

Maroon War Settlement 1739

Following the Maroon war of the 1730s a settlement was reached between the white colonists and the Maroons who were represented by their leader Cudjoe. The following act of the Jamaican Assembly includes the text of the agreement.

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 Trelawney Town; and for granting freedom to five negroes, who were guides to parties. – [12th of May, 1739.]

Whereas 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.

Jamaica.

At the camp near Trelawney Town,

March the 1st, 1738-9

In the name of God, Amen. Whereas captain Cudjoe, captain Accompong, captain Johnny, captain Cuffee, captain Quaco, and several other negroes, their dependents and adherents, have been in a state of war and hostility for several years passed 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, etc 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 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, and 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 lying between Trelawney Town and the Cockpits, to the amount of fifteen hundred acres, bearing north-west from the said Trelawney 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 flock, 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 licence 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 Trelawney 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 in 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 here in 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 the masters or owners, and fall into captain Cudjoe's hands, they shall immediately be sent back to the 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 being 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 Trelawney 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 Trelawney 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 here by enacted by the authority of the same, That the said articles of agreement, and every clause and article therein contained, be, and they are hereby, ratified and confirmed upon the conditions and terms in the said articles expressed; and that no person whatsoever give any interruption, or presume to seize upon or detain, the said negroes, or any of them, upon a pretence or claim of property, or disturb the said negroes in the possessions and privileges granted, or intended to be granted, to them by the said articles of agreement, until a manifest breach shall appear to be made on the part of Cudjoe, or his successors, of the said articles, or some or one of them, under the penalty of five hundred pounds for every such interruption, seizure, detention, or disturbance; to be recovered in the supreme court of judicature of this island,

by action of the debt, bill, plaint, or information, wherein no essoin¹, protection, imparlance, or wager of law, shall be granted or allowed, or *non vult ulterius prosequi* be entered; and one moiety whereof shall be to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to him or them who shall inform or sue for the same.

II. And whereas Cudjoe has engaged to send all slaves, who shall hereafter run away and fall into his hands, to the chief magistrate of the next parish where they shall be taken: Be it enacted by the authority aforesaid, That all runaway slaves to be taken by Cudjoe, or any of the negroes at Trelawney Town, under his command, shall be by him or them delivered to the next magistrate, who is hereby directed and obliged to pay the said Cudjoe, or the said negroes bringing such runaways to him, the sum of ten shillings, under the penalty of five pounds, for every neglect or refusal of such magistrate to pay the same: And every such magistrate to whom any negro or negroes shall be delivered by the said Cudjoe, or any of the negroes under his command, as aforesaid, shall be and he is here by obliged, under the penalty of five pounds, within ten days after such negro or negroes shall be so delivered to him, to send such negro or negroes to the respective owner or owners, if the said magistrate shall know the owner or owners, and shall receive from the owner, for each slave so sent, the said sum of ten shillings paid by him to Cudjoe, or any of the negroes under his command as aforesaid, with a poundage, at and after the rate of two shillings and sixpence per pound, for laying out his money, besides mile-money, such as is ordered or directed to be paid by the owners of runaways, by an act entitled, *An act for the better order and government of slaves*; and in case the owner shall neglect or refuse to pay the said sums herein before directed to such magistrate, or his order, and oath be made thereof before any other justice of the peace, the said justice is hereby authorised and required, under the penalty of five pounds, to issue his warrant, and direct the same to any constable, to distrain on the goods of the said owner, and [to sell] the same, or so much

¹ an excuse for nonappearance in court

thereof as will satisfy and pay the said sums herein before directed to be paid to the said magistrate; to whom any runaway slave shall be delivered as aforesaid, shall not know, nor be informed, who the owner of such runaway slave shall be, such magistrate shall send the said runaway slave to the next marshall, who is hereby required to pay to the said magistrate the sums herein before directed to be paid by the owner, in case such runaway slave shall be brought to him and to be recovered in the same manner of the said marshall, in case of neglect or refusal; and that it shall and may be lawful for the said marshall to detain and keep in his custody the body of such runaway slave, until the owner shall reimburse him what he shall have paid as aforesaid for such runaway slave, together with such poundage and other charges as are allowed to marshalls paying for runaway slaves, by the said act entitled, *An act for the better order and government of slaves*.

III. And whereas it is thought necessary that four white persons should reside among the said negroes, who have lately surrendered and submitted themselves to the government, in order that such white persons may receive and communicate such orders as shall be sent by his excellency the governor to the said negroes: Be it enacted by the authority aforesaid, That each of the said four persons, who are or shall be appointed by his excellency the governor, or the commander in chief for the time being, for the above mentioned service, shall be paid at and after the rate of two hundred pounds *per annum*, for and during such time as he hath resided, or shall reside, and be upon actual duty among the said negroes.

IV. And whereas a negro man named Cuffee, belonging to the heirs or representatives of John Lawrence, esquire, deceased, and Sambo, belonging to John Roach, of the parish of St Elizabeth, and Quashey, belonging to the heirs or representatives of William Williams esquire, deceased, being lately taken by the rebels, deserted them, and engaged in the service of the country, by going out as guides with the said party, and led them to the negro town: Be it further enacted by the authority aforesaid, That, as an encouragement for their service, the said negroes, named Cuffee, Sambo, and

Quashey, be, and they are hereby, absolutely manumised, and for ever set and made free, and they are hereby accordingly manumised, and for ever set and made free.

V. And be it further enacted by the authority aforesaid, That the receiver-general do, out of any public money in, or that shall come to, his hands, unappropriated, forthwith pay to the respective owners of the said three several negroes, the sum of forty pounds for each of them.

VI. And whereas a Negro woman, named Venus, lately belonging to – Lamport, of the parish of Clarendon, deceased, having deserted from Accompong's Town, acquainted colonel Blake, that most of the rebels were gone out a hunting or robbing, and that it was a proper opportunity to take the town, and lead the party into the same: And whereas a negro woman named Affiba, about six years since, belonging to Mr Garbrands estate, of her own accord deserted the rebels, and guided colonel Dwarris to the negro town, which he took: Be it therefore enacted by the authority aforesaid, That the said two negro women be also manumised, and for ever absolutely set free, and they are hereby accordingly manumised, and for ever set free, and that the receiver-general do forthwith pay to the proprietors of the said respective negro women the several sums of thirty pounds for each of them, out of any money in, or that shall come to, his hands unappropriated.

Transcribed by Anne Powers from *The Laws of Jamaica* (1802)

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