

NEW AND REVISED EDITION.

THE LAWS



OF

BRITISH GUIANA,

CHRONOLOGICALLY ARRANGED FROM THE YEAR

1773 TO 1870.

VOLUME I.

MEMORARA:

PRINTED AND PUBLISHED BY I. McDERMOTT, AT THE  
COLONIST OFFICE, WATER-STREET, GEORGETOWN.

1870.



No. XVII.]

Berbice.

## [BERBICE.]

[No. 453.] ENACTMENTS BY THE GOVERNOR AND COURT OF POLICY, BERBICE, PREVIOUS TO THE UNION OF THE COLONIES.

No. XVII.

Gouverneur en Raden des Hofes van Regoting der Kolonie de Berbice Rivieren en Districten van dien, &c. &c. &c.

*Al d'eygen, die deze zullen zien of hooren lezen, Salut!*

**D**OEN wij met het allergrootste genoegen te weten! dat wij bij eene nieuwelings gehoudene briefwisseling en te Zamenkomst van de Heeren Gouverneurs dezer Kolonie en van Suriname, gehandeld zijnde, wogens het tot een einde brengen der verschillen, nopens de warentienien beiden gelyk gerekend was, ingezien, de staatkundige gelegenheid dezer Kolonie zoodanig te wezen, in het gemeene belang te vereischen, dat de aanmoediging tot aanbouw van de Ithans woest en onbewerkt liggende Landen door alle mogelyke middelen, en wel hoofzakelyk door de bestierders derzeve dien besterkt te worden. En ofschoon de bepaling der Landscheiding van dien aard en belang is, dat dezelve niet dan door den Landheer kan gedaan worden, door Gouverneur FREDERICI was verneemd geene van s' Landheer's Reytien te verkorten, door op dit stuk eenige Schaktingen voor te stellen, waardoor de gewenschte eindten konden bereikt worden, zonder te betellen de eindelyke bepalingen, welke ombrent de grensscheiding, door den Souverein of Souverainen in der tyd, bij het vaststellen van het toekomsig lot der Kolonien zullen oordbaar geacht worden, welke Schikkingen door Gouverneur VAN IMBYZE VAN BADENBURG uithetzelde oogpunt zyn beschouwd, en misdiën tusschen hanne Eroocletien het volgende becaamd:

Da de Westzeekst van de Rivier Corentin tot aan de Duiwelskreek, welke tot nu toe is aangemerkt onder het Gouvernement van Suriname

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te behooren, benevens de Westoever dier Rivier worden gesteld en erkend te behooren onder het bestier van de Regering der Kolonie Berbice.

Da dienvolgende al d'eygen, welke zich in de reeds begevene Landen hebben gevestigd of zulks in het vervolg zullen doen, voor zoo verre hunc bezittingen betreft, in alle opzigten zullen aangemerkt worden als Inwoners der gemelde Kolonie (Berbice) noylens onder de volgende voorwaarden:

1<sup>a</sup>. Dat de houders van de reeds begevene Warranden in kunnen verkrgenen eigendom niet zullen gemoetd of verkort worden, en ook geen verplaatsing in de Concessien mogen plaats vinden.

2<sup>a</sup>. Dat hen, onder wal voorwendel het ook mogte zyn, geene meerdere Recognitie zullen opgelegd worden als by de Warranden is bepaald. En dat zoodanig Inwoneren dezer Kolonie Suriname welke in de Rivier Corentin van behoortijke Passen voorzien met de Indianen koophandel drijven niet zullen mogen gemoetd of aangehouden worden.

3<sup>a</sup>. Dat geen der Eilanden in de Rivier Corentin gelegen, onder dezen Provisionocelen afstand zullen begreepen wezen, maar altijd aangemerkt worden te behooren onder het Gouvernement der Colonie Suriname.

4<sup>a</sup>. Dat ook de Post gevestigd op den Westoever van de Rivier Corentin mede zal blijven in het bezit en onder de bevelen, van het zoo even gemelde Gouvernement, en

5<sup>a</sup>. Dat de opnemers van de Landen, in het provisioneel afgestane grondgebied bevestigd zullen wezen van de Vijf en Twenig Stuivers per Akker, ingeval van Verkoop, als bij het vijfde Artikel per Warrande was bepaald.

En aangezien het nuten hoogste noodzakelyk zij, ten ende van deze zijde stiptelyk kunnen worden achtervolgd de schikking, tusschen de beide Gouvernemenen overeengekomen, dat ter Secretarij worde gevelen, wie de houders der reeds begevene Warranden zyn, bevelen wij hiermede aan de houders der Warranden, de originele of geautheniseerde

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geuultiseerde Copijen daarvan, zoo spoedig mogelijk ter Secretarij dezer Colonie in te zenden, om aldaar behoortijk te worden geregistreerd, en dat wel uiterlijk binnen den tijd van zes maanden, te rekenen, in te gaan met den 1<sup>en</sup> Maart aanstaande, op straffe van ten behoeve van den Fiskaal en de Kas van Moedige Lasten alhier, e verbeuren eene Somme van vijftig guldens voor ieder maand van den bepaalden tijd in-gedreken mogt blijven.

En op dat niemand hiervan eentige onwetenheid voorwende, zal deze als gewoonlijk, afgekondigd, in het Nederduitsch en Engelsch gedrukt en aangeplakt, en door de Kolonie, van plaats tot plaats verzonden worden. Aldus vastgesteld en besloten in onze gewone vergadering, gehouden ten Raadhuis in de Hoofdplaats Nieuw-Amsterdam te Berbice op den 20<sup>en</sup> Januarij, 1800.

## PRÆSENTIBUS

Zijne Excellentie ABRAHAM JACOB VAN IMBYZE VAN BATENBURG,  
Gouverneur Generaal, President; en de WelEd. achtb.  
Heeren Raaden LODEWIK CHRISTOFFEL ABBENSSETS; JOHN  
TAPIN, en CABEL FREDERIK VAN ALLEON, Demeitris de Heer  
-Raden JAN DE VRY, Jacobzoon; LODEWIK HENDEK BUSE,  
en JAN CABEL WILLEM HERLIN.

In Kennisse van mij,

(W.G.) P. EGGERS, Sec. a. i.

(W.G.) A. J. VAN IMDYZE VAN BATENBURG.  
L. C. ABBENSSETS.  
C. F. VON ALLEON.

En afgekondigd op den 7<sup>ten</sup> Februarij daarnaarvolgende. In tegenwoordigheid van den Heer Gouverneur Generaal.

In Kennisse van mij,

(W.G.) P. EGGERS, Sec. a. i.

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[TRANSLATION.]

The Governor and Councillors of the Court of Government [Boundary between B. Guiana and Surinam.] of the Colony of Berbice, Rivers and Districts of the same, &c. &c., Enacted 20th January, 1800, published 7th February following.

[A. J. VAN IMDYZE VAN BATENBURG, Governor-General.]

To all who may see or hear these Presents, read, Greeting!

WE will great pleasure we Make Known: That we having, by a recent Correspondence and Meeting of Their Excellencies the Governors of this Colony and of the Colony of Surinam, discussed the adjustment of the differences with respect to the correct boundary between the two Colonies, and both Their Excellencies, as was anticipated, have considered the political position of this Colony to be such as for the common interest to require that, by every possible means, and chiefly by the Governor, encouragement be held out that the Lands at present lying desolate and waste be duly cultivated; and although the defining of the boundary be of that nature and importance that it cannot be done but by the Lord of the Land himself, it is the opinion of Governor FASDENICI that the suggestion of any arrangement tending to the attainment of this desirable object would not be prejudicial to either the rights of the Lord of the Land, nor to whatsoever decision with respect to the boundary the Sovereign or Sovereigns, for the time being, at a settlement of the future destiny of these Colonies, ultimately may deem expedient. And in this opinion Governor VAN IMDYZE VAN BATENBURG fully concurring, Their Excellencies consequently have determined as follows:—

That the West Sea Coast of the River Corentin, up to the Devil's Creek, besides the West Bank of said River, hitherto considered belonging to the Government of the Colony of Surinam, be declared and acknowledged henceforth to belong to the Government of the Colony of Berbice.

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That consequently all who may have settled on the Lands already granted, or who hereafter may do so, shall, so far as regards their Property, in every respect be considered inhabitants of the said Colony of Berbice, on the following terms:—

1. That Holders of Warrants already granted shall in no manner be molested or prejudiced in the Property they have obtained, nor shall any removal in the concession be allowed to take place.
2. That on no pretence whatsoever any Recognition shall be imposed upon them further than what is set forth by those Warrants. And that such inhabitants of the Colony of Surinam as may be found trafficking with the Indians in the River Corentin, being provided with due Passes, shall not be hindered or stopped.
3. That none of the Islands situate in the River Corentin shall be included in this Provisional Cession, but always be acknowledged to belong to the Government of the Colony of Surinam.
4. That also the Post established on the West Bank of the River Corentin shall remain in the possession and under command of the Government just mentioned.
5. That Qualities taking Lands in the territory provisionally ceded shall, in the event of selling, be exempted from payment of three and five stivers per acre, as set forth in the 5th Article of the Warrants.

And that inasmuch as it is now highly necessary, in order that on the 1st of March next ensuing, the said Territory may be strictly carried into effect, that it be known at the Government Secretary's Office who are Holders of Warrants already granted, we hereby command all Holders of such Warrants to forward as soon as possible the original or authentic copies of the same to the Secretary's Office of this Colony, there to be duly recorded, and to do this not later than within the term of six months, computing from the 1st of March next ensuing, on pain of forfeiting a sum of

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of Fifty Guilders, in behalf of the Fiscal and the Chest of Petty Duties of this place, for each and every month they shall fail to do so after the appointed time.

And that no ignorance hereof may be pretended, these Presents shall, in the customary manner, be proclaimed, printed and published in the Dutch and English Languages, and be sent from place to place throughout the Colony.

Thus done and enacted at our Ordinary Assembly, held at the Court House, in the Chief Place, New-Amsterdam, in Berbice, this 20th day of January, 1800.

## PRESENT:

His Excellency ABRAHAM JACOB VAN IMBYZE VAN BATENBURG, Governor-General, President; and the Honorable Councillors of the Court of Government, LOBEWIJK CHRISTOFFEL ABBENSEITS, JOHN TAPIN, and CAREL FREDERICK VON ALLEON.

## ABSENT:

The Councillors JAN DE VRY, Jacobson, LOBEWIJK HENDRIK BUSE, and JAN CAREL WILLEM HERLIN.

(Signed) A. J. VAN IMBYZE VAN BATENBURG.  
L. C. ABBENSEITS.  
C. F. VAN ALLEON.

Quod attestor,

(Signed) P. EGGERUS, Sec. a. i.

And published on the 7th of February next, ensuing, in the presence of His Excellency the Governor-General.

Quod attestor,

(Signed) P. EGGERUS, Sec. a. i.  
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By the Provisional Government and other Members of the Court of Policy and Criminal Justice in the Colony of Berbice, published 25th September, 1803.

## A PROCLAMATION.

WHEREAS the provisional Government (private intelligence having been received Thursday evening of the surrender of Essequebo and Demerary by Capitulation to the English on Monday), in an extraordinary assembly of all the Councillors, to which were also convened Lieutenant-Colonel CARL MATTHIAS, Commandant of the Troops, Lieutenant G. F. HIRNBT, of the Navy, Commandant of the Republican Schooner *Serpent*, Capt. R. STUIVELBAAT, of the Artillery, and Captain J. R. CLAESSENS, of the Rangers, held Friday, the 23rd instant, p.m., have laid upon the Table a letter delivered that morning, at 12 o'clock, by Brigade-Major ARMSTRONG, of the British Land Forces, and Lieutenant PARDO, of the British Navy, who had arrived here with a Flag of truce.

The Contents of which Letter are as follows:—

By *Captain LOFTUS ORWAY BLAND, Commander of His Britannic Majesty's Ships, &c. &c., and Lieutenant-Colonel ROBERT NICHOLSON, Commander of His Britannic Majesty's Land Forces, &c. &c., under the Orders of Their Excellencies Lieutenant-General WILLIAM GRINFIELD and Commodore SAMUEL HOOD, Commander-in-Chief of His Majesty's Land and Sea Forces in the Windward and Leeward Charibbee Islands, &c. &c. &c.*

## SUMMONS.

These are requiring you, the Governor, and Court of Policy and the Military and Naval Forces, of the Colony of Berbice, and its

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its Dependencies, to surrender the said Colony to His Britannic Majesty's Forces, under our command, and to place the same under His Britannic Majesty's Government, in which case the Laws and Usages of the Colony shall remain in force and be respected, the mode of taxation now in use be adhered to, and the inhabitants shall enjoy the public exercise of their Religion in the same manner as heretofore; no new Establishment shall be introduced without the consent of the Court of Policy as the Legislature of the Colony. The Public Officers, whether in the Civil Law or Church Establishment, as well as the Members of the respective Courts (except the Governor), shall be continued in their respective offices and situations until His Majesty's pleasure shall be known, excepting those who may be attached to French principles. The inhabitants, those who are at present in the Colony, as well as those who may be abroad, shall be protected in their persons and have the free enjoyment of their properties, without being troubled or molested for any acts whatsoever, other than such as they might commit, subsequent to the Capitulation, and in violation of the Oath of Fidelity they shall be required to take.

The Sea and Land Forces of the Batavian Republic stationed in the Colony shall surrender themselves Prisoners of War, and proper vessels will be provided, at the expense of His Britannic Majesty, to convey them with the most convenient speed to one of the Ports of the Batavian Republic; but they are not to bear Arms against Great Britain, or her Allies, until regularly exchanged and released.

The Officers shall retain their Arms and the whole of their Baggage, and the non-commissioned Officers and Privates their baggage only.

With regard to the Military Forces, the Officers and non-commissioned Officers and Privates of the same, may, if agreeable to themselves, enter into the British Service, and receive pay and every advantage and emolument enjoyed by those of the same rank in His Britannic Majesty's Service.

Should these liberal terms, which in fact extend to the inhabitants of this Colony a free participation in the great advantages enjoyed by the Subjects of His Britannic Majesty, be refused, the Governor and;

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and Court of Policy, and all concerned, must be answerable for the consequences, as an immediate attack will be made by the Land and Sea Forces, which will render every resistance vain.

One hour and no more is given to the Governor from the delivery of this by Brigade-Major ARMSTRONG and Lieutenant PARDO to accept or not.

LOFTUS OTWAY BLAND.

ROBT. NICHOLSON,  
*Lieutenant-Colonel.*

On Board His Majesty's Ship *Heureux*, off Berbice, September 23rd, 1803.

*To His Excellency the Governor and Court of Policy  
of the Colony of Berbice, &c. &c. &c.*

AND WHEREAS, the said Letter being read, the Provisional Government have required the opinion of Lieutenant-Colonel MATHIAS and the other aforesaid Batavian Officers, severally, respecting the *possibility or impossibility* to defend with the present means the Colony against an attack of the considerable Land and Sea Forces of the enemy (as they appeared to be from information received, and from the Signals hoisted at the Signal Post, of the approaching number of Ships), so as to preserve the same unto the State.

AND WHEREAS, the said opinions insinuated, as was justly apprehended, that with the present means and general state of defence of this Colony, there was not the least ground for reasonable hope to resist with any success, and much less now, since the enemy's advantages had so considerable increased by the yielding of Essequebo and Demerara.

AND WHEREAS, these sentiments have naturally produced the serious conviction and consent, that thus circumstanced it became duty and

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and honour rather to listen to a liberal Capitulation offered by the enemy to preserve the persons and property of the inhabitants and others interested in the Colony from violence, destruction and plunder, than by a vain resistance, certainly to expose the same to all those miseries.

The Provisional Government and other Members, Civil and Military, have felt impelled to resolve to surrender the Colony to His Britannic Majesty's Forces on the proffered Capitulation, with some additional Articles, which they would endeavour to get granted by the British Commanders, as tending to the advantage of this Colony, and all concerned by the same. Lieutenant-Colonel MATHIAS having—not, however, categorically—concurred in accepting the proffered terms, nor assisted in the framing of the additional Articles, but on being required to answer expressly on the subject, pretended that he could not positively express himself before consulting with the other Officers of the Garrison, leaving the Assembly for that purpose at half-past five o'clock, under the promise to return before seven (the utmost period the bearers of the Summons would consent to tarry for an answer), but which he has not fulfilled, returning neither to the Assembly, nor sending in any reason for his not returning, and thus obliging the Assembly to frame the additional Articles without his assistance and concurrence.

And after the proposals on the part of the Assembly were committed to writing, it was resolved, that the same should be delivered to the British Commanders by a Committee, composed of J. VAN DEN BROEK, junior, of the Provisional Government, Councillor FISCHE, Fiscal and Secretary EGGERS, Captains STUYVELAAR and CLAESSENS, and Lieutenant GALLAS, of the Navy, with authorisation finally to conclude with the said Commanders, and the said proposals having received the Signatures of the whole Assembly, the Committee departed with the Summons Bearers in the Flag of Truce for the *Heureux*, man-of-war (whence the Summons were dated), at ten o'clock at night.

AND WHEREAS, the Committee have returned to the Assembly next morning, at eleven o'clock, and reported the final conclusion of the Capitulation at nine o'clock, laying upon the table the Articles

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Articles mutually signed, of which the counterpart remained with the British Commanders.

The Contents of which Articles are as follows :—

*By the Provisional Government and Court of Police and the Commanders of the Batavian Land and Sea Forces in the Colony of Berbice and its Dependencies.*

#### ANSWER TO THE SUMMONS.

*By Captain LOXTUS ORTAX BLAND, Commander of His Britannic Majesty's Ships, &c. &c. &c., and Lieutenant-Colonel ROBERT NICHOLSON, Commander of His Britannic Majesty's Land Forces, &c. &c. &c., under the Orders of Their Excellencies Lieutenant-General WILLIAM GENFIELD and Commodore SAMUEL HOOD, Commanders-in-Chief of His Britannic Majesty's Land and Sea Forces in the Windward and Leeward Charibbee Islands, &c. &c. &c.*

The Sovereignty of the Colony, with its Forts, Posts, Artillery, and Ammunition of War, will be surrendered to His Britannic Majesty's Forces on the Capitulation offered, with the following additional Articles, vizt. :—

ARTICLE 1. The inhabitants shall have the full and immediate enjoyment of all Property, whether on shore or afloat; absent persons shall, as far as regards their property in the Colony, be considered as inhabitants of Berbice. The Shipping now in the River, as either belonging to resident inhabitants of the Colony or to absent Proprietors of Plantations, shall be as sacred as other Property in the Colony, and be allowed to proceed to Europe or to any port of America, or disposed of in the Colony, at the option of the Owners or their Agents.

With respect to absent inhabitants and their Property, this Colony will be on the same footing as Demerary. The Shipping

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Shipping and all belonging to them must be given up, but a particular case may be considered.

ARTICLE 2. The Plantations, Lands, Manufactories, Workshops, Slaves, Effects, and Possessions of the Berbice Association, of whatever nature, shall be considered as Private Property, in the same manner as is agreed to by the Capitulation with General WYTHE in May, 1796.

All Private Property whatever of individuals to be respected.

ARTICLE 3. Provocations or Appeals of Sentences and Dispositions passed in the Colony shall be allowed as usual, and made unto such Court of Justice or Judges as shall be agreed upon; yet with this proviso, that such Court or Judges shall determine the case appealed of by the now existing Dutch Laws in the Colony.

Granted, until decided which country the Colony belongs to, at the end of the War; in the meantime all Appeals to be made to His Majesty in Council.

ARTICLE 4. The Troops of His Britannic Majesty shall garrison all existing Inland Posts for the protection of the Colony against insurrections of the Negroes; and as many more Posts shall be created for that purpose as in future may be deemed necessary by the Court of Policy, on making application to the Commander of His Majesty's Troops at the time being.

The Colony will be protected by British Troops. The Officer commanding and protecting the Colony is to judge where Posts are to be erected.

ARTICLE 5. The Colony Assignations and other Paper Currency of the Colony shall retain their present value and continue in circulation until such time as circumstances will permit a plan to be agreed upon for the withdrawing and cancelling of the same, founded on Justice and Equity, and without injury to individuals.

Granted.

ARTICLE 6. All

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ARTICLE 6. All Salaries due by the Colony to the Provisional Government, Civil Officers, and other persons thereto belonging, shall be paid out of the ordinary Duties and Taxes.

Granted out of the Colony Funds.

ARTICLE 7. All Debts contracted by the present Government, or by Governor VAN BRUNSWIG, on account of the Colony, shall also be paid out of that Fund, or out of such other as might appear they belong to.

Granted.

ARTICLE 8. The bartering of Provisions and other Commodities with the citizens of the United States of America for the Produce of this Colony shall continue on the same footing as at present.

On the same footing as the British Colonies.

ARTICLE 9. The Grants of Land made by the Council of the American Colonies and Possessions of the Batavian Republic before this date shall be respected, and the Grantees admitted so and maintained in the peaceable possession of the same, except such Lands as might appear to be disposed of otherwise by the Government or Council here, and such as are reserved for public purposes; also, except certain part of a Grant the Governor and Council have, in their Assembly of the 4th October, 1802, judged to have been obtained surreptitiously.

All fair Grants to be respected; all others to be left for future investigation.

ARTICLE 10. The Grants of Land made by Governor and Council before this date shall be respected as conclusive, though the agreement and confirmation of the Council of the American Colonies and Possessions might not have arrived in the Colony, and Governor and Council shall have the power to issue Letters of Confirmation (*Groudbrieven*) to the Grantees, which shall be deemed a complete and indisputable title to them and their successors.

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Left for future investigation, and if found to have been fairly obtained, will be confirmed.

ARTICLE 11. The Grants of Lands on the West Coast and West Bank of the River Corentin, made by Governor FREDERICK of Surinam, which territory was formerly held to make part of and belonging to that Colony, but since December, 1799, has been placed and considered as belonging to the Government of Berbice, shall, in the same manner as proposed by the preceding Article, be respected as conclusive, and Letters of Confirmation (*Groudbrieven*) issued by Governor and Council here to the same, complete and indisputable effect as aforesaid.

Answered in Article 10.

ARTICLE 12. The Governor and Council shall have the power to dispose peremptorily of yet ungranted Lands in any part of the Colony for cultivation to persons that may petition for Grants, on customary conditions or otherwise, as may be deemed most adapted to promote agriculture, and of course the prosperity of the Colony.

Cannot be granted.

ARTICLE 13. During two years from this date it shall be permitted to resident and other Proprietors who wish to quit the Colony, or to withdraw their interests from the same, to dispose of their Properties, and to transport and have remitted the proceeds of it wherever they shall think proper.

Granted.

ARTICLE 14. A Detachment of His Britannic Majesty's Forces to take possession of the Gates of Fort St. Andrew and of the Battery below the Fort on Sunday morning, the 25th instant, at seven o'clock.

The forces of His Britannic Majesty to take possession of Fort St. Andrew, and all other Posts of the Colony they may think proper to occupy, this day, at ten o'clock, or as soon after as possible, before two o'clock.

ARTICLE 15. The



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ARTICLE 15. The Garrison shall march out with the Honours of War, Horns blowing and Drum beating, and shall carry with them their Arms and Ammunition, and two Field Pieces.

The Garrison to march out with the Honours of War, but no Arms, Ammunition, or Field Pieces, can be allowed to Prisoners of War, except the Officers, who are to retain their Arms.

ARTICLE 16. The Commandant of the Troops, all the Officers Soldiers, and other persons belonging to the Military Department sent out from Holland to this Colony, and their Wives and Children, shall be embarked within one month from this date, and conveyed to the Batavian Republic, at the expense of His Britannic Majesty, and not be Prisoners of War; and the Surinam Detachment having been sent only from that Colony for the suppression of the Mutiny of the Garrison in this Colony, which took place some months ago, shall be conveyed back to Surinam, the Garrison they belong to, also within the same space of time and at His Majesty's expense, and not be Prisoners of War.

Shall be conveyed to Europe as soon as possible, but must be considered as Prisoners, and not to serve against Great Britain, or her Allies, until regularly exchanged. The Surinam Detachment to be also Prisoners of War, and on the same footing as the other Troops, but the Officers of the said Detachment will be furnished with a conveyance to Surinam, if they wish it.

ARTICLE 17. A Vessel shall be furnished as soon as possible for the conveyance of the Commandant, his Family and Officers, and the baggage and effects to them belonging.

Granted.

ARTICLE 18. The sick shall be attended at the Military Hospital at the expense of His Britannic Majesty, and when cured to be sent to Holland.

Granted.

ARTICLE 19. It

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ARTICLE 19. It shall be permitted to such persons of the Military Department as should not wish to return to Europe to stay in the Colony and seek for employment in the Planter line, or any other business their capacities and inclinations may fit them for, or if they choose to quit this Colony for any other place.

Such people as may be found useful to the Colony, on proof and proper representation, will be allowed to remain.

ARTICLE 20. The present Government of the Colony and the Commandant of the Troops shall despatch immediately the Republican Schooner *Serpent*, now in this River, to give advice to the Government of the Republic of the present Capitulation.

Cannot be granted, but the same vessel that takes our despatches to Europe will take theirs. The Naval Officers, non-Commissioned Officers and Seamen, shall not be Prisoners of War, but depart with the *Serpent* for the Batavian Republic, and the necessary Passports shall be furnished by the Commander of His Britannic Majesty's Naval Forces. The Republican Schooner *Serpent* to be given up to His Britannic Majesty's Schooner *Netty* at 10 o'clock this day.

ARTICLE 21. The remainder of the Military Mutineers who, by their insurrection from the 11th of April to the 10th of May last, have put this Colony in danger of total destruction, and are now in Prison, shall be received in custody of His Britannic Majesty's Forces, and within one month from this date be embarked and sent to the Batavian Republic, at His Britannic Majesty's expense, to be tried for their high crimes and receive the merited punishment.

The British do not protect Mutineers of any country, the disposal of them to be left to the Commanders-in-Chief of His Britannic Majesty's Forces in the West Indies.

ARTICLE 22. Should hereafter any differences arise concerning the true meaning of any of the Articles of the present Capitulation,

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Capitulation, the interpretation of the same shall always be given in favour of the Colonists.

Granted.

This Answer and additional Articles will be delivered by JOHANNES VAN DEN BROEK, junior, Member of the Provisional Government, Z. J. C. FRICKE, Member of the Court of Policy, PAUL EGGERS, Fiscal and Secretary, ROELOF STUYVELAAR, Captain of Artillery, J. R. CLAESSENS, Captain of the Rangers, and J. D. GALLAS, Lieutenant of the Navy, who are authorised finally to conclude.

Proposed at the Government House, New-Amsterdam, on the 23rd September, 1803.

Finally concluded on Board His Majesty's Ship *Heureux*, off Berbice, at nine o'clock, A.M., the 24th September, 1803.

(Was Signed)

J. VAN DEN BROEKE, JR., 1803.  
J. C. FRICKE.  
R. STUYVELAAR, *Capt.*  
J. R. CLAESSENS, *Capt.*  
D. J. GALLAS, *Lieutenant.*  
P. EGGERS, *Secretary.*  
LOTFUS OTWAY BLAND.  
ROBT. NICHOLSON, *Lieut.-Colonel.*  
JOHN HOCOMBE, *Navy Secy.*  
GEO. EDDINGTON, *Mil. Secy.*

#### ADDITIONAL ARTICLE.

Possession of Fort St. Andrew's, York and Redoubt, and other Posts are to be given to Detachments of the British Troops, this day at 10 o'clock, A.M.; also, that of the Batavian Schooner *Serpent*,

Nô. XVIII.]

*Berbice.*

[ *Additional Article*,  
25th Sept.  
1803.]

*Serpent*, by the British Seamen and, the *Natly*, British Schooner, with other Boats, are to be allowed to pass into the Harbourof of Berbice.

#### ACCORDED TO

On Board His Majesty's Ship *Heureux*, the 24th September, 1803.

(Was Signed)

LOTFUS OTWAY BLAND.  
ROBT. NICHOLSON, *Lieut.-Colonel.*  
JOHN HOCOMBE, *Naval Secretary.*  
GEO. EDDINGTON, *Military Secy.*  
J. VAN DEN BROEK, JR., 1803.  
J. C. FRICKE.  
R. STUYVELAAR, *Capt.*  
J. R. CLAESSENS, *Capt.*  
D. J. GALLAS, *Lieut.*  
P. EGGERS, *Secretary.*

AND WHEREAS, it thereby appeared that the Committee have laudably acquitted themselves of the trust to obtain favourable answers, indeed on more of the Articles, than by the local circumstances, and state of affairs, with any appearance of hope could be expected.

¶The Assembly have approved of the conduct of the Committee and ratified the Capitulation, and the provisional Government sent peremptory orders to Lieutenant-Colonel MARRIUS to behave conformably to the said Capitulation, in consequence, part of the British Forces passed into the River and came at anchor abreast of the Town yesterday afternoon, and have to-day taken possession of the Forts and Posts and hoisted the British Colours in this Colony.

And these Presents are to make known unto the inhabitants, the aforesaid recurrence and Capitulation, with serious recommendation to behave themselves conformably thereto, for the common benefit of this Colony, and all interested in the same.

And these Presents shall be Proclaimed, Posted up, and sent round as customary.

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F. Enacted

THE LAWS OF BRITISH GUIANA.

66

*Additional  
Article,  
25th. Sept.,  
1803.]*

No. XVIII.—XIX.] *Berbice.*

Enacted in an Extraordinary Assembly, New-Amsterdam, 25th  
September, 1803.

PRESENT :

All the Members above named, except Licut.-Col. MATTHIAS,

(Signed) J. C. W. HEERLIN, *Pt.*

By Command,

(Signed) P. EGGBES, *Secretary.*