



Center *for* Research Libraries
GLOBAL RESOURCES NETWORK

The Center for Research Libraries scans to provide digital delivery of its holdings. In some cases problems with the quality of the original document or microfilm reproduction may result in a lower quality scan, but it will be legible. In some cases pages may be damaged or missing. Files include OCR (machine searchable text) when the quality of the scan and the language or format of the text allows.

If preferred, you may request a loan by contacting Center for Research Libraries through your Interlibrary Loan Office.

Rights and usage

Materials digitized by the Center for Research Libraries are intended for the personal educational and research use of students, scholars, and other researchers of the CRL member community. Copyrighted images and texts may not be reproduced, displayed, distributed, broadcast, or downloaded for other purposes without the expressed, written permission of the copyright owner.

Center for Research Libraries

Identifier: aaaf4217-52dc-485e-ae91-ba94d9bd24a8

Range: Scans 001 - 014

Downloaded on: 2022-05-24 22:36:00

SLAVERY ABOLITION (JAMAICA.)

RETURN to an Address of the Honourable The House of Commons,
dated 25 March 1836;—for,

- 1.—COPIES of two STATEMENTS made by the AGENT of JAMAICA on behalf of the ASSEMBLY of that Colony to the Right honourable Lord GLENELG, dated the 19th and 21st instant, in relation to the recent Proceedings of the GOVERNOR and ASSEMBLY of JAMAICA.

- 2.—COPY of the PROTEST of the AGENT of JAMAICA to LORD GLENELG, dated the 25th March.

Downing-street, }
28 March 1836. }

G. GREY.

L I S T.

	Page
Copy of a Letter from William Burge, Esquire, Agent for the Island of Jamaica, addressed to Lord Glenelg, dated Lincoln's Inn, 19 March 1836	- - - 2
Ditto - - ditto - - ditto - - dated Lincoln's Inn, 21 March 1836	- - - 6
Ditto - - ditto - - ditto - - dated Lincoln's Inn, 25 March 1836	- - - 11
Copy of the Protest of William Burge, Esquire, Agent for the Island of Jamaica, addressed to Lord Glenelg, dated Lincoln's Inn, 25 March 1836	- - - 12

Ordered, by The House of Commons, to be Printed,
12 April 1836.

—No. 1.—

COPIES of the STATEMENTS made by the AGENT of JAMAICA on behalf of the ASSEMBLY of that Colony to the SECRETARY of STATE for the COLONIAL DEPARTMENT, in relation to the recent Proceedings of the GOVERNOR and ASSEMBLY of JAMAICA.

LETTER from *William Burge*, Esquire, to the Right honourable Lord *Glenelg*, &c. &c. &c.

My Lord,

Lincoln's Inn, March 19, 1836.

BY the Jamaica mail arrived this morning, I received instructions from my constituents to make a faithful statement to your Lordship of the recent proceedings of the Governor and Assembly of that colony.

There are two subjects which it will embrace, the one, the gross violation by the Governor of the privileges of the House of Assembly, and the other, the entire vindication of that body from the unjust and unfounded charges made against them by his Excellency in his speech of the 3d of February on pro-roguing them.

In making this statement of the grievous wrongs which the Assembly have received from the Marquis of Sligo, I have felt no difficulty in entertaining, and I consider it an act of justice to your Lordship personally, and to His Majesty's Government, explicitly to avow my belief that those wrongs have proceeded from the Governor alone, and have been wholly unauthorized by His Majesty's Government. This belief which has led me thus to distinguish between the acts of the Governor and the disposition of the Government, has been derived from the whole tone and tenor of my communications with your Lordship and Lord Melbourne in those conferences with which you have honoured me. I will add, that it was confirmed by the speech with which Lord Sligo opened the session, after he had become possessed of the sentiments of the Government on the occasion of his recent dissolution of the Assembly.

If there are expressions used by my constituents from which it might be inferred that I had failed in my endeavours to impart this belief to them, your Lordship will find a cause for that failure, not merely in the difficulty they must feel when they contrast the conduct of the Marquis of Sligo with that of every preceding Governor, in believing that any Governor would on his own authority have pursued such a course, but in the pains taken by Lord Sligo on every occasion to induce an impression in Jamaica that all his offensive and injurious acts were sanctioned and in strict compliance with orders and instructions he had received from the Colonial Office.

The subject of this Letter is confined to the breach of the privileges of the House.

The vindication of the Assembly from Lord Sligo's unfounded charges is the subject of the accompanying separate communication.

The Assembly having been dissolved in August, your Lordship is aware that it was not possible for the new Assembly to meet before the 10th of November. Thus deprived of the usual and requisite time for completing their business before the holidays, it became necessary that there should be an adjournment until the 26th of January.

On the 1st of February, being the fifth day after the House had re-assembled, the Governor sent down two Messages; one of those Messages was a direct and gross breach of their privileges.

The House abstained from coming to any resolution to this effect until the day following, when they adopted the Resolutions, first, "That this Message was a direct breach of the privileges of the House, inasmuch as the subject-matter of that Message was

was

was then pending between the other branches of the Legislature." The second was a necessary consequence of the first: "This House cannot, consistently with its own dignity, or with due regard to its rights and privileges, which are the purest bulwarks of the liberties, franchises and immunities of the people, proceed to any new business until reparation shall be made for the breach of privilege."

These Resolutions are in strict conformity with the precedents which the Journals of the Assembly and of the House of Commons furnished.

That the Message was a direct interference with a Bill then pending before the other branches of the Legislature, and that such interference was a direct invasion of the privileges, no person can doubt. The Bill to which this Message refers, was then before the Council: certain amendments had been offered by the Council to that Bill, when first sent up by the House: to those amendments the House did not agree, and sent the Bill back to the Council, with a Message, stating their disagreement. The Council being thus in possession, resolved to adhere to their proposed amendments; but your Lordship will observe, that the Council did not follow up that resolution, by the main resolution that the Bill be rejected or read that day three months, as they had done with respect to two other Bills which they disposed of at the same time. By not adopting that resolution, it was competent, and it was the *ordinary* and *legitimate* course, for the Council to have asked a conference with the Assembly on the subject of their amendments. It would be sufficient for the present purpose, that the Council had pursued precisely the very course which would make it impossible for the House to doubt that it was their intention to endeavour, by conference, to induce the House to adopt their amendments. But further, it is quite plain that such was their intention, and that it was known to the Governor; for in the concluding passage of the Message, he "entreats the House to *re-consider the subject* of the Bill." Now it is obvious they could not re-consider it, by bringing in another Bill on the same subject, because the former Bill was still undisposed of by the Council. The only measure by which it could be re-considered, was that of conference; Lord Sligo himself avows it, for he expressly says, in his speech, haranguing the House on the 3d February, that the Bill was disposed of, unless that "one measure was adopted," "and," he adds, "that measure it was my object to promote by that Message." Thus, then, the Governor argues upon a Bill which is not only still pending between the two other branches of the Legislature, and intended to be discussed between them at a conference, but concludes, that the Bill, as originally sent from the House, must be repugnant to the Abolition Act, because it had received amendments from the Council, and the Council adhered to those amendments, and he adds, that he would have been unable to have given his assent to it, unless it was amended according to the desire of the Council.

The Message containing this expression of the Governor's opinion to one branch of the Legislature on the amendments *proposed by another branch* of the Legislature to a Bill then in progress, reminds the House of the unparalleled generosity of the British Nation, and cautions the House not to subject itself, by refusing to adopt the amendments of the Council, to the imputation of "indifference to the wishes of the Mother Country."

It cannot be necessary to observe to your Lordship, that it would be as little compatible with the orderly and decorous conduct of the business of a legislative body, as it would be with their right of free deliberation, if they were subject to be interrupted when they were proceeding with matters not in accordance with the opinions or recommendations of the Governor. If such a course were to be adopted, every clause in every stage of a Bill might be made the subject of reproach and remonstrance, and there would be a state of constant collision between the Governor and Assembly. The interference therefore is not only in itself an invasion of the privileges of the House, but it is rendered peculiarly offensive by the topics which accompany it.

There is a part of the Governor's conduct in relation to the Bill, the subject of his Message, to which I ought here to refer, rather on account of the date of the transaction, than from its connexion with the Resolutions of the House on the subject of the breach of privilege. It appears that on the 17th of November, his Excellency sent a Message to the Council, in their *legislative* capacity, acquainting the Board, that if any Bill came from the House to the Council, in which were introduced provisions affecting the rights of apprentices and masters, not contained in the previous Act in Aid, there must be a suspending clause to it, or it must not take effect until a period so remote as to enable His Majesty's

Government

Government to decide on it, and without which his Excellency was instructed not to give his consent to the measure.

The first extraordinary feature of this Message is, that it is addressed to the Council in their *legislative* capacity; that it is therefore entered on the Journals of that Board, and becomes known to the standing Committee appointed to inspect the Journals of that Board. For this reason, it has been the practice, when necessary (and it is the correct construction of the Governor's instructions) to communicate such a subject to the Council in its *executive* capacity, when of course their proceedings are not accessible to the House of Assembly; that practice is never departed from, except under special directions from the Government, and then it is part of those special directions that the order or instruction shall be communicated to both branches of the Legislature. The only intelligible and obvious tendency of the Governor's Message to the Council of the 17th of November, was indirectly to let the House learn that the Government had imposed upon the legislation of the Assembly a restriction which the House had successfully restricted as often as it had ever been attempted. The subject of suspending clauses to public Bills was so recently under the consideration, and received the decision, of the Government, that I am quite surprised that Lord Sligo should have taken any mode of apprizing the House that such a suspending clause was required. It is perfectly well known that the original Bill for the Abolition of Slavery, as brought in by Lord Stanley, required that the acts of the Colonial Legislature for carrying it into effect should have suspending clauses. Against this provision I remonstrated on the part of Jamaica; I laid before the Government the grounds on which had been successfully maintained the right that all the public Acts of Jamaica, when they received the assent of His Majesty's Representative, should have immediate operation, as laws subject to disallowance by His Majesty, signified in a particular manner. This right was coeval with the Charter of the Island, it has been constantly exercised, and I am prepared to show that the two or three deviations which may have taken place, can be referred to grounds perfectly distinct, and which did not involve any question of the right. The Assembly could not be ignorant of the contents of this Message, and it is impossible to doubt its tendency and certain effect. The Assembly, however, in a spirit of great forbearance, abstained from noticing this Message.

On the 28th January, the Governor sends another Message to the Council, in their *legislative* capacity, in which he incorporates his preceding Message of the 17th November, and then proceeds as follows: "His Excellency has now the satisfaction of being able to communicate, that, in consequence of certain correspondence received from the Colonial Secretary during the adjournment, he will assume upon himself the responsibility of giving his assent to any legislative enactments on the subject of the abolition of Slavery, although containing matter not included in the Act in Aid, which expired on the 31st December last, without the suspending clause, or any delay in its coming into operation, which was formerly required, provided the enactments appear to his Excellency not to be repugnant to the provisions of the Imperial Act of Parliament for the Abolition of Slavery." It is not easy to divine the precise import of the first paragraph of this Message. If the correspondence received by Lord Sligo from the Government authorized him to withdraw this instruction, it was not on his own responsibility, but on the authority of the Government, that he would give his assent to the Act. If the result intended by the Message was to remove from the Assembly the strong feeling of irritation necessarily induced by the Message of the 17th November, and to persuade the House, in the anticipated conference with the Council, to adopt their amendments, the Governor completely prevented such a result. It was not until Friday the 29th that the House was in possession of the Message of the 28th of January; the House did not meet on the day following, Saturday, and on the Monday the Governor sent down to the House that Message which contained the direct violation of their privileges.

On the 3d February, the day after the House had passed its Resolutions on the subject of this Message, his Excellency prorogued the House for one day, in a speech which not only abstains from offering the slightest reparation, but contains his express refusal to concede "that there was the slightest breach of privilege in the Message," and a denial that the House has any just pretension to Parliamentary privileges; and, as if to add to the just grounds of complaint which his previous conduct had afforded, he fills that speech with a series of charges, which I will satisfy your Lordship were altogether unfounded. On the

4th February the House again met, according to the prorogation: as neither the speech on the occasion of the prorogation, nor that which his Excellency made on meeting the House on this day, contained any expression which could be construed into reparation for the wrong which they had received, the House renewed their resolution not to proceed to business until that reparation was afforded them, and conveyed their resolution to his Excellency in a message on the day following. His Excellency also sent a message in reply: he appears to have considered, that any matter that had taken place in a previous session, when no allusion had been made to it in the opening speech of the next sessions, was determined by prorogation. It is singular that Lord Sligo should have been so little read in the history of Jamaica, as not to be aware that scarcely an instance has ever occurred in which a breach of the privileges of the House of Assembly had been committed either by the Council or by the Governor, and which had been followed by a prorogation, in which the House had not, on its re-assembling, *before it proceeded to any other business*, taken up that breach of privilege, and by its resolution declared whether it had or had not received satisfaction for it. The memorable proceedings of the House of Assembly in the case of Mr. Littleton, which terminated in the recall of that Governor, and in the fullest recognition by the Government of the privileges claimed by the House, and the case of Governor Dalling, at a subsequent period, form part of the history of Jamaica, and abundantly proves how totally erroneous such an opinion was, if it were really entertained by Lord Sligo. But there are instances of a still more modern date I allude to those of General Carmichael, in 1809, and the proceedings which led to the dissolution in 1810. It is obvious, that if the practice was otherwise, the Governor might offer any outrage to the Assembly, and prevent all complaint by a prorogation for 24 hours. Even this Message offers no reparation to the House; on the contrary, his Excellency repeats his conviction "that he had committed no breach of the privileges of the House." It is justly observed by my constituents, in their instructions to me, that "in this remark, and in the remainder of the Message, as well as in the whole progress of this controversy with the House, that he entirely misunderstood his own position, and the position taken up by the House." The House might have been content with a declaration from Lord Sligo, that he did not intend to interfere with their privileges. But the House could not recognize the doctrine, that any reparation was contained in repeated assertions that they did not possess the privilege which it was the object of the House to vindicate. However sincere the noble Marquis might be in that opinion, the House would not assent to it, and accept it as a reparation, without the absolute surrender of that particular privilege, and without hereafter submitting their remaining privileges to be decided on, according to the Parliamentary knowledge, temporary views, or captious dispositions of future Governors. It would be enough for a Governor to say, It is my sincere conviction that this privilege does not belong to you, to abolish it for ever. Lord Sligo ought not to have been astonished that the Assembly of Jamaica did not yield to reasoning of so novel and dangerous a character.

A message was sent to His Excellency, to the effect that his Excellency's reiteration that he had committed no breach of their privileges, was not satisfactory to the House, and that they adhered to their resolution not to proceed to business.

The House continued sitting for sometime waiting for a reply; none arriving, and the hour being late, the House adjourned for one day. Just as the Speaker left the chair, the Provost Marshal-General was observed affixing to the doors of the building in which the House held its session, "A Proclamation proroguing the General Assembly to the 8th March."

This mode of proroguing the House while the House was sitting, and the Speaker in the chair, is unprecedented, and must be regarded as an intentional insult to that branch of the Legislature.

Such was the conduct of the Marquis of Sligo, which unavoidably led to the separation of the Legislature, while there was much business before it in an unfinished state, and no Appropriation Bill passed for the payment of the public creditor, or for carrying into effect other measures which were deemed essential to the public service.

Before I close this part of the statement, I may observe, that if upon any former occasions a Governor has, from inexperience or inadvertence, or from the bad advice of others, committed a breach of the privileges of the Assembly, it has rarely happened that he has not himself, in a spirit of frankness and ingenuousness, dis-

claimed any intention to invade those privileges. The House has in the same spirit accepted such disclaimer, and deemed it a reparation. Such might have been the course pursued by the House of Assembly on the present occasion.

In the very rare instances which the history of Jamaica affords of a Governor, from the bad advice of others, or from his own unhappy disposition, refusing to make that reparation, the Government in England, without any exception, has itself stepped forward to make that reparation, and has marked its disapprobation of the conduct of the Governor. With this observation, I leave this part of the statement to the candour and justice of His Majesty's Government, with perfect confidence that they will not, by their conduct on this occasion, furnish that exception, but will promptly and effectually render to the Assembly that satisfaction which they have been unable to obtain from the Marquis of Sligo.

I have, &c.

(signed) *William Burge.*

LETTER from *William Burge*, Esquire, to the Right honourable Lord *Glenelg*, &c. &c. &c.

My Lord,

Lincoln's Inn, 21st March 1836.

IN the accompanying communication I have confined myself to the breach of privileges of the House of Assembly by the Governor.

The subject of this communication is the vindication of that body from the charges made against them by Lord Sligo in his speech on proroguing the Sessions on the 3d of February.

It may be presumed that an instance was never before known of the imputed faults of an independent legislative body being so criticised and gravely set forth one by one in a solemn state speech. Certainly such has not been the manner in which preceding Governors have been accustomed to address the Assembly of Jamaica. Its inevitable tendency to interrupt the good understanding which is so necessary to the quiet and amicable dispatch of public business, would prevent its adoption.

But the Assembly have a much more serious cause of complaint than the unprecedented conduct of the Governor. They complain that he has imputed to them faults which they have not committed. My constituents have enabled me, in the following statement, to furnish a full and complete refutation of the charges the Governor has made against the Assembly; and the evidence by which that refutation is given, consists principally of official acts and documents of which Lord Sligo was perfectly cognizant.

I should first apprise your Lordship, that on the fifth day of the Sessions, the day when Lord Sligo's Message came down, the House had made more or less progress in twelve different Bills, and were rapidly proceeding to take others into consideration.

In the first paragraph Lord Sligo assumes, that it is an offence in the House of Assembly "not to evince a ready disposition to meet the wishes of the Mother Country." The Assembly answer, that they "consider it their duty to examine every matter recommended to them on his high authority with respect and care. They frequently assent to measures so recommended from loyalty to the Crown and attachment to the Mother Country, although they are not convinced that from them Jamaica will derive any advantage. But when measures are recommended to the Assembly of Jamaica which cannot be adapted to these institutions, which may work mischief, or, though desirable, be attended with an expenditure beyond the means of their constituents, then, in the exercise of their office, as guardians of the public peace and public purse, they are bound to refuse their approbation, and, having done so, it is not becoming in any Governor to urge as heavy charges against them that they had not surrendered into his hands their practical knowledge, their understanding and their consciences."

Lord Sligo, in the third paragraph of his speech, says, "I pressed on you the establishment of more Courts of Assize, so strongly recommended by the presentment of the Grand Jury at the last Supreme Court: *you took no notice of it.*"

The

The Assembly is surely a better judge of the public wants than the grand jurors of a county. But Lord Sligo's memory unhappily fails him on this occasion. This subject was fully considered by the Assembly: "a Bill to alter the periods of the Sittings of the Supreme Court, to increase the number of the Courts of Assize, Nisi Prius, Oyer and Terminer and Gaol Delivery, and to extend the jurisdiction of the Courts of Common Pleas," was brought into the House on the 5th of June 1834. It reached a committee of the whole House, and was not thrown out till after great discussion. The difficulties in its way were insurmountable. More judges and an increase of salaries were required; also court-houses and gaols; besides, it was urged that no evil was yet felt in this department, and the machinery of the existing courts might be found on trial to be sufficient to meet the change, and if not, the power of the Courts of Quarter Sessions might be enlarged. Subsequent circumstances have proved, that, for the present at least, the expense of establishing new courts may be postponed without detriment to justice. Independent of the Bill of 1834, this subject has again been opened lately. On the 13th of last November a Committee was appointed "to inquire into the best mode of facilitating the administration of justice in this island." Under this head the attention of the House was again called to that question. A Committee was appointed to take the subject into consideration, and had delayed making their report merely on account of the absence from sickness of an influential legal gentleman who was upon the Committee. It is evident, therefore, that Lord Sligo is not justified in asserting, that the House took no notice of his recommendation for the establishment of more courts.

His Excellency proceeds: "A revision of the laws affecting the discipline of gaols and other places of confinement was recommended to you; you were reminded that the infliction of corporal punishment had been deputed to supervisors and managers of such establishments, a class to which the constitution does not confide those magisterial powers which have been here placed in their hands. *All of these subjects have remained unnoticed.*"

So far from these subjects having remained unnoticed, they were referred to a Committee of the House: a report made upon them, and a Bill brought in, twice read, and ordered to be committed, when the Prorogation took place.

It ought to be observed, that in July 1834 an Act was passed for the building, repairing and regulating Gaols, Houses of Correction, Hospitals and Asylums. In the following December another Act was passed in aid of the before-mentioned Act, and also an Act for granting parochial aid from the public funds for erecting Houses of Correction and Treadmills. These three Acts were assented to by the Governor.

His Excellency next refers to the whipping of females: "The whipping of females you were informed by me officially was in practice, and I called on you to put an end to conduct so repugnant to humanity and so contrary to law; so far from passing an Act to prevent the recurrence of such cruelty, you have in no way expressed your disapprobation of it; you have not even denied the truth of my assertion, and therefore must have credited it, notwithstanding you have taken no step to put an end to the practice."

The House replies, "that they cannot allow that their silence on this topic is any evidence of their assent to his Excellency's proposition; rather should it be taken as a proof of their courtesy and forbearance, which would not suffer them to deny what The King's representative asserted as a fact, although it was well known to the House that his Excellency had been grossly imposed upon by some enemy of the island. The House repudiate, in the strongest terms they can find, the accusation, that the whipping of females is practised in Jamaica. The House must lament that the broad and positive declaration by the noble Marquis, that the practice of flogging women is common in Jamaica, is calculated to raise in Great Britain a repetition of that clamour of which this colony has been so much the victim.

The public prints noticed some time ago, with reprobation, the whipping of a female in the Kingston Workhouse. This claimed the interference of the executive, and the punishment of the offender; but could not require a new law, for his Excellency remarks in the passage recited, that the practice was "contrary to law." Another case took place in the Trelawney House of Correction, for which the supervisor was dismissed by the magistrates, and a prosecution is now pending against him for an assault on the individual. We are ignorant of any other instances

instances of the whipping of females. It is true that such acts are against law, and also subject to such severe penalties, that it is beyond the duty or power of the Legislature further to interfere. The laws which the Legislature have passed, it is the province of the Crown to carry into execution.

In the next section of the Speech his Excellency observes, "I communicated to you my opinion, and that of the Secretary of State, of the injustice of cutting off the hair of females in the Houses of Correction previous to trial, and, with no judicial sentence to authorize it, you have paid no attention to this subject."

One, and only one case of this description has been known to have taken place, and that entirely in error. Among a list of culprits who had been tried, and who were sent into the Kingston House of Correction by a special magistrate, was a woman ordered to be kept in confinement, but not punished. The commitment was not very distinctly written; and it being contrary to the rules and the practice of the institution to receive any person into it until after being sentenced to punishment, the officer who received the culprits in question, inadvertently ordered the whole of them to have their hair cut, according to the order of the magistrates, without noticing that this woman (an old offender) was not ordered to be punished, but to be kept in confinement until tried. Upon this solitary case of error in a house of correction rests, we believe, Lord Sligo's sweeping charge, and even in this instance the error originated with the special magistrate, in sending the individual to a place of punishment, instead of the proper place of confinement.

The next Section refers to the taxation of apprentices: "I informed the House, that in the opinion of the British Government the taxation imposed by the local authorities on the property of apprentices was quite illegal, and that it was incompatible with the spirit of the British constitution that any body which is unrepresented should be subject to taxation: *you totally disregarded this suggestion.*"

His Excellency is once more mistaken; the House did not disregard his suggestion. The Message and the Secretary's Despatch were referred to a Select Committee.

The subject of taxation is never taken up by the House until the close of the Session, when the appropriations can be ascertained; consequently until then, the sense of the House could not be taken upon this suggestion: we must, however, add, that the subject is one of extreme delicacy. The liberal indulgence almost universally granted to the apprenticed labourers to rear horses, asses and cattle upon their masters' estates free of all expense, being entirely a matter of favour, which may at pleasure be withdrawn; this interposition of authority by the Governor is far more likely, it is apprehended, to injure the apprentices than to benefit them.

The next paragraph relates to Education: "I sent you down no less than four Messages on the subject of an extended system of negro education. I recommended to you the establishment of a plan, even without a vote in support of it, in order that the British Government might have some grounds to go upon. As no measure on the subject has emanated from the House, can I do otherwise than conclude that you are indifferent to it? I informed you that 25,000 *l.* sterling had been voted by England for the support of any just or expedient system of education in the Colonies, with the prospect of still further assistance being afforded, and you have taken no steps to make it available."

The delusion of Lord Sligo is continued from the beginning to the end of this section.

On the 12th of November, being the *third day* of the first session of the New House, a Committee was appointed to ascertain the best method of instructing the juvenile population. On the 17th November they sent the following Message to his Excellency:

"May it please your Excellency;—We are ordered by the House to wait on your Excellency, and to request that your Excellency will be pleased to put the House in possession of all such information as your Excellency may have received of the measures intended to be pursued by His Majesty's Government to provide for the moral and religious instruction of the labouring population.

"The House, in soliciting this information, beg to state, that the Resolutions with which the Imperial Parliament introduced the Bill, by which Slavery in the British Colonies was declared to be abolished, included a pledge to provide for the instruction of the emancipated population of the Colonies on liberal and comprehensive principles.

"The

“The House, alive to the importance of early adopting measures by which the moral and religious wants of the people may be adequately provided for by some legislative enactment, is anxious to learn how far His Majesty’s Government may be prepared to make the necessary endowments for the establishment of district schools, that the inquiry to be instituted by the House into the wants of the community and into the best measures to be adopted for meeting those wants, may be directed by the views which His Majesty’s Government may have taken of the subject, and the nature of the provision they may be prepared with to meet it.”

On the 16th December the Committee reported favourably, but, considering that the Session was too far advanced to legislate fully and finally, they recommended that a “Bill should be brought in to enable proprietors to establish schools on their respective properties, under proper regulations.” Two days after, the House adjourned to the 26th January. *On the same day his Excellency* informed the House, that the British Parliament had voted 25,000*l.* in fulfilment of their pledge to contribute to this desirable object (of education).

The breach of the Assembly’s privileges was committed on the 1st of February, on the *fifth day* after the grant was made known to the House, and his Excellency had no cause of complaint, that in so short a time the House had not made the grant available. If they have been deprived of the opportunity of reviewing this and other important measures for an indefinite period, it is the fault of his Excellency, whose conduct so unexpectedly closed the Session.

The next charge relates to the 33d Canon :

“I transmitted to you a despatch from the Secretary of State, recommending the repeal of the 33d Canon, with a view to increase the means of religious instruction in the Colony: such has been your disregard to this most desirable object, that you have not attended to the recommendation.”

His Excellency is again mistaken. His Message was referred to a Committee, who, on the 15th December last, reported as follows :

“Mr. Speaker,

“Your Committee, to whom was referred his Excellency the Governor’s first and second Messages of the 24th November last, recommended, that a Bill should be brought in to repeal so much of the 36th clause of the Clergy Law as precludes a minister of the Church of England from officiating in a licensed or consecrated place of worship without the license of the Bishop.

“Your Committee, having learned, from undoubted authority, that all those difficulties that gave rise to the communication to the Earl of Aberdeen have been removed, recommend that no legal enactments be made with respect to the subject-matter contained in his Excellency’s second Message.”

The next topic of reproach is one to which the House should have supposed themselves invulnerable. Their labours to enact an effective Emigration Law extended over several sessions, and have as often been defeated by the misapprehensions, indifference and scruples of the Council and the Governor. Lord Sligo again objects to that Bill, on which hangs the destiny of Jamaica, as follows :

“I recommend the introduction of an Emigration Bill: I see, by the Minutes of the Council, that you introduced into it a clause which obviously affects one of the most undeniable rights of the Crown, the possession of the soil, until granted away by it.”

In this sentence Lord Sligo at once offers the objection, and controverts it. The Bill does not dispose of one acre of Crown land. It only disposes of lands that have already been granted by the Crown. The Bill vests in commissioners, of whom the Governor and Council form a part, lands, which for 20 years and upwards have not paid the quit-rents and land-tax, to be publicly sold, and the proceeds applied to the purposes of emigration. The land may be redeemed by the payment of 20 years’ land-tax and quit-rent. The Jamaica public has the equitable lien on those lands, the quit-rents having been paid by the Jamaica public, and also the land-tax by other burthens which became necessary to supply the deficiency occasioned by the negligence or dishonesty of the proprietors for the support of The King’s Government in this Island. I am directed to communicate on this subject with the Government, in order that the restrictions which have hitherto proved fatal to this Bill, may be removed.

The next charge is, that the House neglected to protect the poor compensation claimants. The charge is as unfounded as the preceding ones.

“I pointed

“ I pointed out to you the injury done to the poorer classes of the claimants for compensation by the schemes of interested persons, and sent to you the Despatch of the Secretary of State, suggesting a mode of relief. *You have neglected to consider the matter, for the purpose of providing a remedy for the injury sustained by your constituents.*”

The Despatch of the Secretary of State was referred to a Committee ; but they were unable to devise any mode by which the selling and buying of claims could be by law prevented. His Excellency attempts to involve us with our poor constituents, as being regardless of their protection from the schemes of interested persons. I solicit your Lordship's attention to this motion, which was carried on *the 12th November* :

“ That a message be sent to his Excellency the Governor, requesting that he will be pleased to direct the assistant Commissioners of Compensation to report to this House the number of persons who have filed claims to compensation for one slave, together with the amount such claimants are entitled to receive, out of the sum apportioned to this Island ; and also a similar return of the number of persons who have claimed for two slaves, three slaves, and so on for twelve slaves, and against whom no counter-claims have been lodged.”

Here is an undeniable proof that the House was quite alive to the injuries inflicted by greedy speculators on the lower classes. The House had it in contemplation to pay the smaller claimants out of the public treasury ; but Lord Sligo raised objections to furnishing the lists of claimants prayed for by the House. This occurrence preceded the interposition of the Government, it being on *the 26th November* following that Lord Sligo sent down a Message, with a Despatch from your Lordship, respecting the poorest claimants, and calling on the House to remedy the losses they had incurred from poverty and ignorance. At this time it was too late to interfere, much as the House desired to punish the fraudulent purchasers ; they could not determine to be void bargains made under the sanction of the law. They had been refused the power of regulating the payment of compensation, when such regulation would have been useful. They were denied the justice which they repeatedly demanded for the small claimants, that their compensation should be transmitted to Jamaica. They were refused every information from the local Board of Compensation Commissioners, under the pretence, that to the Commissioners in London, the Lords of His Majesty's Treasury, and the Imperial Parliament, the auxiliary Commissioners are accountable for their conduct ; but they are in nowise under the control nor is their conduct subject to investigation by any other authority.

The fees illegally levied by this irresponsible board, which fees the House desired to inquire into, would have been amply sufficient, if properly managed, to have protected, and in some measure to have indemnified, the suffering claimants. The House could not have known, before the time was past for acting with effect, that they would be permitted to pass a law to redress a grievance which arose from the imperfect provisions of an Act of the Imperial Parliament ; and if so permitted, the cure they could have attempted would have been very imperfect, since it could not have extended to England, where much of the speculation had been carried on. The evil might easily have been remedied by the British Parliament, under whose authority the compensation fund was to be distributed, but by a law, such as was recommended to be passed in Jamaica, and to be executed after bargains made and completed, would have involved the Colony in endless litigation and discontent. It is said, “ that the purchaser of claims must have felt assured that he incurred not the slightest assignable risk of losing his money ; that the payment of the compensation was from the first absolutely certain.” No such reliance was placed by many of the inhabitants of Jamaica “ on the security of the national faith of Great Britain and Ireland.” Many of a high class in society, it is believed, sold claims of a large amount under a very opposite feeling. Nor was their apprehension of a total loss rendered less acute by the dissolution speech of Lord Sligo in August last, in which he darkly threatens the Colony for the proceedings of its representatives. “ On the House of Assembly,” says his Excellency, “ rests the whole responsibility of the consequences which may ensue, and to their conduct must be attributed any resolutions which the British Government may be compelled to adopt.”

This mysterious threat has never yet been explained, but it was considered by many to have reference to the compensation which became due about that time.

If the compensation had been paid in the Colony, as in justice it ought, the small claimants would have been effectually protected. But under any circumstances the possessor of a few negroes should have received their money on the spot. The injustice they have suffered from imprudent sales, falls in another shape on others who have not sold their claims. The expense of establishing the lower class of claims is frequently equal to the amount when paid.

I do not now remark on the Police Bill. I shall have to address your Lordship on the subject. It is, however, worthy of notice, that his Excellency accepted the Police Act last session, and the next day demanded subsistence for the troops. He is angry, not because the House had not provided for the police, but because we have not provided for both.

It is to be observed, that Bills mentioned in the last paragraph but four, have some of them passed the House before Christmas, and most of them in time for the Council to assent or disagree to them.

I should remind your Lordship, that the dissolution did not permit the House to meet till the 10th of November, and that the late prorogations have postponed much progress in business; so that there has been little time allotted them to get through the great mass of business that their peculiar situation has procured for them.

I purposely abstain from giving expression to any comments on this conduct of Lord Sligo towards the Assembly; I am contented with leaving the preceding statement to suggest them. It cannot be a matter of surprise that it should have received that dissatisfaction in the Assembly which his Lordship's previous conduct had excited.

I cannot bring myself to doubt the interposition of His Majesty's Government to rescue this valuable Colony from a state fatal to its tranquillity and prosperity, embarrassing to the Government, and, above all, pregnant with danger to the successful issue of the great measure of emancipation.

I have, &c.
(signed) *William Burge.*

LETTER from *William Burge*, Esq. to the Right honourable Lord *Glenelg*,
&c. &c. &c.

My Lord,

Lincoln's Inn, March 25, 1836.

I HAVE attentively read the "Papers presented to Parliament in explanation of the Proceedings of the Legislature of Jamaica in reference to the amendment of their original Act for giving effect to the Act of Parliament for the Abolition of Slavery."

From your Lordship's Despatches of the 23d October and 2d November, Nos. 17 and 18, pages 27 and 28, and Lord Sligo's Despatch of the 10th February, I collect, that Lord Sligo has represented to your Lordship, that the general scope and policy of the Assembly was that of defeating or retarding the progress of the great measure of emancipation, and that this is still the aim attributed to them.

It is a duty I owe to the Assembly of Jamaica, in the most solemn and explicit manner to disclaim on the part of that body any such policy, and to repeat my sincere conviction, that from the moment the Abolition Act passed, they have never entertained a wish directly or indirectly to retard or defeat the great measure of emancipation.

I have formed this conviction not only because it is most consistent with the interest and the character of the people of Jamaica, but because in that extensive and unreserved correspondence which I have with the greater number of the members of the Jamaica Legislature, there has never been addressed to me a sentiment which would warrant me in harbouring the suspicion that such a wish was entertained by them.

Of this I am certain, that if such a policy, which I am persuaded is repugnant to the principles and feelings of the Assembly of Jamaica, were entertained by them, I would not be the person to be instrumental in attempting directly or indirectly to promote it. I would at once cease to retain an office which, by requiring me to obey the instructions of my constituents, would cause me to participate in it. But I repeat my conscientious conviction that such a policy is not entertained by them.

I have, &c.
(signed) *William Burge.*

—No. 2.—

COPY of the PROTEST of *William Burge, Esq.*, AGENT for the Island of *Jamaica*, addressed to Lord *Glencelg*, dated the 25th March 1836.

THE undersigned was, on Tuesday afternoon, made acquainted, by His Majesty's Secretary of State for the Colonies, with the determination of His Majesty's Government to introduce and carry through Parliament a Bill to revive and continue until 1840 an Act which the Legislature of Jamaica had passed in 1834, but which expired on the 31st December last. In the same afternoon the Under-Secretary of State announced in the House of Commons his intention to bring in that Bill.

It is due to His Majesty's Government, no less than to the Legislature of Jamaica, that the undersigned, as the Representative of that Body, should not only prevent the possibility of its being supposed, by his silence, that he acquiesced in this measure, but that he should respectfully make this his solemn protest against it.

He is desirous that His Majesty's Government should understand, that this Protest is made, not as the performance of a formal act of official duty, but from his conviction that the proposed legislation for Jamaica is a direct violation of the constitutional rights of that Colony, rights coeval with its establishment, and which have hitherto been respected.

It is attempted to excuse this measure on the plea that the Act which it is proposed the Imperial Parliament should re-enact, formed part of a compact between His Majesty's Government, or the British Parliament, and the Colony of Jamaica, at the time His Majesty, by Order in Council, declared, "that adequate and satisfactory provision had been made by the Legislature of Jamaica for giving effect to the British Act of Parliament, by such further and supplementary enactments therein mentioned."

It is assumed, that the subsequent Act of the Jamaica Legislature, which it is proposed to re-enact, was an essential part of that Act still in force, which His Majesty had then declared, with the advice of his Council, to be adequate and satisfactory. This assumption would be inconsistent with that declaration. It imputes to that Act defects of vital importance: such, however, was not the opinion His Majesty's Government had formed of the objections which were removed by the expired Act now proposed to be re-enacted by the British Parliament. The undersigned refers to Lord Stanley's Despatch to the Marquis of Sligo of the 20th February 1834, in which his Lordship states, "His Majesty's Government, however, have carefully and attentively examined these defects, and they feel themselves justified in pronouncing them not to be of such vital importance as to render the Act either inadequate or unsatisfactory, and they have therefore deemed it just towards the Colony of Jamaica that the Act should at once in its present shape be approved, and that the right of the Colony to its share of the compensation should thus at the earliest possible period be rendered indefeasible."

Lord Stanley having, in the debate of Tuesday night, stated that these objections were referred to, and became the subject of written observations by the undersigned, the restriction which would otherwise have prevented the undersigned from referring to this communication, no longer exists. The undersigned, when that reference was made to him in a spirit of perfect candour and fairness, bestowed on those objections the fullest and most careful consideration.

His sincere conviction was, that those objections were unfounded.

He has again considered them, and he retains that conviction.

He believes that the Assembly of Jamaica passed the Act to remove these objections, not from any opinion that they had any foundation, but from a deference to the wishes of His Majesty's Government, and a desire to give this mark of their favourable disposition towards the Marquis of Sligo on his first accession to the Government.

He

He also believes, that from the same deference to the wishes of the Government, the Act would have been renewed if it had not been counteracted by the conduct of the Governor of Jamaica.

It is with great pain that the undersigned, in concluding this Protest, is compelled to add, that a measure which, as a direct invasion of the chartered rights of a legislative body, would at any time and under any circumstance be a ground of just complaint and remonstrance, is presented to the Assembly of Jamaica as the first and hitherto the only act of His Majesty's Government which has followed the application which the undersigned has made to them on the part of the Assembly for the reparation and redress of the unparalleled wrongs which they have received from the Marquis of Sligo.

(signed) *William Burge*, Agent for Jamaica.

Lincoln's-Inn, 25 March 1836.

SLAVERY ABOLITION (JAMAICA.)

COPIES

OF STATEMENTS and PROTEST made by the AGENT
of JAMAICA, in relation to the recent Proceedings
of the GOVERNORS and ASSEMBLY of that Colony.

(*Mr. P. Stewart.*)

*Ordered, by The House of Commons, to be Printed,
12 April 1836.*
