

WEST INDIES COLONIZATION

Agreement signed at Washington July 19, 1862, with annexed copy of a provisional act of "Commissioner for and officiating Governor General of the Danish West India Islands" dated at St. Croix January 26, 1849

Entered into force July 19, 1862

Expired July 19, 1867

8 Miller 833 ¹

AGREEMENT

This agreement, entered into between Waldemar Rudolph von Raasloff Chargé d'Affaires, for and on behalf of the Government of Denmark, and Caleb B. Smith, Secretary of the Interior, for and on behalf of the Government of the United States, witnesseth:

That the Government of Denmark agrees to receive from the United States through its duly constituted authorities, for a term of five years, at a landing place called West end, on the danish island of St Croix in the West Indies, all negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the Slave trade by Commanders of United States armed vessels and to provide them with suitable instruction and with comfortable clothing and shelter and to employ them at wages in conformity with the provisional act issued by the Governor of St Croix on the twenty sixth day of January eighteen hundred and forty nine, entitled "Provisional act to regulate the relations between the proprietors of landed estates and the rural population of free laborers (a copy of which is hereto annexed) for a period not exceeding five years from the date of their being landed at the aforesaid landing place, and that the United States shall not be liable for any expenses on account of said Negroes, mulattoes, or persons of color after having landed them at the aforesaid landing place; And the Government of the United States agrees to deliver to the Government of Denmark, or its duly constituted authorities, at the aforesaid landing place on the Danish island of St Croix in the West Indies, whenever practicable, all negroes, mulattoes or persons of color delivered from on board vessels seized in the

¹ For a detailed study of this agreement, see 8 Miller 833.

prosecution of the Slave trade by Commanders of United States armed vessels during the five years next succeeding the date of this agreement, and to issue instructions to the Commanders of the armed vessels of the United States directing them, whenever it shall be practicable, and under such rules and regulations as may be prescribed by the President of the United States, to proceed directly to the aforesaid landing place on the Danish Island of St Croix and there deliver to the duly constituted authorities of the Government of Denmark all negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the Slave trade.

And it is further agreed that the Government of Denmark shall allow the United States consul for St Croix or such other Agent as the Government of the United States may appoint for that purpose freely and without hinder and at all times to visit and inspect the condition of the negroes, mulattoes or persons of color that may have been landed on the Island of St Croix under this agreement.

Signed, sealed and delivered, in duplicate, at the City of Washington, this nineteenth day of July A.D. eighteen hundred and sixty-two.

CALEB B. SMITH
Secretary of the Interior
[SEAL²]

W. RAASLÓFF
Chargé d'Affaires
[SEAL]

Signed, sealed and delivered in presence of—

GEORGE WALKER
GEO. C. WHITING

PROVISIONAL ACT

to regulate the relations between the Proprietors of landed estates and the rural population of Free Labourers.

I, PETER HANSEN,

Knight Commander of the Order of Dannebrog, the King's Commissioner for and officiating Governor General of the Danish West India Islands,

MAKE KNOWN: That whereas the Ordinance dated 29th July 1848, by which yearly contracts for labour on landed estates were introduced, has not been duly acted upon; whereas the interest of the proprietors of estates as well as of the labourers, requires that their mutual obligations should be defined, and whereas on inquiry into the practice of the Island, and into the private contracts and agreements hitherto made, it appears expedient to establish uniform rules throughout the Island for the guidance of all parties concerned, It is enacted and ordained:

² Seal of Department of the Interior.

PARA. 1. All engagements of labourers now domiciled on landed estates and receiving wages in money, or in kind, for cultivating and working such estates, are to be continued as directed by the ordinance of 29th July 1848 until the first day of October of the present year; and all similar engagements shall in future be made, or shall be considered as having been made, for a term of twelve months, viz., from the first of October till the first of October, year after year.

Engagements made by heads of families are to include their children between five and fifteen years of age, and other relatives depending on them and staying with them.

PARA. 2. No labourer engaged as aforesaid in the cultivation of the soil, shall be discharged or dismissed from, nor shall be permitted to dissolve, his or her engagement before the expiration of the same on the first of October of the present, or of any following year, except in the instances hereafter enumerated:

- A. By mutual agreement of master and labourer before a Magistrate.
- B. By order of a Magistrate, on just and equitable cause being shown by the parties interested.

Legal marriage, and the natural tie between mothers and their children, shall be deemed by the Magistrate just and legal cause of removal from one estate to another. The husband shall have the right to be removed to his wife, the wife to her husband, and children under fifteen years of age to their mother, provided no objection to employing such individuals shall be made by the owner of the estate to which the removal is to take place.

PARA. 3. No engagement of a labourer shall be lawful in future unless made in the presence of witnesses and entered in the day book of the estate.

PARA. 4. Notice to quit service shall be given by the employer, as well as by the labourer, at no other period but once a year in the month of August, not before the first nor after the last day of the said month. An entry thereof shall be made in the day book, and an acknowledgment in writing shall be given to the labourer.

The labourer shall have given, or received, legal notice of removal from the estate where he serves, before any one can engage his services. Otherwise the new contract to be void, and the party engaging or tampering with a labourer employed by others, will be dealt with according to law.

In case any owner or manager of an estate should dismiss a labourer during the year without sufficient cause, or should refuse to receive him at the time stipulated, or refuse to grant him a passport when due notice of removal has been given, the owner or manager is to pay full damages to the labourer, and to be sentenced to a fine not exceeding \$20.

PARA. 5. Labourers employed or rated as first, second or third class labourers shall perform all the work in the field, or about the works, or

otherwise concerning the estate, which it hitherto has been customary for such labourers to perform, according to the season. They shall attend faithfully to their work, and willingly obey the directions given by the employer or the person appointed by him. No labourer shall presume to dictate what work he, or she, is to do, or refuse the work he may be ordered to perform, unless expressly engaged for some particular work only. If a labourer thinks himself aggrieved, he shall not therefore leave the work, but in due time apply for redress to the owner of the estate, or to the Magistrate.

It is the duty of all labourers on all occasions and at all times to protect the property of his employer, to prevent mischief to the estate, to apprehend evil-doers, and not to give countenance to, or conceal, unlawful practices.

PARA. 6. The working days to be as usual only five days in the week and the same days as hitherto. The ordinary work of estates is to commence at sunrise and to be finished at sunset every day, leaving one hour for breakfast, and two hours at noon from 12 to 2 o'clock.

Planters who prefer to begin the work at 7 o'clock in the morning, making no separate breakfast time, are at liberty to adopt this plan, either during the year, or when out of crop.

The labourers shall be present in due time at the place where they are to work. The list to be called and answered regularly, whoever does not answer the list when called, is too late.

PARA. 7. No throwing of grass, or of wood shall be exacted during extra hours, all former agreements to the contrary notwithstanding; out during crop the labourers are expected to bring home a bundle of longtops from the field where they are at work.

Cartmen and crookpeople when breaking off, shall attend properly to their stock as hitherto usual.

PARA. 8. During crop the mill-gang, the crook-gang, boilermen, firemen, still-men and any other person employed about the mill and the boiling-house, shall continue their work during breakfast and noon hours, as hitherto usual; and the boilermen, firemen, magass carriers, &c., also during evening hours after sunset, when required, but all workmen employed as aforesaid shall be paid an extra remuneration for the work done by them in extra hours.

The boiling house is to be cleared, the mill to be washed down and the magass to be swept up, before the labourers leave the work, as hitherto usual.

The mill is not to turn after six o'clock in the evening, and the boiling not to be continued after ten o'clock, except by special permission of the Governor-General, who then will determine, if any, and what extra remuneration shall be paid to the labourers.

PARA. 9. The labourers are to receive until otherwise ordered the following remuneration:

A. The use of a house, or dwelling rooms, for themselves and their chil-

dren, to be built and repaired by the estate, but to be kept in proper order by the labourers.

B. The use of a piece of provision ground, thirty feet in square as usual, for every first and second class labourer; or if it be standing ground up to fifty feet in square. Third class labourers are not entitled to, but may be allowed some provision ground.

C. Weekly wages at the rate of 15 cents to every first class labourer, of 10 cents to every second class labourer, and of 5 cents to every third class labourer, for every working day.

Where the usual allowance of meal and herrings has been agreed on in part of wages, full weekly allowance shall be taken for 5 cents a day, or 25 cents a week.

Nurses losing two hours every working day shall be paid at the rate of four full working days in the week.

The wages of minors to be paid as usual to their parents, or to the person in charge of them.

Labourers not calling at pay-time personally, or by another authorized, to wait till next pay-day, unless they were prevented by working for the estate.

No attachment of wages for private debts to be allowed, nor more than two thirds to be deducted for debts to the estate, unless otherwise ordered by the Magistrate.

Extra provisions occasionally given during the ordinary working hours are not to be claimed as a right, nor to be bargained for.

PARA. 10. Work in extra hours during crop is to be paid as follows:

To the mill gang and to the crook gang for working through the breakfast hour one Stiver, and for working through noon two Stivers per day.

Extra provision is not to be given except at the option of the labourers in place of the money or in part of it.

The boilermen, firemen, and magass carriers are to receive for all days when the boiling is carried on until late hours a maximum pay of twenty (20) cents per day. No bargaining for extra pay by the hour is permitted.

Labourers working such extra hours only by turns are not to have additional payment.

PARA. 11. Tradesmen on estates are considered as engaged to perform the same work as hitherto usual, assisting in the field, carting, potting sugar, etc. They shall be rated as first, second and third class labourers, according to their proficiency. Where no definite terms have been agreed on previously, the wages of first class tradesmen, having full work in their trade, are to be twenty (20) cents per day. Any existing contract with tradesmen is to continue until October next.

No tradesman is allowed to keep apprentices without the consent of the

owner of the estate. Such apprentices to be bound for no less period than three years, and not to be removed without the permission of the Magistrate.

PARA. 12. No labourer is obliged to work for others on Saturdays, but if they choose to work for hire, it is proper that they should give their own estate the preference. For a full day's work on Saturday there shall not be asked for nor given more than:

Twenty (20) cents to a first class labourer, Thirteen (13) cents to a second class labourer, Seven (7) cents to a third class labourer.

Work on Saturday may however be ordered by the Magistrate as a punishment to the labourer, for having absented himself from work during the week for one whole day or more, and for having been idle during the week; and then the labourer shall not receive more than his usual pay for a common day's work.

PARA. 13. All the male labourers, tradesmen included, above 18 years of age, working on an estate are bound to take the usual night watch by turns, but only once in ten days. Notice to be given before noon to break off from work in the afternoon with the nurses and to come to work next day at 8 o'clock. The watch to be delivered in the usual manner by nightfall and by sunrise.

The above rule shall not be compulsory except where voluntary watchmen cannot be obtained at a hire the planters may be willing to give to save the time lost by employing their ordinary labourers as watchmen.

Likewise the male labourers are bound, once a month, on Sundays and Holy-days, to take the day watch about the yard, and to act as pasturemen, on receiving their usual pay for a week day's work. This rule applies also to the Crook-boys.

All orders about the watches to be duly entered in the day-book of the estate.

Should a labourer, having been duly warned to take the watch, not attend, another labourer is to be hired in the place of the absentee and at his expense, not however to exceed 15 cents. The person who wilfully leaves the watch or neglects it, is to be reported to the Magistrate and punished as the case merits.

PARA. 14. Labourers wilfully abstaining from work on a working day are to forfeit their wages for the day, and will have to pay over and above the forfeit a fine, which can be lawfully deducted in their wages, of (7) seven cents for a first class labourer, five (5) cents for a second class labourer, and two (2) cents for a third class labourer.

In crop, on grinding days, when employed about the works, in cutting canes or in crook, an additional punishment will be awarded for wilful absence and neglect by the Magistrate, on complaint being made.

Labourers abstaining from work for half a day or breaking off from work before being dismissed, to forfeit their wages for one day.

Labourers not coming to work in due time to forfeit half a day's wages.

Parents keeping their children from work shall be fined instead of the children.

No charge of house-rent is to be made in future on account of absence from work, or for the Saturday.

PARA. 15. Labourers wilfully abstaining from work for two or more days during the week, or habitually absenting themselves, or working badly and lazily, shall be punished as the case merits, on complaint to the Magistrate.

PARA. 16. Labourers assaulting any person in authority on the estate, or planning or conspiring to retard, or to stop, the work of the estate, or uniting to abstain from work or to break their engagements, shall be punished according to law on investigation before a Magistrate.

PARA. 17. Until measures can be adopted for securing medical attendance to the labourers, and for regulating the treatment of the sick and the infirm, it is ordered:

That infirm persons, unfit for any work, shall as hitherto be maintained on the estates where they are domiciled, and be attended to by their next relations.

That parents or children of such infirm persons shall not remove from the estate, leaving them behind, without making provision for them to the satisfaction of the owner, or of the Magistrate.

That labourers unable to attend to work on account of illness, or on account of having sick children, shall make a report to the manager or any other person in authority on the estate, who, if the case appears dangerous and the sick person destitute, shall cause medical assistance to be given.

That all sick labourers willing to remain in the hospital during their illness, shall there be attended to at the cost of the estate.

PARA. 18. If a labourer reported sick shall be at any time found absent from the estate without leave, or is trespassing about the estate, or found occupied with work requiring health, he shall be considered skulking and wilfully absent from work.

When a labourer pretends illness and is not apparently sick, it shall be his duty to prove his illness by medical certificate.

PARA. 19. Pregnant women shall be at liberty to work with the small gang as customary, and when confined not to be called on to work for seven weeks after their confinement.

Young children shall be fed and attended to during the hours of work at some proper place, at the cost of the estate.

Nobody is allowed to stay from work on pretence of attending a sick person, except the wife and the mother in dangerous cases of illness.

PARA. 20. It is the duty of the managers to report to the Police any contagious or suspicious cases of illness and death; especially when gross

neglect is believed to have taken place, or when children have been neglected by their mothers, in order that the guilty person may be punished according to law.

PARA. 21. The driver or foreman on the estate is to receive in wages four and a half dollars monthly, if no other terms have been agreed on. The driver may be dismissed at any time during the year with the consent of the Magistrate. It is the duty of the driver to see the work duly performed, to maintain order and peace on the estate, during the work and at other times, and to prevent and report all offences committed. Should any labourer insult, or use insulting language towards him during, or on account of, the performance of his duties, such person is to be punished according to law.

PARA. 22. No labourer is allowed without the special permission of the owner or manager to appropriate wood, grass, vegetables, fruits or the like, belonging to the estate, nor to appropriate such produce from other estates, nor to cut canes, or to burn charcoal. Persons making themselves guilty of such offences shall be punished according to law with fines or imprisonment with hard labour; and the possession of such articles not satisfactorily accounted for, shall be sufficient evidence of unlawful acquisition.

PARA. 23. All agreements contrary to the above rules are to be null and void, and owners and managers of estates convicted of any practice tending wilfully to counteract, or avoid, these rules by direct or indirect means, shall be subject to a fine not exceeding 200 dollars.

Government—House, St. Croix, 26th January, 1849.

P. HANSEN