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IN  
BELIZE  
1765-1871**

**NIGEL BOLLAND  
AND  
ASSAD SHOMAN**

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LAND IN BELIZE 1765-1871

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The Origins of Land Tenure,  
Use and Distribution in a  
Dependent Economy

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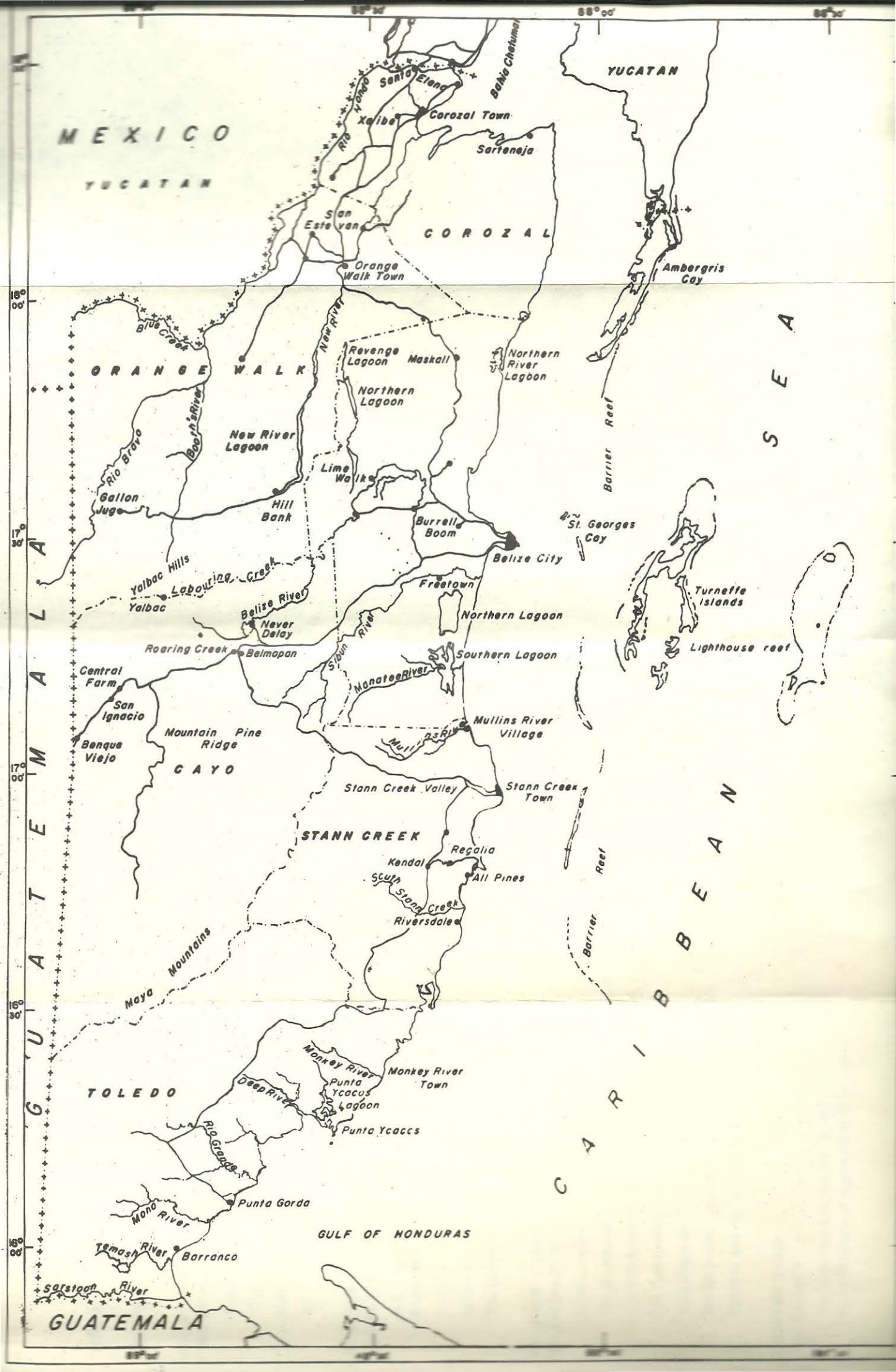
Assad Shoman

Institute of Social and Economic Research  
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## CONTENTS

	Page
<b>PREFACE</b>	
<b>INTRODUCTION</b>	1
<b>CHAPTER ONE</b>	
<b>THE FOUNDATION OF THE SETTLEMENT: 1765-1817</b>	9
Regulation of the Occupation of Land	9
"‘They form an oligarchy but they call themselves leading citizens’"	14
Making Plantations	22
Africans, Caribs, Maya, and the Land	25
<b>CHAPTER TWO</b>	
<b>THE SETTLER MONOPOLY 1817-1838</b>	34
A Struggle for Authority: The Oligarchy v. the Crown’s Representative	34
Arthur’s Commission on Land	38
Locations, Grants, and the Issue of Sovereignty	43
The Distribution and Use of the Land	49
<b>CHAPTER THREE</b>	
<b>EMANCIPATION TO CROWN COLONY 1838-1871</b>	58
Inhibitions on the Growth of a Peasantry	58
The Stimulation of an Interest in Commercial Agriculture	66
The Validation of Land Titles	72
The Monopolization of Freehold Land	77
Agriculture and Immigration	83
The Dispossession of the Maya, Caribs, and Africans	89
Taxation and the ‘Landed Interests’	93
<b>CHAPTER FOUR</b>	
<b>THE LEGACY</b>	102
The Absentee Landlords of Belize	102
Some Problems of Agricultural Development	109

CHAPTER FIVE		
CONCLUSIONS		117
APPENDICES		
I	Extract from Article III of the Convention of London, 1786	128
II	A "Form of Grant"	129
III	Clauses Relating to Locations from the "Laws in Force Act" 1855	130
IV	Clauses Relating to Claims from the "Honduras Land Titles Act" 1861	131
V	Some Large Properties in Belize, by Acreage and Ownership, 1935 and 1971	132
VI	Chronological Table, 1763-1872	134
REFERENCES		138
INDEX		141

## LIST OF TABLES

Tables		
3.1	Exports of Timber from Belize, 1857-1859	71
3.2	Exports of Sugar from Belize, 1862-1867	84
3.3	Acreage in Cane on Estates with Steam Machinery, 1868	85
4.1	Distribution of Freehold Land in Estates of Over 10,000 Acres, by Size of Holdings, 1935	103
4.2	Distribution of Freehold Land by Size of Holdings, and Degree of Foreign Ownership, December, 1971	105

## PREFACE

The associated problems of dependence, decolonization, and development are acknowledged as being among the most pressing in today's world, yet they are too frequently discussed in terms of generalizations that amount to little more than platitudes. But these general problems exist only in particular situations, so it is only through the study of socio-historical particularities that the generalizations may be examined and evaluated.

In focussing this paper on an aspect of Belize — land — through a particular period — the late 18th and the 19th centuries — it is our intention to examine some of the relations between the political economy and the social structure of that society. We are concerned, for example, with the circumstances surrounding the origin of land laws, or again, with the reasons for the lack of development of a peasantry following emancipation. We are interested in these topics intrinsically, but also because the study of such specifics aids the understanding of our more general concern: the ways in which political economies evolve and operate in relation to social structures. It is our hope, therefore, that *Land in Belize, 1765-1871* is not only a detailed investigation of a particular aspect of colonial history. We hope also that it is a contribution to the study of the phenomenon of colonialism which will aid our understanding, and hence help in the solution, of the problems of decolonization and development.

The contemporary significance of our topic was demonstrated, shortly after we completed this paper, by the passing of the Alien Landholding Ordinance in December, 1973. The intention of the law was to curb the prevalent land speculation carried on by foreigners and so facilitate the redistribution of land to the people of Belize. This law, though necessary, is not sufficient to solve the problems of land tenure, use and distribution. It is our hope that the historical perspective provided by our study will encourage the critical evaluation of such legislation and the generation of a comprehensive land reform programme, so essential to the decolonization and development of Belize.

Much of the research upon which this paper is based was made possible through the support of the Institute of Social and Economic Research of the University of the West Indies. We thank Alister McIntyre, the Director of the Institute, for this support, and would also like to acknowledge the assistance of officials of the Public Record Office, London, and of the Archives and National Collection, Belize City, for making their facilities available to us. We are grateful to the Research Council of Colgate University for supporting the final preparation of the manuscript.

In the course of writing and revising this paper we have benefited from the critical comments of a number of helpful people, among them H.J. Alexander, R. Fuller, J. Palacio, and A.A. Sio. We would like to thank all these people and,

particularly, Albert Grant, former Lands Registration Officer in Belize, whose great interest and invaluable advice and assistance helped to sustain our work. The fact that we were unable to meet all their criticisms of the first version of this paper, and that they have not seen this one, absolves them of all responsibility for our remaining lapses and inadequacies.

For their meticulous work in deciphering and typing our manuscripts, we give our thanks to Mrs. Beryl Craig and Mrs. Doris Vaughn.

Above all, we thank our wives, Ellie Bolland and Jo Shoman, who stoically accepted the fact that so many evenings and weekends, and months of correspondence, were dominated by the topic of "Land in Belize."

Belmopan, June, 1974

O.N.B., A.S.

#### NOTE

##### Abbreviations:

AB for Archives of Belize, Bliss Institute, Belize City.

BURDON, ABH for Sir John Alder Burdon: *Archives of British Honduras*, (3 Vols.) London, Sifton Praed, 1935.

CO for Colonial Office Records, Public Records Office, London.

GRB for General Registry, Belize.

#### INTRODUCTION

The colonial history of the Caribbean area is a history of exploitation. These colonial territories took the form of vast agrarian factories, producing raw materials – sugar, cotton, coffee, timber – for export to the metropolises, from which they imported all processed and manufactured goods in metropolitan-controlled transportation. The metropolis-satellite relationship was epitomized in the plantations which were developed to produce commodities for European markets. "The establishment of the plantation system meant a rooted overseas capitalism based on conquest, slavery and coercion, investment and entrepreneurship... the growth of slave-based economies in the New World was an integral part of the rise of European commerce and industry". [Mintz 38, p. 6].

These Caribbean colonial territories were typically stratified into two hostile classes, perpetually confronting each other: the dominant class, owning or managing the vast estates or latifundia and controlling the import-export trade, and a dominated, dispossessed mass, initially of African slaves, whose free descendants constituted the first great agrarian proletariat.

If the dominance of the plantation system of production is the major theme of Caribbean societies, the 'counterpoint' to the plantation is peasant agriculture [Ortiz 41]. These two modes of production have always been in opposition to each other, competing for land and labour, the plantation being synonymous with oppression and the peasant plot symbolizing freedom and independence. Independence from the estates, which has meant so much to the peasant descendants of slaves, is typically precarious, however, as the peasants lack both the financial and political power of the dominant class and the syndical strength of the proletariat. Despite the precarious situation of the peasantry, men have always preferred, wherever there is a favourable man-land ratio, to work on their own account. Sydney Mintz [37, xiv-xv] has summarized this relationship between land and labour, and indicated that the coercive nature of the plantation is a response to a particular situation:

The history of newly discovered and newly occupied areas has demonstrated again and again that free men will not work as employed agricultural laborers if they have access to land which they can cultivate for themselves.

Basic to the relationship between men and land, then, is the relative availability of land for settlement and of labor for employment. In areas of sparse settlement, free men will settle unoccupied and unappropriated land and avoid working for others ... It is precisely the ease with which land may be acquired in such situations that makes employable labor "scarce" .... The plantation... needed a coerced labor force because it could not amass or retain a free labor force.

The solution to the demands of a plantation economy for labour was the institution of slavery, millions of Africans being brought to the so-called 'New World' in order to labour on European-owned plantations.

After slavery was abolished in the British colonies the problems associated with land and labour remained. The concern for a continuing supply of labour was recognized by the British Government during the period of 'apprenticeship' and its suggested solution was to deny the freedmen access to land:

In January 1836, the Colonial Office advised that to protect the planters in respect of the supply of labour, facilities for obtaining land by the people when emancipated be diminished, that the occupation of Crown lands by persons having no title be prevented and that a price be fixed on such lands as to place them out of the reach of persons without capital. [Burn 12, p. 305.]

Although there was no legal sanction for discrimination between people of different racial groups, coercive measures were exercised which had the effect of perpetuating and rigidifying the race/class structure established under slavery. **The monopolization of land was one such measure.** Various forms of financial coercion, similar to debt peonage, or high rents, were sometimes used. And where these failed, indentured labourers were imported by the thousands to make labour more available and, hence, cheaper and more tractable.

The 'counterpoint' between plantation and plot, or proletarian and peasant, was based upon the landowners' opposition to an independent, self-sufficient peasantry, and the ex-slaves' opposition to further labour under oppressive conditions for the benefit of their former masters. At the end of the 19th century the Norman Commission commented upon the continuing opposition of the landowners to the development of a peasantry:

The settlement of the labourer on the land has not as a rule been viewed with favour in the past, by the persons interested in sugar estates. What suited them best was a large supply of labourers, entirely dependent on being able to find work on the large estates and consequently subject to their control and willing to work at low rates of wages.<sup>1</sup>

This historical relationship of land and labour, of plantations and peasantries, remains very much in evidence throughout the West Indies, as recently summarized by George Beckford [6, p. 86]:

**Labor and the problem of land have been inherently connected to the whole history of plantations. Compulsion and coercion were always necessary for plantations to secure labor supplies. First there was slavery, then indenture; in more recent times coercion has been exercised through plantation monopoly of land. This has been the pattern everywhere. It would appear that wherever people are able to provide their own subsistence they are not prepared to offer their labor services for subsistence wages.**

The Caribbean area has a long history of colonial domination and dependence upon the metropolises, and this has been a factor which has deeply affected its social, economic, political, and cultural, and even psychological existence. Dependence upon the metropolis, plantation economy, slavery — these have been the major characteristics of the Caribbean area; these aspects, and the Black Diaspora which was their consequence, provide those common features which

enable us to consider the Caribbean a culture area. But the colonial experience of the Caribbean territories has included many variations, many historically specific particularities, which have produced an extremely heterogenous area. The important differences which exist between territories within this area should not be obscured in favour of generalizations. Such generalizations can only be founded upon detailed studies of the socio-historical particularities of each component of the area, and it is to such a study of one part of the area that this paper is oriented.

**The *raison d'être* of the British Settlement in the Bay of Honduras<sup>2</sup> was the extraction of logwood,** a tree from which a dye valued by the woolen industry was obtained. By the middle of the 17th century the British buccaneers, who had previously plundered Spanish logwood ships, were engaged in cutting the trees themselves in various parts of the Yucatan peninsula, particularly in Campeche in the Gulf of Mexico. The suppression of privateering that occurred after the treaty of Madrid in 1667 encouraged the shift from buccaneering and raiding to logwood cutting and settlement. In 1670 Governor Modyford of Jamaica stated that there were "about a dozen logwood vessels formerly privateers, selling the wood at £25 to £50 a ton and making a great profit".<sup>3</sup> In 1672 Governor Lynch stated that England might become "the storehouse of the logwood for all Europe which may be worth £100,000 per annum to the trade and customs".<sup>4</sup> A report to the Council of Trade in 1705 mentioned "the River of Bullys [Belize], where the English for the most part now load their logwood",<sup>5</sup> and in 1817, when the British were expelled from Campeche, the importance of the Settlement in the Bay of Honduras in relation to the logwood trade became enhanced. By 1751 it was reported that: "There was cut last year in the Bay of Honduras above 8,000 Tun of Logwood Sold at an Average in England and elsewhere for at least £20 per Tun, Total £160,000 available Sum".<sup>6</sup>

Throughout this period the British settlers were harassed by frequent Spanish attacks, and the British never seem to have denied Spanish sovereignty over the area. But even when the Spanish attacks were successful they did not attempt any subsequent settlement and the British would return to resume operations after they had left. Not until the Treaty of Paris in 1763 did the British Settlement in the Bay of Honduras achieve any recognized status. Article 17 of that Treaty permitted the "Occupation of Cutting, Loading, and Carrying away Logwood",<sup>7</sup> but Spanish sovereignty was still asserted over the territory. Though the British rights were thus strictly limited to logwood extraction, the settlers felt encouraged to systematize and codify to some extent their customs and practices, one of the chief of which concerned the method of claiming a logwood work. The anomalous constitutional position of the Bay Settlement continued to plague the British for another century, however, and affected the development of the system of land tenure.

A colonial Governor of British Honduras has claimed, apparently in order to make more justifiable the British occupation of the territory, that though



"there are traces of extensive Maya Indian population... all over the Colony... this occupation was long before British Settlement". [Burdon 11, I, p.4]. Though the British settlers rarely encountered the Maya during the first century of their occupation, it is nevertheless a fact that Maya were in the area and were therefore dispossessed of their land. In 1670 it was stated that the British cutters "go to places uninhabited or inhabited only by Indians",<sup>8</sup> and in 1779 it was said that "the Indians who live near the English are so inconsiderable that it is unnecessary to take any notice of them".<sup>9</sup> Until that time, however, the British had remained near the coast, but in the late 18th and early 19th centuries the British settlers, in response to the changing demands of the metropolitan market, moved further up the rivers and creeks of the interior in search of mahogany. Then, encroaching upon Maya settlements and encountering resistance, British troops drove the Maya deeper into the western forests. When the Maya reappeared in the second half of the 19th century they were defeated by the British military forces and, relegated to an inferior social and economic position in the Colony, they were deprived of the right to own the land of their ancestors.

The majority of the population in the Settlement had never possessed the land. From early in the 18th century the British logwood cutters had imported African slaves through the West Indies, and they soon came to outnumber their masters. The people in the Bay Settlement, however, were not simply distinguishable as white masters or black slaves, though this was the fundamental distinction that affected the social position of the more ambiguously placed people — the 'poor whites' and the 'free coloured and blacks'. [Bolland 9]. In a population that averaged less than 4,000 during the first half of the 19th century, the whites averaged a mere six per cent. The proportion of the slaves diminished from about three-quarters of the population at the beginning of the century to less than half at the time of Emancipation. In the same period the 'free coloured and blacks' grew from about 20 per cent in 1800 to about 45 per cent in 1835. The people in this intermediate stratum were generally either the employees of the elite or were self-employed, but they did not constitute an integrated 'middle class'. While a few of the 'free coloured' acquired considerable wealth and thereby qualified for political privileges, they remained socially unacceptable to the racist white settlers. On the other hand, not all of the whites were members of the elite, some being poor, disenfranchised and without influence in the Settlement.

The elite was, in fact, ten or a dozen families who, though they did not live in the grandiose and ostentatious style of the planters in the West Indies, exercised an astonishing monopoly of control in the little Settlement. Ultimately their power rested upon their ability to call the British Navy or the West India Regiments to their aid, as they did against slaves in revolt in 1773, against invading Spaniards in 1798, or against the Maya counter-attacks in the 19th century. Despite the differences the settlers sometimes had with the British Government, their own impotence in situations where they required the use of force made

them reliant upon the British military forces, and in 1871 they surrendered their political privileges in return for greater security. Until then they had control over the local legislature, initially a rudimentary gathering of the privileged few known as the Public Meeting. Through the Magistrates, whom they selected from among themselves, they controlled the judiciary and taxation. The elite's control over commerce and finance was extensive — it dominated the import and export trades and much of the retailing, and even fixed the price paid in the Settlement for logwood and mahogany, which were used as local currency. Above all, the monopoly of this 'power elite' was apparent in the ownership by a dozen families of almost half the slaves and almost all the land in the Settlement.

In 1816 Superintendent George Arthur expressed his concern about "a monopoly on the part of the monied cutters, to the almost entire exclusion of the poorer class of His Majesty's Subjects" and his desire to "prevent any undue advantage being taken by the opulent over the poorer Class of Settlers".<sup>10</sup> Arthur was disturbed at the way in which the settlers were able to defy the authority of the Crown's representative and he felt it necessary to break the monopoly which a few wealthy cutters maintained over the land. The settlers' assumption of the authority to dispose of the land was perceived by Arthur as being incompatible with the authority of the Crown's representative. Arthur appointed a Commission "for the purpose of investigating into the validity of the extraordinary and extensive claims, by which the Settlers occupied Land in this Country, which left scarcely an acre of disposable ground for future Settlers".<sup>11</sup> The first part of *Land in Belize* is similarly concerned with the manner in which the settlers in the Bay of Honduras occupied and laid claim to the land between 1763 and 1817, a period in which a handful of the early settlers divided between themselves almost all the land defined within the limits of the old treaties with Spain.

In the early 19th century the Settlement was expanding beyond the old limits and Superintendent Arthur succeeded in investing the Crown's representative with the authority to allocate these lands. While he failed to dispossess the elite of its vast landholdings, Arthur's period in office marked the beginning of the decline of its political power in the Settlement. Succeeding Superintendents gradually eroded the power of the Public Meeting and the Magistracy, the legislative and judicial instruments of the elite. At the same time the economic structure of the Settlement was changing. Some of the 'monied cutters' became indebted to London commercial houses and became bankrupt, while others survived only by going into partnership with metropolitan firms. Through the first half of the 19th century the settlers were losing their independence on both the political and economic fronts, and by 1854, when the country was given its first real constitution, the dominance of metropolitan companies was firmly established. Yet even at this late date in the Settlement's history, British investors were reluctant to risk their capital in Belizean land because of the still insecure nature of freehold titles. At the instigation of these potential investors the major

land laws of the country were written in the middle of the 19th century, thus enabling them to obtain secure titles to almost all of the freehold land. The intrinsic antagonism between the settlers and the metropolitan interests was thus decisively resolved in favour of the latter. **The white settlers were eliminated as a propertied class by the investors of the 'mother country', and the resources of Belize, instead of merely being affected by the changing demands of the metropolitan markets, came under the direct control of the metropolitan capitalists.**

**These changes in the political economy of the country affected the nature of its social relations. The political economy of a colonial society is not an autonomous reality but is subject to the interests of the metropolis. Though the settlers typically tried to function independently, they could not because they were dependent upon metropolitan markets, finance, and military force. When "An Act for the Abolition of Slavery throughout the British Colonies" was passed in London in 1833 the social relations of Belizean society were altered. The argument that slavery was tolerated, and even praised, so long as it was profitable is now familiar:**

The capitalists had first encouraged West Indian slavery and then helped to destroy it. When British capitalism depended on the West Indies, they ignored slavery or defended it. When British capitalism found the West Indian monopoly a nuisance, they destroyed West Indian slavery as the first step in the destruction of West Indian monopoly. [Williams 49, p. 169.]

For the West Indian planters the abolition of slavery occurred at a time when slavery was no longer profitable, when the sugar industry was in decline and badly needed reorganizing. **But in Belize, Emancipation occurred when there was a boom in the mahogany market. Unlike the planters, the Belizean cutters could not change their means of production when the relations of production were changed by an Imperial Act. The cutters' need for labour was expressed in their appeals for indentured labour and in the coercive measures they employed to maintain the freedmen's dependency. The struggle between former masters and slaves therefore continued, although in new forms.**

Emancipation was a watershed in Belize, as in the rest of the West Indies, not because it changed the basic class-colour differentiations of the society, which it did not, but because it changed the forms in which the struggle between exploiter and exploited expressed itself. Most of the freedmen of Belize continued to work in the mahogany camps where their struggle to influence wages and conditions was opposed by the employers' control of the prices of necessary subsistence articles. **Above all, the employers' power lay in their ability to withhold land from the freedmen, thereby depriving them of the possibility of becoming independent subsistence farmers.** Some of the freedmen had cultivated the soil, 'making plantation' as it is still known in Belize, while they had been slaves. Slaves who were allowed to cultivate, and sometimes market, food crops

were engaged in peasant-like production and marketing – but they were still slaves, used by the masters to reduce the costs of production by providing food for themselves. Mintz has called people engaged in this type of production a 'proto-peasantry'. [36, pp. 31-34]. After Emancipation, in many parts of the Caribbean, such proto-peasants rejected their former masters whenever conditions permitted and became a real or 'reconstituted' peasantry, in opposition to the dominant mode of production. The alternative was to be forced into a wage-earning, proletarian position, still dependent upon the masters.

Emancipation occurred, not through the dialectical development of Belizean society (which was not an autonomous social reality) but through Imperial Act. **Emancipation altered the relations of production without there having been any prior change in the means of production. Whether the slaves/proto-peasants became peasants or proletarians, therefore, depended upon other factors. The influence of some of these factors – the availability of land, the state of the internal market, the coercive nature of the advance system – are examined in Chapter Three.**

With a decline in the mahogany market in the second half of the 19th century the colonial administration and some of the large landowners began to show an interest in commercial agriculture. Their experiments in sugar plantations followed the success of the Maya and mestizo *rancheros* who had immigrated into the Northern District during the *Guerra de Castas* in Yucatan. The absentee landlords of Belize then made a fresh search for labour, obtaining immigrants from China, India, the West Indian islands, and from neighbouring Central American states. Though some Maya did establish themselves with *milpa* farms on rented lands in the north, others were dispossessed of their settlements and, along with the Caribs in the south, were perceived by the landowners merely as potential labourers. Denied the right to hold title to land, Maya and Caribs were provided with some reservations by the Crown. Meanwhile, the freedmen were kept in a thoroughly dependent position. Some of them became peasants, but the majority remained town-dwelling mahogany workers, dependent upon the landowning and commercial companies for their subsistence.

The distribution of freehold land in Belize was such that the vast majority of the population was completely dispossessed. A handful of companies owned almost all the freehold land, and a few peasants lived on smallholdings, generally with insecure titles. **One of the effects of this monopolization of land was that very little of it was utilized.** The big landowners made only spasmodic attempts to develop parts of their estates, which were generally left idle. **Another effect was that the people of Belize were unable to grow their own food and thus remained dependent upon imports, as they had been under slavery.** The comments of an observer of the West Indies in the mid-19th century describe this dependency:

It is lamentable to reflect that even in these colonies themselves, with few exceptions, fruits which might be had in abundance, of the best kinds, are scarce, and the best of them expensive; and even more lamentable, the fact, that the majority of them ... are dependent, in a great measure, on foreign countries for the greater part of the necessaries of life – for corn, for meat, for fish, salted – to say nothing of the luxuries and comforts.<sup>12</sup>

This, then, is the circle of factors concerning land in Belize: **the demands of the metropolitan market create the *raison d'être* for colonial occupation and settlement; the system of land tenure and the pattern of land use develop in relation to the changing demands of the market and the development of the Settlement's constitutional position;** the growing colonial economy makes greater demands for labour, resulting in immigration, dispossession, and a variety of coercive measures to keep the labour force dependent; the monopolization of land and the dispossession of the people ensures the dependence of the labourers upon their employers for their subsistence; the underutilization of land resulting from its monopolization maintains the dependence of the entire country upon the metropolis. In this fashion the demands of Western European, and now North Atlantic, capitalism have created and perpetuated dependent satellite economies.

#### FOOTNOTES

<sup>1</sup>Norman Commission, 1897, quoted in Augier and Gordon [4] p. 78.

<sup>2</sup>Belize was first known as 'the Settlement in the Bay of Honduras' or 'the Bay Settlement' before it acquired its colonial title of 'British Honduras'. Throughout this paper the early name is used to apply to the early Settlement, otherwise Belize, the official name from 1 June 1973, is used.

<sup>3</sup>Gov. Modyford to Lord Arlington, 31 Oct. 1670, Burdon [11] I, p. 50.

<sup>4</sup>Gov. Lynch to Sir Charles Lyttleton, 28 Jan. 1672, Burdon [11] I, p. 52.

<sup>5</sup>CO 137/5.

<sup>6</sup>Letter from Robert Hodgson, 10 April 1751, CO 137/59.

<sup>7</sup>"The Definitive Treaty of Peace", 1763, CO 123/1.

<sup>8</sup>Modyford to Arlington, 31 Oct. 1670, Burdon [11] I, 50.

<sup>9</sup>Unsigned letter to Gov. Dalling, 3 Sept. 1779, CO 137/75.

<sup>10</sup>Supt. Arthur to Earl Bathurst, 17 Oct. 1816, CO 123/25.

<sup>11</sup>Arthur to Bathurst, 13 Sept. 1820, CO 123/29

<sup>12</sup>Davy: *The West Indies before and since Slave Emancipation*, 1854, quoted in Augier and Gordon [4] p. 74.

## CHAPTER ONE

### THE FOUNDATION OF THE SETTLEMENT: 1765-1817

#### Regulation of the Occupation of Land

The sole preoccupation of the early British adventurers was to export logwood, and they had no plan of establishing a permanent settlement in Belize. They built only temporary huts near the logwood groves, frequently changing their habitation to be near to the logwood they were cutting. There was no regulation respecting ownership of land, each person cutting logwood wherever he might find it. This lack of any system of tenure was closely connected with the territory's legal status as the possession of another European colonial power, Spain. Before 1763, cutting operations frequently had to be abandoned as a result of Spanish attacks, but by article 17 of the Treaty of Paris, signed on 10 February 1763, Great Britain obtained from Spain the right of British subjects to cut, load and carry away logwood unmolested in the Bay of Honduras. No definite boundaries within which the logwood cutters might operate were assigned. The Treaty emphasized that Spain retained sovereignty over the land, the British being given merely usufructuary rights limited to the exploitation of logwood. The original *raison d'être* of the Settlement was therefore reinforced by Treaty, and this, together with the reservation of Spanish sovereignty, had far-reaching effects on the development of land tenure and land use in the Settlement.

In order to implement the terms of the Treaty, the British government in 1765 instructed Vice-Admiral Sir William Burnaby to visit the Settlement. During his stay he attempted to bring some law and order to the Settlement, and in consultation with some settlers he drew up a set of primitive regulations, which became known as 'Burnaby's Code'. A rudimentary system of administration existed whereby the settlers gathered together in 'Public Meeting' and passed 'resolutions', which were deemed to have the force of law, and yearly elected magistrates who acted as semi-judicial and semi-executive officers. This system was given some rather vague recognition by Burnaby, without the authority of the Magistrates being clearly defined.

Although the Treaty's assertion of Spanish sovereignty precluded the establishment of a proper system of land tenure, the fact that the Settlement was given a recognised status encouraged the settlers to introduce a system for regulating the boundaries of their logwood 'works', and on 10 April 1765 the Public Meeting passed the following resolutions:

Resolved, – First – When a person finds a spot of Logwood unoccupied, and builds his hut, that spot shall be deemed his property; and no person shall presume to cut a tree, or grub a stump, within less than one thousand paces or yards of his hut,

to be continued on each side of said hut, with the course of the river or creek on both sides; and whatever person shall presume, after the limits are ascertained, to enter within those limits, shall, on proof thereof, on oath before one Justice, forfeit double the value of the wood cut, and be obliged to ship it on board of such ship or vessel as the proprietor of the wood shall appoint to receive it.

Second, — That no inhabitant whatever shall occupy two works at one time in any one River.

Third, — that no inhabitant shall claim a double portion of logwood works, under pretence of a partner, except that partner is, and deemed to be, an inhabitant of the Bay.<sup>1</sup>

These rules were clarified in a further resolution of 6 May 1766, when it was resolved:

That it is understood that the method of measuring logwood works shall be a straight line of two thousand yards or paces, to be begun and ended at the river side, and that the division line be run parallel to the general course of the river; and that no logwood work shall be deemed to be evacuated, as long as the owner lives in the Bay, except he occupy some other work in the same river.<sup>2</sup>

The terms of the 1763 Treaty and of the 1765-6 resolutions indicate several of the important aspects to be considered in an examination of the development of the land tenure system in Belize. A significant aspect of the resolutions is that they describe the 'spot' a person claims in accordance with the resolutions as his 'property', although the Treaty reserved Spanish sovereignty over the land. Thus although officially the settlers were accorded only usufructuary rights to the logwood trees in the Settlement, their 'logwood works' soon came to be regarded and treated as freehold property, and were later recognized as such by the colonial government.

In other respects the resolutions of 1765-6 did not offend the terms of the Treaty. Though the Treaty precluded land ownership and formal government by asserting Spanish sovereignty, it assumed, in giving the British cutters a recognized status, the necessity for some administration of the extraction of logwood. So long as the settlers' resolutions remained simply administrative, Spain raised no objections, but when they were assumed to include rights of 'enjoying' full exploitation of the land, they were deemed to have gone beyond the bounds of the Treaty. The resolutions provided only for logwood works, and the fact that no mention was made of the general area within which these works could be established can be explained by the absence in the Treaty of any specific boundary limitations.

The resolutions suggest that the future structure of land ownership would be based on holdings of a limited size and a wide distribution, since the extent of frontage was limited to 2,000 yards, and no cutter was allowed to hold more

than one 'work' in any river or creek. However, the cutters soon found ways of circumventing the latter resolution, with drastic long-term effects upon the distribution of land in Belize.

A major effect of the 1763 Treaty, giving as it did some security to the cutters, was the adoption of a system of land distribution by the resolutions of 1765-6. There was, however, some irony in the fact that, precisely at the time the cutters were given a right to cut logwood, the logwood trade was entering a period of sharp decline. Over-production for a limited market had led to overstocking by the London merchants, and consequently prices had fallen drastically. Falling prices led the settlers to produce still more, "untill about the year 1770; during which time the price continued lowering, till it came to about: £6 and £5 per Ton ... the Market Price here about 1772 became so low, as not to pay the freights and Expenses incurred in Sending it home".<sup>3</sup> Thus, prices had fallen from a high of £50 per ton in 1670 to a low of £5 or less in 1772. By the late 1760s the logwood cutters were operating on a basis of marginal profitability, but they had already found an attractive alternative in the mahogany market, which was expanding with the growth of the English luxury furniture industry. A report of 1765 states that between 25 March and 25 September in that year 7,449 tons of logwood and 401,231 feet of mahogany were exported from the Settlement, the prices in London then being £7. 10 per ton for logwood and ten pence per foot for mahogany.<sup>4</sup> This shows that in 1765 mahogany already accounted for about a quarter of the total value of exports, and by the 1770s it was much the more important export.

Just as the resolutions limiting the boundaries of logwood works can be explained partly by the permission to cut logwood granted in the 1763 Treaty and partly by the decline in logwood prices and the exhaustion of easily accessible stands, so too can the failure to define the boundaries of mahogany works be explained partly by the Treaty's prohibition of mahogany cutting and partly by the still abundant supplies of mahogany and the favourable market.

But even as mahogany was assuming predominance in the economy of the Settlement, the settlers were interrupted in their activities by the outbreak of war between England and Spain in 1779. An attack was made on the settlers by a Spanish expedition from Bacalar, which led to the evacuation of the Settlement until the Peace of 1783.<sup>5</sup> Many of the settlers were captured and sent to prisons in Merida and Havana, but others escaped to the Mosquito Shore or Ruatan, there to await events and the chance to return to Belize. They knew that the mahogany trade was a lucrative one, and that extensive areas of mahogany awaited them in 'the Bay of Honduras'.

In Article VI of the Treaty of Versailles,<sup>6</sup> signed on 3 September 1783, the rights granted under the 1763 Treaty of "Cutting, Loading, and Carrying away Logwood" were reaffirmed, but this time boundaries were set: "the District lying between the River Wallis or Belize, and Rio Hondo", with the New River as the western boundary. The Treaty again reserved Spanish sovereignty

over the land, and called for the dismantling of fortifications, but allowed the settlers to "build therein Houses and Magazines necessary for themselves, their Families, and their Effects".

The settlers, however, found these terms unacceptable, particularly since mahogany had supplanted logwood as the principal source of profit in the Settlement. They therefore continued to ignore this limitation to their use of the resources, and at a Public Meeting on 12 June 1784 passed the following resolutions:

Resolved, that the original Laws and Regulations made and established in 1765, be and continue in full force and that such addition be made thereto as soon as convenient by the consent of the Inhabitants of this Settlement as may appear necessary.

Resolved, that the former Bay inhabitants and the legal Representatives of such as are absent to be forthwith reinstated in their respective possessions, TO WIT, Logwood and Mahogany Works, Plantations and all other property whether derived by right of possession or through purchase, and persons who shall presume to possess themselves by force, of such Works and property, and to cut or carry away Wood from thence, under any pretence whatever without leave first had and obtained for that purpose, shall be dealt with agreeable to such Articles of the original Laws and Regulations as particularly prescribes a remedy for that purpose, and in order for the more speedy carrying into execution the several matters contained therein the Inhabitants shall at the requisition of one or more Magistrates for the time being immediately assemble and proceed to the place appointed in order to aid and assist to the utmost of their power in the redress of all such Injuries.<sup>7</sup>

These resolutions not only indicate a refusal on the part of the settlers to conform to the limitations on land use imposed by the 1783 Treaty, they also demonstrate that mahogany works and plantations, as well as logwood works, were established before the evacuation in 1779, and were being transferred by purchase — a fact that suggests the cutters regarded their rights as more than merely usufructuary.

The 1783 Treaty's restriction to logwood cutting was simply ignored by the settlers, but they were perhaps more disturbed by the boundaries imposed by the Treaty. They complained that "the limits of their settlements and the privileges assigned them therein" were "most unexpectedly and extremely diminished". [Burdon 11, I pp. 138-9]. The 1763 Treaty had not defined the boundaries of the Settlement, and the cutters were now saying that they had already settled areas which went beyond the limits set by the 1783 Treaty.

The concern of the settlers was to some extent mollified by the Convention of London<sup>8</sup> between Britain and Spain, signed on 14 July 1786, by which, in return for the evacuation by the British of the Mosquito Shore "as well as the continent in general, and the islands adjacent, without Exception, situated be-

yond the line hereinafter described", the limits of the Settlement in the Bay of Honduras were extended southwards to the Sibun River. The other major objective of the settlers, to be permitted to cut mahogany, was also granted in the Convention in an article which clearly defined the economic activities to which the settlers were limited. They were to be allowed to gather "all the Fruits, or Produce of the Earth, purely natural and uncultivated," but were expressly forbidden to establish "any Plantation of Sugar, Coffee, Cacao, or other like Articles".<sup>9</sup> The Convention further permitted the habitation of St. George's Cay, but disallowed the building of fortifications or the stationing of troops there, and provided for half-yearly inspections by a Spanish officer accompanied by an English officer.

Both the Treaties of 1763 and of 1783-86 are very emphatic in reserving the sovereignty over the land to Spain, but this was never really appreciated by the settlers, who dealt with the land as if it were their own. For the British government it was more difficult to ignore a fundamental aspect of the Treaties to which it had agreed, but although it was extremely reluctant to take any positive action in derogation of Spanish sovereignty, it did exercise a large degree of *de facto* sovereignty, particularly after war again occurred between Britain and Spain in 1796. For example, Superintendents, responsible to the Governor of Jamaica, were regularly appointed, troops were stationed in the settlement and fortifications built, and a Supreme Court was established in 1819. With regard to the land, Lord Sydney, Secretary of State in the Home Department, wrote to the Superintendent in 1787 concerning the additional area allowed by the 1786 Convention, instructing him as to "the disposal of these lands" and referring to various groups that were "to be put in possession of lands".<sup>10</sup> And as early as 1809, land grants in respect of town lots appear to have been made.<sup>11</sup> Despite these clear manifestations of sovereignty and infringements of the Treaties, however, the British government continued until the 1830s to vacillate on the question of sovereignty over the land, sometimes insisting on the fact of ultimate Spanish sovereignty, while at other times taking actions which in effect asserted British sovereignty.

This inhibition certainly did not affect the settlers themselves, who at all times evaded the effects of Spanish sovereignty as much as they could, especially in the most important question of the extent of the land they actually occupied. The 1763 Treaty did not specify boundaries, and when the 1783 Treaty confined the limits of the Settlement to the area between the Hondo and Belize Rivers, the settlers protested that this amounted to a curtailment of their original limits, since they had already been cutting as far down as the Sibun. When the 1786 Convention took the limits down to the Sibun, the settlers soon went far beyond this boundary. Thus, by 1799 a few of them had already gone as far south as Deep River, and Stand Creek, which lay about half-way between Deep River and the principal settlement of Belize, was early in the 19th century an important settlement "from whence considerable quantities of wood has been

shipped, and His Majesty's Ships that come to Honduras generally water there".<sup>12</sup> By 1806 the Rio Grande, just north of present-day Punta Gorda Town, had been reached [Burdon 11, II p. 92], and by 1814 there were settlers at the Moho River south of Punta Gorda.<sup>13</sup> Before another 10 years had passed the present southern boundary of Belize, the Sarstoon River, was occupied.<sup>14</sup>

In this very important matter of actual occupation, therefore, the settlers from very soon after the 1786 Convention completely ignored the territorial restrictions on settlement. Another very important restriction, that on the uses to be made of the land, was more difficult to circumvent and will be treated in detail later. We must now examine the immediate difficulties experienced in the resettlement of the Bay.

#### "They form an oligarchy but they call themselves leading citizens"<sup>15</sup>

In order to supervise the implementation of the terms of the 1783 Treaty, the British government in 1784 appointed Lt. Colonel Edward Marcus Despard as Superintendent of the Settlement, where he arrived in 1786. Article XIII of the 1786 Convention had made the evacuation of the Mosquito Shore a condition precedent to the extension of limits in the Bay Settlement, and in a letter of 26 June 1787 Lord Sydney advised Despard "that the Mosquito Shore settlers, who have been obliged to relinquish their possessions ought first to be attended to, especially in the disposal of these lands which may in some degree be looked upon as a consideration for their settlements on the Mosquito Shore".<sup>16</sup> The old Bay settlers, however, did not subscribe to this view, since they had been cutting up to the Sibun River before 1779, and felt that the 1786 'extension of limits' was more correctly an adjustment of the 1783 boundaries, which did not correspond to the actual area settled prior to the outbreak of war in 1779.

The tremendous impact made on the Settlement by the arrival of the Mosquito Shore evacuees can be readily appreciated when it is noted that they were said to outnumber the people of the Bay by five to one.<sup>17</sup> The total number of these evacuees who came to Belize in 1787 was 2,214, three-quarters of whom were slaves.<sup>18</sup> While the old settlers were insisting that the additional area allotted by the 1786 Convention had already been settled by them, Despard was receiving very definite instructions from London "that the late inhabitants of the Mosquito Shore who may arrive at the Honduras Settlement are to be accommodated with lands in the additional District in preference to all persons whatever".<sup>19</sup>

Not surprisingly, Despard's attempts to carry out these instructions brought him into direct conflict with the old settlers, a conflict made particularly difficult because of the ill-defined nature of Despard's authority. These settlers, who called themselves the 'Principal Inhabitants' of the Bay, claimed the right to govern themselves by their Public Meetings and elected magistracy, and

the British government, because of its recognition of Spanish sovereignty, was reluctant to assign an authority to its representative that could be interpreted as a creation of formal government. The result was that the authority exercised by the Public Meeting and magistracy, on the one hand, and the Superintendent, on the other, was not clearly defined, and the Superintendent lacked the power to put into effect the instructions he had received. The conflict between Despard and the Public Meeting and Magistrates has been treated in detail elsewhere, [Bolland 9] and here it is only necessary to note that on the crucial question of the disposal of lands the settlers succeeded in maintaining in their own hands until 1817 the authority to allocate lands.

The settlers had fought especially hard to preserve in themselves the authority to allocate lands because of the very high value they attached to the mahogany trees growing on these lands. By the time of their expulsion in 1779, the Bay settlers had already found mahogany to be more profitable than logwood. In 1786, having received official permission to cut mahogany, they were determined to fully exploit this concession. The shift from logwood to mahogany cutting had far-reaching consequences for the emerging system of land tenure in the Settlement, and this is explicable by the very different types of operation involved.

Logwood is a small tree, the average commercial tree being about two feet in girth and about twenty feet high. As explained by Gibbs [22 pp: 124-5], "it grows in soft spongy soils. Its production for shipment requires less capital than mahogany, and is frequently undertaken by small capitalists employing small gangs . . . . It is generally brought down the rivers and along the coast in dories, and down the rivers in 'bark logs', or floating cradles made of Cabbage-palm". The tree grows almost exclusively in brackish water, near rivers, in gregarious stands, and generally near the coast.

The mahogany tree, on the other hand, is very large, the average commercial tree being about seven feet in girth, but ranging from six to 17 feet, and the height rises to between 70 and 100 feet. Mahogany grows in a more scattered manner than logwood, taking root in various soils but being most at home on fertile ground. It tends to grow in areas further from the coast than logwood, and whereas logwood is cut into chunks for shipment, mahogany is shipped in the form of large logs, which make it considerably more difficult and expensive to bring to the coast for shipment.

All these factors made mahogany cutting a much larger operation than logwood cutting. The former would require more slaves for labour, more capital, and, since the tree grows in a scattered manner, more land. The shift from logwood to mahogany cutting, therefore, encouraged the creation of a small class of wealthy cutters and the concentration of ownership of large areas of land in their hands.

The over-riding importance of mahogany exploitation in the Settlement is reflected in the new laws or 'resolutions' passed by the settlers on 25 July 1787,

which, apart from regulating town lots, contained the following important regulations concerning mahogany works:

9th Resolved, That no person, who is not actually possessed of four able negro men slaves, shall be entitled to a Mahogany Work in any of the Rivers, without leave first had and obtained of a majority of the Magistrates in open Court: Provided always, that nothing herein contained shall in any wise affect persons who formerly resided, or do now possess or Occupy Works, in Honduras; and that every freeholder, agreeably to the usage of Honduras, be entitled to a Logwood Work.

10th Resolved, That three miles in a straight line be considered a Mahogany Work; and that each and every ten able negro men slaves or servants, indented for two years or upwards, be a gang sufficient to establish such Works, which, however, if not actually possessed, occupied and worked, (agreeably to the meaning of this Resolution), within six months from the time of its location, to be deemed an unoccupied and dormant work to all intents and purposes: but that no person, who may hereafter arrive in this country, be his interest what it may, shall be entitled to locate a Mahogany Work of more than three miles in extent; but shall nevertheless be permitted to purchase such Works as may offer for sale, agreeably to the true intent and meaning of this Resolution.

11th Resolved, That all navigable creeks, rivers and lagoons, within the settlement, be considered open to any persons who are entitled to possess Mahogany Works or Logwood Works, save and except as follows: [an exception is made in respect of two particular individuals in specified areas].

12th Resolved, unanimously, as an explanation of the eleventh resolution. . . . That the three miles, allowed to a Mahogany Work on a straight line on the Main River, to go as far back as midway to the Shuboon, provided no navigable creek or lagoon may lay in a direct line at the back of the said works; but if that creek or lagoon lays at the distance of eight miles back, the main river work shall extend half-way across to said creek or lagoon, where the works laying on said creek or lagoon shall meet; and the opposite side of said creek or lagoon, towards Shuboon, shall be considered as a new work. If the distance should not be eight miles between the river and creek or lagoon, then the possessor of the river work shall be considered as proprietor of the ridge, across to the creek or lagoon, and may use either as his barquadier.

16th Resolved, unanimously, That all persons, having withdrawn their servants or slaves from this country, shall not be considered as holding any interest in works or lots, except as specified in the seventh Article, where it is provided for that such claims be sold for the payment of the debts of such estates, or otherwise be placed in the public funds, applicable to the contingent expenses of this Settlement; Provided always that nothing herein contained shall affect any cause now depending respecting lots or works in this country.

17th Resolved, That all titles and transfers of Mahogany and Logwood Works, whether by location or purchase, be recorded in books kept for that purpose only, open to public inspection, within three months from the time of obtaining such possession, on penalty of forfeiture.<sup>20</sup>

On 4 August 1787, a further resolution was passed, "That no person shall possess more than two Mahogany Works in any River, let him be possessed of what number of negroes soever".<sup>21</sup>

These resolutions, as well as those of 1765-6 relating to logwood, were known as 'location laws', as they required that a person 'locate' a piece of land with growing logwood or mahogany trees and stake his claim on the basis of the respective resolutions. The lands so occupied were referred to variously as 'locations' or 'works', but contrary to the impression one might get from the use of these terms, and, of course, contrary to the terms of the Treaties, which granted merely usufructuary rights, these lands were in fact treated as freehold property, being sold, devised and dealt with in all respects as such from an early time, and certainly by 1765.<sup>22</sup>

The 1787 resolutions were concerned mainly with mahogany works, and the slight importance attributed to logwood is evidenced by the fact that "every freeholder, agreeably to the usage of Honduras" was entitled to a logwood work. As Despard remarked in a letter to Lord Sydney in 1787, "the cutting of logwood is at present very far from being anywise profitable".<sup>23</sup> The size of logwood works, then, would continue to be governed by the resolutions of 1765-6, which meant that they would be considerably smaller than mahogany works.

These mahogany works covered a large area, of three miles frontage and, depending on the existence of a river or creek at the back, anything up to eight miles or more in depth. These, however, were reserved for the wealthier class of settlers, those owning at least "four able negro men slaves". The wording of the tenth resolution suggests that there were in existence mahogany works of a larger frontage than three miles, since it is stated that henceforth no new settler, however wealthy he may be, "shall be entitled to locate a Mahogany Work of more than three miles in extent, but shall nevertheless be permitted to purchase such works". And whereas the 1765-6 resolutions forbade the holding of more than one logwood work in any one river, the mahogany resolutions allowed up to two mahogany works in any river.

When these resolutions were framed in July 1787 the bulk of the Mosquito Shore evacuees were arriving, and the 'old settlers', as those who had settled in the Bay before the 1779 evacuation were called, knew of Despard's instructions to give the evacuees preference to the lands on the 'new limits' between the Belize and Sibun Rivers. They therefore acted quickly to defy Despard's authority and frame land distribution laws which would be most favourable to themselves.

The Public Meetings at which these resolutions and others were passed were controlled by a few wealthy cutters, and the magistrates were all of this class. These resolutions, therefore, which were to govern the disposal of lands up to 1817, were framed and passed by a small number of the old settlers, and they were designed to confirm a handful of the more wealthy of them in their claims to practically the whole of the 'old limits' under the 1783 Treaty and to large areas of the 'new limits' under the 1786 Convention.

The structure of land ownership which emerged at this time is clearly described in numerous contemporary records. Despard, who was primarily concerned with fulfilling his instructions to settle the Mosquito Shore evacuees on the lands in the new limits, makes clear in his despatches the extent to which the land had already been claimed by a handful of the old settlers. Thus in February 1787 Despard wrote that when he consulted with the oldest settlers with regard to lands in the old limits, "I was informed, by one and all, that every logwood and mahogany tree therein are private property".<sup>24</sup> It is interesting to note that these claims were made some months before they passed the resolutions on mahogany works. Despard remarked that a large proportion of the old settlers also have "claims upon the New District as Mosquito Shore Settlers, exclusive of the extensive possessions which they already hold in the Old Limits",<sup>25</sup> showing that some of the evacuees from the Mosquito Shore had previous connections in the Bay. Despard named five persons who, "with about thirty others, have divided the whole of the Old District among them and will suffer no interlopers there".<sup>26</sup>

After the resolutions were passed in July and August 1787, Despard was again moved to comment on the concentration of land in the hands of a few settlers, noting "the partiality of this law to rich people", and pointing out that "there being in the River Wallix [Belize] not above sixty miles of Mahogany ground in length, which according to this rule would be entirely occupied by a very few of the old Settlers". He asserted further that the River Sibun was "in exactly the same situation as Wallix".<sup>27</sup> Despard attempted to remedy this situation by issuing an edict whereby mahogany works "were to be settled at 40 yards of River course for each and every persons of all colours, free or Slaves, Male or female, of which a family consisted",<sup>28</sup> but this attempt at a more egalitarian legislation was completely ignored, and the resolutions prevailed.

A few weeks after the mahogany resolutions were passed, three "late inhabitants of the Mosquito Shore" wrote a petition to Superintendent Despard, complaining that:

A combination hath been formed against us by the former English inhabitants of the Bay of Honduras and some few people from the Mosquito Shore, who raising themselves into a kind of legislative body, form laws and regulations, and make Magistrates to enforce these Laws and endeavour to cause every Individual of the Community to sign those Laws. . . .

As these Laws or regulations seem also (to us) to be partial

and in favour of one sett of people, and palpably calculated to enslave another, we openly gave such opinion of them and absolutely refused to sign them, declaring we knew of no legal authority as yet in this country (especially to distribute Lands) but what lay with His Majesty's Superintendent. . . .

The Mahogany works in the new limits we have found all possessed by the former Bay people who claim every Spot, where mahogany is to be cut, under various pretences. Some of us have looked but found every place claimed, some of us have cut wood, our Negroes have been turned away and ordered to cut no more, some of the Mahogany we have cut hath been attached as the property of old Baymen.<sup>29</sup>

An explanation of how the old settlers managed to get control of all the land, and a further elaboration of the structure of land ownership, was given by Despard when he stated in October 1787:

Until the late Convention, the cutting Mahogany was always held even by the Old Baymen to be contraband, and, therefore, they cut it where ever they could find it; and they now claim all the wood which they can find in or near the Places which they formerly held in this illegal manner . . . Messrs. Hoare, O'Brien, Mc Auley, Bartlett, Potts, Meighan, Armstrong, Davis, Tucker and Sullivan and Garbutt . . . alone possess at least nine parts in Twelve of the present augmented District.<sup>30</sup>

Thus, apart from a handful of the old settlers claiming almost the entire area between the Hondo and Belize rivers, a mere 11 of them claimed three-quarters of the area between the Belize and Sibun rivers. In a later despatch Despard wrote that the abovenamed 11 people and one other, Wright, "possess at least twelve fifteenths of all the Mahogany in both the Old and the New District".<sup>31</sup> In 1791, after he had left the Settlement, Despard wrote that "the district both old and new was so taken up by the Old Settlers, that not one of the Mosquito Shore or other new Settlers have to this day been able to get a Mahogany work of any value, without purchasing it from some old Bayman".<sup>32</sup> Despite an essentially favourable man-land ratio, prices for land would have been raised prohibitively by the old settlers in order that they might maintain their monopoly of land ownership.

The few wealthy old settlers, therefore, succeeded in negating the clear instructions given to Despard by Lord Sydney that the Mosquito Shore evacuees were to be accommodated with lands in the additional District "in preference to all other persons whatever", and by the end of 1787, 12 of them had laid claim to four-fifths of the entire land available in both the old and the new limits. It may be asked how it was possible for a few of the old settlers to accumulate such a large number of works, when the laws they themselves had passed limited the number of works which each could possess. The answer is that they evaded or simply ignored these restrictive regulations. What Despard wrote on this point in 1788 with regard to the regulations concerning logwood works applied equally to those concerning mahogany works: "they were not complied with strictly;



but were constantly evaded by means of fictitious, and collusive copartnerships, between the Masters or owners of Slaves, and their kind Servants".<sup>33</sup> After a while they abandoned even this pretence and openly held a large number of works, claiming that the relevant resolutions had fallen into disuse and were no longer binding.

Since the entire area encompassed by the Treaties consisted of about 2,500 square miles,<sup>34</sup> the handful of old settlers who claimed four-fifths of the area were holding about 2,000 square miles between them. It is apparent that these few men could not possibly work all this land, even though they had several hundred slaves and though they limited their work to the extraction of timber. The question therefore arises why they were determined to hold so much more land than they could possibly use. The answer, it would appear, lies in the way in which they used the land, not only to exploit its resources of timber, but also as a means of wielding their power in the Settlement.

Even after the arrival of the Mosquito Shore evacuees the population of the Settlement was less than 3,000 people, three-quarters of whom were slaves. Of all the men in the Settlement less than 300 were free and most of these were free 'coloured' or black or poor whites.<sup>35</sup> The very limited size of the population, therefore, encouraged the propensity of the wealthiest and longest established 'Baymen' to fulfil several functions simultaneously. At this period of Belize's history there was little or no specialization within the Settlement's elite. The men who had succeeded in establishing themselves as the wealthiest and most influential cutters in the early logwood trade were the best equipped for expanding their operations to exploit the demand for mahogany. These same men, who had established connections with London merchants for exporting timber, were also able to develop the import trade, so vital where the local cultivation of provisions was prohibited, and consequently to control retailing. The economic crisis engendered by the decline of the logwood trade in the late 1760s had led some of the settlers into debt with London merchants and with the wealthier cutters.<sup>36</sup> Certainly the latter, who, in the role of Magistrates, had control over taxation, also fixed the price of logwood and mahogany which was used as currency within the Settlement. The economic interests of the wealthy cutters did not lie exclusively in timber extraction, therefore, and their interest in claiming all the available land must be seen in this total economic context. Despard described the Magistrates as "almost our sole importers, exporters, and retailers; too; and they had the equity to import, just what served themselves; and their private purposes of keeping the people poor and totally dependent upon them; for they not only set their own price upon their goods, but also upon the logwood and mahogany which they received in payment for them".<sup>37</sup>

Within the political structure of the Settlement the wealthy settlers had control of the primitive legislature and judiciary and they succeeded in retaining their executive powers even when these were challenged by the Crown's representative. By using their political power to enforce and maintain their monopoly

of land ownership the wealthy settlers were able to limit the access of others to the primary economic resource of the Settlement and were thus able to restrict competition in the primary economic activity of exporting timber. Seen within the context of their almost total control of the Settlement's political economy, their monopoly of land ownership was simply one way, albeit a fundamental one, by which the elite exercised their power to force the poor settlers into dependence upon them. The extent of their power and the manner in which they exercised it is illustrated by their treatment of the Mosquito Shore evacuees who were denied the right to cut mahogany and who attempted to defy the Magistrates' authority to dispose of land. In the petition to the Superintendent mentioned above, the Mosquito Shore settlers, after alluding to their refusal to sign the mahogany resolutions, said:

Many of us were then told, that if we continued of that opinion, we should be looked upon as men who had devested themselves of the rights and privileges of British Subjects, in withdrawing ourselves from the protection of the Magistrates and that therefore whatever injury may be done us we could not expect redress. That we would soon find ourselves in a very disagreeable situation, As we would not be able to furnish ourselves with any kind of necessary or articles as we might be in want of, although we had money to pay for them for none would be sold or disposed of to those who did not conform So that we must either conform or leave the Country. These maxims they have actually put in practice. . . . Thus persecuted and daily depreciated the prospect before us being a most melancholy aspect. . . .<sup>38</sup>

But bad as the situation of the Mosquito Settlers was, it was particularly bad for those of them who were 'people of colour'. In a situation where there was insufficient labour to work all of the vast lands held by the elite, the latter saw the 'free coloured' evacuees as potential labourers. The wealthy settlers put obstacles in the way of these people acquiring lands in order to deny them an independent means of livelihood and force them into a position of dependence. This is illustrated in a letter from Superintendent Despard to Lord Sydney in August 1787, just after the 'Principal Inhabitants' had made their restrictive regulations:

There is one particular hardship sustained by people of colour from the partiality of one of the rules laid down by those, who have taken upon themselves the legislative authority in this country, whereby they are totally excluded from possessing any mahogany or logwood works in this Settlement, unless they be what they call *naturalized*, by the unanimous Consent of the whole Magistrates; by which law not less than eighty people under that description who have come from the Mosquito Shore are entirely excluded from any means of gaining a Subsistence, unless they will become the Servants of these Legislators, which really seems to be the principle intention of this partial rule.<sup>39</sup>

Although it has not been possible to find any other reference to this rule, this is probably because the first book of laws available was compiled in 1806,<sup>40</sup> and included only those resolutions then in force, so that it can be assumed that this rule existed in 1787 and was repealed sometime before 1806. It may have been repealed on 29 October 1805, when another law relating to the location of logwood works by 'free persons of colour' was passed, enacting "that no Free person of Colour be permitted to locate a Logwood Work on the English side of the River, unless he possess in his own right four able negro men Slaves, under the penalty of One Hundred Pounds".<sup>41</sup> This was a particularly discriminatory act against this group of people (a group that by that time already amounted to about 20 per cent of the population),<sup>42</sup> since, by 1805, logwood was a business which could yield only relatively small profits, and was one of the few enterprises that the less wealthy persons could possibly engage in.

The monopoly of land ownership that was established in the 18th century was a fundamental aspect of the almost complete monopoly of the Settlement's political economy by the dozen families who constituted the elite. Although the chief interest of the wealthy settlers in the land was to cut logwood and later mahogany, and although the Treaties specifically forbade cultivation of any kind, the inhabitants had somehow to obtain food for their consumption. A lot of the food they consumed — mainly flour and salted pork as a staple diet for the slaves — was imported, and this gave the principal settlement at the Belize River mouth something of the aspect of a trading post. The import of food also led to the growth of a merchant class with great influence in the community, and a tendency to focus attention on the port with a consequent neglect of the agricultural potential of the lands in the interior — consequences which affect the political and economic structure of Belize to the present day.

### Making Plantations

The people of the Settlement did not rely exclusively on imported foods for their consumption. From quite early on the slaves were in the habit of 'making plantations', a phrase used even today, not in the common West Indian usage, but as a description of small plots of groundfoods, vegetables, corn, and other subsistence products. A letter of 1779 refers to the possession by the settlers of "Plantations which they visit occasionally, where they employ their Slaves in raising Provisions and cutting Logwood — these Plantations extend along the banks of several Rivers, such as Rio-Honde, New-River, Rowley's-Bight, Northern River, Belize-River, Chaboon River, and Manatee Lagoon, for 100 miles and upwards; — the Banks of the Belize in particular are settled above 200 miles".<sup>43</sup>

This indicates that the practice of making plantations was quite extensive, and it also shows that in 1779 the settlers had already established themselves further south than even the 1786 Convention allowed, as Manatee Lagoon is al-

most 15 miles south of the Sibun. Attempts to cultivate even these small plots for subsistence, however, were systematically discouraged by the Spanish officials who visited the Settlement to enforce observance of the terms of the 1786 Convention. Despard was sympathetic to the plight of the settlers and in August 1787 wrote to a Spanish official requesting that each family be allowed subsistence plots of from two to four acres,<sup>44</sup> but, pending official permission, he was compelled by his instructions to cooperate with visiting Spanish officials in the enforcement of the 'no cultivation' term of the Convention.

The settlers consequently complained in October 1787 that Despard "went in his own Person and made our Negroes at our Upper Works dig up by the Roots everything that grew in a very large plantation which was on the North Side of Belize River before the War, and had been cleared and replanted at great Expense since the Peace".<sup>45</sup> Other complaints were made in 1788 and 1789 concerning the actions of the Spanish Commissioners who systematically rooted up every cultivated spot they could find.<sup>46</sup> The settlers were concerned not only by the loss of provisions, but also because such loss would create discontent among the slaves:

It appears . . . that the Spaniards have very lately cut down the Plantain Walks and Provision Grounds of the Settlers, particularly in the New River, upon which the individuals residing there have at all times had their Chief, or Sole dependence. This has greatly injured the Owners and given great disgust to the Negroes employed in that River, whose subsistence depends upon their little Plantations; And the Negroes disgust in that Country being a prelude to their desertion, will, in proportion as it extends, enrich the Spaniards, and ruin the English Settlers.<sup>47</sup>

The Masters, acknowledging the attachment of the Africans to the land, were afraid they would lose their slaves, who had often shown their ability to stage revolts and effect escapes.<sup>48</sup>

An improvement in the situation occurred in 1789, when the British Consul General in Madrid was informed that the King of Spain had sent orders to the Governors of Merida and Bacalar

to mark out a proper plot of Ground to serve as a Garden for each Settler, where he may sow Garden Stuff, Potatoes, Indian Corn, Roots and Vegetables for his Consumption, and in proportion of Extent to the situation of the Individual, and the number of his Family and Servants, but with this Condition, that he is not to cultivate commercial products, such as Sugar, Indigo, and others.<sup>49</sup>

Thereafter the settlers were allowed to cultivate garden grounds of a certain limit (said to have been fixed at 500 yards),<sup>50</sup> although "until the commencement of the War [1796] the Spanish visiting officers were extremely rigid in confining the Settlers to the precise quantity of ground allotted, and destroyed such part of every Plantation that exceeded the same, where it came within their observations".<sup>51</sup> After 1796, however, the Spanish no longer visited the Settle-

ment, and were thus unable to restrict the plantation grounds. In 1798 an attack by the Spanish on the Settlement was repulsed, and after that date Spain made no attempt to exercise its sovereignty within the territory.

Plantation grounds had been established before the 1779 evacuation and were continued after the resettlement in 1784, despite the terms of the Treaties forbidding cultivation. The areas under cultivation were extended beyond those permitted by the concession of 1789, and then flourished unmolested after 1796. Although the masters often employed their slaves specifically to grow provisions, these plantation grounds were to a large extent cultivated on the initiative of the slaves themselves. A settler writing in 1788 described how:

our Slaves [are] ever accustomed to make Plantation as they term it, by which means they support their Wives and Children, raise a little Stock and so furnish themselves with necessaries etc. To deprive them of this Privileges would be attended with the worst of Consequences and they have already signified they will not set still and suffer the Spaniards to destroy their Grounds.<sup>52</sup>

Another letter of 1789 voices a similar concern that destruction of provision grounds would "occasion very great Disturbances from the resentment of the Negroes; whose Food very essentially depends upon the production of these Provision Grounds".<sup>53</sup>

A glimpse of one of the arrangements under which these grounds were cultivated is afforded by a letter from a visiting British officer, who wrote in 1806 that "the Slaves have pieces of ground allotted them for cultivation, which enables the most industrious, to make an agreement with their Masters in lieu of Provision".<sup>54</sup> It is not possible to obtain a clear picture of the extent and number of these plantations, but Henderson [26, p. 42], although he made other contradictory statements, wrote that "Every Settlement at Honduras has its plantain walk; and many of these comprehend an extent of, at least, an hundred acres . . . the pine-apple and melon, being very commonly interspersed between the rows of plantains". He also mentions that the banks of the Sibun river are 'thickly studded with plantations'.

Although the settlers never passed resolutions respecting plantation grounds as they did for logwood and mahogany works, it is clear that they considered plantation grounds as proper subjects of title by location. When the settlers passed resolutions at a meeting on 12 June 1784 reinstating themselves in their respective possessions, they specifically mentioned 'Plantations' as property which came within the resolution. The 1820 Report by Arthur's Commissioners stated that after the War broke out in 1796, "the Settlers located whatever grounds they pleased for the culture of Provisions, and your Commissioners do not find that any Regulation has ever been made for limiting the extent of this species of Property, and hence no restriction of Limits has ever been prescribed". They went on to observe that, "as in the case of Mahogany and Works . . . Plantation Grounds are deemed the absolute Freehold property of the occupant".<sup>55</sup>

The settlers, therefore, had in this respect also completely rejected Spanish authority. The 1789 letter to the British Consul General in Madrid, granting permission to cultivate garden grounds, had specifically stated that

no Settler is to have the power of extending his Plot of Ground, or alienating it, but with the permission of [the Governors of Merida and Bacalar], in whom the authority is vested to parcel it out, and to take care, that there be no abuse; and as a token that the King reserves to himself the Property of it, and in consideration of the benefit, which the Settler will acquire, a small Duty, or Fine, in real Money is to be required at the time of granting and renewing each Licence, for every measurement of Ground which may be so granted.<sup>56</sup>

Despite this clear assertion that only Spain's authority could alienate the land, and although the settlers had passed no laws in relation to them, provision grounds came to be regarded as absolute freehold property, and were sold or otherwise disposed of as such; and the Magistrates' courts, of course, gave full validity to such titles.

But while the use of plantation grounds, whether those claimed by free settlers or those worked by slaves, was quite extensive, the basic land use pattern and the sole economic *raison d'être* of the settlement remained the extraction of wood, principally mahogany. While the existence of these provision grounds is very important in indicating an alternative use made of the land as well as in demonstrating some of the other activities of the large majority of the population, it must be emphasised that these grounds were cultivated only for subsistence purposes. At no time in this period was any cultivation for export undertaken. The chief occupation of the British settlers consisted in supervising mahogany and logwood works, but it is important to examine the relationship of other groups to the land in the period up to 1817.

#### Africans, Caribs, Maya, and the Land

The African slaves constituted about three-quarters of the population. The principal tasks allocated to them by their masters were connected with the exploitation of logwood and mahogany, but they engaged themselves in other activities, a consideration of which is essential to an understanding of the development of land use in Belize. So much nonsense has been continually repeated about the slaves being 'well adapted' to woodcutting only, and about their being averse to agriculture,<sup>57</sup> that it is necessary to correct this false picture by looking at the historical facts.

The African slaves in Belize were people whose cultural tradition included the cultivation of the soil and not the preparation of timber for export. The enslaved Africans in Belize cut mahogany and logwood because they were forced to do so, not by choice, tradition, or inherent aptitude. The masters repeatedly praised the slaves' performance at logging while simultaneously stressing their

ineptitude and aversion to agriculture. While it may be true that the slaves could gain some satisfaction from their proficiency at some of the specific skills of logging, they nevertheless demonstrated a strong inclination to cultivate the soil. The masters were probably ambivalent about their slaves 'making plantation'. On the one hand, such 'moonlighting' could save the masters' funds by creating provisions, but, on the other hand, the masters were worried that they might lose all their labour through the desertions of slaves who became accustomed to acquiring an independent livelihood. A tension existed, therefore, between the slaves, who might begin to see 'making plantation' as a route to their independence, and the masters, who sought to keep them in a functionally dependent position. In this situation the constant reiteration by the masters of the theme that the slaves would never be any good at agriculture and had therefore better keep to logging can be seen as a way of indoctrinating the slaves with an aversion to agriculture. To the extent that the masters succeeded in propagating the myth of the slaves' ineptitude at agriculture, then, they could keep the slaves, and freedmen, in a dependent position — and the longer they could maintain the myth, the more likely it was to be fulfilled as the cultural traditions changed.

The African slaves had the inclination, and found the time, to 'make plantation' on an extensive basis, despite the many obstacles put in their way. A significant obstacle was the nature of the logging operations. The work was very arduous, taking up most of the day in cutting and much of the night in hauling, so that the slave would be exhausted and have little time to devote to his plantation. In addition, logging camps, especially logwood camps, were very temporary affairs, and a slave never knew whether what he sowed in one season he would be present to reap in the next. This was the case even in the more permanent mahogany camps, since the master could shift him at will from one camp to another. Another important obstacle until 1796 was the rooting out of plants by visiting Spanish officials, which must have caused many slaves to hesitate before making plantation, for fear it would be destroyed before they had a chance to enjoy the produce.

Yet the slaves did make plantations, and the custom was very widespread among them. One would assume that most of the produce was for the consumption of their families, but it is likely that a rudimentary marketing system existed, whereby some of the produce would be taken into Belize town for sale. In 1803 a Magistrates Meeting accepted a tender for building a Market House on each side of the river.<sup>58</sup> Two years later a Meeting "Resolved unanimously that all Higlrs such as carry Trays, Baskets, Bowls or any other Vessel to sell Goods in the Streets, save and except Bread, Plantains, Yams, or other articles the produce of this Settlement"<sup>59</sup> should pay a license, thus indicating that those who marketed the agricultural produce of the Settlement were not required to take out a license. That this resolution was intended to apply to free farmers rather than slaves is made apparent by another resolution made the same year forbidding a "Slave or Slaves to hire himself to himself with a view to pursue

Trade".<sup>60</sup> The practice of slaves engaging in marketing their produce obviously continued, however, as a committee investigating the hiring of slaves to themselves in 1810 reported "a continuation of such Evil Practices. . . pursued, by various Slaves in open violation of said Law", and recommended "that Slaves of either Sex shall not be permitted to hire themselves to themselves *for any purpose whatever*"<sup>61</sup> The reason given for deeming such independent activities 'Evil Practices' was that "such Slave being under no control of his Master, becomes subject to no authority, but what results from his own Will, which naturally tends to create Insubordination thereby diminishing respect to his proprietors".<sup>62</sup> A penalty of £500 was imposed to deter such independent activity on the part of the slaves.

It is unlikely that the slaves' agricultural produce was sold within the mahogany camps, since the number of workers in any one camp was quite small. (Henderson [26, p. 47] stated that the gangs "consist of from ten to fifty each, few exceed the latter number. The large bodies are commonly divided into several small ones, a plan which it is supposed greatly facilitates labour".) What is more likely is that the masters instituted a degree of division of labour among their slaves, having some of them grow provisions with which to feed the rest. This may have been done at the 'barquadjier' (a spot on the river where logs from inland were gathered and trimmed for transporting to the coast) or on the river banks near the town of Belize, the produce then being brought up the river to the camps.

Unlike the labour organization in, say, the sugar plantations in the Caribbean, where there were various jobs of varying difficulty, so that jobs could be allotted to women, children and the infirm within the plantation, the tasks involved in logging were uniformly arduous. It may well be, therefore, that in order not to lose the labour of those of their slaves who were unfit for the more demanding jobs of cutting and hauling logs, the masters sometimes put them to work on plantations. There is some evidence to support this in a report of 1809, which states:

The effective men can only find employment in cutting and obtaining Mahogany and Dye Woods. Women, Children and Aged Men are of course unequal to the labour required in this business, there are a great number of Coloured free persons and slaves of the latter description that would be very advantageously employed in the pursuits arising from agricultural improvement... the labour of two infirm men has been known to furnish Rice and Indian Corn sufficient to feed Thirty negroes through the year.<sup>63</sup>

The author was here making a plea for allowing cultivation of commercial crops for export, but his account makes it clear that there was some arrangement by which a few slaves were given the task of growing provisions to feed the others. The 1834 Slave Register gives evidence in support of the view that the masters allotted the task of growing provisions to those slaves who were physically un-

able to do the heavier work of timber cutting. In the Register there are 47 slaves (about 2.5 per cent of all the slaves) listed as plantation labourers, eight of these being women. Of the thirty-nine 'plantation men', three were between the ages of nine and 15 years, five were between 40 and 49, and 31 were 50 years or older. None of the plantation men were in the most physically mature age range of 16 to 39 years.

There were, then, three possible types of plantation in which the slaves could be involved: those where they worked for the masters to feed other slaves, those where they grew provisions purely for their own and their families' subsistence, and those where they produced for sale. Most probably the slaves engaged at various times in a combination of these activities.

The second largest group of inhabitants in the settlement was the 'free blacks' and 'free coloured'. Already by 1790 they were 14 per cent of the population and outnumbered the whites,<sup>64</sup> and by 1816 they constituted 24 per cent of the population.<sup>65</sup> The people in this category were former slaves or the children of slaves who were probably for the most part manumitted by their white paramours or fathers, but a few of them manumitted themselves precisely by buying their freedom with the money from selling the produce of their plantation grounds.

This group was discriminated against quite severely by the laws of the Settlement. In 1787 there was a law which prohibited those 'free coloured' evacuees from the Mosquito Shore, who constituted most of the 'free coloured' in the Settlement, from holding mahogany and logwood works, and in 1805 a law was passed forbidding a 'free person of colour' to locate a logwood work unless he possessed 'four able negro men slaves'. In addition, they were discriminated against by the laws relating to membership of the Public Meetings and of the Magistracy. Nonetheless a small number of this group did succeed in establishing themselves as mahogany cutters, a very few of them being wealthy and owning large numbers of slaves. But the vast majority of 'free blacks' and 'free coloured' had to find an alternative means of making a living. Some of them became employees of the owners of mahogany works, while others were employed or self-employed as tradesmen, fishermen and turtlers. A number of them worked the land in small provision grounds, whether for subsistence or for sale. [Bolland 9].

Another group in the population of the settlement before 1817 was the 'Black Caribs', inhabiting the southern coast. They were people who were predominantly African, being descendants of Africans who had escaped from slavery and mixed with the Carib Indians of St. Vincent, from whence they were transported by the British in 1797 to the island of Ruatan, off the coast of Honduras. Some of them later moved on to coastal areas of Honduras, and by 1802 there were some 150 Carib settlers in Stann Creek. [Burdon 11, II pp. 57, 60]. The British settlers had some years previously gone as far south as Deep River, which is about twice the distance from the Belize River mouth to Stann Creek, so that the Caribs soon found themselves being affected by the jurisdiction of the magis-

trates in Belize. The occupation of these Caribs was principally fishing and the cultivation of ground food. It is possible that they took some of their produce up to Belize town to market; they were certainly visiting the town by 1811, as a Magistrates Meeting in that year directed that all Caribs arriving at the Fort (in Belize town) must get a permit or ticket from the Superintendent, or quit the Settlement within 48 hours. [Burdon 11, II, p. 146].

The other group of people who inhabited the Settlement and cultivated the soil in this early period was the Maya. We do not know what numbers of Maya inhabited the area at this time (early censuses do not enumerate Caribs or Maya), but a number of them certainly did. It is unlikely that there was much contact between the British woodcutters and the Maya in the early years of the Settlement, since the British at first obtained logwood near the coast, and the Maya, having had previous adverse experience of the Spaniards,<sup>66</sup> no doubt retired and avoided the white settlers. As the coastal logwood became exhausted, however, and as the search for mahogany took the British further inland into the Maya forests of what is now northwest Belize, the Maya began to show their resentment of this encroachment on their lands. Thus 'an attack of the Wild Indians' is reported as having occurred on the New River in 1788,<sup>67</sup> in 1802 a detachment of troops was requested "to be sent up river to punish the Indians who are committing depredations upon the Mahogany Works", [Burdon 11, II p. 58] and in 1807 there was a request for "arms and ammunitions for gangs working up the River at Hogstye Bank, who have been attacked by Indians". [Burdon 11, II p. 101]. Hogstye Bank was a little above Orange Walk in the Belize River, not far from Roaring Creek. In 1817 a report expressed concern at "the exposed and unprotected state of the settlers, surrounded by vast hordes of Indians who are all in the constant habit of breaking in upon their works".<sup>68</sup> Although 'vast hordes' would appear to be an exaggeration resulting from fear, it is nevertheless clear that Maya were still living beyond the *de facto* frontiers of the Settlement but within the boundaries of present day Belize.

Together these four groups — African slaves, 'free blacks' and 'free coloured', Caribs and Maya — must have undertaken a lot of subsistence farming in the country prior to 1817. But although this is very significant in that it demonstrates an inclination towards agriculture, an inclination that was suppressed by structural factors, it must be reemphasised that the predominant land use was that of timber extraction. By 1817 the question of sovereignty over the land was still an issue, although there had been no attempt at interference from Spain since 1798. It had become established that the 'locations' of mahogany and logwood works, as well as plantations, were regarded and treated in all respects as freehold property.

Most important of all, *long before 1817 the structure of land ownership had become entrenched, with a mere handful of individuals owning fully four-fifths of the land between the Rio Hondo and the River Sibun*. The masses of the people who lived in the area of present day Belize were either dispossessed

and landless slaves or labourers within the Settlement, or were entirely outside the system of land tenure established by the British settlers.

## FOOTNOTES

- <sup>1</sup>CO 123/5; "Laws of Honduras 1806-1810," GRB.
- <sup>2</sup>*Ibid.* By 'parallel' the Resolution actually means the opposite – 'perpendicular' – as was made clear in the minutes of a Public Meeting on 3 March 1812, referring to the 'Ancient and established usage of the Settlement' in 'establishing Division lines of Mahogany Works', Meetings of Magistrates B, 1808-1815, GRB.
- <sup>3</sup>"The Memorial of His Majesty's Subjects driven from the Bay of Honduras in September 1779 . . ." from Robert White to Thomas Townshend, 10 Feb. 1783, CO 123/2.
- <sup>4</sup>Joseph Maud to Gov. Littelton, 7 Oct. 1765, CO 137/62.
- <sup>5</sup>White to Lord North, 11 Dec. 1783, CO 123/2.
- <sup>6</sup>See "A Map of A Part of Yucatan or of that Part of the Eastern Shore within the Bay of Honduras Allotted to Great Britain for the Cutting of Logwood, in consequence of the Convention Signed with Spain on the 14th July 1786, By a Bay-Man", London, printed for William Faden, Geographer to the King, 1 Feb. 1787.
- <sup>7</sup>"Laws of Honduras 1806-1810", GRB.
- <sup>8</sup>See "A Map of A Part of Yucatan. . . ." *op. cit.*
- <sup>9</sup>See Appendix I.
- <sup>10</sup>Lord Sydney to Supt. Despard, 26 June 1787, enclosed in Arthur to Bathurst, 13 Sept. 1820, CO 123/29.
- <sup>11</sup>"Report of the Commissioners appointed to investigate the claims by which all land and Works are held in the Settlement of Honduras, 27 July 1820," enclosed in Arthur to Bathurst, 13 Sept. 1820, CO 123/29.
- <sup>12</sup>"Remarks upon the Situation Trade etc etc of the District occupied by the British Subjects in the Bay of Honduras," by ex-Supt. Barrow, 1 May 1809, CO 123/18.
- <sup>13</sup>Enclosed in Supt. Smyth to Bathurst, 24 May 1814, CO 123/23; Burdon [11], II, 167.
- <sup>14</sup>Supt. Codd to Horton, 8 July 1825, cited in Humphreys [29] p. 18.
- <sup>15</sup>Cicero: "And when a group of men controls the commonwealth by virtue of their wealth, their birth, or any advantage they happen to possess, they form an oligarchy but they call themselves leading citizens".

- <sup>16</sup>Sydney to Despard, 26 June 1787, enclosed in Arthur to Bathurst, 13 Sept. 1820, CO 123/29.
- <sup>17</sup>Letter from Despard, 23 Feb. 1787, CO 123/5.
- <sup>18</sup>Col. Lawrie to Evan Napean, 26 Jan. 1788, CO 123/6.
- <sup>19</sup>Sydney to Despard, 26 June 1787, enclosed in Arthur to Bathurst, 13 Sept. 1820, CO 123/29.
- <sup>20</sup>"Laws of Honduras 1806-1810", GRB.
- <sup>21</sup>*Ibid.*
- <sup>22</sup>"Report of the Commissioners . . . . 1820", CO 123/29.
- <sup>23</sup>Despard to Sydney, 17 Aug. 1787, CO 123/5.
- <sup>24</sup>Letter from Despard, 23 Feb. 1787, CO 123/5.
- <sup>25</sup>*Ibid.*
- <sup>26</sup>*Ibid.*
- <sup>27</sup>Despard to Sydney, 17 Aug. 1787, CO 123/5.
- <sup>28</sup>"Letter from the Committee of the Honduras Settlers, to the Merchants in London", 27 Aug. 1787, CO 123/5.
- <sup>29</sup>Robert English, Samuel Harrison and Abraham Bull to Despard, 20 Aug. 1787, CO 123/5.
- <sup>30</sup>Letter from Despard, 31 Oct. 1787, CO 123/6.
- <sup>31</sup>Letter from Despard, 4 March 1788, CO 123/6.
- <sup>32</sup>"A Narrative of the Publick Transactions in the Bay of Honduras from 1784 to 1790 by Edward Marcus Despard Esq...." 8 March 1791, CO 123/10.
- <sup>33</sup>Letter from Despard, 4 March 1788, CO 123/6.
- <sup>34</sup>See Bloomfield [8] map after p. 231.
- <sup>35</sup>"General Return of the Inhabitants in the Bay of Honduras...22nd October, 1790," CO 123/9.
- <sup>36</sup>Petition from the Bay settlers to Gov. Trelawny, 19 Feb. 1771, CO 137/76.
- <sup>37</sup>Letter from Despard, 11 Jan. 1788, CO 123/6.
- <sup>38</sup>English *et al.* to Despard, 20 Aug. 1787, CO 123/5.

- <sup>39</sup>Despard to Sydney, 24 Aug. 1787, CO 123/5, emphasis in original.
- <sup>40</sup>The laws of the Settlement from 1765 were compiled in 1806 by a Committee of the Magistrates, and form part of the volume "Laws of Honduras 1806-1810", GRB.
- <sup>41</sup>"Laws of Honduras 1806-1810", GRB.
- <sup>42</sup>"A Short Sketch of the present situation of the Settlement of Honduras..." by Barrow, 31 March 1803, CO 123/15
- <sup>43</sup>Unsigned letter to Dalling, 3 Sept. 1779, CO 137/75.
- <sup>44</sup>Despard to Col. Grimarist, 14 Aug. 1787, CO 123/5.
- <sup>45</sup>George Dyer to Napean, 18 Oct. 1787. CO 123/5.
- <sup>46</sup>White to Napean, 18 Sept. 1788, CO 123/6; Dyer to Duke of Leeds, 28 July 1789, CO 123/7.
- <sup>47</sup>White to Napean, 18 Sept. 1788, CO 123/6.
- <sup>48</sup>As, for example, in 1765, 1768 and 1773. See Maud to Littelton, 7 Oct. 1765, CO 137/62, Allan Auld to Lord Hillsborough, July 1768, CO 137/63, and Burdon, [11] I, 121-4; also the discussion in Bolland [9].
- <sup>49</sup>Count de Floridablanca to Anthony Merry, 30 May 1789, CO 123/7.
- <sup>50</sup>"Report of the Commissioners. . . 1820," CO 123/29.
- <sup>51</sup>"Remarks upon the Situation Trade etc. . ." CO 123/18.
- <sup>52</sup>Richard Hoare to White, 25 Aug. 1788, CO 123/7.
- <sup>53</sup>White to Leeds, 31 July 1789, CO 123/7.
- <sup>54</sup>Brig. Gen. Montresor to Gov. Coote, 22 Oct. 1806, CO 123/17.
- <sup>55</sup>"Report of the Commissioners . . . 1820", CO 123/29
- <sup>56</sup>Floridablanca to Merry, 30 May 1789, CO 123/7.
- <sup>57</sup>"The invincible distaste of the mass of native coloured labourers to the avocations connected with the cultivation of the soil, and their inherent preference for the life of the mahogany or logwood works. . ." Gibbs [22] p. 175.
- <sup>58</sup>Magistrates Meeting, 4 April 1803, MMA2, GRB.
- <sup>59</sup>Meeting, 26 June 1805, GRB; "Laws of Honduras 1806-1810", GRB.
- <sup>60</sup>Public Meeting, 29 Oct. 1805, MMB, GRB.
- <sup>61</sup>Meeting, 30 June 1810, MMB, GRB.

- <sup>62</sup>Public Meeting, 29 Oct. 1805, MMB, GRB.
- <sup>63</sup>"Remarks upon the Situation Trade etc..." CO 123/18.
- <sup>64</sup>"General Return of the Inhabitants..." CO 123/9.
- <sup>65</sup>1816 Census, GRB.
- <sup>66</sup>Particularly the incursions of Alonso Davila in the early 1530s; see Chamberlain [14] pp. 120-4.
- <sup>67</sup>"Journal of my Visitation of Part of the District granted by His Catholic Majesty for the occupation of British settlers. . ." by Thomas Graham, 27 Oct. 1790, CO 123/9.
- <sup>68</sup>Minutes from the Public Record, 25 Feb. 1817, CO 123/26.

## CHAPTER TWO

## THE SETTLER MONOPOLY 1817-1838

## A Struggle for Authority: the Oligarchy v. the Crown's Representative

The situation that confronted Superintendent George Arthur on his arrival in 1814 was that a monopoly of land ownership existed as part of a monopoly of power in the political economy of the Settlement. The 'constitution' of the Settlement was rudimentary, with executive authority being shared between the Public Meeting and Magistrates on the one hand and the Superintendent as the representative of the Crown on the other, and it was impossible to say where the authority of the one ended and that of the other began. The most important consequence was that the chief settlers through their Public Meetings and Magistracy had succeeded in defying the authority of the Superintendent since 1787, when they asserted their power to dispose of the land against the clear instructions of Lord Sydney. A handful of the settlers had used this authority to secure for themselves a very large portion of the available land, and this in turn increased their power *vis-à-vis* the Superintendent and the other inhabitants. To resolve the conflict between the Public Meeting and the Superintendent it was necessary first to break the monopoly of the few wealthy cutters over the land. In 1814 this was more urgent than ever, since the *de facto* limits of the Settlement now extended much further than those imposed by the Treaties of 1783-1786. Except for the town of Belize and St. George's Cay, none of the lands in the Settlement were yet recognized or treated as Crown Lands because of the reservation of Spanish sovereignty in the Treaties, and if the settlers were to maintain their power to dispose of the land the entire enlarged Settlement would soon be claimed by the same small group of wealthy cutters.

It took Arthur a little time to appreciate this, but by late 1816 he had come to the conclusion that some drastic action had to be taken. In a letter to Earl Bathurst, Secretary of State for the Colonies, he suggested that the Crown be made the only authority competent to dispose of land in the Settlement, explaining that there is:

... a monopoly on the part of the monied cutters, to the almost entire exclusion of the poorer class of His Majesty's subjects . . . . . an adventurer explores the interior, discovers a Batch of Wood, fells a Tree, which is considered sufficient to give a Title to the Lot, or Work . . . . . which he afterwards disposes of as his property to some more wealthy Cutter, and this possession is acquired without any communication whatever being made to the King's Superintendent, regardless of the district being within or without the British Limits.<sup>1</sup>

Arthur suggested "that the Cutters should be called upon to register in the Superintendent's Office, all their Works in the Country". He argued not only for

a cessation of the acquisition of titles by location and for the vesting of residual land in the Crown, he also implicitly attacked the property rights of all persons holding land under location laws. He wrote of "their Titles to such Works, and whether they have been confirmed to them as Grants of the Crown", but he knew that there were no such grants, so the effect of insisting on grants as a root of title would be to dispossess all the owners of mahogany and logwood works and plantation grounds. His purpose was to "prevent any undue advantage being taken by the opulent over the poorer Class of settlers". Apart from his concern at the extreme monopolization of land in the Settlement, Arthur was no doubt moved by the consideration that since Belize was very like a colony in fact though not in name, then, as in all colonies, it was the Crown which should have the power to dispose of the land, and not the settlers themselves.

Arthur's initiative was repaid when Earl Bathurst in 1817 acknowledged "the great irregularity which prevails in the extensive occupancy of Lands by the British Settlers under your superintendence".<sup>2</sup> In this and in a further letter Bathurst authorized Arthur not to permit "any occupation of Land at Honduras without the Sanction of the Superintendent being previously and formally obtained under his written authority specifying the extent and situation of the Land to be occupied".<sup>3</sup>

The effect of this was to deny the authority assumed by the Public Meeting on 24 July 1787, when it had declared "that the inhabitants of this country are adequate to the division of the lands, works, or other emoluments and privileges, granted to them by the definitive treaty or convention",<sup>4</sup> and to make all lands vest in the Crown, with the Crown having sole power to dispose of lands. This was a very significant step, since it assumed British sovereignty over the land, in defiance of the treaties with Spain.

Bathurst's instructions, however, did not make it clear whether titles to lands previously held under the location laws were to remain valid or not, nor did they meet Arthur's suggestion that proprietors of works should register them at the Superintendent's office. It might be argued that since Bathurst spoke of bringing the ownership of land 'under proper and more secure Title', then the instruction not to permit any occupation of land without the Superintendent's sanction meant that all the land in the Settlement, whether located or not, was to come under the new dispensation of the Crown. But it could also be argued that the direction was prospective, not retrospective, and only required that all *future* acquisition of land must be by Crown Grant. Arthur decided to act first on the unequivocal instruction that in future the Crown was to be the sole authority capable of disposing of land, and on 28 October 1817, issued the following Proclamation:

Whereas His Royal Highness the Prince Regent acting in the name and on behalf of His Majesty has been pleased to signify through the Right Honourable Earl Bathurst His Majesty's Principle Secretary of State for the Colonial Department His Royal



Will and Pleasure "that all lands and Mahogany works in the British Settlement of Honduras shall be held under proper and more secure Titles; and that no occupancy of Land at Honduras shall henceforth be permitted without the sanction of His Majesty's Superintendent being previously and formally obtained, under his written authority, specifying the extent and situation of the land to be occupied."

I do hereby require all Wood Cutters and others who have taken up Works or Lands of any description in this Settlement whether it be on the Banks of Rivers, in the interior of the Country, or upon the adjacent Keys to Record the same in the Secretary's Office before the tenth day of March next ensuing specifying the situation and extent of such works or lands, and under what title they are held

And all Persons failing to comply herewith will subject themselves to the consequence in the future grants and appropriations of lands or works in his Majesty's Name,

And do hereby further make known that no occupancy will henceforth be deemed valid unless [held] in Strict conformity with the pleasure of His Royal Highness the Prince Regent.<sup>5</sup>

Arthur had decided to pursue the indisputable interpretation of Bathurst's instructions, forbidding any future appropriation of land by location, and he went so far as to misquote Bathurst in saying that "no occupancy of Land at Honduras shall henceforth be permitted", no doubt in order to make the proclamation unambiguous. But he clearly intended this to be a first step, and he later pursued his other objective of making the vesting of all lands in the Crown a retroactive measure. By requiring in the Proclamation that the cutters state under what title their works were held, he hoped to expose the basis of these titles in order to demonstrate their weakness.

The immediate effect of Arthur's Proclamation was to declare all unclaimed land as Crown Land, to require registration of claim within six months on penalty of their invalidation, and to wrest from the settlers the authority to dispose of the land, which authority was henceforth to reside in the Superintendent as the Crown's representative. (Another important aspect of this Proclamation is that it amounted, in fact, to an assumption of British sovereignty over the territory, though Britain did not assert such sovereignty for many more years).

Arthur was attempting what Despard had signally failed to achieve in 1787. Then, faced with the difficult task of settling the Mosquito Shore evacuees on lands in the 'new limits' of the 1786 Convention, Despard had found that most of the land was already claimed by a few of the wealthy cutters. Being the first Superintendent, Despard was embroiled in a conflict of authority on all matters with the local elite, who were determined to maintain their power over the affairs of the Settlement, and on the subject of land they were particularly intransigent. Although Despard's instructions as to the settlement of the Mosquito Shore evacuees on the lands conceded by the 1786 Convention re-

quired him to accommodate them "in preference to all other persons whatever", his general powers as Superintendent were so ill-defined that he found it impossible to carry out his instructions. His attempt to regulate mahogany works by edict was simply ignored and the settlers' resolutions remained effective.

The fact that the British government had allowed a handful of settlers to defy its instructions requires some explanation. Arthur was obviously concerned by this, and he attempted to explain it by saying that:

the melancholy catastrophe which succeeded the departure of Colonel Despard from this Country was the cause, no doubt, that the conduct of the Settlers was passed over, and that they have been suffered to remain in quiet possession until the present moment without its ever having been determined what should be the nature of the occupancy of Mahogany and Logwood works in this Colony.<sup>6</sup>

The 'melancholy catastrophe' Arthur refers to is probably the disgrace and eventual execution for treason which befell Despard after he returned to England, but it seems more accurate to say that Despard's failure to establish his authority was due to institutional factors. The few wealthy cutters controlled the legislative, judicial and executive functions in the Settlement, whereas there was a "want of the necessary authority being provided"<sup>7</sup> in Despard's, as in Arthur's, Commission of Superintendence. This reflected Britain's hesitation to establish a firm system of government which would have been contrary to the treaties with Spain, and of course Britain was also wary of asserting its sovereignty over the land in defiance of these treaties. As a consequence of this, the settlers continued to assert their authority and to defy that of the Superintendents. In 1807 Superintendent Hamilton complained that "the powers of His Majesty's Superintendent are not defined and the Magistrates would wish to insist that he has no civil power over them whatsoever",<sup>8</sup> and in 1819 Arthur remarked that "the Office is, and ever has been, so very undefined as to deprive the Representative of the Crown of the Authority necessary for the administration of Public Business".<sup>9</sup>

Aware of this situation, Arthur was prudent in confining his 1817 Proclamation only to future acquisitions of land, for any attempt at that time to expropriate the wealthy cutters would have embroiled him in a conflict while his position was still weak. But by demanding the registration of claims and a statement requiring a definition of 'under what title they are held', he was attempting to obtain the information he would require to present a strong case for expropriation to London. Registration was to take place by 10 March 1818, and on 9 March 1818 Arthur appointed a Commission "to examine into the several Claims of Lands, Works and Lots in the British Settlement of Honduras".<sup>10</sup>

### Arthur's Commission on Land

The Commission's terms of reference are instructive. Having referred to the 1817 Proclamation and its requirement of the registration of claims on land, Arthur continued: "And Whereas, in obedience thereto Returns have been made to the Secretary's Office, purporting to be the claims of Individuals to Such Property; and Whereas it is expedient that the validity of such claims should be ascertained before any Title can be given on the part of the Crown . . ." <sup>11</sup> Arthur revealed here his intention to examine the claims put forward, and then to decide *whether or not to issue Crown grants in support of such claims*. In other words, all the claims must be regarded as in jeopardy, and if some of them were later to be admitted, it would be the subsequent issuing of a Crown Grant, and not the old location laws, which would give a proper and secure title. Moreover, in his instructions to the Commissioners, Arthur emphasized that the Settlement's 'Laws and Regulations' were to be considered as support for claims *only* if they were not contradicted by two superior considerations – the terms of the Treaties and the instructions of the British Government:

In the investigation of claims the Commissioners will be governed in establishing their validity, first by the Treaty and Convention with the Court of Madrid, Secondly by the Instructions of His Majesty's Government from time to time duly notified to the Magistrates, and lastly when they do not clash with or contradict the articles of the Treaty and convention, or the instructions of His Majesty's Government, by the Laws and Regulations of the Settlement, which have been passed, touching the Locations or abandonment of Logwood or Mahogany Works or Plantations or Lots of Land of whatever denomination; and in such Cases (Should any arise) in which neither the articles of the Treaty, the Instructions of Government, or the Laws and Regulations of the Settlement afford a guide to your Proceedings, the Commissioners will report the same accompanied by their opinion thereon for the decision of His Majesty's Superintendent.

The instrument of appointment made plain the purpose of the Commission:

The important objects contemplated by His Majesty's Government are first, that full and ample Security of Property may be given to all His Majesty's Subjects by regular and proper Titles or grants of such Property, in His Majesty's Name; and Secondly that it may be clearly ascertained what Waste Land there is in the British Limits which can be appropriated by the Crown for the use of such Inhabitants as are not provided with Lots, or sufficient Logwood or Mahogany Works, or can be rendered applicable to the purposes required to such disbanded soldiers as His Majesty's Government may be pleased to Settle in the Country.

Arthur selected eleven Commissioners "from amongst the oldest and most respectable inhabitants", but these men proved very reluctant to carry out their task. They knew that titles to land in the Settlement were based on very in-

secure foundations, and they were themselves some of the largest land-owners. (As there is no record of land ownership from that time an estimate of the property possessed by a settler can only be obtained from the number of slaves he owned. The 1820 Census of the Slave Population stated that Marshall Bennett, who was the President of the Commission, owned 250 slaves and was by far the wealthiest man in the Settlement. But at least three others of the Commissioners, James Hyde, Thomas Paslow and William Gentle, owning 276 slaves between them, were also amongst the wealthiest of the settlers. These four men between them owned over 20 per cent of all the slaves in the Settlement in 1820.) <sup>12</sup> The Commissioners at first intentionally delayed carrying out the enquiry, and Arthur explained the reason for their reluctance:

The Commissioners . . . have been very tenacious in questioning the validity of Individual Claims, because, they found as they proceeded on the investigation (which naturally enough accounted for their reluctance to prosecute an Enquiry) that the Titles of all were of a very precarious nature; and, of course, being themselves among the principal Claimants their individual interest was most particularly concerned. <sup>13</sup>

It was not until Arthur had threatened to appoint military officers to prosecute the enquiry in their place that the Commissioners stopped malingering and proceeded with the enquiry, handing in their Report on 27 July 1820.

The Commissioners outlined the history of 'locations' and explained the regulations of 1765-6 and 1787 relating to logwood and mahogany works. They confessed that "the Regulations prohibiting any individual from holding more than two Mahogany Works has not been observed", but noted that the claims to all logwood and mahogany works were founded on locations in accordance with the Resolutions passed by the Public Meetings, and that "it does not appear in any case, that the Property is claimed under any other Title". They were emphatic on the crucial question of the validity of these titles: "all property thus holden is deemed the absolute freehold property of the occupant, who has full power to sell or otherwise dispose of such Lands and finally the Judicial Courts of this Settlement admit the validity of such Titles and authorize the property to be taken and sold under execution". It could not have escaped Arthur's notice that these 'Judicial Courts' were composed of the same body of wealthy settlers from whom the Commissioners had been appointed.

The instrument of appointment had particularly requested information regarding the lands claimed as plantations:

As many of the Returns comprehend Lands, particularly Plantations on the Banks of Rivers which have for years been abandoned, and to which Individuals can therefore have no Just pretensions, the Commissioners will give their utmost deliberation to this important point, as it has, already in many instances been attended with Serious prejudice to the Government Pensioners.

The Commissioners reviewed the early troubled history of the 'plantation

grounds', but added that since the outbreak of war between Britain and Spain in 1796 there had been no further interference from visiting Spanish officials, and thenceforth "The Settlers located whatever grounds they pleased for the culture of Provisions, and your Commissioners do not find that any Regulation has ever been made for limiting the extent of this species of Property, and hence no restriction of Limits has ever been prescribed". The titles to these lands were also based on locations, and they too were deemed the absolute freehold property of the occupant, with the 'Judicial Courts' admitting the validity of such titles.

But whereas the Commissioners desired that the mahogany and logwood cutters be confirmed in their titles to their 'works', they advocated a different procedure with regard to plantation grounds. They stated that because no limits had been decreed for such grounds "all the lands in the several rivers and indeed in all the country in the vicinity of Belize are for the most part Claimed by a few Individuals who are wholly unable to cultivate them, and hence large tracts of Country are lying waste and ruin, and consequently of no benefit whatever to the Community". Since it has been established that 'all lands in the several rivers' were in fact for the most part claimed by the very Commissioners and others of their group as mahogany and logwood works, it can be assumed that, in the shadow of the very specific threat concerning plantation grounds contained in their instructions, the Commissioners were exaggerating the extent of these grounds and were trying to appear concerned for the welfare of the general 'Community' in order to placate Arthur and to divert his attention from their own vast land holdings. They suggested that all plantation grounds that had not been in cultivation for the previous five years "should be forfeited, in order that Grants of it may be made to such Settlers who stand in need of such assistance", and recommended the amounts of land that should be granted, discriminating however, between the 'Old Settlers' and the new, the former being better provided for. But Arthur was not deceived by the Commissioners' tactic.

After having carefully studied the Report Arthur sent it to London with a covering letter. He obviously felt that, while the information contained in the Report supported his case for imposing the authority of the Crown on all the lands in the Settlement, a certain amount of interpretation was required. Referring to Despard's attempt to follow Lord Sydney's instructions in settling the Mosquito Shore evacuees, he wrote:

The Resolutions by which they professed to be governed (which the Old Settlers for their further advantage soon found it convenient to break through in several important points) were of course framed so as to confirm the usurpation of the Old Settlers to the great injury of the Inhabitants from the Mosquito Shore, and almost to the total exclusion of all other His Majesty's Subjects.<sup>14</sup>

Arthur referred to the 1787 resolution that no person should possess more than two mahogany works, and observed that:

the covetousness of the Old Settlers soon led them to break through it, for so soon as they had located one Work, and thereby obtained what they chose to consider freehold possession, they moved to another, so that by Location, or Purchase, or Bequest, or Partnership, or under some cloak or other there are Cutters who hold, at least, eight or ten Works, and, as the front line of a Work is no less than three miles, each must comprehend a very large tract of Country.

Having thus attacked the 'covetousness' of the Old Settlers and suggested that the methods they used to 'usurp' the land were not always legal, Arthur went on to appraise the Colonial Office of his own predicament, and argued that action must now be taken to regularize the situation:

Your Lordship, in your Dispatch of 12th March, 1817, is pleased to direct that in future all Lands and Mahogany Works in the British Settlement of Honduras shall henceforth be held under the authority of His Majesty's Superintendent; but, such has been the rapacity of the Old Settlers, that, by the claims now before me, it does not appear there remains any unclaimed ground on which Mahogany is to be found.

An evil which has been so long perpetrated is certainly very difficult to be remedied, but . . . it [is] necessary for something to be done.<sup>15</sup>

This, then, was the most effective argument in favour of the case for drastic action which Arthur had been working towards for several years. The Superintendent had been invested with the authority to hold and dispose of lands within the Treaty limits, but, since no lands of value remained unclaimed in the area of the Settlement, his authority lacked substance and the Superintendent was, in fact, unable to grant land to those who required it. The 'rapacity' and 'covetousness' of the Old Settlers had led them, first, to usurp the authority to dispose of land, and second, to violate their own regulations in order to monopolize land ownership, contrary to the interests and welfare of the general 'Community'.

The recommendations which Arthur made were sweeping: "no Cutter shall possess more than two Works at one time . . . and he should hold those under a Grant from the Crown, only so long as he Chooses to fell Wood thereon. . . ." In other words, all works were to be forfeited to the Crown, which would issue grants subject to the condition that the land be actually used. The legal basis for this proposed action was traced back to the directions of Earl Sydney in 1787. Arthur further recommended that all claims to land which appear:

to have been possessed, whether by Purchase, Bequest, or by any other means whatever contrary to the express commands of His Majesty conveyed through the Earl Sydney; or contrary to the Letter and Spirit of the Resolution of the Public of Honduras (limiting the number of works) shall be deemed illegal, and, that *no lands or Works whatever shall be considered Freehold Property, unless specially granted as such by His Majesty's Representative, in His Majesty's Name.*<sup>16</sup>

"This", summarized Arthur, "whilst it would place Cutters in the full temporary possession of such Lands as they require for cutting Mahogany and Logwood, so long as it is their interest to hold them for that purpose, would also admit the Inhabitants and Settlers in general to enjoy, as Freehold Property, such land as they may require either for their Dwellings, or, for the purpose of cultivation".

Had Arthur's recommendations been put into effect, the "monopoly . . . of the monied cutters" would have been abolished and the future disposition of lands by the Crown's representative might have resulted in a more equitable distribution of the land. But this did not occur. Arthur's recommendations were ignored, the Colonial Office failing even to comment on the Report. When Arthur was preparing to leave the Settlement in 1822 he wrote to General Pye, who was to act as Superintendent, that "with reference to the Proclamation respecting the occupancy of Lands for Mahogany Works, etc. etc. I have deemed it my duty to forbear issuing any Grants until the Report of the Commissioners, which has been for some considerable time under the consideration of Government is decided upon and His Majesty's pleasure duly signified".<sup>17</sup>

In 1831 Superintendent Cockburn was still trying to have Arthur's recommendations implemented. In a letter to the Secretary of State for the Colonies he wrote:

I would strongly recommend that no further delay should take place in a matter of such consequence and that your Lordship should direct that all Persons holding Mahogany or Logwood Works, Plantations or Town Lots should be called upon to send in returns of the same to the Superintendents Office with a view to giving regular Grants to those whose claims are valid.<sup>18</sup>

Cockburn's plea for action, which he stated was 'still more necessary at the present time', went unanswered, and not until the 1850s was a regular system of land tenure instituted. Then, the grossly unequal distribution of land which had been established during the preceding century, far from being challenged, was confirmed.

Although Arthur failed in his attempt to destroy the monopoly of land ownership and to secure the invalidation of titles based on 'location', he did succeed in asserting the Crown's sole authority in respect to all future dispositions of unclaimed land, and since 1817, when he issued his Proclamation, no new locations were deemed to give valid titles to land. This was especially important with regard to all the lands south of the Sibun which were outside the Treaty limits. Although settlements had been established as far south as the Moho River by 1817, very little land south of the Sibun had been 'located', so all these lands were saved by Arthur from the 'covetousness' of the wealthy cutters. The effects of this are still visible in Belize today, where the vast majority of Crown lands lie south of the Sibun.

### Locations, Grants, and the Issue of Sovereignty

After 1817 the conflict between titles held under 'location' and under Crown Grants sometimes gave rise to litigation. The existence of conflict between them was based upon the fact that the authorities which conferred these titles, the Public Meeting and the Superintendent respectively, were themselves in a state of recurrent conflict. The conflict between locations and grants is illustrated by the following case which demonstrates several of the problems associated with land tenure in the Settlement, as well as the difficulties the Superintendent had in exercising his authority over the settlers.

In January 1830 Superintendent Cockburn issued a grant of a mahogany work in the Rio Hondo to a Mr. George Hyde, a 'free coloured' man who was the son of a wealthy cutter James Hyde. But in November 1830 a Mr. Craig requested Cockburn to cancel the grant on the grounds that he had a prior claim to the land based on a Bill of Sale of 1814. It is clear that the problem concerning the granting of lands already claimed by location frequently arose as regulations existed prescribing the prior advertisement of an application for a grant to enable any person to state whatever claim to it they might have. Cockburn wrote that "Mr. Hyde's intention of applying for the Lot had been publicly advertized in the Court House for more than double the time prescribed by the Regulations of the Settlement as a guarantee for there being no sort of claim on the part of any other Person for such Lot, I gave him the Official Grant of it".<sup>19</sup> Cockburn therefore refused to cancel the grant, saying he had no authority to cancel grants already properly made.

The following January, Craig issued a summons against Hyde for "damage done by the Defendant in cutting Wood on and illegally keeping possession of the Plaintiff's Mahogany Work". Deeming this a direct challenge to his authority to make grants, Cockburn sent for Mr. William Gentle, who had been one of the Commissioners of the 1820 Report and was in 1831 the Senior Magistrate of the Settlement. Gentle told him that, in conformity with several precedents, the Court would "at once declare itself incompetent to enter into the investigation" the moment the King's Grant was produced. But when the matter arose in the February sitting of the Grand Court three of the six magistrates decided to send the case to a jury. At this point Cockburn intervened and initiated a series of correspondence with the magistrates, but the outcome was that he was instructed by the Secretary of State not to interfere with the judicial process.<sup>20</sup> At the next Grand Court, later in 1831, Craig renewed his action against Hyde, increasing his claim for damages from £6,000 to £8,000 Jamaica Currency. The Bench of seven magistrates then split on the issue, three of them leaving and the remainder, presided over by Mr. William Coffin, sending the matter to the jury. According to Cockburn, "Mr. Coffin . . . conducted the Trial and charged the Jury in so partial a manner as to call forth a very general feeling of disgust and dissatisfaction, and on more than one occasion most pointedly called in question the validity of a Grant tho made by the Crown in the strictest conformity with

every Rule and Regulation of the Settlement".<sup>21</sup> After the jury had been locked up for four days and nights they failed to reach a verdict and broke up leaving the case unresolved.<sup>22</sup> Not until 1836, when Craig withdrew his action and dropped all further claims to the 'work' in question,<sup>23</sup> was the matter put to rest, without, however, resolving the fundamental conflict between the authority of the Superintendent *vis-à-vis* the Magistrates, and thus of grants *vis-à-vis* locations.

The fact is that locations had come to be accepted as granting absolute freehold title, and despite Arthur's attempt to have claims based on locations invalidated this was never done, with the result that both locations and grants were deemed to give as good a title and to be of equal validity. This point was clearly expressed by Chief Justice Temple in 1855, at a time when a serious attempt was being made to put the land tenure system on a secure legislative basis: "As to the comparative merits of titles by 'location' and titles by 'grant', I should say that they are equally good".<sup>24</sup>

A matter intimately connected with the validity of locations and grants, and with the whole subject of land tenure, was the issue of sovereignty over the land. The treaties between Britain and Spain, in 1763, 1783 and 1786, were all quite unequivocal concerning the reservation of Spanish sovereignty over the soil. This was again emphasized in the letter of 1789 from the Count de Floridablanca to the British Consul General at Madrid, informing him that the settlers were to be allowed to cultivate 'Garden Grounds' of a specified size only after paying "a small Duty, or Fine . . . as a token that the King reserves to himself the Property of it".<sup>25</sup> This was reinforced by the regular visits of Spanish Commissioners to enforce these provisions up to the outbreak of war in 1796, but after the defeat of the Spanish attack of 1798 no attempt was made to exercise Spanish sovereignty over the land.

The British Government vacillated in its policy towards the Settlement. It was unwilling to assert its *de facto* sovereignty yet it frequently broke the terms of the Treaties, as, for example, in the erection of fortifications and the stationing of troops of the West India Regiments. As early as 1787, less than a year after the Convention of London, Lord Sydney had instructed Despard with regard to the 'disposal of these lands', thereby asserting a degree of authority over the land. The British Government continued, in the 19th century, to refer occasionally to the Treaties and to Spanish sovereignty, while it often acted in direct opposition to the Treaties and behaved as though the Settlement was in some respects under British sovereignty. The settlers themselves, of course, constantly ignored the terms of the Treaties, asserting freehold ownership of the land, as well as extending the boundaries of the Settlement far beyond those agreed to in the Treaties.

In the Report of the Commissioners of 1820 it was noted, in connection with lots on St. George's Cay, that "about the month of November 1805 His Majesty's Government was pleased to notify to Supt. Gordon, that he would not

permit any person whatever to erect buildings on this Cay unless by his direction, for the use of the Garrison, as all the land there must in future be considered the property of the Crown". This is a clear assumption of sovereignty on the part of the British Government, and the Commissioners also suggest that grants of lots at St. George's Cay were made after 1807, and at Belize Town from the time of the Superintendent previous to Arthur, that is, before 1814.

In 1817 British sovereignty was assumed still further, though only over the land encompassed within the limits prescribed by the Treaties, when it was proclaimed "that no occupancy of Land at Honduras shall henceforth be permitted without the sanction of His Majesty's Superintendent". However, the British Government did not allow the grantees to exercise that unrestricted use of the land which freehold tenure normally bestows; for example, a request in 1818 for permission to cultivate cotton for export was turned down.<sup>26</sup> This prohibition of the cultivation of export crops implied a continuing desire to pay at least some attention to the terms of the Treaties. The absurdity of the situation, where the British Government was disposing of lands in a territory which it continued to recognize officially as under Spanish sovereignty, is illustrated by the reply of Superintendent Codd in 1827 to a circular from Lord Goderich requesting a return of the 'extent and situation of Crown Lands in the Colonies'. Codd replied that "the Return called for does not apply to the Settlement under my Superintendence there being no Lands belonging to the Crown here".<sup>27</sup> Although Arthur stated in 1822 that "I have deemed it my duty to forbear issuing any Grants", it appears that in Codd's term of office (1823-29) grants of land were made, as his Secretary wrote to the Crown Surveyor in 1823 that "Gen. Codd's Indisposition, prevents for the present my communicating to him the contents of your letter of this morning, relative to the granting of Lots of Land to Charles and others".<sup>28</sup>

A report by Chief Justice Temple in 1855 throws some light on the earlier period. He stated that:

Grants of land have been made at various times by the Crown to individuals, the tenor of which has been in direct opposition to the terms of the treaty of 1786 . . . I have at present before me three grants . . . [given by the Superintendents] in the name of the crown, and . . . under his hand and seal. Their dates are 1828-1830 and 1838. They confer upon the grantees estates in fee, and contain limited covenants for quiet enjoyment.<sup>29</sup>

It appears that the form of grant was drawn up in the Settlement, as in 1835 Superintendent Cockburn, after referring to Bathurst's instructions of 1817, stated that in consequence of these instructions "a Form of Grant . . . was resolved on and has been adopted ever since".<sup>30</sup> Although Arthur had said in 1822 that he had not issued any grants, Superintendent Fancourt in 1846 referred to 1818 as the year "when Colonel Arthur first annexed his signature to grants of Lands according to the annexed form . . .".<sup>31</sup> The tentative nature of the British assertion of sovereignty is indicated in these grants<sup>32</sup> which referred to the Treaties and were careful to protect the Crown from any possible future

claim for compensation for loss of property. However, the grants did give freehold property 'for ever' to a grantee, and thus constituted an early and effective manifestation of sovereignty. The fact that the clauses on compensation included did not seem to worry anyone, no doubt because as the 19th century progressed, and especially after Spain's authority in Central America was removed in 1821, the British settlers felt secure in their possession of the land and had no fear of being forced to abandon or evacuate the Settlement. The statement that the grantee was 'to have, hold, fully possess and enjoy' the land granted implies no restriction on land use, and was therefore a further erosion of the Treaties which strictly limited such use.

What was considered a serious obstacle, however, was the reference in the form of grant to 'the limits established by the Treaty and Convention', which would restrict the granting of land to the area between the Hondo and the Sibun at a time when (by 1824) the *de facto* limits of the Settlement extended as far south as the Sarstoon River, the present southern boundary of Belize. This matter was brought up by Superintendent Cockburn in an exchange of correspondence from 1833 to 1835 with the Secretary of State for the Colonies. The question of boundaries was here related to the other remaining problem stemming from Spanish sovereignty, the restriction on the use of land for commercial cultivation. Cockburn wrote in 1833 enclosing and recommending "a Memorial got up at the unanimous request of the last Public Meeting . . . to prevail on His Majesty's Government to take off the restrictions by which the Superintendent is at present prevented from making Grants of Lands for the general purposes of cultivation",<sup>33</sup> The Secretary of State's reply was discouraging:

I have to request that you will inform the Memorialists that His Majesty's Govt. are of opinion, that the present is not a fitting opportunity for discussing with the Govt. of Spain the various questions that might arise, in case His Majesty's Govt. were to authorize or permit the inhabitants of the Settlement, to acquire any rights or ownership or enjoyment of the Land comprized within its boundaries beyond those which were expressly conceded by the Spanish Government, or *which have been sanctioned by length of usage and acquiescence*.<sup>34</sup>

The British Government had decided that it was not a suitable time to open the question with Spain and was still wary of making a formal claim of sovereignty over the land even at this late date when it had in fact been exercising sovereignty for many years. In the final words of the despatch, however, there is a suggestion that the settlers had acquired rights, other than those arising under the Treaties, resulting from 'length of usage and acquiescence'. Although this suggests a very important concept, it is not elaborated, and is left as a tantalizing statement for the interpretations of the Superintendent and settlers.

It was during the 1830s, however, that the Colonial Office took the view that 'the unoccupied tract lying between the Sarstoon and the Belize must be considered as British'.<sup>35</sup> An attempt was made by the British Government to

reach an agreement with the governments of Mexico, Central America, and Spain, and there ensued a complicated series of negotiations. As far as the issue of sovereignty affected grants of land, the main issue in 1835 was the restriction on granting lands which were outside the limits imposed by the Treaties. Since no grants were being made south of the Sibun, and since title could not be acquired by 'location' after 1817, the result was that the land in that area was being indiscriminately exploited by a few of the settlers without any regulations as to title. After Guatemala had in 1834 purported to make a grant of land which covered the whole of the area south of the Sibun, Cockburn once more took up the issue with the Colonial Office. He had previously sent on a resolution passed at a meeting of judges and magistrates in Council with the Superintendent in which it was unanimously agreed that the area of which the settlers were in full and undisturbed possession at the time of Central American independence was bounded by the Hondo in the north, the Sarstoon in the south, and, in the west, by an imaginary line due north from Garbutt's Falls on the Belize to the Hondo and due south to the Sarstoon.<sup>36</sup> Now, in 1835, in referring to the form of Crown grant, Cockburn complained that:

Your Lordship will perceive by this form that the Superintendent only claims authority for making Grants within the Territory referred to in the Treaties of 1783 and 1786. The consequence is that in all the other parts of the Territory here, so long claimed and occupied by the British, no regulation or restriction has prevailed respecting the cutting of Wood or the occupation of Land and thus the Mahogany on the extensive Tracts to the Southward of the Sibun and between the Kivers Belize & Hondo above Black Creek has been subjected to great waste and devastation.<sup>37</sup>

Cockburn referred to the Guatemala land grants and asked that he

may at once be authorized and directed to place the disputed Territory under the same restrictions and regulations as to grants therein for the occupation of Land or the cutting of Wood as prevails within the Territory specified in the Treaties of 1783 & 1786. Such a measure would not only be a protection and encouragement to British Settlers but by denying the Claim of Guatemala, would prove a determination to establish our own.

Although no response to this request for the permission to grant lands south of the Sibun has been found, it appears that some positive response was made in the following year. Some inhabitants informed Superintendent Fancourt in 1847 that "on our late Executive Colonel Macdonald's leaving England for the Settlement, He was authorized by Lord Glenelg to give Crown Grants for the more equal and just division of those lands extending from the Southern Bank of the River Sibun to the Northern Bank of the River Sarstoon".<sup>38</sup> Certainly, in 1837 Superintendent Macdonald made Crown grants of lands outside the old Treaty limits — for example, one on Deep River, two on the Sarstoon, one on the Moho, one on the Belize below Garbutt's Falls, and others on the Hondo,

Golden Stream and Rio Grande.<sup>39</sup> It would appear that in some cases the occupation of land preceded the grant, and that the grant was merely the formal recognition of actual possession. Thus in 1842 the Council ordered that a grant be made to John Collins who had been in possession of the land at Commerce Bight (near Stann Creek Town) since 1817.<sup>40</sup>

Although in 1837 effective British sovereignty was exercised in granting lands as far south as the Sarstoon, the settlers continued to press for other privileges which would follow from a clear recognition of British sovereignty over the land, such as the application of the Colonial Tariff for the country's produce. However, in 1839 the Secretary of State, in reply to a petition from the settlers, wrote to the Superintendent:

There are at present insuperable obstacles in the way of negotiation with Spain . . . but as Spain no longer has any real interest in the maintenance of the Treaties of 1783 and 1785 [sic], and no objection will be made by her to the cultivation of the Soil in any manner which may be for the interest of the Settlement, Her Majesty's Government are disposed to authorize you to grant titles to Land, provided a proper system shall be established for the survey and sale of such Land. . . .<sup>41</sup>

This reply shows some of the confused thinking in the Colonial Office at the time. Since authority to grant titles to land had been given from 1817, the reference here was, in the context, more likely to the granting of land for *cultivation* (and it has been so interpreted elsewhere [Humphreys 29 p. 46]); yet in 1855 it was stated by the Keeper of the Records that "no grants of land in direct opposition to the Treaties have been made for establishing 'plantations'"<sup>42</sup> so it appears that it was not so interpreted at the time. There is a suggestion in the Secretary of State's reply that since Spain no longer had any interest in the area the Superintendent might do as he pleased, but that the Colonial Office would not commit itself officially to a policy which openly asserted British sovereignty.

The legal situation remained undefined until the 1850s, when a great deal of activity took place with regard to the subject of land tenure in the Settlement. An important law in other respects as well, the Laws in Force Act of 1855, was of prime importance as regards land tenure, as will be seen in Chapter Three. Superintendent Stevenson had been required by the British Government to give explicit information respecting the title and tenure of locations, and in his report of 1855 he summarized succinctly the process by which locations had come to be recognized as conferring freehold title and the effective assumption of British sovereignty over the land:

whatever may be allowed to have been their *primary* object and limit . . . the gradual changes that have taken place have produced such corresponding increase of power and ownership over the soil itself as to have invested the Locators and those claiming under them with absolute dominion over the located

lands, — in like manner as if the Sovereignty had always been in the Crown of England and the possessors had held under unconditional Grants from the Crown, — (2) That the lands have always, and particularly within the last half or quarter of a century been dealt with as estates in fee simple, and, as such, mortgaged, settled devised and allowed to descend without any idea of there being any thing less than absolute ownerships... (3) That whatever may have been the first restrictions imposed by the Treaties, the latter have always (particularly in recent years) been wholly disregarded and that the course of procedure adopted and encouraged by the British Government, — by making absolute "Grants" in fee simple, and by various other acts subversive to the restrictions of the Treaty — has, by analogy, supported the unqualified proprietary rights which the Locators have always considered themselves to possess — And lastly ... the independent position of the surrounding Republics, unfettered by the Domination of Spain and the departed power of the latter Kingdom on this Continent, make it out of the question that there can be any continuing force in the old and long dormant Treaties...<sup>43</sup>

The British Government, having this argument before it and therefore fully aware of the consequences, gave the Laws in Force Act the Royal Assent in 1856, and thus, in effect, declared officially and retroactively its exercise of sovereignty over the land to 1765, when the first location laws were passed.

After this, events moved more quickly. In 1859 a treaty between Britain and Guatemala declared the boundaries between "the Republic and the British Settlement and Possessions in the Bay of Honduras", and in Article I gave a clear recognition of a pre-existing frontier and a pre-existing sovereignty. The importance of the security of land tenure in affecting the international status of the country is evident in the terms of a petition of the Legislative Assembly to Queen Victoria in 1861: "... under existing circumstances, British capitalists and merchants ... are unwilling to offer any facilities to the Planters, owing to a want of confidence in the tenure of their lands, which are thus very much depreciated in value ... preferring those countries which enjoy the well-known and understood terms of 'Colony'". [Burdon 11, III, p. 236].

In 1862 the British Government declared 'British Honduras' a colony, and the question of sovereignty was thus at last formally settled. Thereafter this question no longer affected land tenure in Belize, although the effects on land tenure that the issue had occasioned were still evident, and indeed were a major factor in establishing the pattern of land distribution which still exists today.

### The Distribution and Use of the Land

The fact that the British Government did not declare its sovereignty over land in the Settlement for over a century and a half after the land was first settled, with the consequence that the settlers legislated on the disposal of land to themselves, is one of the factors that influenced the structure of land owner-

ship. Another important factor was economic in nature: the use of the land primarily for the extraction of timber, with the shift to mahogany in the late 18th century resulting in a greater concentration of land ownership in the hands of a few wealthy cutters.

As early as 1787 the distribution of land was very unequal, and in 1817 the situation had remained the same. As far as land in private ownership is concerned nothing occurred between 1817 and 1838 to change this basic pattern. The one significant difference was that, in the enlarged area of the Settlement which lay between the Sibun and the Sarstoon Rivers, the government held a large part of the country as Crown Lands. (It has been estimated that the lands of mainland Belize outside the original Treaty limits covered an area of over 6,000 square miles whereas those within the limits amounted to over 2,500 square miles.)<sup>44</sup> Having failed to convince the Colonial Office that 'locations' should be declared illegal and the lands considered as Crown Lands, Arthur was unable to break up the 'monopoly ... of monied cutters'. Hence, the pattern of land distribution in that part of the Settlement within the Treaty limits remained unaltered — a handful of wealthy settlers owning the vast majority of the land.

As far as the grants of land made up to 1838 are concerned, it has not been possible to ascertain from the grants themselves whether their effect was to significantly alter the structure of ownership, as no complete record of these grants exists.<sup>45</sup>

There is however evidence of the continuing monopoly of land ownership in the analogous structure of slave ownership in the Settlement. The 1816 Census showed that a mere eleven 'free heads of families' owned over a thousand slaves, while 108 'free heads of families' owned 185 slaves and 125 'free heads of families' owned no slaves at all.<sup>46</sup> In other words, at the two extremes of the structure of slave ownership, 3 per cent of the 'free heads of families' owned 37 per cent of the slaves, while 62 per cent of the 'free heads of families' owned less than 7 per cent of the slaves. The 1835 Census showed even greater inequality, 3 per cent of the 'free heads of families' owning 40 per cent of the 'apprenticed labourers' and 81 per cent of the 'free heads of families' owning a mere 7 per cent of the 'apprenticed labourers'.<sup>47</sup> Bearing in mind that many poor 'free coloured and blacks' would not have been enumerated by the Census, the real inequality of wealth must have been far more striking than these statistics of slave ownership indicate. Moreover, the wealthy cutters would possess only as many slaves as they could employ, since they were responsible for their subsistence, but, notoriously, they held much more land than they could utilize, as land was a speculative investment which incurred no expense. We can therefore assume that the distribution of land ownership was even more unequal than that of slave ownership. From later evidence, too, it is clear that the monopoly of land ownership established in the late 18th century was not altered by the Crown Grants made in the period prior to emancipation.

The study of the pattern of land use up to 1838 may be divided into two

topics: attempts made to develop cultivation for export, and the 'plantation grounds', which were worked by the majority of people in the Settlement.

The economic basis of the Settlement remained the extraction of timber, principally mahogany, for export. In 1820, 3 million feet of mahogany were exported [Hummel 28, p. 12], in 1826 over 6 million feet [Gibbs 22, p. 85], and in 1837, 8.5 million feet [Gibbs 22, p. 93]. But during this period some of the settlers attempted to obtain permission to cultivate crops for export on favourable terms. As early as 1803 Superintendent Barrow had advised that "in the event of a future Negotiation or Treaty with Spain" Britain should seek permission for the settlers "to cultivate and export to Great Britain, Cotton, Coffee, Ginger, etc. (but not extending to Sugar Works)",<sup>48</sup> and in 1818 Marshall Bennett, the wealthiest man in the Settlement and the President of Arthur's Commission on land, had unsuccessfully requested permission to cultivate crops for export. The request of the settlers to the Secretary of State in 1833, referred to above, asking for grants of land to be made 'for the general purposes of cultivation' was also disallowed, on the ground that "the present is not a fitting opportunity for discussing with the Court of Spain the various questions which might arise"<sup>49</sup>

It is clear, however, that the settlers themselves were in no way affected by any lingering doubts respecting Spanish sovereignty to the land, and that the British Government would probably not have interfered to stop the actual cultivation of export crops. The real deterrent to such cultivation was the fact that the produce of the Settlement would not be admitted into Great Britain at the lower tariff charged for produce from the colonies. This view is confirmed by Farquharson, the Keeper of the Records, who stated in 1855 that

By all that I can gather it would appear that the settlers indeed never considered that there was any impediment in the way of their cultivation of the soil, or turning their lands to any purpose, save that any produce they might export to Great Britain would not be admitted under the same conditions as that of the recognized and favoured British Colonies, but would, on account of this settlement not being regarded as a colony or plantation, be charged with the duties imposed on articles the produce of Foreign Countries. Indeed, more than once the settlers attempted, but without success, to obtain from the Government a declaration of the extension of the Colonial Tariff to articles the produce of this Settlement.<sup>50</sup>

Throughout this period, then, all the attempts by the settlers to establish entrance to a favourable export market for agricultural produce failed, with the result that there was no cultivation of export crops.

The cultivation of land as 'plantation grounds', however, continued unabated, and increased significantly during the period 1817-38. The most dramatic increase occurred around 1817 as a result of the arrival of hundreds of people of African origin in the Settlement. In June 1817 Superintendent Arthur wrote



to the magistrates that

His Majesty's Government have been pleased to determine on disbanding the 5th West India Regiment, and to provide for five hundred of the Men by removing them to this Settlement where they are to receive Grants of Land proportioned to their means of cultivation, or to engage themselves in the service of Wood-Cutters, or other Inhabitants as they themselves prefer.<sup>51</sup>

The problems which had arisen following the immigration of the Mosquito Shore evacuees in 1787 did not occur in this instance because it was apparent to the Settlement's elite that the disbanded soldiers, far from representing competition over the possession of mahogany works, were a potential source of much needed labour.

By November 1817 some of the disbanded soldiers had arrived, and Arthur reported that "in the Distribution of the Disbanded Soldiers of the 5th West India Regiment the contiguity of the situation decided me in giving grants of Land to a large proportion of them up the River Sibun, and in Manatee Lagoon".<sup>52</sup> A return of February 1818 of "Men discharged from the 2nd West India Regiment and the late 5th West India Regiment at present Settled in Honduras" stated that there were then a total of 412 men, 59 women and 39 children in the Settlement, and a further 144 men, 22 women and 15 children arrived in October 1818.<sup>53</sup> By then the number of disbanded soldiers and their families was 692, which was a considerable increase to a population of about 4,000.

A difficulty arises in respect to the 'grants of Land' Arthur reported as having made to the disbanded soldiers, in view of his later statement in 1822 that he had refrained from making any grants. Had he made such grants, they would have been the first formal exercise of British sovereignty outside the Treaty limits, since Manatee (or Southern) Lagoon is well south of the Sibun River. The fact seems to be, however, that Arthur simply told the men that they could settle there without issuing any formal grant to them. Support for this view is found in a statement by Farquarson, the Keeper of the Records, in 1855: "I am informed that lands have been given to superannuated soldiers for the purposes of cultivation, but I cannot learn that such were given by deed".<sup>54</sup> Moreover, in 1843 some of these pensioners petitioned Superintendent Fancourt that their plantations (of plantains, bananas, rice, cane, yams, cocoa and coffee) had been destroyed by the cattle of a Mr. John Usher who claimed the land through 'a very extensive Grant' from Superintendent Macdonald.<sup>55</sup> Though no decision concerning this petition has been found, it does indicate the insecurity experienced by these small settlers who seem to have been treated as squatters. Confirmation of the fact that these pensioners were not given formal and secure titles to land is contained in Governor Longden's 'Report on the Land Question' in 1868:

I think it would be right also to confirm in their possession, by Crown Grants, without payment, the Lands now held by

descendants of old soldiers ... of the 5th West India Regiment ... to such, as did not engage themselves in Mahogany cutting, lands were assigned at Manate ... Other soldiers from the disbanded 7th West India Regiment also received Lands at a place called after them, "No. 7 Creek", Manate. It appears also to have been the custom of Colonel MacDonald, and, perhaps, other Superintendents, to grant to old military pensioners discharged in the Colony, permission to occupy lands and build houses thereon. To the descendants of all these old soldiers, who are now in actual possession of the plots of land... I would suggest that I should be authorized to give Crown titles, without payment. The whole extent of the land occupied is very small, but I think it would be a great hardship if it were sold (as is alleged in one instance to have been done) over the heads of the present occupiers to large proprietors.<sup>56</sup>

Not all of the disbanded soldiers took up cultivation, some seeking employment with the mahogany cutters, but 'a large proportion of them'<sup>57</sup> did choose to work on the land. In so doing they joined the 'free coloured and blacks' and the slaves in the, by then, well established practice of 'making plantation' - growing food crops for their own consumption and for an internal market. The disbanded soldiers, and probably many of the other 'free coloured and blacks', held their small plots of land without proper or secure titles, so they were very susceptible to dispossession if the 'large proprietors' wanted to force them into wage labour.

There is little material on the subject of 'making plantation' in the period under consideration, but one report, dated 1823, does refer to it:

Here the Negro ... works only five days for his Master; he is allowed to ... build Canoes, & flat bottomed boats call'd Pitpans, raise Stock and cultivate the soil to any extent for his own immediate profit; indeed his industry is always encouraged by his owner, who purchases a large portion of the produce of his labour, and it is quite common for slaves here to lay by hundreds of Pounds with which they manumit themselves.<sup>58</sup>

Although it was in fact not at all common for such large sums of money to be accumulated (and the whole report is written as an apologia for slavery in Belize), this account is informative as to the variety of independent activities engaged in by the slaves and an indication that one of the motives for their 'making plantation' may have been to sell the produce in order to save money for their own manumission. The slaves, who were, of course, completely dispossessed but who continued to cultivate small plots of ground, amounted to about 47 per cent of the Settlement's population at the time of emancipation.<sup>59</sup>

The 'free coloured and blacks', who constituted about 45 per cent of the population enumerated in the Settlement in 1835, had for long laboured under the discriminatory restrictions imposed on their economic activities, as discussed in the previous Chapter. Even the Act passed in 1831 "to entitle all His Majesty's Coloured Subjects of Free Condition in this Settlement and their issue to the

same Rights and Privileges with British Subjects born of White Parents", [Burdon 11, II p. 330] did little to alter their economic situation. The well established power of the Settlement's elite was not eroded by this simple piece of 'civil rights' legislation, and the extreme economic inequalities persisted. A very few of the 'free coloured and blacks' had managed to enter the mainstream of the Settlement's economy, owning mahogany or logwood works and considerable numbers of slaves, but the majority of this group were faced with the alternative of being employees of the wealthy cutters or working on their own account in petty retail trading, fishing, or small scale cultivation. Some of them chose the latter, and it is possible that some of the small Crown grants issued up to 1838 were given to members of this group. But most of them, like the disbanded soldiers, probably suffered from having very insecure titles to their small plots of land and were tolerated by the elite as though they were squatters.

Another group, who were never so tolerated and who had chosen to leave the area of British jurisdiction, were the runaway slaves. The number of slaves who escaped from their masters was at times so great that the British had thought of abandoning the Settlement. The Spanish had for a long time offered asylum to runaways in Bacalar in an attempt to undermine the British Settlement by enticing away its labour force. When the neighbouring territories became independent republics and abolished slavery, the number of slaves fleeing Belize to Omoa, Truxillo, the Petén, and Bacalar increased. However, some runaways remained within the boundaries of present day Belize but outside the area of effective British control. They established independent communities, such as one "near Sheboon River, very difficult to discover, and guarded by poisonous Stakes", [Burdon 11, II p. 184] mentioned in 1816. In 1817 Superintendent Arthur reported that "a considerable body of runaway Slaves are formed in the interior".<sup>60</sup> The 1826 Census listed 215, or about 9 per cent of the slaves as 'Runaways', many of these probably having joined the independent communities in the interior, in search of land and liberty.

These 'Runaways', like the Caribs and the Maya, continued throughout this period to live by small-scale cultivation, supplemented by livestock rearing, hunting and fishing. The Caribs, who had settled on the southern coast, had more contact with the British than either the 'Runaways' or the Maya. In 1835 they were said to be "carrying on a constant traffic by sea with Belize, in Plantains, maize, poultry, etc. The men in great part hire themselves by the year to Mahogany cutters".<sup>61</sup> In the following year it was stated that "Most of them speak English, and from them the Mahogany Cutters derive their best labourers".<sup>62</sup> At about the same time the American traveller Stephens [47, I p. 28] described the Carib town of Punta Gorda which "consisted of about five hundred inhabitants .... Besides cotton and rice, the cahoon, banana, coconut, pineapple, orange, lemon, and plantain, with many other fruits which we did not know even by name, were growing with such luxuriance that at first their very fragrance was oppressive". The Caribs, though working occasionally alongside the slaves and

apprentices on mahogany works and entering into trade with Belize, lived, like the Maya and the 'Runaways', largely beyond the limits of British administration at that time, with their own systems and traditions of land tenure which were only indirectly affected by the British Settlement.

Within the Settlement itself, almost all the land held as private property in 1838 was held as mahogany and logwood works by a tiny handful of white and 'free coloured' cutters. Arthur's attempt to change the system of land tenure, which was intended to destroy the "monopoly... of the monied cutters," having failed, the monopolistic structure of land ownership that had existed since the late eighteenth century remained essentially the same at the time of emancipation in 1838.

## FOOTNOTES

- <sup>1</sup> Arthur to Bathurst, 17 Oct. 1816, CO 123/25.
- <sup>2</sup> Bathurst to Arthur, 6 Feb. 1817, AB, R. 1.
- <sup>3</sup> Bathurst to Arthur, 12 March 1817, AB, R. 1.
- <sup>4</sup> "Laws of Honduras 1806-1810", GRB.
- <sup>5</sup> Enclosed with "Report of the Commissioners ... 1820" CO 123/29.
- <sup>6</sup> Arthur to Bathurst, 13 Sept. 1820, CO 123/29.
- <sup>7</sup> Bathurst to Arthur, 6 Feb. 1817, AB, R. 1.
- <sup>8</sup> Supt. Hamilton to Coote, 26 Nov. 1807, CO 123/17.
- <sup>9</sup> Arthur to Bathurst, 31 July 1819, CO 123/28.
- <sup>10</sup> Enclosed in Arthur to Bathurst, 13 Sept. 1820, CO 123/29.
- <sup>11</sup> *Ibid.*
- <sup>12</sup> 1820 Census of the Slave Population, GRB.
- <sup>13</sup> Arthur to Bathurst, 13 Sept. 1820, CO 123/29.
- <sup>14</sup> *Ibid.*
- <sup>15</sup> *Ibid.*
- <sup>16</sup> *Ibid.*, emphasis added.
- <sup>17</sup> Arthur to Major Gen. Pye, 3 April 1822, AB, R. 2.
- <sup>18</sup> Supt. Cockburn to Lord Goderich, 10 April 1831, AB, R. 6.

- <sup>19</sup> Cockburn to Goderich, 8 March 1831, AB, R. 6.
- <sup>20</sup> Cockburn to Goderich, 1 Aug. 1831, AB, R. 6.
- <sup>21</sup> Cockburn (to Goderich?), 19 Nov. 1831, AB, R. 6.
- <sup>22</sup> *Ibid.*
- <sup>23</sup> Act. Supt. Anderson to Lord Glenelg, 22 April 1836, AB, R. 6.
- <sup>24</sup> Chief Justice Temple to Supt. Stevenson, 30 July 1855, AB, R. 54.
- <sup>25</sup> Floridablanca to Merry, 30 May 1789, CO 123/7.
- <sup>26</sup> Bathurst to Arthur, 8 Aug. 1818, cited in Lt. Gov. Longden to Gov. Grant, 6 March 1868, AB, R. 98.
- <sup>27</sup> Supt. Codd to Goderich, 1 Nov. 1826, AB, R. 6.
- <sup>28</sup> Secretary to William Maskall, 20 Aug. 1823, AB, R. 4.
- <sup>29</sup> Temple to Stevenson, 30 July 1855, AB, R. 54.
- <sup>30</sup> Cockburn to Secretary of State, 17 April 1835, AB, R. 6.
- <sup>31</sup> Supt. Fancourt to Gov. Berkeley, 15 Dec. 1846, AB, R. 25.
- <sup>32</sup> An example of such a "Form of Grant" is given in Appendix II.
- <sup>33</sup> Cockburn to Sec. of State, 15 Nov. 1833, AB, R. 6.
- <sup>34</sup> Lord Stanley to Cockburn, 15 April 1834, AB, R. 9, emphasis added.
- <sup>35</sup> Colonial Office Memorandum, 20 Jan. 1835, cited in Humphreys [29] p. 23.
- <sup>36</sup> Minutes of a "Meeting of the Judges and Magistrates assembled as a Council..." 5 Nov. 1834, AB, R. 2.
- <sup>37</sup> Cockburn to Sec. of State, 17 April 1835, AB, R. 6.
- <sup>38</sup> Memorial of Inhabitants to Fancourt, undated but presumably Feb. or early March 1847, AB, R. 28.
- <sup>39</sup> "Land Titles Register, Evidence on Applications," GRB.
- <sup>40</sup> Minutes of Executive Council, 24 Jan. 1842, enclosed in Supt. Macdonald to Gov. Metcalfe, 12 March 1842, Archives of Jamaica, CS 704/2, No. 42.
- <sup>41</sup> Lord Normanby to Macdonald, 29 June 1839, AB, R. 15.
- <sup>42</sup> Farquharson to Stevenson, 30 July 1855, AB, R. 54.

- <sup>43</sup> Stevenson to Gov. Barkly, 30 July 1855, AB, R. 54.
- <sup>44</sup> See Bloomfield [8] map after p. 231.
- <sup>45</sup> Some early grants are recorded in Deeds Books 1, 2 and 3, and in "Land Titles Register, Evidence on Applications", GRB, but they do not constitute a complete record of these grants.
- <sup>46</sup> 1816 Census, GRB.
- <sup>47</sup> 1835 Census, GRB.
- <sup>48</sup> "A Short Sketch of the present situation..." CO 123/15.
- <sup>49</sup> Stanley to Cockburn, 15 April 1834, AB, R. 9.
- <sup>50</sup> Farquharson to Stevenson, 30 July 1855, AB, R. 54.
- <sup>51</sup> Arthur to Magistrates, 18 June 1817, CO 123/26.
- <sup>52</sup> Arthur to Bathurst, 20 Nov. 1817, CO 123/26
- <sup>53</sup> CO 123/27.
- <sup>54</sup> Farquharson to Stevenson, 30 July 1855, AB, R. 54.
- <sup>55</sup> Memorial to Fancourt, 14 Nov. 1843, AB, R. 17.
- <sup>56</sup> Longden to Grant, 6 March 1868, AB, R. 98.
- <sup>57</sup> Arthur to Bathurst, 20 Nov. 1817, CO 123/26.
- <sup>58</sup> Codd to Bathurst, 8 March 1823, AB, R. 4.
- <sup>59</sup> 1832 Census, GRB.
- <sup>60</sup> Arthur to Major Fraser, 12 June 1817, CO 123/26.
- <sup>61</sup> Thomas Miller to Under Sec. Gladstone, 13 Feb. 1835, AB, R. 11.
- <sup>62</sup> Anderson to Sec. of State, 28 April 1836, AB, R. 6.

## CHAPTER THREE

## EMANCIPATION TO CROWN COLONY 1838-1871

## Inhibitions on the Growth of a Peasantry

On 1 August 1834, by Imperial Act of the British Parliament, slavery was abolished throughout the Colonies. A system called 'apprenticeship' (whereby the 'apprentices' could earn wages in occupations of their choice only after giving about 40 hours of unpaid labour per week to their masters) was instituted, and this in turn was abolished on 1 August 1838.<sup>1</sup> After this date the entire population of Belize was legally 'free', and no distinction in law existed between the emancipated slaves and the rest of the population.

Would this fundamental alteration in the legal basis of the social structure have significant effects on the structure of land ownership? Hitherto the masses of slaves were forced to cut timber for their owners, and they were unable to own land. The 'free coloured' group had grown steadily from the turn of the century up to 1838, but for reasons already discussed only a few of this group were able to become important land owners. Because of the restriction on cultivation for export, the few wealthy 'free coloured' became owners of mahogany works, while some of their less wealthy counterparts concentrated on logwood cutting or cultivated small plots of land for subsistence and for sale within the Settlement.

Now that the masses of slaves were free, one would expect that many of them would abandon the timber forests and seek an alternative means of livelihood. In a country with such an attractive man-land ratio (3,000 people to over five million acres), an obvious alternative was the cultivation of the soil. While it was still not possible to cultivate for export, the Africans had already shown their interest in maintaining 'plantation grounds' for growing subsistence crops. All they needed now to be free from the compulsion to continue cutting mahogany was some land. Most of the lands between the Hondo and Sibun, which had been acquired by location before 1817 and which were owned by about a dozen families, were beyond the reach of the freedmen. But since 1817 all unclaimed lands vested in the Crown, and although many grants were made up to 1838, there were still vast tracts of land belonging to the Crown within the Settlement, which now extended from the Hondo to the Sarstoon.

There was a real possibility, therefore, of an independent peasantry arising, based upon the lands belonging to the Crown. Hitherto many Crown grants had been made, and they had all been gratuitous. If grants of land could be made gratuitously to the new freedmen, many of them would undoubtedly choose to

cultivate rather than continue to perform the arduous tasks of timber felling which they must have resented as 'slave labour'. Any hopes which were entertained in this direction, however, were soon dashed. Six weeks after full emancipation Lord Glenelg, Secretary of State for the Colonies, issued a circular relating to the new laws that must be passed, "calculated to meet the new exigencies of Society" consequent on the termination of the apprenticeship system. One of the laws referred to was "the Law for preventing the unauthorised occupation of Land", and an Order in Council on this subject was promised.<sup>2</sup>

On 12 November 1838, a circular was despatched from the Colonial Office, "directing that grants of land are only to be made on payment of £1 per acre and that the system of grants should follow that laid down for New South Wales and other Colonies".<sup>3</sup> Thus at the very time that the newly freed men became eligible for Crown grants of land the grants were declared to be no longer gratuitous, and they were fixed at a price high enough to be out of the reach of the average freedman.

The Superintendent, Col. Macdonald, was not in agreement with the imposition of a price of £1 an acre on the sale of Crown lands. Having received permission to grant lands south of the Sibun, which he commenced to do in 1837, he had a much larger area of land to dispose of than his predecessors, and had in fact issued many grants, some for quite large areas of land, in the southern parts of the Settlement. These had all been issued gratuitously, and he was disturbed at the instruction to sell at £1 an acre. In 1839 Macdonald urged the Secretary of State to allow him to continue "to act with regard to the disposal of land as my predecessors and myself have hitherto done"<sup>4</sup> — that is, to make large gratuitous grants of land in the hope that they would be developed into plantations. He argued that "by making free grants of land encouragement has been given to those disposed to cultivate the soil", and pointed out that, with the depletion of mahogany resources, "the permanent welfare of this place must mainly depend upon the rearing of colonial produce". He did not, however, substantiate his claim that free grants of land had encouraged the movement of capital and labour towards the cultivation of the soil, nor that they had "tended to increase the rural population on which now the only hopes of Honduras rests".

Macdonald's emphasis on capital and labour and his hopes for the 'extensive cultivation' of such crops as cotton, which he felt would benefit the Mother country, show that he was concerned with developing the cultivation of export crops by large enterprises as a substitute for the export of mahogany, the supplies of which he felt were rapidly diminishing. He clearly did not have in mind the freedmen who could have developed into an independent peasantry. However, the Secretary of State's reply clearly indicates that the instruction to sell Crown lands at £1 per acre *did* have the freedmen in mind, and that it was intended to prevent them from obtaining an independent means of livelihood by acquiring land:

The argument which you have urged against the sale, in preference to the gratuitous donation of Lands in Honduras, is, in substance, that the demand of a price for Land would discourage or prevent the extension of the cultivation of it. This opinion is however opposed to the universal experience which has been obtained in every other part of the Colonial Possessions of the Crown in which the same question has arisen. The effect of alienating the waste lands of the Crown by a mere gift of them has always been in fact the same. It has tended to create indolent habits, to *discourage labour for wages*, and to leave large tracts of Territory in a wild & unimproved state. It has also proved the fruitful source of abuses in the distribution of this property, and the cause of incessant contention and unprofitable trouble.

For these reasons I must adhere to the opinion and decision of my Predecessor.<sup>5</sup>

Thus Macdonald's attempt to continue the gratuitous granting of Crown land was firmly rejected. The Colonial Office was determined to strictly uphold this decision, and when Macdonald attempted to evade it by issuing two 'Notices', the effect of which was to make free grants of public lands, the Secretary of State wrote in 1843 that the new Superintendent, Fancourt, be instructed that "the gratuitous alienation .... of the Public Lands which is contemplated by these Notices .... is contrary to the Instructions of the Secretary of State as well as to the system now established through the Colonies .... and I have to authorize .... the necessary measures for the disallowing of them accordingly".<sup>6</sup> The notices were therefore cancelled and the rule that Crown lands must be sold at £1 per acre was reinforced.

The result was that no Crown land was sold in the period up to 1855,<sup>7</sup> and by 1868 the total amount of Crown land sold was said to be 'utterly insignificant'.<sup>8</sup>

In this situation, the pre-emancipation law of 1831, similar to that passed in Jamaica, Barbados and elsewhere the previous year, which abolished legal discrimination on grounds of colour, lost much of its meaning. Though the ex-slaves became equal under the law, and possessed in theory the freedom to choose whether to continue working for their former masters in the timber forests or to seek alternative employment, their inability to obtain land ensured their continued thralldom to the mahogany lords. Nor was this result a matter of chance — it was a calculated policy, since ownership of land would 'discourage labour for wages', and in Belize, as in the West Indian colonies, it was thought imperative that the freedmen continue to labour in the same sectors and for the same master class as they had during slavery.

And yet, despite the attempts of the planters to retain the ex-slaves as labourers, a large peasantry was created from among the ex-slaves in many West Indian territories, notably Jamaica, Trinidad and Guyana. Such a development failed to occur in Belize, and a number of factors may be shown to have inhibit-

ed the development of a peasantry in Belize after emancipation.

In the years immediately following emancipation, the conditions affecting the primary economic activity of sugar production, on the one hand, and of mahogany extraction, on the other, were markedly different. The market situation for sugar from the British West Indies had been deteriorating for decades. Some planters were able to survive by increasing productivity through reorganization and the use of new techniques. Others were forced to abandon their estates, thus releasing large amounts of land and labour. The Sugar Duties Act of 1846, by which the preferential duties for sugar from the British colonies were gradually withdrawn, was an additional, and for some a decisive, factor in a deteriorating market situation. Faced with competition from foreign producers who, as in Brazil, used larger plantations, slave labour and virgin land, the planters of the British West Indian islands lost the dominant position they once held. In the decades following emancipation, therefore, the release of large amounts of land and labour resulted in the development of a peasantry in many West Indian islands.

In Belize, however, a different set of circumstances predominated. In the crucial decade after emancipation there was a favourable market for the Settlement's primary product, resulting from the demand in Europe for mahogany for building railway coaches. Mahogany exports rose from 7.7 million feet in 1827 to 8.5 million feet in 1837 and to a peak of 13.7 million feet in 1846, [Gibbs 22 pp. 85, 93, 106-7] almost doubling in 20 years. As had occurred with the logwood trade a century earlier, however, rising exports were associated with falling prices. In 1837 the price was said to be £18 to £20 per thousand feet, but by 1841 the price had dropped to £9 to £12.<sup>9</sup>

By 1846, therefore, while the quantity of mahogany exported reached its peak, the profitability of the trade had declined. The export boom had led to the exploitation of immature trees and a consequent decline of resources, and the cutters were forced to seek trees in more remote and inaccessible areas, resulting in rising costs of production. Moreover, the system of preferential duties which had protected the Belizean mahogany trade, like the West Indian sugar trade, was drastically changed, duty on foreign timber being progressively reduced from £4 a few years earlier to 15/- by 1846. Hyde and Company, one of the largest mahogany firms in the Settlement, complained to the Colonial Office in 1847, saying that their chief competition was Cuba, where slave labour was still utilized.<sup>10</sup> By the late 1840s, therefore, the economy of Belize was suffering from a depression resulting from the new metropolitan trade policy which also ruined many sugar planters in the West Indies. The rising industrial interests in the metropole preferred to import the cheapest raw materials from wherever they could be obtained, so the policy of protecting colonial products with a system of preferential duties succumbed to the policy of free trade.

What must be emphasized is that the depression in the mahogany trade of

Belize did not develop until a decade after emancipation. In the meantime, with prices declining, it was necessary to increase production in order to maintain income. The mahogany cutters, unlike the sugar planters, were unable to reorganize their enterprises or to introduce new technology to make their labourers more productive. In the crucial decade after emancipation, therefore, the masters were not only determined to retain every labourer they had previously possessed but were also anxious to acquire more labourers.

A petition by the "most influential and respectable Inhabitants" was sent to the Secretary of State in 1835, asking for 825 "of the captured Africans condemned by the British and other Commissioners at the Havanah, being sent to this Settlement". It was suggested that they should be 'apprenticed' for a period of eight to 16 years 'or at the option of the Employer', and that their services were 'required in the Cutting of Mahogany'.<sup>11</sup> The following year "500 Africans to work as mahogany cutters" were requested on the grounds that "from 12 to 1500 foreigners and free labourers are hired annually for the Mahogany Works, and they are by no means sufficient to answer the demand .... The demand for labourers has been for many years increasing".<sup>12</sup> In August 1836 it was reported that 256 'liberated' Africans had arrived from Havana,<sup>13</sup> though this number could not have satisfied such a demand for labour, and on the whole the attempt to augment the labour force by this means was quite unsuccessful.

A second factor which inhibited the development of a large peasantry in Belize was the extremely small, and diminishing, labour force in the Settlement at the time of emancipation. The 1839 Census enumerated only 900 men, and of these the actual healthy male labourers could not have numbered more than 800. The number of adult male slaves in the Settlement had steadily declined from 1,645 in 1816 to 686 in 1835,<sup>14</sup> so the wealthy cutters were operating not only with a small, but also a steadily decreasing, labour force. Nor is the growth of the 'free coloured and black' group in this period commensurate with the decline in the number of slaves, only 169 slaves being manumitted between 1826 and 1830. [Leon 34, p.219]. This decline was chiefly the result of large numbers of slaves escaping to remote parts of Belize or across the frontiers to the neighbouring republics, where slavery had been abolished in 1824. After 1 August 1834, many of the 'apprenticed labourers', finding that the 'Abolition of Slavery' had not in fact set them free, migrated in large numbers to the Petén.<sup>15</sup> Between 1832 and 1835 the slave population was reduced from 1,783 to 1,184; and during the same period the number of 'free coloured and blacks' was reduced by about a third.<sup>16</sup> In this context, labour had become a very scarce commodity, and with the mahogany trade booming the wealthy cutters were anxious to secure every able bodied labourer they could, both from within and without the Settlement.

Granted that the wealthy mahogany cutters were strongly motivated to keep the labour force tied to their enterprises, it remains to be seen how they succeeded in doing so. After all, many of the planters in Trinidad, Guyana and

Jamaica also attempted to keep their labourers on the plantations, but with less success. In Trinidad and Guyana there was such a massive withdrawal of plantation labour, the ex-slaves preferring to cultivate idle Crown lands for their own benefit, that the planters resorted to the equally massive importation of indentured East Indian labourers. In Jamaica, too, where planters had failed to control the ex-slaves with a system of rents for the huts and 'grounds' formerly occupied free under slavery, there was an exodus of plantation labour. It has been said of the West Indian ex-slaves generally that "where there was opportunity of a living off the estates, they departed in large numbers. Where they had little option, they continued as hired labourers for the planters". [Augier 3, p. 186].

The wealthy cutters of Belize reduced the options of their ex-slaves with a system of labour laws and practices designed to keep the workers under very firm control. At the heart of this system of control was the practice of paying wages by 'advances'. The hiring period for mahogany work was the Christmas holidays when both employers and labourers congregated in the town of Belize, and the advance system was ostensibly intended to permit the labourer to purchase his supplies prior to going to the forests for the season. But the employers certainly knew that the advances they gave were rarely used for buying clothing and other supplies which would shortly be needed in the forests. Instead, the money was spent in 'keeping Christmas' in the festive fashion traditional to the Settlement, so that the workers could be forced to purchase their supplies at exorbitant prices from the stores kept by the employers in the forests. Thus the effect of the advance system was to bind the worker to his employer by keeping him in debt — often the balance of the wages a worker received in the forest was insufficient to meet his expenses and he ended the season in debt to his employer.

The advance system operated within the context of a strict contract system which bound the labourer to the employer. Even during the period of apprenticeship, and possibly earlier, it was the custom for free labourers to be hired by contracts for six or twelve months. A report of February 1838, states:

It is in the enforcement of these contracts, however, that the great evil lies. There is no law on the subject further than what custom has sanctioned. That custom has been that where the servant has failed in his contract the master has had the power to bring him up at once on warrant and have him summarily punished by imprisonment and public whipping. If however the breach of contract lay with the master, if for example the master was deficient in the payments he had contracted to make to his servant, the servant could only sue as in the matter of a common debt.

To send the servant into court for the recovery of his wages amounts to an absolute denial of justice to him. People of his condition are not supposed to possess the means for their remaining for months at Belize to prosecute their suits for those very earnings which would enable them to preside there for a little.

They only add to their embarrassment by being barred from leaving the town and entering into another contract.

The hardship which has been entailed by this unjust practice on many of the labourers has been frequently brought to your notice by the sufferers themselves...<sup>17</sup>

The unequal rights and obligations embodied in these contracts made them an effective mechanism of control and discipline even before the system was incorporated into the Laws of the Settlement in 1846, with an amendment in 1852.<sup>18</sup> The laws imposed a penalty of imprisonment with hard labour for three months on a servant failing to perform a contract after receiving advances, and among other repressive measures allowed the apprehension of a servant without warrant by the employer or his agent and the forcible removal of such worker to his place of work.<sup>19</sup>

The advance system was combined with the 'truck system' which forced "labourers to take a portion of their wages in goods from their employer's store", [Morris 39, p. 122] and near the end of the century it was stated that:

It is well known that a system has prevailed in the colony unchecked... of labourers being kept in debt by their employers for the purpose of securing a continuance of their labour, as such labourers consider themselves bound to serve until such debt is extinguished. Advantage has been taken ... to keep them in debt by either supplying them with goods or drink for the purpose, and they thus become virtually enslaved for life. [Bristowe and Wright 10, p. 199].

This system of debt servitude could be easily enforced within the Settlement because the population was so small — it would be very difficult for an indebted labourer to remain undetected in Belize, and his position was aggravated by the undeveloped internal market situation. A labourer in Jamaica who wanted to avoid an employer could move to another parish in the island and could exchange his produce at any one of a number of markets, but his Belizean counterpart was restricted to the town of Belize if he wanted to sell his produce. The undeveloped market situation of Belize also inhibited the creation of a peasantry more directly. On 16 July 1838, the Public Meeting, in response to a direction from the British Government, "Resolved that all Sunday Markets in this Settlement be from henceforth totally abolished",<sup>20</sup> thus further limiting the commercial potential of a peasantry. The great reliance upon imported foodstuffs which characterized the period of slavery has remained a feature of Belize, much to the advantage of the commercial sector. While some slaves and free blacks had always cultivated and had managed to sell some of their produce, the small numbers of people in the Settlement and the dominating influence of the merchants had restricted the development of an internal market. Many of the biggest mahogany cutters, like Marshall Bennett, were also owners of large merchant houses, and there was an affinity of interests between the timber and commercial sectors. The merchants certainly benefited from the cutters' advance system and they were opposed to the development of locally produced foods,

or of a self-sufficient peasantry.

The internal market being undeveloped, few of the slaves had managed to accumulate much money by selling provisions, and after emancipation not many of them could have depended on small farming as a practical means of livelihood. This is in great contrast with, say, Jamaica, where the development of an internal marketing system had enabled many slaves to accumulate sufficient money to buy plots from the abandoned or ruinated sugar estates and to make a living by small farming. Between 1840 and 1845 the number of people owning freehold plots of less than nine acres increased in Jamaica from 883 to 20,724. [Hall 25, p. 162]. In Berbice, Guyana, of the 15,000 landless slaves who were emancipated in 1838, almost 5,000 had bought and were cultivating 7,000 acres of land within four years. [Augier 3, p. 187]. According to Augier *et al.* [3, p. 186], "Land prices throughout the British Caribbean ranged from about £4 to £10 per acre, depending on the territory and the quality of the land. These prices were not beyond the pockets of those who had saved during slavery and who had been working for good hourly wages during the apprenticeship period". In the different circumstances obtaining in Belize, however, the £1 per acre demanded for Crown lands, which were in remote, wild and unexplored parts of the country and a long way from the only market in Belize Town, was more than most freedmen could afford. Moreover, to the extent that private land was changing hands, it was being sold by the smaller settlers to the bigger, who, wanting to keep their labourers, were unwilling to sell to the freedmen. Consequently the freedmen, denied access to private land and offered only the impractical Crown lands, remained landless and wholly dependent upon the merchant-cutter elite.

Although all these factors were instrumental in preventing the growth of an independent peasantry, few observers then or since have acknowledged the importance of them, and many have attempted to explain the failure of the development of an independent peasantry by suggesting that the labourers freely chose to cut wood rather than to cultivate land. For example, Superintendent Stevenson wrote in 1857 that:

This is no place for Agricultural experiments, nor is it likely to become so, while the great staples of Mahogany and Logwood demand the services of all the available labor of the Country. The laborers have hitherto been habituated to that pursuit alone, and are always sure of employment at their accustomed work, — whenever they choose to leave their own small Plantations, — even at the enormous wages they demand; — wages which could never be afforded for agricultural services of any sort; even if the laborers were at all fit for that new employment which they are not.<sup>21</sup>

That the workers were paid enormous wages is clearly a gross exaggeration,<sup>22</sup> but they must have been influenced to some extent by the fact that when engaging to work in a mahogany camp they would immediately have money in their pockets at the time they wanted it most, whereas farming offered uncertain

profits, even if they had been in a position to acquire suitable lands, which they were not. However, the money they got in wages was not saved – the advance system operated to keep the workers in debt peonage – so that there was no accumulation of capital for purchasing lands.

Thus, while in many of the other British West Indian territories an independent peasantry developed after emancipation, no comparable development occurred in Belize, despite the attractive man-land ratio. The emancipated slaves in Belize had shown that they were interested in cultivating the soil, like their counterparts in the West Indies, but because of their small numbers, the undeveloped state of the internal market, the monopoly of land ownership by those who required their labour, and, finally, because after 1838 Crown lands abruptly ceased to be gratuitous, they could not acquire land. The majority of the emancipated slaves, therefore, were forced to continue working in the mahogany gangs of the 'monied cutters'. The considerable redistribution of land that followed emancipation in Jamaica and elsewhere did not occur in Belize, and the growth and diversification of agricultural production that could have been expected had a peasantry developed did not materialize. Superintendent Fancourt reported in 1847 that:

Of Agriculture in British Honduras little that is satisfactory can be said .... the cultivation of the soil has been almost entirely neglected, a few of the labouring classes alone having their small plantation in which they raise plantains, yams & Indian corn, the two first in quantity barely sufficient for their own maintenance, the last mentioned in still smaller proportions.<sup>23</sup>

The fact that the ex-slaves of Belize were given 'little option' to leave the timber works meant that the country remained dependent upon imported food.

In summary, the situation after emancipation remained very much to the advantage of the wealthy mahogany cutters and merchants, both of whom benefited from the existence of a proletariat which was controlled by the 'advance system', and both of whom were opposed to the growth of an independent and self-sufficient peasantry.

### The Stimulation of an Interest in Commercial Agriculture

About a dozen families of mahogany cutters and merchants continued to dominate the Settlement, but some modifications of the political economy had occurred. The political power of the local elite had been gradually diminishing with the increasing confidence of the British government in asserting its sovereignty, and the Superintendents slowly eroded the monopoly of political power exercised by the elite. A striking illustration is the power assumed by the Superintendent in 1832 to appoint magistrates,<sup>24</sup> a power that until then was the prerogative of the settlers themselves, and in 1846 the old Magistracy itself was entirely abolished. [Burdon 11, III p. 86]. While the political power of the settler

elite was thus being curtailed by the Superintendents, the monolithic nature of this elite was also undergoing some adjustments. Mahogany was still the main economic *raison d'être* and control of this resource still meant economic power, but another economic interest, the commercial sector, had become important. At first the commerce of the Settlement was controlled by the same people who controlled the export of timber, but, with the growth of the entrepot trade with Central America after 1821, commercial houses from England independent of the old settler class had been established, and they soon became an interest to be reckoned with in the Settlement. A petition of 1841 stated that "the trade of the Settlers having been hitherto confined to the Cutting of Mahogany and Logwood, until the recent independence of the Spanish American Provinces has of late years opened to them a Market for British Goods, to the amount of Half a Million Sterling"<sup>25</sup> There were still merchant houses belonging to mahogany cutters, however, and there was, in any case, some identity of interest between cutters and merchants, especially as regards their attitude to the labouring class.

There was not yet any marked interest among the elite in the development of agriculture. Occasional attempts continued to be made as before to obtain British government permission to cultivate crops for export, but with the same negative results. An Agricultural Company was formed in 1839 to encourage and promote agricultural activity,<sup>26</sup> but nothing came of this effort. In the same year the inhabitants had forwarded a petition to the Secretary of State requesting that the produce of the Settlement be admitted into English ports at the same rates of duty as that of other British dependencies. The reply was discouraging, though a very guarded permission to grant lands for cultivation was given.<sup>27</sup> This did not satisfy the settlers, however, and at a Public Meeting in 1841 they decided to forward a petition to the House of Commons. The petition stated that previous memorials had been sent in 1833, 1835 and 1839, and noted that

the Cutting of [mahogany and logwood] having become a precarious Employment, your Petitioners are desirous of acquiring the unquestionable right of cultivating this extensive soil, with a bona fide Title of Propriety [sic] in the Arable Lands thereof; and with unrestricted permission to export such cultivated products from this and to have them Imported into the United Kingdom, at the same rate of Duties as from the British West India Islands.<sup>28</sup>

No reply to this petition appears to have been made.

In 1847 the Superintendent had to report that "Of Agriculture in British Honduras little that is satisfactory can be said".<sup>29</sup> He reported that, though "two or three individuals have recently applied themselves to the manufacture of rum", sugar was still "almost exclusively derived from the Town of Bacalar in Yucatan". He concluded that "the existing body of Merchants & Mahogany Cutters" would probably never invest capital in the cultivation of the soil, despite the fact that "sugar cane grows luxuriantly".



The prospects for agricultural development were thus very dim in 1847. The emancipated population was confined to forestry work by their inability to obtain land, and the major merchants and mahogany cutters showed little interest in agriculture. In the following year, however, events occurred which had as great a significance for the social structure of Belize as emancipation, and with immediate consequences for agriculture, particularly the cultivation of sugar cane.

In 1848 the Maya of Yucatan rose in revolt against the white settlers of Spanish origin, [Reed 42] and in the resulting chaos and bloodshed thousands of Maya and mestizos fled into Belize. Many of them returned to Yucatan, but a large number remained and settled, principally in the northern district. The report on the Blue Book for 1856 which estimated a total permanent population of about 20,000, stated that over a quarter of the people were in the Northern District,<sup>30</sup> most of whom would have been Yucatecan refugees. There were also numbers of Maya refugees in the Yalbac Hills in the western district after 1857.<sup>31</sup> In the first of the regular modern censuses in 1861, the total population was over 25,000 and the 1871 census recorded just under 25,000. [Census 48, viii]. The effects of the massive increase in the Settlement's population, from a mere 3,000 in 1840 to over 25,000 twenty years later, were felt in agricultural development, both immediately and in the long term.

The Maya and mestizo refugees who came to Belize in the decade or so after 1848 had for the most part been small-scale cultivators in Yucatan. The value of their continuing agricultural activity was recognized as early as 1852 by the Superintendent of the Settlement:

They have already commenced the cultivation of Sugar, Corn, Tobacco, and other articles for which there must always be great demand in this market; and looking to the almost entire absence of agricultural undertakings in the other Districts, as well as to the general scarcity of labour which exists here, it cannot be disputed that the retention of these settlers, and their general absorption into the permanent population of our territory, is a matter of great importance to this community.<sup>32</sup>

Four years later, Superintendent Stevenson, in his speech to the Assembly, urged support of the Northern District, "the first .... in which there has been any attempt at establishing villages, peopled by small and independent cultivators".<sup>33</sup> He spoke of them growing 'considerable quantities' of rice, corn, and vegetables, and by 1857 the Yucatecan refugees were already supplying enough sugar for the local market. That year it was reported that "the first shipment to Europe of sugar the produce of Honduras" was made, to the extent of "a hundred barrels.... in the ship 'Byzantium' for Liverpool".<sup>34</sup> A report of 1859 distinguished between the Maya and the mestizo. The Maya were said to be either employed in mahogany gangs, or engaged on their own account in logwood cutting, "which has passed principally into their hands", and in *milpa* farming and pig raising. The mestizos, on the other hand, were described as those "who, with a sprinkling

of Indians, are our sugar growers".<sup>35</sup>

While the new settlers from Yucatan had been able to cultivate lands for subsistence and sale, and even for export, the African freedmen, still dominated by the landowning companies, remained almost entirely dependent upon wage labour in the timber trade. The Africans had been prevented from obtaining land as a result of a conscious policy designed to maintain a sufficient labour supply for the mahogany works, so they also found it impossible to rent lands from the big landowners. Yet some of these same landowners tolerated, and even encouraged, the settlement of mestizo and Maya refugees in the north by renting them lands. Why were the Yucatecans allowed to develop as a peasantry, and why were they not, instead, promptly forced into wage labour like the African freedmen?

The answers seem to lie in a number of related factors. The Settlement had for long been dependent on imported foodstuffs, partly from Bacalar and other neighbouring areas. As late as 1856, the Superintendent remarked that "we are at present wholly dependent on neighbouring countries" for rice, corn, and other foodstuffs, and, since any break in the existing friendly relations with those areas would create problems of supply, "it requires but little foresight to encourage Agricultural Industry, wherever it can be profitably pursued".<sup>36</sup> The Caste War introduced uncertainties in this supply situation, and, since the Yucatecan refugees no doubt included some of the very people engaged in such trade with Belize, it was in the interests of the Settlement, as perceived by the Superintendents, to allow them to continue to supply the market from within the Settlement itself.

The crucial factor was, of course, the labour supply situation as seen by the wealthy landowners. In the first place the refugees were a completely new element in the Settlement's population. The landowners did not view them with that sense of ownership with which they still saw their former slaves, and did not feel as if they were losing labour if the refugees were allowed to cultivate the soil. No doubt there was a degree of racial stereotyping involved, as is evident in the Superintendent's comment in 1859 that the Maya, "more robust than the Spaniard, less addicted to pleasure than the negro, ... are admirably adapted to the monotonous drudgery of logwood cutting".<sup>37</sup> The employers probably considered the Yucatecans as inherently unsuited to such heavy work as mahogany cutting, just as they considered the blacks particularly suited to it. (There was an element of truth in these distinctions; though the basis was in culture, not genetics. On the one hand, the Africans had acquired the particular skills of mahogany cutting and, at the same time, were being taught to associate cultivation with 'inferior' strength and skills. On the other hand, the Maya, who had not been subjected to such a change in their culture of cultivation, were still devoted to their *milpas*, and would have resisted forced labour in the forests.) Secondly, the landowners do not appear to have needed the labour of the Yucatecans in the circumstances of the mid-19th century. The refugees came at a

time when the mahogany trade was declining, and the labour supply was probably then quite adequate. The Northern District, into which the majority of them came, was considered to be virtually cut out of mahogany, so they were not seen there primarily as a source of labour for mahogany gangs.<sup>38</sup> Thirdly, some of the landowners in the Northern District, who had not yet developed a real interest in plantation agriculture and had no need for plantation labourers, were in possession of idle estates. The Yucatecans being anxious to work on the land, these landowners were prepared to rent lands to them<sup>39</sup> – it was a simple and effective way of exploiting this new population.

The landowners were no doubt encouraged to accommodate the refugees by the Superintendents, who had an interest in establishing an agricultural base in the Settlement. The sentiment expressed by the Superintendent in 1839, that “from the exhaustion of Mahogany the hitherto staple commodity, the permanent welfare of this place must mainly depend upon the rearing of colonial produce”,<sup>40</sup> was repeated in the following two decades, and when the Yucatecans began to produce sugar, as well as vegetables and other food crops, the Superintendent was plainly overjoyed at the development. While the Superintendents really wanted large-scale agriculture carried on by British interests, they were nevertheless eager to support the agricultural activity of the refugees, especially when this became the catalyst to the first serious attempts at commercial agriculture in Belize by British capitalists. The Yucatecan refugees showed that sugar cultivation could pay, and the wealthy landowners soon attempted to emulate them. This development was foreseen by the Public Treasurer who, in 1860, wrote that the abundant natural resources of Belize “will soon be valued by Capitalists, now that the capabilities of the Soil have been practically tested by small Planters”.<sup>41</sup> The Treasurer also noted that “Agriculture is beginning to command a larger share of public attention”, and this newly awakened interest in agriculture on the part of the capitalists coincided with, and was in part a reflection of, a depression in the two major activities of this group, mahogany exports and commerce.

The increased commercial activity in Belize from the 1820s depended, not on the local market – the population was too small for that – but on the Central American market after Spain’s hegemony over the area had been broken. Because of the troubled state that Central America passed through in the years after independence, few British merchants established themselves there, and these faced difficulties in the turbulent conditions prevailing. Belize had the advantage of being an immediate neighbour which was free from the disorder which plagued the rest of Central America, and the British merchants who traded in Belize easily captured a large share of Britain’s trade with Central America. But the civil disturbances soon subsided, the British government recognized the Central American republics in 1849, and in the same year signed a treaty of friendship and commerce with Guatemala. [Burdon 11, III, pp. 213-4]. The advantages of direct trading connections began to outweigh the disadvantages, and the Belize entrepot trade suffered as a result. Another significant event

was the opening of the Panama Railroad in 1855 which shifted Central American trade towards the Pacific. Finally the commercial houses were hard hit by the depression in the mahogany market which occurred in the 1850s, since a large share of their profits was derived from the purchases made by the mahogany gangs.

The mahogany trade experienced a severe decline in the 1850s. During the 1840s mahogany had been in great demand in England primarily for building coaches for the railway expansion in those years. The market reached its peak in the mid-forties, 10 million feet being exported in 1845 and almost 14 million in 1846. [Hummel 28, p. 12.] This led to a depletion of timber resources, and Superintendent Fancourt complained in 1846 that “in consequence of the very large demand for Mahogany in the Home Market during the last three years, those engaged in the trade in this Settlement were induced to ship, to a great extent, young wood of very small dimensions”.<sup>42</sup> The boom soon passed, however, and in 1855 Superintendent Stevenson referred to “the present depressed prices of the Timber market, – with its enormous contingencies and precarious profits – ....”<sup>43</sup>

TABLE 3.1 EXPORTS OF TIMBER FROM BELIZE, 1857-1859

	Mahogany in feet	Logwood in tons
1857	7,267,369	6,681
1858	6,275,374	5,034
1859	5,436,014	1,502

(Source: Longden to Grant, 19 June 1868, AB,R. 98)

Figures for exports of timber in the late 1850s demonstrate the decline but they do not tell the whole story, since at the same time that production was diminishing, the prices were being severely cut. The Public Treasurer reported in 1860 that:

The commencement of the year 1859 was remarkable for the uneasiness and apprehension which pervaded the whole community, and originated in the recent failures of two extensive Houses engaged in the Mahogany Trade. The calamitous consequences of these commercial disasters were widely diffused, and injuriously afflicted every branch of our local industry – business was dull and fluctuating, and speculation was completely paralysed, for none could tell how far they might be involved in the catastrophe, while – to add to the general despondency – the value of our staple production was deteriorated.<sup>44</sup>

With commerce and mahogany in depression, some of the settlers looked for alternatives, and, in the same report, it was said that “agriculture is beginning to command a larger share of public attention”.

### The Validation of Land Titles

With the stimulation towards agriculture — a process that was gradual but that became accentuated in the 1850s — there was a renewed concern over the validity of titles to land. Most of the lands privately owned had their roots of title in locations dating back to 1817 and before. Although the attempt made by Superintendent Arthur in 1820 to invalidate these locations had not met with success, the situation had never been unambiguously accepted by the British government, and on occasion a Superintendent had questioned the validity of titles by location. The settlers themselves in a petition of 1841, having referred to a desire to cultivate cotton, rice, coffee and tobacco, complained that they were “debarred by the uncertain tenure of their lands, except for Mahogany and Logwood cutting”.<sup>45</sup> It was also thought necessary to secure an unequivocal official recognition of the validity of the location titles, and this was partially secured by the Laws in Force Act of 1855.<sup>46</sup>

The year 1855 was a propitious one for taking the important step of validating titles to land. The international considerations had sufficiently altered to remove Britain's restraint in openly asserting its sovereignty over the territory. In the course of the 1850s Britain signed a number of treaties with the United States of America and other countries with a view to regularising its relations with the Central American republics, and by 1854 it felt confident enough to approve the country's first recognised Constitution. The 1854 Constitution provided for an elected House of Assembly of 18 members, albeit on a very limited franchise, and the Superintendent was given clearly defined powers.<sup>47</sup>

The country now had a formal constitution, and one of the Legislative Assembly's first acts was to regularize the legal system generally. The object of the Laws in Force Act was, expressed simply, to declare the laws in force in the Settlement. There were sections dealing with rules of court and with previous resolutions, giving them validity until revoked by the Legislature. Other sections declared, in general terms, what part of the common law and of the criminal and other Statute laws of England were laws of the Settlement, and under what conditions. And two sections dealt specifically with the validity of titles by location. The settlers obviously thought of these as the most important part of the law, and in a committee which had been appointed to study the situation this had been made very clear. When introducing the law to the Assembly, Superintendent Stevenson said:

Having learnt, from your minutes, that your earlier Location Laws very naturally claimed the first attention of your committee, as being the foundation of title to all occupation of land, prior to the introduction of “Grants” — many of which Locations have since changed hands, but the right to which must still be traced to its first legal source, — and believing it to be your wish that a Legislative acknowledgement of these Laws should be the subject of specific enactment, I have, in this declaratory Bill, devoted ... two clauses to the exclusive subject of those Loca-

tions, which will answer every object that you can immediately desire.<sup>48</sup>

The effect of sections 2 and 3 of the Laws in Force Act<sup>49</sup> was to give retroactive legitimacy to ownership of land which had been appropriated under the old location laws up to 1817. Although this was limited to those locations which had been recorded, and thus did not include the vast majority of them, this defect was remedied in a later Act of 1858. The old rules for regulating boundaries were expressly stated to be valid not only with reference to contiguous locations, but also with reference to contiguous grants. It was further enacted that any person who was in quiet and undisturbed possession of a location, either by himself or the person through whom he claims, since 1 January 1840, “shall have good right to such possession as against any grantee or other person whomsoever, excepting only infants and other persons under disability, whose rights are hereby protected”. An amending Act of 13 March 1856 provided that this protection should continue for one year after the disability is removed, and no longer.

The old location laws were being given a clear validity, but when the Superintendent sent the Act to England, to receive the Royal Assent in accordance with the Constitution, he was required to provide more information with respect to title by location. Stevenson prepared an extensive and detailed questionnaire which he circulated to the Chief Justice, the Attorney General, the Keeper of the Records, the Crown Surveyor and other authorities. The answers they gave<sup>50</sup> constitute a major source of material for a study of the development of the land tenure system in Belize.

In his subsequent report to the Colonial Office, Stevenson summed up the position with regard to titles by locations (see passages previously quoted on pp. 48-9). The official view in 1855, which accords with our present analysis, was that, irrespective of the limitations of the Treaties, which had always been disregarded by the settlers and more recently also by the British Government, the lands claimed by location had been “dealt with as estates in fee simple ... without any idea of there being any thing less than absolute ownership”.<sup>51</sup> Having explained that the titles by locations were considered in the Settlement as full freehold titles, Stevenson went on in his report to refer to the Laws in Force Act, and to assure the Colonial Office that “the clauses in question were not meant to give any new title or right of possession, but only to confirm to the present possessors under complete locations, whatever rights the locations themselves may have given them — and to quiet such possessions”. He added that “if the conclusions of the “Locators” be clearly erroneous and unjustifiable, this would be the proper time to rectify the mistake”. But the Colonial Office obviously felt it would be unwise to question titles by locations after so many years had elapsed during which lands held under location had been bought and sold, mortgaged, devised etc., as freehold property. Accordingly the Bill received the Royal Assent and was proclaimed on 8 March 1856.

So in 1856 the location laws were given official recognition by the British government, and the titles under those laws were declared to be valid. Two matters, however, were left open by the terms of the Laws in Force Act and these had to be dealt with before the settlers could be satisfied that they were secure in their titles.

The first matter involved the wording of section 2 of the Act, which gave validity only to those location titles that had been recorded in conformity with the resolutions of 25 July 1787, and of 28 June 1808. As has been seen, very few locations had in fact been recorded, so the effect of this law was to withhold validity from the great majority of location titles. This was remedied by an "Act in relief of persons in possession of locations and allotments the titles and transfers whereof may not have been recorded . . .," passed in 1858.<sup>52</sup> By this Act, which was later called 'the Act for Quieting Title', it was enacted that:

no action, suit, information or proceeding of any kind or nature whatsoever shall at any time hereafter be brought, preferred, had or instituted, in any of the courts of this Settlement, by or on behalf of any person whatsoever, for the purpose of enforcing the forfeiture of such locations on the ground that the titles thereof and thereto may not have been recorded,

and 20 years quiet and undisturbed possession of any original location was declared to give a good title as against any grantee or other person whatsoever.

The second matter which the Laws in Force Act left in an unsatisfactory state was the mode of conveyance of land. It had always been the custom of the Settlement to convey land by a mere bill of sale in the following form:<sup>53</sup>

Belize/Date/

A. B.

Bought of C. D.

All that Lot of Land  
situated at etc. [describing it as per plan annexed]  
for . . . Dollars.

Received . . . Dollars

(Signed) C. D.

But the Attorney General interpreted a certain section of the Laws in Force Act to mean that, henceforth, all conveyances must be made in accordance with the forms used in England. This was soon recognised to impose an intolerable burden on the settlers, who had only been used to very simple forms and who had, in fact, continued to use these old forms after the passing of the Laws in Force Act. At the instigation of the Attorney General, therefore "an Act to facilitate the conveyance of real property and the leasing of lands and tenements" was passed in 1857,<sup>54</sup> setting out simple forms that may be followed for these purposes. Section 5 of the Act saved the validity of conveyances made by bill of sale after the proclamation of the Laws in Force Act in March 1856 and

before the passing of the conveyancing Act. Section 4 required registration of conveyances.

The effect of the Laws in Force Act and the two other Acts, which in effect amended it, was to confirm the titles to land held under the old location laws. This was perhaps sufficient to satisfy the settlers themselves who held lands under the location laws — they had intimate knowledge of the history of the lands they occupied as well as of the location laws. At the same time, the location laws were really very vague and did not lend themselves to precise legal definition, with the result that they gave rise to abundant litigation. Since all the Laws in Force Act did was to confirm the validity of titles held under the old location laws, the uncertainties of the application of those laws still remained and many titles thus remained open to question. While this was satisfactory for the settlers, it could not be expected to have satisfied persons abroad who were interested in investing in land in the Settlement. In the 1850s, a group of English capitalists were interested in such investment, but they were not prepared to risk their capital until titles to land could be acquired which were as safe and secure as those they were accustomed to hold in England. The result was that, beginning in 1858, the Honduras Land Titles Acts were passed, the object of which was "to render land marketable even where the title could not be conclusively established".<sup>55</sup> An advisor to the Colonial Office, Sir F. Rogers, writing in 1858 on the Honduras Land Titles Act, which had been submitted from Belize for approval, referred to the Laws in Force Act and to the conveyancing Act, and continued:

But before these Acts have had time to work their full effect circumstances have brought the uncertainty of the Honduras Titles into inconvenient prominence. An attempt has been made to form a Company for the purpose of bringing large tracts of the Colony [sic] into cultivation and the question has been immediately submitted to English Conveyancers, how that Company is to be secured in the possession of its lands. To solve this question and to enable the present proprietors to give secure Titles to the proposed purchasers, the present Act has been drafted in England and passed by the Legislature of Honduras.<sup>56</sup>

When the Attorney General of the Settlement, Henry John Ball, wrote his report on the Act in early 1858, he explained that the object of the Act was "to give a perfect title to persons whose estates are registered, such a title that is, which parties would be disposed to accept who have been accustomed to invest their money on property only to which there is an absolute and indefeasible title". He was quite clear on the origin of the Act: ".... this Bill was introduced, if report speaks truly to forward the views of a proposed European Land Company, and framed, as in substance I am informed it was, by one of the most eminent conveyancers in England...."<sup>57</sup>

Because of various objections made to it, the 1858 Act did not receive the Royal Assent, but the register of land titles was nonetheless instituted in that

year. The 1859 Act did receive the Royal Assent,<sup>58</sup> but it was amended in 1861, and it is the 1861 Act which became the final draft of the Honduras Land Titles Act.<sup>59</sup>

One of the difficulties with the 1858 Act was its failure to protect sufficiently the interests of adverse claimants. Once land was registered the title would be indefeasible unless challenged within the following periods after the third advertisement of the claim: persons not under disability — if resident 12 months, if non-resident 18 months; infants and others under disability — if resident 3 years if non-resident 5 years. When Rogers gave his opinion on the Act he pointed out that “10 Firms and others owning land or houses in the Settlement press urgently for the confirmation of the Act”, but he was concerned that its provisions were so strict that

a person who had the clearest title to land and was in actual possession of it might, if he omitted to read the Public Gazette, be deprived of his property by any person who went through the form of registration, although the counter title .... was in fact a mere tolerable claim, possessing only so much plausibility as would enable the claimant to register it without evident fraud.

On the other hand, he felt that “some effectual mode of quieting titles and rendering them saleable is of paramount importance to the interests of the Colony”, and was of the opinion that in the case of Belize “a very large departure from the principles of English law is not only allowable but is called for; and in particular that the Legislation may be allowed to adopt a more summary method of dealing with possible or dormant claims than would be proper in England”.<sup>60</sup>

The dilemma nonetheless remained: on the one hand there was the need to protect those who had a valid claim to land, and on the other the desire to give a *purchaser* of land a completely safe title. The dilemma was neatly resolved by separating the two objectives and specifying one period for claiming against a person who registered title and a shorter period for claiming against a purchaser for value. Thus sections 13 and 14 of the Act<sup>61</sup> granted the person who registered title an indefeasible title on the expiration of ten years of registration, but registered titles were made indefeasible after only two years of registration if they were then held by purchasers for valuable consideration. A claimant who could show he had a better title than the person who originally registered the land could still, within ten years, claim against him for the value of the estate, but he could not claim against a purchaser after two years of registration. In this way the law protected the rights of valid claimants, and, more significantly, met the requirements of those English capitalists interested in investing, particularly the “proposed European Land Company”.

The 1861 Act, designed with the object of “enabling a Vendor to give a good Title”, operated as follows: a registrar of titles was appointed to keep books to register titles to houses and land in the Settlement (sec. 1). Application

for registering titles was made in a prescribed form and forwarded to the registrar (sec. 2), and the applicant later appeared before the registrar, producing evidence in support of his title. If the registrar adjudged the evidence to show *prima facie* title, he entered the claim in the register and issued three public notices advertising this fact (sec. 4). A claimant dissatisfied with the registrar's judgment could appeal to the Chief Justice (sec. 5), who could, if satisfied that the evidence upheld a *prima facie* title, direct the registrar to proceed accordingly (sec. 6). Section 7 required the registrar or Chief Justice to “accept as evidence of *prima facie* title for the purposes of this act, such evidence of title as, according to the then practice of British Honduras, would .... be accepted by a willing purchaser, as sufficient evidence of a safe holding title”. Once a title was registered as a *prima facie* title, a purchaser for value would hold safe title after two years of registration, but a claimant could proceed against the original applicant at any time up to 10 years after registration (secs. 13-15). In cases of counter-claims, the registrar would take evidence and decide on the claim (sec. 18), but appeals could be made within one month to the Chief Justice and thereafter to the Privy Council (secs. 23-24). By section 31, persons appearing on the face of the register to be entitled were to have valid titles as against all other persons, and the register was to be exclusive evidence (fraud excepted) of title. Section 32 made a transfer entered in the register a sufficient conveyance, and the certificate of the registrar was declared to be sufficient evidence of such transfer. The Crown's rights were protected by section 33, which provided that “this act shall not prejudice, affect or extend to any estate, interest, power, right, franchise, jurisdiction or royalty, of Her Majesty, her heirs or successors”.

A reading of the Honduras Land Titles Act reveals its many inadequacies, and a report in 1888 stated that the Act was defective

in not providing sufficiently for the transmission of estates and for registration or rights arising from possession adverse to the registered owner. The system of protecting equitable interests by caveat is also very imperfect, and the Act is rendered less useful than it ought to be by looseness of construction and vagueness of expression in several places. [Bristowe and Wright 10, p. 117].

But although these criticisms of the Act are valid, they overlook the fact that the real purpose of the Act was “to enable the present proprietors to give secure Titles to the proposed purchasers”, and in this respect the Act fully achieved its objective.

### The Monopolization of Freehold Land

Attorney General Ball had spoken in 1858 of “a proposed European Land Company”, and the identity of this entity was soon revealed. In 1859 there was registered in England under the Joint Stock Companies Act “The British Honduras Company”,<sup>62</sup> the name being changed in 1875 to “The Belize Estate and Produce Company Limited”. From its inception until the present day this

company has completely dominated the private ownership of land in Belize.

The Company, which had procured a famous English conveyancing lawyer to draft the most important law relating to land tenure in Belize, and which immediately took advantage of the terms of the law, had its roots in one of the oldest of the settler families of the Settlement, that of James Hyde. On the Land Titles Register almost the entire lands held by the British Honduras Company are recorded as having been transferred to it by John Hodge and James Bartlett Hyde,<sup>63</sup> and the early Claims Book dating from 1859 enters these same lands in the names of "John Hodge, of London, merchant, presently residing in Belize, on behalf of himself and James Bartlett Hyde, the surviving copartners of the late firm of James Hyde & Co., who lately carried on business in this Settlement as Merchants and Mahogany cutters".<sup>64</sup>

The James Bartlett Hyde who, as a surviving co-partner of the firm of James Hyde & Co., transferred lands to the newly created British Honduras Company was a member of one of the old settler families of the late 18th century. Despard's 'census' of 1790 named James Bartlett, James Hyde and two others as together owning 82 slaves,<sup>65</sup> and they were then among the largest slave owners of the Settlement. In 1806 James Hyde was one of the Magistrates;<sup>66</sup> in 1814 his name appeared on several 'works' on the various rivers in Du Vernay's plan of the Settlement,<sup>67</sup> and in 1818 he was one of the Commissioners appointed by Arthur to report on land tenure. In 1830 James Hyde was the Treasurer [Burdon 11, II p. 321] and in 1832 he was appointed the Settlement's Agent in the United Kingdom at an annual salary of £300. [Burdon 11, II p. 337]. The censuses of the early 19th century also demonstrate the importance of James Hyde, who was listed (often together with his 'free coloured' son, George Hyde) as owning the following numbers of slaves: 1816 — 120, 1820 (with George Hyde) — 129; 1823 (with George Hyde) — 126; 1826 (with George Hyde) — 10; and 1829 (with George Hyde) — 100. In the censuses of 1832 and 1835, when the father was no longer in the Settlement, George Hyde was named as the owner of 93 and 78 slaves. The fact that the number of slaves owned by the Hydys decreased during this period can be explained by the general decrease in the number of slaves in the Settlement, and is not a reflection on the relative wealth of the Hyde family. James Bartlett was one of the 12 men named by Despard in 1787 as owning four-fifths of the lands in "both the Old and the New District" of the Settlement, but he was not mentioned in the early 19th century censuses. It appears that the Bartlett and Hyde families came together some time in the early 19th century, possibly through marriage and inheritance, and formed a large landowning family.

But this combination alone would not explain the enormous tracts of land which were held by James Hyde & Co. in 1860, and clearly the Hyde family accumulated lands by such means as purchase and foreclosure on mortgages. The family owned large areas of land which had been located before 1817 (and thus were acquired completely free of cost), and it bought large areas from other

settlers who had similarly located lands previous to 1817. There is no evidence that the Hyde family was the beneficiary of any Crown grants of lands between 1817 and 1838, but this possibility cannot be ruled out. There is evidence, however, of the family buying or foreclosing on lands from persons who had been granted lands gratuitously by Superintendent Macdonald.<sup>68</sup> Since there is no register of titles previous to 1858 in existence, and since surviving records of deeds are not comprehensive, it is not possible to ascertain how or when the lands were acquired. Even in 1867 the Crown Surveyor, J.H. Faber, stated that: "The British Honduras Company & Messrs. Young Toledo & Co. & others were not generally the original grantees of the lands in their possession. They in most instances acquired them by purchase or by some other process, & it is impossible to trace the change of ownership".<sup>69</sup> Since Faber had been the Crown Surveyor in 1855, he was obviously referring to the impossibility of tracing how and when James Hyde & Co. acquired their lands, since he knew that, by 1858, that firm owned very extensive lands in the Settlement and that they later transferred these lands to the British Honduras Company.

During the second quarter of the 19th century a change occurred in the form and organization of land ownership. Previously the big land owners were individual settlers, 'the monied cutters', who had connections with, and were sometimes indebted to, London merchants, but who maintained sole ownership of their lands. The new development which occurred involved the direct participation of the London merchants in land ownership in the Settlement through the medium of partnerships with the old settlers. Thereafter one can no longer speak of 'the monied cutters' — these gave way to firms with a more pronounced absentee element. Various large landowners in the Land Titles Registry of the 1860s are firms of this type, such as Young Toledo & Co., Carmichael Vidal & Co., and Sheldon Byass & Co., all very big landowners and all with partners based in England. The biggest of all, however, was James Hyde & Co., a combination of the local landowning Hyde family and a London merchant, John Hodge, who, in acknowledging his appointment as Agent for the Settlement in 1848, stated that his interests in Belize had been associated with "the prosperity of the inhabitants .... for more than twenty years".<sup>70</sup>

Young Toledo & Co., were in operation by 1839,<sup>71</sup> but the earliest date that can be placed on the existence of the firm of James Hyde & Co., as such, is 1846.<sup>72</sup> A Petition to the Colonial Office on behalf of the British Honduras Co. in 1860 supplies this information, and also an example of one of the means by which the firm acquired lands:

In the year 1846 Messrs. James Hyde, John Hodge, and James Bartlett Hyde (who then traded together in Honduras under the Firm name of James Hyde & Co.) purchased from a William Alexandre France a mahogany and logwood work situate on the New River, commonly known as "Millers Bight" and marked No. 67 in Duvernay's General Plan of the Settlement.... The works in question, which was an old location, existing and

known as such antecedently to the publication of Duvernay's Survey, was conveyed to Messrs. Hyde & Co., by Bill of Sale in the Form usual in the Settlement.<sup>73</sup>

The firm of James Hyde & Co., like the other firms of its type, had more capital at its disposal than the old individual settlers. In this stage a greater concentration of land ownership occurred, as these firms bought, or otherwise absorbed, lands that the old landowners were forced to sell with the depression in the mahogany trade in the late 1840s and early 1850s, when the latter were unable to meet their debts to London merchants. The firms which had these merchants as partners, however, were able to survive the depression and become more powerful by engrossing the property of the smaller settlers.

During this period changes had been taking place in the company law of Great Britain which reflected changes in the organization of capitalism. The Joint Stock Companies Act, passed in 1856, marked the beginning of a new stage of capitalist development within the prevailing philosophy of *laissez-faire*. This act encouraged the growth of capital accumulation by allowing large numbers of people to invest with limited liability in these companies. Within six years 2,479 companies registered in Britain under this Act, [Gower 23, p. 49] one of them being the British Honduras Company Limited. James Hyde & Co. was the only major firm in the Settlement to move a stage further in its organizational structure at this time by taking advantage of the Joint Stock Companies Act, becoming the British Honduras Company Limited in 1859.<sup>74</sup> It was then a company registered in England, and it has remained so to this day, under the name adopted in 1875 of The Belize Estate and Produce Company Limited.

The establishment of the B.H. Co. in 1859 distinguished it from the old firm of James Hyde & Co. and from the other firms such as Young Toledo & Co. All the firms then existing have since disappeared, some of them collapsing soon after, but the B.H. Co. survived and grew stronger. Of particular interest is the case of Young Toledo & Co., which was perhaps as big a landowner as the B.H. Co. in the 1860s, and which was identified by contemporary sources as one of the two great monopolists of the land, but which went into bankruptcy in 1880.<sup>75</sup>

The reorganization of James Hyde & Co. as the B.H. Co. enabled it to accumulate more capital, and it is this which distinguishes the B.H. Co. from the other large firms of the time. The availability of more capital provided the B.H. Co. with a distinct advantage over the other firms in two important respects. First, it had a greater capacity for investing not only in mahogany extraction but also in agricultural production. Second, the Company was able to hold its land idle, speculating on long term gains, while other firms were forced to dispose of some of their land in order to obtain capital. Further, it was able to buy yet more land from firms which, in times of depression, were forced into bankruptcy. A striking example of this occurred in 1881 when the B.H. Co. bought nine mahogany works from the bankrupt Young Toledo & Co.<sup>76</sup>

The B.H. Co., therefore, consolidated its wealth and succeeded in becoming the most powerful organization in the country. Its power has been evident in the way it has influenced the legislation and dominated the economy of Belize. Shortly after its formation, the B.H. Co. was claiming that what was good for the Company was good for the Colony. In 1874 the Company's chairman wrote: "We feel we could not be justified in longer forbearing to urge the claims of our company and of the Colony of British Honduras, the interests of both being nearly identical".<sup>77</sup> It may be argued, on the contrary, that the interests of the Company have been inimical to the interests of Belize, but the extent of its power is not to be disputed. The concentration of about one-fifth of the country's land in the hands of that Company has meant that the pattern of land use and the direction of the country's economy have been largely determined by the B.H. Co.—B.E.P. Co.

The powerful influence of the B.H. Co. upon legislation in Belize was made evident even in the course of the Company's formation. The 'proposed European Land Company' arranged for the enactment of the most important land law in the country's history — the Honduras Land Titles Act — which provided the security of land tenure demanded by the investors of the B.H. Co. Other legislation which was enacted in the Company's interest and at its instigation included the Acts of 1862 and 1868 which encouraged the immigration of labour at the Colony's expense and the 1863 Act which allowed the duty free importation of machinery to be used in agriculture and manufacturing. The Company also exercised its power by opposing legislation, as in the case of land taxes. The B.H. Co. even went so far as to interfere in matters of international relations with regard to the boundaries of the Colony and relations with Mexico. [Humphreys 29, pp. 101, 103-4; Clègern 15, 53-4]. But more central to the prime concern of this paper is the influence of the B.H. Co. upon the structure of land ownership and the pattern of land use.

The structure of land ownership was one of extreme monopolization, the B.H. Co. and Young Toledo & Co. representing together "nearly the whole landed interest of the Colony". The primary source for the study of the structure of land distribution in the 1860s is the Land Titles Register. The earlier Claims Book (1859-62) notes 191 claims on mahogany works, 158 of which are by Hodge & Hyde as surviving partners of James Hyde & Co. (80), Young Toledo & Co. (55), and the liquidators of Carmichael Vidal & Co. (23). The names of the mahogany works claimed indicate that these firms had bought up the works of many of the old settlers; for example, those claimed by Hodge & Hyde include the names of many old settlers such as Young, Gabourel, Hickey, Gentle, White, Swasey and Craig. The Land Titles Register, the first entries in which date from 1863, has to be used with caution as the 1888 Handbook complained that "little use has been made of the system of land registration". [Bristowe and Wright 10, p. 117]. It seems, however, that the big landowners did register their lands, and it was the smaller ones who failed to use it, thus making the Register incomplete. Certainly in the 1860s all the large landowners would have regis-

tered their lands in order to obtain secure titles under the Honduras Land Titles Act.

The Land Titles Register shows an almost complete monopolization of land by Young Toledo & Co. and Hodge & Hyde, the former registering 53 works and the latter 59. The liquidators of Carmichael Vidal & Co. registered 23 works, all of which were transferred in 1864 to Young Toledo & Co. Between 1865 and 1875 Hodge & Hyde transferred all their registered works to the B.H. Co. The B.H. Co. then had 89 registered mahogany works and Young Toledo & Co. had 76. When the B.H. Co. became the Belize Estate and Produce Co. in 1875, the latter registered 90 works in its name, all having been transferred to it by the B.H. Co. The 1888 Handbook stated that the B.E.P. Co. owned one million acres in the northern district alone, [Bristowe and Wright 10, p. 81] and, with their lands in other areas, their holdings must have amounted to well over a million acres, or about half of all the privately owned land in the Colony. The vast majority of these works are traceable through the B.H. Co.'s lands in the 1860s back to James Hyde & Co. It is clear, then, that the great monopoly of land held by the B.E.P. Co. has its origin in the 18th century concentration of land under the old location laws.

The monopoly of land ownership in 1871, therefore, was very pronounced — the B.H. Co. owned well over a million acres and Young Toledo & Co. with 76 works owned about one million acres. Sheldon Byass & Co. owned four works, or about 50,000 acres, and John Carmichael owned about 25,000 acres, including Corosal Town. These, with a handful of others who each owned several thousand acres, together accounted for almost the entire land held as private property in the country.<sup>78</sup>

The only other big landowner in the country in the 1860s was the Crown. Since all unclaimed lands were vested in the Crown in 1817, a very large area of land, including almost the entire area south of the Sibun, was held by the Crown.<sup>79</sup> An unknown quantity of this land was granted before 1838, but no grants for money were made between 1839 and 1855.<sup>80</sup> During this period, however, the Executive Council under Superintendent Macdonald, acting almost as a Court of Law by deciding on property rights and defining disputed boundaries, did give free grants of land, some being quite extensive mahogany works, to those who could make some 'claim' through prior possession.<sup>81</sup> In 1868 Lieutenant Governor Longden reported that "since 1855 a few acres have been sold in small lots but the whole quantity of land actually sold is utterly insignificant."<sup>82</sup> He reported that "four hundred and ninety acres of land were sold in 12 lots in 1867. Ten of these lots averaged 5 acres each, and the other two contained together 440 acres". In 1869 he stated that

very little Land was sold in 1868.... Most of the purchasers of Crown Lands were squatters who were anxious to secure the legal possession of the grounds which they had cleared and upon which they had built their houses. The largest lot sold contained

100 acres. There was a lot of 50 acres and another of 19 acres. The other grants, 13 in number, averaged less than 3¼ acres each.<sup>83</sup>

The 1888 Handbook stated that "there are still .... upwards, it is believed, of 2,000,000 acres of valuable Crown lands lying south of the Belize and Sibun rivers". [Bristowe and Wright 10, p. 81]. Despite the fact that the price of Crown lands had been reduced by 1867 from \$5.00 to \$2.50 per acre, [Clegern 15, p. 42] so little land was forthcoming from this source that the basic structure of land distribution was not affected. Apart from the great landowners little land was held as private property in the country.

### Agriculture and Immigration

It appears that the only area in which a system of land rental developed by 1871 was in the north, where the Yucatecan refugees resided. In 1857 Superintendent Stevenson stated that "the extent of land, now in use for the approaching crop of 1857, is reported to be nearly 800 acres, in that new District".<sup>84</sup> Most of the land cultivated by the Yucatecan refugees in the north was rented. The only direct reference to land rental in this period is a memorial of 1870 from John Carmichael, claiming compensation for losses suffered as a result of the 1870 Maya raid on Corosal, when the following claim was made: "depreciation of real property of 14 sugar estates \$28,250; and in the remaining 23,500 acres of freehold, 8,625 of which are occupied by annual tenants, at an annual rental of \$5,000, the most of whom have fled the country, \$16,666; and in the value of 350 lots in the Town of Corosal, yielding an annual rental of \$3,500, another \$11,666".<sup>85</sup> Carmichael was therefore renting arable land to annual tenants, mostly Maya subsistence farmers, at a rate of about 60 cents per acre, and town lots in Corosal at an annual rental of \$10.

It was these tenants in the north who made the first successful attempt in Belize to cultivate an export crop, namely, sugar. In his speech to the Assembly in 1856 Superintendent Stevenson referred to the 'small and independent cultivators' of the north who were making it "an improving Agricultural country".<sup>86</sup> Later that year he reported that apart from subsistence plots, agriculture had never been successfully pursued, and continued:

But within the last few years — the cultivation of the cane has been attempted by the recent Spanish and Indian Settlers in the Northern District, who, by their own rough means have succeeded very fairly in establishing small but rather profitable plantations near Corosal on the margins of the principal Rivers in that district, — and, although in no one place is there a large field of cultivation or anything like scientific agriculture or Manufacture, yet the result has shown .... a pressure on the Revenue on "Spirits" and "Sugar". The aggregate amount produced and sent in small quantities from time to time to Belize being very considerable.<sup>87</sup>



The following year Stevenson reported that 800 acres were under cane cultivation in the north, and that "the wants of the Settlement, in the two articles of Sugar and Rum, will soon be more than fully supplied by the Northern District alone".<sup>88</sup> In fact, performance was such that, later in 1857, the new Superintendent, Seymour, was able to report that "the first shipment to Europe of sugar the produce of Honduras was made, to the extent of a hundred barrels.... It is but very recently that our planters were able to satisfy the demands of our own market".<sup>89</sup>

The Yucatecan refugees, with their little *ranchos* on rented lands, had shown that sugar could be successfully cultivated and exported, and before long the big landowners followed in the footsteps of these small farmers and took over the market. This development was foreseen by the Treasurer, who predicted in 1860 that agricultural enterprises "will soon be valued by Capitalists, now that the capabilities of the Soil have been practically tested by small Planters".<sup>90</sup> The capitalists soon dominated sugar exports and began to force the *rancheros* out of business. Lieutenant Governor Longden gave the following export figures for sugar:

TABLE 3.2 EXPORTS OF SUGAR FROM BELIZE, 1862-1867

1862	—	379,176 pounds
1863	—	451,966 "
1864	—	694,231 "
1865	—	478,865 "
1866	—	1,336,496 "
1867	—	1,218,560 "

(Source: Longden to Grant, 19 June 1868, AB, R.98)

Longden stated that, in 1867, 3,000 acres of land were under cane, that 868 tons of sugar were produced, 544 tons being exported, and that 53,914 gallons of rum were produced, of which 4,800 gallons were exported.<sup>91</sup> In 1868, 1,033 tons of sugar were produced, of which 762 tons were exported.<sup>92</sup> However, the continuing predominance of timber products in the Colony's exports is seen from the fact that, of the total export earnings of over 68,000, about 57,000 were gained from timber products, while sugar accounted for less than 10,000. In the same report it was stated that "there are Ten Estates, devoted to the cultivation of Sugar, on which steam machinery has been erected .... the present acreage is only a small part of that which it is intended to cultivate".

From Table 3.3 it is clear that the B.H. Co. was by far the biggest sugar producer, having 746 acres under cane out of a total of 1,683 in these ten estates with steam machinery. The report added that

Besides these ten large Estates there are 32 small Estates or Milpas cultivated partly in Sugar and partly in Indian corn by the Spaniards who immigrated into the Northern District from Yuca-

TABLE 3.3 ACREAGE IN CANE ON ESTATES WITH STEAM MACHINERY, 1868

Name of Estate	Estimated acreage in cane	Name of owners	Where situate
San Andres	200	J. Carmichael	Corosal
Caledonia	230	Phillips & Co.	New River
Santa Cruz	210	B. H. Co.	" "
Trial Farm	150	"	" "
Tower Hill	156	"	" "
Indian Church	230	"	New River Lagoon
Regalia	250	The late A. Mathé	Sittee River
Boissieres	80	" " "	" "
Wresaw	40	" " "	" "
Seven Hills	137	Young Toledo & Co.	Between Rio Grande and Middle River

(Source: Longden to Grant, 17 May 1869, AB, R.98)

tan. On these 'Milpas' as they are called the extent of land in cane varies from 5 acres to 110 acres. In the whole of the Milpas together there are 1,015 acres of cane land giving an average of nearly 32 acres to each Milpa.

Longden went on to state that "the principal difficulty in the way of an extended growth of Sugar on a large scale will probably be found to consist in the want of steady intelligent and reliable labour". This need for a supply of labour was foreseen by the big landowners as soon as they began cultivating cane. The bigger estates put many of the *rancheros* in the north out of business and reduced them to the rural proletariat along with the Maya, who continued to rent small plots for their milpas, but who also constituted most of the labourers for the big estates. Very little of the land held by the large landowners was planted with cane, and this was partly because of the shortage of labour. Led by the B.H. Co., the landowners attempted to acquire an adequate labour supply by immigration. On 7 February 1860, the Assembly passed a Bill to encourage immigration from China, but the British Government disallowed it, not favouring emigration "to a Settlement exposed to so much risk of disturbance as British Honduras". [Burdon 11, III, pp. 228, 233, 241-2]. After the country was declared a Colony in 1862, however, assent was given to an Act "designed to facilitate the immigration into the Colony of free negroes from the United States".<sup>93</sup>

In 1863 John Hodge, a major stock holder and manager of the B.H. Co. in

Belize, went to London and Washington to arrange for the immigration of black Americans who had been emancipated that year. Hodge brought four commissioners from the U.S. to examine the lands and circumstances in the Colony and report to the authorities in Washington. The official U.S. agent in Belize, Dr. Charles Leas, did not favour the immigration, however, and the U.S. Government turned down the proposal. Leas later stated that it was fortunate that the freedmen had not been sent to Belize "to be subjected to a species of slavery and demoralization far worse than ever existed in our country".<sup>94</sup>

Attempts were then made, with more success, to bring Chinese labourers. In 1865, 474 Chinese immigrants arrived from Amoy, and were put to work on the sugar estates, most going to the B.H. Co. estates. [Burdon 11, III, pp. 257, 262, 264, 265, 266-7]. By 1868 "only 211 were left", over a hundred having died and about a hundred more having fled to the Santa Cruz Maya, as a result of bad food, overwork and cruel treatment by the manager of the B.H. Co.'s estates on the New River. [Burdon 11, III, pp. 310, 313, 315]. The number of Chinese immigrants continued to be reduced in the following years. In 1869 Lieutenant Governor Longden mentioned "the small remnant of the Chinese immigrants still working on the larger estates, about 193 in number"<sup>95</sup> and in the 1871 Census only 133 persons were stated to have been born in China.<sup>96</sup>

A number of labourers were brought from the West Indian islands, for example, from Barbados in 1865,<sup>97</sup> and in 1871 there were 905 people listed in the Census as having been born in the West Indies. Aware of the example set by Trinidad and Guyana, the big landowners also attempted to attract labourers of Indian origin, but this did not bear fruition until after 1871, which is outside the period here being considered.

The local elite passed further legislation in 1868 "to encourage the Immigration of agricultural and other labourers into the Colony of British Honduras". Commenting on this Act, Longden reported that:

By this act any person may import into this colony labourers from any place whatsoever .... [and] shall receive from the Immigration Funds a bounty of one third of the passage money of such labourers, not exceeding, however, in any case 5 for a man or woman, or 3-6-8 for each child ....

The Immigration Act passed in 1862 .... is repealed by this act ....

If a few hundred negroes accustomed to the actual cultivation of the sugar-cane, can be brought from America or from any of our own colonies, where there is an excess in the supply of labour over the demand, I have reason to believe that sure and rapid progress would be made in agriculture. There appears to be no lack of capital here .... but the great want of all the landowners is a supply of labourers accustomed to the cultivation of the sugar cane in which the natives of the Colony, hitherto only a wood-cutting settlement, are deficient.<sup>98</sup>

The fact is, of course, that the so-called 'natives of the Colony' were required and used by the same landowners as forestry labourers, for timber exports were still far more valuable than sugar. The efforts at immigration having met with little success, the sugar estate owners used what local labour they could. Since the people of African origin were mostly required as forestry workers, they employed Maya and mestizo labourers in the north and Caribs in the south. In 1869, Longden stated that:

In the Northern District the number of the population which appears to be increasing both from natural causes and by the influx of Indians from Yucatan, will perhaps be found able to furnish a sufficient number of labourers capable of being trained into efficiency. In the Southern district the planters must either import their labour or employ the native Caribs.<sup>99</sup>

The immigration plans so far discussed were all designed to bring into the Colony non-white workers as agricultural labourers. But the colonial administrators also wanted to attract white immigrants who would become independent cultivators and who would establish estates. For this they did not consider any of the non-white population in Belize as suitable.

Major efforts were made to attract Confederate planters from the defeated southern states. Many of these came in 1864-65, but most of them went on to Guatemala or Honduras or returned to the U.S.A. Apparently the major reason for the refusal by these immigrants to remain in the Colony was the price of \$5.00 ( 1) per acre which maintained for both Crown and private lands, and the U.S. Consul believed that the resistance of the great landowners to reasonable land prices had hindered agricultural development. But by 1867, with the price of Crown land reduced to \$2.50 per acre, it seems that at least some of the landowners — notably Young Toledo & Co., but not the B.H. Co. — changed their policy and offered to sell large tracts of land to Southerners. Further immigration of Southerners was said to average 50 immigrants per month for the years 1867-69, but by June 1869 the U.S. agent reported that the immigration had ceased, and that more were returning to the U.S. than were arriving. [Clegern 15, p. 44].

Lieutenant Governor Austin was strongly committed to a policy of encouraging the immigration of white Southerners to Belize. He is reported to have told the U.S. Agent that the only hope for the future of the Colony was Southern immigration and that if enough Confederates came to the Colony, Great Britain would grant it independence. [Clegern 15, p. 37]. An illustration of how far Austin was prepared to go to accommodate these immigrants is afforded by the 'Iacos grant' incident. In February 1867 a group of Southerners applied for a grant of "lands between Monkey and Deep Rivers, extending from the Coast twenty five miles inland, including the Cays or Islands bordering on said Coast", and for this vast tract of land of about 500,000 acres they offered \$15,000.<sup>100</sup> Austin modified the terms they had suggested but made a grant of these lands to the applicants on terms which included:

1st. That the purchase money shall be \$100,000 payable in 10 equal annual instalments commencing from the first day of the 6th year, 2nd. That 3 fourths of the money shall be expended in the locality on public works, buildings, roads etc. .... 5th. That none of the Kayes shall be included .... 8th. That 50 families shall be located on the lands within 2 years, and 200 families within 5 years failing which the Contract shall lapse....

Austin attempted to justify his action to the Colonial Office by arguing that:

As regards the purchasing price of the land it is in truth almost a gift as to the parties themselves as \$75,000 must be [spent] in local improvements, and the price will not be in excess of 20 cents per acre – but on the other hand we shall be repaid a hundredfold in the results to be anticipated from increased trade & general stability.<sup>101</sup>

Austin's enthusiasm for encouraging immigration had thus led him to grant 500,000 acres of land at 20 cents per acre, but the British Government could not countenance this action, and in a telegram indicated that the proposals for the Icacos grant were disapproved and ordered Austin to "adhere to existing conditions of land sales".<sup>102</sup> The telegram arrived too late, as Austin had already made the grant, but Longden was later, in 1869, able to forfeit the grant on the ground that the grantees had "failed to place 50 families upon the land within the time specified in the Grant".<sup>103</sup>

Apart from doing his best to sell Crown lands to Southern U.S. immigrants, Austin also went out of his way to urge 'the great landed proprietors of the Colony' to dispose of their lands to these immigrants, and in March 1867 reported that:

At last .... the great house of Young Toledo & Co. has been driven as well by the force of public opinion as by a proper appreciation of their own interests to alter their line of conduct, and .... they are now offering 100 acres of land gratuitously to every male adult from the Southern States of America or of Anglo Saxon Origin who will settle on those lands on the Western Frontier which are now heard of for the first time as being of unexampled richness and beauty.

I need hardly point out .... that if carried out to any extent such plans of immigration should not only benefit the Colony but be a great relief to the Imperial Government in the way of defence.<sup>104</sup>

Later that year, however, Austin reported that "Young Toledo & Co. Whilst offering lands generally between 30 and 50 cents p acre seemed always unwilling to decide on specific proposals".<sup>105</sup>

In the end, very few of the Southern immigrants remained in Belize. Some of those that remained – such as a group that formed the "Toledo Settlement" in the south – acquired quite large areas of land and started agricultural estates, but in the long run their impact on the agricultural development of Belize was minimal. It is instructive, however, to note the contrast between the

attitude of the Lieutenant Governor and some of the landowners to these 'Anglo-Saxon' immigrants and their attitude to the resident non-white population of Belize. This was not a matter of seeking to attract persons with capital, for in his letter to the Colonial Office in 1867 regarding the Icacos grant Austin stated that:

the imperative necessity of making some provision for the immigrants who may soon be expected in very large numbers has compelled me to assume an individual responsibility and to act in a manner which in my opinion is only justly liberal towards those who are *too much impoverished* to be able to give much save in those physical services which will change this Colony from an unknown wilderness into a garden teeming with all the wealth & beauties of the tropics.<sup>106</sup>

### The Dispossession of the Maya, Caribs, and Africans

The racism of the Lieutenant Governor and the landowners prevented them from seeing the non-white population of Belize as agriculturists, and even led them to dispossess a part of this population that had already changed the Yalbac Hills region 'from an unknown wilderness' to an area of extensive cultivation. In 1857 a group of Chichenha Maya crossed into Belize from Yucatan and began to settle in areas around Booth's River in the north. Superintendent Seymour wrote in 1857 that they "have immigrated to our side of the Hondo where they are employed in burning & otherwise destroying bush & mahogany trees with a view to the cultivation of the soil", and stated that "they must not be allowed to destroy the trees which alone give value to the land on which they are squatted".<sup>107</sup> He wanted "to persuade them to accept work & wages in the interior", where their "services would be valuable as laborers & timber cutters". Seymour believed that, if the Maya could be made into a labour force, "much ultimate benefit to the settlement"<sup>108</sup> might ensue. The Chichenha immigrants, however, moved further south and established villages and cultivated fields in the area of the Yalbac Hills on the western frontier of the Colony. Much of the land in that area was owned by the B.H. Co. and by Young Toledo & Co., who, although they had made no attempt to occupy or utilize this area, nevertheless felt the Maya to be a threat to their timber reserves. The conflict created by this situation intensified when a force from the 5th West India Regiment penetrated the Yalbac Hills area in 1866. The Maya ambushed and routed the troops, who fled in disarray back to the town of Belize.<sup>109</sup> The following year, however, a stronger contingent drove the Maya out of the area and destroyed their numerous villages. The commander of the expedition described "the rich and ample provision grounds of San Pedro covering a large extensive plain" which, together with the provision grounds of the other Maya villages in the area, he completely destroyed.<sup>110</sup>

The attitude of the colonial government to the Maya cultivators is well

illustrated by a report of Lieutenant Governor Longden in 1868, when he stated that:

There are upon the Sibun River some villages inhabited by Indians, and until last year there were similar villages in the Western District, San Pedro, Santa Cruz, Chumba'che, San Josè, Naranjal .... several of these villages are situate upon the lands claimed either by the British Honduras Company or Messrs Young Toledo and Company, but whenever they are situate on Crown Lands I think the villages and a sufficient surrounding space should be reserved *in the hands of the Crown* for the use of the Indians, - no marketable titles being issued to them to dispose of such lands, - but the land being divided amongst them, from time to time, as may be most convenient. I include among the Indians the descendants of the Charibs (a very mixed race) who were transported from St. Vincent to Honduras in the early part of the Century.<sup>111</sup>

In other words, Maya and Caribs were not to be allowed to own their lands. Only four years later Maya and Carib reserves were created in the south by the Crown Lands Ordinance of 1872. The fact that the Maya and Caribs were not allowed to acquire freehold titles to their lands was no doubt partly due to a desire on the part of the landowners to be able to use them as a source of labour, and this attitude continued for many years afterwards. For example, Gibbs [22, p. 176] wrote in 1883 that "The indigenous Indian .... might be made available to some extent could he be induced to quit his scattered village-homes, and this is perhaps the cheapest labour to be procured". In the north, the Maya had already been converted into labourers on sugar estates and later in chicle bleeding. Very few of them managed to acquire freehold property, the Maya of this area being tenants of big landowners.

As the colonial government extended its administration in the second quarter of the 19th century to the southern parts of the Settlement, the Caribs who lived in those areas were incorporated into the colonial land tenure system. Until about the middle of the century they had occupied lands in the south to cultivate subsistence crops. Although many of them must have occupied lands before 1817 and thus might have had them treated as locations of plantation grounds, the racist colonial administration did not think of applying this to the Caribs. Instead, only two years after the Laws in Force Act had recognized the old location laws as conferring valid titles, the decision was taken to deny the Caribs any title to their lands. On 16 October 1857, J.H. Faber, the Crown Surveyor, issued the following Notice in the Carib town of Stann Creek:

Leases for the town lots in Standing Creek and plantation ground on the neighbouring Crown lands will be issued at the Colonial Secretary's Office in Belize.

The leases will be for the term of seven fourteen or twenty one years at the annual rate of one dollar.

It is not compulsory for the present inhabitants of Standing Creek to take out a lease - but in the event of their leaving

this place without having obtained one, they will forfeit their right to the houses or other buildings they may have erected, and the constable has received instructions to take possession of said buildings and keep them at the disposal of the Crown.<sup>112</sup>

In a letter to the Superintendent explaining his reasons for issuing the Notice, Faber argued that "it is generally known that the Caribs are of a very erratic and nomadic disposition & for the slightest reason they will immediately emigrate to another part of the coast & there form the nucleus of another settlement", and that his intention was "to give .... to each householder such document as will ensure him a peaceable enjoyment of his house and plantation on our territory, and that for the small stipend of one dollar paid yearly". He expressed the hope "that we will by this measure attract near Belize a valuable body of labourers", and concluded that "Several Caribs in Standing Creek have already applied for their papers, (as they call the lease) which proves that my object has been rightly understood".<sup>113</sup> The Caribs, of course, felt obliged to apply for the leases through fear of losing their houses and plantations unless they complied with the Notice. If the intention was really to "Give each householder such document as will ensure him a peaceable enjoyment of his house and plantation" then the appropriate document would have been a Crown grant giving freehold title and not an annual lease. But Faber exposed his real motive, which was to convert the Caribs from a self-sufficient peasantry into a supply of labour for the mahogany gangs and sugar estates. Accordingly, the Caribs were first treated as annual tenants on Crown lands, and later, after the Crown Lands Ordinance of 1872, Carib Reserves were established, again withholding from them the opportunity to hold lands by freehold titles. Since before 1857 the Caribs occupied lands in the south without any molestation from the authorities, the Notice of 1857 and the subsequent establishment of Reserves must be viewed as a dispossession of the Caribs from their lands.

In the 1860s it was unnecessary to dispossess the people of African origin who had already been deprived of the opportunity to own land by the process previously described. D. Morris, in his late 19th century account of the Colony [39, p. 46] stated that "Most of the mahogany forests are in the hands of a few proprietors, who, to preserve their young trees, as a rule, discourage settling. They adopt a rude system of forest conservancy, backed by a very strict trespass law, which entirely prevents the land from being alienated or used as provision grounds by settlers." Faced with this situation, most of the population of African origin were urban in 1871. The chief occupation of this group was still mahogany cutting and, as this occupation was seasonal and involved shifting camps, most of the members of mahogany gangs had their permanent homes in the town of Belize. In addition, and especially after the depression in mahogany in the late 1840s, there was an increasing tendency to reside and work in the town of Belize, performing various urban occupations.

There were still, of course, some people of African origin who managed

to evade the restrictions imposed by the elite and who engaged in subsistence farming for the internal market. These small farms were principally in the Belize district or along the rivers or the coast, from whence they could transport their produce to the market in the capital by dug-outs. Morris [39, p. 31] described the produce of such small farms: "The settlements along the coast, inhabited by Creoles, Caribs, or Spaniards, are generally surrounded by patches of bananas, plantains and coconuts; with cassava, sugar-cane, sweet potato, rice and wango, to supply their daily wants". When their daily wants could not be satisfied directly by their produce, or by the sale of their produce in the market, these people would sell their labour power as more or less temporary farm or forest workers. Only a very few of them owned any land, most being 'squatters' with no title and very precarious possession.

The insecurity of tenure experienced by these small-scale farmers is illustrated by a case in 1836, when Superintendent Macdonald granted the land (at Lime Walk on the Belize River), which they had occupied for about 37 years, to a Mr. James Welsh. The grant had reserved to the settlers the right to continue to occupy their houses and plantations, but it is clear that they were considered to be merely squatters. In 1845 these people petitioned the Superintendent to the effect that, since Welsh had sold the land, the new owner had prohibited them from cutting wood in the neighbouring forest, as had been their custom. The authorities supported the landowner against the petitioners, who were described as 'unauthorized occupants', with two arguments, one narrowly legalistic and the other concerned with the general welfare of the landowners. It was argued first that

The grant, having been an act performed by the highest authority in the Settlement, must, until the contrary be proved, be presumed to have been correctly done and with sufficient power. In fact, it is evident that by this grant the property in the land has passed out of the Crown. Even therefore if the statement of the Petitioners were understood to amount to a representation that the Superintendent was not entitled to make any such grant, but that they themselves had a previous right to the lands, the question would be one between them and the grantee who is now in possession and their proper resort would be to any judicial Court, which may be competent to take cognisance of such questions in the Settlement.<sup>114</sup>

Secondly, it was argued

that it would obviously be incompatible with the welfare of such a community as that of Honduras to allow that any parties could on account of any previous habit of trespassing demand to continue without licence that practice of woodcutting which forms the staple resource of the Settlement, and in which therefore above all others it is necessary to insist on regularity and good order.<sup>115</sup>

It is worth noting that in this case the settlers had been occupying their

land since the end of the eighteenth century and therefore qualified for confirmation of possession under the location laws. Clearly a double standard was operative in the Settlement: while members of the dominant class who occupied land were considered to be 'locators' and were subsequently confirmed in their possession, members of the 'free coloured and black' population who acted in the same manner were discriminated against by being considered as squatters who could be dispossessed. In this way, then, the small cultivators were susceptible to dispossession and, despite their lengthy occupation and utilization of the land, were perceived by the Superintendent and the legal system as 'unauthorized occupants' and trespassers. That this situation continued is evidenced by Governor Longden's statement in 1868 that such small plantations, though occupied for over fifty years, could, where there was no title, be "sold .... over the heads of the present occupiers to large proprietors".<sup>116</sup>

Such insecurity of tenure, coupled with limitations of technology (the chief tools at their disposal were machetes, axes, and fire), and the habits established during slavery of shifting from camp to camp, encouraged the adoption of swidden agriculture and the reliance upon quickly maturing rather than permanent crops. These conditions, along with the undeveloped marketing and transportation systems, have militated against the development of sedentary peasant farming in Belize, where, particularly among people of African origin, farming activity has become devalued or perceived, at best, as a part-time venture and a stand-by if employment opportunities become scarce.

### Taxation and the 'Landed Interests'

In 1871 the vast majority of the population in the Colony, the non-white population, was almost totally excluded from the ownership of land. Almost all the privately owned land in the Colony was held by the B.H. Co., Young Toledo & Co., and a few other landowners, mostly foreign based. These great landowners wielded enormous power in the country, and one of the most effective and successful exercises of this power was their ability to prevent the implementation of a land tax. They owned such vast tracts of land that any land tax, however minimal, incurred their opposition, although the country was greatly in need of revenue. Most of the country's revenue was derived from customs entry duties, a favoured source of revenue in underdeveloped countries where effective power lies in capitalist hands. Such taxation is indirect and falls on the consumer rather than on the wealthy landed proprietors. The big landlords were powerful in the Legislative Assembly, and the Superintendents recognized this and shied away from attempting to impose a land tax. For example, in his speech to the Assembly in 1855, Superintendent Stevenson, after alluding to the sorry state of the country's finances, said:

I am equally reluctant to suggest, even as a temporary assistance, anything that would be considered a tax upon the industry

and capital of those engaged in the Mahogany Trade. Neither do I think that, in the present posture of affairs, any land tax should be invoked for the purpose of supplying the deficiency.<sup>117</sup>

Two years later, the government still having insufficient revenue, Stevenson tried but failed to raise money by direct taxation:

It was in vain attempted to induce the Legislature to pass a local rate or tax for the defrayal of these local demands; — a course of direct taxation to which they have always exhibited an unconquerable aversion; and the result was the imposition for the first time of a duty of 2/- per cwt of sugar, and 1/- a gallon on spirits, manufactured in the Northern District and consumed in the Settlement.<sup>118</sup>

Stevenson stated that it seemed unfair to tax people in the north when the revenue would be spent mostly in Belize town, but attempted to justify this by stating that "the entire Revenue of the Settlement (with trifling exceptions) being drawn from 'Imports' and of those Imports having greatly fallen off in those two items of Sugar & Spirits, — by reason of the recent and extended manufacture of such commodities in the Northern District, for consumption in the Settlement".

Instead of taxing the wealthy owners of idle lands, the Assembly imposed a tax on the small cultivators of the north who had introduced sugar cultivation to the Settlement. But in the late 1860s the expenses of administration increased, largely as a result of having to pay for the military expeditions against the Maya. The great landowners, whose works in the north-west had been attacked and were still threatened by the Icaiché Maya under Marcos Canul, were at last moved to allow the Assembly to impose a land tax in 1867. However, its operation was limited to only two years to meet the immediate emergency, and it was based on terms very favourable to the big landowners. The resistance of these landowners to the law and the minimal nature of the tax is brought out in the following report made by Lieutenant Governor Longden:

The taxes imposed by this Act are, first, a tax of five per cent on the rent or annual value of all houses & property in the town of Belize and in the villages of Corosal Orange Walk, and Allpines; — secondly a tax of 40 dollars or £8 per annum on all "mahogany or logwood works" of three miles base and in proportion for works of greater or less extent; — thirdly, a tax of one dollar per annum on all plantations of less extent than ten acres; — and fourthly a tax of two dollars per square mile on all other lands.

Owing to decreased trade and increased expenses the Revenues of the Colony have for the past two years been unequal to the demands of the Public service ..... Additional Taxation therefore became necessary, and under these circumstances a tax upon lands and houses had been proposed by my predecessor, but owing to the great conflict of interests and a variety of other circumstances the second reading of the Bill had been delayed

from time to time, and the question was still unsettled when I assumed the Government.

The local representatives of the British Honduras Company and Messrs. Young Toledo & Co., who together represent nearly the whole landed interest of the Colony, called upon me and strongly urged the injustice and impolicy of imposing such a tax as would amount to confiscation while at the same time admitting that some taxation was necessary ....

It is estimated that the revenue derivable under the act will amount to 20,000 dollars a year.<sup>119</sup>

The Act took effect from 1 January 1868, and in 1869 Longden reported that "£3,506-18-7 was derived from the new Land Tax",<sup>120</sup> or about £1,500 short of what had been expected.

The necessity for increased taxation was brought about by the insecurity of the Colony, the western and northern districts of which were threatened in the late 1860s by the Icaiché Maya. In the particular crisis of 1866-67 the great landowners were willing to support a temporary measure for raising revenue by the taxation of land, but they had no intention of continuing to pay such a tax. The Legislative Assembly, which determined the Colony's revenue and expenditure, was controlled by the great landowners and the merchants. Though the landowners were involved in commerce some antagonism existed between them and the other merchants of Belize City. Whereas the former resisted the taxation of land and favoured an increase in import duties, the latter preferred the opposite. Moreover, the merchants of Belize City felt relatively secure from the Maya attacks and were therefore unwilling to contribute towards the military expenditure necessary to resist them. At the same time the landowners were unwilling to bear the expense themselves and held the view that it was unjust to require them to pay taxes for lands that were given inadequate protection. These conflicting interests produced a stalemate in the Legislative Assembly, which failed to authorize the raising of sufficient revenue. Unable to agree among themselves, but pressed by the necessity to raise additional revenue, the members of the Assembly attempted to convert British Honduras into a Crown Colony in 1869 so that the Imperial Government would bear the burdens of defence. In 1870 the Assembly agreed to surrender its privilege of self-government in return for greater security, in much the same way as the Jamaican Assembly had abolished itself after the crisis of the Morant Bay Rebellion in 1865. The new colonial constitution was inaugurated in April 1871.

The great landowners were confident that they would be able to continue to influence the government of the Colony through the Legislative Council. They valued their economic interests above mere considerations of political form. It did not concern them whether government was by elected or nominated members, so long as their economic interests were protected. Viewing the indecisiveness of the Legislative Assembly as an impediment to the security of the country, the great landowners exercised their influence in favour of a consti-

tutional change which would better protect their primary interests. They felt sure that the new Legislative Council would appreciate their view that their interests and those of the Colony were 'nearly identical'.

## FOOTNOTES

- <sup>1</sup>Macdonald to Glenelg, 10 Aug. 1838, AB, R. 14  
<sup>2</sup>Circular from Glenelg, 15 Sept. 1838, AB, R. 15.  
<sup>3</sup>Macdonald to Sec. of State, 9 Feb. 1839, AB, R. 14.

<sup>4</sup>*Ibid.*

- <sup>5</sup>Normanby to Macdonald, 22 April 1839, AB, R. 15, emphasis added.  
<sup>6</sup>Stanley to Lord Elgin, 11 May 1843, AB, R. 21.  
<sup>7</sup>Stevenson to Barkly, 30 July 1855, AB, R. 48.  
<sup>8</sup>Longden to Grant, 6 March 1868, AB, R. 98.  
<sup>9</sup>Minutes of Public Meeting, 2 March 1841, AB, R. 24.  
<sup>10</sup>Hyde & Co. to Earl Grey, 15 Nov. 1847, CO 123/73.  
<sup>11</sup>Cockburn to Sec. of State, 21 Jan. 1835, AB, R. 6.  
<sup>12</sup>Anderson to Sec. of State, 28 April 1836, AB, R. 6.  
<sup>13</sup>Anderson to Glenelg, 10 Aug. 1836, AB, R. 6.  
<sup>14</sup>Number of Adult Male Slaves in Belize, 1816-1835

1816 .....	1,645
1820 .....	1,537
1823 .....	1,440
1826 .....	1,373
1827 .....	1,113
1832 .....	895
1835 .....	686

(Source: Censuses, GRB)

<sup>15</sup>*Report of the British Guiana and British Honduras Settlement Commission*, Cmd. 7533, London, H.M.S.O., 1948, p.218; see, for example, Cockburn to Commandant of Petén, 6 Sept. 1834, and Macdonald to Commandant of Omoa, 28 Sept. 1837, AB, R.8.

<sup>16</sup>1832 and 1835 Censuses, GRB.

<sup>17</sup>Walker's Report, 12 Feb. 1838, CO 123/50

<sup>18</sup>Public Meeting, 20 Jan. to 7 Feb. 1852, AB, R. 20.

<sup>19</sup>An Act to amend the Law relating to Contracts for Hire and Service, 18 Vic. Cap. 12, *Laws of the Settlement of British Honduras*, Belize, Daly, 1857.

<sup>20</sup>*Laws of the Settlement of British Honduras*, 1857.

<sup>21</sup>Stevenson to Gov. of Jamaica, 2 March 1857, AB, R. 55.

<sup>22</sup>There is little information on wages paid to labourers in the mahogany industry, though in 1836 free labourers were said to be paid "from 12 to 15 Dollars per month" (Anderson to Sec. of State, 28 April 1836, AB, R. 6). Two years later Macdonald, complaining about "the high rate of wages prevalent until now", looked upon the arrival of 'liberated' Africans from Havana "as a means to diminish the price of labour" (Macdonald to Glenelg, 31 Aug. 1838, AB, R. 14). Given the attempts of the employers to diminish the price of labour with the decline of the mahogany trade after 1849, it was unlikely that the workers' pay would have risen and it may well have been reduced. In any case, it is not yet possible to evaluate, in terms of prevalent prices, the significance of the pay as real wages.

<sup>23</sup>Fancourt to Gov. Grey, 19 June 1847, AB, R. 25.

<sup>24</sup>Cockburn to Magistrates, 15 Dec. 1832, AB, R. 8.

<sup>25</sup>Petition to the House of Commons, 2 March 1841, AB, R. 20.

<sup>26</sup>Macdonald to Chairman, Public Meeting, 4 March 1839, AB, R. 16, and *The Honduras Almanack*, Whitney, 1839.

<sup>27</sup>Normanby to Macdonald, 29 June 1839, AB, R. 15.

<sup>28</sup>Petition to the House of Commons, 2 March 1841, AB, R. 20.

<sup>29</sup>Fancourt to Grey, 19 June 1847, AB, R. 25.

<sup>30</sup>Stevenson to Bell, 2 March 1857, AB, R. 55.

<sup>31</sup>Supt. Seymour to Bell, 15 May 1857, AB, R. 52; Edward Rhys to Seymour, 3 Nov. 1862, AB, R. 78; Seymour to Gov. Eyre, 12 Nov. 1862, AB, R. 81.

<sup>32</sup>Supt. to Chairman, Public Meeting, 20 Jan. 1852, AB, R. 20.

<sup>33</sup>*Votes of the Honourable House of Assembly, Sessions 1854-1859*, 22 Jan. 1856.

<sup>34</sup>Seymour to Darling, Aug. 1857, AB, R. 55.

<sup>35</sup>Seymour to Darling, 22 June 1859, AB, R. 65.

<sup>36</sup>*Votes of the Honourable House ... op. cit.*, 22 Jan. 1856.

<sup>37</sup>Seymour to Darling, 22 June 1859, AB, R. 65.

<sup>38</sup>Though some Maya did work in such gangs, see *ibid.*

<sup>39</sup>It is not possible, at present, to describe with precision the tenurial relations between the landowners and the refugees, the distribution of tenancies, or the land tenure systems then adhered to by the mestizos and Maya. While the importance of these aspects is recognized, adequate data have not, so far, been discovered.

<sup>40</sup>Macdonald to Sec. of State, 9 Feb. 1839, AB, R. 14.

<sup>41</sup>Treasurer to Act. Supt. Price, 4 April 1860, AB, R. 66.

<sup>42</sup>Fancourt to Berkeley, 15 Dec. 1846, AB, R. 25.

<sup>43</sup>*Votes of the Honourable House ... op. cit.*, 23 Jan. 1855.

<sup>44</sup>Treasurer to Price, 4 April 1860, AB, R. 66.

<sup>45</sup>Petition to the House of Commons, 2 March 1841, AB, R. 20.

<sup>46</sup>An Act to declare the Laws in Force in this Settlement, 18 Vic. Cap. 22, *Laws of British Honduras in force on 31 Dec. 1881, 1882.*

<sup>47</sup>An Act to amend the system of Government of British Honduras, 16 Vic. Cap. 4, *Minutes of British Honduras Public Meeting and House of Assembly, 1853-1855.*

<sup>48</sup>*Votes of the Honourable House ... op. cit.*, 23 Jan. 1855.

<sup>49</sup>See Appendix III.

<sup>50</sup>See AB, R. 54, *passim.*

<sup>51</sup>Stevenson to Barkly, 30 July 1855, AB, R. 48.

<sup>52</sup>Seymour to Darling, 14 April 1858, AB, R. 55; 18 Vic. Cap. 19.

<sup>53</sup>Included in Report of Henry John Ball, 12 April 1858, AB, R. 66.

<sup>54</sup>*Ibid.*; 22 Vic. Cap. 11.

<sup>55</sup>Lord Newcastle to Darling, 24 June 1859, AB, R. 64.

<sup>56</sup>Sir F. Rogers to H. Merivale, 26 June 1858, enclosed in E.B. Lytton to Darling, 30 July 1858, AB, R. 64.

<sup>57</sup>Report of Ball, 12 April 1858, AB, R. 66.

<sup>58</sup>Newcastle to Darling, 24 June 1859, AB, R. 64.

<sup>59</sup>24 Vic. Cap. 18.

<sup>60</sup>Rogers to Merivale, 26 June 1858, enclosed in Lytton to Darling, 30 July 1858, AB, R. 64.

<sup>61</sup>See Appendix IV.

<sup>62</sup>John Young to Rogers, 2 Aug. 1860, AB, R. 70.

<sup>63</sup>"Land Titles Register", GRB.

<sup>64</sup>"Claims Book, 1859-1862", GRB.

<sup>65</sup>"General Return of the Inhabitants in the Bay of Honduras ..." 22 Oct. 1790, CO 123/9.

<sup>66</sup>"Laws of Honduras 1806-1810", GRB.

<sup>67</sup>"A Sketch of the British Settlement of Honduras and course of the Southern Coast to the River Dulce" by H.C. Du Vernay, 9 March 1814, CO 123/23.

<sup>68</sup>See, for example, "Deed Book 1", folio 178, GRB.

<sup>69</sup>J.H. Faber to Lt. Gov. Austin, 26 Jan. 1867, AB, R. 89. Young Toledo & Co. possessed over one hundred square miles of works in 1861, all of which they claimed to have purchased, Young Toledo & Co. to Price, 12 Jan. 1861, AB, R. 71.

<sup>70</sup>Minutes of Public Meeting, 29 July 1848, AB, R. 20.

<sup>71</sup>*The Honduras Almanack, op. cit.*

<sup>72</sup>Young to Rogers, 2 Aug. 1860, AB, R. 70.

<sup>73</sup>*Ibid.*

<sup>74</sup>Young to Rogers, 2 Aug. 1860, AB, R. 70.

<sup>75</sup>"Land Titles Register", folio 470, GRB.

<sup>76</sup>*Ibid.*, folios 549-56.

<sup>77</sup>Quoted in Clegern [15] p. 54.

<sup>78</sup>Charles A. Leas (U.S. commercial agent in Belize in the 1860s) stated that "the Census returns show but twelve landed proprietors in the country, these own ... immense tracts of country ... the residue of the land is owned by the government"; quoted in Clegern [15] p. 34.

<sup>79</sup>Faber, the Crown Surveyor, reported in 1855 that about 800 square miles between the Hondo and Sibun Rivers and about 1,000 square miles between the Sibun and Sarstoon were "covered by grants", but this appears to be an exaggeration; Faber to Stevenson, 30 July 1855, AB, R. 54.

<sup>80</sup>Stevenson to Barkly, 30 July 1855, AB, R. 48.

<sup>81</sup>See Minutes of Executive Council from 24 May 1841 to 25 Feb. 1842, enclosed in Macdonald to Metcalfe, 12 March 1842, Archives of Jamaica, CS 704/2, No. 42.



- 82 Longden to Grant 6 March 1868, AB, R. 98.
- 83 Longden to Grant, 17 May 1869, AB, R. 98.
- 84 Stevenson to Gov. of Jamaica, 2 March 1857, AB, R. 55.
- 85 J. Carmichael *et al.* to Act. Supt. Mitchell, n.d., AB, R. 106.
- 86 *Votes of the Honourable House ... op. cit.*, 22 Jan. 1856.
- 87 Stevenson to Barkly, 5 April 1856, AB, R. 55.
- 88 Stevenson to Gov. of Jamaica, 2 March 1857, AB, R. 55.
- 89 Seymour to Darling, Aug. 1857, AB, R. 55.
- 90 Treasurer to Price, 4 April 1860, AB, R. 66.
- 91 Longden to Grant, 19 June 1868, AB, R. 98.
- 92 Longden to Grant, 17 May 1869, AB, R. 98.
- 93 Longden to Grant, 27 May 1868, AB, R. 98.
- 94 Quoted in Clegern [15] p. 36.
- 95 Longden to Grant, 17 May 1869, AB, R. 98.
- 96 *Census* [48] p. xxix.
- 97 *British Honduras Colonist and Belize Advertiser*, 11 March 1865.
- 98 Longden to Grant, 27 May 1868, AB, R. 98.
- 99 Longden to Grant 17 May 1869, AB, R. 98.
- 100 Putnam & Carey to Austin, 20 Feb. 1867, AB, R. 96.
- 101 Austin (to Sec. of State?), 9 July 1867, AB, R. 98.
- 102 Duke of Buckingham and Chandos to Austin, enclosed in Edwin F. Briggs to Austin, 22 Aug. 1867, AB, R. 96.
- 103 Longden to Grant, 30 July 1869, AB, R. 98.
- 104 Austin to Grant, 13 March 1867, AB, R. 92.
- 105 Austin (to Sec. of State?), 9 July 1867, AB, R. 98.
- 106 *Ibid.*, emphasis added.

- 107 Seymour to Bell, 15 May 1857, AB, R. 52.
- 108 Seymour to Bell, 17 June 1857, AB, R. 52.
- 109 Major McKay to Austin, 24 Dec. 1866, AB, R. 95; R. Williamson to Austin, 26 Dec. 1866, AB, R. 89.
- 110 Lt. Col. Harley to Austin, 15 Feb. 1867, AB, R. 95; see also Capt. Carmichael to Thomas Graham, 30 March 1867; Harley to Austin, 7 Sept. 1867, AB, R. 95.
- 111 Longden to Grant, 6 March 1868, AB, R. 98, emphasis in original.
- 112 AB, R. 58.
- 113 Faber to Seymour, 21 Oct. 1857, AB, R. 58.
- 114 Stanley to Elgin, 18 Oct. 1845, AB, R. 24.
- 115 *Ibid.*
- 116 Longden to Grant, 6 March 1868, AB, R. 98.
- 117 *Votes of the Honourable House ... op. cit.*, 23 Jan. 1855.
- 118 Stevenson to Bell, 2 March 1857, AB, R. 55.
- 119 Longden to Grant, 4 Dec. 1867, AB, R. 98.
- 120 Longden to Grant, 17 May 1869, AB, R. 98.

## CHAPTER FOUR

### THE LEGACY

#### The Absentee Landlords of Belize

The monopolization of Belizean land by a handful of absentee owners was maintained throughout the century following 1871 and exists at the present. That monopolization has survived various social, economic, and political changes. The basic change away from a forestry-dominated economy has not affected it, nor have the constitutional changes from Crown Colony to self-government. Moreover, it appears very unlikely that this fundamental aspect of Belizean society will be affected at all in the transition to constitutional independence.

This paper has shown how, from the early developments in the 18th century, the prevailing economic, legal, and political institutions have served to create a situation of 'closed resources', whereby land was engrossed by a very few landowners to the exclusion of the vast majority of the people. We have demonstrated how this monopolization prevented the development of an independent peasantry and of agriculture in a country rich in agricultural resources and with abundant land, and we have exposed the terrible waste of both human and natural resources that was a consequence of this situation. Although this paper deals specifically with the development of land tenure, use and distribution from 1765 to 1871, it is our thesis that the situation, as developed and crystallized by 1871, has remained basically unchanged to the present day, and that the present situation is understandable only by reference to the historical developments we have described. This section, therefore, presents a brief description of the land tenure situation from 1871 to 1971 (the last year for which reliable figures are available), in an attempt to show to what extent the situation has changed or has remained the same. Some reference will be made to land use, but the main emphasis will be on land tenure and distribution, in keeping with our conviction that the pattern of land ownership must be considered the most important factor in the failure to develop agriculture in Belize.

In 1871 two firms held between them almost all the private land in Belize. A few years later, in 1880, one of these, Young Toledo & Co., went into bankruptcy and its lands were sold in large parcels, some of them going to the other large firm, which had in 1875 become The Belize Estate and Produce Company Limited (B.E.C.).<sup>1</sup> This was a company incorporated in England with the object of acquiring and working the lands of the British Honduras Company.<sup>2</sup> Thereafter, the distribution of land became much as it is today, with one very

big landowner (B.E.C.) owning about half of all private lands, and with most of the remaining freehold land being held by a few large landowners, to the exclusion of the majority of the population. Then, as now, the big landowners were for the most part absentee, and the vast majority of their lands remained forever idle.

A report published in 1929 showed that six per cent of all freeholders owned 97 per cent of private land, while 85 per cent owned a mere one per cent. [Sampson 45, p. 64]. In 1935 the Survey Department prepared a 'Property Map' of Belize, showing the ownership of land in the country, and accompanied by an index of the principal property owners. The index yielded information which has been compiled in Table 4.1.

TABLE 4.1 DISTRIBUTION OF FREEHOLD LAND IN ESTATES  
OF OVER 10,000 ACRES, BY SIZE OF HOLDINGS, 1935

Size of Holdings (Acres)	Owners	Estimated Acreage
10,000 - 25,000	17	271,650
25,001 - 50,000	9	278,250
50,000 - 100,000	3	211,541
Over 100,000	3	514,931
Belize Estate & Produce Co.	1	957,172
<b>TOTAL</b>	<b>33</b>	<b>2,233,544</b>

(Source: Property Map and Index, Survey Department, Belize)

The land held by these 33 owners constituted almost the entire amount of privately held land in the country. In a sense the property map of 1935 provides a last look at the ownership of land as it existed in the 19th century. There had been quite extensive land sales, in large estates, in the closing years of the last century. Apart from Young Toledo & Co., other large private owners were forced to sell, and at that time there were interested capitalists in Europe and North America who were willing to buy, some of them with the intention of growing some 'colonial produce' or other. When none of these schemes proved profitable, the lands were simply held idle by their owners. In the first half of this century there was very little trading in the land resources of Belize, and the distribution of lands at the end of World War II was very similar to the situation at the close of the 19th century.

Since the war, however, the situation has changed. Apart from the B.E.C., many of those who were big landowners in 1935 have disappeared from the scene today, their places having been taken by other big landowners. The principal difference is that the new latifundistas are almost all citizens of the U.S.A., most of whom have only one purpose in mind — speculation.

The extent to which the lands held in 1935 by certain big landowners were sold to U.S. nationals is amply demonstrated by a table (Appendix V) pre-

pared on our behalf by Mr. Albert Grant, formerly of the Survey Department. Six of the largest landowners (apart from B.E.C.), who in 1935 owned 683,232 acres, have sold their estates, almost 400,000 acres of this land being transferred to U.S. nationals. Apart from these very big landowners, who were all foreign, there were in 1935 a number of national landowners who together owned a large amount of land in parcels of from 200 to 20,000 acres. In another exercise done on our behalf, Mr. Grant has demonstrated that a number of these national landowners disposed of over 300,000 acres to aliens, mostly U.S. citizens, chiefly since 1950.

Although such trading of large estates was taking place, the broad pattern of land ownership remained precisely the same. In 1960, as in 1929, six per cent of the freeholders still owned 97 per cent of the privately held land. [Report 44]. Table 4.2 shows that in 1971 three per cent of the landowners held 95 per cent of the land and 91 per cent of the landowners held a mere one per cent. Though, since 1935, there has been a slight shift, in that there are now more latifundistas with estates of 10,000 acres and more, together sharing over two million acres, the shift has not been significant enough to alter the basic structure of land distribution. Of the holdings in the category of 20 acres or less, 398 are of one acre or less, and a further 794 are between one and five acres. Thus, a large proportion of these smallholdings or minifundia may be judged quite insufficient to provide an adequate livelihood for an average family.

Table 4.2 also shows the alarming degree of foreign ownership of land in Belize. Foreigners owned 93.4 per cent of all private lands of over 100 acres in 1971, and over 90 per cent of *all* freehold land in the country, even assuming that there is no foreign ownership of land in parcels of up to 100 acres, for which the relevant information was not available.

*The two most striking features of land ownership in Belize are the latifundia pattern of large holdings and the high degree of alien ownership.*

Concern about absentee ownership of land in Belize is not new. Even the early British settlers in Belize perceived this problem, passing the following resolutions at a Public Meeting on 25 July 1787:

15th Resolved, that all vacant and dormant Mahogany Works and Logwood Works, the property of estates, or absentees who are now represented here, be disposed of ...

16th Resolved, unanimously, That all persons, having withdrawn their servants or slaves from this country, shall not be considered as holding any interest in works or lots, except as specified in the seventh Article, where it is provided for that such claims be sold for the payment of the debts of such estates or otherwise placed in the public funds, applicable to the contingent expenses of this Settlement.<sup>3</sup>

Absentee ownership of land was therefore made impossible by law: the works and lots owned by such persons were to be sold and "the money arising from

TABLE 4.2 DISTRIBUTION OF FREEHOLD LAND BY SIZE OF HOLDINGS AND DEGREE OF FOREIGN OWNERSHIP, DECEMBER, 1971<sup>a</sup>

Size of Holdings in Acres	Distribution			Foreign Ownership		
	Owners		Estimated Acreage	Owners		Estimated Acreage
	No.	%		No.	%	
0 - 20	2702	75	23,871	1	NA	NA
21 - 100	586	16	28,260	4	NA	NA
101 - 1000	215	6	82,615	10	42,084	51
1001 - 10000	75	2	228,746	19	190,214	83
10001 - 25000	32		459,724	32	459,724	100
25001 - 50000	4		139,894	4	139,894	100
50001 - 100000	4	1	293,567	3	217,279	70
Over 100,000	1		138,518	1	138,518	100
Belize Estate and Produce Co. Ltd.	1		994,626	1	994,626	100
TOTAL	3620	100	2,389,821	193	2,182,339	

(Source: Land Tax Rolls, Lands Department, Belmopan)

<sup>a</sup>The percentages are rounded. For the first two categories (0-20 and 21-100 acres) no attempt has been made to consolidate the figures for those who may own more than one parcel of land, but this has been done for all other categories. Therefore the numbers of landowners in the first two categories is probably somewhat smaller than is represented here.

such sale shall be appropriated to the use of the public". However, as this law did not reflect the economic realities of the time, it was never implemented. Especially with the depression in the mahogany trade in the late 1840s and 1850s, much of the land passed into the control of absentee owners, sometimes in partnership with local settlers. By 1871, the two firms which owned almost all the private land were both metropolitan based. When Young Toledo & Co. was dissolved in 1880 its lands were sold almost entirely to alien firms, and most of the sales of land since World War II have continued this pattern of increasing alienation. Lands sold to foreigners in 1968, 1969 and 1970 have been valued at \$637,000, \$1,290,000 and \$786,000 respectively.<sup>4</sup> This represents a substantial trading in the land resources of Belize, further entrenching the hold of foreigners on national land.

Foreign ownership of land has been essentially speculative, and has not been concerned with the development of the land. For example, in a speech to the House of Representatives in 1966, the Minister of Natural Resources noted that 11,762 acres in Orange Walk District had been bought for \$49,989 in 1959 and sold for \$329,336 in 1965, and 14,085 acres on the Northern River, bought for \$10,000, were sold for \$200,000 eight years later. Hunter [30 p. 2] deplored "these speculative sales [which] inflate the value of land placing it out of the reach of the small man who needs it for productive use", but the speculation on land continued unabated. In 1968 the Minister referred to "some real estate deals going on in the South.... lands being bought in the vicinity of \$177.00 per acre and this price included houses and those same lands are now being sold for \$4,000 a lot and usually you get about four lots in the acre".<sup>5</sup> He cited also the cases of Lime Caye, bought for BZE\$4,000 and sold within a year for US\$10,000, and Southern Long Caye, bought for BZE\$1,340 and sold the next year for US\$9,000. Such examples can be multiplied. A good idea of the speculative trade on land is gained from a brochure issued in 1972 by a real estate agency in Belize, offering over 880,000 acres, and all intended for U.S. buyers. The brochure, rather unnecessarily, noted that "all prices are quoted in U.S. dollars".<sup>6</sup> The B.E.C., when it chooses to sell some land, clearly demonstrates its intention to sell to foreigners, not only by the prices it charges, but also by its conditions of sale. Typically, it will not sell small parcels of land, but often insists on purchasers buying at least 5,000 acres, and sometimes much more. This often puts the land beyond the reach of foreign, much less national, bona fide developers, while being attractive to foreign speculators. Most of the foreigners becoming involved in such short-term speculative landownership in Belize are U.S. citizens.

There is no doubt that the present large scale U.S. dealing in the land resources of Belize constitutes a relatively new, and an extremely alarming, trend. At the same time, the spectacular nature of these short-term speculations, which are serious enough in their effects on land prices, should not obscure the long-term speculative nature of the biggest land-holdings, which have had far

more profound and far-reaching effects upon the political economy and social structure of Belize. Even with the decline in the mahogany trade and the collapse of sugar production in the late 19th century, the absentee landlords of Belize persisted in holding their vast estates. As production declined, the major reason for large landownership became speculation. The speculation undertaken by those large landowners — exemplified by the B.E.C. which, since the mid-19th century, has owned about half of all freehold land — is, of course, chiefly long-term speculation. The B.E.C. continued to hold its largely idle estates for over a century while land prices rose. Frank's comments [21 pp. 303-4] on the latifundias of Brazil are illuminating in relation to the discussion of the great estates of Belize:

The principal advantage of large landownership, then, is not that it permits the latifundista to produce, which he doesn't, but that his ownership of a necessary resource allows him to interpose himself as merchant and financier between the real producers and the large financial and marketing monopolies.... Latifundista ownership is often little more than an institutional means of guaranteeing to the owner the supply of commodities necessary for his real 'economic' activity — speculation. For it is speculation....and not production, which is the true source of profit in the unstable monopolistic market structure which characterizes agriculture — and indeed the entire economy of Brazil and of capitalist world imperialism. Speculation, of course, with the fruits of others' labour.

The B.E.C. has for many years held its enormous estates without having the least intention of using them for productive purposes. Even the extraction of timber from its land is for the most part performed by contractors and not by the Company itself. In 1947, the B.E.C. became a subsidiary of the giant multinational corporation, J. Glicksten and Sons Ltd. More recently, in a move not yet studied, a new conglomerate, the International Timber Corporation (I.T.C.) was formed, composed of the former Glicksten Group together with the construction firm Horsley Smith and Sherry Ltd. and other companies. The corporation is based in the United Kingdom and has a number of subsidiaries in various countries. The group has two subsidiaries in Belize — the large British Honduras Distributors Ltd., importers and commission agents, and the B.E.C. The latter is the country's largest exporter of timber and chicle (exporting 95 per cent of the former's and all of the latter's total export by value in 1969),<sup>7</sup> and is the agent for a number of shipping lines, airlines, insurance companies, the Ford Motor Company, and for a variety of merchandise — all this in addition to owning nearly a million acres, or almost half the freehold land, in Belize.

Most of the rest of the private lands, as we have seen, are owned by foreigners. In 1960, 44 of the 103 holdings of over 1,000 acres were in foreign hands, but these 44 holdings contained 80 per cent of the acreage of such holdings. The position had deteriorated still further by 1966, when the Minister of Natural Resources stated:

There are in fact only 365 persons holding lands exceeding 100 acres.... Of these 365 persons 181 are non-nationals and 184 are nationals, but the 184 nationals own only 234,000 acres while the 181 non-nationals own 2,136,000 acres — a ratio of 1 to 9. Of the 365 persons .... 50 hold estates of the order of 10,000 acres or larger and together own 2,000,000 acres. Only 3 of these persons are nationals. [Hunter 30, p. 3].

As is clear from Table 4.2, the situation continues to deteriorate. There are 42 estates of over 10,000 acres, amounting together to over two million acres, but only one of these is owned by a Belizean national.

The speculation on land continues unabated, and the long-term speculation practised by the B.E.C. is now being brought to a head. In recent years that company has been selling thousands of acres of land to U.S. speculators, and a significant proportion of land offered for sale by real estate dealers is B.E.C. land. Because of its extremely large share of the private land market, the B.E.C. sets the pace as far as prices are concerned, and its prices are beyond the capacity of local buyers. The B.E.C. is willing to sell today because the prices it can get for its land are sufficiently favourable and because it is unsure about the political climate in the near future. It is apprehensive lest its lands decrease in value as a result of government measures, including development-incentive taxation, yet it is in a sufficiently strong position to demand high prices from the eager U.S. speculators. Thus the spiral of speculation, rising prices, and alienation, continues.

The consequences of absentee ownership of most of the freehold land have included not only the high incidence of speculation, but also the extreme underdevelopment of the land. Absentee ownership means that decisions about the country's most valuable resource are taken abroad by persons who do not have the interests of the country's people in mind. In 1867, Lt. Governor Austin, writing about the sale of lands to immigrants from the southern U.S.A., complained of "the Brh, Honduras Company....always awaiting orders from home".<sup>8</sup> In the case of the B.E.C., these 'orders from home' have resulted in their continued monopolization and non-utilization of much of the country's best land.

What makes this situation particularly detrimental to the agricultural economy of Belize is the fact that the large estates contain land which is of good quality, reasonably accessible by road or water. By contrast, of the Government land, "only 15% (725 square miles) is good land readily usable. Moreover, of the 725 square miles (465,000 acres), not more than two-thirds is readily accessible...." [Hunter 30, p. 3]. In other words, Government controls about 300,000 acres of accessible agricultural land, which amounts to about ten per cent of all Government land. On the other hand, almost a million acres, or 38 per cent, of privately-owned land consists of readily farmable soils, most of which are easily accessible. [Wright 50, p. 262]. Of this 1.3 million acres of readily farmable land in Belize, only a ridiculously small quantity is actually

cultivated. In 1888 almost 50,000 acres were cultivated [Bristowe and Wright 10, p. 81] when the population was about 30,000. The amount of land presently under cultivation is officially estimated at about 113,000 acres, or less than ten per cent of the potential. *During the last century, while the population has quadrupled, the amount of land under cultivation has approximately doubled.* This is a pathetic situation in a country which officially bases its future and places all its hopes on the development of agriculture. Although Government owns some 300,000 acres of readily farmable land (which includes land held by persons under location ticket, as well as agricultural reserves), it is hampered from developing this land by the absence of a suitable institutional framework and the lack of capital resources for this purpose.

### Some Problems of Agricultural Development

Agricultural development, it must be stressed, has never taken place to the extent permitted by the country's resources nor to the degree required by its needs. A brief account of attempts at agricultural development since 1871 reads like a catalogue of failures. Sugar exports fell from a high of 2.5 million pounds in 1882 to about 200,000 pounds in the early 1890s. The chief sources of these exports were the British plantations in the north and the Toledo Settlement (composed of U.S. southerners who arrived in 1867) in the south, but both of these collapsed by the end of the century.<sup>9</sup> Bananas became an important export crop for a brief period in the late 19th century (leading to the establishment of a small, private, and short-lived railway in the banana area of Stann Creek valley), but by 1906 this, too, had declined to insignificant proportions. [Dobson 17, p. 268]. Many of the estates described by Daniel Morris, Curator of the Jamaica Botanical Gardens who toured the Colony in 1882, had been abandoned before the turn of the century, chiefly because of mismanagement and transport and marketing problems. Most successful were the Kramer Estates which produced sufficient coffee for the Colony's market with a small surplus for export. The Kramer Estates also produced cocoa, the export of which reached a peak of 42,800 lbs. in 1906, [Wright 50, p. 118] but before long those estates joined the long list of failed ventures in agriculture.

In the period up to World War II other agricultural schemes were attempted without success. Three of the more important were bananas (United Fruit Co.), coffee (Tropical Oil Products Co.) and starch (Empire Starch Products Ltd.), all of which collapsed after a brief period [Cacho 13, p. 49]. In the 1930s the Government set up three small land settlement schemes — one in the Stann Creek District and two in the Belize District. They all failed, apparently having been planned and executed, not primarily in order to develop agriculture, but to relieve the unemployment situation in Belize City: Up to World War II, then,

apart from small beginnings of citrus in the Stann Creek Valley, virtually the only agriculture left in the country was the

subsistence farming of the Amerindians, the Caribs, the East Indian, and the few creole mainly along the bank of the rivers of the Belize District ... Only a small surplus was left for the domestic market. Indeed most of these farmers depended on casual paid employment to provide a cash income. [Cacho 13 p. 50].

Since 1945, many steps have been taken by Government with a view to promoting agriculture: main roads and feeder roads have been built, funds have been expended on agricultural education and research, on agricultural extension services, on agricultural credit, and a marketing agency has been established. A land use survey has been undertaken, and specialists and advisers have written a number of reports. A lands department has been set up, land clearing equipment made available, development incentives for agricultural enterprises have been legislated. The Colonial Development Corporation acquired 300,000 acres of land in different parts of the country and undertook to establish and develop enterprises in cocoa, citrus, bananas, and livestock. Private, mainly foreign, enterprises were attempted in tobacco, rice, cocoa, citrus and bananas. Special marketing arrangements for sugar and citrus were instituted.

Most of the agricultural experiments (for that is essentially how they were regarded) failed. There are two established success stories: citrus and sugar, both of which are foreign-owned and dependent on 'protected' markets. In the case of sugar, all the processing since 1963 has been controlled by the multinational company, Tate and Lyle Ltd. Since 1972 the company has allowed all planting activities to pass to local cane farmers, while it concentrates on the limited processing done locally and on marketing. In 1970 production was 66,793 tons.<sup>10</sup> Sugar is the country's largest industry accounting for over 40 per cent of total domestic exports for 1969 and 1970.<sup>11</sup> Sugar exports were valued at \$11.9 million for 1970 [7, p. 37], and in 1972 amounted to \$16.9 million, or 53 per cent of total domestic exports. The value of citrus exports in 1972 was \$3.9 million, or 12 per cent of total domestic exports.<sup>12</sup> Recently, there has been an increase in rice production, mainly by a foreign company operating a mechanized farm in the Belize River valley. There has also been a government sponsored revival of the banana industry in Stann Creek District. But these crops, especially sugar, citrus, and bananas, which are chiefly oriented towards exports, are extremely vulnerable to world market conditions.

As C.P. Cacho wrote in 1967, "not only is food production not increasing sufficiently to allow for an important element of import substitution; it is perhaps not increasing as fast as the rate of population growth". [13, p. 53]. Food imports accounted for more than 27 per cent of total imports for 1970, while 50 per cent of expenditure on food was for imported food. In part, the problem persists because of the absence of a concerted effort to study the problems of the Belizean economy and to use such study as the basis for competent policies and plans. Not until the Downie report [19] of 1959 was the fundamental policy question of whether to give priority to agriculture or forestry

resolved in favour of agriculture. The question of whether to encourage small-farming or plantation agriculture has not yet been seriously considered and a compromise of supporting all types of enterprise persists as an inadequate substitute for a decisive policy. Another question, long considered and long left unanswered, is whether agricultural development should rely on immigrant or local labour. Cacho concluded:

Because of the failure to ask the above questions, the legacies of constraints on agricultural development inherited from the timber economy were not attacked. For example, nothing was done to remove the land constraint, consequently the pattern of land holding and location distribution, although antithetical to agricultural development, has remained unchanged. [13, p. 58].

This paper has concentrated precisely on the 'land constraint' as an obstacle to agricultural development, and we must now turn our attention to measures taken by government to overcome this obstacle. We shall see that the institutional defences built up by the latifundia system have been more than sufficient to repulse the efforts at land reform. Countless reports on agriculture in Belize have noted the adverse effects of the monopolization of land. In 1963 a U.N. report stated:

There is little value in the existence of vast areas of land suitable for agriculture, if such land cannot be made available to potential users. Therefore, a conscious policy for the utilization of such land is of central importance. It is a fact that a substantial proportion of all lands in British Honduras, whether developed or not, and the major portion of the fertile land, are in private hands. In addition, a considerable proportion of the land already cultivated is subject to annual leases, which offer inadequate security to tenants and stand in the way of an improved agriculture. *Governmental policy, therefore, must aim both at facilitating the transfer of undeveloped private land to prospective users and at providing sound systems of tenure that are consistent with the needs of scientific farming.*<sup>13</sup>

So far, Government's attempt to protect small farmers on annual tenancies has been restricted to the passage of a law entitled "Land Reform (Security of Tenure) Ordinance" of 1962,<sup>14</sup> a very limited piece of legislation which merely requires a one-year period of notice, and contains provisions regulating increase of rent and payment for improvements. It does nothing to guarantee the long-term protection that is needed to encourage agriculture by small farmers. Indeed the U.N. report referred to this Legislation and recommended that:

further steps appear necessary to promote greater security of tenure and to regulate land rents. Present systems of tenure militate strongly against the development of permanent cultivation, greater mechanization and the establishment of long-term crops.... A policy of tenure reform, like a policy of land taxation, must be considered vital to a progressive and dynamic approach to agriculture.<sup>15</sup>

With regard to the distribution of land, two measures must be considered.

First is the long-standing legislative provision allowing for acquisition of land with compensation at market value.<sup>16</sup> Government has, to a limited extent, used this provision to settle farmers on private lands, usually in cases where they had been farming such land for many years and were then threatened with eviction. A total of almost 90,000 acres were thus acquired between 1960 and June 1972, about half of these lands having been handed over by the B.E.C. in lieu of arrears of land taxes. But this law cannot be seen as a significant factor in any major land distribution scheme because of its inherent weaknesses, such as the need to pay market prices immediately.

We must therefore turn our attention to the one major attempt made by government to alter the pattern of landholding inherited from the timber economy. The attempt will be examined in some detail, as it illustrates some important aspects of the realities of power in a plantation society, and demonstrates some of the obstacles to land reform in countries with a latifundia pattern of land ownership.

A U.N. report on the modernization of agriculture in Belize, authored by Rene Dumont, specified the absentee-owned estates as the first major obstacle to agricultural development:

The *latifundium* presents the same problem that has been detrimental to the development of agriculture in Central and South America...

The vast majority of fertile land is in the hands of absentee owners, most of whom show no intention of developing their properties or investing capital in them .... The first task, therefore, *one upon which the entire development of agriculture in British Honduras depends*, is to make the most fertile soils that are lying idle available to those who are prepared to utilize them to their fullest extent .... The land should be sold at low price in order to enable farmers to surmount the tremendous difficulties of cultivation in [an] underdeveloped country, and to retain all their available capital for productive investment.<sup>17</sup>

In 1966 the Government took steps to implement the U.N. mission's recommendation, and it chose the mechanism of a land tax to bring about a redistribution of land. The law, the Land Tax (Rural Land Utilization) Ordinance, levied a tax on undeveloped rural lands, in order to encourage the owners either to develop the land or to dispose of it to those who would. The tax levied was not conceived as a revenue collection measure, and was in addition to the ordinary land tax. The tax only applied to parcels of land of over a hundred acres, and rural land to which permanent improvements had been effected was exempt from the tax. There was to be a progressive tax on undeveloped lands within two miles of a trafficable road, increasing from \$1.00 per acre for 1967-1968 to \$3.00 per acre for 1975 and subsequent years. Provisions were made against the subdivision of land chargeable with the tax without the consent of the Minister. The Government clearly saw this law as a progressive piece of

legislation which could have significantly affected the development of agriculture in Belize. In his address to the House on the Bill, Mr. Hunter said: "The Bill serves notice that from this day on, breaking with the traditions of our past, we shall demand from those in possession of our land a contribution to the national welfare, commensurate with the privilege which they enjoy. It is an act of economic emancipation marking a watershed in our history". [30, p. 8].

And so it might have been, had it been implemented. If the big landowners failed to develop their lands, they would have had to pay large sums of money to the Government, which would in turn have been able to use these funds for development; alternatively, and more probably, their lands would have reverted to Government in lieu of taxes. The tax would also, of course, have discouraged the retention of land for speculative purposes.

Perceiving this possibility, the landowners acted to protect their interests in a way that has been typical for over a century. Since their establishment in the mid-19th century, the absentee landlords of Belize have minimized their tax contribution by passing laws in their own interests or by resisting and subverting land tax legislation. It has been shown how the predecessor company to the B.E.C. resisted land tax legislation in the 1860s. After Crown Colony government was established in 1871, the influence of the big landowners was maintained — three of the four unofficial members appointed to the first Legislative Council represented the landed interests. The land tax which the Council levied in 1871 was extremely lenient on the big landowners, reducing the tax on mahogany works from the \$40 per work imposed by the temporary Act of 1867 to \$24, and in 1872 the Council, rather than raise land taxes, increased import duties from four to ten per cent.<sup>18</sup>

The power exercised by the large absentee landlords in the 19th century continued into the 20th. For example, in 1931, the land tax was increased from 1½ cents to 2½ cents per acre, the increased revenue to be reserved "for the maintenance of roads and the development of agriculture in the Colony".<sup>19</sup> The B.E.C. and other large landowners simply refused to pay this tax, and their power was such that in 1937 the government was forced to annul the increase made in 1931.<sup>20</sup> The big landowners were not required to pay the arrears, so that for them the annulment of the additional tax had a retroactive effect. This was discriminatory against those small landowners who had paid their taxes during that period. The tax of 1½ cents per acre remained in force until 1950.<sup>21</sup>

In 1967 and 1968 the B.E.C. refused to pay the new rural land utilization tax, while it lobbied for support in Belize and London. By 1969 it had achieved its objective and obtained exemptions from the tax, under section 22 of the law, for 967,754 acres, or about 95 per cent of its rural lands. Exemptions were also approved for another 262,060 acres, all but a very few of which were held by other absentee owners. The exemptions from the tax granted to 1.23 million acres effectively subverted the purposes of the law and prevented it from be-

coming the "act of economic emancipation marking a watershed in our history". By exempting well over a half of the lands which were subject to tax under the law, any hope of the law having its intended effect was lost.

The big landlords, therefore, continued to make a small and diminishing contribution to the national revenue. While in 1868 the land tax collected as a temporary measure amounted to 8.3 per cent of the current revenue of that year,<sup>22</sup> the contribution to the government's current national revenue has been relatively smaller in recent years. In 1950 and 1951, for example, land taxes accounted for 4 per cent and 3.5 per cent respectively of the total current national revenue.<sup>23</sup> Between 1967 and 1970, when the total revenue from the land tax and the rural land utilization tax was \$795,676, the proportion of the total current national revenue which was derived from these taxes declined from 2.2 per cent to 1.1 per cent. The incomplete implementation of the rural land utilization tax, which collected only \$74,161 during those four years, also had an adverse effect upon the collection of the ordinary land tax, revenue from which declined from \$237,572 in 1967 to \$166,162 in 1970. In 1971 the land tax, the rate of which had been approximately doubled, provided \$379,793, compared to \$128 from the virtually defunct rural land utilization tax. The combined land taxes in 1971 constituted only 2.4 per cent of the total current national revenue.<sup>24</sup>

The extraordinarily low contribution from the big landowners to the national revenue results from the power they exercise in the latifundia type of political economy. Particularly significant is the fact that the sole major attempt by government to commence a programme of land reform through a progressive tax on idle land has been frustrated and subverted by the absentee landlords of Belize. The big landowners have failed, therefore, either to develop the land or to make a contribution to the national revenue commensurate with their wealth. The vast fertile lands held by them remain idle, agricultural development is stagnated, and land speculation continues to be profitable, attractive and possible.

While the Government, on the eve of political independence, is attempting to break the vicious circle of underdevelopment, which can be achieved only with a breakthrough in agricultural development, *the absentee landlords constitute perhaps the biggest single obstacle to the economic emancipation of Belize.*

## FOOTNOTES

<sup>1</sup>"Land Titles Register," GRB.

<sup>2</sup>The main objects of the Company are: "(a) To acquire the Property and Business of the British Honduras Company, Limited. (b) To acquire and make advances upon the security of, or become otherwise interested in, Estates, Lands, Works and other property in British Honduras or elsewhere, and to cultivate and manage the same. (c) To acquire and

make advances upon the security of, and to manufacture and sell or otherwise dispose of, Colonial and other Crops and Produce. (d) To carry on the business of Colonial Merchants, including the business of Proprietors and Managers of Estates, Lands, Works, and other property, Manufacturers, Shipowners, Bankers, Factors, Brokers, Commission and other Agents, and every other description of business ordinarily transacted by Merchants carrying on business in or with any Colony." Its capital was £45,000, 4,500 shares of £10 each. Among its first directors were Richard Hoare, Merchant, and E. Brodie Hoare, Banker. Memorandum of Association, GRB.

In *The Metropolitan Organization of British Colonial Trade* by K.M. Stahl, London, 1951, p. 31, it is said that the company was formed "to trade over the assets of Hodge and Hyde, timber merchants, who had become indebted to the London banking firm, C. Hoare and Co.," quoted in Beckford [6] p. 105.

<sup>3</sup>"Laws of Honduras 1806-1810", GRB.

<sup>4</sup>McFarlane [35] p. 30. It must be emphasized, however, that these figures represent only known sales, at declared values. Many sales take place abroad, without local knowledge. There is at present no control over the real estate business in Belize.

<sup>5</sup>Minutes of the House of Representatives, 8 Nov. 1968, 7.

<sup>6</sup>"British Honduras Real Estate", Belize City, Reporter Press, 1972.

<sup>7</sup>Ministry of Trade and Industry, Belmopan.

<sup>8</sup>Austin (to Sec. of State?), 9 July 1867, AB, R. 98.

<sup>9</sup>For the north see, Jones [31] p. 11. For the Toledo Settlement, see Dobson [17] pp. 247-9.

<sup>10</sup>"Report of the Sugar Industry Commission of Enquiry (1969)," 1971.

<sup>11</sup>Development Plan 1972 to 1975, in draft.

<sup>12</sup>We are grateful to the Planning Unit, Belmopan, for these figures.

<sup>13</sup>"A Development Plan for British Honduras. Part One - General Report," United Nations, 1963, para.164, emphasis added.

<sup>14</sup>Land Reform (Security of Tenure) Ordinance, No. 9 of 1962.

<sup>15</sup>"A Development Plan..." *op. cit.*, para. 171.

<sup>16</sup>Land Acquisition (Public Purposes) Ordinance, Chap. 114 of the Laws, Revised Edition, 1958.

<sup>17</sup>"A Development Plan for British Honduras. Part Two - The Modernization of Agriculture" (by Rene Dumont), United Nations, 1963.

<sup>18</sup>Land and Property Tax Ordinance, No. 2 of 1871, and An Ordinance to raise a supply of money for the use of the Government of this Colony by means of Import and Excise Duties, Dues and Taxes, No. 22 of 1872. See also Clegern [15] pp. 52-53.



- <sup>19</sup> Land and Property Tax (Amendment) Ordinance, 1931, No. 4 of 1931.
- <sup>20</sup> Land and Property Tax (Amendment) Ordinance, 1937, No. 11 of 1937.
- <sup>21</sup> Land and Property Tax (Amendment) Ordinance, 1950, No. 1 of 1950.
- <sup>22</sup> Longden to Grant, 17 May 1869, AB, R. 98.
- <sup>23</sup> Financial Statements for 1950 and 1951, Belize City, Govt. Printer.
- <sup>24</sup> Estimates of Revenue and Expenditure, 1968-1972, Belize City, Govt. Printer.

## CHAPTER FIVE

## CONCLUSIONS

This paper has examined the development of the system of land tenure in Belize between 1765 and 1871. A number of factors have been shown to have affected the development of the system of land tenure, chief amongst them being the demands of the colonial market, the territory's constitutional situation, and the patterns of land use. By 1871, these factors had created the monopolistic structure of land ownership and distribution that remains to this day a paramount feature of the political economy of Belize. This structure is antagonistic to the possibility of changing the persistent underdevelopment that characterizes the economy of Belize, efforts to achieve agricultural development within this structure having consistently failed.

The original *raison d'être* of the Settlement, the export of logwood, was the basis of the first regulations concerning land tenure in 1765. Later in the 18th century, these regulations changed as a direct result of changing demands in the colonial market, the predominance of mahogany exports leading to a greater concentration and monopolization of land ownership within the Settlement's tiny elite. The mahogany boom in the late 1830s and early 1840s and the subsequent depression had their effects, too, upon land in Belize, further concentrating the monopolization of land ownership and decisively transferring the locus of ownership and control of the country's lands to foreign hands.

The 18th century treaties between Great Britain and Spain which asserted Spanish sovereignty over the area reinforced the economic *raison d'être* of the Settlement by restricting land use to the extraction of timber. The anomalous constitutional situation led the British Government to vacillate in its assertion of sovereignty over the area, despite its increasing *de facto* control. The British Government was consequently inhibited from controlling the land tenure system in the Settlement. Until 1817, the principal settlers assumed the authority to allocate lands to themselves, and even though the residual lands were vested in the Crown at that date, the old settlers maintained their previous possessions. After emancipation in 1838, the mahogany lords took various measures to maintain their labour supply and the British Government imposed for the first time a price on Crown lands which proved prohibitive to the freedmen. These actions effectively denied land to the freedmen and thus negated the possibility of some redistribution of land after emancipation. Soon after the middle of the 19th century, when the problem of the anomalous constitutional situation was resolved, the British Government confirmed the settlers' claims made under the old location laws, thereby reinforcing the monopolistic structure of land ownership which had been established in the 18th century.

The pattern of land use in the Settlement was restricted both by the demands of the colonial market and by the treaties with Spain which did not allow agriculture for export. Agriculture for internal consumption was restricted by the size of the population and the undeveloped internal market, as well as by the monopolization of land and labour by the mahogany lords and the discouragement of agriculture by the merchants. Until the middle of the 19th century the land was used almost exclusively for timber extraction, except for the groups of Maya, Caribs, and runaway slaves who practised subsistence farming beyond the limits of effective British administration. Even after emancipation in 1838 the freedmen were generally unable to avoid employment in timber extraction, as the great power of the landowning and commercial elite was directed against the development of a self-sufficient peasantry. Only after the assertion of British sovereignty lifted restrictions upon agricultural exports, and after the refugees from Yucatan demonstrated the possibilities of agriculture and increased the labour supply, did the landowners develop any interest in agriculture.

The political, legal, and administrative institutions in the Settlement reflected and reinforced the monopolization of land. The process began in the late 18th century when the early settlers defied the authority of the first Superintendent, Despard, and persisted in allocating lands to themselves under their location laws. These laws were used in such a way that a handful of wealthy cutters controlled almost all the lands within the boundaries of the Settlement. Superintendent Arthur's attempt to dispossess these settlers and break up the monopolization failed, although he succeeded in removing from their hands the authority to allocate land, and thenceforth all residual lands vested in the Crown. However, no significant alteration of the structure of land ownership resulted from the granting of Crown lands, and, especially after 1838, very little Crown land was alienated. The series of laws passed between 1855 and 1861, especially the Laws in Force Act and the Honduras Land Titles Act, served, as they were intended, to confirm and reinforce the extraordinarily unequal structure of land distribution.

By the middle of the 19th century, therefore, the structure of land distribution was firmly established. A handful of landowners, mostly absentees, owned virtually all the private land in the country, and the majority of the people were forced to be their employees or tenants. At the same time, as the British administration was strengthened and extended, those Caribs and Maya who had until then lived independently of the colonial system of land tenure were dispossessed of their land and integrated into the colonial society as dependent labourers of the elite or tenants of the Crown. By this time, the structure of land ownership itself had become the major factor affecting land use. Thus, when the *rancheros* of Corozal district had demonstrated the potential for sugar production in the 1850s, the big landowners (and in particular the biggest, the British Honduras Company) soon established sugar estates, dominating production and forcing their smaller competitors out of business.

The great estates and the extreme monopolization of land ownership in Belize are similar to the latifundias of Latin America, and they also have their parallels with the plantations of the West Indian islands. All these plantation-latifundia economies have certain common fundamental characteristics which affect every aspect of their societies. They are all characterized by a high degree of monopolization of land ownership and the dispossession of the majority of the population. They also share two outstanding features of land use: a large proportion of productive land remains idle and production is almost entirely for metropolitan markets.

The historical experience of Belize quite clearly identifies the country as a plantation-latifundia society. The organization of the predominant production unit in Belize differed in many ways from, for example, a sugar plantation, and the experience of slaves and labourers in mahogany gangs was undoubtedly different from that of slaves on sugar plantations. Nevertheless, the macro-features of the society are very similar to those of the West Indian islands where sugar has predominated. Thus the economy of Belize has always been dominated by one 'crop,' (first logwood, then mahogany, and now sugar) which was produced for the metropolitan market. Land ownership has been characterized by a great concentration of the best land in the hands of absentee landlords, and labour, initially slaves imported from Africa, was tied to the enterprises of these landlords. Belize has manifested some of these characteristics in the extreme, notably in the almost total lack of redistribution of land and development of a peasantry following emancipation, and the extraordinary domination of the country's political economy by one company.

George Beckford [6 p. 45] has recently examined some of the common features of plantation economies:

The plantation unit was organized to produce an export staple and almost all its resources were deployed to that end. Insofar as production of the staple did not utilize all the resources all of the time, some were used to produce goods and services required to maintain the unit. The balance of inputs for staple production and consumption requirements were met by imports. Merchants and bankers in the metropolis played an important role. The merchants provisioned the plantation with supplies of consumption and capital goods and handled the sale of staple output in the metropolis; and the bankers provided the necessary credit to lubricate these transactions.

This description accurately portrays the historical experience of Belize, where the land and labour resources were geared primarily to meeting the demands of the colonial market, and where the resources of both land and labour could be diverted to agriculture only when not immediately required for the primary economic activity, and, frequently, were allowed to remain idle. The dependence on the metropole and the status of the economy as an 'overseas economy' has also resulted in a great reliance upon the metropole for imported foodstuffs. The orientation toward the metropole is reflected not only in the

production and consumption patterns, but also in the fact that profits are typically reinvested in the metropole and not in the territory which has produced these profits. Thus the economic history of Belize has been aptly described as "a classic of colonial exploitation, of taking away and not giving back .... Of all the wealth taken from the country practically nothing was put back in the way of permanent improvements and capital development". [Jones 32, p. 18]. The status of the producing country as a satellite economy meant that its institutions — social, economic, legal, political — were geared to maintaining and entrenching this dependent position.

The fact that the dominant plantation activity allocates to itself all the resources of the society means that every other sector is at a disadvantage in the competition for these resources. Peasant-plantation competition occurs in various areas (e.g., capital, marketing and prices, research and technology, political patronage), but its most significant area of competition is in relation to land and labour. In a situation where labour is scarce and land is plentiful, capitalists find difficulty in securing the labour necessary for their enterprises. The initial solution in Belize, as elsewhere in the Americas, was to turn to Africa for labour, importing men and enslaving them to their masters' enterprises. Even so, the 'monied cutters' of Belize remained short of labour, as hundreds of their slaves escaped to neighbouring areas. When over 2,000 evacuees were brought to Belize from the Mosquito Shore in 1787 the 'Old Baymen' perceived them not only as competitors for land, but also as potential labourers. The old settlers therefore rapidly claimed most of the land and instituted a series of regulations concerning mahogany works which made it virtually impossible for the poorer evacuees to gain an independent livelihood. The purpose of their action was recognized by some of the victims who complained that "these Laws or regulations seem also (to us) to be partial and in favour of one sett of people, and palpably calculated to enslave another".<sup>1</sup> Superintendent Despard complained to Lord Sydney of the Magistrates' "private purposes of keeping the people poor and totally dependent upon them"<sup>2</sup> and that many of the evacuees "are entirely excluded from any means of gaining a Subsistence, unless they will become the Servants of these Legislators, which really seems to be the principle intention of this partial rule".<sup>3</sup> Lord Sydney, who had previously instructed Despard to give priority to the evacuees when allocating lands, capitulated to the 'Principal Inhabitants' and instructed Despard to take their advice and to "endeavour to fix the .... people of Colour, or Free Negroes .... in some employment"<sup>4</sup>

Even during the period of slavery, therefore, the 'Principal Inhabitants' managed to ensure that most of the free population remained dependent upon them. After emancipation in 1838, the elite were able to withhold land from the majority of the population. This pattern was by no means peculiar to Belize; as Beckford [6, p. 96] points out,

throughout the first-established New World plantation areas the basic pattern of adjustment to the abolition of slavery was the

same: plantation monopoly of the land to prevent the ex-slaves from being independent of plantation work; legislation by planter-controlled governments to force the ex-slaves to continue working on the plantations; other measures to keep the ex-slaves 'attached' to the plantations; and immigration of new labourers where all else failed.

The freedmen in Belize, unable to acquire land and indebted to their masters by the advance system, continued to be tied to labour in the mahogany forests. The Caribs and the Maya, too, were denied freehold titles to land in order to make them available as a source of labour for the plantations which were being developed in the second half of the 19th century.

In a country with a favourable man-land ratio the capitalists monopolize the ownership of the land as a way of forcing people to work on their enterprises. *The B.H. Co.—B.E.C. and other monopolistic land owners acquired and persisted in holding their vast estates, not in order to utilize the land, but, by denying its use to others, to make the majority of the population dependent upon them.* The relation of land to labour which emerges in the historical experience of Belize is directly parallel to that of Brazil and other parts of the Americas, as described by Frank [21 p. 288]:

The monopolization of land and other resources necessarily results in the exploitation of the non-monopolized resources, that is, labour, and in the under-utilization of all resources. Thus, one primary purpose of the ownership of large amounts of land, both on the individual and on the social level, is not to use it but to prevent its use by others. These others, denied access to the primary resource, necessarily fall under the domination of the few who do control it. And then they are exploited in all conceivable ways.

This is not to say, of course, that the monopolist landowners control the land *only* to control the labour. They have also exploited the land's resources and reinvested their profits elsewhere, at the same time successfully resisting taxation on their wealth. As production declined or failed, speculation became an increasingly important reason for landownership. One of the current effects of this ownership of land for speculative and not productive purposes is worth considering here in relation to labour: since the turn of the century a chronically high incidence of unemployment has coexisted with a shortage of plantation labour. (For many years hundreds of labourers have been imported from the neighbouring republics to work in the sugar and citrus plantations.) This situation apparently exists in all plantation societies, and Beckford contends [6, p. 178] that "unemployment and underutilization of land in plantation economies are structural phenomena that inhere in the system itself."

The 'scarcity' of labour has therefore resulted in the underutilization of labour. Similarly, the competition for land has resulted in the underutilization of land. Throughout this paper we have shown how the big landowners prevented the use of land by others, and have indicated some of the means by which

they achieved this. The extinction of Maya villages in the Yalbac Hills in 1867 has been repeated in this century. Villages at Indian Church, Xaxe Venic, San José and Yalbac, have disappeared within the last 50 years because their lands were taken over by the B.E.C. [Wright 50, pp. 184, 205]. The contribution of these Maya peasants to agriculture has therefore been lost, the land being used by the B.E.C. only for chicle bleeding and mahogany and cedar extraction.

There are other examples of the peasant-plantation conflict relating to competition for land and labour. In recent years, since land speculation has increased the exchange value of land, landowners who may previously have turned a blind eye to 'squatters' on small parcels of their land have taken to charging rent in order to forestall any claim which might prejudice the resale value of the land. In the Belize River valley, for example, many farmers who traditionally occupied their land as squatters have recently been required by estate owners to pay an annual rent. By making them annual tenants their security of tenure has been reduced. Moreover, with the markets opened up by the decision to join the Caribbean Community, the situation effectively favours large-scale mechanised farming in the area, a type of farming which is more likely to be undertaken by foreigners enjoying large supplies of capital, secure land tenure, and the attractive 'development incentives' offered by the Government. Thus developing economic forces associated with commercial plantation agriculture are increasingly competing for land and labour and threatening the existence of the small peasant farmers. A recent study notes that "In the Belize Valley, the two large estates admit there are enough residents to meet their labour requirements. The problem is in attracting them off the land and into the estates".<sup>5</sup> We find in these words an echo of the 19th century remark that "the indigenous Indian... might be made available to some extent could he be induced to quit his scattered village-homes, and this is perhaps the cheapest labour to be procured". [Gibbs 22, p. 176].

*The rural dweller continues to be seen as a source of cheap labour, and not as a small-scale independent farmer.* A major consequence of this orientation has been the high incidence of what might be called a 'part-time peasantry'. A land use survey team pointed out in 1954 that

the small holder has gradually emerged as the main source of primary production in the Colony, yet even he has never been able to afford the luxury of becoming a full-time farmer. The [Maya] Indians alone have remained true farming communities with an unbroken father-to-son tradition. All the other small-holders in the country seek alternative employment for a part of the season... British Honduras is a nation of part-time farmers. [Wright 50, p. 122].

The advantages possessed by the plantation sector over the peasant sector (advantages in such areas as access to capital and credit, research and technology, and markets) are sustained by the considerable political influence enjoyed by the plantation sector. We have seen how, from the early development of the

Settlement of Belize, there was a very high correlation between the 'monied cutters' and the legislative, executive and judicial personnel — they were, indeed, virtually identical. With the advent of the Legislative Assembly in 1854, and of the Legislative Council of 1871, the big landlords always had a dominant influence, either through election or nomination. When the elective principle was partly reintroduced in 1935 they were represented both by election (on a very narrow franchise until 1954) and nomination. Very often the local representative of the B.E.C. sat on both legislative and executive councils. "From 1945 to 1949 the Manager of the B.E.C. was on the Executive Council. More generally, relations between the company's representatives and the United Kingdom's representatives were always extremely close, and the B.E.C.'s influence on policy and administration can hardly be overestimated". [Shoman 46, p. 7].

We have shown how, in the 19th century, it was the lawyers hired by the predecessor company to the B.E.C. who drafted the major land law of Belize, the Honduras Land Titles Act of 1861. We have mentioned, also, other laws legislated in their interests, such as the Immigration Acts of 1862 and 1868, and the 1863 Act permitting the duty-free importation of agricultural and manufacturing machinery. Other examples of the political influence exerted by the big landowners, particularly by the B.E.C., have already been given in the descriptions of their repeated subversion of attempts at land taxation during the past century. Another example, again showing the B.E.C. profiting at the expenses of the agricultural sector, occurred after the disastrous hurricane of 1931, when the B.E.C. was granted a loan of \$100,000 out of a total loan of \$1,100,000 provided to the Colony by the British Government. When the company asked for this amount to be doubled, some of the members of the Legislative Council objected, but the Governor recommended acceptance, under threat of the company closing down its operations. The additional loan was granted, and was taken out of that part of the loan originally reserved for agricultural development. [Dobson 17, p. 263].

The B.E.C. has been able to exercise its immense power through various changes in the country's constitution. Even after the self-government constitution was implemented in 1964, its power — which is socio-economic and therefore independent of constitutional forms — remains and continues to be exercised. The company avoided paying the rural land utilization tax, getting 95 per cent of its land exempted from the tax, thus subverting the only major attempt made to redistribute land and promote agriculture in the country's history.

It is generally recognized that Belize, in order to develop, must enormously increase agricultural production, both for internal consumption and for export. As Dumont [20, p. 29] has pointed out, "underdevelopment in agriculture seriously affects the entire economy. It is inseparable from the lack of industry and underdevelopment in general. Agrarian backwardness always inhibits and sometimes prevents entirely any possibility of rapid economic expansion". Any meaningful development, however, must include not only

economic expansion but also equitable distribution. An increase in agricultural productivity obtained by the use of technological innovations, going under the name of the 'Green Revolution', is by itself not a sufficient condition for socio-economic development. The same can be said for the opening and securing of fresh market opportunities. Such changes frequently benefit only foreign investors and that small section of the population who are in a position to exploit the innovations and opportunities. The result is that the lives of the majority remain unchanged, or deteriorate, and there is an increase in social differentiation. Even land reform, by itself, is no panacea for socio-economic development, but a comprehensive and well-administered land reform programme is certainly a necessary condition for the achievement of agricultural development that will spread the benefits of growth.

In attempting to indicate the crucial factors within which the agricultural development policies of Belize must be framed, the discussion now turns to two aspects of land reform: security of tenure and land redistribution.

Tenant farming is widespread in Belize. According to one study, tenant farmers and their families make up more than 50 per cent of the farm population, and nearly 27 per cent of the total population; and 98 per cent of the tenant farmers have the right to use the land only on a year to year basis. [Wright 50, p. 269]. Two recent studies [Ashcraft 1; Barrera 5] of the Belize River Valley also note the high incidence of tenant farming on unwritten annual leases, and recognize the adverse effects of this. Dumont's report<sup>6</sup> stated the need for peasant ownership of the land, in order to guarantee secure land tenure.

We have seen that government has taken some cognizance of the problem and legislated a "Land Reform (Security of Tenure) Ordinance" in 1962. It provides for the establishment of *ad hoc* Lands Tribunals, to which the tenant may appeal in cases of increase in rent; the onus is thus placed on the tenant to apply to the Tribunal for relief. Since 1962, not surprisingly, there has been only *one* application before a Lands Tribunal. The provisions of the Ordinance are much too complicated and cumbersome for a small farmer to appreciate and act on with the necessary despatch; and most farmers do not even know that a Lands Tribunal exists. The landlords, on the other hand, succeed in evading the law because of the greater resources and opportunities at their disposal, including the capacity to afford legal advice. This type of tenancy reform, therefore, is generally inadequate and incapable of providing the economically necessary and socially desirable security for the small farmer.

The real solution to problems of land tenure in Belize today lies in a redistribution of land. The great estates, which foster underutilization of both land and labour, must be broken up. Indeed, the land use survey team reported 15 years ago that, in order to achieve even a reasonable level of sound land use, "it is difficult to suggest a remedy that does not involve cutting down the size of the estates severely". [Wright 50, p. 265]. This would, of course, entail redistributing the land to farmers who would put it to productive use. But to

ensure greater small-farmer productivity, land redistribution must be accompanied by other measures: *the land reform programme must be comprehensive and administered as an integrated whole*. Too many land reform schemes in too many countries have been brought to naught because of the piecemeal fashion in which they were introduced:

If the reform is too sporadic, piecemeal and scattered over space and time, it creates too much uncertainty for agricultural investments and gives the entrenched powers time to muster their forces to defeat the reform.... marketing, credit and other farm services need to be reorganized to serve the reformed tenure system. This reorganization is not likely to be accomplished unless the land reform is widespread and carried out in a relatively short period of time. [Dorner 18, p. 47].

As Myrdal [40, II, pp. 1371-2] has pointed out, radical land redistribution has an impressive recommendation from the point of view of labour utilization and is also closely associated with the process of social and psychological decolonization:

It holds out the promise of creating the basis for a major transformation in the psychology and attitudes of the rural labour force by cutting through the deterrents to work that have long been entrenched in the traditional pattern of inequalities. Those now landless would be elevated in status and dignity and placed in a position to reap the rewards of more diligent effort.

Land reform legislation is essential, but it is by itself insufficient to achieve socio-economic development. Not only must the land laws be changed and vigorously enforced, they must also be perceived by the people to be affecting their lives and their society. The changes must appear not just in the clauses of the law, but in the life of every day. Just as the economic forces that are now prevalent are part of a total system of exploitation, so too the steps to alter, to redirect, those forces must be part of a total approach to social change. Above all, there must be a complete reorientation on behalf of the people, for without a highly motivated population nothing meaningful can be accomplished. Such a motivation can only be achieved by changes in the social, economic, and political structure which will ensure that the resources of Belize are equitably shared by the people. Without the environment created by these changes, the agriculture and the economy of Belize will never break the chains of dependency and underdevelopment.

When the rural land utilization tax was introduced in the House of Representatives, it was justified on these grounds:

The ownership of land carries with it certain social obligations: Land is held not as a right but in trust from the community. The trust is discharged when permanent improvements are affected to the land so that it makes a return to the community - a return in the form of food, of wages, of export

earnings and the like. All the Bill seeks to do is to take a return in the form of an additional tax if one is not forthcoming in any other way. Should the owner develop his land and so make it of benefit to the community the tax will be withdrawn. [Hunter 30, p. 7].

With the aid of an historical perspective, which this paper has sought to provide, it is clear that the good intentions of this Bill were based on the unrealistic premise that the absentee landlords would fulfil, in one way or another, their 'social obligations' to the community of Belize. The study of the development of land tenure in Belize demonstrates that they have never recognized, much less fulfilled, such obligations. Land ownership was monopolized in the 18th century when the elite, owning the majority of the population as well as the land, completely dominated the Settlement's political economy. When ownership shifted from the local settler elite to metropolitan companies, the unequal distribution thus obtained was confirmed and reinforced by the Imperial Government in the middle of the 19th century. The land tenure system that exists in Belize today was created by the elite in their own interests and it remains, as it was before, opposed to the interests of the majority of the population. Unless the domination of the society by the great absentee landlords can be destroyed, political independence for Belize would be like emancipation for the slaves in 1838 — a victory of form without substance.

In Belize today only three per cent of the landowners own 95 per cent of all the freehold land, and over 90 per cent of all the freehold land is owned by foreigners — an extraordinary degree of monopolization and alienation. Almost half a century ago a Cuban, analysing his country's history and concerned over its future, wrote:

A country that is politically unfree, but that possesses and cultivates its own lands can win its freedom, as Cuba did. But a free people who relinquish their land to another have taken the path to economic servitude and social and political decay. [Guerra y Sanchez 24, pp. 151-2].

Now that Belize is poised to take its political freedom, the people of that emerging nation must concern themselves with repossessing the land that has been relinquished to absentee landlords, in order to avoid the consequent "economic servitude and social and political decay".

#### FOOTNOTES

<sup>1</sup>Petition from English *et al.* to Despard, 20 Aug. 1787, CO 123/5.

<sup>2</sup>Letter from Despard, 11 Jan. 1788, CO 123/6.

<sup>3</sup>Despard to Sydney, 24 Aug. 1787, CO 123/5.

<sup>4</sup>Sydney to Despard, 6 Feb. 1788, CO 123/6.

<sup>5</sup>Ashcraft [1] p. 350. While this paper was being completed Ashcraft's revision of his thesis was published [2].

<sup>6</sup>"A Development Plan for British Honduras. Part Two ..." [16] p. 34.

## APPENDIX I

### Extract from Article III of the Convention of London, 1786

Although no other Advantages have hitherto been in Question, except that of cutting wood for Dying, yet His Catholick Majesty, as a greater Proof of his Disposition to oblige the King of Great Britain, will grant to the English the Liberty of cutting all other Wood, without even excepting Mahogany, as well as gathering all the Fruits, or Produce of the Earth, purely natural and uncultivated, which may besides, being carried away in their natural State, become an Object of Utility or of Commerce, whether for Food or for Manufactures: But it is expressly agreed, that this Stipulation is never to be used as a Pretext for establishing in that Country any Plantation of Sugar, Coffee, Cacao, or other like Articles, or any Fabrick or Manufacture, by Means of Mills or other Machines whatsoever (this Restriction however does not regard the Use of Saw Mills for cutting or otherwise preparing the Wood) since all the Lands in Question being indisputably acknowledged to belong of Right to the Crown of Spain, no Settlements of that Kind, or the Population which would follow, could be allowed.

From "A Map of A Part of Yucatan or of that Part of the Eastern Shore within the Bay of Honduras Alloted to Great Britain for the Cutting of Logwood, in consequence of the Convention Signed with Spain on the 14th July 1786. By a Bay-Man", London, printed for William Faden, Geographer to the King, 1 Feb. 1787.

## APPENDIX II

### A 'Form of Grant

By His Excellency Colonel Frans. Cockburn His Majesty's Superintendent & Commander in Chief of all His Majesty's Subjects settled in Honduras etc. etc.

His Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, having been pleased to signify, through the Right Honourable Earl Bathurst, His Majesty's principal Secretary of State for the Colonial Department, his Royal Will and pleasure "That all Lands and Mahogany Works in the British Settlement of Honduras, shall be held under proper and more secure Titles, and that no occupancy of Land at Honduras shall henceforward be permitted without the sanction of His Majesty's Superintendent being previously & formally obtained under his written authority, specifying the Extent and Situation of the Land or Work to be occupied."

I do therefore by virtue of the Power and Authority in me vested, hereby and by these presents, give, grant, and transfer unto Alexander France his Heirs Executors, and Assigns that Piece or Parcel of Land, agreeable to the Diagram hereunto annexed, situated ..... [there follows a description of the location and boundaries] ..... within the limits established by the Treaty and Convention agreed upon between His Britannic Majesty & the King of Spain in the years of our Lord One thousand Seven Hundred and Eighty six, to have, hold, fully possess and enjoy to him the said Alexander France his Heirs, Executors, and Assigns, for ever, the said Piece or Parcel of Land, without hindrance or Molestation, provided that no Compensation or Compensations, Action or Actions of Damages or other Demand or Demands shall hereafter be claimed, set forth or acted upon, in consequence of any future Treaty or Treaties, Convention or Conventions, Agreement or Agreements, or other Arrangement or Arrangements, which may be made or to be made, instituted or to be instituted; or finally concluded, or to be concluded, between his Majesty's Government and the Spanish Government; or from any other Cause or Causes arising out of any Abandonment or Abandonments, evacuation or evacuations, or other such Measure or Measures, which may hereafter be undertaken for the general Welfare and Tranquillity of the Settlement at large.

Given under my hand and Seal at Arms at the Government House, Belize River's Mouth, this 11th day of November in the first year of His Majesty's Reign Anno Domine one thousand Eight hundred and thirty.

[signed] Frances Cockburn.

### APPENDIX III

#### Clauses Relating to Locations from the "Laws in Force Act" 1855

2. That all rules, orders and resolutions regulating location of logwood and mahogany works, and allotments of land, shall, in respect of all locations and allotments, appropriated thereunder prior to the practice of making "grants" in this Settlement, which began in the year 1817, be and they are hereby declared valid and binding, in so far as they relate to, and establish titles to, such locations and allotments, where the titles to such locations and allotments have been recorded according to the laws of location of this Settlement, and that all such rules, orders and resolutions as regulate the measurement and boundaries of such locations and allotments shall still continue to regulate the same, as well with reference to the boundaries of contiguous "locations" as with reference to contiguous "grants", in the absence of any more express definition of such boundaries, or of any other law for the better regulation thereof.

3. That, for quieting possession of all such original locations, so formed in pursuance of those rules, orders and resolutions, and before the practice of making "grants", and for preventing disputes respecting the same, every person now in possession of any such original location, either as being the first occupant or appropriator thereof, or as claiming by devise, descent, or purchase, from such original occupant or appropriator, and who shall, by himself or the person through whom he claims, have been in quiet and undisturbed possession thereof since 1st Jan. 1840, shall have good right to such possession as against any grantee or other person whomsoever, excepting only infants and other persons under disability, whose rights are hereby protected.

From "An Act to declare the Laws in Force in this Settlement," 18 Vic. Cap. 22, *Laws of British Honduras in force on 31 Dec. 1881, 1882.*

### APPENDIX IV

#### Clauses Relating to Claims from the "Honduras Land Titles Act" 1861

13. Any person, other than the applicant, claiming any legal estate, interest, power, or right, in or affecting the said lands or houses, or any part thereof, in respect of which a prima facie title has been established, may ..... at any time within ten years, after the third publication of the notice, deliver or transmit to the registrar, at his office, notice in writing, specifying the estate, interest, power or right, so claimed, and such evidence as he may think fit in support of his claim.

14. Where any person, other than the applicant, having or claiming any legal estate, interest, power or right, in or affecting the lands or houses, in respect of which a prima facie title has been established ..... does not, within two years after the third publication of the notice, and whether or not resident in British Honduras, and whether or not under any disability, deliver ..... to the registrar, notice, according to this act, of his claim, every such person ..... shall, in favour of every person, who shall at any time claim under or by virtue of any lease, transfer, or other partial or total alienation for valuable consideration, at any time made by the applicant, or by any person claiming by, from, or under him, be, as regards the same lands or houses, absolutely barred from claiming, at any time after those two years, any legal estate, interest, power or right (not being an equitable interest or right) of which notice might have been so given ..... Provided nevertheless that any person lawfully entitled, in preference to the said applicant to any estate.... which shall have been so barred ..... may, at any time within ten years after the third publication of the notice as aforesaid, recover from the said applicant ..... the value of the such estate ..... at the time when the same was so alienated ..... or such greater sum as may, in the opinion of the supreme court of British Honduras, be equivalent to the injury which he has sustained by the barring of such estate, interest, power, or right.

From the "Honduras Land Titles Act" 1861, 24 Vic. Cap. 18.



## APPENDIX V

Some Large Properties in Belize, by Acreage  
and Ownership, 1935 and 1971

Property	Returned Acreage		1971 Ownership
	1935	1971	
<i>H.J. Cramer</i>			
Fowle's Work	20,629	19,626	U.S. citizen
St. Hermans	20,480	21,972	
Temash	28,700	26,134	Government
Sarstoon	10,500	11,651	
Moho River	34,700	34,417	"
Lowry's Bight	715	715	
Total	115,724	114,515	U.S. citizen
<i>T.J.B. Cramer</i>			
Hillbank	4,600	7,256	U.S. citizen
Alexanders	2,900	2,338	
Graham Nos. 1 and 2; Rock Dondo; More Tomorrow	14,131	15,806	U.S. citizen
Castile	11,571	9,917	
Retaliation; Mount Hope	23,000	22,169	"
Scotland; Halfmoon	5,500	5,073	
The Branch; Branch Tiger; The Tiger; Upper Half Kentucky	40,000	23,965	Government
Regalia; All Pines	7,280	10,970	
Kendal; Plenty	9,669	11,040	"
Blue Creek; Rio Hondo	101,118	104,570	
Total	219,769	213,104	National
<i>Trustees Peter Leskie</i>			
Bullet Tree	2,906 )	13,650	U.S. citizen and National
Black Rock	2,650 )		
Martin	672 )		
Cool Shade	1,914 )		
Mary Hickey	4,710 )		
Narrows	9,727	10,125	National
Shipyard	8,900	6,958	
Total	31,479	30,733	"
<i>Harvey Brothers</i>			
Roaring Creek Works	55,769	56,295	U.S. citizen

Property	Returned Acreage		1971 Ownership
	1935	1971	
<i>R.N. and A. Byass</i>			
Sibun River Lands	12,624	9,791	Government
Golden Pippin	2,560	3,617	U.S. citizen
Deep River	6,934	6,980	"
Calagnan	6,157	6,169	"
Crawford	8,600	7,987	"
Crab Catcher	2,000	4,552	"
Caledonia	11,428	13,425	U.K. citizen
Douglas	13,632	17,924	Govt. and U.K. citizen
Callagran; Maskall; August	24,856	21,190	Govt. and U.S. citizen
Total	88,791	91,635	
<i>Mutrie Arthur &amp; Currie</i>			
Southern Bulkhead;			
Northern Bulkhead	31,500	35,094	U.S. citizen
No. 50	17,200	20,875	"
No. 51	15,300	21,048	"
No. 52	14,800	19,085	"
Shipstern	14,700	19,350	"
Warrie Bight	15,000	19,479	"
Punta Alegre	4,300	4,332	"
Freshwater Creek	19,475	19,479	"
	750	720	U.K. citizen
	1,626	1,811	"
Eight Mile; Fire Burn	14,700	15,677	U.S. citizen
Total	149,351	176,950	
TOTAL	660,883	683,232	

Prepared by Mr. Albert Grant from 1935 "Property Map" and Index and 1971 tax returns.

## APPENDIX VI

## Chronological Table 1763-1872

- 1763 Treaty of Paris: permitted "Cutting, Loading and Carrying away Logwood", but asserted Spanish sovereignty
- 1765 Burnaby codified the Settlement's Laws  
Public Meeting passed Resolutions regulating boundaries of logwood works
- 1773 Slave revolt
- 1779 War between Britain and Spain. Spaniards from Bacalar attack Settlement; some settlers were captured and others escaped to Ruatan and Mosquito Shore — Settlement evacuated
- 1783 Treaty of Versailles: Spain restored rights under 1763 Treaty but with boundaries defined
- 1784 Settlers returned to Belize  
Public Meeting passed Resolution restoring ownership of mahogany and logwood works; original laws re-established  
Despard appointed first Superintendent of the Settlement
- 1786 Convention of London: Britain agreed to evacuate Mosquito Shore and islands and be confined to Bay of Honduras; limits of Settlement extended to Sibun River; occupation of St. George's Cay allowed, but no fortifications; cultivation or factories; Spanish sovereignty emphasised  
Despard arrived in Settlement
- 1787 Sydney instructed Despard to give preference to evacuees from Mosquito Shore in land distribution in the newly added area between Belize and Sibun Rivers  
2,214 evacuees from Mosquito Shore arrived  
Public Meeting determined qualifications for owning mahogany works
- 1788 Maya attacked mahogany works on New River
- 1789 Spanish King permitted plantation plots for settlers; size limited to 500 yards and a fee to be paid to the Spanish Government
- 1790 Population: 261 White, 371 'Free Coloured or Black', 2,024 Slaves; Total — 2,656

- 1798 Spanish forces defeated at Battle of St. George's Cay; last attempt at interference by Spaniards
- 1799 Settlers occupying lands as far south as Deep River
- 1802 150 Caribs already settled at Stann Creek
- 1803 Population: 225 White, 775 'Free Coloured or Black', 2,959 Slaves; Total — 3,959
- 1805 St. George's Cay declared to be property of Crown
- 1807 Abolition of slave trade  
Grant of lots made at St. George's Cay
- 1809 Henderson reported extensive cultivation on Sibun and other rivers  
Grants of lots in Belize Town began
- 1814 Settlers at Moho River  
Arthur arrived as Superintendent of the Settlement
- 1816 Arthur recommended that the cutters be called upon to register their properties in his office if they had grants from the Crown, and that in future the Crown should be sole authority for granting titles  
Population: 149 White, 933 'Free Coloured or Black', 2,742 Slaves; Total — 3,824
- 1817 Bathurst instructed Arthur to assume authority over granting of land; Arthur issued Proclamation ordering all persons having lands to record them in the Secretary's office, stating title  
500 immigrants of African origin arrive in Settlement, disbanded from 5th West India Regiment, and are allowed to occupy land at Sibun and Manatee Rivers  
Arthur reported large body of runaway slaves in hinterland
- 1818 Arthur appointed Commission to examine claims to land  
More disbanded soldiers arrived, bringing total to 692
- 1820 Commissioners completed Report on land claims and titles
- 1821 Spain's authority over Central America removed completely
- 1823 Population: 217 White, 1,422 'Free Coloured or Black', 2,468 Slaves; Total — 4,107
- 1824 Settlers reached Sarstoon River

- 1826 Population: 230 White, 1,523 'Free Coloured or Black', 2,410 Slaves; Total - 4,163
- 1829 Population: 265 White, 1,591 'Free Coloured or Black', 2,027 Slaves; Total - 3,883
- 1831 Act passed in Settlement to give equal rights to 'Coloured Subjects' as to whites
- 1832 Superintendent assumed power to appoint Magistrates  
Population: 223 White, 1,788 'Free Coloured or Black', 1,783 Slaves; Total - 3,794
- 1834 Slavery converted to 'Apprenticeship' system by Act of Parliament
- 1835 Population: 222 White, 1,137 'Free Coloured or Black', 1,184 'Apprentices'; Total - 2,543
- 1830s Colonial Office regarded the unoccupied tract between Belize and Sarstoon Rivers as British
- 1837 Macdonald made grants of land outside old Treaty limits
- 1838 'Apprenticeship' system abolished  
Colonial Office circular instructed that grants of land, previously gratuitous, be made only on payment of £1, per acre
- 1839 Population: 163 White, 809 'Coloured', 1,974 Black; Total - 2,946
- 1846 Magistracy system abolished
- 1848 Maya of Yucatan in revolt; many Maya and mestizos fled to Belize
- 1849 Britain formally recognized Central American Republics, signing Treaty of Friendship and Commerce
- 1854 Constitution adopted: House of Assembly of eighteen Members elected on limited franchise
- 1855 Stevenson reported to H.M. Government on land tenure; locations of mahogany and logwood works recognised as freehold property.  
Laws in Force Act passed: declared validity of existing laws, including those on land
- 1857 Stevenson reported unfavourably on agriculture in Settlement, but mestizos in north were growing sugar cane  
Chichenha Maya from Yucatan moved into Belize, settling around Booth's River, then proceeded south to Yalbac Hills region  
Notice issued to Caribs at Stann Creek Town to take out leases for their lots

- 1858 Act for Quieting Titles to Land passed: secured titles which were not recorded  
Honduras Land Titles Act passed in Belize
- 1859 Treaty between Britain and Guatemala admitting British sovereignty over Belize and recognising its frontiers  
British Honduras Co. (in 1875 the Belize Estate and Produce Co.), registered in England as Joint Stock Company, acquired lands in Belize formerly belonging to James Hyde & Co.
- 1861 Honduras Land Titles Act passed after amendments and given Royal Assent  
Population total: 25,635
- 1862 Settlement declared a Colony with name "British Honduras"  
Labour Immigration Acts passed to encourage immigration of labour at Colony's expense
- 1865 Labourers brought from West Indian islands and China, especially for work on sugar estates of B.H. Co.
- 1866 British troops routed by Maya in Yalbac Hills
- 1867 Reinforced British troops entered Yalbac Hills, drove Maya out of the area and destroyed villages and "rich and ample provision grounds"  
Land Tax Act passed: \$40 per work
- 1870 Assembly surrendered self-government and dissolved itself
- 1871 Country became Crown Colony; new Legislative Council inaugurated, three of its four unofficial members represented landed interest  
Land Tax reduced from \$40 to \$24 per work and import duty increased  
Population total: 24,710
- 1872 Crown Lands Ordinance enacted; Indian and Carib Reserves created in south

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## INDEX

- Act for Quieting Title, 1858, 74
- Advance System, 7, 63, 64, 66, 121
- Africans, 1, 4, 23, 25, 26, 28, 29, 51, 58, 62, 69, 87, 91, 93, 119, 120
- Agriculture, Cultivation, 7, 22-27, 29, 40, 42, 44-46, 48, 51-52, 54, 58, 60, 64-72, 75, 80-81, 83-84, 86-89, 93-94, 102, 107-114, 117-119, 122-125
- Apprenticeship, 2, 50, 58, 59, 62, 65
- Arthur, Supt., 5, 34-42, 44-45, 50-52, 54-55, 72, 118
- Arthur's Commission, 5, 24, 37-40, 42-45, 51, 78
- Austin, Lt. Gov., 87-89, 108
- Ball, Attorney General, 75, 77
- Barbados, 60, 86
- Bathurst, Earl, 34-36, 45
- Bay of Honduras, 3, 9, 11, 13-14, 18, 49
- Bennett, Marshall, 39, 51, 64
- Brazil, 61, 107, 121
- British Honduras Co., Belize Estate and Produce Co. Ltd., 77-82, 84-87, 89-90, 93-94, 102-104, 106-108, 112-113, 118, 121-123
- Burnaby, Sir W., 9
- Canul, Marcos, 94
- Caribs, 7, 28-29, 54, 87, 90-92, 110, 118, 121
- Carmichael, John, 82-83, 85
- Carmichael Vidal & Co., 79, 81-82
- Central America, 7, 46-47, 67, 70-72, 112
- Chicle, 90, 107, 122
- Chinese, 7, 86
- Citrus, 109-110, 121
- Claims Book, 78, 81
- Cockburn, Supt., 42-43, 45-47
- Codd, Supt., 45
- Colonial Office, 2, 41-42, 46-48, 50, 59-61, 73, 75, 79, 88
- Constitution, 5, 34, 72-73, 95, 102, 117, 123
- Convention of London, 1786, 12-14, 18-19, 22-23, 34, 36, 38, 44-48
- Conveyance, 74-75, 77
- Corozal, 82-83, 85, 94, 118
- Crown Grants, 35, 38, 40-52, 54, 58-60, 67, 72, 79, 82-83, 87-88, 91-92
- Crown Land, 2, 34-36, 42, 45, 50, 58-60, 63, 65-66, 82-83, 87-88, 90-91, 108, 117-118
- Crown Lands Ordinance, 1872, 90-91
- Cuba, Havana, 11, 61-62, 126
- Despard, Supt., 14-15, 17-21, 23, 36-37, 40, 44, 78, 118, 120
- Elite, 4-5, 20-22, 36, 52, 54, 65-67, 86, 91, 117-118, 120, 126
- Emancipation, 2, 4, 6-7, 50, 53, 55, 59, 61-62, 65-66, 68, 117, 120, 126
- Faber, J.H., 79, 90-91
- Fancourt, Supt., 45, 47, 52, 60, 66-67, 71
- Food, 6-8, 22-24, 27, 29, 53, 64, 66, 69, 70, 89, 92, 110, 119, 125
- Free Coloured and Blacks, 4, 20-22, 27-29, 43, 50, 53-55, 58, 62, 64, 92, 120
- Freedmen, 6-7, 26, 58-60, 63, 65-66, 69, 86, 117-118, 121
- Glenelg, Lord, 47, 59
- Goderich, Lord, 45
- Guatemala, Peten, 47, 49, 54, 62, 70, 87
- Guyana, 60, 62-63, 65, 86
- Hamilton, Supt., 37
- Henderson, Capt., 24, 27
- Hodge, John, 78-79, 85-86
- Honduras Land Titles Act, 1861, 75-77, 81-82, 118, 123
- Hunter, A.A., 106-108, 113, 126
- Hyde, James, 39, 43, 78
- Hyde, James Bartlett, 78-79
- Hyde & Co., 61, 78-80, 82
- Hyde v. Craig, 43-44
- Icacos Grant, 87-88
- Immigration, 7-8, 14, 17, 51-52, 62-66, 68-70, 83, 85-89, 111, 120-121, 123
- Jamaica, 3, 13, 60, 63-66, 95
- Joint Stock Companies Act, 1856, 77, 80
- Labour, 1-2, 6-8, 15, 21, 26-27, 52-58, 58-59, 61-66, 68-70, 85-87, 89, 92, 107, 111, 117-122, 124-125

- Land Taxes, 81, 93-95, 111-114, 123, 125-126
- Land Titles Register, 75-79, 81-82
- Laws in Force Act, 1855, 48-49, 72-75, 90, 118
- Location Laws and Regulations, 9-11, 15-17, 35, 38-39, 42-44, 47-49, 72-75, 82, 90, 92, 104, 117-118, 120
- Location Ticket, 109
- Logwood, 3, 5, 9-12, 15-20, 22, 24-26, 28-29, 35, 37-40, 42, 54-55, 58, 61, 65, 67-69, 71-72, 94, 104, 117, 119
- Longden, Lt.-Gov., 52, 71, 82, 84-89, 93-95
- Macdonald, Supt., 47, 52-53, 59-60, 70, 79, 82, 92
- Magistrates, 5, 9, 12, 14-16, 18, 20-21, 25-26, 28-29, 34, 37-38; 43-44, 47, 52, 66, 78, 120
- Mahogany, 4-7, 11-13, 15-22, 24-29, 35-43, 47, 50-55, 58-62, 64-72, 80, 89, 91, 93-94, 104, 106-107, 117-122
- Markets, External, 1, 6, 8, 11, 59, 61, 67, 70-71, 84, 110, 117-119, 122, 124
- Markets, Internal, 7, 26, 29, 51, 53, 55, 58, 64-66, 68-70, 84, 91-93, 110, 118
- Maya, 4, 7, 29, 54-55, 68-69, 83, 85-87, 89-90, 94-95, 110, 118, 121-122
- Mexico, Yucatan, Bacalar, 3, 7, 11, 23, 25, 47, 54, 67-69, 81, 84, 87, 89, 118
- Milpa, 7, 68-69, 84-85
- Morris, D., 91, 109
- Mosquito Shore, 11-12, 14, 17-21, 28, 36, 40, 52, 120
- Peasantry, 1-2, 7, 58-62, 64-66, 69, 91, 93, 102, 118-120, 122, 124
- Plantations, 1-2, 6-7, 12-13, 22-29, 35, 38-40, 42, 48, 51, 53, 58-59, 61, 63, 65-66, 70, 83, 91-94, 109, 111-112, 119-122
- Public Meeting, Legislative Assembly; 5, 9, 12, 14-15, 18, 28, 34-35, 39, 43, 46, 49, 64, 67-68, 72, 75, 85, 93-95, 104, 123
- Punta Gorda, 14, 54
- Rented Land, 7, 69-70, 83-85, 90, 111, 122, 124
- Reservations, 7, 90-91
- Rogers, Sir F., 75-76
- Ruatan, 11, 28
- St. George's Cay, 13, 34, 44-45
- Settlers, 4-6, 9, 12-14, 17-25, 29-30, 34-37, 39-44, 46-52, 65-69, 72-75, 78-80, 91-92, 104, 106, 117-118, 120, 126
- Seymour, Supt., 69, 84, 89
- Sheldon Byass & Co., 79, 82
- Slaves, Slavery, 1-2, 4-7, 14-18, 20, 22-30, 39, 50, 53-54, 58, 60-62, 64-65, 69, 78, 86, 93, 104, 118-120, 126
- Sovereignty, 3, 9-10, 13, 15, 24, 29, 34-37, 44-49, 51-52, 66, 72, 117-118
- Spain, 3-5, 9-13, 23-25, 29, 35, 37, 40, 44, 46-48, 51, 70, 117-118
- Speculation, 103, 106-108, 113-114, 121-122
- Stanley, Lord, 46
- Stann Creek, 13, 28, 48, 90-91, 109-110
- Stevenson, Supt., 48, 65, 68, 71-73, 83-84, 93-94
- Sugar, 1, 6-7, 13, 23, 27, 51, 61-62, 67-70, 83-87, 90-91, 94, 107, 109-110, 118-119, 121
- Supreme Court, 13
- Sydney, Lord, 13-14, 17, 19, 21, 34, 40-41, 44, 120
- Temple Chief Justice, 44-45
- Toledo Settlement, 88, 109
- Treaty of Paris, 1763, 3, 9-11, 13, 44
- Treaty of Versailles, 1783, 11, 13-14, 18, 34, 38, 44, 46-48
- United States of America, 72, 85-88, 103, 106, 108
- Wages, 2, 6, 58, 60, 63-66, 89, 125
- West India Regiments, 4, 44, 52-53, 89
- Young Toledo & Co., 79-82, 85, 87-90, 93-94, 102-103, 106

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