

George Chalmers. Letters: 1728-1818

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Transcription – Reel 2, Section 4, folios 4-18 and Appendix

The Representation of the House of Assembly of the Bahamas To The Rt. Hon. Earl Bathurst, the Colonial Secretary of State etc., respecting their Proceedings during their last Session 1816-17; with An Appendix of Documents. By George Chalmers, F.R.S.P.A. London: Printed by L. H. & S. but not sold, 1817

* **Document folio pages referenced below - numbers found on top right of each page on the right side**

**Folio pages numbered 1-3 are summarised; second half of Chalmers text, pages 19-38 were not transcribed, but a very brief indication of content included. Transcribed Appendix of supporting documents begins on folio page 39 and continues to end of reel, page 61.

**Documents attached in Appendix cover years 1815- 1817.

Folio Pages 1-3 [Precedes title page: The Representation of the House of Assembly of the Bahamas....]

[Summary]

House of Assembly, Monday, 30 December 1816.

Resolutions of the select committee appointed to enquire into the necessity for a law to prevent the illicit importation of Africans. Resolutions: 1. Act for registration of slaves in Jamaica as recommended by the governor is unnecessary and inexpedient as no illicit importation of Africans here takes place since abolition of slave trade; 2. Not enough reason or necessity for act therefore unjust and oppressive to inhabitants; 3. Provisions of acts of Parliament for abolition of slave trade enough to prevent illicit importation of Africans; 4. Importation of “slaves” would prove prejudicial to owners of “slaves,” and every means will be used by owners consistent with existing laws to prevent illicit importation of “slaves”; 5. Cannot recommend to House to pass such an act as extremely oppressive and injurious to inhabitants as this until appears law for that purpose becomes necessary and expedient by illicit importation of Africans.

William Kerr, member of a Select Committee, summarises the results of their enquiry herein. The committee had been appointed to answer the following questions: whether any cause does now or has within the last 12 months, or is likely hereafter to exist, which may render it necessary to make a law to prevent illicit importation of Africans, and whether it is probable that any of the islands have at any time been made an entrepot for an illicit traffic in African “slaves” from the island of Cuba or any other foreign island to Jamaica or any other British West India Island, and more particularly whether any such illicit trade has at any time or may probably hereafter be carried on from the island of Cuba to the islands of Exuma and from thence to Jamaica or any other of the British islands in the West Indies, and

also to enquire into the prices at which African “slaves” in the island of Cuba and the prices at which “creole” or “seasoned slaves” in Jamaica and the Bahama Islands have been sold for the last 12 months. And like wise to enquire whether any doubts have existed as to the legality of importing “slaves” from those islands into the island of Jamaica and how such doubts arose.

Tuesday 24 December 1816

After reading the report, House agreed to adopt the committee’s resolutions.

[Transcription begins.]

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[Title page.]

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James Street

April 1817

My Lord

In approaching your Lordship with a statement of the anarchical condition of the Bahama Government, at present you will easily allow me to say, that when I last had the honor of waiting on your Lordship, I was but slightly informed, as to this important subject.

I have since received many documents, though I may not now, be completely, informed, perhaps. Of some minute facts, and [?] circumstances, with regard to the whole of the late session of assembly, from the first week in November, to the last week in January, last [word last is crossed out] when the dissolution of the general Assembly took place.

The Governor opened the Session, in the usual manner, by a Speech, announcing the marriage of Her Royal Highness, the Princess Charlotte of Wales, and with demanding the supplies of the year. The General Assembly joined in sincere gratulations on an event, which promoted the present happiness, and promised fair to ensure the lasting stability of the Royal Family. The Commons House of Assembly, cheerfully passed the usual supply bills of the Session; they were, readily, approved of by the upper House, and the Governor assented to them, in the usual course so that the annual Taxes are now, in their due progress of collection.

It was on the 12th of November last, that the Governor delivered his message, respecting the Registry of Slaves to the House of Assembly, which was plainly drawn by the Attorney General, Wyllly. Your Lordship no doubt has received a copy of it, a circumstance, which makes it the less necessary for me to dwell upon either its matter, or [manner?]; and which was received by the Assembly, with all the ceremonious dignity and deliberation, which are due to every recommendation of the Regent, that is communicated by your Lordship.

As that message, however, has been worded, by the attorney General, and Governor, it may demand an observation, or two, with regard both to its matter, and its manner. The expectations, which were held out, that the West India Assemblies would adopt, without hesitation, so important a measure, as a registry bill, was, perhaps, infinitely stronger, than experience would justify. That the West India Assemblies were, perfectly, disposed, to act reasonably, and fitly, there could be no doubt. There has been of late times a great progress in liberal thinking. There prevails, every where, a strong desire, to comfort the Negroes, even as a matter of interest, in the Masters. And there has been, universally, a more ardent wish from both those motives, to carry into effect the abolition acts, than was, perhaps, at first, expected.

The pledge, which the message holds out, that it is not

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Manumission, but registration, of Slaves, which is in view; and that the Government has no intention, to propose an emancipation of Slaves, had been of more efficacy, had the pledge been pointed, as from very different parties. It has never been said, or suggested, that the Government had any purpose, to wound the British People, through the Sides of the West Indians. It has never been conceived, that the Government would contemn the Parliamentary, and National pledges, which have been given, age after age, to encourage the Settlement of West India Estates. It has never been thought, in the least probable, that the Government would take the lead, in depriving the West India People of so vast a property, without adequate compensation, for any object, as it would be so inconsistent with the national feelings, and the parliamentary practice. No: the West India Assemblies did not want such a pledge from the Government; what they expected was a pledge, that the Philanthropic associations, clubs, and Institutes, which have become so numerous and noisy, would not aim at manumission, through registration, as a means, at such a troublous moment as this, when an agrarian law, in the United Kingdom, has become very familiar to the lower orders of People, owing to the active zeal of those philanthropic societies. The Governor, and the attorney, then mistook the pledge, which the assemblies naturally looked for, at a moment, like this, when numerous associations, are, every where endeavouring to bear down the law, and the constitution, by violent out cries, and physical force.

As little was it necessary, for the Governor, and attorney, to assure the assembly, that the Government had not any reason to suppose, that there had been any clandestine importation of Slaves into the Bahamas, or that the abolition acts have been found insufficient, for their several ends: *[Following written in the margin and indicated to be inserted here] *On the 11th of September last, the Governor, and Attorney General informed the Colonial Secretary of State, in answer to his circular, what has been laid before the House of Lords, and printed by their lordships order; "That they had [every?] reason to know, and believe that the Laws for the abolition of the Slave trade, have been faithfully, executed here; though without any material effect [?] the condition of the Colony; [?] [?], that without a new [ensu?] of the population, which will be a work both of expence and time, they could not ascertain the whole numbers of the Slaves".

But, that during the facilities of peace, "single vessels may now navigate with more freedom; suspicion is not thereby excited, and even if it were, search would be unauthorized". Whatever truth there may be, in the speculation of there being a likelihood of more Slave smuggling, in peace, than in war, there can be no doubt of the unfitness of the closing assertion that in case of vessels, found hovering, within two leagues of the shore of the Bahamas, they [are not?] subject to Seizure, under the Statute, 4 Geo 3.

Chap 15, Sec 33. This Statute was not only known to Lawyers, but to Traders, their agents, and ship masters; as it is more than once mentioned, in Mr. Reeves's popular work, on the acts of Trade & navigation, p. 78-200. If the attorney General did not know this Law, he must be very ignorant: If he knew they Law, and misstated it he must be very

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base: This act must be very well known to the Governor, as it is one of the Statutes, which is included in his Trade Instructions; and which he is sworn to execute, under the penalties of forfeiture of office, and a thousand pounds. To introduce, in this manner, into a message, from the Prince Regent, a deliberate falsification is a high misdemeanour, which was reserved, for the Governor, and the attorney General, of the Bahama Islands.

But, my Lord, the assembly who cannot be charged, with want of critical acumen, did not go into such considerations; but, went directly, and deliberately, into the very heart, and Soul, of the business: Their committee examined Persons, Papers, & proceedings, of various kinds: The Committee reported their Resolutions to the House; and the assembly, at length, resolved, through with great regret, that an attention to circumstances, and the interests, of their constituents did not permit them to comply with what had thus been required: They transmitted their Resolutions to the Governor, with their many reasons, & motives, which, in fair discussion, cannot easily be refuted.

Your Lordship has, no doubt, seen both the Governor's message and the assembly's answer; and it would ill become me, to repeat them, in this place.

But, though this specific measure was refused, amidst their regrets, this denial did not prevent the Assembly, from going into other measures, for the benefit, and solace, of the Slaves. They passed "an act to consolidate into one act the several Laws relative to Slaves, and for giving them further protection, and security." They passed an act, "to alter the mode of proceeding in the trial of Slaves, charged with Treason, murder, or other felonious offences, without the benefit of clergy": The change, in favour of the Slaves, consisted in this, they were before tried, for such felonious offences, before two Justices, they are now to be tried, by a Jury, in the General Court. They passed an act, for preventing preaching, or other public worship, from sun setting to sun Rising: So that the Slaves might have their rest and not be deluded by nightly applications. They passed an act, "for reviving, and regulating, the Parish schools, in the Islands and districts, thereinmentioned". [Following sentence is written separately and intended to be inserted here.] They provided, liberally in the [...tion] act, for the education of children of the poor free people as well as for the children of poor white people, in the [island of New?] Providence, upon the [Ma...] System, though this [benefit?] will be some what [frustrat...] the loss of the appropriation [?] owing to the [unlooked/unlocked?] - for [?] of the general assembly. Those several acts must surely be acknowledged to be altogether worthy of enlightened legislators. They afterwards passed a Census- bill, which, as I have heard contained most of the clauses, in the Register bill; and which establishes a [?] enumeration of Slaves, [distinguishing?] the ages of them. The several enumerations were to be entered in the Secretary's office, as [?] for public Use, and private inspection. It was approved by both Houses of Assembly; but was lost, by the dissolution of the assembly, without receiving the Governor's assent. Thus far, [?] did the general assembly [comply?] in substance with the governor's message. Such, then, are the acts of this Session, except, indeed, that the assembly passed the annual Revenue Acts, with some acts of domestic economy.

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I submit these various measures of the last session of assembly to your Lordship's usual candour; leaving for your just consideration what they would have done, had they carried on their legislative measures, under happier influences. I am but ill prepared to exhibit to your Lordship's judicious eyes a comparative view of what the several assemblies in the West Indies have done with regard to their Black code, if it were a less invidious taste.

Your Lordship has observed, I am persuaded, universally spread throughout the West Indies a progress of beneficence, an enlargement of just views, and a strong purpose, even from prudential motives, to promote the quiet, and comforts; to elevate the spirits of their Slaves to better thoughts, and more salutary dispositions; if the West Indies were not, continually, irritated, by the misstatements of ignorance, the misrepresentations of design, and the busy intermeddling of fanatical folly. [Following section has an "x" written over the text and a short note to the margin which is unclear.] I know, my Lord, that some of the assemblies have passed acts, in the nature of supplementary acts, to the abolition acts of Parliaments, upon recitals of the same acts of Parliament. However much good meaning there may be on this proceeding of those assemblies, I doubt very much whether the West India Assemblies can, constitutionally, pass such supplementary acts. The candour, which I owe to your Lordship, induces me to submit to your Lordship's judgment that when I mooted the matter with Mr. Reeves, he said, that he did not concur with me in my objection. Permit me, however, to observe in the spirit of reply, that I have certainly heard very able statement at whitehall remark, - What will the Parliament say, if we here pass such acts of assembly, which seem to trench on Parliamentary legislation. It would, certainly, obviate in some measure my objection if the before mentioned supplementary acts of assembly had merely recited; "it is expedient, that some additional provisions should be made to prevent the importation of African persons, into this Island, , be it therefore, enacted that etc. ----" [End of section crossed out.]

The Bahama Assembly after great inquiry, & consideration, relied so fully on the circumstances, in which they are placed, and the adverse opinion of their constituents, to burdensome Laws, that they declined to pass any thing supplementary to the abolition acts, or even a registry Bill, in the form wherein it was pressed. They argued in this manner: 1st that the acts of abolition are highly penal; and none but idiots would risque their persons, and property, in the face of such penalties, and even transportation. There is, moreover, a hovering act, hanging over all those shipmen, who would come among the Bahamas. Add to this, that the Governor, as he is sworn, to execute those acts, being

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acts of Trade, and navigation, may be deemed the chief of the Custom House Officers, who are all sufficiently alert, and zealous, while the Judges and Juries, are abundantly, disposed, to convict the guilty. The Assembly argue, secondly, that every planter, having negroes, has a clear interest, to exclude all foreign negroes, and to inform against the clandestine importer, that he may be punished. Upon enquiry they found that the Prices of Slaves, at Jamaica are much higher, than the prices of Bahama, while the prices at the intermediate Havannah [Havana], are still higher, than both: From those facts, and circumstance, the Assembly [inferred?] that none but Madmen would think of importing negroes into the Bahamas, where every Owner would rather sell, than buy Slaves. Whether the arguments of the Assembly, in fair discussion, can be refuted, I very much doubt, always supposing that nothing more was meant, than met the ear. The reasonings of the attorney general and Governor in support of the

message, appear to my mind, very feeble, and affected, when collated with the reasonings and facts of the assembly: And, therefore, they declined to adopt a measure, which is so contrary to the repugnance of their constituents, from unnecessary Laws and your Lordship will observe, that they are all equally interested, to enforce the abolition acts; only differing, in the mode, induced, no doubt, by the defect of the pledge offered; inasmuch as, it does not go the length, of giving a pledge that when they pass the most satisfactory Law, it will satisfy the various societies in England, who clamour for Manumission, and for confiscation of Slaves though those societies lay the Constitution, and Law, out of their sight, when they contradict their purposes, whether avowed, or hidden; meantime the same Laws, and constitution, entitle the planters to protection from Government, while they continue loyal in principles, obedient in practice, and highly important, for their custom, their commodities, and their enterprize, as well as for their wealth, and connections.

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I will now beg to call your Lordship's attention, to the ulterior measures, that arose from the Governor's Message, in respect to misrepresentations of the Assembly, on the abolition Laws. In the Bahamas, in Jamaica, particularly, in all the West India Assemblies, the misrepresenting of the proceedings of the Assembly, is [decried?] a most injurious breach of their privileges, such misrepresentations are of Parliamentary privileges. From W. Stephens second letter, on the Registry bill, 1816, Appx II, it is apparent, that W. Wyly, the Attorney General, had given misstatements of the proceedings of the Assembly to the African Society, of which Mr. Attorney is a member.

It was on the 7th of January last, after the principal business was finished, that the Assembly took notice of the misrepresentations of W. Wyly, to the African Society, as a contempt of the House. A Committee was now appointed, to enquire, whether His Majesty's Attorney General did correspond with the said Society, on the subject of his examinations before a Select Committee, during the former Session. On the [13th?], the Committee of Enquiry addressed a letter to Mr. Wyly; stating the business; and desiring him to explain the matter, either in writing, or in person, as might be most convenient to himself. The civility of this application to W. Wyly seems, only, to have provoked his contempt: A more contemptuous, or illegal answer certainly could not be conceived, than he sent them on the 15th. "The Attorney General has given all due Consideration to those papers, which he thinks it necessary, to request his Excellency, the Governor, to transmit to England, for the information of His Majesty's Government, and he must beg leave, to decline giving the Committee the Explanation, which they have thought proper to demand, until the pleasure of His Royal Highness, the Prince Regent, (to whom, only, to his Representation, the Attorney General is accountable, for his official Conduct) shall have been signified to him, upon that head." His official conduct was not, on that occasion, questioned so that he exhibited his impertinence as well as his disdain. We [then?] perceive, however, that this Bahama attorney General does not concur with Earl [Mansfield?] the great Chief Justice of England in the fundamental law [of?] the British Empire, that whoever goes within, or resides within, colonial jurisdiction is bound to submit to that jurisdiction, as the King's authority: If this attorney be ignorant of this colonial [?], he ought to be dismissed for his ignorance: If he [?] it, he ought to be dismissed defying the King's authority.

Your Lordship, I presume is perfectly aware, that it has of late years been the great business of the [doers?] of the African Society, to degrade, and vilify, the Constitutional powers of the West India Assemblies. Nothing could be more inconsistent with your Lordships constitutional, & salutary, purpose,

of inducing those Assemblies, to perform their several functions, with alacrity, and precision, when measures were recommended to their consideration. But it was reserved for the

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Attorney General of the Bahamas to take the lead, in raising the Standard of Revolt against the constituted authority of the Assembly of those Islands, though acting in the name, and on the behalf of the King. [Next sentenced is crossed out.] The wise Lord Mansfield, in delivering the judgment of the Kings bench, in the well known case of the Grenada duty, laid it down, as the clear Law of the British Empire, that whoever goes into or resides within a Colonial jurisdiction, must submit to the Law of the place. [End of crossed out sentence.] No: says the Attorney General, Wyllly, I will not submit to the King's highest Court, within the Bahama Jurisdiction, while acting in his Name, and on is behalf.

When the contemptuous answer of the Attorney General was reported, by the Committee, to the House, the Members, unanimously, resolved, that the Attorney General had injuriously and Scandalously misrepresented the proceedings of the House, during the last Session; and that he be, therefore, taken into the Custody of the Messenger of the House, and in his Custody to be brought to the [bar] of the House, to shew cause, why he should not be committed to Prison, for his contempt of the House. To enforce this resolution of the House, the Speaker, forthwith issued his warrant in the usual form to the messenger of the House.

Reasoning, by analogy, permit me, my Lord, to submit to your Lordship's great Judgment, the legal effect of that formal proceeding. The ablest Lawyers, and judges, of England, have, from time to time affirmed – that the Commitment of Parliament is always in nature of a Judgment; and of course, not bailable. Mr. Justice Powel, a great lawyer, and an honest man, gave it as his opinion, in the Case of the Aylsbury – men, 1704: "The House of Commons have a judicature, by Custom, and Usage: the resolution of the Commons, on a breach of Privilege, is a judgment; and is a commitment in execution, which cannot be [cont...?]; for this would be to draw it ad [aliud?] examen; and then the Commons would not be judges of their own privileges: and the House of Commons is superior to all Courts of law. In those opinions, the other Judges

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concurr'd." And, in the same opinion, the greatest Judges have, in every age, since, [cons...?] in judgement Mr. Professor Christian, in arguing the late case of Sir Francis Burdett, laid it down as clear Law: Every contempt of a Court is an offence, both against that Court, and against the King's Peace.

All those law opinions, satisfactory as they are, apply, I submit, analogically, to the Colonial Assemblies. The privileges of the Assemblies are constitutional points, so settled by analogy, so established by usage, and so confirmed by acquiescence, that they cannot be questioned, for a moment. Like the Parliaments the assemblies are called by the King's writ; they meet under the King's authority; they sit in the Kings presence, by the Governor; and perform their several functions, in the King's name, and on the King's behalf: thus are the Assemblies the King's Sovereign Courts, in the colonial system, by a just analogy, and established usage.

Yet, strange to tell, my Lord, the Attorney General, Wyllly, is so stupefied, by his selfsufficiency, so blinded, by his pride of power, and so Elevated, by his association with the African philanthropists that

he cannot see the legitimate jurisdiction of the assembly, as the King's Supreme Court, or perceive, that as the King's Court, it can commit, and as the depository of the King's Laws, are entitled to the submission of every one, within its jurisdiction, according to the Law, as laid down, by Earl Mansfield, the chief Justice of England, in judgement.

Allow me to submit to your Lordship's judicious eyes, that Mr. Wyly did not always think, as he thinks now: the Barrister thought, differently, from the attorney General. It was, in October 1795, that the House of Assembly Resolved to appoint a Committee to examine the Rules of the House, and report any amendments, that might appear necessary: and for those salutary ends Mr. Wyly and Mr. Kelsal, were appointed a committee. Mr. Wyly soon after reported to the House, various resolutions, which being approved, by a Committee, were adopted, by the House, as standing rules, which, among many, the following were four:

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XXIII. That every member of the House enjoy the privilege of this person against arrests, and imprisonments, in such manner as hath been used, & accustomed, except in Cases of Treason, Felony, or breach of the peace.

XXIV. That no member of the house hath any privilege, in regard to his good and Chattels; except such as are necessary, for his accommodation, during his attendance on the House.

XXV. That no person committed, for breach of privilege, by order of this House, ought to be discharged during the Session of Assembly, but by order, or warrant of this House.

XXVI. That the misrepresenting of the Proceedings of this House is a breach of privilege, and destructive of the freedom of this House. – Such, perhaps are the rules and privileges of every house of assembly; and they are, certainly, the rules & privileges of the Jamaica Assembly, from which they were probably copied, by misters Wyly and Kelsal: Your Lordship now sees with your placed eyes, Mr. Wyly Sober!

Permit me to exhibit to Your Lordships indignant eyes Mr. Wyly drunk, not from Wine, but from Vanity. The Speaker, in pursuance of the Directions of the House, issued his warrant, in the usual form; commanding their Messenger, to bring Mr. Wyly to the Bar of the House, to answer for his contempt. On the 23d of January 1817, the Messenger returned the Warrant unexecuted, and reported to the House, that the Attorney General had [deforced?] him, by arming his Negroes, and barricading his [house]. The whole of the Circumstances of this enormous breach of the King's peace, were sworn to by Chisholm, the Messenger, attending the House; and they amount to [?] like levying War against the King, his Crown, and Dignity. This enormous fact is also ascertained, by the Indictment of the Grand Jury before the General Court of the attorney General, for assaulting, forcibly, the said Messenger, in the exercise of his Duty. This unprecedented transaction is acknowledged, by the attorney General himself, upon oath, though coloured with some of his usual artifices. If the Attorney General Wyly, were as good a Lawyer as he affects to be, he would have known, that an Englishman's Castle is no refuge against such a Warrant, from such an authority: and, your Lordship may recollect that, in 1810, Sir Francis Burdett's house was forcibly entered by the Sergeant at arms, having the Speakers warrant to Execute. When Sir Francis, pretending to resist, was carried, forcibly, to the Tower of London. If the Attorney General, Wyly, did not know the Law, and despised the rules of the House, which he himself had drawn up, and recommended, this would be a prodigious aggravation of so heinous an offence, as resisting the King's Court of Assembly, by arming his negroes, and standing on his defence.

The whole proceeding of the Attorney General, being verified by the oath of their officer before the House of Assembly, they resolved, that this deforcement of their messenger was a new contempt of the House; & they directed a fresh warrant to be issued against the attorney General, who was now in avowed resistance of legal authority. Your Lordship, I am persuaded, is quite aware, that every Contempt of a Court is an offence both against that Court, and against

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The King's peace. The House of Assembly at the same time presented an humble address to the Governor; stating to him those monstrous proceedings of the attorney General, which were of such dangerous example; and praying the Governor, to suspend the guilty officer, from his office, until his Royal Highness, the Prince Regent's pleasure might be known. The Governor assured the House, that he would submit their address to the Consideration of His Majesty's Ministers.

In the mean time, the Speakers new warrant was communicated by the messenger to Mr. [Baylis?] the Provost Marshal, who was called in aid by the messenger, to arrest the attorney General, who was then, in Contempt of the King's supreme Court of assembly, and in resistance of the Kings Laws. The officers thus armed with legitimate power, and seeing the object of their warrant go into the Government House, followed him into the office of the Governor's private Secretary, where they arrested the attorney General; and whence they carried him to the Common

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Gaol, under the King's authority and in the King's name. This committal had, scarcely, taken place, when a writ of Habeas Corpus, was issued by the Chief Justice, and directed to the Provost Marshal; commanding [?] forthwith, to bring the Body of the guilty officer before the general Court; by whom he was admitted to bail, and discharged from legal custody in competent authority of a [.....?]

Your lordship will, readily, recollect the conduct of Sir Francis Burdett, in 1810, when he defied the authority of the Commons, stood upon his defence, and considered his house, as his castle. The Sergeant at arms, calling to his aid a Bow Street Officer of the police with soldiers entered, forcibly, the house of the guilty person, forcibly arrested him, and forcibly lodged him in the Tower of London; - the King's Guards attending to keep order, there being a tumult in the Street.

In discussing the legality of these measures against Sir Francis Burdet, the following passage was quoted by Mr. [Professor Christian?] from the excellent discourses upon the Criminal Law, by the admirable Mr. Justice Forster: - "In those Cases, the jealousy with which the Law watches over the public tranquility a laudable jealousy it is, the principles of political Justice which is due to the Community, ne maleficia remancant impunita, all conspire to supersede every pretence of private inconvenience; & oblige us, to regard the dwelling of malafactors, when held against the demands of public justice, as no better than the dens of thieves, and murderers, and to treat them accordingly." – Mr. Professor Christian, after quoting that excellent passage, from the Constitutional Mr. Justice Forster, closes his argument, in this manner: "Though the inviolability of the character of a legislator seems to stand upon a much higher principle of reason, and policy, than that of the character of a householder; yet, would it be an extraordinary incongruity, that every inferior magistrate should have the power to issue a warrant, by which a constable could break into the palace of the Prince of Wales, or of any Royal Duke, and could

drag a malefactor out of it, for the most petty assault, [of?] the House of Lords, or Commons, could not break the door of any person, in contempt, when

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they had been guilty of the grossest insult imaginable against either houses; and when, if they were apprehended, no power whatever could admit them to bail. [Christian's Concise account of the origin of the privileges of both Houses of Parliament, p. 89-90] Your Lordship, now, sees, I trust, that if a Common Constable can enter the palaces of the Dukes or Prince, to execute a warrant of a magistrate, and drag from thence a petty peace breaker, that it was but a very trifling Circumstance, for the provost marshal, and the messenger of the King's Supreme Court of Assembly, to enter the Government house, and in the office of the private Secretary, to arrest a malefactor in contempt, who had defied that Court, and had barricaded his [house?], and armed his negroes, (in such a Country) to deforce the officer of the highest Court.

When the assembly was informed by the oath of the Provost Marshal, on the 27th of January last, that the General Court had bailed Mr. Wyly and taken him out of the Custody of the Provost Marshal, the House resolved, "that this house is the sole Judge of its own privileges, and that the Justices of the General Court are not competent to determine any argument touching the privilege of this House": 2dly the House "resolved, that the late discharge under Bail of William Wyly Esq, from the Custody of the Provost Marshal, under Warrant from this House, for breach of privilege, by the said Justices of the general Court, was, and is, highly unconstitutional, illegal, and unprecedented: 3dly The House resolved, that the Speaker do again issue his warrant to arrest and commit to jail the said William Wyly, in furtherance of a Resolution of the House, on the 23d Instant."

On the same Day, the Governor, forgetting that it was a [breach of?] privilege to take notice of [?] in assembly, without formal [?], dissolved the General Assembly, by his proclamation; whereby this guilty character was protected, from further prosecution, at present; at the enormous expence of losing the [C...?] bill, the appropriation act, and of introducing anarchy, and distress, among all ranks. The Governor, at the same time, thought fit, to suspend the Provost Marshal, from

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his office, for having acted, honestly, in discharge of his [bounden?] duty. The Governor, my Lord, thus identified himself with the high criminality of the Attorney General, and with the egregious error of the General Court: He thus avowed his contempt, for the Kings Sovereign Court, & intimated his unfriendliness to the liberty of the Bahama people, which are interwoven with privileges of their Representatives, and your Lordship now sees, [I trust?], anarchy domineering throughout the Bahama districts, and predominating in the Government-house, and in the General Court of Common Law.

On debating in Parliament, the contemptuous defiance of the House of Commons, by Sir Francis Burdett, which cannot be distinguished from the [?] contempt of the Bahama Attorney General, Mr. Stephen, in his place, "expressed his astonishment, that those, who are peculiarly attached to the democratic part of the Constitution, should be willing to allow, that house to be trampled on, or go abegging for protection, to the Courts of Law. He had not heard the present question met at all, upon its real principles, and true merits. The Judges, though not now removeable, at the pleasure of the Crown

were still appointed by it; They, however, would, no doubt, act with impartiality: But, then an appeal would lie, to the House of Lords and thus would the privileges of that House depend on the other house of Parliament.” – Mr. Wilberforce, too, “contended, that they had no right to give up their own [privileges, and independence; that were the privileges, and Independence of the people of England.” [The case of Sir Francis Burdett is very well collected into the Annual Register, 1810]

The Bahama people, my Lords, seem to have entered into the sentiments of Mr. Wilberforce, without any Communication with the worthy [se...?]. The Moment, that the assembly was dissolved, the people of New Providence island were called and met to consider the state of the country, when their Constitutional protectors were dissolved; when the Treasury was shut against the public Creditors; when the general distress became apparent; and when anarchy was substituted in the place of Law. But the Free-

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Holders, and House holders of the Island of New Providence when assembled, on the first of February last, did not proceed, with zeal, without knowledge. They called for proofs & Documents, to shew them the cause of such a state of Government. The Documents were laid before them, while the causes of the events were explained; and, they now came to the following, among other Resolutions:

1. “Resolved, that it is the opinion of this meeting, that the commitment of William Wylly Esq, the attorney General of these islands, by the late House of Assembly, for repeated contempts, and breach of privilege, was legal, regular, and according to the undoubted, and constitutional rights, and usages of the Representatives of the people of these islands, when convened, and sitting in their legislative capacity.
2. Resolved, that it is the opinion of this meeting, that the discharge of the said William Wylly on bail, by the Justices of the General Court, after being so committed by the House of Assembly, was illegal, irregular, and unprecedented.
3. Resolved – That the House of Assembly of these Islands, when in Session, is the Grand Inquest of the Colony, and a superior tribunal to any of the Courts of law therein, on all questions, touching their own privileges; and therefore, that the aforesaid interference of the Judges of the general Court, with the proceedings of that House, was unconstitutional, and subversive of the privileges of the British Subjects inhabiting this Colony. There were passed, on that occasion, various other resolves, all tending to assert and affirm those fundamental principles of the Colonial Constitutions in the West India Islands, which connects the liberties of the people, with the privileges of their Representatives, according to Mr. Wilberforce’s Parliamentary opinion.

The resolves of the People thus called in a general meeting, was followed by the presentment of the Grand Jury of the County to the General Court during Hilary term, 1817. “We the Grand Jurors of our Sovereign lord the King, upon our oaths, present, that the recent dissolution of the General Assembly of these islands, while some very important business of the Session remained unfinished, appear to us to be a public grievance, and a measure, which must prove highly injurious to the colony in general: That [?] and premature dissolution of the General Assembly ought never to take place unless in extreme cases, and for causes the most important, That the said late dissolution of the General Assembly of the assembly of these islands cannot be justified on account of any of the proceedings of the last Session; as we have no reason to believe, that any unconstitutional measures were used, or pursued, by that House; but, on the contrary that their proceedings have been highly satisfactory to the community at

large, particularly so, in those steps taken by the House, to preserve its own dignity, and to punish contempts committed, by a breach of its privileges.”

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George Chalmers continues, starting with laws and analogies, usage and practices of the Assembly previously in relation to privilege and authority of the House, and concludes with answering the question: how such various mischiefs can be remedied and a legitimate government be again restored.

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“The proposed Appendix to the Representation,” and “The Appendix” [numbered lists of documents].

[Appendix section starts?]

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Letter, dated at Nassau January 2, 1817; William Kerr to George Chalmers, Colonial Agent for the Bahamas, Whitehall, London

My Dear Sir

I beg leave to inform you that the Legislature of these Islands is still in Session the business thereof having been delayed from various causes. All the Revenue Bills with several others were however on the 31st of December last assented to by His Excellency the Governor. Among the Acts passed was one for the better regulation of Methodist Missionaries and other dissenting Preachers in these Islands with a suspending clause until His Majestys pleasure shall be known, also an Act for altering the trial of Slaves for capital Offences by which all trials of Slaves for such Offences are hereafter to take place in the General Court in the same manner as white and free Persons of Colour have been tried in like cases. An Act for the regulation of the Police of the Island of New Providence has been passed in which a clause was inserted to prevent Methodist and other dissenting Preachers using Public Worship therein at any time before the rising of the Sun or after the setting of the Sun. This last mentioned Act it is hoped will effectually prevent the practice of nightly preaching which has proved highly prejudicial to the Inhabitants of these Islands and particularly to the Slave Proprietors and free people of colour. An assessment Bill was passed by the House of Assembly with a clause imposing a tax of ten pounds upon all Persons who should after the passing thereof take any alien as an Apprentice under any Circumstances whatever that Clause as you may readily conceive was intended to prevent the needy and unthinking Inhabitants of these Islands from taking as Apprentices Africans who may hereafter be condemned in our Court of Admiralty as forfeited: the Council however rejected the Bill in consequence of such Clause. Another Assessment Bill was afterwards brought in and passed by the House without that Clause. Early in the Session a message whereof the enclosed is a printed copy was received by the House from His Excellency the Governor. The same was in due time taken into consideration and a select Committee was appointed to enquire into the matters which are stated in the enclosed Report of

the said committee. A Committee of the whole House having again taken His Excellency's Message into Consideration recommended almost unanimously (there being only one dissenting voice) that the enclosed Resolutions should be adopted by the House. Along and ably drawn Message to His Excellency the Governor founded upon the said Resolutions has also been recommended to the House for adoption, and this day has been fixed for the ultimate decision thereon. The People here are aware that the Legislatures of Jamaica and Barbadoes have passed Acts for the Registration of Slaves in compliance with the wishes and recommendation of His Majesty's Ministers, yet the Assembly of these Islands appear determined not to pass a law for that purpose in compliance with the said Message from His Excellency the Governor, for the reasons stated in the enclosed Resolutions, whatever may be the consequence. I send you herewith a news paper containing a Statement of the Acts assented by the Governor. It is impossible for me to say what further Acts may be passed or measures adopted before the close of the Session.

With Sentiments of high regard

I have the honor to be

Dear sir, Yours faithfully

William Kerr

P:S: 1 O'clock the House have just now agreed to the enclosed Resolutions.

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House of Assembly

Tuesday January 7th 1817

On Motion Ordered That the Appendix No. 2 to the Pamphlet written by Mr. Stephen a director of the African Institution in defence of establishing a Registry of Slaves in the British Colonies called a second Letter to Wilberforce be now read.

And the same having been read accordingly.

On Motion the House resolved itself into a Committee of the whole house on the said Appendix.

Mr. Speaker left the Chair.

Mr. Barr took the Chair of the Committee.

Mr. Speaker resumed the Chair, and Mr. Barr from the Committee reported that they had come to the following Resolutions which they recommended to be adopted by the House.

That it is the opinion of this Committee that the Extract under consideration, contains injurious misrepresentations of the proceedings of the House during the last Session, in contempt of the House.

That it be recommended to the House to appoint a Select Committee to enquire whether His Majesty's Attorney General of these Islands did correspond with any of the Directors, Officers or others of the

African Institution on the subject of his examination before a Select Committee of this House during the last Session and whether he transmitted to any of the Directors or others as aforesaid any of the documents or papers now under the consideration of this Committee, and also to enquire whether any partial or unfair means were used by the aforesaid Select Committee in the examination of the Attorney General or others, and also whether the said Committee suppressed any part of the answers of the said Attorney General to the questions which were put to him and others, and further to enquire whether any means were used by the said Committee to ascertain what answers would be given by the different persons examined by the said Committee before the questions were put to them.

And the said Resolution being severally read a second time.

Resolved that the House do agree to the same.

Ordered that Mr. Hawkins, Mr. Bunch, Mr. Rigby, Mr. Barr and Mr. [Pupall?] be a Committee for that purpose and that they have power to send for Persons and Papers.

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Tuesday January 21st 1817

Mr. Bunch from the Committee appointed to enquire whether His Majesty's Attorney General for these Island did correspond with any of the Directors, Officers or others of the African Institution, on the subject of his examination, before a select Committee of this House during the last Session, and whether he transmitted to any of the Director's or others aforesaid any of the Documents or Papers now under consideration of this Committee and also to enquire whether any partial or unfair means were used by the aforesaid select Committee, in the Examination of the Attorney General others, and also whether the said Committee supported any part of the answers of the said Attorney General or others to the questions put to them, and further to enquire whether any means ever used by the said Committee to ascertain what answers would be given by the different persons examined by the said Committee before the questions were put to them, delivered the following Report:

That in order more effectually and expeditiously to elucidate the matters under their consideration, they addressed a Letter to William Wyllly Esquire His Majestys Attorney General dated the Eleventh Instant a Copy of which is hereunto [annexed No. 1](#). informing him of their Intention of Carrying into effect the wishes of the House and at the same time enclosed him a Copy of the above Resolution, and of Interrogations framed by your committee and intended to be put to the chairman and others of a select Committee appointed in November – One thousand eight hundred and fifteen for his information, and offering him an opportunity to communicate with your committee on the Subject. In reply thereto Your Committee received a letter from His Majesty's said Attorney General dated the fifteenth Instant hereunto [annexed No. 2](#), to which they consider it their duty particularly to direct the attention of the House, conveying as it does sentiments of the Utmost Contempt for it, and a Consciousness of the Immovable Basis, on which he considers himself placed.

Your committee further report that they have examined several persons upon the different points they were directed to enquire into, and that their examinations have been committed to writing and sworn to, and are hereunto [annexed marked Numbers 3 and 4](#) and that in addition they have Introduced several [Papers marked ABCD and E](#) containing Copies of Letters and of the first and second Answers of

William Wylly Esquire His Majestys said Attorney General, to the questions put to him by the Committee of the preceding Session, to which the Committee direct the attention of the House.

On due Consideration of the Documents above named and of the Circumstances coming under the cognizance of Your Committee, they do not hesitate in avowing their unequivocal opinion, that no partial or unfair means were adopted by the select Committee appointed in November One thousand eight hundred and fifteen to acquire the sentiments of those who were to be examined by them nor were any material parts of the Answers of His Majestys said Attorney General, or others suppressed by them; but your Committee further Report, their unalterable conviction that William Wylly Esquire His Majestys said Attorney General Did Correspond with some of the Directors Officers or others of the African Institution on the subject of his examinations before the said select Committee of November One thousand eight hundred and fifteen, and that he did transmit the Documents alluded to in the Resolution of the House on the seventh Instant which are to be found in the Appendix No. 2 of a letter written by Mr. Stephen a Director of the African Institution in defence of establishing a Registry of Slaves in the British Colonies known by the name or title of a second letter to William Wilberforce Esquire, and Your Committee are strengthened in their opinion from a conviction that if William Wylly Esquire His Majestys said Attorney General was conscious of his Innocence of the suspicions existing against him, that the candid and unconcealed manner in which Your Committee informed him of their Intentions would have induced him to have exculpated himself from a Charge implicating him either in his Official or Civil Capacity; And your Committee cannot forebear forcing upon the attention and Consideration of this House the Contemptuous answer given by the said Attorney General to your Committee than which no better evidence of his guilt can be required, and further, that they are of opinion, that the above mentioned extracts from the Appendix to the letter Number 2, contain a gross and Scandalous misrepresentation of the Proceedings of this House and were dictated by the most insidious and impure motives, betraying a hostile disposition to the welfare of this Community.

Your Committee forbear commenting further, but Submit the Documents hereunto annexed to the Wisdom of this House.

John Perpall

Thomas Barr

Thos. R. Rigby, Rob H. Bunch

Geo Hawkins

[Attachments from above committee:]

[Attachment] No. 1 [1 is crossed out and replaced with 3]

Nassau N.P. 11 January 1817

Sir

We the undersigned a select Committee appointed by the House of Assembly of these Islands, to investigate the matters contained in the enclosed resolution, which have their source from certain Passages of a Pamphlet and its appendix called a second letter to W. Wilberforce and Published in London, have to inform You that we shall commence our inquiries on Tuesday the fourteenth instant at one O clock in the Committee room; We accompany this for your information with a copy of the

Interrogatories to be administered to the members of a select Committee of the Preceding Session Appointed to enquire into the Authenticity nature and effect in connection with the Interests of this Colony of Certain Printed Books or Papers, setting forth causes for a general Registration of Slaves etc.

Our Intention in enclosing the Documents above named is to acquaint you with the generally received impression, that a Correspondence unfavourable to the Proceedings, [views?] and Welfare of this Colony, has existed, between you and the African Institution and to offer you an opportunity of exculpating yourself from a charge so materially injurious to you either as an Individual or in an Official Capacity.

Any written communication on the subject will be readily received, or if preferable your personal attendance will be acceptable and Satisfactory.

We have the honor to be

Sir

Your Obedient Servant

Thomas Barr

John Perpall

Thos. R. Rigby

Geo Hawkins

Rob H Bunch

To William Wylly Esqr.

His Majestys Attorney General

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Interrogatories to be put to the Chairman and others, composing a part of a Select Committee appointed by the House of Assembly on Friday the Tenth Day of November One thousand eight hundred and fifteen, to Report on the authenticity, nature and probable effect, in connection with the Interest of this Colony of certain printed Books or papers, setting forth causes for a general Registration of Slaves etc. etc., etc.

Ist. Were you or were you not a member of Committee appointed as aforesaid?

IInd. Were you, or were you not present on the examination of Wiliam Wylly Esquire His Majestys Attorney General in this Colony?

IIIrd. Do you or do you not know or believe that any sinister or partial means were adopted or even designed by the aforesaid Committee in the examination of His Majestys said Attorney General or others, which have tended in any way whatever to place any other construction on the deposition then made, than that intended to be conveyed by them?

IVth. Do you or do you not know or believe that any attempts were made or means used by the said Committee to ascertain the Sentiments of those examined by them, previous to the questions being put to them?

[Attachment] No. 2 [2 is crossed out and replaced with 4]

His Majestys Attorney General for the Bahama Islands has had the honor to receive the Letter, which the select Committee of the House of Assembly were pleased to address to him, on the 11th Instant together with the enclosures to which it refers.

The Attorney General has given all due consideration to those papers, which he thinks it necessary to request his Excellency the Governor to transmit to England, for the Information of His Majestys Government, and he must beg leave to decline giving the Committee the Explanations which they have thought proper to demand, until the pleasure of his Royal Highness the Prince Regent (to whom only, or to his Representative, the Attorney General is accountable for his official conduct) shall have been signified to him upon that head.

Wm Wylly

Nassau 15 January 1817

[Attachment] No. 3

Answers to the Honorable Lewis Kerr Speaker of the House of Assembly heretofore chairman of the select Committee appointed by the House on Friday the Tenth day of November, One thousand eight hundred and fifteen, referred to in the Interrogatories of this Committee.

Ist. This Examinant was Chairman of the Committee in question.

IInd. This Examinant was present at the Examination of Wiliam Wylly Esquire His Majestys Attorney General in this Colony before the said Committee.

IIIrd. This Examinant des not know or believe that any Sinister or Partial Means were adopted or designed by the said Committee in the Examination of the Attorney General or of any other examinant to place any other Constructions on the depositions then made, than that intended to be conveyed by them.

IVth. No material part of the Depositions of the Attorney General or of any other examinant before the said Committee was suppressed to the best of this examnants Judgement and recollection, when the Attorney General was under examination, and while the Clerk was Committing the same Paper, some of the members Occasionally conversed with the Attorney General, on subjects alluded to in his examinations, as well as others entirely unconnected therewith, but the Attorney General did not even seem to require that any part of these Conversations should be inserted in his deposition, after his deposition was complete, it was read over to him by the Clerk, or he looked over it himself, this examinant is not certain which, but the Attorney General made no objections to the same, as taken down but on the contrary, he acquiesced therein as having been

correctly taken, and afterwards signed the same, as this examinant understands, without difficulty or objection as soon as a fair copy was prepared for his signature.

Vth. I am certain that the Committee did not make any attempts or use any means to ascertain the sentiments of those examined by them before the questions (which were in writing) were put into their hands. The Examinant Cannot say what unofficial conversations the other members of the Committee may have had with the examinants, previous to their Examination. But this deponent does not know or believe, and never had any Reason to suspect, that any Member of that Committee ascertained the Sentiments of any of the Examinants, with a view to direct or control in any way the nature or extent of the enquiries to be made. The questions were in writing, and were all put to every examinant indiscriminately and the Examinant does positively undertake to say on behalf of the Committee, so far as he may be competent, from circumstances, to speak of the motives of their conduct, that in selecting the persons to be examined, and in framing the questions to be asked of the whole, they were as to the former, governed only by the respectability of Character, and the means of information on the part of the persons to be examined; and as to the latter by a strict sense of the duty which they were appointed to perform, within the limits prescribed to their enquiries. This examinant begs to [submit five papers](#) to this committee viz – a copy of the questions put to all the persons examined as aforesaid [marked A](#). A Copy of the Attorney Generals first draft of his Answers, dated the Twelfth December one thousand eight hundred and fifteen, and Proposed by him to the Committee [marked B](#). This copy is in the hand writing of Mr. Andrew La Croix, who probably can prove its being a Correct Copy of the Original in the hand writing of the Attorney General, which Original was Returned to the Attorney General as the Examinant understands, by his, the Attorney Generals own desire, an Original draft of the Attorney Generals answers as amended by him dated the Eighteenth of the same month and also proposed to the Committee [marked C](#). An Original note from the Attorney General to the Committee of the fourteenth of the same month [marked D](#); and an original note from the Attorney General to the Committee of the Eighteenth of the same month, [marked E](#); and sent with the above draft of his amended answers. The Committee finally determined not to receive the Attorney Generals answers in writing and summoned him to answer their interrogatories [?], and it was in this one instance only that the committee had Occasion to Object to any irrelevant matter offered by an examinant.

L. Kerr

Sworn to at Nassau in the Island of New Providence the Seventeenth day of January in the Year of Our Lord One thousand eight hundred and Seventeen

Before me

Alexr M. Edward

J.P.

[Attachment] No. 4

The Answer of Alexander Martin Edwards to questions put to him by a Committee of the House of Assembly

To the 1st. That the Examinant was appointed and Acted as Clerk of a Select Committee who were appointed to examine and report as to the authenticity nature and probable effect in connections with the interests of this Colony of certain printed Books or Papers relative to the Registration of Slaves at the Examination of William Wylly Esquire His Majestys Attorney General of these Island.

IInd. That the Examinant was present at the examination of William Wylly Esquire His Majestys said Attorney General before the said Committee.

IInd. That the Examinant does not know or believe that any sinister or Partial means were adopted or designed by the aforesaid Committee in the Examination of His Majestys said Attorney General or others, which have tended in any way to place any other construction on their Depositions than that intended to be conveyed by them

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IVth. That at the examination of the said Attorney General the Honorable Lewis Kerr Esquire was present and Acted as Chairman of the said Committee, and who put the several questions from number One to number Six (to the best of the Examinants recollection) to him the said Attorney General, That the Examinant was directed by the said Committee to write down verbatim the Answers which he the said Attorney General gave to each particular question, which the Examinant did, and read them separately as they were taken down. That having proceeded as far as the Sixth question to the best of the Examinants recollection, the Attorney General then said that the Answers which he had prepared to the remainder of the questions would he conceived be satisfactory to the Committee, and which would save time, or words to that or the like effect. That he then took out of his pocket a written paper and read the remainder of his Answers commencing with the Seventh (to the best of the Examinants recollection) which were received without alteration by the said Committee as a part of his the Said Attorney Generals Answers; and the Examinant was Ordered by the aforesaid Committee to have a fair Copy of the said Answers made which the Examinant did, and waited upon the Attorney General with them at his House for his perusal and Signature, the said Attorney General having perused and signed the said Answers the Examinant then swore him to them as a Justice of the Peace, and the Examinant delivered to the said Attorney General the aforesaid written paper containing the residue of his the said Attorney Generals Answers agreeably to the request of him the said Attorney General

Vth. That he does not know or believe that any attempts were made or means used b the said Committee to ascertain the sentiments of those examined by them, previous to the questions being put to them.

Alex. M. Edwards

Sworn to this [17?]

January 1817 before me

James Aunbuster?

J. P.

[Attachments from above committee as mentioned above:] Papers marked ABCD and E containing Copies of Letters and of the first and second Answers of William Wyllly Esquire His Majestys said Attorney General, to the questions put to him by the Committee of the preceding Session, to which the Committee direct the attention of the House.

[Attachment] A

First. What office do you hold in these Island, and how long have you held such office, or what is your profession, business or occupation?

Second. Have or have not any Africans been smuggled or otherwise illegally introduced into these Island, either direct from Africa or elsewhere since the year 1808, or has any suspicions been entertained of any attempt of that nature, as you know, have heard, or have reason to believe?

Third. Are or are not more Slaves wanted in this Colony than the Inhabitants thereof at present possess, and do you or do you not know or believe that no advantage could be derived to any Inhabitant or other person by illegally introducing Africans or other Slaves into these Islands.

Fourth. Do you, or do you not know or believe that Slaves have decreased in value very considerably in these Islands within the last seven years, and do you or do you not know or believe that such depreciation is owing principally to the exhausted state of the soil, or from any other and What Causes?

Fifth. Do you or do you not know or believe that all the Clauses in the consolidated Slave Act of these Islands, so far as the same regard the proper treatment of slaves have been faithfully carried into effect, and that every disposition for that purpose has been uniformly evinced by the Judges and juries of these Islands upon all occasions where Trials have taken place for Cruelty or ill treatment to Slaves? And do you or do you not believe that the Inhabitants of these Islands generally have shewn a ready disposition to prosecute and bring to trial and punishment persons who have been accused of Cruelty to Slaves, what is your opinion from our observations and local knowledge of the general treatment of Slaves in these Island? Are or are not slaves generally treated with humanity and care, and are or are not instances of Cruelty or ill treatment very rare? Relate full all

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you know, have heard or believe regarding the premises?

Sixth. Do or do not Free People of Colour in these Islands enjoy the same rights of Property both real and personal without limitation as to the value thereof, as the white Inhabitants? And are they or are they not protected in their Persons and Property by the same laws, which afford protection to the white Inhabitants?

Seventh. Do, or do not, Trials for Freedom often take place in the General Court of these Islands, and is or is not every possible facility given to Persons wishing or applying for such Trials: And do you or do you not know or believe that every proper indulgence is shewn to the Counsel of such person in the production of evidence to substantiate his Claim? And that there is always a leaning of both Court and Jury in favour of freedom.

Eighth. When slaves are sold in these Islands under Execution Mortgage or otherwise, are they or are they not disposed of always in whole Families, Except; in cases where some of such Families have themselves requested to be sold separately: Relate fully your knowledge and belief herein?

Ninth. Is it, or is it not a general practice with persons in these Islands, wishing or being obliged to disposed of Slaves to bring them to the seat of Government for that purpose? And is it, or is it not a usual and common practice to allow such slaves to look out for purchasers to their liking?

Tenth. Are or are not the slaves in these Islands generally much attached to their Owners? And are there not many instances of their returning voluntarily to these Islands and to their masters after being carried to Foreign Countries as Prisoners of War or otherwise and where they might have been free; Relate all you know or believe herein. And also such particular instances of attachment as may have come to your knowledge, are or are not almost the whole of the [Droghing?] vessels of these Islands, navigated, and often Commanded by Slaves or other Persons of Colour, And are or are not the greatest facilities afforded the slaves in such vessels and also the slaves on Plantations in these Islands to runaway if they thought proper to avail themselves of the same.

Eleventh. Have you acted as a Vestryman or warden of either of the Parishes in the Island of New Providence. If yea In what particular years, and was there any and what number of Free People of Colour on the Poor Establishment of such Parish at the time You Acted as a Vestryman or warden and what proportion did the Coloured Paupers bear to the Whites on such Establishment?

Twelfth. Are you acquainted with any and which of the Poor Schools or other Schools maintained by the Public or the Island of New Providence, or elsewhere in these Islands and are not Children of Colour admitted into those Schools in the same manner, and with the same rights and advantages as white Children, and what proportion do the numbers of Coloured Children generally bear to the numbers of White Children Educated at the Public Expence in those Schools?

[Attachment] B

Bahama Islands

New Providence

The Answers of William Wylly of the Island of New Providence Esquire to certain Interrogatories exhibited to him by a Committee of the Honorable House of Assembly.

To the 1st. The Examinant says he holds the offices of His Majestys Attorney, Advocate and Procurator General for the Colony, and that he has held the same since the Year 1799.

To the 2nd. The Examinant knows of two American Negroes and Six Africans, who have been illegally imported into this Colony since the passing of the Abolition Act all of whom were seized, prosecuted and made free, but that except those the Examinant neither knows nor believes that any African or other Slaves have been brought into this Colony since the passing of that Act.

To the 3rd. That Slaves have not been in demand in this Colony during the last Ten Years, twenty Hurricanes, in the course of the last twenty years, having ruined most of the planters and effectually damped all arduous here in Agricultural Speculations. That Lands which were formerly worth from two to three Guineas an acre, will not now sell for more than two or three shillings. That the average value of Plantation Slaves was formerly from fifty to sixty pounds Sterling, but they are not now worth more than One half of that money. That the Examinant would consider the smuggling of slaves into this Colony as the worst and most disadvantageous of all Commercial Speculations.

To the fourth. Answered in the foregoing

To the fifth. The situation of some of these Islands is so detached and remote that the Examinant cannot take upon himself to say that all the Clauses of the Consolidated Slave Act have been faithfully carried into effect: That; that Act was introduced into this Colony by the Examinants. It's little more than a Transcript from the Jamaica Law Books, and is greatly defective in this respect; to wit That it does not contain the necessary provisions for enforcing its Execution, so that nothing is more easy, especially upon the distant Islands, than to evade its regulations; That this Examinant has not for some years past visited any of the Out Islands, but was formerly in the practice of paying annual visits to two Plantations which belonged to him on Long Island, and frequently called at the other Islands in his way; And, that from the Official situations which he has held since the introduction of the Consolidated Slave Act, the Examinant verily believes that Act is generally observed as the rule by which our Slaves are governed, but that all Laws are exposed to violation; That even in England, the first Government on Earth, and in which Public Justice is most ably and impartially administered, Rapes, Murders, Robberies, and other Acts of violence are daily committed, And in like manner our Slave Laws, as well as the rest of our Laws, are also Subject to Violation, but never with impunity, where the offence has come to light and Evidence could be obtained by which to maintain a Prosecution; That Justice is administered to our Slaves, as fairly and impartially as could be expected even in Westminster Hall, but that the defects of the Consolidated Slave Act (for which the Examinant alone is blameable) call aloud for amendment; That, that Act requires that the owner of every Plantation shall provide and give to each of his Slaves, a certain Weekly allowance of Provisions, Yet it contains no regulation by which the Master is bound to shew that the proper allowances have been issued to his Slaves. It directs that a certain quantity of Clothing shall be given annually to every slave, but it contains no regulation by which the Master is bound to shew that he has complied with it direction, And it prohibits all Cruel and Corporal punishments, Yet an Arbitrary Master (like the late Mr. Hodge of Tortola) has only to send his overseer out of the way, and he may give each of his Slaves 500 Lashes instead of Twenty, without any risk of detection; That the Examinant has reason to believe that such Brutalities have sometimes occurred in these Islands though the general treatment of our Slaves is perhaps more lenient, than in any other Country in which Slavery is tolerated; That the examinant never allows a Blow to be struck upon his plantations, without having a memorandum of it made in the Plantation Journal, And that in his opinion the defects of the Consolidated Slave Act may be effectually corrected, by a very short Amendment, simply directing the proprietor of every Plantation or Estate, under a certain penalty, to make an annual return into One of the Public Offices in Nassau, stating the number of Slaves upon his Plantation, the quantity of Provisions and Clothing issued to them in the Course of the Year and also the number and extent of the punishments inflicted and for what offences. For further Answer to the fifth Interrogator, the Examinant begs leave to refer the Committee to the annexed Copy of a Letter written by him in April 1812, to Zachary Macaulay Esquire Secretary of the African Institution, the receipt of which was acknowledged.

To the Sixth. Free persons of Colour are protected here, in their Prisons and Property by the same Laws, which

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afford protection to the white Inhabitants, But this only in Civil Cases; For by the law of this Colony, no Person of Colour, however respectable, in whose Veins it can be shewn that there is a single drop of Black Blood, can be admitted as a witness, in any Criminal Prosecution against a White man, A most iniquitous rule of evidence, by which the Examinant has seen a Murder enabled to bid defiance to the insulted Justice of the Country. Our Free People of Colour also received some years ago a legislative injury to which it is astonishing they have submitted without a murmur. By the established Law of this Colony, as declared by an Act of 29 Geo 2nd All persons their degrees removed in a lineal descent from a white ancestor are to be deemed White, and are to enjoy all the Privileges and immunities of His Majestys White Subjects of these Islands, if free, and brought up in the Christian religion. And the Governor is prohibited, by His Majestys 17 Instruction, from giving his Assent to any Bill for repealing any [?] Law whether the same shall have received the Kings approbation or not without a suspending Clause. The Act of 29 Geo 2nd could not therefore be Repealed without a suspending Clause, which would necessarily have brought it to the consideration of His Majestys Ministers in England, who certainly never would have advised him to Assent to the repeal of that humane Law. Another course was therefore taken, to wit, that Act was suspended for Fifty Years a very effectual repeal, as to the then existing Generation of Free People of Colour in this Colony. Yet strange as it may appear this most extraordinary suspending Act has hitherto escaped the Vigilance not only of His Majestys Ministers, but of the African Institution. It is perhaps Void in Law, as having been Assented to by the then Governor (Mr. Halkett) contrary to His Majestys Commission and Instructions. But it might be put to sleep for ever if His Royal Highness the Prince Regent would be pleased to signify his disapprobation of it, For further matters contained in the Sixth Interrogatory, the Examinant begs leave to refer the Committee to his above mentioned letter.

To the Seventh. For Answer to this Interrogatory the Examinant begs leave to refer the Committee to his aforesaid Letter.

To the Eighth. Gangs of Slaves, intended for Sale in these Islands, are generally brought to Nassau and sold at Auction. They are however (I believe in all instances) allowed to go about Town previous to the day of Sale, in order to look out for Masters of their own choosing. And in that way, it often happens that they prefer being sold singly and separately from their families. The Examinant not long since caused a gang, consisting of 49 Slaves, which belonged to an Estate of which he was Administrator, to be sold in this Town, and they were divided into the following Lots, to wit, 1st lot contained 8 Slaves; 2nd, 5; 3rd, 7; 4th, 7; 5th, 11; and 6th lot sold singly at their own desire or because they were not connected with any of the Families.

To the Tenth. For answer to this Interrogatory, the Examinant again begs leave to refer the Committee to his aforesaid Letter.

To the Eleventh. The Examinant has but little knowledge on this head, but he has reason to believe the Poor House in this Island, and the Parish Schools in all the Islands within this Government are equally open to Free Negroes and People of Colour, as to white paupers.

To the Twelfth. The Examinant can answer to this Interrogatory only in the general way in which he has given his answer to the Last.

Signed Wm Wylly

Given under my Hand at Nassau

This 12th day of December 1815

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Bahama Islands

New Providence

Andrew La Croix of the Island of New Providence Gentleman being duly Sworn saith that the within contains a true and faithful copy to the best of the Deponents knowledge and recollection of the Answers of William Wylly Esquire His Majestys Attorney General to certain Interrogatories put to him the said William Wylly by a Committee of the House of Assembly during the last Session

Signed Andrew La Croix

Sworn to the 20 January 1817

Before me

Signed Alex M. Edwards

J.P.

[Attachment] C

Bahama Islands

The Answers of William Wylly of the Island of New Providence Esquire to certain Interrogatories exhibited to him by a Committee of the Honorable the House of Assembly

To the first Interrogatory. The Examinant says he holds the offices of His Majestys Attorney Advocate and Procurator General for this Colony, and that he has held the same since the Year 1799.

To the Second. The Examinant knows of two American negroes and Six Africans, who have been illegally imported into this Colony, since the passing of the Abolition Act; all of whom were seized prosecuted and made free, but that except those, the Examinant neither knows or believes that any African or other Slaves have been brought into this Colony, since the passing of that Act.

To the third. That Slaves have not been in demand in this Colony during the last Ten Years, twenty Hurricanes in the Course of the last twenty years having ruined most of our Planters, and effectually damped all ardour here in Agricultural Speculations. That Lands, which were formerly worth from two to three Guineas an Acre, will not now sell for more than two or three shillings Currency. That the

average value of Plantation Slaves was formerly from Fifty to Sixty pounds Sterling, but they are not now worth more than one half of that money. That the Examinant would consider the smuggling of Slaves into this Colony as the worst and most perilous and disadvantageous of all commercial Speculations.

To the fourth. Answered in the foregoing

To the fifth. The Examinant cannot take upon himself to say that all the Clauses of the Consolidated slave Act have been faithfully carried into effect, that Act being greatly defective in one respect: viz – that it does not contain the necessary Provisions for enforcing its Execution, so that nothing is more easy than to evade its Regulations, but that the Examinant verily believes it is generally observed as the Rule by which our Slaves are Governed, like all other Laws, it must of course be subject to occasional violation, never however, with impunity, where the offence comes to light, and evidence can be obtained by which to maintain a Prosecution. That Justice is administered to our Slaves as fairly and impartially here as could be expected in Westminster Hall but that the defects of the Consolidated Slave Act (which is only a Transcript from the Jamaica Law, and for which the Examinant who introduced it here is alone blameable) call aloud for the Amendment. That the Proprietor of every plantation ought to be obliged to make annual Returns into some Public Office in Nassau, shewing the number of Slaves on each Plantation, the Births, Deaths, Removals, the quantity of Corn or other Provisions and Cloathing issued in the course of the Year, with the number and extent of the punishments inflicted, and for what offences. That the general treatment of Slaves is perhaps more lenient here than in any other Country in which Slavery exists. That the Judges and Juries, upon all occasions where trials have taken place here, for Cruelty towards Slaves, have evinced a disposition to do them Justice, that our slaves are generally treated with humanity, and the Examinant believes Instances of Cruelty to be but rare in these Islands.

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To the Sixth. The Examinant says that free persons of Colour in these Islands enjoy the same rights of property, both real and personal without Limitation as to the value as the White Inhabitants, and that they are protected, in their persons and property, by the same Laws which afford protection to the White Inhabitants, but this only in Civil Cases, for by an Act of 24 Geo 3rd. It is enacted, that the oaths of Negroes, Mulattos, Mustees, or Indians, shall not be admitted against any White person except in matters of Debt, under which Law, no person whatever, however free and respectable, in whose veins it can be shewn that there is one drop of black blood, can be received as a witness in any Criminal prosecution, against the lowest White Man, a most extraordinary rule of Evidence by which the Examinant not long since saw a Murderer enabled to [?] defiance to the insulted Justice of the Country. That by the Established Law of this Colony, as declared by an Act of 29 Geo 2nd all persons above three degrees removed in a lineal descent from a black Ancestor are to be deemed White, and are to have and enjoy all the privileges and immunities of his Majestys White Subjects of these Islands if free and brought up in the Christian Religion, but that humane and wise Law was suspended for fifty years (a very effectual repeal, as to the then existing generation) by an Act passed in the Year 1802 which last mentioned most extraordinary Act has hitherto escaped the observation, not only of His Majestys Ministers but of the African Institution.

To the Seventh. The Examinant says that many Trials for freedom have taken place in the General Court of these Islands, and that great facility is by Law and the practice of that Court given to persons of

Colour applying for such Trials. The Examinant believes that by far the greater number of those Persons who have sued for their freedom have obtained it.

To the Eighth. The Examinant says that gangs of Slaves intended for Sale in these Islands are generally brought to Nassau, and sold, at auction. They are however (as the Examinant believes in all instances) allowed to go about Town, previous to the day of Sale, in Order to look out for masters of their own choosing, and in that way it often happens that they prefer being sold singly and separately from their families. The Examinant not long since caused a Gang of 49 Slaves, which belonged to an Estate of which he was Administrator, to be sold in this Town, and they were divided into the following Lots Viz – 1st lot contained 8 Slaves; 2nd, 5 slaves; 3rd, 7 Slaves; 4th, 7; 5th, 11; the rest were sold singly at their own desire, or because they were not connected with any of the families.

To the Ninth. Answered in the last.

To the Tenth. The Examinant says the Slaves in these Islands may be distinguished into four Classes viz – Black Seamen, Slave belonging to the [petty?] farmers, Plantation Slaves, and Domestic Slaves.

1st Our Black Seamen are perhaps equal to any in the World our Island Vessels are principally manned by them, and many of our Droghers, Turtlers and Fishing Vessels are Commanded by them. They are generally allowed certain proportions of the profits of each Cruize or voyage, and there is no difference between their treatment and that of our white Seamen. They have daily opportunities of going off to the neighbouring Colonies of Cuba, Saint Domingo and Florida, yet rarely do so, and the Examinant has heard of a multitude of cases in which when taken by an Enemy they have contrived to effect their escape and return to voluntary Slavery.

2nd. There are some hundred petty farmers in these

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Islands who supply the Town of Nassau with poultry, fruit, roots, etc. These people generally own a few Slaves. They live together, very much upon a footing of equality, and it often happens that the Slave is a more intelligent, and perhaps a better man than his master.

3rd. Our principal Planters now generally reside upon their Estates, by which means the Plantation Slaves are protected from the brutalities of low and ignorant Overseers; and the Examinant has every reason to believe that they are in general well attached to their masters.

4th. The Situation of our Domestic Slaves is perhaps as easy and comfortable, as that of free Domestics, in most other Countries.

To the Eleventh. The Examinant has but little knowledge on this head, but he has reason to believe that the Poor House in this Island, and the Parish Schools in all the Islands within the Government, are equally open to free negroes and people of Colour, s to White paupers.

To the Twelfth. The Examinant can answer to this Interrogatory only in the general way in which he has given his answers to the last. The Examinant takes the liberty to annex a Copy of a Letter which he had Occasion to write, between three and four Years Ago, to Zachary Macaulay Esquire which may perhaps more distinctly shew his sentiments respecting the general treatment of Slaves in this Colony.

Signed Wm Wylly

[Attachment] D

When the Interrogatories were left with Mr. Wyly he was so unwell as to be utterly unable even to peruse them, and could not possibly attend to them until last Monday forenoon, when he made a draft of Answers to five or six of them, and finished them in a paroxysm of the fever on Tuesday. At which time understanding that the Committee were waiting for them he took the liberty to send them as they were as he had no person about him capable of making a proper copy.

If the Committee will take the trouble to look at the 5th and 6th Interrogatories, they will perhaps perceive that some of the questions are so put that Mr. W. had no alternative but either to answer directly in the negative or to go into explanations of some length, certainly there is no man living, who can take upon himself to say, that all the clauses of the Consolidated Slave Act have been carried into effect; or that Free people of Colour are protected in their persons (in Criminal Cases) by the same Laws which afford protection to the White Inhabitants.

Should Mr. W. have no return of his fever, he will endeavour, in the course of the day, to prepare full answers to those Interrogatories, to which he was induced by his Indisposition to answer by referring to the Letter written by him in April 1812 to the Secretary of the African Institution and as soon as he can procure a fair Copy to be made of the whole, it shall be sent to the Committee.

Signed Wm Wyly

Nassau Thursday morning

14 December 1815

[Attachment] E

The Attorney General has reconsidered the answers which he gave in some days ago to the Interrogatories exhibited to him by a Committee of the House of Assembly appointed to enquire into the authenticity, nature, and probable effect of three documents, now before the House, upon the subject of certain proceedings now pending in Parliament, relative to the situation of Free Persons of Colour, and Slaves in the British Colonies in the West Indies.

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The Attorney General is satisfied that every part of the matters contained in his answers come compleatly within the scope of the Inquiries, now pending in parliament, and in the House of Assembly, upon the aforesaid subjects, and he perceives that he has fully answered every (even the most minute) questions contained in the Interrogatories, in doing which he felt it to be his duty to give information, not only to the House of Assembly but to Parliament (before whom he presumes his answers will be laid). The Attorney General also knows that witnesses (in all Courts and in all cases) are bound not only to speak the Truth, but the whole truth, according to the best of their knowledge, and he therefore begs

leave to decline making any further alteration in the state of Evidence which he was called upon by the Committee to give.

Wm Wyllly

Nassau 18 December 1815

To William Kerr, Lewis Kerr, James Wood, Alexander Gordon, John Hepburn

On motion the House resolved itself into a Committee of the Whole House on the said Report, and accompanying documents.

Mr. Speaker left the Chair.

Mr. Dunshee took the Chair of the Committee.

Mr. Speaker resumed the Chair and Mr. Dunshee from the Committee reported that they had come to the following Resolution which they recommended to be adopted by the house.

Resolved that it be recommended to the House to agree to the Report of the Select Committee. And the said Resolution being read a second time, Resolved [?] that the House do agree to the same.

Extracts from the Minutes

Alexr M. Edwards, Clerk

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House of Assembly

Wednesday January 22 1817

Resolved that William Wyllly Esquire, His Majestys Attorney General for these Islands, has been guilty of a breach of the privileges of this House, by injuriously and scandalously misrepresenting the proceedings of the House, during the last Session, on the subject of a Bill then before Parliament concerning a General Registration of Slaves in the West Indies, and that the said William Wyllly be therefore taken into the Custody of the Messenger of the House, and in his custody detained until he the said William Wyllly shall be brought to the Bar of the House, to shew cause if any he hath to shew why he should not be committed to Prison for his said contempt of the House and that the Speaker do forthwith issue his Warrant accordingly.

Thursday January 23 1817

The Speaker reported to the House that in obedience to the resolution of the House of yesterday, did issue his Warrant for the arrest of William Wyllly Esquire, and did deliver the same for execution to William Chisholm the Messenger attending the House, who this day returned the same with the following return thereto annexed.

[Return of William Chisholm, messenger]

Bahama Islands, New Providence

William Chisholm the Messenger attending the House of Assembly, to whom the annexed Warrant is directed, being duly sworn on his oath saith, that in obedience to the said Warrant he proceeded to the dwelling House of William Wylly Esquire, in the said Warrant named, in the Town of Nassau where the said William Wylly was not found by the Deponent, that believing the said William Wylly to be at a certain place or Plantation at the West end of this Island of New Providence, called Clifton the property of the said William Wylly, this Deponent proceeded thither last evening for the purpose of executing the said Warrant. That on his approach to the said place he was alarmed by the report of several guns fired in the woods near the road and that on his arrival at the gate leading to the dwelling House at the said place, where this Deponent believed the said William Wylly to be at that time, he this Deponent found the said Gate shut and fastened and guarded by from sixteen to twenty negro men eight or ten of whom were armed with firelocks and bayonets, who refused admittance to the Deponent and by menaces and armed force resisted him in the execution of the said Warrant. That this Deponent remained at the said place during the night and until sun rise this morning, when observing the last mentioned dwelling House to be shut up, and being informed by a Servant that the said William Wylly had departed from the said place, this Deponent returned to the Town of Nassau, and again went to the dwelling House of the said William Wylly in Nassau, where the said William Wylly was not found by this Deponent, and this Deponent further saith that when he was at Clifton as aforesaid, this morning, the horse on which this Deponent had ridden to Clifton as aforesaid, was feloniously stolen from him, as this Deponent verily believes by some of the People belonging to the said William Wylly, at his said Plantation.

The Return of William Chisholm

Sworn to this 23 day of January 1817

Before me

Signed Alex M. Edwards, J.P.

On Motion the house resolved itself into a Committee of the whole House on the said Warrant and Return.

Mr. Speaker left the Chair.

Mr. Barr took the Chair of the Committee.

Mr. Speaker resumed the Chair, and Mr. Barr from the Committee reported that they had come to the following Resolutions which they recommended to be adopted by the House.

1st. Resolved that it be recommended to the House to cause a Speakers Warrant to be issued to commit William Wylly Esquire to jail, during the pleasure of the House for his repeated and daring contempts of the same.

2nd. Resolved that by the Speakers Warrant lately issued by order of this House and the return thereof under oath of the officer to whom the same was directed it appears that William Wylly Esquire His Majestys Attorney General Advocate General and Procurator General, for these Islands, against whom the same was issued did on the night of the Twenty second instant at Clifton in the Island of New

Providence embody or cause to be embodied an armed force or gang of Negro Slaves, for the purpose of resisting the Messenger of this House in the execution of his duty, and that the said embodied force or gang armed with firelocks and bayonets did actually resist the said officer therein, an offence on the part of the said William Wyly in the opinion of this Committee most dangerous and alarming at any time but pugnacious with consequences peculiarly awful at this critical Season, in as much as it holds out a dreadful example to all the Slaves in these Islands to arm themselves in defiance of the laws, and in resistance of one of the highest civil authorities in the Colony. And in order to lessen the influence of this example and do justice at once to the indignant feelings and just [?] excited by the aforesaid daring and indecent misconduct of the said William Wyly. That it be recommended to the House to present an humble address to His excellency the Governor stating the premises and praying that he may be pleased to suspend the said William Wyly from the exercise of his several offices aforesaid until the pleasure of His Royal Highness the Prince Regent acting in the name and on the behalf of His Majesty may be made known.

And the said Resolutions being severally read a Second time.

Resolved [?] that the House do agree to the same.

Ordered that Mr. W. Kerr and Mr. Rigby be a Committee to prepare an humble Address to His Excellency the Governor agreeably to the last Resolution.

Resolved that William Wyly Esquire His Majesty's Attorney General has been guilty of a breach of the privileges of this House, by injuriously and Scandalously misrepresenting the proceedings of this House, during the last Session of the General Assembly of these Islands, on the subject of a Bill then pending before Parliament concerning a General Registration of Slaves in the West Indies in contempt of this House and also for having resisted or caused to be resisted the proper officer of this House by an armed force in the execution of the Speakers Warrant duly issued of the 22nd day of this month of January instant against him the said William Wyly, and that the said William Wyly be therefore arrested and Committed to the Common Jail of the Town of Nassau in the Island of New Providence and there to remain and be imprisoned during the pleasure of this House. And that the Speaker do issue his Warrant or Warrants for that purpose accordingly.

Ordered that there be a call of the House tomorrow.

Friday January 24 1817

Mr. W. Kerr from the Committee appointed to prepare an humble Address to His Excellency the Governor agreeably to the Resolution of the Committee of the whole House, for taking into consideration the Warrant and Return relative to the arrest of William Wyly Esquire report the same which he read in his place and delivered in at the Table.

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On Motion the House resolved itself into a Committee of the whole house on the Address.

Mr. Speaker left the Chair.

Mr. Dunsher/Dunshee took the Chair of the Committee.

Mr. Speaker resumed the Chair, and Mr. Dunsher/Dunshee from the Committee reported that they had gone through the same without making any amendments thereto.

Ordered that the Address be engrossed. The engrossed Address was read in the words following.

[Address of Assembly to governor]

Bahama Island

To His Excellency Charles Cameron Esquire Captain General and Governor in Chief, in and over these Islands, and of the Garrisons there or that may be sent thither, Chancellor, Vice Admiral, and Ordinary of the same.

The Humble Address of the House of Assembly

May it please your Excellency

We His Majestys dutiful and loyal Subjects the House of Assembly of the Bahama Islands request leave to represent to Your Excellency that William Wylly Esquire the Attorney Advocate and Procurator General of these Islands has been adjudged guilty of a breach of the Privileges of the House by a gross and scandalous misrepresentation of the proceedings thereof in the last Session of the General Assembly of this Colony, and that for such breach of privilege and contempt a Warrant was lately issued by the Speaker pursuant to the order of the House directed to one of the Messengers requiring him to take the Body of the said William Wylly into custody and bring him to the Bar of the House to answer for the said offence and be dealt with according to the discretion of the same. That it appears by the return to the said Warrant made on oath by the officer to whom the same was directed that the said William Wylly did on the night of the 22nd instant at his Plantation called Clifton on the Island of New Providence embody or cause to be embodied an armed force or gang of Negro Slaves for the purpose of resisting the Messenger of this House in the due execution of his duty, and that the said embodied force or gang of Slaves armed with firelocks and bayonets did actually resist the said Officer and prevent him from executing the said Warrant. We further represent to Your Excellency that we consider the above mentioned conduct of the said William Wylly as an offence most daring and alarming at anytime, but pugnacious with consequences peculiarly awful at this critical period, inasmuch as it holds out a mischievous wicked and dreadful example to all the Slaves in these Islands to arm themselves, bid defiance to the laws, and resist the highest civil authorities in the Colony. We are therefore most decidedly and firmly of opinion that the said William Wylly by his aforesaid daring wicked illegal and indecent conduct has rendered himself unworthy of holding any office under His Majesty in this Colony, and humbly pray Your Excellency will be pleased to suspend him from his several offices of Attorney Advocate and Procurator General of these Islands until the pleasure of His Royal Highness the Prince Regent acting in the name and on behalf of His Majesty may be made known.

Resolved that the Address do pass.

Ordered that the Speaker do sign the same.

Resolved that the following Message be sent to His Excellency the Governor:

May it please Your Excellency

The House of Assembly beg leave to acquaint Your Excellency that they have prepared an humble Address and request to be informed when you will be pleased to be attended with the same.

Saturday January 25 1817

Mr. Speaker and Gentlemen of the House of Assembly

In answer to your Message of yesterdays date, I have to inform you that I will receive the House with their Address on Monday next at one o'clock at Government House.

Government House

25 January

Charles Cameron

The Speaker reported to the House that in obedience to the resolution of the House of Thursday last did issue his Warrant for the arrest and Commitment of William Wylly Esquire, and did deliver the same for execution to William Chisholm the Messenger attending the House who this day returned the same duly executed.

Monday January 27 1817

The House met according to Adjournment.

Resolved that the House have strong reason to believe from general report and certain Evidence now before the House that William Wylly His Majestys Attorney Advocate and Procurator General of these Islands has been guilty of corrupt and oppressive conduct and malpractices in his said offices.

Resolved therefore that a Select Committee be appointed to enquire whether the said William Wylly has or has not been guilty of corrupt and oppressive conduct and malpractices in his said offices and report to the House thereon with all convenient dispatch, and that the Committee shall have power to send for and examine Persons and Papers.

Ordered that Mr. Kerr, Mr. Barr, Mr. [Bunch?], Mr. Thompson, and Mr. H. Williams be a Committee for that purpose.

The hour for waiting upon His Excellency the Governor with the Address being come.

The whole house then went up to Government House and being returned.

Mr. Speaker from the Chair reported that the house had waited upon His Excellency the Governor and presented their Address to which His Excellency was pleased to return the following answer:

Mr. Speaker and Gentlemen of the House of Assembly

I shall take the earliest opportunity of submitting this Address to the consideration of His Majestys Ministers, by whose commands on the subject I shall be entirely regulated.

Charles Cameron, Government House

27 January 1817

The Provost Marshal having been sent for, and having appeared at the Bar and being directed by the Speaker to inform the House what had been done on the Warrant of arrest and Commitment delivered to him made the following report on oath to wit:

[Provost marshal's report]

Bahama Islands

New Providence

William Baylis of the Island of New Providence Esquire and Provost Marshal of the Bahama Islands being duly sworn saith that on Saturday the Twenty fifth instant William Chisholm the Messenger of the Honorable House of Assembly came to the office of this Deponent and delivered to him the Deponent a Warrant issued by the Speaker of the said House of Assembly for the arrest and commitment of William Wylly Esquire and at the same time was requested by the said William Chisholm to assist in the execution of the aforesaid Warrant and after having

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read the same the Deponent feeling it his duty to assist immediately in the execution of the said Warrant proceeded accompanied by the said William Chisholm towards the House of the said William Wylly with an intention of arresting him therein but having perceived him the said William Wylly accompanied by his son Thomas Wylly Esquire going towards Government House the Deponent and the said William Chisholm followed the said William Wylly to Government House aforesaid where in the office of the Private Secretary of His Excellency the Governor he the Deponent in the presence of the said William Chisholm arrested him the said William Wylly as he the Deponent conceived it this duty under the Warrant aforesaid. That the Deponent and the said William Chisholm then proceeded with the said William Wylly to the Common Gaol of the Town of Nassau where they lodged the said William Wylly by virtue of the said Warrant. That shortly after a Writ of Habeas Corpus signed by the Chief Justice and directed to him the Deponent forth with to bring up the body of the said William Wylly before the Justices of the General Court and by whom he the said William Wylly was admitted to Bail and taken out of the custody of this Deponent.

Signed Wm Baylis

Sworn to before me this 27 day of January 1817

Signed Alexr M. Edwards, J.P.

On Motion the House resolved itself into a Committee of the whole house on the said Report.

Mr. Speaker left the Chair.

Mr. Dunshee/Dunsher took the Chair of the Committee.

Mr. Speaker resumed the Chair, and Mr. Dunshee/Dunsher from the Committee reported that they had come to the following Resolutions which they recommended to be adopted by the House.

Resolved that this House is the sole Judge of its own privileges, and that the Justices of the General Court are not competent to hear or determine on any argument touching the right of this House to any privilege adjudged by the House to belong to the same.

Resolved that the late discharge under bail of William Wyllly Esquire from the custody of the Provost Marshal under Warrant from this House, for a breach of privilege, by the said Justices of the General Court was, and is highly unconstitutional, illegal and unprecedented.

Resolved that the Speaker do again issue his Warrant to arrest and commit to Jail the said William Wyllly in further pursuance of the Resolution of this House of the 23rd instant.

And the said Resolutions being severally read a second time.

Resolved [?] that the House do agree to the same.

Extracts from the Minutes

Alexr M. Edwards, Clerk

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Bahama Islands to William Chisholm the Messenger attending the House of Assembly [meeting?]

Whereas the House of Assembly of these His Majestys said Bahama Islands did on this Twenty second day of January instant, in this present year of Our Lord One Thousand eight hundred and seventeen, (the General Assembly of these Islands being then in Session at Nassau in the Island of New Providence, one of these said Islands) did resolve that William Wyllly Esquire His Majestys Attorney General for these Islands was guilty of a breach of the Privileges of the said House by injuriously and scandalously misrepresenting the proceedings of the said House, during the last Session of the said General Assembly, on the subject of a Bill then pending before the Parliament of Great Britain and Ireland concerning a General Registration of Slaves in the West Indies in contempt of the said House, and that the said William Wyllly should therefore be taken into the Custody of the Messenger attending the said House and in his Custody detained, until he the said William Wyllly should be brought to the Bar of the said House to shew cause, (if any he have to shew) why he should not be committed to Prison for his said contempt of the said House, and that the Speaker do forthwith issue his Warrant accordingly. These are therefore to order, authorize and require you the said Messenger forthwith to take into your Custody the Body of the said William Wyllly, and him in your Custody detain, until you shall bring him to the Bar of the House, for the purposes in the above mentioned Resolution of the House expressed, to be dealt with, as to the House in its discretion may deem meet, and all Marshals, Deputy Marshals, Provost Marshals, Deputy Provost Marshals, Bailiffs, Constables and all other Person and Persons whatsoever are hereby ordered authorized and required to be aiding and assisting you the said Messenger in the execution this Warrant.

Given under my Hand and Seal in the House of Assembly at Nassau aforesaid this Twenty second day of January in the year of our Lord One thousand eight hundred and seventeen and of His Majestys Reign the Fifty seventh.

By order of the said House of Assembly

Signed Ls Kerr, Speaker

I do hereby Certify the foregoing to be a true Copy from the Original

Alexr M Edwards, Clerk

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[King v William Wylly]

General Court Hilary Term, 5th Geo. 3rd

Bahama Islands

New Providence

The Jurors for our Lord the King upon their Oath present, that on the Twenty second day of January in the year of our lord one thousand eight hundred and seventeen to wit, at a place called Clifton in the Island of New Providence, William Chisholm of Nassau in the Island of New Providence then and there that is to say, on the day and year aforesaid, to wit at Clifton aforesaid in the Island of New Providence, being the Messenger of the House of Assembly of these said Bahama Islands, the General Assembly of these Islands being then in Session, to wit at Nassau aforesaid in the Island of New Providence aforesaid, and charged with the execution of a certain Warrant issued by order of the said House of Assembly, under the hand and seal of Lewis Kerr Esquire the then Speaker of the said House of Assembly, whereby he the said William Chisholm was ordered and authorized and required to take and in his Custody to detain the body of William Wylly of New Providence aforesaid, Esquire, and Attorney General of these Islands, until he the said William Wylly should be brought to the Bar of the said House, to answer for a contempt of the said House of Assembly which, as was in the said Warrant alleged, had been committed by the said William Wylly by a breach of the privileges of the said House of Assembly, which warrant bore date the same day and year aforesaid, in the said House of Assembly, to wit at Nassau aforesaid in the Island of New Providence aforesaid and that on the said Twenty second day of January in the year of our Lord One thousand eight hundred and seventeen to wit at Clifton aforesaid in the Island of New Providence aforesaid, the said William Wylly with force and Arms, to wit with firelocks, bayonets and other offensive weapons, in and upon the said William Chisholm (then being as aforesaid the Messenger of the said House of Assembly) in the peace of God and of our said Lord the King and in the due execution of his duty as the Messenger of the said House of Assembly charged as aforesaid with the execution of the aforesaid warrant then and there, to wit at Clifton aforesaid in the Island of New Providence aforesaid being did make an assault, and him the said William Chisholm did then and there beat wounds and otherwise ill treat so that of his life it was greatly despaired and other wrongs to the said William Chisholm then and there did to the great damage of him the said William Chisholm and against the peace of our said Lord the King his Crown and dignity. And the Jurors aforesaid upon their oath aforesaid do further present that the said William Wylly on the said Twenty second day of January

in the year aforesaid at Clifton aforesaid in the Island of New Providence aforesaid in and upon the said William Chisholm in the peace of God and of our said Lord the King then and there being did make an assault and him the said William Chisholm, then and there did beat wound and ill treat, so that of his life it was greatly despaired, and other wrongs to the said Damage of him the said William Chisholm and against the Peace of our said Lord the King his Crown and Dignity

Martin, Solctr Genl

Alexr M. Edwards, C. C.

Witnesses

William Chisholm

Robt H. [Bunch?]

Alexr M. Edwards

Jno G. Carmichael

Thos Thompson, Esq.

I do hereby Certify the foregoing to be a true Copy from the original Indictment filed in my office.

Alexr M. Edwards [Prothy?]

[Written on the back of the page is the title of document:]

In the Genl. Court

The King vs William Wylly Esquire

Indictment.

A True Bill.

A. Bain F. M.

Filed 7 February 1817.

Alex. M. Edwards, Prothy & C. C.

Martin. Solctr. Genl

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Bahama Islands

The Honorable Lewis Kerr Speaker of the House of Assembly of these His Majestys Bahama Islands. To William Chisholm the Messenger attending the said House, and to the Provost Marshal of these said Islands and his lawful Deputy and Deputies and to the Keeper of the Common Jail in the Town of Nassau and Island of New Providence one of these said Islands, Greeting.

Whereas the said House of Assembly of these said Islands did on this Twenty third day of January instant in this present year of our Lord one thousand eight hundred and Seventeen (the General Assembly of

these said Islands being then in Session at Nassau aforesaid, in the Island of New Providence aforesaid) did Resolve that William Wylly Esquire His Majestys Attorney General for these said Islands had been guilty of a breach of the privileges of the said House, by injuriously and scandalously misrepresenting the proceedings of the said House during the last Session of the said General Assembly, on the subject of a Bill then pending before Parliament concerning a General Registration of Slaves in the West Indies in contempt of the said House, and also by resisting or causing to be resisted the proper officer of the said House by an armed force, in the execution of a certain other Warrant heretofore to wit, on the twenty second day of this month of January instant by me the said Speaker issued under my hand and Seal by order of the said House for the apprehension of the said William Wylly, and that therefore the said William Wylly be forthwith arrested, and committed to the said Common Jail in Nassau aforesaid, and there remain, and be imprisoned during the pleasure of the said House, and that I the said Speaker should issue my Warrant and Warrants accordingly. These therefore are to order, authorize and require you the said Messenger forthwith to take into your Custody, the Body of the said William Wylly, and him in your custody to detain and [conduct?] to the said Common Jail in Nassau as aforesaid, and there to deliver him in Custody to the said Provost Marshal of these said Islands or his lawful Deputy and Deputies, or to whomsoever shall be the Keeper of the said Jail. And these are further to order authorize and require you the said Provost Marshal and your lawful Deputy and Deputies, and you the Keeper of the said Jail, to take and receive into your Custody the body of the said William Wylly, and him there safely to keep and to confine and imprison in the said Jail during the pleasure of the said House of Assembly, and for so doing this is and shall be to you and each of you, my good and sufficient Warrant. And all Marshals, Deputy Marshals, Bailiffs, Constables, and all other Person and Persons whatsoever are hereby ordered authorized and required to be aiding and assisting you and each and every of you, in the due execution of this Warrant.

Given under my hand and Seal in the House of Assembly aforesaid, at Nassau aforesaid, this twenty third day of January in the year of our Lord one thousand eight hundred and seventeen and of His Majesty's reign the Fifty seventh.

By order of the House of Assembly

Signed Ls Kerr, Speaker

In obedience to the within Warrant I this day executed the same by arresting and Committing to Prison the within named William Wylly Esquire.

Signed William Chisholm

Nassau 25 Jany 1817

I do hereby Certify the foregoing to be a true Copy from the originals.

Alexr M. Edwards, Clerk

End of reel; continues on reel 3.