

SUPPLEMENT TO THE ROYAL GAZETTE.

VOL XLVIII.

FROM SATURDAY, DECEMBER 2, TO SATURDAY, DECEMBER 9, 1826.

No. 49.

JAMAICA.

HOUSE OF ASSEMBLY,

TUESDAY, DEC. 5, 1826.

Debate on the Question of flogging Slaves.

The House having resolved itself into a Committee on the Bill to amend the Slave Laws,

Mr. Cox said he had the day before presented a clause, the object of which was to abolish flogging by the cart-whip, and to punish slaves with the same instruments, and in like manner, as was used in his Majesty's Navy and Army, except in private whippings, when a milder instrument might be employed. The clause next prohibited any indecent exposure in the whipping of women.

Mr. Stewart approved of the clause.

Mr. Hilton said he was much surprised at the proposition of a measure, at the present time, which had been rejected by the House when sent down by the Governor, and rejected too in very strong language, and he might say indignantly.—After it had been thus disposed of, he did not expect to see an attempt made to smuggle it into the House. The whip was scarcely used but as a symbol of authority; as such it had been described by the defenders of the Colonies, and, comparing small things to great, it is in the drivers' hands the same as that made is to our Speaker—perhaps of greater use. Accustomed as the slave population have been to see the driver armed with this emblem of command, so soon as you take it out of his hands their fanciful minds will form numerous unfounded ideas of the causes which have produced this (in their estimation) extraordinary change. When it is considered too that his Grace the Duke of Manchester is about to leave the Government of this island, can we doubt that the slaves, coupling the two changes together, will imagine that our conduct has been disapproved of by the King, and that we have been compelled to relinquish the whip, and with it every means of punishment and restraint? This is a very serious consideration, and it should be well weighed by the Committee, before they adopt such an innovation on the established usages of a Slave Colony. With respect to that clause of the law which prohibits the indecent exposure of women I disapprove of it, because it is unnecessary, and because it is an admission that hitherto we have been accustomed to allow our female slaves to be indecently exposed. I deny, Sir, that this is the case—I deny that we have need of this express enactment to compel us to preserve decency in the infliction of punishment upon the female part of our slave population; but God forbid, Sir, that they should be entirely exempted from punishment. Those who have been accustomed to manage slaves are well aware that the females require punishment at least as often as the men. With reference to the substitution of the cat for the whip, as an instrument of punishment, I object to the measure on a principle of humanity. Flogging with the cat is an inhuman punishment. Let us refer to the debates in the British Parliament on the subject of flogging in the Army, and we will find that all the arguments against the use of the cat, as an instrument of punishing soldiers, apply with tenfold force against the adoption of it by the owners of Slaves. It has been virtually declared in the British Parliament, that without the infliction of the punishment of the cat, the soldiery could not be kept in due subordination. If then it requires the thou-

sands of lashes inflicted on British soldiers to keep them in a state of due obedience, can we imagine that we can effectually restrain our slaves with the infliction by that instrument of the number of stripes to which the law limits the slave-owner—the scriptural punishment of forty, save one? And God forbid, Sir, that we should have recourse to the heavy punishment sometimes inflicted upon soldiers. I oppose the clause, because it is ill-timed—because it is an adoption of a measure the House already refused to sanction, and because it contains an admission which I deny: This clause ought never to have been brought here, and if the opportunity were given, I am confident that from every parish you would have petitions against it. I do trust that the House will reject it, as ill-timed, improper, and dangerous.

Mr. Cox—I cannot conceive on what foundation the Hon. Member who has just sat down can make so grave a charge against me, as that of attempting to smuggle in the clause I have proposed. Now is the only time when I could propose it; and in doing so, I have only done that which other Members have done, and very properly done, during the committal of this bill.—The charge, too, becomes still more unjust, when it is considered that the clause was proposed by me yesterday, and withdrawn on the suggestion of Members, who wished to consider it maturely before it was disposed of. So much for smuggling it. Now, as to the exception against it, because it was rejected when in the form of one of the propositions sent down by his Grace, it is very apparent that it has no relation to them—it has nothing whatever to do with the British Orders in Council. Their object is to abolish whipping. The effect of the clause I propose is only to substitute one instrument of punishment for another. In the arguments of the Hon. Member of St. Dorothy (Mr. Hylton), against the use of the cat, there is a contradiction which I think he will find it hard to reconcile. He first of all objected to this instrument of punishment as being too severe; he next says, it is not sufficiently so, to keep the Slave Population in due subjection. The punishment by the whip is severe according to the mode of infliction, and it seldom happens that thirty-nine stripes, inflicted with the severity of which the whip is capable, are given; but there can be no doubt that, as an instrument of punishment, it may be made far more oppressive than the cat. The Hon. Member says, that there is no occasion to enact a clause to prevent the indecent exposure of women; I tell him from experience that there is. I have known overseers, who commenced the punishment of a female slave by stripping off her petticoats: Is not this most indecent? Ought not the law to prevent this exposure?

Mr. Hilton explained, that he had stated, that to adopt the instrument of punishment used in the Army, together with the manner of the infliction, and the number of stripes, in place of the whip, would be inhuman. And he had also said that thirty-nine stripes with a cat would not be sufficient to punish heavy offences. There was therefore no contradiction in what he had said.

Mr. Mais said he objected to this mode of punishment by the cat, because it was more severe and oppressive. It would not be easy to satisfy the minds of the negroes, if this innovation were allowed. However bitterly they cried out against the infliction of punishment by the whip, they would be more disgusted with the instrument proposed to be substituted in its place. That this

feeling would pervade the negro mind, he should prove by referring to two cases, of which he could speak from his own knowledge. A Gentleman, with whom he had the gratification of being acquainted, of the most humane and liberal feeling, actuated by a desire of protecting the persons of his slaves from the injuries he considered were inflicted by an instrument so odious in his eyes as the cart-whip, recommended the adoption of switches in its stead, and forbid that *monster*, the whip, to be again used as an instrument of punishment. One morning he was much surprised with the clamour arising from a large concourse of his negroes about his house, who had assembled to prefer a complaint to him. They declared that the driver wanted to kill them all. He desired them to wait for him at the works, and he would hear their complaint. When he went down, he found the same rabal—the same concourse—the same clamour. They took the switches with which some of them had been whipped, and asked if those were things to punish full-grown negroes with? In their own dialect, they asked if it was not a whip for pickenninies? That was not the way in which their fathers and grandfathers had been punished.—Their master told them that he wished they could do away with whipping altogether, but they must be aware that they sometimes required punishment. They replied, they knew that very well, and putting the whip forcibly into the driver's hands, they exclaimed, "this is the thing we ought to be flogged with; when we are whipped every body hears, and can know how much we receive, but when the driver uses switches, he may flog us till we are dead, and nobody can hear the whipping." In consequence of this complaint, the switches were laid aside, and the whip—the odious whip—resumed at the request of the negroes themselves. The Committee will allow me to refer to another circumstance, which took place on my own property, where the negroes actually cut up the cat, which had been substituted for the whip. But let it not be supposed, that I am an advocate for flogging our fellow beings; I do sincerely regret that we cannot entirely do away with this mode of punishment (cheers). But whilst it is necessary to inflict it, I, on the score of humanity, prefer the whip—that whip which has been so much the object of clamour—to the instrument proposed as its substitute.—This clamour, like all others, has exaggerated the evil of the object of its vituperation—the whip has been reviled as an instrument of torture—so odious, horrid, detestable; but, Sir, it possesses less claim to this description than the cat. It is not because the clamour has raised, that we should legislate upon it. It is with sincere pleasure I declare that the use of the whip, as an instrument of punishment, is decreasing every day; it is now scarce used on many properties, but as a symbol of authority; and I feel confident that as the improvement of the slaves increases, in the same proportion will diminish the necessity of this mode of punishment. As the clauses does not appear to be productive of any good, but, on the contrary, has a tendency to irritate the minds of the Slaves, and to substitute a heavier mode of punishment in the place of that now used, I hope the Committee will reject it.

Mr. Cox—Were I so disposed, I could tell as many stories as the Hon. Member for St. Andrew's (Mr. Mais) the other way (hear, hear). I know the facts to be, that on many properties the whip is growing fast into disuse, and milder

able Member's opinion, I desire him to consider that I now repeat and maintain every word I stated to the House.

Mr. Hamilton Brown said, he never would advocate unnecessary innovations. He considered the slaves would not be bettered by the exchange of the whip for the cat; but he much approved of the clause which tended to prevent the indecent exposure of females. As for the cruelties which it was said were inflicted by the cart-whip, he should ask, who ever heard of a slave being whipped to death, as had happened to more than one soldier or sailor?

Mr. Stamp wished to know what mode of flogging in the case of women would be decent?

Mr. Batty—What every one considers decent. Mr. Marshall said, that if the clause was agreed to, he hoped it would not take effect from and after the passing of the Act; but that six or eight months' notice should be given, in order that the change might be gradually introduced, so as to prevent any misunderstanding of the slaves as to the causes which had caused the alteration.

Mr. Maie said, he should only trespass for a very few moments on the House. He never was an advocate for corporal punishment. At the same time he was convinced that the infliction of it could not at once be done away with. The clamour raised against the mode of inflicting punishment in this country might not at all influence the Committee: They should be guided by reason and experience. It was stated that the punishment of the cart-whip was gradually giving way to the use of milder instruments, and that flogging, in general, was decreasing. It was with much satisfaction he reflected on this circumstance, and he was therefore the more unwilling to agree to the clause which sanctioned and almost encouraged the use of the cat. Of the two he preferred the whip; the punishment inflicted by the last was heard by all the neighbours, not so with that inflicted by the former. Without entering into the warmth expressed by the Honourable Member for St. James's (Mr. Barrett), he could say that the necessity of punishment of this nature was painful to every feeling mind.—He hoped that the use of it would gradually wear out, and therefore he would never give his sanction and encouragement to another instrument for inflicting this punishment, in a manner not less severe, and more objectionable, because it might be made more secret.

The Committee then divided on the question put by the Chairman, "whether they agreed to the clause?"

For the clause were . . . 12
Against it . . . 28—40

In the minority were:—Mr. Cox, Mr. Mitchell, Mr. McKenzie, Mr. Barrett, Mr. Bayley, Sir M. B. Clare, Mr. Burke, Mr. Jackson, Mr. Hodgson, Mr. Stewart, Mr. Clarke, and Mr. Minot.

FEMALE EXPOSURE.

Mr. Batty then put his amendment, prohibiting the indecent exposure of female slaves in punishing them.

Mr. Stewart—Will the Honourable Member define what he means by indecent exposure?

Mr. Barrett said, the question has been disposed of already. It was negatived with the clause which has just been rejected, of which it formed a part.

Mr. Batty—I will appeal to the sense of the Committee. I will not take the law or rule of the House from any Honourable Member's dictum. It will be in the recollection of the House, that I distinctly submitted my amendment.

Mr. Grignon—There can be no doubt that the subject of the amendment was disposed of when the whole clause was rejected. Had it not been

incurable Friend wished to have the sense of the Committee on the amendment he proposed, he ought to have pressed it.

Mr. Batty complained that he was precluded from submitting his amendment, because the Chairman had put the question wrong. He ought to have put it on the amendment, and not on the original motion.

When the Speaker took the Chair, Mr. Cox moved that the clause he had lost in the Committee should be put in the House.

The Speaker said, that no report being made from the Committee, this could not be done, but he might put his motion when a report was made.

The following are the Grants on Roads and Bridges recommended to the House on Monday last by the Road Committee:

SURREY.

	£.	s.	d.
For erecting a Bridge over Driver's River, in Manchioneal	600	0	0
For the new road through Belvidere and Ro-etta	100	0	0
For building a parapet wall and a small arch over the rivulet Black-River	83	6	8
For repairing the road from River-Head estate to Yallahs Bay	150	0	0
For repairing the great Windward road leading through the parish of St. David	400	0	0
For repairing the road leading from the eleventh mile-stone over Cambridge-Hill to the junction of the Yallahs-River, below Mount-Sinai works	160	0	0
For repairing the road leading from the projected bridge at Invermay to the line of St. Thomas' in the East on Corsley-Hill	50	0	0
For repairing the road leading from Mahogany-Vale fording to the line of St. Thomas' in the East, at Duckworth plantation	83	6	8
For repairing and improving the great road of communication from Priestman's River to Port-Antonio	261	6	8
For repairing and improving the great interior road from Port-Antonio to the Maroon-Town	261	0	0
For repairing and improving the great road of communication from Bayley's Bridge, through Norwich, to Rio-Grande	261	0	0
For repairing the Swift-River road, to avoid the river-course	100	0	0
For repairing the Spanish-River road, to avoid the river-course	100	0	0
For repairing the Buff-Bay River road from Charles-Town to Ro-e-Hill gate	100	0	0
For repairing the great windward road from Buff-Bay to Hope-Bay	150	0	0
For repairing the road from Annotto-Bay to the line of St. Mary's	100	0	0
For repairing Wag-Water road, through St. George's, from the line of St. Andrew's to the line of St. Mary's	135	6	8
For repairing the road from Buff-Bay river road to the Dry-River road, through Balcarres' land	100	0	0
For repairing the road from the Orchard, through Mavis-Bank, Robert-field, and Mount-Hybla, to the line of St. George's	75	0	0
For repairing the road from the Orchard through Moco to Phillip's Valley	50	0	0
For repairing the new road from Moco, through Clifton, leading to Somerset-Vale and Windsor-Forest	50	0	0
For repairing and draining the high windward road, through the parish of Port-	400	0	0

	£.	s.	d.
For altering and repairing the road from the nine mile-stone windward road, through Green-Vale, to Good-Hope and Dallas-Castle	158	6	8
For repairing the road from Bridge-Hill to the fording at Yallahs-River at Mahogany-Vale	50	0	0
For repairing and renewing the road from Mary Brown's Corner, over Stoney-Hill, to Golden-Spring estate	200	0	0
For repairing the road from the Gap at Industry (Schroeter's) towards Haase's Gap, in St. Andrew's	50	0	0
For repairing and renewing the road from Nolan's to the Ramble	70	0	0
For renewing and repairing the road from the tavern at Golden-Spring to the line of the parish at Fox's plantation	100	0	0
For renewing and repairing the road from Mammee-Bridge to Monmouth-Mount	100	0	0
For renewing and repairing the road from the lower ford at Industry (Schroeter's) towards Cold-Spring	50	0	0
For renewing and repairing the road from the line of St. George's towards Yallahs-River, by the Jamaica Spa	50	0	0
For renewing and repairing the road from Golden-Spring to Hall-Green fording	50	0	0
For repairing and renewing the road from Swallowfield estate, over Manning's Hill, through Cavalier's, to the line of St. Thomas' in the Vale	50	0	0
For repairing and renewing the road from Hope-gate to the river at the Botanic Garden	50	0	0
For repairing and renewing the road from the river at the Botanic Garden to the line of the parish of St. Andrew, near Bridge-Hill	33	6	8
For repairing the high windward road leading through the parish of Kingston	300	0	0
	5000	0	0

MIDDLESEX.

	£.	s.	d.
For repairing the road from Spanish-Town bridge, through Cedar-Valley mountains, to St. Thomas' in the Vale	150	0	0
For repairing the road from the Glade-pen, through Eli's mountain, to St. Thomas' in the Vale	50	0	0
For repairing the road from Tackey's Bridge to the Angels	84	0	0
For repairing the road from the Angels to the Bog-Walk fording	350	0	0
For altering and repairing the road from the dividing line of Hog-Hole and Mount-Olive estate to Kendal	50	0	0
For repairing the road from the fording near Rio-Magnus House, through Ham-Walk, to the line of St. Mary's	50	0	0
For repairing the road from Berkshire-Hall to the top of Guy's Hill	68	0	0
For repairing the road leading from Old-Harbour Market, over the Bully Tree hill, to the line of the parish of St. John, on Woodhall-Hill	108	0	0
For repairing the road from Old-Harbour Market, through Bodle's pen, to the line of the parish of Clarendon	50	0	0
For repairing the road from the intersection of the road at Mr. Samuel Smith's, leading to Woodhall, to Masters' estate	38	0	0
For altering and repairing the road from the line of St. Dorothy's, at the hollow rock, to Swansea Works, in Laidlaw-Vale, in St. John's	100	0	0
For repairing the road from the line of the parish at Dove-Cote Park, to the intersection of the Guanaboa road below Sprigg's, in St. John's	50	0	0

Hamilton Brown. (Dec. 09, 1826). Debate on the Question of flogging Slaves, Jamaica, House of Assembly, Tuesday, Dec. 5, 1826, Vol. XLVII, No. 49, pp. 9-11. Supplement to the Royal Gazette. Reproduced for educational purposes only. Fair Use relied upon. Source: <https://www.britishnewspaperarchive.co.uk/viewer/BL/0002834/18261209/027/0009?browse=true>

TRANSCRIPTION:

[p. 9]

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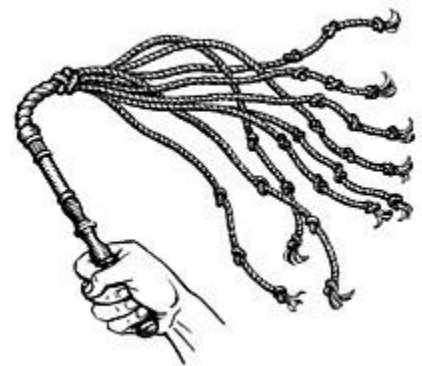
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Mr. Batty—What every one considers decent. Mr. Marshall said, that if the clause was agreed to, he hoped it would not take effect from and after the passing of the Act; but that six or eight months' notice should be given, in order that the change might be gradually introduced, so as to prevent any misunderstanding of the slaves as to the causes which had caused the alteration.

Mr. Main said, he should only trespass for a very few moments on the House. He never was an advocate for corporal punishment. At the same time he was convinced that the infliction of it could not at once be done away with. The clamour raised against the mode of inflicting punishment in this country might not at all influence the Committee: They should be guided by reason and experience. It was stated that the punishment of the cart-whip was gradually giving way to the use of milder instruments, and that flogging, in general, was decreasing. It was with much satisfaction he reflected on this circumstance, and he was therefore the more unwilling to agree to the clause which sanctioned and almost encouraged the use of the cat. Of the two he preferred the whip; the punishment inflicted by the last was heard by all the neighbours, not so with that inflicted by the former. Without entering into the warmth expressed by the Honourable Member for St. James's (Mr. Barrett), he could say that the necessity of punishment of this nature was painful to every feeling mind. He hoped that the use of it would gradually wear out, and therefore he would never give his sanction and encouragement to another instrument for inflicting this punishment, in a manner not less severe, and more objectionable, because it might be made more secret.

The Committee then divided on the question put by the Chairman, "whether they agreed to the clause?"

For the clause were . . . 12
Against it . . . 28—40

In the minority were:—Mr. Cox, Mr. Mitchell, Mr. McKenzie, Mr. Barrett, Mr. Bayley, Sir M. B. Clare, Mr. Burke, Mr. Jackson, Mr. Hodgson, Mr. Stewart, Mr. Clarke, and Mr. Minot.

FEMALE EXPOSURE.

Mr. Batty then put his amendment, prohibiting the indecent exposure of female slaves in punishing them.

Mr. Stewart—Will the Honourable Member define what he means by indecent exposure?

Mr. Barrett said, the question has been disposed of already. It was negatived with the clause which has just been rejected, of which it formed a part.

Mr. Batty—I will appeal to the sense of the Committee. I will not take the law or rule of the House from any Honourable Member's dictum. It will be in the recollection of the House, that I distinctly submitted my amendment.

Mr. Grignon—There can be no doubt that the subject of the amendment was disposed of when the whole clause was rejected. Had it not been

renewable Friend wished to have the sense of the Committee on the amendment he proposed, he ought to have pressed it.

Mr. Batty complained that he was precluded from submitting his amendment, because the Chairman had put the question wrong. He ought to have put it on the amendment, and not on the original motion.

When the Speaker took the Chair, Mr. Cox moved that the clause he had lost in the Committee should be put in the House.

The Speaker said, that no report being made from the Committee, this could not be done, but he might put his motion when a report was made.

The following are the Grants on Roads and Bridges recommended to the House on Monday last by the Road Committee:

SURREY.

	£.	s.	d.
For erecting a Bridge over Driver's River, in Mancelionel	600	0	0
For the new road through Belvidere and Kotta	100	0	0
For building a parapet wall and a small arch over the rivulet Black-River	83	6	8
For repairing the road from River-Head estate to Yallahs Bay	150	0	0
For repairing the great Windward road leading through the parish of St. David	400	0	0
For repairing the road leading from the eleventh mile-stone over Cambridge-Hill to the junction of the Yallahs-River, below Mount-Sinai works	100	0	0
For repairing the road leading from the projected bridge at Invermay to the line of St. Thomas' in the East on Coraley-Hill	50	0	0
For repairing the road leading from Mahogany-Vale fording to the line of St. Thomas' in the East, at Duckworth plantation	83	6	8
For repairing and improving the great road of communication from Priestman's River to Port-Antonio	261	6	8
For repairing and improving the great interior road from Port-Antonio to the Maroon-Town	261	0	0
For repairing and improving the great road of communication from Bayley's Bridge, through Norwich, to Rio-Grande	261	0	0
For repairing the Swift-River road, to avoid the river-course	100	0	0
For repairing the Spanish-River road, to avoid the river-course	100	0	0
For repairing the Buff-Bay River road from Charles-Town to Ro-e-Hill gate	100	0	0
For repairing the great windward road from Buff-Bay to Hope-Bay	150	0	0
For repairing the road from Annotto-Bay to the line of St. Mary's	100	0	0
For repairing Wag-Water road, through St. George's, from the line of St. Andrew's to the line of St. Mary's	135	6	8
For repairing the road from Buff-Bay river road to the Dry-River road, through Belcarres' land	100	0	0
For repairing the road from the Orchard, through Mavis-Bank, Robert-field, and Mount-Hybla, to the line of St. George's	75	0	0
For repairing the road from the Orchard through Moco to Phillip's Valley	50	0	0
For repairing the new road from Moco, through Clifton, leading to Somerset-Vale and Windsor-Forest	50	0	0
For repairing and draining the high windward road through the parish of Port-	400	0	0

	£.	s.	d.
For altering and repairing the road from the nine mile-stone windward road, through Green-Vale, to Good-Hope and Dallas-Castle	158	6	8
For repairing the road from Bridge-Hill to the fording at Yallahs-River at Mahogany-Vale	50	0	0
For repairing and renewing the road from Mary Brown's Corner, over Stoney-Hill, to Golden-Spring estate	200	0	0
For repairing the road from the Gap at Industry (Schroeter's) towards Haase's Gap, in St. Andrew's	50	0	0
For repairing and renewing the road from Nolan's to the Ramble	70	0	0
For renewing and repairing the road from the tavern at Golden-Spring to the line of the parish at Fox's plantation	100	0	0
For renewing and repairing the road from Mamme-Bridge to Monmouth-Mount	100	0	0
For renewing and repairing the road from the lower ford at Industry (Schroeter's) towards Cold-Spring	50	0	0
For renewing and repairing the road from the line of St. George's towards Yallahs-River, by the Jamaica Spa	50	0	0
For renewing and repairing the road from Golden-Spring to Hall-Green fording	50	0	0
For repairing and renewing the road from Swallowfield estate, over Manning's Hill, through Cavalier's, to the line of St. Thomas' in the Vale	50	0	0
For repairing and renewing the road from Hepe gate to the river at the Botanic Garden	50	0	0
For repairing and renewing the road from the river at the Botanic Garden to the line of the parish of St. Andrew, near Bridge-Hill	33	6	8
For repairing the high windward road leading through the parish of Kingston	300	0	0
	5000	0	0

MIDDLESEX.

For repairing the road from Spanish-Town bridge, through Cedar-Valley mountains, to St. Thomas' in the Vale	150	0	0
For repairing the road from the Glade pen, through Ellis' mountain, to St. Thomas' in the Vale	50	0	0
For repairing the road from Tackey's Bridge to the Angels	84	0	0
For repairing the road from the Angels to the Bog-Walk fording	350	0	0
For altering and repairing the road from the dividing line of Hog-Hole and Mount-Olive estate to Kendal	50	0	0
For repairing the road from the fording near Rio-Magno-Mou-e, through Ham-Walk, to the line of St. Mary's	50	0	0
For repairing the road from Berkshire-Hall to the top of Guy's Hill	60	0	0
For repairing the road leading from Old-Harbour Market, over the Bully Tree hill, to the line of the parish of St. John, on Woodhall-Hill	100	0	0
For repairing the road from Old-Harbour Market, through Bodle's pen, to the line of the parish of Clarendon	50	0	0
For repairing the road from the intersection of the road at Mr. Samuel Smith's, leading to Woodhall, to Masters' estate	38	0	0
For altering and repairing the road from the line of St. Dorothy's, at the hollow rock, to Swanea Works, in Laidas-Vale, in St. John's	100	0	0
For repairing the road from the line of the parish at Dove-Cote Park, to the intersection of the Guanaboa road below Sprigg's, in St. John's	50	0	0