

C A P. IV.

An act for appointing John Sharpe, of the Middle Temple, London, esquire, agent in Great-Britain, to solicit the passing of laws, and other the public affairs of this island; and empowering certain members of the council and assembly, during the intervals of assembly, from time to time, as occasion shall be, to give instructions for such his management:—[14th April, 1739.] EXPIRED.

C A P. V.

An act for confirming the articles executed by colonel John Guthrie, lieutenant Francis Sadler, and Cudjoe, the commander of the rebels; for paying rewards for taking up and restoring runaway slaves; and making provision for four white persons, residing or to reside at Trelawny Town; and for granting freedom to five negroes, who were guides to parties.—[12th May, 1739.]

WH E R E A S upon the late submission of Cudjoe, and all the rebels then under his command, to his majesty's government, and his engaging for Accompong, and the party of rebels under his command, to accept of such terms as the said Cudjoe sued for, articles of agreement were entered into and executed by colonel John Guthrie, who commanded a party of militia, and lieutenant Francis Sadler, who had the command of a detachment of soldiers, in the late expedition against the rebels, and the said Cudjoe; the tenor of which articles is as follows; *viz.* Preamble.

JAMAICA, *ff.*

*At the camp near Trelawny Town,
March the 1st, 1738-9.*

In the name of G O D, Amen. Whereas captain Cudjoe, captain Accompong, captain Johnny, captain Cuffee, captain Quaco, and several other negroes, their dependants and adherents, have been in a state of war and hostility for several years past against our sovereign lord the king, and the inhabitants of this island; and whereas peace and friendship among mankind, and the preventing the effusion of blood, is agreeable to God, consonant to reason, and desired by every good man; and whereas his majesty George the second, king of Great-Britain, France, and Ireland, and of Jamaica lord, defender of the faith, &c. has by his letters patent, dated February the twenty-fourth, one thousand seven hundred and thirty-eight, in the twelfth year of his reign, granted full power and authority to John Guthrie and Francis Sadler, esquires, to negotiate and finally conclude a treaty of peace and friendship with the aforesaid captain Cudjoe, the rest

Articles of
pacification.


of his captains, adherents, and others his men; they mutually, sincerely, and amicably, have agreed to the following articles: *First*, That all hostilities shall cease on both sides for ever. *Secondly*, That the said captain Cudjoe, the rest of his captains, adherents, and men, shall be for ever hereafter in a perfect state of freedom and liberty, excepting those who have been taken by them, or fled to them, within two years last past, if such are willing to return to their said masters and owners, with full pardon and indemnity from their said masters or owners for what is past; provided always, that, if they are not willing to return, they shall remain in subjection to captain Cudjoe, and in friendship with us, according to the form and tenor of this treaty. *Thirdly*, That they shall enjoy and possess, for themselves and posterity for ever, all the lands situate and lying between Trelawny Town and the Cockpits, to the amount of fifteen hundred acres, bearing north-west from the said Trelawny Town. *Fourthly*, That they shall have liberty to plant the said lands with coffee, cocoa, ginger, tobacco, and cotton, and to breed cattle, hogs, goats, or any other stock, and dispose of the produce or increase of the said commodities to the inhabitants of this island; provided always, that, when they bring the said commodities to market, they shall apply first to the custos, or any other magistrate of the respective parishes where they expose their goods to sale, for a license to vend the same. *Fifthly*, That captain Cudjoe, and all the captain's adherents, and people now in subjection to him, shall all live together within the bounds of Trelawny Town, and that they have liberty to hunt where they shall think fit, except within three miles of any settlement, crawl, or pen; provided always, that, in case the hunters of captain Cudjoe and those of other settlements meet, then the hogs to be equally divided between both parties. *Sixthly*, That the said captain Cudjoe, and his successors, do use their best endeavours to take, kill, suppress, or destroy, either by themselves, or jointly with any other number of men commanded on that service by his excellency the governor or commander in chief for the time being, all rebels wheresoever they be throughout this island, unless they submit to the same terms of accommodation granted to captain Cudjoe, and his successors. *Seventhly*, That in case this island be invaded by any foreign enemy, the said captain Cudjoe, and his successors herein after named or to be appointed, shall then upon notice given, immediately repair to any place the governor for the time being shall appoint, in order to repel the said invaders with his or their utmost force, and to submit to the orders of the commander in chief on that occasion. *Eighthly*, That if any white man shall do any manner of injury to captain Cudjoe, his successors, or any of his or their people, they shall apply to any commanding officer or magistrate in the neighbourhood for justice; and in case captain Cudjoe, or any of his people, shall do any injury to any white person, he shall submit himself, or deliver up such offenders, to justice. *Ninthly*, That if any negroes shall hereafter run away from their masters or owners, and fall into captain Cudjoe's hands, they shall immediately be sent back to the chief

chief magistrate of the next parish where they are taken; and those that bring them are to be satisfied for their trouble, as the legislature shall appoint. *Tenthly*, That all negroes taken, since the raising of this party, by captain Cudjoe's people, shall immediately be returned. *Eleventhly*, That captain Cudjoe, and his successors, shall wait on his excellency, or the commander in chief for the time being, every year, if thereunto required. *Twelfthly*, That captain Cudjoe, during his life, and the captains succeeding him, shall have full power to inflict any punishment they think proper for crimes committed by their men among themselves, death only excepted; in which case, if the captain thinks they deserve death, he shall be obliged to bring them before any justice of the peace, who shall order proceedings on their trial equal to those of other free negroes. *Thirteenthly*, That captain Cudjoe, with his people, shall cut, clear, and keep open, large and convenient roads from Trelawny Town to Westmorland and St. James's, and if possible to St. Elizabeth's. *Fourteenthly*, That two white men, to be nominated by his excellency, or the commander in chief for the time being, shall constantly live and reside with captain Cudjoe and his successors, in order to maintain a friendly correspondence with the inhabitants of this island. *Fifteenthly*, That captain Cudjoe shall, during his life, be chief commander in Trelawny Town; after his decease, the command to devolve on his brother captain Accompong; and, in case of his decease, on his next brother captain Johnny; and, failing him, captain Cuffee shall succeed; who is to be succeeded by captain Quaco; and, after all their demises, the governor, or commander in chief for the time being, shall appoint, from time to time, whom he thinks fit for that command.

In testimony of the above presents, we have hereunto set our hands and seals the day and date above written.

JOHN GUTHRIE. (L. S.)

FRANCIS SADLER. (L. S.)

The mark  *of captain CUDJOE.*

And whereas notwithstanding his excellency the governor hath approved of the said articles, and that they are generally esteemed such as great advantages may be derived from, yet it may be too much in the power of some ill-disposed or inconsiderate persons, who have a right of property in the said negroes; or some of them, to defeat or render ineffectual the said articles of agreement, by disturbing or seizing upon the said negroes, who, in confidence, or under the security of the said articles, may come in their way: To prevent, therefore, the discontents and other ill consequences that may attend such a perverseness or indiscretion, We, your majesty's most dutiful and loyal subjects, the assembly of this your island of Jamaica, do humbly beseech your most excellent majesty that it may be enacted; Be it therefore enacted by the governor, council, and assembly of this your majesty's island, and it is hereby enacted by the authority of the same, That the said articles of agreement, and every clause and article therein contained,

The articles
ratified.