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**JAMAICA MISSIONARIES.**

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RETURN to an Address of the Honourable the House of Commons,  
dated 3d June 1829, *for*,—

COPY of all COMMUNICATIONS made to the Colonial Department since 1st January 1826, by the Government of *Jamaica*, or by the Colonial Organs of the different religious Societies employing MISSIONARIES in *Jamaica*, respecting the obstacles alleged to be thrown in the way of their giving religious instruction to the Slaves, and the alleged persecution, imprisonment, or other punishment of the Missionaries employed by them in that Island.

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Colonial Department, }  
Downing-street, }  
9th July 1830. }

HORACE TWISS.

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*Ordered, by The House of Commons, to be Printed,*  
16 July 1830.

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L I S T.

- Copy of Dispatch from Major Gen. Sir John Keane to Sir George Murray; dated  
8th September 1828 - - - - - p. 3.
- Letter from Chief Justice Scarlett to Major General Sir John Keane; dated 30th August  
1830 - - - - - p. 3.
- Letter from Sir John Keane to the Hon. Henry Cox; dated 6th Sept. 1828 - - p. 4.
- Papers connected with the application of Isaac Whitehouse, for a Writ of Habeas Corpus;  
numbered 1 to 9 - - - - - p. 4.
- Papers connected with the application of Joseph Orton, for a Writ of Habeas Corpus;  
numbered 1 to 9 - - - - - p. 8.
- Copy of Dispatch from Sir George Murray to Major Gen. Sir John Keane; dated  
16th Dec. 1828 - - - - - p. 13.
- Copy of Dispatch from Sir John Keane to Sir George Murray; dated 4th Feb. 1829, with  
two inclosures - - - - - p. 13.

## JAMAICA MISSIONARIES.

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COPY of all COMMUNICATIONS made to the Colonial Department since 1st January 1826, by the Government of *Jamaica*, or by the Colonial Organs of the different religious Societies employing MISSIONARIES in *Jamaica*, respecting the obstacles alleged to be thrown in the way of their giving religious instruction to the Slaves, and the alleged persecution, imprisonment, or other punishment of the Missionaries employed by them in that Island.

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To the Right Hon. Sir *Geo. Murray*, G. C. B.  
&c. &c. &c.

SIR,

King's House, Jamaica, 8th September 1828.

I HAVE the honour to inclose, for your information, a copy of a letter which I have received from the Chief Justice on the subject of certain proceedings lately had at St. Ann's Bay, regarding two Wesleyan ministers who had been imprisoned there for preaching, as it was alleged, contrary to law.

I also inclose copies of those proceedings, and I trust you will be of opinion, that with such a letter before me from the highest legal authority, I was justified in resorting to the strong measure of removing Mr. Rose and Mr. Heming from the magistracy.

A copy of my communication to the Custos of St. Ann, which accompanies this letter, will show the grounds upon which I acted towards these magistrates.

I have the honour to be,

&c. &c. &c.

(signed) *John Keane*.

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To Major-General Sir *John Keane*, K.C.B.  
&c. &c. &c.

SIR,

Kingston, 30th August 1828.

Mr. Isaac Whitehouse and Mr. Joseph Orton, two dissenting ministers, were yesterday brought before me under a writ of *habeas corpus*, and discharged from their imprisonment. The proceedings of Mr. Rose and Mr. Heming, magistrates of St. Ann's, in respect to these individuals, are of so extraordinary a nature that I feel it my duty to submit them to your consideration. Supposing the facts to be accurately stated in the affidavits of Mr. Whitehouse and Mr. Orton, I am yet to learn how they have offended against the law; but be their offence what it may, the conduct of the magistrates seems to have been most unwarrantable, and not to mention other anomalies which appear on the face of the proceedings, I beg leave to call your attention to the power assumed by Mr. Rose in the case of Mr. Whitehouse of imprisonment without bail, and to the actual refusal of bail both by himself and Mr. Heming in the case of Mr. Orton, though bail was tendered in the usual form by two respectable individuals.

I have, &c.

(signed) *W. A. Scarlett*.

To the Honourable *Henry Cox*.

SIR,

King's House, 6th September 1828.

APPLICATION having been recently made for a writ of *habeas corpus* by Messrs. Whitehouse and Orton who were in confinement at Saint Ann's Bay, Mr. Whitehouse under a commitment from Mr. Rose, and Mr. Orton under a commitment from Mr. Rose and Mr. Heming. When the case was heard before the Chief Justice it betrayed so great a violation of law, and such grievous oppression towards the two individuals, that Mr. Scarlett felt it his duty to call my attention to the facts which these proceedings disclose.

Although Mr. Rose generally, and Mr. Heming in a more qualified manner deny the accuracy of Whitehouse and Orton's statements, the warrants for apprehending these persons speak for themselves, and it will be difficult to point out any Act *now in operation* against which these persons had offended. But even admitting, for the sake of argument, that they had rendered themselves amenable to the interference of the magistracy, what can be urged in defence of Mr. Rose for his extraordinary assumption of power in committing Mr. Whitehouse to prison "without bail or mainprize until the next gaol delivery?" or what in defence of Mr. Rose and Mr. Heming for refusing the bail offered by Mr. Orton, unless accompanied by a condition which they had no right to insist upon. If ministers of religion are to be hunted like wild beasts, and to be exposed to all the injustice and oppression which gentlemen clothed with the authority of magistrates may choose to exercise towards them, it is time that a stop should be put to such arbitrary proceedings; it is always my desire to support the local magistracy in the discreet exercise of their legal authority, but I also feel myself bound to protect the humblest individual in the community; and were I to pass over an act to which my attention has been thus called by the highest legal authority, I should be guilty of an unpardonable dereliction of duty.

You are aware, Sir, an opinion has been too generally, and I trust unjustly, prevalent, that in the parish of Saint Ann there is a feeling of hostility towards ministers of religion dissenting from the tenets of the Established Church, which an unfortunate succession of occurrences has had a tendency to confirm; I need not observe how much this opinion will be strengthened by the late proceedings at Saint Ann's Bay.

Nothing remains for me but to express my disapprobation in the most marked and public manner, and to remove from the magistracy gentlemen who, instead of exercising a sound and wholesome judgment, have assumed an authority unknown to the law, and employed it in acts of injury and oppression.

You will therefore be pleased to order the clerk of the peace to serve the accompanying writs of supersedeas upon Mr. Rose and Mr. Heming.

I have, &c.  
(signed) *John Keane*.

No. 1.

Jamaica, ss. }  
In the Supreme Court. }

Isaac Whitehouse, of the parish of Saint Ann, in the county of Middlesex and Island aforesaid, a minister of the denomination of Protestant Dissenters called Wesleyan Methodists, being duly sworn, maketh oath and saith, That on the ninth day of August last past, he, this Deponent, was taken into custody while on his way from Belmont to Saint Ann's Bay, in the said parish, by one of the constables thereof, by virtue of a warrant under the hand of Samuel Whitehorne Rose, esquire, one of the magistrates of the said parish, a copy of which is hereunto annexed: And this Deponent further saith, That he was immediately carried before the said Samuel Whitehorne Rose, who committed him to the gaol of the said parish for the alleged offence of preaching without a license, and he has ever since been kept in strict confinement therein: And this Deponent further saith, That he hath applied for and obtained a copy of the warrant for his commitment to the said gaol, which is hereunto annexed: And this Deponent further saith, That he was duly ordained as a Wesleyan Methodist minister in England, and received

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received, and has now in his possession, proper testimonials to that effect, duly authenticated, and that shortly after his arrival in this Island he applied at the Quarter Sessions for the parish of Saint James, in the month of April 1824, to be admitted to take the oaths and subscribe the declarations prescribed for dissenting ministers, and was accordingly allowed to do so, and obtained the usual certificate: And this Deponent further saith, That at a court of Quarter Sessions held for the said parish of Saint Ann on the eighth day of April last, he again took the said oaths and subscribed the declarations, having been required by the magistrates so to do: And this Deponent further saith, That the chapel wherein this Deponent preached, as stated in the said warrant, has been regularly presented to the Quarter Sessions of the said parish, and registered according to law: And this Deponent further saith, That he hath been informed and believes, that the Rev. John Barry and Peter Duncan, also Wesleyan Methodist missionaries and householders, on or about Wednesday the 13th day of August instant, offered themselves to the said Samuel Whitehorne Rose, as bail for this Deponent, to answer any charge which might be preferred against him, but the said Samuel Whitehorne Rose refused to accept their bail, stating that this Deponent's commitment was without bail, and that none would be taken.

(signed) *Isaac Whitehouse.*

Sworn before me this }  
18th day of August 1828. }

(signed) *Wm. Seaton, Commissioner.*

## No. 2.

Jamaica, ss. }  
In the Supreme Court. }

John Barry, of the parish of Saint Catherine, in the county of Middlesex and Island aforesaid, and Peter Duncan, of the parish of Saint Thomas in the Vale, in the said county of Middlesex, both ministers of the denomination of Protestant Dissenters called Wesleyan Methodists, being severally duly sworn, make oath and say, That having been informed that the Rev. Isaac Whitehouse, also a Wesleyan Methodist missionary, had been committed to the gaol of the parish of Saint Ann, by Samuel Whitehorne Rose, esquire, one of the magistrates of the said parish, for the alleged offence of having preached without a license, they these Deponents being both householders, waited on the said Samuel Whitehorne Rose, esquire, on the 13th day of August instant, and offered themselves to him as bail for the appearance of the said Isaac Whitehouse to answer any charge which might be preferred against him; but the said Samuel Whitehorne Rose refused to accept the bail of these Deponents, stating that it was specified in the warrant for the commitment of the said Isaac Whitehouse, that no bail should be taken, and he was determined not to take any.

(signed) *John Barry.*  
*Peter Duncan.*

Sworn before me, this }  
21st day of August 1829. }

(signed) *D. Haines, P. Commr.*

## No. 3.

Jamaica, ss. }  
Saint Ann's. }

WHEREAS complaint on oath of Samuel Drake, head-constable of the Parish and Island aforesaid, hath been this day made unto me, Samuel Whitehorne Rose, esquire, one of His Majesty's Justices assigned to keep the peace in and for the said parish, That he the said head-constable did see Isaac Whitehouse preaching in the Methodist Chapel on Saint Ann's Bay, contrary to law, he not being licensed to preach, on Sunday the 27th day of July last, to a large congregation therein assembled: These are therefore in His Majesty's name to require and command you and every of you, that immediately after the receipt hereof you apprehend and take, or cause to be apprehended and taken, the body of the said Isaac Whitehouse, and him safely keep, and bring him before me or some other of His Majesty's Justices of the Peace for the said parish, to be dealt with according to law,

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law, concerning the premises aforesaid. Hereof fail not at your peril; and for so doing this shall be your sufficient warrant.

Given under my hand and seal, this 9th day of August 1828.

(signed) *S. W. Rose*, (L. s.)

To the Provost Marshal General of the said  
Island, or his lawful Deputy of the Parish of  
Saint Ann's, and to all and every the constable  
and constables of the said parish. } True Copy.

No. 4.

Jamaica, ss. }  
Saint Ann's. }

To the Keeper of the Gaol at Saint Ann's Bay, or his Deputy there.

THESE are in His Majesty's name to charge and command you, that you receive into your said gaol the body of Isaac Whitehouse, taken by Samuel Drake, head-constable of the parish aforesaid, and brought before me for preaching and teaching without a license, and that you safely keep the said Isaac Whitehouse in your said gaol without bail or mainprize, until the next general gaol delivery for the said parish, and herein fail you not.

Given under my hand and seal this 9th day of August 1828.

(signed) *S. W. Rose*, (L. s.)

No. 5.

Jamaica, ss. }  
In the Supreme Court. }

To His Honour *Joseph Barnes*, Esquire, one of the Assistant Judges of the Supreme Court of Judicature of this Island.

The humble Petition of John Barry, of the parish of Saint Catherine, in the County of Middlesex, and Island aforesaid, and Peter Duncan, of the Parish of Saint Thomas in the Vale, in the same county, ministers of the denomination of Protestant Dissenters, called Wesleyan Methodists, for and on behalf of the Reverend Isaac Whitehouse, also a Wesleyan Methodist Missionary, and now a prisoner in the gaol of the parish of Saint Ann;—

Sheweth,

THAT the said Isaac Whitehouse having been taken into custody, under a warrant under the hand and seal of Samuel Whitehorne Rose, esquire, a magistrate of the said parish of Saint Ann, for the alleged offence of preaching without a license, was on the 9th day of August instant, carried before the said Samuel Whitehorne Rose, and by him committed to the common gaol of the said parish of Saint Ann (where he still remains in confinement) under the circumstances particularly detailed and set forth in the affidavits of the said Isaac Whitehouse, and of your Petitioners, hereunto annexed :

That the place where the said Isaac Whitehouse is so confined, is situate at a considerable distance from the city of Kingston, and consequently the difficulty of communication for the purpose of procuring the necessary documents and papers from him in the present application, is great, and would be attended with much delay and inconvenience, especially as your Petitioners have been informed that the said Isaac Whitehouse is unwell :

That the said place of confinement is in a room connected with the public workhouse of the said parish, and on the same floor with the public hospital, and divided therefrom by means of a wooden partition, which does not reach more than half way up the wall :

That your Petitioners were only very lately apprised that it was necessary to make an application to your Honour by petition :

Your Petitioners, on the part and behalf of the said Isaac Whitehouse, therefore humbly pray your Honour to grant him His Majesty's writ of *habeas corpus*, to be directed to the keeper of the gaol for the said parish of Saint Ann, commanding him

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him forthwith to have the body of the said Isaac Whitehouse before your Honour, or before the Chief Judge of the said Supreme Court, together with the day and cause of his commitment and detention.

And your Petitioners will ever pray, &c.

Kingston, 21st August 1828. (signed) *John Barry,* }  
*Peter Duncan,* } Petitioners.

Let a writ of *habeas corpus* issue as within prayed.

Kingston, 21st August 1828. (signed) *Joseph Barnes.*

## No. 6.

Jamaica, ss.

GEORGE THE FOURTH, by the Grace of God of the United Kingdom of Great Britain and Ireland King, and of Jamaica Lord, Defender of the Faith, &c. To the keeper of the gaol for the parish of Saint Ann, in the county of Middlesex, in our said Island,—Greeting: We command you that you have the body of Isaac Whitehouse detained in your custody (as it is said) under safe and secure conduct, together with the day and cause of his caption and detention, by whatsoever name or names he may be called, before the Honourable William Anglin Scarlett, esquire, Chief Judge of the Supreme Court of Judicature of our said Island, at his chambers near to the city of Kingston, in the county of Surrey, in our said Island, on Friday the 29th day of August instant, between the hours of nine and twelve of the clock in the forenoon of that day, or in case of his absence, before me, at my chambers in the said city and parish, on the same day and hour, then and there to do submit and receive all such things as shall be considered of by the said William Anglin Scarlett, or in case of his absence, by me in this particular; and have thou then and there this writ. Witness the Honorable Joseph Barnes, esquire, one of the Assistant Judges of the Supreme Court of Judicature of our said Island, at Kingston aforesaid, the 21st day of August, in the ninth year of our reign.

(signed) *Thomas F. Hill.* (signed) *Joseph Barnes.*

## No. 7.

Jamaica, ss. }  
 Saint Ann's. }

To the Keeper of the Gaol at Saint Ann's Bay, or his Deputy there.

THESE are in His Majesty's name to charge and command you, that you receive into your said gaol the body of Isaac Whitehouse, taken by Samuel Drake, head constable of the parish aforesaid, and brought before me for preaching and teaching without license, and that you safely keep the said Isaac Whitehouse in your said gaol, without bail or mainprize, until the next general gaol delivery for the said parish; and herein fail you not.

Given under my hand and seal, this ninth day of August 1828.

(signed) *S. W. Rose,* (L. s.)  
 (signed) *Geo. Clark,* D. M. for the precinct of Saint Ann's.

## No. 8.

IN obedience to the within writ of *habeas corpus*, I, William Rose, the keeper of the gaol for the county of Surrey, into whose custody the body of the within named Isaac Whitehouse has been transferred by the keeper of Saint Ann's gaol, have brought the body of the said Isaac Whitehouse before his Honour the Chief Justice; and I have annexed to this writ the commitment of Samuel W. Rose, one of the magistrates of Saint Ann, certified by the said keeper of that gaol, and delivered to me with the prisoner as the cause of his detention.

Given under my hand the 29th day of August 1828.

(signed) *William Rose,*  
 Keeper of the County Gaol of Surrey.



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No. 9.

I, the Honourable W. A. Scarlett, having perused and considered the return made to this writ, and the nature of the commitment under which the body of the within named Isaac Whitehouse has been detained, and is now in custody, do hereby order, that the said Isaac Whitehouse be forthwith discharged out of custody.

Given under my hand and seal this 29th day of August 1828.

(signed) W. A. Scarlett, (L. s.)  
C. Justice.

Jamaica, ss.

I, Thomas Farquhar Hill, clerk of the Crown for the Island of Jamaica, do hereby certify, That the annexed papers writing, numbered one to nine inclusive, contain just and true copies of the affidavits and proceedings had upon the application of Joseph Orton, for a writ of *habeas corpus* filed, and now remaining in my office.

Given under my hand and seal of office, this 22d day of September, in the year of our Lord 1828.

(signed) Tho' F. Hill, (L. s.)  
Clerk of the Crown.

No. 1.

Jamaica, ss. }  
In the Supreme Court. }

Joseph Orton, at present of the parish of Saint Ann, in the county of Middlesex and Island aforesaid, a minister of the denomination of Protestant Dissenters, called Wesleyan Methodists, being duly sworn, maketh oath and saith, That on the 13th day of August instant, he this Deponent was taken into custody at Saint Ann's Bay in the said parish, by one of the constables thereof, by virtue of a warrant under the hand and seal of Richard Z. Heming, esquire, one of the magistrates of the said parish, for the alleged offence of preaching without a license: And this Deponent further saith, That he was duly ordained as a Wesleyan Methodist minister in England, and received, and has now in his possession the usual testimonials, duly authenticated; and that he applied at a special sessions of the peace, held for the parish of Trelawny, in the month of May 1826, to be admitted to take the oaths and subscribe the declarations required by Protestant dissenting ministers, and the same were accordingly administered to him, and a certificate granted by the said court to that effect: And this Deponent further saith, That on the said 13th day of August, he was taken before the said Samuel Whitehorne Rose and Richard Z. Heming, to answer the said charge, and he then produced the said last-mentioned certificate, and offered again to take the oaths and subscribe the same declarations, if they the said Samuel Whitehorne Rose and Richard Z. Heming, as magistrates, required him to do so: And this Deponent further saith, That the said Samuel Whitehorne Rose and Richard Z. Heming refused to administer the oaths, and stated their determination to commit this Deponent to gaol, to take his trial for the said alleged offence, whereupon the Rev. John Barry and Peter Duncan, also Wesleyan Methodist ministers and householders, offered to become bail for this Deponent's appearance to answer the same; but their bail was rejected by the said Samuel Whitehorne Rose and Richard Z. Heming, unless they would also become bound that he this Deponent should preach no more in the said parish of Saint Ann until he had obtained a certificate from the Court of Quarter Sessions thereof, which the said John Barry and Peter Duncan declined, and in consequence the said Samuel Whitehorne Rose and Richard Z. Heming immediately committed this Deponent to the gaol of the said parish, where he has remained in strict confinement ever since: And this Deponent further saith, That the chapel in which he was accused of having preached, has been duly presented to the Quarter Sessions of the said parish, and registered according to law: And this Deponent further saith, That he hath applied for and obtained a copy of the warrant for his commitment to the said gaol, which is here-

unto

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unto annexed: This Deponent further saith, That in his presence no deposition was made by Samuel Drake or any other person, before the said S. W. Rose, and Richard Z. Heming as specified in the copy of the commitment annexed.

(signed) *Joseph Orton.*

Sworn before me this }  
18th day of August 1828. }

(signed)

*Wm. Seaton,*  
Commissioner.

## No. 2.

Jamaica, ss. }  
In the Supreme Court. }

John Barry of the parish of Saint Catharine, in the county of Middlesex and Island aforesaid, and Peter Duncan of the parish of Saint Thomas in the Vale, in the county of Middlesex aforesaid, ministers of the denomination of Protestant dissenters called Wesleyan Methodists, being severally duly sworn, make oath and say, That having been informed that the Reverend Joseph Orton, also a Wesleyan Methodist missionary, had been taken into custody under a warrant under the hand and seal of Richard H. Z. Heming, esquire, one of the magistrates of the parish of Saint Ann, for the alleged offence of preaching without a license, they these Deponents, attended on the thirteenth day of August instant, before the said Richard H. Z. Heming and Samuel Whitehorne Rose, esquire, also a magistrate of the said parish of Saint Ann: And these Deponents further severally say, That the said Joseph Orton, being then in custody under the said warrant, was also present to answer the said charge, and he then produced and showed to the said Samuel Whitehorne Rose and Richard H. Z. Heming, a certificate granted by the Court of Quarter Sessions of the peace for the parish of Trelawny, of his having taken the oaths and subscribed the declarations required from Protestant dissenting ministers, and again offered to do so if the said Samuel Whitehorne Rose and Richard H. Z. Heming, as magistrates, required him: And these Deponents further severally say, That the said Samuel Whitehorne Rose and Richard H. Z. Heming refused to administer the oaths to the said Joseph Orton, stating their determination to commit him to gaol to answer the said alleged offence, whereupon these Deponents, being both householders, offered themselves as bail for the appearance of the said Joseph Orton to answer such charge; but the said Samuel Whitehorne Rose and Richard H. Z. Heming refused to accept their bail unless they would also become bound that he the said Joseph Orton would not again preach in the said parish of Saint Ann until he had obtained from the Court of Quarter Sessions thereof a certificate for that purpose, which these Deponents refused, and in consequence the said Joseph Orton was immediately committed by the said Samuel Whitehorne Rose and Richard H. Z. Heming to the gaol of the said parish of Saint Ann.

Sworn before me this }  
21st day of August 1828. }

(signed)

*D. Haines, P. Comm<sup>r</sup>*

(signed)

*John Barry.*  
*Peter Duncan*

## No. 3.

Jamaica, ss. }  
Saint Ann's. }

WHEREAS complaint or oath of Samuel Drake of the parish and island aforesaid, esquire, hath been this day made unto me Richard H. Z. Heming, esquire, one of His Majesty's Justices assigned to keep the peace, in and for the said parish, &c.; that one Joseph Orton, not being a member of the established religion or a licensed sectarian, or without the lawful authority of any of His Majesty's Justices assigned to keep the peace in and for the said parish of Saint Ann, did take upon himself to preach teach and lecture to divers large congregations, and on the 12th day of August instant, did hold an assemblage of persons

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illegally constituted in contempt of the laws of our Sovereign Lord the King against the peace of our said Lord the King, his crown and dignity.

These are therefore, in His Majesty's name, to require and command you and every of you, that immediately after the receipt hereof, you apprehend and take, or cause to be apprehended and taken, the body of the said Joseph Orton, and him safely keep, and bring him before me, or some other of His Majesty's Justices of the Peace for the said parish, to be dealt with according to law, concerning the premises aforesaid. Hereof fail not at your peril; and for so doing this shall be your sufficient warrant.

Given under my hand and seal this 12th day of August, in the year of our Lord 1828.

(signed) *Rich<sup>d</sup> H. Z. Heming, (L. s.)*

To the Provost Marshal General of the said Island, or his lawful deputy, for the parish of Saint Ann, and to all and every the constable and constables of the said parish. } (True Copy.)  
(signed) *Alex<sup>r</sup> B. Hodges,*  
*D. C. Peace.*

No. 4.

Jamaica, ss. }  
Saint Ann. }

WHEREAS Joseph Orton of the parish of Trelawny hath been duly convicted on the oath of Samuel Drake before us Samuel Whitehorne Rose and Richard Z. Heming, esquires, Justices of the Peace for the parish and Island aforesaid, of preaching and teaching on Saint Ann's Bay on the night of the 12th day of August, without being licensed by the Court of Quarter Sessions of the parish aforesaid.

These are therefore, in His Majesty's name, to order and authorize you, and each of you, that you take the said Joseph Orton, and him safely keep until he shall find good and sufficient security for his future good behaviour, and not repeating the above offence until he shall produce a certificate from the clerk of the peace of Saint Ann's.

Given under our hands and seals this 13th day of August 1828.

(signed) *S. W. Rose. (L. s.)*  
*Rich<sup>d</sup> Z. Heming. (L. s.)*

To the Provost Marshal General or his }  
lawful deputy in Saint Ann's. }

No. 5.

Jamaica, ss. }  
In the Supreme Court. }

To His Honour Joseph Barnes, esquire, one of the assistant Judges of the Supreme Court of Judicature of this Island.

The humble Petition of John Barry of the parish of Saint Catharine in the county of Middlesex and Island aforesaid, and Peter Duncan of the parish of Saint Thomas in the Vale, in the same county, ministers of the denomination of Protestant dissenters called Wesleyan Methodists, for and on behalf of the Reverend Joseph Orton also a Wesleyan Methodist Missionary, and now a prisoner in the gaol of the parish of Saint Ann;—

Sheweth,

THAT the said Joseph Orton having been taken into custody under a warrant under the hand and seal of Richard H. Z. Heming, esquire, a magistrate of the said parish of Saint Ann for the alleged offence of preaching without a license, was,

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was, on the thirteenth day of August instant, carried before the said Richard H. Z. Heming and Samuel Whitehorne Rose, esquire, also a magistrate of the said parish, and by them committed to the common gaol of the said parish of Saint Ann, (where he still remains in confinement) under the circumstances particularly detailed and set forth in the affidavit of the said Joseph Orton, and of your Petitioners, hereunto annexed :

That the place where the said Joseph Orton is so confined is situate at a considerable distance from the city of Kingston, and consequently the difficulty of communication for the purpose of procuring the necessary documents and papers from him in the present application is great, and would be attended with much delay and inconvenience, especially as your Petitioners have been informed that the said Joseph Orton is unwell :

That the said place of confinement is in a room connected with the public workhouse of the said parish, and on the same floor with the public hospital, and divided therefrom by means of a wooden partition, which does not reach more than half way up the wall :

That your petitioners were only very lately apprized that it was necessary to make an application to your Honour by Petition :

Your Petitioners, on the part and behalf of the said Joseph Orton, therefore, humbly pray your Honour to grant him His Majesty's writ of *habeas corpus* to be directed to the keeper of the gaol for the said parish of Saint Ann, commanding him forthwith to have the body of the said Joseph Orton before your Honour, or before the Chief Judge of the said Supreme Court, together with the day and cause of his commitment and detention.

And your Petitioners will ever pray, &c.

(signed)

*John Barry,*  
*Peter Duncan,* } Petitioners.

Kingston, 21st August 1828.

Let a writ of Habeas Corpus issue as within prayed.

(signed)

*Jos. Barnes.*

Kingston, 21st August 1828.

No. 6.

Jamaica, ss.

GEORGE THE FOURTH, by the grace of God of the United Kingdom of Great Britain and Ireland King, and of Jamaica Lord, Defender of the Faith, &c. To the keeper of the gaol for the parish of Saint Ann in the county of Middlesex in our said Island,—Greeting : We command you that you have the body of Joseph Orton detained in your custody (as it is said) under safe and secure conduct, together with the day and cause of his caption and detention by whatsoever name or names he may be called, before the Honourable William Anglin Scarlett, esquire, Chief Judge of the Supreme Court of Judicature of our said Island, at his chambers near to the city of Kingston, in the county of Surrey, in our said Island, on Friday the twenty-ninth day of August instant, between the hours of nine and twelve of the clock in the forenoon of that day, or in case of his absence, before me at my chambers in the said city and parish, on the same day and hour, then and there to do submit and receive all such things as shall be considered of by the said William Anglin Scarlett, or in case of his absence by me, in this particular ; and have thou then and there this writ. Witness the Honourable Joseph Barnes, esquire, one of the assistant Judges of the Supreme Court of Judicature of our said Island at Kingston aforesaid, the twenty-first day of August in the ninth year of our reign.

(signed)

*Jos. Barnes.*

*Tho. F. Hill,*  
Clerk of the Crown.

No. 7.

Jamaica, ss. }  
 Saint Ann's. }

WHEREAS Joseph Orton, of the parish of Trelawny, hath been duly committed on the oath of Samuel Drake, before us Samuel Whitehorne Rose and Richard H. Z. Heming, esquires, Justices of the Peace for the parish and Island aforesaid, of preaching and teaching on Saint Ann's Bay on the night of the 12th day of August, without being licensed by the Court of Quarter Sessions of the parish aforesaid :

These are therefore, in His Majesty's name, to order and authorize you and each of you, that you take the said Joseph Orton, and him safely keep, until he shall find good and sufficient security for his future good behaviour, and not repeating the above offence until he shall produce certificate from the clerk of the peace of Saint Ann's.

Given under our hands and seals this 13th day of August 1828.

(signed) *S. W. Rose*, (L. s.)  
 (signed) *Rich<sup>d</sup>. H. Z. Heming*, (L. s.)

To the Provost Marshal General, or his }  
 lawful Deputy, in Saint Ann's. }

(signed) *Geo. Clark*, D. M.  
 For the precinct of Saint Ann.

No. 8.

IN obedience to the within writ of *habeas corpus*, I William Rose, keeper of the county gaol of Surry, into whose custody the body of the within named Joseph Orton has been transferred by George Clark the keeper of the gaol of Saint Anns, have brought the body of the said Joseph Orton before his Honour the Chief Justice, and I have annexed to this writ the commitment signed by Samuel Whitehorne Rose and Robert H. Z. Heming, esquires, two of the magistrates of the parish of Saint Anns, certified by the keeper of the said gaol, and delivered to me with prisoner as the cause of his detention.

Given under my hand this 29th day of August 1828.

(signed) *Wm. Rose*.  
 Keeper of County Gaol of Surrey.

No. 9.

I, the Honourable W. A. Scarlett, having perused and considered the return made to this writ, and the nature of the commitment under which the body of the within named Joseph Orton has been detained and is now in custody, do hereby order, that the said Joseph Orton be forthwith discharged out of custody.

Given under my hand and seal this 29th day of August 1828.

*W. A. Scarlett*, (L. s.)  
 Chief Justice.

## CERTAIN MISSIONARIES IN JAMAICA.

13

Jamaica, ss.

I, Thomas Farquhar Hill, clerk of the Crown for the said Island of Jamaica, do hereby certify, That the annexed papers writing numbered one to nine inclusive, contain just and true copies of the affidavits and proceedings had upon the application of Isaac Whitehouse for a writ of *habeas corpus*, filed and now remaining in my office.

Given under my hand and seal of office, this 22d day of September, in the year of our Lord 1828.

(signed) *Tho<sup>t</sup>. F. Hill*, (l. s.)  
Clerk of the Crown.

To Major General Sir *J. Keane*.

SIR,

Downing-street, 16th Dec. 1828.

I HAVE received your despatch dated the 8th of September last, inclosing the proceedings upon the commitment and subsequent discharge of Messrs. Whitehouse and Orton, and reporting the removal of Messrs. Rose and Heming from the magistracy of the parish of Saint Ann Jamaica.

In your Excellency's letter to Mr. Cox of the 30th of August, I observe the following passage, "although Mr. Rose generally, and Mr. Heming in a more qualified manner, deny the accuracy of Messrs. Whitehouse and Orton's statements, the warrants for apprehending these persons speak for themselves."

I therefore infer, that some representation of this case has been made by the magistrates in vindication of their own conduct. That statement, however, is not to be found amongst the papers transmitted to this department, and I of course can form no opinion on the merits of such a question as the present, until I am in possession of the defence which the accused parties may have made. You will therefore transmit to me any explanation which may have reached you from Messrs. Rose and Heming, and if you have any reason to suppose that there is any further statement which either of those gentlemen would be desirous of laying before me, you will afford the most ample opportunities for that purpose. Until I shall receive an answer to my present despatch I shall postpone the investigation of this case; but in the mean time the suspension of the magistrates must continue, for although I am at present unable to form any decisive opinion upon the question you have brought under my notice, yet in the papers before me, I find no reason to dissent from the view which you have taken of this case; and I am well convinced, that nothing but the clearest sense of public duty would have induced you to adopt a measure of so painful a nature.

I have, &amp;c.

(signed) *G. Murray*.

To the Right Honourable Sir *George Murray*, G. C. B. &c. &c. &c.

SIR,

King's House, Jamaica, 4th February 1829.

I HAVE the honour to inclose for your information, copies of Mr. Rose and Mr. Heming's letters to me, which are referred to in my communication to Mr. Cox of 30th August last.

Since that period an indictment was preferred at the instance of Mr. Heming against Messrs. Whitehouse and Orton for perjury, of which charge they have been acquitted. An action is now pending and will be tried at the ensuing Grand Court against Mr. Rose and Mr. Heming for false imprisonment.

I have, &amp;c.

(signed) *John Keane*.

## 14 PAPERS RELATIVE TO JAMAICA MISSIONARIES.

To *William Bullock*, Esq. &c. &c. &c.

SIR,

St. Ann's, Sept. 2d, 1828.

INCLOSED I return the affidavits of Isaac Whitehouse and Joseph Orton, the allegations set forth in which I declare to be unfounded, as I hope I shall be enabled to prove.

I have the honor to be, Sir,

Your obedient servant,

(signed) *Samuel Whitehorne Rose*.

To *William Bullock*, Esq. &c. &c. &c.

SIR,

Mr. Rose having laid your letter, together with the affidavits of the Wesleyans, Whitehouse and Orton, before me, I have to observe that the allegations contained in those affidavits are for the most part incorrect and totally unfounded as regards the bail they state to have offered.

I am, &c.

(signed) *Rich<sup>d</sup> H. Z. Heming*.





JAMAICA MISSIONARIES.

COPY of all COMMUNICATIONS made to the Colonial Department since 1st January 1826, by the Government of *Jamaica*, or by the Colonial Organs of the different religious Societies employing MISSIONARIES in *Jamaica*, respecting the obstacles alleged to be thrown in the way of their giving religious instruction to the Slaves, and the alleged persecution, imprisonment, or other punishment of the Missionaries employed by them in that Island.

Ordered, by The House of Commons, to be Printed,  
16 July 1830.