 policy – more intercourse between white persons and coloured, more public respect, religion’s influence, more employment opportunities, habits altered, character of men and women elevated – “colored man no more appeared an outcast from his own home – a stranger at the threshold of his parent - he was no longer driven to sexual companionship with the negro slave”, “The mothers seemed to exhibit some real concern in the interests of their children-They were ashamed and reluctant to deliver over their Daughters to ‘degradation and dishonor’ – they no longer appeared to ‘give them life only to rob them of their Virtue’”; church’s support of distinction of complexion; comparison with Ireland and its two distinct classes of people
- **1823** – Petition; accompanied by a hostile sentiment from the white or privileged class; due to Deficiency Law (laws designed to retain a minimum number of whites on each plantation to safeguard against slave revolts), free coloured persons excluded from agricultural activity; only real industry opened to this class was commerce but changes in commerce was affecting employment opportunities in towns; this lack of alternatives lead to a petition seeking opportunities to access advantages of agriculture and urge the repeal of those statutes which exclude them from being employed in public offices; reasons a renunciation of deficiency law would have produced benefits, but exclusionary policy passed again this year; other objects of redress in petition – urgency of public schools and its correlation to promoting good government, elective franchise; why petition now? – confidence in return of governor from England and wished him to show the leadership that the governor of St. Christopher’s did; adverse effects of this petition on coloured persons – distresses due to false accusations in the press, misfortunes created by dismissals from employment, and disadvantages of suspicion and mistrust, imprisonment and banishment for some; questions why colonists hostile to their pleas?
- **1823 November 27** - Assembly Resolutions declaring no application by “black and mixed inhabitants of free condition will induce an alteration in the political state of the people”:
 - **(1st)** 16 Nov. 1813 did declare free people of colour have no right or claim to political power

- **(2nd)** Petitions of certain free persons of colour be rejected in as much as they seek an admission to political power and for further privileges unknown to the constitution and incompatible with the subordination and tranquillity of the different classes of the population
- **(7th)** Recommended to the House to bring in a Bill to dispense with the necessity of free persons producing certificates of freedom and baptism and to admit other proof of their competency to give evidence

Commentary – the system intended to check all productive efforts towards wealth and refinement did not wholly obliterate the natural energies of the soul, principle of preservation corrected the bad effects of system both partial and oppressive; the “order of the Constitution however is still disturbed, arbitrary arrangements are still upheld – the claims of justice are still trespassed upon, and the people are humbled and degraded....the same principle of hostile distinction yet subsists, importance and power are still determined by the physical accidents of birth....”

“Appendix” (frame 117)- Different points (approximately 20) throughout the Memorial (and marked with a symbol in pink ink) are further expanded upon herein; *Remark* at the end states “The free black and colored population of Kingston may be estimated at about 9 or 10,000 persons. The wealthy possessed by this body of the people must be considerable. Seventy persons may aggregate about one million of property, and the heads of all families may be considered as possessing some little freehold or other.”

“A Table shewing the private privilege bills passed by the House of Assembly from time to time on the free Black and Colored Inhabitants of Jamaica” (frame 127); dates covered 1707 – 1825. [Petitions were used to secure the enactment of private bills asking for rights which were denied due to complexion. Since the rights of white men were largely withheld, these became known as privileges when granted to a very small free black minority.] Organised by date. Table headings – Year, Reign, Name, Colour (“Negro”, “Mulatto”, “Quadroons”, “Mestees”, “White”), Residence (examples - St. Catherine, St. Andrews, Clarendon, Kingston), To what extent privileged or for what purpose the act was passed, Remarks; example – 1738 Susanna Augier and her children – Mary and Frances, mulatto, Kingston, requesting rights & privileges of Englishmen born of white ancestors. The table shows that white persons were requesting to be able to bequeath property to coloured children notwithstanding the act of 1761.

- *Remark* or additional notes for the entries dated 1707 to 1756 – “The Acts for the most part at this period required of the persons privileged to marry whites without which the immunities did not descend to their children, and some of the females here privileged being married to white husbands and their sons included in the benefits of the Enactments having complied with the exactions of the respective laws passed on their favour by marrying whites their issue have been removed out of the Class of Colored persons. Some of their descendants are extensive landholders to this day.”
- *Remark* for pages 3 and 4, covering dates 1756 to 1802 – “The law of 1761 limiting bequests was as a very consecutive incident accompanied with another evidence of Legislative illiberality, the privileges granted were with restrictions, i.e. precluding the parties from military or civil rank, and indeed from being recognised in any public capacity whatsoever, in many bills the concessions fell far short of this, in some the civil immunities merely enabled the petitioners to

protect themselves and family by yielding to them the right of testimony while to others credibility in Courts was awarded to those who served in the capacity of clerks for the express purpose of proving accounts for their white employers, but for no purpose else whatever. The operation of the law of 1761 is evinced in the private Bills enabling Fathers to bequeath their property to their colored children.”

- *Remark after 1802* – “From this period private Bills were systematically rejected by the Legislature; it is said to have arisen from the influence of The Honorable George Crawford Ricketts in the Council, who by this scheme sought to receive some extensive Estates which under the law of 1761 would devolve to him as heir if no private Bill intervened to enable the proprietor to settle and dispose of his wealth as he deemed fit notwithstanding the provisions of that act. The System of private Bills was not again revived until the petition of 1823 rendered it a measure of policy to do so. In this scheme of hostility Mr. Ricketts was strenuously supported by another member of the Council a Mr. Johnson.”
- *Remark 1813* - The general privileges of this year to the free black and colored populations, viz Right of evidence in all cases criminal and civil in the Courts of the Island, permission to receive bequests to an unlimited amount, and to save deficiency for one another, were quite as ample as the most liberal concessions made under the system of private Bills after the restrictive policy of 1761
- *Remark from 1823 to 1825* - The restrictions in the bills recently passed relate to seats in the Legislative Assembly and Council from which the parties are declared excluded but everything else is accessible to them, at least as far as the laws operate but prejudice or the influence of public opinion cannot be obliterated by private bills. These Enactments did not restrict the parties to marry white persons as heretofore [James] Swaby and the [James and Charles] Williamson’s Bills have no restrictions whatever. * For their services to the Country in the supposed conspiracy of St. George.” (*Last remark pertains to names in the table – Henry Manhertz and Thomas Murray, mulattoes, who are shown requesting rights and privileges with restrictions.)

Folio 107, frame 139 – Letter to Henry Hill, Esq. from John Campbell, John Manderson, Thos. Reaburn, Montego Bay, 1825 December 9. Representing the “people of colour” of Saint James, request meeting with Commissioners of Legal Enquiry which have heard arrived in town.

Folio 109, frame 141 – “Statement of Proceedings of the People of Colour of Jamaica In An Intended Appeal To The House of Assembly of 1823, For The Removal Of Their Political Disabilities”, typescript. Meeting convened in Kingston 1823 May 12 at the residence of Mr. Alexander Dawson Sympson; purpose was to consider petitioning the House of Assembly on the political disabilities under which persons of colour labour; starts with details of precursor discussions had at various parishes resulting in a resolution that this Report be adopted; Resolution IV indicates oppressive laws:

- Deficiency law, which excludes them from an equal participation with the white inhabitants in the productive labour of the soil, and the enactments which debar them from employment in the public offices of the island
- Those which exclude them from exercising the ordinary rights of British Subjects – the right of admission on juries, and the right of suffrage of freeholders

- Law which requires from them testimonials of baptism and freedom before they are able to provide evidence in a cause
- Non-provision, in many parishes, for the instruction of the uneducated poor of colour

Resolved to form a committee who shall submit the foregoing resolutions to the parishes who will be signatories to the final petition. Committee members to include A.D. Sympson, Alexander Scholar, John Constantine, Sr., Robt. Duff Littlejohn, Richard S. Cooper, John Woolfrys, Donald Campbell, Thomas T. Sherlock, William Lundie, Christopher J. Maddix, William Millar (dead), John Harvey, Lewis Lecesne and John Escoffery (banished), Edward Jordon, Sr., Adam Barrios, John Blacas, James Braithwaite, Joseph Plummer, Edward Jordon, Jr., Alexander Roberts.

Folio 115, frame 151 – Includes partial issues of newspapers:

- *The Jamaica Journal*, Issue no. 24, Saturday, 1823 September 27. First 2 pages only which include the article, “On the Policy of Conferring Additional Privileges on the Free People of Colour” pertaining to the upcoming petition by the “free brown people” to the House of Assembly praying for an extension of privilege; an overall favourable article - “This despised people are no longer despicable - their wealth, their knowledge, and their physical strength, place them high on the scale of the population of Jamaica...”; alternate observations by the newspaper’s correspondent, Senex, against the claims of the “brown people” discussed; promises to return to this subject
- *The Jamaica Journal*, November 22, 4 pages (no title page). Contains the article, “Proceeding in the Hon. House of Assembly. Friday Nov. 14. Petition of the Free People of Colour”; includes Mr. Barrett’s speech and the petition itself
- *The Jamaica Journal*, November 29, 2 pages. Includes an article on “Marine Intelligence” and “London Prices Current” for coffee, rum, and sugar; second page includes articles, “Military Promotions”, “Passengers Arrived”, “Birth”, “Marriages”, “Deaths”, and “Advertisements” under which is advertised that “A Meeting of Free Persons of Colour of the Parish of St. James” took place 20 Nov. 1823 for the purpose of considering the resolutions of the Parish of St. Elizabeth pertaining to persons of colour of that parish (resolutions included and John Campbell noted as chair)

Folio 119, frame 159 – *Postscript to the St. Jago Gazette*, newspaper dated Saturday December 26, 1822 to Saturday January 4, 1823, pp. 1, 10-12. Page 1 is full of various notices and includes an announcement of a meeting lately held December 18, 1822 at Montego Bay by persons of colour, in which they showed pleasure at the governor’s return to health and to Jamaica, and to whom they hope will affect positive changes to legislative measures in which they are viewed as “Denizens of England”; of additional note, page 12 includes many notices of slave runaways and sales notices of named slaves.

Antigua

Folio 122, frame 166 – “Address of the coloured inhabitants of Antigua addressed to Henry Maddock and Fortunatus Dwarries, Esquires, His Majesty’s Commissioners of Enquiry into the administration of justice in the Windward and Leeward Islands; at present in the Island of Antigua”, dated 1823 Oct. 8, from John Tyley, Nath Hill, Richard Wilson, Wm Thibou, Samuel Picart, David Cranstoun. On behalf of the

“free coloured inhabitants”, provide a copy of their petition presented to both Houses on 4 September last, and to represent that even though their claims to common privileges of subjects have been admitted as just and fair, and a member of the House has gotten leave to repeal certain prejudicial acts, concerned some objections may be made; grievances include:

- “The White Servants’ Acts” - coloured men are excluded from being employed as planters by the proprietors of plantations – argue for alteration in the law, question its original intentions, see it as just a revenue grab from the taxes due to default, and question why not the same in relation to white women servants; other grievances include:
- Deprived of a fair and impartial trial by jury which is secured to every Englishman, even enjoyed by the alien; argue there is no law of the land which disqualifies them, on the contrary they are as much entitled by law to be summoned to serve as jurors as they are to vote for representatives in the House, for Act no. 475 makes no exception of coloured men; clauses 60-64 describe persons liable to serve as “Freeholders, Merchants, or Traders, Lessees of Estates, and Proprietors of Slaves” without any distinctions of colour, and even by the 65th clause whereby certain persons are exempted, coloured men are not included; this was not included in the petition, thought a better way was to bring it to the consideration of the courts
- Situation of our poor to whom there is no parochial relief; prejudice pursues the dead even to the grave- a separate place, termed in the rainy seasons nothing but a swamp, opposite to the gallows and near the graves of malefactors (wrong doers); our real condition is degrading in every respect

Folio 126, frame 174 – Petition of The Free Coloured Inhabitants of Antigua to The Honourable The Speaker, and The Honourable The Members of the Assembly of the Island of Antigua, 1823 September 4. Lay before the House such laws injurious to their personal rights, degrading to their characters as British Born Subjects, offensive to the Pride which they feel as sons of Englishmen and altogether inexpedient to general welfare of the Community; hope their claim to the “Common benefits of Subjects” will meet with favourable considerations; long list of signatories.

Specific laws include:

- Acts for increasing the number of white inhabitants and encouraging the importation of white servants, namely No. 118, with subsequent Acts, particularly No. 483 and Acts No. 130, 425, 438 and 474; arguments against included
- Act No. 438 as to the proving of wills whereby we are incompetent witnesses to the wills of white persons
- By the Rum Licence Act they are laid under certain restraints to which no other persons, not even aliens are subject to
- Act of Courts – Nos. 475, clause 46 whereby writs of subpoena issued out of the court of common pleas compelling the appearance of witnesses must be served by white persons

Additional note at the end in a different pen– petition prepared by a Committee of the Coloured People chosen at a meeting and presented to the Board of Council by the Honourable Samuel Warner and to the House of Assembly by The Honourable William Musgrave on the 4th of September, when the petition was referred in the House for consideration to a committee of the whole House on the 2nd of October,

on which day Mr. Musgrove obtained leave to bring in a Bill to repeal certain Acts which are prejudicial to the interests of the free coloured and black inhabitants of the Island.

Folio 132, frame 186 – Letter from Richard Wilson, Antigua, 11 October 1823 to Henry Maddock and Fortunatus Dwarris, Esquires, His Majesty's Commissioners of Inquiry into the Administration of Justice in the Windward and Leeward Islands. Notice of transmittal of papers which should be annexed to those already submitted at Dominica. Additional note – Mr. Wilson's memorial vide "W" in Antigua Correspondence 1822.

Montserrat

Folio 135, frame 189 – Document Numbered 1. Memorial of "Free Coloured People or Persons not being White", 1821 June 6, with full page of signatories. Labouring under oppressive privations and political disabilities, but with our increasing population, advancement in respectability and education, believe unjust and oppressive to continue inequality.

1813 vote - coloured freeholders were summoned to appear at the court house to elect representatives for the new Assembly; votes were received by the returning officer, yet upon the meeting of the Assembly in June following, the votes of coloured freeholders deemed illegal and the person voted for declared not elected; convinced we had a right to vote as there is no law depriving them of the elective franchise; House of Assembly thus passed resolutions against this "innovation of so serious a nature as is likely to change the order of Things and introduce Anarchy and Confusion into the Colony"; House believed the returning officer's actions were "audacious and unconstitutional" and was derelict in duty when he "did on the third instant tear down that barrier which had hitherto divided the Community into Classes and by one sweeping Act has transformed Whites Blacks and Mulattoes into Men of the same Cast and Colour"; consequently coloured inhabitants petitioned Right Honourable Hugh Elliot to grant them redress of grievances, to which he assured them the petition would be transmitted to the colonial secretary of state but have received no further information.

May 1820 general election - votes of the coloured freeholders tendered and refused; therefore petitioned Governor Benjamin D'Urban who recommended to the House of Assembly to take petition for elective franchise into consideration, but produced no real result; consequently elected and delegated an agent, Richard Wilson of Antigua, to represent concerns to the authorities in England – unequal distribution of justice in the courts, unequal administration of the laws, and just claim to all the benefits secured to His Majesty's Subjects by the English constitution; goal - total annihilation and repeal of all laws and customs by which coloured people are described or distinguished as a distinct class; Wilson directed to correspond with committee of correspondence.

Folio 139, frame 198 – Numbered 2. Letter to Richard Wilson, 26 June 1821, from committee of correspondence – C. Chambers, Wm. Chambers, Will Shoy, Richard H. Chalmers, Michael Shoy; instructions that were given to you from Dominica, whom you also represent – those sentiments are perfectly in unison with our own; as a coloured man, in your power to describe accurately our state and condition as well as that of the other inhabitants, and hope government will thus be enabled to judge of the expediency of that policy which keeps the coloured people disadvantaged.

Folio 141, frame 201 – Numbered 3. Memorial of the “coloured Inhabitants” of His Majesty’s Island of Montserrat to Right Honourable Henry Earl Bathurst, secretary of state, 1822 January 8. Pertains to their being deprived the elective franchise by the House of Assembly’s resolutions; notes there is no law depriving them of this right to vote, and this privilege is enjoyed by their brethren of complexion in Antigua; hope that the interposition of His Majesty’s Government on their behalf may be the means of inducing the House of Assembly to rescind the resolutions which deprive memorialists of their elective franchise, and of placing them in the enjoyment of the common rights of subjects, and of preventing any acts from being passed in future which may tend to deprive them of those rights or create distinctions on account of complexion.

Folio 142, frame 203 – Numbered 4. Letter to Major General Sir Benjamin D’Urban from Richard Wilson, St. John’s, 1822 May 20. Request information as to Your Excellency’s pleasure concerning the memorial, and if any communication on the subject will be made to the legislature; heard the House of Assembly of Montserrat has rescinded the resolutions which were adopted sometime since tending to deprive the coloured freeholders of their elective franchise, one of their grievances.

Folio 142, frame 204 – Numbered 5. Letter to Richard Wilson from B. D’Urban, Government House, Antigua, 1822 May 22. Acknowledge letter referring to despatch from secretary of state and received; House of Assembly of Montserrat have on the 28th of March last passed certain resolutions rescinding those formerly passed on 22 May 1813, and the coloured freeholders of that island are thus placed in the enjoyment of the right of elective franchise; not aware of any other grievance redressed.

Folio 143, frame 205 – Numbered 6. Letter to Major General Sir Benjamin D’Urban from committee of correspondence – C. Chambers, Wm. Chambers, Will Shoy, R. H. Chalmers, Michael Shoy, Montserrat, 1822 June 12. Concerns the elective franchise; summarises background to where the subject matter lies to date and Governor D’Urban’s agreement to help their cause, and the resolutions passed 28 March in the House of Assembly rescinding those which deprived coloured freeholders of the vote; indicates concerned this could be changed back and requests D’Urban give further consideration; have heard there are many members of council that have expressed to adhere to their former resolutions of rejecting the votes of coloured freeholders; hope your representation to council could prevent the members from making any alterations in the resolution last made or introducing any matter in future injurious to our interest.

Folio 145, frame 205 – Numbered 7. His Excellency The Governor’s Answer. “Memorandum, 15 June 1822. Upon the Memorial within.” Long before Mr. Wilson’s mission to the colonial office, had received from the secretary of state an answer to a representation I had made on behalf of the case in question, which expressed favourable sentiments towards its ultimate success; did not make public; not aware what would be gained by communicating it to the Council especially now that the Assembly have rescinded resolutions and placed the memorialists in their rights; rest assured I shall carefully watch over them.

Folio 146, frame 205 – Numbered 8. Petition of The Free coloured Inhabitants of Montserrat to the Honourable The Speaker, and The Honourable The Members of the Assembly of Montserrat, 1823 October 16; signatores – Wm chambers, C. Chambers, Michael Shoy, Will Shoy, Saml L. [?], William Dyett, George B. Skerritt, P. Simpson, Anthy F. Kirwan, R. W. Chalmers, Jno McNamara, Robert Dyett, John Daly, Robert F. Kirwan, John D. Alley, John Ryley, [?] Dubery, Jno Dubery, Peter English, John Dyett jr., [?] Bell. Encouraged by “brethren of complexion” in the other colonies petitioning their legislatures

to remove odious restrictions and disabilities under which they labour; there are no written laws to deprive them of the privileges enjoyed by His Majesty's other subjects, but the policy so long prevailed has been so rigidly adhered to as virtually to become a law or rule; ought to be abolished as not binding upon "coloured people" of present; supported by the constitution (1689) and common law of England (4th year of the reign of Queen Anne), which is in force if unaltered by written laws of the island is in force; grievance - excluded from filling any public office or place of trust and not eligible to serve as a juror, although there are no express laws forbidding the marshal from summoning the "free coloured inhabitants" who are qualified; this is a manifest violation of one of the most important rights of subjects, and is obviously inconvenient and detrimental to the colony whose white population is so small; our motives – support, uphold and take part in our native land like every man.

Folio 150, frame 218 – Address of the free coloured inhabitants of the Island of Montserrat to His Majesty's Commissioners of Inquiry into the Administration of Justice in the Windward and Leeward Islands, Montserrat, 1823 October 18. Represent in common with other islands grieved at the want of rights and privileges entitled to as good and faithful subjects; petitioned legislature to remove all those unjust restraints and disabilities and to be placed on equal footing with the rest of the inhabitants; concerned from the feeling of opposition manifested by the House of Assembly that no favourable attention will be paid to our just complaints; therefore submit an accurate statement of our condition in the documents herewith delivered, numbered nos. 1 to 8; signed Wm. Chambers, Will. Shoy, C. Chambers, Saml Irish, R. W. Chalmers.

Saint Christopher/Kitts

Folio 153, frame 222 – "The Memorial of His Majesty's Subjects of Color, of the Island of Saint Christopher", to Henry Maddocks and Fortunatus Dwaris, Esquires, His Majesty's Commissioners of Inquiry into the Administration of Justice in the Colonies; 1823, November 24. Provide a simple representation of privations and political disabilities attached to their peculiar situation due to a policy which represses our efforts to attain to civil and political respectability:

- Taxed with no complexional distinction but no freehold suffrage
- Disqualified from the privilege of admission on juries, even foreigners eligible
- Debarred from exercising profession of the law by an Act which is not defensible seeing that the parent country exhibits in her courts instances to the contrary
- Support and education of poor and destitute children maintained by the public revenues but not for destitute children of colour, even though supported by our taxes
- Onerous and degrading requisitions from people of colour who may visit this island – for more see Appendix below - No. 393 and No. 408 laws

Submitted a petition to the Assembly during the last session for the removal of grievances, which is attached, as well as reports made thereon by the committee to whose consideration the subject was referred, and by which a partial concession was recommended to the House; reasons worthy given; Governor addressed the two Houses of the legislature on the opening of the present session and remarked on the claims of your memorialists – "desire you should proceed the march of social improvement...of enlarging the privileges of the Free Population; amongst whom are individuals of worth and intelligence..."; signatories: Richd Cable, W. McMahon, Nick. Lynch, Hump. Ottley, Chas.

McMahon, Anth. Tapshire, [?] Daly, Jacob Grathead/Greathead, [?] McMahon, Jedediah Kerie Edmead, Geo. Wattle, Ed. Osborn.

Folio 161, frame 236 – Appendix

- Extract from Act, No. 393 of the Island of Saint Christopher, entitled “An Act to repeal an Act entitled An Act for regulating the Manumission of Slaves and for other purposes therein mentioned” - no free coloured person or negro are permitted to come and remain in the colony for longer than ten days unless manumitted in this colony or enter into a bond with security in 200 pounds for good behaviour during residence, or to be committed to gaol until security provided or leave
- Extract from an Act, No. 408, entitled “An Act for establishing a Registry of Negro and other Slaves in the Island of Saint Christopher” - all negroes or persons of colour arriving in the island and not resident shall report themselves to the registrar of slaves and produce certificates of their freedom or be dealt with according to the laws respecting runaway slaves

Folio 164, frame 240 – “Petition of the undersigned Freeholders and others, for themselves, and in behalf of the whole Free Colored Population of the Island” to His Honour the Speaker and the Honourable Members of the House of Assembly of the Island of Saint Christopher. Introduce for consideration the grievous disabilities subjected to and to solicit a measure of redress to which entitled as evidenced by our present standing and character as a member of civil society - pay taxes to support the public establishments but denied the vote and opportunity of imparting to the legislature an accurate knowledge of their circumstances; taxation without representation in a part of the British Dominion where exists a representative body and where the definable rights of every British subject assuredly claim an equal protection, doubtless presents a striking anomaly; incapable of holding any situation of public trust or responsibility unlike the foreigner; coloured stranger requires security for good behaviour under a heavy penalty or consigned to prison, which is another feature of the code which seems to mark complexion as crime; long list of signatories at the end.

Folio 170, frame 251 – “Copy of the first Report of the Committee of the House of Assembly, on the Petition of the colored Inhabitants, of St. Christopher”, 1823 September 19. Purpose - appointed by the House to take into consideration the petition of the free coloured population and report what legislative enactments it may be necessary to adopt with regard to the removal of certain disabilities from the said persons:

- Elective franchise should be extended to free persons of colour
- Third section of Act No. 393 entitled “An Act to repeal an Act entitled An Act for regulating the manumission of slaves” be repealed
- Act No. 408, 26th section, entitled “An Act for establishing a registry of negro and other slaves in the Island of Saint Christopher” be repealed

Folio 171, frame 253 – “Second Report”, 1823 October 17. Concerning the admissibility of persons of colour to places of public trust and responsibility, believe no more can be awarded by the legislature without interfering with the long established and necessary policy of this country.

Folio 174, frame 255 – Letter to the Honourable Mark D. French from Elliott Armstrong, guardian to Abram Martin, Catharine Martin, and Robert Martin, Tortola, 1824 February 24. Concerns the heirs of

Mr. Martin and the intention of Mr. Crabb to proceed on the examination of accounts; opposed to this; commissioners of enquiry into the administration of justice in the colonies' opinion is that the proceeding relating to this property had been irregular, and that the sufferings of the unfortunate coloured persons called for immediate redress and would be reported to His Majesty's government by them; if proceedings persist, to pursue any legal and proper measure to prevent anything final being done and to secure to my wards an impartial settlement of their affairs.

Folio 176, frame 258 – Letter to Henry Maddock and Fortunatus Dwarris, His Majesty's Commissioners of enquiry into the administration of justice in the colonies at Trinidad, from Elliott Armstrong, Tortola, 1824 February 24. Pertaining to above letter - In consequence of a determination in the parties opposed to the interest of the unfortunate coloured persons concerning the property of the late Mr. Martin, appeal to your humanity on behalf of my unfortunate wards, that if there is any step to be taken to prevent further aggression, you will kindly and speedily attend thereto.

Saint Vincent

Folio 178, frame 262 - Petition of coloured inhabitants of the Island of Saint Vincent to Commissioners appointed to enquire into the administration of Justice in the British West India Colonies, n.d.; long list of signatories included. Present grievances of ill-founded prejudice resulting from a difference of complexion alone; form majority of population but never noticed but "when degradingly included in acts with the Slave population; or deprived of some privilege or made to pay Taxes from which the other class of Society is exempt"; grieve the following laws:

- Alien bill passed 1797 in which all persons of colour are considered aliens and are the only persons against whom it is enforced
- Harbour Masters Act which gives authority to that officer to enforce the provisions of the alien bill and compels every free person of colour on leaving the colony to pay a fee for a pass from the governor's office, and also to pay a tax on landing in the colony
- Vestry Act which prescribes the spot where coloured persons must sit in a house of worship; believe all distinctions should cease in such a sacred place
- White servants Act passed 1820 wherein none but white persons are allowed to have the charge or superintendence of any plantation, even if coloured person owned the property
- No coloured person can be considered a freeholder but for the enjoyment of their own properties thereby depriving them of the right to vote
- All persons owning a vessel and employed in the coasting trade are compelled to employ a white man under penalty, and all merchants, tradesmen, etc., receiving 2000 pounds/year are required to employ a white servant, thereby depriving all persons of colour from filling any respectable situation
- Deprived of commanding companies of militia composed of coloured persons, or command of a non-commissioned officer as cannot command any white man; praying for repeal of these acts and for such relief as is expedient

Saint Lucia

Folio 184, frame 240 – Letter to His Majesty's Commissioners of Legal Enquiry from representatives of the free coloured inhabitants of Saint Lucia, 1824 August 10; many signatures included. Bring forward

the many and severe grievances under which the free people of colour in Saint Lucia labour; the Annales de la Martinique includes many severe restrictive enactments to our class.

Folio 186, frame 272 – Petition of the undersigned free Coloured Inhabitants in behalf of themselves & of the Free Coloured Population of Saint Lucia to Governor John Montagu Mainwaring. Provide a representation of the political disabilities under which they labour and the painful and degrading state to which these laws reduce them; request repeal of those enactments imposing restriction on them; no colonial legislature in the island to lay their situation before; present situation – comprise at least 2/3rds of the free population, and many of them are landed proprietors to a considerable extent and as such are taxed equivalent to the white class; Code Civil de la Martinique – inequality sustained within, free coloured debarred, from complexion alone, participation of many civil rights; includes passages from selections of Acts in the Code Civil and titles of others they found to bear the hardest upon them (explanations for each written in French):

- “Arret du Conseil Souverain de la Martinique 9 Mai 1765” prohibits employment of coloured people as clerks or in any public capacity
- “Memoire du Roi 7 Mars 1777”
- “Arret du Conseil Souverain 6 Novembre 1781” is an example of a principle adopted to keep coloured people in the greatest state of servitude
- “Reglement Local 4 Juin 1720, Act 3”
- “Les Annales de la Martinique” – within there is a difference in processes and punishments exacted when a white person is assaulted, provides specific example; also not allowed to attend parochial assemblies or other public meetings but obliged to bear all charges imposed

Reasons to repeal certain enactments – our present state of civilisation, present laws only serve to create suspicion and keep up a constant spirit of jealousy between the free classes, orderly and peaceable loyal subjects; signatories: John Patterson, Jean Baptiste Floissac?, Pierre Jean Marie, Laurent Larcher, Louis Jacob, Antoine Luc, Joseph Virginy?, Josias Morgan, Edmond Jacob, Louis Glandon?, Cyril Imbert, Louis George, Dorrole Decaille, Louis Pelage, William Hepburn, Pierre Saunders, Henry Fahie, Francois Percin, Baptist Looby?, George Aubert, Joseph Girard, Louis Aubert, James Johnston, Jacques D. Decaille, William Well?, Amable Arsenne, Dubois fils, Pierre Comau, St. Luce Simon, Bastien Lacoste, Louis Berie?, F. Robert Ferdinand, Louis Dalma Borie?, Michel Common?, Pierre Fournier.

Separate pages listing the references to the principal laws in the Code Civil de la Martinique which affect persons of colour (frame 280), and an Appendix to the petition with comments on those in the listing; the information has been merged together below:

- **vol. 1**
 - **No. 58** - Ordonnance du 3 Fevrier 1720, Art. 4
 - Goldsmiths are restricted from buying gold or silver from certain sectors of society, including free “negroes or persons of colour” classified under vagrants
 - **No. 60** - Reglement Local 4 Juin 1720, Art. 3
 - Mulattoes, Indians & negroes are only allowed to wear materials of little value under severe penalties; comment - now in disuse as gave way to commercial interests

- **No. 101** - Declaration du Roi en interpretation de l'Edit de 1685, sur les donations faites a des personnes de sang mele ---- We believe Sir John Keane obtained the abolition of this famous law
 - 5 February 1726 declaration by King of France – all freed slaves or their children are not allowed to receive from a white person any gift or legacy; comment - repealed Jan. 1820 but pretext was found to elude its effect; example included
- **Vol. 2**
 - **No. 278** - Ordonnance du 19 Octobre 1763, sure les fonctions de commissaires de paroisses
 - Art. 4 has established in each parish a commissary for maintenance of order and public peace, if he needed assistance to arrest people or have them escorted, he could command free “negroes” or mulattoes any order by him or his lieutenant; Art. 6 - when free “negroes” escorted accused person, they were to be paid travelling expenses ---but see people of colour taken from their paid jobs and commanded to carry letters etc. wherever they please without any remuneration for their loss of time; comment - Art. 4 is in force and a greater extent given to its meaning; Art. 6 has become obsolete
 - **No. 293** - Ordonnance du 30 Avril 1764, portant Reglement pour l'exercice de la chinergie, Art. 16
 - Forbids “negroes”, “people of colour”, free or “slaves” to practice physic or surgery or to undertake the cure of any sick person; comment - unlike in Europe where a person of colour may be admitted to school and practice
 - **No. 316** – Arret du Conseil Souveraine 9 Mai 1765, portant defenses a tous greffiers, notaires, procureurs etc. huissiers d'employer des gens de couleur pour le fait de leur profession
 - Lawyers, notaries, etc. cannot hire free people of colour under severe fine, the person so employed is to go to prison for one month; explanation for basis of this law – people of colour are a vile and of low origin, and are people to be much suspected
 - **No. 350** - Ordonnance du 1 Mai 1766, Art. 7
 - Free persons of colour convicted of aiding “runaway negroes” to be deprived of freedom and sold; comment - separate note indicates this ordinance fell into disuse, not only because a reproach of this kind can seldom be applied to “coloured people”, but it's penalty is in direct opposition to natural law.
- **Vol. 3**
 - **No. 416** - Ordonnance du 25 Fevrier 1769 sur les audiences de police
 - Sentences of police court to be executed without appeal as relates to “coloured people” for fines not exceeding a certain amount, over and above that fine, sentence to conform to ordinance of 1667 of the French Code; argument against - purpose was to shield people of colour from arbitrary power but no attention is paid to it; they are daily condemned to prison for a longer period and pay heavier fines than in ordinance
 - **No. 426** - Arret du Conseil Souverain 5 Septembre 1769

- Forbids all surgeons, apothecaries, druggists etc. to employ slaves and other “people of colour” in selling, distributing and composing any kind of medicines, only employment allowed is menial work; argues possible explanations for this decree
- **No. 472** - Ordonnance du 6 Janvier 1773
 - Prohibits “coloured persons” from taking the names of white persons
- **No. 484** - Ordonnance du 4 Mars 1774
 - Prohibits “coloured people” from taking the names of white persons, their ancient masters or protectors; argument against - “coloured people” add surnames of those to whom they owe their birth or freedom – this proves that they are grateful
- **No. 517** - Memoire du Roi 7 Mars 1777, Art. Population
 - Governor Bouille’s instructions from King of France – “free coloured people are either manumitted or descended from those manumitted...they still bear the stain of slavery & are declared incapable of holding any public situation” - acquired the force of law and have ever excluded “coloured people” from public offices; argument against - help with defence when called upon without reproach as to their low origin, pay taxes, and are proprietors augmenting the prosperity of the colony
- **No. 589** - Arret du 6 Novembre 1781
 - Prohibits all curates, notaries, surveyors and other public officers to qualify “colour persons” with the title of Mr. or Mrs; comment - rigorously acted upon, and on documents are introduced as “Se nommee”, which in French Courts is applied only to vagrants or persons not sufficiently known to merit any degree of courtesy; in English islands there is no such law
- **No. 627** - Ordonnance du 25 Decembre 1783
 - Concerns general regulations of police concerning free “persons of colour” and “slaves” – Art. 1 states it is unlawful for free people of colour to carry any arms if not on public duty, nor gather together under pretext of weddings, dances, etc. without permission from commandant of the quarter and signed by procureur du roi, under penalty; comment - first part of article has fallen in disuse as not practical, one reason is it is necessary for many to earn a living

End note – Besides the above there are other laws and ordinances which affect persons of colour in force, but we have not been able to get at the source of them.

Additional notes on Acts:

- Ordinance March 1685, Art. 58 – “enfranchised shall bear themselves with a deportment of singular respect to their former masters, their widows and children, so that the offence committed against these shall be punished with much more severity than the offence committed against another person”; response – agree respect should be shown to benefactors of freedom, “But what an extended sense have they not given to this article.”
- “Monstrous injustice” - a freeman ought never to forget his origin and that he owes submission and respect to all whites, from which it follows that if a white man strikes a

man of colour he must not attempt to resist, and if he raises his hand to resist an assault he is dragged before the court and severely punished for no other offence than that which arises from.....[his] complexion.” Signatories: Patterson, Percin, Aubert (George & Louis), Girarde, Looby, Floissac?

Folio 200, frame 298 – Letter from Major H. S. Shaw, secretary to the Saint Lucia government to Henry Hill Esq., secretary to the Commission of Legal Enquiry, 1824 August 4 at Castries, Saint Lucia, transmitting petition of the free coloured inhabitants of Saint Lucia and requesting opinion on the statements within.

Folio 203, frame 301 – Letters (2) from Major H. S. Shaw, secretary to the Saint Lucia government to Henry Hill, Esq., secretary to the Commission of Legal Enquiry, 1824 September 20, and March 25 at Castries, Saint Lucia. Acknowledge receipt of communication of the 17th September wherein I was asked to verify Appendix to the petition to which accomplished; enclose detailed Report by the Principal Law Officers of Saint Lucia (folio 209), by order of Colonel Blackwell, which relates to the laws quoted in the petition by the coloured inhabitants.

Report by Law Officers signed at Castries, 1825 March 4 by R. Drouillet?, Proc. Gen’l; text in French, and in table format with the following headings: Date et Nature de la Loi, Precis de la Loi en des Reglements Etablis, Observations.

Tobago

Folio 233, frame 339 – Petition to Henry Maddock and F. Dwaris, Commissioners of Enquiry from persons of colour, dated at Tobago April 1823, many signatories. Purpose - to procure through ministers a progressive alleviation of the sufferings under which we labour from the King, provided a general redress cannot at once be obtained; chief complaint - deprivation of privileges as British subjects only deprived of on account of being called “persons of colour”; character – clear of blemish and loyal; ancient oppressive laws made previous to the formation of an Assembly, which proceeded from a proclamation issued by Commander in Chief of Southern Caribee Island Ulysses Fitzmaurice, dated Grenada, 1769 March 16th; hardships considered most heavy:

- Not afforded the freedom of elections, to elect or be elected; reasons deserve vote - we are ¼ of the free population (260 white persons vs. circa 700) and pay our share of taxes (without equal benefit in return), follow same religion and perform religious duties (although prejudice obliges us to sit apart while paying equal rents), ¾ of houses in Scarborough area belong to free persons of colour and we own a great number of slaves and several valuable estates
- Not allowed to sit on juries, consequently never tried by our peers not even in cases of trial for life, a privilege granted to even aliens by British court, undermines confidence on entering a court where so much prejudice exists and where we feel it more severe
- Not appointed to fill any public situation, consequently the slave population do not pay us the respect demanded to persons who have to assist in protecting the colony; some of us have found private situations due to our foreign education (eg. clerks in the Colonial Office) which is more proof we should qualify to fill public positions
- Not appointed officers in colonial militia; argue for ability to become officers in coloured companies; must watch white persons arrive and placed over them; believe Governor Sir F. [Frederick] P. [Philipse] Robinson [b. 1763, d. 1852, son of loyalist Colonel Beverley Robinson,

governor and commander-in-chief of Tobago 1816-28], from his known liberality, would accept this if he thought the legislature would acquiesce; governor indicated he would speak to you about our memorial as he considered we were entitled to a participation of these privileges; some signatories included William Forbes, Arch^d Stewart, Charles Smith, Rowland Elphinstone Coker, Arthur Coker, Benjamin Mallony, Louis Julian, Charles Fyfe, James Dinoon/Denoon, William R. Bremner, Charles Craig, James Allen, John Burnett, Rich^d Eastmond, Sam^l Proctor, William Young, Henry Lacey, Benjamin Mallony jr., James Marr, John Piggott, George MacKay, Henry James, George Forbes, Henry Stewart, Caldwell Irvine, Alex. G. Irvine, Wm. C. Irvine, Joseph Wheeler

Folio 237, frame 347 – Letter to same above from Thom^s C. Bruce, dated at Tobago, 1823 May 12; forwarding enclosed petition of free coloured inhabitants of Tobago with their legal grievances.

Trinidad

Folio 242 – Memorial of the coloured inhabitants to the Earl of Bathurst, dated 1823 Nov. 10, signed by J. B. Philip and J. T. Congnet/Cougnat (33 pp.), with Appendix to the same (62 pp.). Purpose – to represent the oppressions and grievances which they suffer under and solicit the restoration of those civil and military privileges they had enjoyed while the island was under Spain, and which was assured to the inhabitants by the Articles of Capitulation (1797) when the island was surrendered to the Crown of Great Britain. Refers to Articles in the Spanish 1783 Order which resulted in the free inhabitants being admitted without respect of colour to the full enjoyment of rights and privileges, and the Articles of Capitulation which assured and confirmed those rights; argue under British rule these privileges have been “invaded and in some instances destroyed.”

Grievances:

- Governor Thomas Picton (governor 1797-1803) modified the laws on the model of the Laws of Martinique while under France:
 - 3rd Article - coloured people had to get permission to give a ball at night; argue unnecessary as no precedence of trouble
 - “coloured proprietors” required to act as mounting guards at the governor’s home to their indignity and interruption to their business
 - In defiance to previous rights, coloured officers in the militia now subject to the command of a white sergeant
 - Inflicted severe punishments
- Governor [Thomas] Hislop (governor 1804-1811) was unable to stem white prejudices:
 - Coloured persons must present certificates of oath of allegiance and proof of manumissions; argue no precedent requiring this necessity, and are aware that freemen have been put up for sale here
 - 1810 – coloured persons must walk at night in the street with a lantern; argue even the governor has given testimony to our peaceableness
 - Example of general treatment during this administration – white inhabitants formed a committee to represent to the governor their grievances in order to affect changes in the laws advantageous to themselves; coloured persons also formed a committee and

presented a petition to the governor for their voices to be heard; result - local punitive reaction by the community to the signatories to the petition, received no official government response but white petition did (Lord Liverpool wrote that he doubted the alteration in the laws wanted by the white committee were consistent with the spirit of the capitulation by which the privileges of the coloured inhabitants were to be secured)

- Governor William Munro (governor 1811-1813), under which a “more flagrant violation of their rights occurred”:
 - Severe, unequal, and unlawful distribution of punishments; provides examples of citizens affected including a military man – Mr. Lynch (disobedience to an officer) and contrasts these with the experience of a white person
- Governor Ralph Woodford (1813-1828), under which additional hardships and oppressions were suffered:
 - Appointed a new officer – protector of slaves, which was accompanied by circumstances that evinced anything but a desire of affording the slaves protection, mentions current officer is Mr. Fuller; example of recent case in March 1823 – one slave received 75 lashes and another 100 lashes for making a complaint against their master which was considered to be without foundation
 - Provides examples of the partiality of the administration of laws pertaining to John Lynch (12 years old), William Forbes, woman Cato (lunatic), Mr. O’ Bryan, and Misters McMillan and Rosmond; and to contrast, the experiences of white people – Francis Prestici, John James Power, Mr. Mayo, and John Lamont for fraud, forgery, theft, rape and fighting a duel
 - Upon establishment of a steam packet to travel between the Port of Spain and different places, with money contributed by all inhabitants, a government order was published in the *Gazette* segregating the classes; they thus refused to board
 - No person of colour was allowed to receive the ordinary salute of Mr or Mrs before their name, and women by the first or last name only – trivial but humiliating in effect
 - Opposition to the marriage between white inhabitants and women of colour; examples included, such as – Mr. Bonaire who had lived with a woman and had many children, tried unsuccessfully to marry on his partner on her deathbed for her peace of mind, but the minister refused on account of her skin colour
 - Established a table of fees to regulate the charges of the medical practitioners with gradations of charges from the white inhabitants downwards to the “negro”; coloured persons restricted from practicing medicine contrary to law, and Mr. William used as an example
 - Under police regulations - all slaves or free coloured persons selling goods without permission will result in goods being seized, to which the “meanest white man is exempt”; 1819 order – slaves in the streets at night punished by flogging and free coloured fined
 - Not allowed balls or dancing in their private homes without permission; example of the ridiculousness of this - woman playing violin at home could be sent to jail
 - Under this governor there are innumerable cases where complaint has been construed as an insubordination
 - Three most serious instances of local prejudice:

- not agreeable under this governor, unlike in other British West Indies colonies, that coloured and white inhabitants are able to meet together for amusement or charity; example of the Literary Society of free coloured men being broken up and homeowner fined
 - Scheme for school for coloured children abandoned as not allowed to meet for planning
 - Segregated seating at church and at burial grounds
- Orders in Council 1822 Sept. 16 substantially altered original laws of the colony; clauses 18 and 19 – subjected to corporal punishment for common assaults and the most ordinary offences against police regulations; argue a more dangerous means of oppression could not have been placed within the reach of our class; concerned about discretionary powers of judges and alcaldes considering terms such as “assault” can be vague and left to the discretion of partial judges; example to illustrate – quarrel between the white servant of Robert Neilson and a free coloured person named Gaul, in which a local official (alcalde) passed severe sentence on Gaul instead of it going to trial
- Peons (class of coloured men originating from Spanish settlers, Africans and natives of the island) and Indians had enjoyed personal liberty and rights, and Indians possessed a Cabildo and form of municipal government peculiar to themselves; Indians under Spanish rule, had landholdings at the Mission of Savannah Grand about 3 leagues in the interior
 - Grievances:
 - Now subjected to arbitrary power of the commandants of the several quarters, especially peculiar cruelty and oppression in the Quarter of North Napurina by Commandant Mr. Mitchell- compelled to work on his estates and frequently subjected to chastisement; provides example of punishment
 - Similar oppression by Fransisco Carillo, a catholic priest – under pretence of instruction “debauched their young females” and compelled them to work in his garden
 - Indians sent complaints to the governor; his response sent to them was directed to Mr. Mitchell; instead of redress, punished by flogging for complaining and going to town without permission
 - Situation in the militia - do not know the English language but disciplined for not obeying their unintelligible commands
- American Refugees (those induced to desert the American cause by British promises of liberty and protection during the War of 1812); [probably referring to black refugees known as Merikens]; about 700 provided land at Naparima Plain which was to be controlled by Commandant Mr. Mitchill
 - Grievances similar to those pertaining to Indians and Peons
 - Compelled by Mitchell to work for them on his own terms
 - Compelled to submit to certain deductions in wages to maintain a hospital fund that didn’t exist
 - Summary punishments at the discretion of Mitchell; one example

- When attempted to escape tyranny of commandant, compelled by proclamation of governor to return
 - Subjected to oppressions from which they can obtain no relief except by an appeal to His Majesty's government in Britain
- Summary: Request an enquiry into the former and present situation of the free coloured inhabitants and that it be entrusted to men totally removed from local interests and free from West Indies prejudices. Particular grievances include:
 - Clauses 18, 19, and 22 in the Order in Council of 1822 Sept. 16 to be repealed
 - Rights which enjoyed previous to the capitulation in 1797, especially that officers' commissions in the militia may again be granted
 - Civil officers and employments of the state may be accessible
 - Restriction upon assemblage be removed
 - Impediments to marriage between races be removed
 - Distinctions of honour or courtesy aimed at the colour of free coloured classes be annulled

Folio 260 - Appendix: Within different sections of the Memorial of the coloured inhabitants are notes in the margins referring the reader to the Appendix for more information on certain matters; examples of content include:

- "A" - English translation of the Spanish Cedula for the Population of Trinidad, dated 24 Nov. 1783 [The Cedula had provided important guarantees for free people of coloured's ability to own land.]
- "B" - List of Black and Coloured Officers, and Copies of three Commissions (appointments) translated from the Originals in Spanish – Bartholomew Setren? as captain of a company of the Coloured Dragoon Militia, 1794; Philip Borelie as lieutenant in the Company of Infantry of Coloured Militia, 1794; Placide Dardene as Ensign in the first company of Black Militia, 1794; all signed by Josef Maria Chacon
- "C" - "For the truth of this fact the Memorialists refer to any persons resident in Trinidad who were acquainted with the habits of the Colony under Don Chacon of whom there are still many living."
- "D" - Copy of the Capitulation of Trinidad, including the Articles of Capitulation
- "E" - Dispatch from the Earl of Liverpool to Governor Hislop dated 17th Nov. 1810
- "F" - General Picton's Instructions to Commandants extracted from papers relating to Trinidad printed by Order of the House of Commons on the 18th February 1823, page 192, Section "De la Police Generale", Article 3

Folio 291 – Memorial to the Commissioners of Legal Enquiry, Henry Maddock and Fortunatus Dwaris, Esquires, from the free coloured inhabitants of Trinidad, dated 1824 March 30; 21 signatories.

Folio 316, frame 498 - Memorial to the Commissioners of Legal Enquiry, Henry Maddock and Fortunatus Dwaris, from the Committee of Coloured Inhabitants, dated at Port of Spain, Trinidad, 1824 April 20, 18 signatories. Concerns the subject of the contemplated change in the system of laws and government existing in the island and their opinions on such; discusses the Spanish system of government under two separate and distinct points of view – first respects the political and constitution of the country, and secondly, the civil and criminal law in use; argues the Spanish Constitution as established by the Cedula

of 1783 and confirmed by His Majesty's Proclamation is the only lawful constitution and the best system for the island's future prosperity, subject to certain stated controls, together with the benefits of the civil and criminal law of England, with trial by jury.

Folio 325, frame 515 – Memorial to the Commissioners of Lega Enquiry, Henry Maddock and Fortunatus Dwarris, Esquires, from the Committee of the Coloured Inhabitants, dated 1824 April 24. Seems to refer back to the memorial sent to the Earl of Bathurst (see above); includes Appendix.

Folio 333, frame 541 – Before His Majesty's Commissioners of Inquiry, The Answer of Henry Fuller Esquire, His Majesty's Attorney General to the representation of the coloured inhabitants, dated 1824 June 1. Mostly argues against, by law, the basis of the complaints of the coloured inhabitants; final statement argues it is his "duty to resist claims as unfounded upon every principle of law as they are unsupported either by proof practice or precedent."

Folio 347, frame 558 – To the Commissioners of Inquiry, The Reply of John Lewis, Esquire, Counsel for the Committee of the Free Coloured Inhabitants, to the Answer of Henry Fuller, Esquire, His Majesty's Attorney General of this island, on the subject matter of their claims and privileges etc.; signed 1824 June 9, at Trinidad.

Folio 364, frame 591 – Before the Commissioners of Inquiry, the Reply of the Committee of the Coloured Inhabitants of Trinidad to the Answer of His Majesty's Attorney General of that island on the subject of their claims, signed Port of Spain, 1824 June 7; 14 signatories.

Appendix included:

- One example - "Note A" is an extensive letter to the governor from Jeremiah Beurisseau, a free coloured man, resettled from Martinique, justifying why he should receive all the privileges allocated in the Cedula to new catholic settlers
- "Appendix I" contains tables of free coloured "capitulants" listing people organised by towns with the following family numerical data: Capitulants (men, women, descendants), House Proprietors, Land Proprietors, Slave Proprietors, Married, Remarks (example: Town of Port of Spain (16 pp), 1st names on the list - Jos: Ch^s Lebre & Marie Constance Lebre – capitulants (1 man, 1 descendant), 1 house, 1 slave proprietor, 1 married)
 - Towns included – Town of Port of Spain; quarter of St. Joseph & Maracas (4 pp); Quarter of Santa Crux (4 pp); Quarter of Arima (1 p); Quarter of Maraval (2 pp); Quarter of Carenage, Cuesa, and Pointe Gourdet? (2 pp); Quarter of Point a Pierre (2 pp); Quarter of Cimaronero (1 p); Quarter of Oropouche (2 pp); Quarter of Savantille? (1 p); Quarter of North Naparima (3 pp); Quarter of South Naparima (2 pp); Quarter of Erin (1 p); Quarter of Labray, Guapo, & Iroao? (1 p); Quarter of Mayaro & Guayaguayare (2 pp)

Folio 462, frame 735 – Letter from the Committee of Coloured Inhabitants, dated 1824 June 22 at Trinidad. Wish to demonstrate that under Spanish law honorary distinctions were conferred on coloured persons without regard to fortune and independently of landed properties, even though it is true that most officers who were appointed military commands were grantees of lands possessed under the Cedula of 1783; includes names of coloured militia officers so granted the opportunity of rank even though were not grantees of land possessed under the Cedula of 1783 (10 names with rank and regular trade – carpenter, hair dresser, tailor, clerk in a store).

Folio 464, frame 738 – Document marked “K.”

Folio 468, frame 744 – Coloured People, Examination; dated 1824 June 25. Informal notes of recollections pertaining to the situation of the military and militia on the island going as far back as the Spanish period, particularly on the relationship of the different races within.

- Example from the first page: Mr. Letrea; In 1795, 1 compy of artillery, 2 of infantry, 1 cavalry - No militia troops of white persons – no white companies of militia – captains of the different companies were of colour. A commission to him was shown – at capture of the Island the coloured troops only turned out. There were not any white militia at the capture – There were white regular Spanish troops at the capture. They mixed in private life. The different colours were separately invited to Government House. Never dined at Government House with regular Spanish officers.

Folio 472, frame 751 – Letter from Governor Ralph Woodford to The Earl Bathurst, 1825 June 12 at Trinidad; numbered duplicate Miscellaneous No. 633. Transmitting as requested on the 9th of April, the orders and regulations issued in this colony regarding the free coloured people; discusses some of the legal issues in question, such as on the subjects of dances, a regulation imposed by him requiring coloured people to describe themselves in their petitions to the courts, and class differences in rates of fees and other charges.

Listing of each of the orders/regulations appended to the letter, for some there are remarks relating to the document:

1. 1783 Extract from the Cedula for the Population, 24 Nov. 1783, Article 4
2. 1797 Extract from the Capitulation, Article 12 dated 1797
3. 1825 Extract from the Chief of Police, Article 4 dated 1797 and republished 1808
4. 1800 Extract from Gen. Picton’s Instructions to Commandants, “De la Police Generale” Articles 3, 4; “Des Alguacils” Articles 1-9; French language (white persons pay double the amount than do coloured persons)
5. 1801 Fees received for Passes in the Office of the Island Secretary according to Docket established by Gen. Picton
6. 1804 Order of the Governor in Council, directing Free Coloured Persons and Slaves to retire to their homes at half past 9 o’clock at night; and 1825 Note on the preceding
7. 1804 Order requiring coloured persons to present their certificates of having taken the oath of allegiance and the proofs of their manumission
8. 1807 Order of the Governor in Council, directing a tax of 16 dollars upon Balls given by coloured persons for the benefit of infirm poor; 1825 Notes on the preceding by the Treasurers
9. 1810 Order of the Governor in concurrence with his Assessor and the Alcaldes in Ordinary, respecting the police of Port of Spain; 1825 Notes on the preceding by the Chief of Police (James Meany) on the preceding
10. 1813 Fees received for passes in the Office of the Governor’s Secretary established by Minute of Council (white persons - 1 pound, coloured persons - 10 shillings)
11. 1813 Minute of Council recommending that certain secret meetings of coloured people should not be permitted

12. 1819 Order of the Superior Court requiring parties to describe their condition in their petitions to the Tribunals
13. 1821 Schedule of Fees to be charged by medical practitioners; typescript (fees are different based on class – persons who are white, coloured, enslaved)
14. 1823 Schedule of pew rates for the Protestant Church of Port of Spain; typescript (fee structure based on class as in no. 13 above, and seat placement)
15. 1804 Port Regulations said to have been established in 1804; typescript (some pertain to coloured persons and slaves); Note on Regulation no. 4 signed by the harbour master, Mr. Littlepage?, 1825 June 13

Folio 503, frame 800 – Documents relating to the Case of the Coloured Inhabitants of Trinidad.

- Copies of correspondence from Wilmot Horton, Dr. J./I. B. Philip and I./J.? T. Congnet/Cougnet, 1823-24 (folios 504-520)
- Rough draft of the Report on the case of coloured inhabitants of Trinidad (folios 521-526)
- Observations by Mr. Aumaitre addressed to the Commissioners as to the claims of the coloured inhabitants; no date. Provides his opinion (as a resident of Trinidad) as to the redress/repeal of some of the issues documented in the memorial of the coloured inhabitants (folios 527-532)
- Commission of Juan de OrBay; English translation (folios 533-536)
 - 1761 - Appointment of Juan de OrBay to the post of captain of the coloured militia company of the city of St. Joseph de Oruna
 - 1771 - Order by Governor de Vallenella to agree to Oruna's request for an allowance for his military service now that he is infirm at 55 years of age, privileges agreeable to his rank
- Letter to the Commissioners of Enquiry from the Committee of the Coloured Inhabitants, 1824 April 28, Port of Spain, 8 signatories. Informing that they have retained Mr. Lewis as counsel for the coloured inhabitants and have left the direction and management of the cause to him (folio 534-538)
- Letter from the Chairman to the Committee of Coloured Inhabitants, John Hobson, to the Commissioners of Inquiry, 1824 Oct. 6, Trinidad. Sends regret on the death of one of the commissioners – Henry Maddock, and hopes this does not deter the Report on their concerns from being forwarded to the secretary of state