

UNSOLVED MYSTERIES OF BARBUDA LAND

The conversation has begun regarding our nation Antigua & Barbuda. Many facets were injected into this discussion on radio in light of our pending Independence celebrations. Some may consider the discussions to be some thirty-plus years late, but when taken in the context that the climate of public, interactive discourse is relatively new to Antigua, we should be somewhat forgiving to those that wish to prolong, what others consider useless conversation.

There was a time when I had almost unlimited access to very good research facilities. I used those facilities to research Antigua's history and by extension Barbuda's also. In addition to that, I sometimes would go to the national archives and read old newspapers of Antigua in order to understand more of the mystery of Antigua's history. The history of Antigua, to say the least, is astoundingly fascinating and mind-boggling.

Some of our history is an array beautifully knitted strands of truth interwoven into tapestry of mythology, and folk lore –as may be found in the two volumes of '*Antigua and the Antiguans*' by - not surprisingly - the disputed authorship of Mrs. Lanaghan or sometimes, Mrs. Flannigan or sometimes, 'unknown (1844)'. The history at times is cold hard unadulterated, but captivating fact. Some of it is believable, some questionable and some unbelievable, but all of it is thoroughly absorbing. But one absorbing part of our history that I could never get a grasp of is the Mystery of Barbuda Land.

We are taught that Codrington (some one of the many Codringtons) left the island of Barbuda to his slaves and their descendants. I have read many, many hours of books, papers, documents, laws and microfiche to ascertain the conditions of this bequeathal but have never been able to find a shred of evidence to support what we are taught.

This is not an attempt to change history, any norms or status quo, but I am just one of those children in a class with my hand up signifying to the teacher that 'I don't understand'. I will therefore attempt to document the facts as I have studied them and hope that some of the teachers –possibly those that were at the discussions at Lancaster House—would correct me. Here are the facts:

1685 – Two brothers, Christopher Codrington II and John Codrington (Sons of Christopher Codrington I and Frances Drax Codrington) got a lease for Barbuda from King Charles II. This lease was for fifty (50) years, at a rental of 'one fat sheep per year if demanded' and would have expired on January 9, 1735. John died in 1688 at age 46 and Christopher II died at age 58 in 1698, annulling this lease.

1705 – Queen Anne gave another lease to Christopher Codrington III (1668 – 1710) from June 5, 1705 for ninety-nine years. This lease included the ship wrecks around Barbuda that could be salvaged for profit by Codrington. The terms of the lease prohibited the island from producing sugar, but supplied game, timber, meats, cotton, tobacco, corn and other provisions. This lease would have concluded on June 5, 1804.

1710 – Christopher Codrington III, the subsequent holder of the lease, died in 1710. In his will he left lands in Barbuda for the ‘Society of the Propagation of the Gospel (SPG)’ for the funding of a missionary college to educate and christianise slaves.

1805 – King George III issued another lease to the Christopher Bethel-Codrington for fifty years.

1834 – The Slavery Emancipation Act of 1834 was passed in Antigua, but did not apply to Barbuda. Barbuda slaves were therefore still under the apprenticeship.

1834 – Instructions were given to ship all the slaves in Barbuda to the Antigua Codrington Estates. At the time these included Bolans, Betty’s Hope, Cables, Cotton, Follys, Rooms, Jennings, Clare Hall, New Work and Garden Estates. The Barbuda slaves insurrected. Troops had to be sent from Antigua to quell the rebellion. Sir Christopher freed the slaves on Barbuda.

1835 – On November 2, 1835, Sir Christopher Bethell-Codrington Bart claimed from the Crown (Claim # Antigua 558) for 492 slaves on Barbuda the sum of £6286 18S 11D.

This in essence, is a historical chronicle of the relationship, between the island Barbuda, the Codringtons, the Crown and the slaves.

The first curiosity that struck me is that the Codringtons never owned the island of Barbuda and therefore, to me, could not bequeath it. Was this another Zulmiera type Legend? Or legend like a cave in Antigua connecting several of the islands? I surmised that this could not be so, because the certainty with which the inheritance of Barbuda was spoken of, by persons in authority and of repute, had to have some basis in fact. I began my research from the standpoint that it was some sort of gentleman’s agreement or an understanding.

This proposition though, looked doubtful when I considered that Sir Christopher had given instructions to ship the slaves on Barbuda to the estates on Antigua. Therefore, the better angle through which to look at this was that there may have been some compromise (possibly the Forty Acres and a Mule sort) that took place in order to appease the insurrection and resistance to evacuation from Barbuda in 1834.

A compromise, to me, seemed very likely, especially from the standpoint that the claim for the slaves in Barbuda was paid as an Antigua claim. This would seem strange today. However, when viewed from the perspective that up to 1835 the Parliament in Antigua had refused to administer or have anything to do with Barbuda – I found it difficult to resist the conclusion that there must have been some sort of agreement or method through which the Parliament of Great Britain accepted this as an Antigua claim.

A hypothesis began to develop in my mind which I wrote in my notebook: *“Codrington, now aged 70 (and considered very old for that time) felt retiring was the best option. But the abolition act did not cover the slaves in Barbuda and he could not claim for them while they were under apprenticeship. He then attempted to transfer them to Antigua where he could claim for them, but the slaves refused. Therefore, he freed the slaves, cut his losses and turned the island over to the slaves. Because the slaves refused to be transferred the Crown accepted them as Antigua slaves for compensation purposes”*

I began to investigate this theory to see if I was correct, but the volumes of literature on the subject seemed to suggest otherwise. I will quote abridged from one of the books: THE WEST INDIES IN 1837 by Joseph Sturge & Thomas Harvey. Appendix D.

“Of the three seamen in our little Schooner who were Barbadians [Barbudans my correction] two were exiles from their homes and the third was a colored boy the son of the late Superintendent of the Island who is mentioned by Sir Bethel Codrington in his public correspondence on Slavery with TF Buxton... Before Emancipation there were five hundred slaves in Barbuda none would have quitted it voluntarily as they are attached to their native soil to their fertile gardens and varied employments of agriculture, hunting, fishing, piloting and diving. At the present moment however upwards of a hundred of them are in banishment in Antigua... The will of the Superintendent is law and for every real or supposed offence they are liable to be ordered off the Island. Our Captain who is employed by the Superintendent and has evidently no sympathies for the negros told us that on one occasion since they became free when their labor was not wanted in, consequence of a dry season the people were all dismissed but thirty, and that they were pardoned and permitted to return [to Barbuda] as soon as seasonable weather set in”

If the Barbudans could be ordered off the island for any ‘real or supposed offence’ then obviously, they did not see themselves as owners of the island immediately post emancipation. The resulting questions still remained. When was this school of thought developed and on what basis?

In addition to this, the mystery was further compounded when I discovered that in April of 1967 the Antigua Syndicate sold huge tracts of land in Barbuda to the Government of Antigua along with the lands in Antigua. The transfer is among the list of those parcels sold as: “All That piece or parcel of land forming part of Codrington, approximately 1315.035 acres as contained in Certificate of Title No. 4011945 dated 27th September, 1945 and registered in Register Book Q Folio 142.

If lands were privately owned in Barbuda by a flourishing business, since at least 1945 up to 1967(as the documents suggest), how did this synchronise with the bequeathal of the island to the slaves and their descendants? On the other hand, what has become of that parcel, Title No. 4011945? Has it become lost or subsumed in some fictional treaty or is it still owned by the Government of Antigua? And why would the government pay for land that it could not own, or worst, was the government hoaxed? The questions bothered me.

I then began, step by step, to meticulously follow a paper trail starting with the lead in the will of Codrington III. since this was the only instance I could find where lands in Barbuda were left for anyone. I reasoned also that if lands were left for any cause then the lease of 1805 would have nullified that agreement, unless the lease and will were both, not specific to the whole island but to specific parcels. If so, could this special parcel have somehow ended up as Title No. 4011945?

Unfortunately, (evident from the quotation above) many authorities, writers and historians at the time used the words Barbados and Barbuda almost interchangeably. What in fact the will intended was that two estates in Barbados would fund a college to educate and christianise slaves in Barbuda. There is a letter on record from the Society of the Propagation of the Gospel (SPG) in 1711 asking Queen Anne’s assistance to enforce Codrington’s will and allow them to gain access to the estates in Barbados, mark you, and not in Barbuda.

The intention of the will apparently became further muddled as a result of what ensued: The SPG instead, operated the estates in Barbados (in a most inhumane way) to fund a college in Barbados for whites; as opposed to slaves in Barbuda where attention, at the time, had never been paid to teaching the tenets of God.

I felt safe to conclude, that in the war of rhetoric, between the sides – one supporting the ‘correct execution’ of the will and the education/christianisation of the slaves; the other supporting the status quo – fact became fiction, and the lines between reality and fantasy obviously became blurred and misconstrued in the resulting emotional tirades.

But my conclusions troubled me, begging further questions in light of the evidence before me. For instance, how did the law make sense of the pepper-pot of facts? Where did the law find precedence in order to institute such a provision? Which of the myriad of blurry dots did the law connect together to put flesh on the dry bones in the valley of such uncertainty?

I first examined the constitution, but found it very unhelpful. Next, I searched the first act passed about Barbuda, the Barbuda (Extension of the Laws of Antigua) Act (Cap 43). This act was passed in the parliament of Antigua in September 1858 and reads in part like this: *“Whenever Her Majesty shall be pleased to order or declare that the Island of Barbuda shall be annexed to or made or deemed a dependency of Antigua, the said Island of Barbuda shall be subject to all such laws and statutes as shall be in force in Antigua...”*

This was not just an eye-opener for me, but a game changer. It did please Her Majesty to order that Barbuda be a dependency of Antigua by resolution 22 & 23 Victoria, Cap. XIII on the 8 August 1859. The Parliament of Antigua ratified this resolution on the 23 September 1859. Therefore, the last lease to Sir Christopher Bethel Codrington having matured in 1855, and the laws of Barbuda being made one with Antigua in 1859, I had discovered a workable starting point when the laws relating to the lands of Barbuda were the same as the laws pertaining to lands in Antigua. It was only left for me to sift out under what conditions, and when, the laws had changed.

I searched other laws and found what, at first, I thought to be a case of retrogression or demotion from collective ownership to mass tenancy. The tenancy could result in ejection from the property in the event of delinquency in rents according to SECTION 5 & 6 of the Barbuda Act 1904 (Cap42). But since there was no point in law prior, when the inhabitants of the island were owners of the island, I looked at the law again and understood it to mean that *‘[the] tenants...shall neither hold nor deal with any land...save and except...subject to any bylaw made by the Council in that behalf’*.

This seemed to be suggesting that the Council had power to make bylaws whereby lands may be held or dealt with by the inhabitants—even bought and sold. I therefore canvassed other superseding laws on the issue and found the Barbuda Local Government Act (Cap. 44) to be more deliberate, explicit and compelling on the issue. According to Section 3 (2) *“The Council shall be a body corporate by the name of “the Barbuda Council” with perpetual succession and a common seal, and power to purchase, acquire, hold, mortgage and dispose of land and other property.”*

The act goes on to speak of the Council collecting taxes on all land and buildings; provision for agents of the Council to access property or land for land tax assessment; that in default of payment that the procedure inclusive of the Property Tax act be used to recover the taxes; Council

to purchase land (from who and where if the lands cannot be sold?) for parks, recreation, roads utilities; to promote development subject to any law relating to the alienation of land; raise funds from sale, lease, mortgage of all properties vested in the Council – all this with one caveat (Section 24 (3) a) – provided that the Council shall not have power to sell any lands vested in it without the consent of Cabinet.

The preponderance of evidence seems to suggest that the Council in Barbuda has the legal authority to sell land, quite contrary to what we are taught. But this conclusion does nothing to satisfy the hollow feeling, or lack of closure, on the issue of the basis or origin for this myth or invention, that is repeated with such certainty and authority in Barbuda Land and beyond.

Leonart Matthias