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**P A P E R S,**

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.**

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(PRESENTED TO PARLIAMENT BY HIS MAJESTYS COMMAND.)

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PAPERS 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.

EXTRACT of a DESPATCH from the Marquess of *Sligo* to Lord *Glenelg*.

The King's House, St. Jago de la Vega,  
10 February 1836.

MY LORD,

Despatch from the  
Marquess of Sligo  
Lord Glenelg.

**T**HINKING it probable that your Lordship will feel it to be your duty to lay before Parliament the failure of all my efforts to procure the re-enactment in the Assembly of this Colony, of a sufficient law in aid of the Abolition Act, I have caused copies of all the documents connected with the measure, since my assumption of the Government, to be prepared, and have the honour to enclose them herewith. They will, of themselves, give your Lordship a complete history of the various endeavours I have made, and their results. I have much regret in giving it as my decided opinion, that any provisions which may be considered to be necessary, in addition to the Island Abolition Law, now in force, for the purpose of carrying into effect the spirit of the British Abolition Act, must be passed in the Imperial Parliament. As soon after my arrival as the state of the crop made it convenient that a session should be held, I communicated to the legislature, the admission by His Majesty, of their right to share in the compensation, and pointed out to them at the same time, that this favour was granted to them in the honourable confidence, that they would make such additional enactments, as would remedy the deficiencies of their imperfect Act. I also called upon them to establish such a measure of police as would complete the statute, by placing in my hands a force with which to enforce its provisions. The Act in Aid was passed in satisfactory terms, but for a period shorter than I required. The Police Bill was also passed with a similar defect. Having ascertained that the feelings of the Members of Assembly were insuperably opposed to an extension of their duration at that time, I did not press them on the point. Their immediate assent to the conditions I had proposed to them, proved by their passing these two Bills, entitled them to my confidence, and justified an expectation that they would continue, at the proper time, the enactment of which they admitted the justice. I have much regret in stating that such confidence was not well founded, and that my expectation has been disappointed.

\* \* \* \* \*

Your Lordship will remember that I long since predicted that I should find an insuperable objection in the minds of the Members to re-enact the Aid Acts, which are more particularly alluded to in this despatch. At first you naturally concluded that I took an exaggerated view of the matter, and wished to avoid hypothetical discussions, in points not likely to arise. You thought that they would not so soon forget the munificent gift of the British Nation, nor their compact, for so I must term it, of remedying the defects in their Abolition Law. My predictions, however, have not turned out to be speculative assertions; they have unfortunately been proved to be in every instance correct, and much I lament it. The remedy, I say advisedly, must come from home.

\* \* \* \* \*

I have, &c.  
(signed) *Sligo*.

— No. 1. —

MESSAGE of HIS EXCELLENCY, in July Session 1834; with Despatch, dated 20 February 1834.

Mr. Speaker,

I AM commanded by his Excellency the Governor to bring down to The House the copy of a despatch from His Majesty's Principal Secretary of State for the Colonies, of date the 20th February last, on the subject of the Act of the Legislature of this island, for the Abolition of Slavery.

His Excellency feels great satisfaction in submitting to The House, a document which so unequivocally expresses the approbation of His Majesty's Government at the measures adopted

No. 1.  
Message of His  
Excellency, July  
1834.

No. 1.  
 Message of His  
 Excellency, July  
 1834.

adopted by the legislature on this momentous question, and in calling the attention of The House to those parts of the Act which are mentioned in the despatch as requiring explanation rather than amendment. His Excellency cordially joins in acknowledging the merits of the framers of the Bill, and in feelings entertained by His Majesty's Government, that its imperfections are less numerous than might reasonably have been expected, in legislating on a subject altogether new, and involving such vast interests.

My Lord,

Downing-street, 20 February 1834.

I HAVE received Lord Mulgrave's despatch of the 13th December, No. 43, enclosing the Act for the Abolition of Slavery in the Island of Jamaica, passed by the Legislature of that Colony, and it affords me sincere gratification now to announce to your Lordship, that His Majesty's Government, after the fullest consideration of the principles and details of that Act, have arrived at the conviction that the legislature of Jamaica has faithfully and effectually enacted the abolition of slavery, and has also framed the supplementary enactments requisite during the intermediate state of apprenticeship contemplated by the British Parliament.

His Majesty's Government, accordingly, feel themselves enabled to recommend His Majesty to signify his assent to this Act, and to declare, in the terms of the 44th section of the British Act, "That adequate and satisfactory provision has been made by law, in the colony of Jamaica, for giving effect to the British Act, by such further and supplementary enactments as therein mentioned." In adopting this course, His Majesty's Government have not overlooked the existence of various defects in the Act which they are thus prepared to sanction. They are aware also, that, by withholding His Majesty's approbation of the Act, they would have been furnished with an argument of almost irresistible force in favour of such amendments and alterations as they might propose.

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. His Majesty's Government are confident that the colony of Jamaica will fully appreciate the frank and unreserved line of conduct which is thus pursued towards it, and that although the legislature will not be compelled, by the motives to which I have alluded, to acquiesce in the suggestions which will be offered to them, for the purpose of remedying the imperfections of the Act, they will, nevertheless, receive and adopt them in that spirit of confidence and goodwill which, I trust, will henceforth always be found to exist between the colony and His Majesty's Government.

I have, therefore, to desire that your Lordship will take the earliest opportunity, after the receipt of this despatch, to announce to the legislature of Jamaica, the decision of His Majesty's Government upon this important Act, and your Lordship will, at the same time, invite the earliest attention to the various amendments and additions which I shall now proceed to indicate.

1. The proviso in the 4th clause of the Jamaica Act, I believe to have been intended to be identical with the similar proviso in the 4th clause of the British Act. In adopting the precise words of the British Act, the legislature of Jamaica have practically altered the meaning of those words. The expression "The present Act," refers no longer to the English, but to the colonial statute; and the 12 months of practical labour, which are required to justify the classification of a negro among the prædial apprentices, would, according to the Jamaica Act, be computed from the 12th December, while the British Act requires that they should be computed from the 28th of August.

It would be expedient to remove this discrepancy by altering the date in the Jamaica Act.

2. By the 8th clause of the British Act, and the 8th clause of the Jamaica Act, it was intended to give to the apprenticed labourer power to purchase his discharge of his apprenticeship, "without, or in opposition, if necessary, to the consent of the party entitled to his services." The 9th and following clauses of the Jamaica Act, which seem to have been designed to execute that intention, do not effect it to its full extent; for, although they provide for the cases where the party do not provide for the very frequent cases in which the party so entitled is unable to consent, either by reason of animosity, absence or any other cause. It is obvious that a very slight alteration of these clauses will cure this defect.

3. The provision made by the 39th clause of the Jamaica Act, for securing peace and good order on the plantations, although beneficial both to the employer and the apprentice, requires some alteration, in order to bring it within the scope and intention of the British Act. It should be made clear that the constables, who are thereby directed to be appointed, will only be armed with the authority of the law, and will be responsible for the due exercise of that authority to the special magistrates only, and not to the proprietors of the plantation.

The right to confine for safe custody should, as regards apprentices belonging to the plantation, be limited to cases in which freemen might be taken into custody by the ordinary constable, or to cases in which it is presumeable that the apprentice, having offended against the law established by this Act, will attempt to escape.

4. The

4. The 44th clause of the Jamaica Act gives too large a jurisdiction to the special magistrates. Although I am disposed to believe that the words "other minor misdemeanors and crimes" would, according to the legal construction of the Act, be held to mean such actions only as, if committed by free persons, would be misdemeanours or crimes, yet this clause, even thus limited in its operation, might be held to deprive the apprentice in many cases of his right to be tried by a jury.

In order to make this provision unobjectionable, it should be confined to such crimes and misdemeanours only as, under any of the Police Acts in force in Jamaica against free persons, are cognizable and punishable by a single magistrate.

5. Although I conceive that the general expressions of the 49th clause would be construed to enable the special magistrate to inflict penalties on the employer, in case of frivolous complaints made by the apprentice, or in case the apprentice should be improperly deprived of the enjoyment of any part of his own time, I think it right that all possible doubt on this subject should be removed by specific enactments. As respects the apprentices' own time, I should recommend the insertion of a clause analogous to section 2 of chap. 6 of the heads of the proposed Order in Council for British Guiana.

6. The 60th clause requires modification. The urgent necessity there spoken of should be limited to extraordinary circumstances, such as fire, tempest, &c. As it now stands, it might operate unfavourably and unjustly towards the apprenticed labourer in the crop-time, by obliging him to give his assistance in the field, or the boiling-house, under circumstances which might have been prevented by previous due caution on the part of the employer.

7. It is due to the special magistrates, that they should be properly indemnified in the discharge of their duties; and for this purpose I would suggest that enactments should be framed analogous to the 27th, 28th and 29th sections of chap. 2, of the heads of the Order in Council for British Guiana.

8. The 49th clause enables the special magistrates to impose fines upon the parties entitled to the services of any apprenticed labourer, for any wrong or injury which he may sustain from such parties.

The 68th clause directs that these fines shall be applied to the use of the public of the island. As the Act has provided that the apprentice should compensate, by labour, the loss which his employer may sustain from indolence, neglect, non-performance of work or absence, it seems but reasonable that the special magistrate should have the power of compensating, out of the fine, the apprentice, for the injury which he may have sustained from his employer; and I think that a clause should be introduced to that effect.

9. The proviso annexed to the 49th clause enacts that "nothing herein mentioned shall be taken to bar or destroy the right of any apprenticed labourer to proceed in the Supreme or Assize courts, or the courts of Quarter Sessions or Common Pleas, for any wrong or injustice done or committed against his or her property or person, by any persons whomsoever." I believe it to have been the intention of the legislature of Jamaica that if, in cases of cruelty or other injury, the penalty of 5 *l.* should be thought inadequate, the employer might be proceeded against, either by indictment at the suit of the Crown or by civil action at the suit of the apprentice. I think, however, that it is a plausible construction of the words of the 49th clause, with its proviso, to say that they reserve nothing beyond the remedy which the apprentice himself can enforce; that is, the civil suit, and that they would operate as a bar to an indictment or criminal information. I do not believe, however, that the courts of law would adopt such a construction, inasmuch as the right to prosecute is in theory a prerogative of the King, which cannot be taken away without express words. I think that nevertheless, that the proviso is sufficiently ambiguous to render it advisable that it should be so amended as clearly to secure to the apprenticed labourer the full protection of the law.

I would advert to one other point, rather with a view of calling the attention of the legislature of Jamaica to the subject, than of stating my opinion that the Act as it stands is defective.

The British Act requires that the apprenticed labourer should receive from his employer such supplies of food, clothing, medicine and medical attendance as the slave might have claimed by law in each respective colony; and that regulations should be made on these heads where the existing law is either silent or inadequate. I am happy to admit, that I do not find the inadequacy of the law of Jamaica on these subjects made matter of remonstrance by any of my predecessors, in commenting on the several provisions of successive slave laws; nor do I find that complaints of their insufficiency have been made by the slaves in any single case. I am bound, therefore, to consider them "as adequate for their purpose;" but looking to the very loose terms in which they are couched, especially in respect of medical attendance in case of sickness, I think it right not to pass over this subject without reminding the legislature, that, as the interest of the master in the recovery of the sick apprentice, more especially towards the close of the period, will be much weaker than it would have been in the corresponding case of the slave, it may deserve consideration whether a proportionate strictness of legal obligation may not be desirable.

I have now enumerated to your Lordship the various points in this Act which appear to His Majesty's Government to require alteration or comment; and I feel it to be due to the framers of the Act, to convey to your Lordship my opinion, that the defects to which I have adverted are not more numerous or more grave than might have reasonably been expected to result from the difficulty of legislating upon a subject of such entire novelty as the proposed system of apprenticeship, and from the shortness of the time which the

No. 1.  
Message of His  
Excellency,  
July 1834.

legislature, in their anxiety to meet the views of Parliament, allowed themselves for the consideration and execution of the important task which they had to perform. It is possible that some of them may have already engaged the attention of the legislature; and I do not permit myself to doubt that others, which may now for the first time be suggested to them, will receive their dispassionate consideration; and that Jamaica, as it has been the first of the colonies to follow the course pointed out by the mother country, will manifest a laudable desire to remove any well-founded objections which may still be raised against the subordinate details of enactments.

I have, &c.  
(signed) E. G. Stanley.

No. 2.  
Act in Aid.  
4 July 1834.

— No. 2. —

Jamaica ss.

AN ACT to repeal part of an Act, 4 Will. IV. c. 41, intituled, "An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves, and to declare the 52 Geo. 3, c. 155, in force in this Island," and to explain and amend, and in aid of the said Act.—Passed the Legislature, 4 July 1834.

Preamble.

4 Will. IV. c. 41.  
Proviso at the end of  
clause 4 repealed.

WHEREAS it is expedient and necessary to explain and amend certain parts of an Act of the 4 Will. IV. c. 41, intituled, "An Act for the Abolition of Slavery in this Island, in consideration of compensation, and for promoting the Industry of the Munumitted Slaves, and to delare the 52 Geo. 3, c. 155, in force in this Island;" be it therefore enacted, by the Governor, Council and Assembly of this Island, and it is hereby enacted and ordained by the authority of the same, that the proviso at the end of the 4th clause of the said Act shall be and the same is hereby repealed.

No person to be  
classed as a prædial  
labourer unless em-  
ployed for twelve  
months previous to  
the 28th August  
1833, in agriculture,  
or the manufacture  
of produce.

2. And it is hereby enacted, that no person of the age of 12 years and upwards, shall be included in either of the two classes of prædial apprenticed labourers in the said Act mentioned, unless such person shall for 12 calendar months at the least next before the 28th day of August 1833, have been habitually employed in agriculture, or in the manufacture of colonial produce.

Persons having  
limited rights, &c. to  
the services of  
apprentices, and de-  
sirous of discharging  
them, may do so as  
herein set forth.

3. And whereas doubts have arisen whether, under the said Act, persons having a limited right to the services of apprentices, or who hold apprentices which are subject to trusts, limitations and incumbrances, have power to discharge such apprentices from the term of their apprenticeship, or any part thereof: be it therefore enacted, that any person entitled to the services of any apprenticed labourer, and which apprenticed labourer shall be subject to any trust or limitation, or any *feme covert*, or guardian or guardians of a person of non-age, or committee of a lunatic or insane person, shall be entitled to the services of any apprenticed labourer, and shall be desirous to discharge such apprentice, such person is authorized and required to apply to the nearest special justice under the said Act, who shall thereupon give notice twice in the county newspapers of his intention to proceed to value the said apprenticed labourer, and such justice shall, at a time and place by him to be appointed, associate with him one other justice of the peace, and such two justices shall proceed to fix a value upon such apprenticed labourer, which valuation shall be binding and conclusive on all parties; and the amount of the value so fixed by such two magistrates shall be paid, applied or invested in such manner and way, and in such parts or proportions, as the compensation-money for such apprenticed labourer, under an Act of the Imperial Parliament, 3 & 4 Will. IV., c. 73, shall have been awarded, paid and applied, or invested: provided always, that in case such compensation-money shall not have been paid or awarded, then that the amount of the value so fixed by the said two justices shall be paid into the office of the receiver-general, there to remain until such compensation-money shall be awarded, and then to be paid out or invested in conformity with such award of compensation, under an order of any judge or justice of the grand or assize courts of this island.

Proviso.

Upon payment of  
value, apprentices to  
be discharged.

4. And be it further enacted, that upon the amount of such value being so paid into the receiver-general's chest, or paid to the person entitled to receive the same, or invested as aforesaid, the said two justices shall discharge such apprentice from the term of his apprenticeship, and shall grant a certificate of discharge in the form laid down in the 10th clause of the hereinbefore recited Act of the 4 Will. 4, c. 41.

Commencement and  
termination of field  
labour daily.

Proviso.

5. And whereas it is necessary to regulate uniformity in the hours of labour, be it enacted, that on all sugar estates and other plantations, field labour shall commence with sun-rise, and terminate with sun-set, giving such cessation in the middle of the day as, with the usual half-hour allowed for breakfast, shall reduce the actual time of labour to nine hours in the day: provided always, that nothing herein contained shall prevent the employer and the labourers from making any other arrangements as to the hours of labour which they may mutually agree upon.

Commencement and  
close of labour to be  
intimated by the  
usual modes.

6. And be it enacted, that it shall be the duty of every employer to intimate to the labourers in his or her employment the commencement and the close of the legal hours of labour, by the usual mode of ringing a bell, or sounding a horn or shell, or any other signal, which shall be always of such a nature as to be distinctly visible or audible to the several prædial apprenticed labourers in the service of any person.

7. Whereas

7. Whereas apprenticed labourers not being over fifty years of age, nor incapable from mental or bodily infirmity of earning a subsistence, may, under the 7th clause of the Abolition Act, be voluntarily discharged by their employers : and whereas such discharged labourers may afterwards become destitute, and give rise to doubts as to the condition in which they were discharged, and the consequent liability of the employer to provide for their support and maintenance : be it enacted, that every master or employer, who shall voluntarily discharge any apprenticed labourer or labourers, such master or employer shall, in every such case, bring such labourer or labourers before the vestry of the parish in which he shall reside, to be approved and recorded according to the 7th clause of the Abolition Act ; and in case any master or employer shall discharge any apprenticed labourer or labourers, without having so produced them to the inspection of the vestry as aforesaid, then and in every such case such master or employer shall, in the event of such labourer or labourers being found in a state of destitution, be held liable for their support and maintenance for the remaining term of the apprenticeship.

Masters voluntarily discharging labourers must bring them before the vestry for approval, &c.

8. And be it further enacted, that any apprenticed labourer who shall be unable from sickness to attend to his or her usual labour, such labourer shall, without delay, repair to the plantation-hospital, and there shall receive the same medical care and attention as has heretofore been customary, and shall in like manner be liable to all such necessary sanatory restraint and control as the medical attendant shall direct ; and in case any apprenticed labourer shall absent himself or herself in the morning from his or her usual labour upon pretext of indisposition, such labourer so offending shall, upon conviction thereof before any special justice, be compelled to make up such loss of time to the employer in the same manner as in the case of absence from the field : provided always, and be it further enacted, that where there shall be no hospital, the said apprenticed labourers shall receive such medical attendance and relief as is now customary in this island.

How sick apprentices are to be treated, &c.

Proviso.

9. And be it further enacted, that any apprenticed labourer or labourers who shall be convicted before any special justice of having wantonly cut down or damaged any fruit or other trees, or of having wantonly pulled down or injured any house or outhouse upon the property of his her or their employer, such apprenticed labourer or labourers so convicted shall be sentenced to hard labour in the house of correction, or the penal gang of the parish, for a term not exceeding three months, or to receive any number of stripes not exceeding 39, or if a female to hard labour not exceeding 20 days.

Apprentices convicted of pulling down or injuring property to be sentenced to hard labour or flogging.

10. And whereas doubts have arisen as to the meaning of the words " urgent necessity " in the 6th clause of the said Act ; for removal thereof, be it enacted, that such words shall be deemed and taken to mean cases of hurricane, tempest, earthquake, flood, fire or other misfortune, the act of God, and which could not have been prevented by previous due caution on the part of the employer ; and that any person who shall otherwise compel any prædial apprenticed labourer to work beyond the legal number of hours, save and except in conformity with the 47th and 50th and 51st clauses of the said last-mentioned Act, shall be deemed and taken to have committed an offence against the said Act.

Words " urgent necessity " defined.

11. And be it further enacted, that no action or suit shall be brought or commenced by any person against any special justice for any act, matter or thing done by him in the execution of the said Act of 4th Will. IV. c. 41, or of this Act, or of any Act passed in aid of, or to explain and amend the said Act of the 4th Will. IV. c. 41, unless notice of bringing such action shall have been served on such special justice, or left at his usual or last place of abode at least one month previous to such action being brought ; and if a verdict shall be given for the defendant in any such action or suit, or the plaintiff therein shall be nonsuited, or such action shall be discontinued for want of going to trial, the plaintiff therein shall pay to the defendant treble the amount of his full cost out of purse expended by him in the defence of the said action or suit.

Persons bringing an action against any special justice must give him one month's notice, &c.

12. And be it further enacted, that if any such special justice, against whom any action or suit shall be so brought, shall at any time after such notice given before the trial of the said action, tender to the said plaintiff sufficient amends for such wrong or injury in respect of which such action has been so brought, and submit to pay the cost of suit up to that time incurred ; and if the plaintiff shall refuse to accept such amends and costs, and the verdict shall be given for the plaintiff for the sum so tendered, or a lesser sum, then the court shall order and direct the plaintiff out of such damages to deduct the full costs of purse of the defendant, and an execution shall be lodged only for the amount of such damage after such deduction.

How the court is to act in case plaintiff should refuse amends from special justice before trial of action.

13. And be it further enacted, that no action or suit shall be brought against any special justice in respect of any act, matter or thing by him done in pursuance of the said Act of 4th Will. IV. c. 41, or of this Act, or of any Act passed or to be passed in aid of, or to explain and amend the said Act of 4th Will. IV. c. 41, unless the same shall be commenced within six months after such cause of action shall have occurred.

Actions must be brought within six months.

14. And be it further enacted, that any apprenticed labourer who shall be convicted before any special justice of aiding and abetting any other apprenticed labourer in quitting or attempting to quit the island, without the written consent of his or her employer, such apprenticed labourer so convicted shall be liable to imprisonment with hard labour for any time not exceeding three months, and if a male, to whipping, not exceeding fifty stripes, or to three months imprisonment with hard labour.

Punishment on apprentices aiding another to escape off the island.

15. And



- Penalty on persons removing apprentices, or assisting them from the island.**
15. And be it further enacted, that any person not being an apprenticed labourer, who shall remove, or assist in removing any apprenticed labourer, from this island, in any boat or vessel, without the written consent of his or her employer, such person shall for every apprenticed labourer he or she shall remove or assist in removing from this island, forfeit the sum of 100*l.* current money of Jamaica, to the use of the employer of such apprenticed labourer, to be recovered as servants' wages before any two justices of the peace.
- Registration of apprentices, who are fishermen or mariners.**
16. And be it further enacted, that all apprenticed labourers, whose ordinary occupation is on the sea as fishermen or mariners, shall be registered as such at the office of the special justice of the district; and any apprenticed labourer engaging in such occupation without being first so registered, except with the consent of his employer, shall be liable, on the conviction thereof on the complaint of his employer, to imprisonment with hard labour for any time not less than six weeks, and not exceeding three months, or to a whipping not exceeding 39 stripes.
- Absent apprentices without leave to be reported to sub-inspector, who is to keep a record, and use means for their apprehension.**
17. And be it enacted, that when any apprenticed labourer shall, without leave, have absented himself or herself for one entire week or upwards from the service of his or her employer, such employer shall report the name and description of such deserter to the sub-inspector of the district, that a record may be kept of all such deserters, and every means used for their apprehension; the more effectually to accomplish which, a reward of 20*s.* shall be paid to the person who shall apprehend and secure any such deserter, and which in the first instance shall be charged to and paid by the employer, but repaid to him or her out of such deserter's own time, in such manner as a special justice shall direct.
- Apprentices established in unlawful communities to be dislodged by police, and their establishment destroyed.**
18. And be it further enacted, that if it shall be made appear to the satisfaction of any two special justices of the peace that any apprenticed labourers have, without lawful authority, established themselves in any part of the island as a distinct community, habitually abandoning and neglecting to perform the duties imposed on them by law, such justice of the peace shall cause any such community to be dislodged by the police of the district, and if necessary shall also cause their settlements to be taken down and destroyed.
- Punishment on those convicted as members.**
19. And be it further enacted, that any apprenticed labourer who shall be convicted before such special justice of the peace of having been a member of any such community as aforesaid shall be adjudged to imprisonment with hard labour for any term not exceeding six months, and if a male, to whipping not exceeding 50 stripes, or imprisonment with hard labour for any term not exceeding six months.
- Penalties on persons harbouring or employing apprentices without leave.**
20. And be it further enacted, that if any person shall harbour, conceal, or clandestinely or fraudulently employ any apprenticed labourer who may be absent from the service of his or her employer without leave, every such person so offending shall, for every such offence, upon conviction thereof before any two or more justices of the peace, in case the party complained against be not an apprenticed labourer, but if an apprenticed labourer, then before the special justice of the district, on the complaint of the employer or employers of such apprenticed labourers, be adjudged to pay, and shall pay to the person or persons entitled to the services of such apprenticed labourer, the sum of ten pounds current money of this island, for each and every such apprenticed labourer so harboured, concealed, or clandestinely or fraudulently employed, and the further sum of ten shillings, like current money, per day, for each and every such apprenticed labourer for each and every day, or part of a day, such offender or offenders shall be proved to have so harboured, concealed, or clandestinely or fraudulently employed every such apprenticed labourer; and upon the hearing of any such complaint, it shall and may be lawful for such justices of the peace, and they are hereby authorized and empowered, if they shall see just cause to examine the party complained against, upon his or her oath, touching the matter of such complaint; and in case the party accused being legally summoned, the service of which summons shall be ten days at least before the hearing of such complaint, and return thereof made on oath by the constable who shall have executed such summons, shall, without some reasonable cause, to be allowed of by such justices, fail to attend the hearing of such complaint, the justices shall give judgment therein for the said sum of ten pounds against such offender; and in failure of the payment of such fine or penalty, such person shall be and stand committed, by warrant, under the hands and seals of the said justices, to the common gaol for a period not exceeding six months; and such justices are hereby required, if necessary, to issue either a search-warrant for the apprehension of such apprenticed labourer, or a summons to the party accused, requiring him or her to produce such apprenticed labourer at the time of hearing such complaint, in order that he or she may be delivered over to his or her employer; and in failure, unless it shall appear, on the oath of such party accused, that he or she cannot procure the attendance of such apprenticed labourer, such justices shall, and they are hereby required to, issue a warrant for the apprehension of every such apprenticed labourer, and for searching the premises of the person or persons convicted under this clause, or any other premises where there shall be reasonable ground to believe that such apprenticed labourer is harboured or secreted: provided always, that no such warrant shall issue for the apprehension of any apprenticed labourer, unless such warrant shall be signed by a special justice, and such justices are hereby fully authorized to examine such persons on oath, or any other person or persons who may be able to discover where such apprenticed labourer is to be found; and on the apprehension of any such apprenticed labourer, such constable is hereby required to deliver him or her over to a police officer of the district to which such apprenticed labourer belongs, to be dealt with according to law; and if the offender be an apprenticed labourer, and be unable to pay the penalties
- Manner of hearing and determining complaints, &c.**
- Proviso.**

ties hereby imposed, such apprenticed labourer, if a male, to be liable to whipping not exceeding 39 stripes, and if a female, to solitary confinement for any time not exceeding ten days, or to hard labour not exceeding three months; or if the offender be a non-prædial female apprenticed labourer, then and in such case she shall be permitted, if able to do so, to make any other satisfaction to the injured party, which such injured party shall be willing to receive: provided always nevertheless, that nothing herein contained shall extend to the employing of any prædial apprenticed labourer on Saturday, or on any other day to which such prædial apprenticed labourer shall be entitled to his or her earnings, unless the party employing shall have the express and actual notice from the employer of any apprenticed labourer or his representative, that such prædial apprenticed labourer hath been adjudged to work on any such Saturday, or any other day as aforesaid, for the benefit of his or her employer or employers.

Act in Aid.  
4 July 1834.

Proviso.

21. And be it further enacted, that if after the expiration or other determination of the term of apprenticeship of any apprenticed labourer, he or she shall, having had three months' notice to quit previously to the determination of such apprenticeship, refuse to quit and deliver up possession of any land, dwelling or building, which he or she shall have been permitted or suffered to occupy during his or her state of apprenticeship, to his or her employer or employers, or to any person or persons acting on his, her or their behalf, every such person shall be deemed and considered a trespasser, and it shall and may be lawful in such case for any two justices of the peace associated together, upon complaint made, and and the conviction of the offender, to eject such offender from such land, dwelling or building, and inflict such punishment not exceeding 10*l.*, or imprisonment not exceeding 30 days, as to such justices shall seem proper.

Apprentice whose term has expired, and who shall have had three months' previous notice to quit, must deliver up possession of lands, &c. or be considered a trespasser, and liable to certain penalties.

22. And be it further enacted, that it shall and may be lawful for any special justice, and he is hereby authorized and empowered to substitute any given number of hours of work on the tread-mill in any house of correction, or otherwise, for any of the punishments imposed by this or any other Act on apprenticed labourers, as he in his discretion shall consider necessary and proper.

Special justice may substitute any number of hours of work on the tread-mill, in lieu of any punishment imposed by this Act.

23. And be it further enacted, that during the continuance of any such apprenticeship as aforesaid, it shall and may be lawful for any employer and apprenticed labourer mutually to contract together for a certain sum or sums of money, to be paid by such employer to such apprenticed labourer, either by the week or in such other manner as may be agreed upon, in the place and stead of such clothing and other maintenance and allowances as are provided by the 16th clause of the Act of this island, 4 Will. 4, c. 41: provided always, that such contracts or engagements shall be sanctioned by a special justice.

Employer and apprentices may contract with sanction of a special justice for a sum of money in lieu of clothing, &c.

24. And be it enacted, that the operation of this or any other law for the governance of the apprentices shall not be suspended by martial law, any law, usage or custom to the contrary thereof in anywise notwithstanding.

Operation of this Act not to be suspended by martial law.

25. And be it further enacted, that the 1st day of August next ensuing shall be, and is hereby declared, a holiday, throughout the island.

First August declared a holiday.

26. And whereas doubts have arisen as to the precise meaning of the words "crimes and misdemeanors," in the said Act, 4 Will. 4, c. 41; be it enacted, that such crimes and misdemeanors as are by law cognizable and punishable by one justice of the peace, when committed by any subject of His Majesty, shall be cognizable and punishable when committed by an apprenticed labourer, by a special magistrate.

Definition of words "crimes and misdemeanors."

27. And be it further enacted, that nothing contained in the proviso of the 49th clause of the said mentioned Act of 4 Will. 4, c. 41; shall be taken to abridge the right of any apprenticed labourer to proceed in any of the courts of this island by indictment, or otherwise, for any wrong or injury done to or committed against his person or property, by any person whomsoever.

Apprentices' right to proceed in any of the courts in this island recognized.

28. And be it further enacted, that this Act shall be in force from the 1st day of August next and until the 31st day of December 1835, and no longer.

Duration.

— No. 3. —

EXTRACT from a DESPATCH, dated 15 January 1835, No. 26, received from Lord Aberdeen.

No. 3.

I HAVE great satisfaction in announcing to your Lordship that His Majesty has been graciously pleased to accept the Act for the Amendment of the Slavery Abolition Act, as a satisfactory compliance with the advice conveyed to the local legislature by Lord Stanley, in obedience to His Majesty's commands. I remark, however, that the operation of these amendments is by the final clause limited to the 31st of December of the present year, although the Act of which it is an amendment, will continue in force until the expiration of the apprenticeship. This is a very serious ground of objection; nor can His Majesty's Government consider the Legislature of Jamaica as having fully acquitted themselves of the duty to which they were called, until the amendments shall have been rendered as enduring in point of time as are the original enactments.

Extract from Despatch, 15 January 1835.

No. 4.

—No. 4.—

Second Act in Aid. Jamaica, ss.

22 Dec. 1834.

AN ACT to amend and explain and repeal part of an Act, passed in the the 4th year of reign of His present Majesty, intituled, "An Act for the Abolition of Slavery in that Island, in consideration of Compensation, and for promoting the industry of the Manumitted Slaves, and to declare the 52 Geo. 3, c. 155, in force in this Island, and for other purposes."

Preamble.

WHEREAS it is necessary that the Act of this Island made and passed on the 12th day of December 1833, intituled "An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves, and to declare 52 Geo. 3, c. 155, in force in this Island," should be amended; be it enacted by the Governor, Council, and Assembly of this Island, and be it hereby enacted by the authority of the same, that from and after the passing of this Act, the 27th, 39th, 44th and 68th clauses of the said Act shall be, and the same are hereby repealed.

Certain clauses of Abolition Act repealed.

Apprentices, convicted of felony applying for discharge, how to be dealt with.

2. And whereas apprenticed labourers are entitled by the said recited Act to purchase their discharge from apprenticeship, upon payment of the value at which their apprenticeship may be appraised; be it enacted, that if before any order shall be made by the justices, or any such appraisement so to be made as aforesaid, it shall be alleged before the said justices that such apprenticed labourer purposed to be discharged, hath at any time during his or her apprenticeship been convicted in a due course of law of any robbery or theft, and if it shall be made to appear to them, by good and sufficient evidence on oath, that such apprenticed labourer hath, during his or her apprenticeship, been so convicted of any robbery or theft, the said justices shall, and they are hereby required, not to make any order on such appraisement, and thereupon the same, and all other proceedings for the discharge of any such apprenticed labourer, shall be stayed until the expiration of three years of the term of his or her apprenticeship, from the time of the conviction of such apprenticed labourer of any such theft or robbery; and if such apprenticed labourer shall be under such charge before any justice or court, such justices shall suspend further proceedings on such appraisement until such apprenticed labourer shall be convicted or acquitted of any such charge, and if convicted, the aforesaid proceedings shall be stayed for the period last aforesaid, and the said justices shall give a certificate under their hands and seals of such proceedings and adjudication to the party entitled to the services of the said apprentices, which shall, at all times, be taken and received as conclusive evidence.

Uniform mode in fixing valuation established.

3. And whereas it is desirable that one uniform mode of valuation should be in force in this island; be it enacted, that the justices in fixing their valuation of any apprenticed labourer, shall ascertain by the examination of witnesses, or otherwise, the amount in value of the services of such apprenticed labourer for one year, and, after deducting one-third therefrom to cover all casualties and contingencies, shall multiply the residue at the same ratio for the remainder of the term to come of his apprenticeship, and the aggregate shall be deemed the value of such apprenticed labourer, or if the apprenticeship shall be within one year of its expiration, the said justices shall proceed upon the same principle, and fix the value of such apprenticed labourer in proportion to the time his or her apprenticeship has to run.

Hours of labour regulated.

4. And be it further enacted, that it shall be lawful for the owner, proprietor or manager of every sugar estate so to regulate the hours of labour as to enable him or her, if necessary, to carry on the manufactory of sugar, when the mill is about for 18 hours out of the 24; provided, that no apprenticed labourer, unless by his or her own consent, shall be required to labour for a longer time than nine hours out of the 24, as already provided by law, nor shall any apprenticed labourer, unless by his or her consent, be required to labour during his or her own time allotted by law.

Plantation about being thrown up, how proprietors are to act with apprentices.

5. And whereas, under the provisions of the Abolition Act, it may be found impossible to continue the cultivation of many of the plantations and other settlements in this island, and it is expedient and necessary in all such cases that the proprietors should be released from the obligation, imposed under the 7th clause of that Act, to provide legal maintenance for their apprenticed prædial labourers; be it enacted, that every proprietor of such plantation as aforesaid, who shall have given six months' notice to the labourers settled thereon, and to the nearest special justice, of his intention to abandon the cultivation thereof, shall be, after the expiration of that time, relieved from the further maintenance of all such apprenticed labourers, and that in every such case it shall be the duty of the justice to whom such notice shall have been given, to have such labourers removed from such plantations or settlements, leaving to themselves the free choice of the master or masters into whose services they shall desire to enter, and who may be willing to employ them: provided always, that agricultural labourers shall not be permitted in such case to remove to the towns or to relinquish agricultural labour, unless they can show to such special justice a satisfactory probability of being able there to maintain themselves and families; and if such labourers shall refuse to remove as aforesaid, they shall be deemed vagabonds and dealt with accordingly.

Proviso.

Courts of quarter sessions to take cognizance of offences.

6. And whereas doubts have been entertained whether, under the said recited Act, the courts of quarter sessions can take cognizance of offences committed by apprentices; be it enacted, that for or notwithstanding anything in the said Act contained, it shall be lawful for the several courts of quarter sessions in this island to take cognizance of offences committed by apprentices in the same manner as in cases of free persons.

7. And

7. And be it further enacted, that any apprenticed labourer who shall be found wandering as a vagrant beyond the limits of the plantation of his or her employer, without a written permission from such employer, and who shall not be able to give a satisfactory account of himself or herself, may be apprehended by an estate or other constable, and brought before the nearest justice of the peace, and upon conviction shall be adjudged a vagabond, and sentenced accordingly; provided, that nothing in this clause contained shall be applied to apprenticed labourers on their way to or from any place of divine worship on the Sabbath-day, or to or from the Saturday market, or at such market or place, or in their way to or from their provision grounds during the time allotted to them as their own; and provided, nothing herein contained shall be deemed or construed to abridge or in anywise interfere with the full and free use and enjoyment by such apprentices of the time by law allotted to them as their own.
8. And be it enacted, that, with the permission of the owner or manager of any plantation or settlement, and not otherwise, it shall and may be lawful for a special justice, and he is hereby required, to establish a penal gang on any such plantation or settlement; and it shall and may be lawful for a special justice, where any apprenticed labourer has been sentenced to hard labour in the penal gang, to enrol such apprenticed labourer among the penal gang of the plantation or settlement to which such apprenticed labourer belongs, if with the permission of the owner or manager a penal gang has been established on such plantation or settlement.
9. And be it further enacted, that the special justice may be and he is hereby authorized to abolish any penal gang established on any plantation or settlement, when to such special justice it may seem meet, and transfer the apprentices doing work in such penal gang to the penal gang of the parish in which such plantation or settlement is situate, there to work for such time as shall remain unexpired of his, her or their period of punishment.
10. And whereas serious injury has arisen in consequence of apprenticed labourers, stationed as watchmen, absenting themselves from their posts, and otherwise neglecting their duty; be it enacted, that if any apprenticed labourer stationed as a watchman shall wilfully absent himself from his post, or shall be guilty of any neglect of duty, by which the property of his employer shall be damaged, such apprenticed labourer shall, upon conviction thereof before any special justice, be sentenced to make good to his employer any damage that may have been sustained through his neglect or default, by labour in his own time, or to receive any number of stripes not exceeding 50; provided always, that no watchman shall be mulct exceeding 30 days' labour for any neglect of duty.
11. And whereas the public peace has been endangered by apprenticed labourers in large numbers leaving their homes and travelling to a great distance therefrom, under pretext of receiving redress of grievances; be it enacted, that if any five or more such apprenticed labourers shall, without the written authority of their masters or employers, proceed in a body, or in a tumultuous or riotous manner, from the estate or plantation to which they are attached, it shall and may be lawful for any justice of the peace, and he is hereby authorized and required upon complaint made, or knowledge of the fact, to issue a warrant under his hand and seal to any lawful constable or constables, or policeman, to apprehend such apprenticed labourers, and lodge them in the nearest gaol or house of correction, there to be kept in safe custody, until the case shall have been heard and determined by due course of law before any special justice of the peace, who is hereby authorized and empowered to hear and determine on the same; and if it shall be made to appear to such justice, that such apprenticed labourers have quitted their home without justifiable cause, they shall, if males, be adjudged to a public whipping, not exceeding 39 stripes, or, if females, to solitary confinement, not exceeding 10 days, or to work in the penal gang for a period not exceeding one month: provided always, that nothing herein contained shall be taken to prevent any apprenticed labourer from freely resorting to the nearest special justice, to procure his attendance on any plantation, in case the apprenticed labourer shall have any grievance to complain of.
12. And whereas great damage arises to plantations in consequence of hogs and goats being suffered to roam at large; be it enacted, that if any hog or goat shall be found at large in any cane pieces, provision grounds, coffee pieces, orchards, garden or field under cultivation, without the consent of the owner or proprietor thereof, or of his or her manager, it shall be lawful for the owner, proprietor or manager of the property where such hog or goat shall be so found, to cause such hog or goat so trespassing as aforesaid to be destroyed.
13. And be it enacted, that on every plantation the special justices shall appoint one or more of the apprenticed labourers thereon, with the consent of the master or manager, to be constables, who shall be empowered to maintain peace and order on such plantation, under the directions of the proprietor or manager thereof, and to secure and place in confinement any apprenticed labourer who shall commit any offence on such plantation, or any apprenticed labour not employed on such plantation (except the wives of the apprentices legally married living on such plantation), who may be found loitering thereon without the knowledge or permission of the proprietor or manager thereof, provided that such apprenticed labourer so confined as aforesaid shall not be kept in custody longer than shall be necessary to procure the attendance of a special justice, to whom immediate notice shall be given: provided always, that if the attendance of a special justice cannot be procured within 24 hours, it shall and may be lawful for the proprietor or manager aforesaid, if he shall
- Wandering apprentices may be apprehended by estate constables.
- Proviso.
- Proviso.
- Special justice may establish penal gang on plantation, with consent of proprietor.
- He may abolish any, if necessary.
- Apprentices stationed as watchmen, neglecting duty, how punishable.
- Proviso.
- Apprentices in large numbers leaving their houses, without written authority, and proceeding tumultuously, may be apprehended.
- Proviso.
- Hogs and goats found at large on plantations, without consent of owner, to be destroyed.
- Estate constables to be appointed by special justice, with consent of master.
- Proviso.

- shall think proper, to order the release of such apprenticed labourer so confined as aforesaid, after the expiration of 24 hours, and if not discharged, such proprietor or manager shall and he is hereby required to take the said apprenticed labourer before the nearest justice of the peace, who shall thereupon, if he shall see cause, authorize the further detention of such apprenticed labourer, until the attendance of a special magistrate can be obtained, or, according to the nature of the offence, commit such apprenticed labourer to the gaol or house of correction to be dealt with according to law; provided nevertheless, that in the event of such apprenticed labourer being discharged as aforesaid, the proprietor or manager shall, and he is hereby required to prefer the complaint on which such apprentice was confined before the special justice when he shall next come upon the estate.
- Proviso.**
- Inferior misdemeanors and petty thefts may be heard by special justice.**
14. And be it further enacted, that all inferior misdemeanors, petty thefts, not exceeding in value 5/., and trespasses committed by apprenticed labourers against each other, or against the person entitled to his, her or their services, or against any other person, and not hereinbefore specified, may be heard and determined before any justice appointed by special commission, reasonable notice of the time and place of such trial being given to the person entitled to the services of the apprenticed labourer complained against, where such person so entitled to his or services is not the complainant; and such justice shall, upon conviction of such apprenticed labourer, order and direct such punishment to be inflicted as he shall think proper, not exceeding 50 lashes, nor three months' imprisonment to hard labour, nor 20 days' solitary confinement; provided that nothing in this Act, or in the said recited Act for the Abolition of Slavery, or in any Act in aid thereof, contained, shall be taken to authorize any justice of the peace to sentence any female apprentice to be flogged or beaten; and provided also, that nothing herein contained shall be deemed or taken to deprive any of His Majesty's subjects of his or her right to proceed against any such apprentice in any of the superior courts of this island, or any court of quarter sessions or common pleas, for remedy against any apprentice for any wrong or injury done or committed to or against the person or property of such subject.
- Proviso.**
- Bread and grass may be sold on Sunday, &c.**
15. And be it enacted, that, for and notwithstanding anything in the said recited Act contained, it shall and may be lawful to sell bread and grass on Sunday, provided the same are not exposed to sale during divine service.
- Apprentices not to attend or vote at public meetings.**
16. And whereas great inconvenience has arisen, and may arise, from large bodies of apprentices assembling at public meetings; be it therefore enacted, that from and after the passing of this Act it shall not be lawful for any apprenticed labourer or labourers to attend or vote at any public meeting.
- Right of appeal.**
17. And be it enacted, that if any person or persons shall consider himself or themselves aggrieved by the proceedings and decisions of any special justice, such person or persons shall have the right of appeal against any such decision to the supreme or assize courts.
- How apprentices who have been partly employed as agriculturists and otherwise, are to be classed.**
18. And whereas doubts have arisen in many cases whether apprentices who have been partly employed in agriculture, or in the manufacture of colonial produce, and partly employed otherwise, should be classed as prædial or as non-prædial labourers; be it therefore enacted, that in all such cases, if the apprentice and the person or agent of the person entitled to the services of such apprentice shall appear before any justice holding a special commission, and declare they both agree, in which of the said two classes such apprentice shall be placed, the said apprentice shall be so classed, and such justice shall give a certificate of the facts, and of which class such apprentice is placed in, such apprentice shall thereafter be taken to belong to such class, until the termination of the apprenticeship.
- No meetings or revels to be held between nine in the evening and four in the morning.**
19. And be it enacted, that no apprentices nor other persons shall, between the hours of nine in the evening and four in the morning, hold meetings or revels, nor use any drums, gombays or other noisy instrument on any plantation or estate, without permission of the owner or manager thereof, and all apprentices or other persons so offending shall be deemed guilty of insubordination.
- Manner of recovering fines.**
20. And whereas certain fines and penalties are imposed by the 20th section of an Act passed on the 4th of July last, intituled "An Act to repeal part of an Act, 4 Will. IV., c. 41, intituled 'An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves, and to declare the 52 Geo. 3, c. 155, in force in this Island, and to explain and amend and in aid of the said Act,' upon any person who shall harbour, conceal, or clandestinely or fraudulently employ any apprenticed labourer who may be absent from the service of his or her employer without leave, but no sufficient remedy has been pointed out by which such fines or penalties may be levied; be it enacted, that in default of payment of any fine or penalties which may be imposed under the said 20th section of the said recited Act, it shall be lawful for the justices awarding such fine or penalties to issue their warrant, directed by the provost-marshal general or any of his deputies, or any lawful constable, to levy such fine or penalties upon the goods and chattels of any such offender, and the same to expose to sale for payment thereof; and if no such goods or chattels can be found and the offender shall make default in payment, such person shall be and stand committed by warrant under the hand of the said justices to the common gaol, for any period of time not exceeding six calendar months.
- Punishment of minor offences.**
21. And be it further enacted, that for the punishment of minor offences, of which apprenticed labourers may be convicted, it shall and may be lawful for any special justice, instead

instead of commitment to the house of correction, to adjudge such offender or offenders to be kept at their regular labour upon the estate, and confined during shell-blow and night, for such period as the nature of the offence shall to such justice seem to require.

22. And be it further enacted, that it may and shall be lawful for any special justice to authorize the reasonable and necessary correction of juvenile delinquent apprentices: provided always, that such correction shall be with a strap or switch only, and that no female of the age of 10 years or upwards shall be liable to such correction.

Punishment of juvenile delinquent apprentices.

23. And whereas many plantations are destitute of buildings of sufficient strength for the confinement and safe keeping of violent persons who may commit offences; be it enacted, that in every such case it may and shall be lawful to secure any such offender in the bilboes, in the same manner as has heretofore been the custom.

Violent offenders may be secured in bilboes.

24. And whereas doubts may arise as to the number of holidays to be given to apprenticed labourers; be it enacted, that they shall have the 25th and 26th days of December and Good-Friday.

Number of holidays to be allowed.

25. And be it enacted, that in case the buildings or works upon any property in this island shall be on fire, it shall be the duty of every person domiciled or employed thereon to do their utmost to extinguish the same; and every person who shall refuse to assist or shall wilfully withhold his or her assistance, shall be deemed guilty of a misdemeanor, and upon conviction, if the offender shall be an apprenticed male labourer, shall suffer such punishment by stripes, not exceeding 50, and confinement to hard labour in the penal gang for any period of time not exceeding three months; and if a female, such offender shall, in addition to hard labour in the penal gang as aforesaid, be sentenced to solitary confinement for any period not exceeding 14 days, as a special justice shall direct; or if such offender shall be a free person, then, upon conviction before any two justices of the peace, such person shall suffer punishment by fine not exceeding 50*l.*, or imprisonment not exceeding six months.

In case of fire on any property, every person domiciled to endeavour to extinguish it, &c. &c.

26. And be it further enacted, that all fines and penalties imposed by the Acts for the Abolition of Slavery, or any Act passed in aid thereof, shall be recovered by warrant of distress and sale of the offender's goods and chattels, which sale the person executing the warrant shall make within five days after the levy made, and shall be paid over to the receiver-general, and be applied for the use of the public of this island; and every special justice shall, once in every quarter, make a return to the justices and vestry of the parish where the offence may have been committed, or in the city of Kingston to the mayor and common council, of every fine imposed by him in such parish, which return the justices and vestry, and mayor and common council, are hereby required to lay before the commissioners of public accounts, at their next meeting, or as soon thereafter as may be.

Recovery of fines and penalties.

Passed the Assembly, this 22d day of December 1834.

*Richd Barrett*, Speaker.

Passed the Council, this 22d day of December 1834.

*T. J. Bernard*, Clerk to the Council.

I consent, this 22d day of December 1834.

SLIGO.

(Vera Copia Extur.)

*T. J. Bernard*, Sen.

— No. 5. —

MESSAGE of HIS EXCELLENCY in August Session 1835.

Mr. Speaker,

I AM commanded by his Excellency the Governor to acquaint the House that his Excellency has this day received an order of the King in Council, disallowing the Act passed by the legislature on the 22d December last, "To amend and explain and repeal part of an Act passed in the fourth year of the reign of his present Majesty, intituled, 'An Act for the Abolition of Slavery in this island, in consideration of compensation, and for promoting the industry of the manumitted slaves, and to declare the 52d George 3, cap. 155, in force in this island, and for other purposes.'"

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Message of his  
Excellency,  
August 1835.

This message is accompanied by a copy of the observations made by the Secretary of State for the Colonies upon the different objectionable clauses in the Act, which have induced him to recommend His Majesty to come to that determination.

Between His Majesty, the British Parliament, and the people of Great Britain, on the one hand, and the persons entitled to the services of the manumitted slaves on the other, there may, with little impropriety of language, be said to exist a solemn compact, to the faithful performance of which either party is bound by the most sacred obligations. If, on one hand, the payment of the compensation-money is the inevitable duty of Great Britain, it is not less clearly due from the colonial legislature that they should adhere strictly to every one essential or valuable provision of those laws which have been accepted by His Majesty, "as an adequate and satisfactory" performance of the condition which Parliament imposed upon them at the time of making the grant. For the Council and

Assembly



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Assembly to retract any part of the offer deliberately made by themselves, and on the footing of which their right to participate in the compensation fund was established, would be an infringement of the original compact, to which his Majesty could never assent.

An opinion seems to prevail that the colonial Acts respecting apprenticed labourers have superseded the Act of Parliament in this island; this, however, is a misapprehension which cannot be too soon or distinctly removed. The 23d section of the British statute prescribes with minute care the method to be taken, as often as any of the Parliamentary enactments are to lose their authority, and are to give place to others to be substituted for them by Acts of the Assembly. In the language of the 16th section, "any enactment, regulations provision, rule, or order in any Act of the Assembly contained, in anywise repugnant or contrary to the Act of Parliament, or any part thereof, is absolutely null and void and of no effect."

The arrival of this intelligence, at the time when the legislature is assembled, will now enable the House to introduce a bill, divested of the objectionable clauses which have occasioned the failure of the last, and amended in accordance with the observation, which are the result of a most careful and scrupulous examination into the provisions of the former statute. And his Excellency considered it expedient that no time should be lost in making this communication to the House.

His Excellency also transmits, for the information of the Assembly, an extract from the report of the Lords of the Committee of Privy Council for Trade and Foreign Plantations, explaining the grounds upon which their Lordships advised His Majesty to disallow the Act.

1. If the owner of a plantation should be disposed to abandon it, and shall give six months' notice of that design to the labourers on the estate, and to the nearest magistrate, the proprietor is to be relieved, after the expiration of that period, from all further obligation to maintain the labourers; they however are not to be discharged from their apprenticeship, but are to be removed from the abandoned plantation to some other place, having the power to select their own future employers from amongst the various candidates for their services. Agricultural labourers, however, are not to remove into the towns, or to abandon their work in the fields, unless they can satisfy the special justice that they shall be able to maintain themselves by other methods. Apprenticed labourers refusing to be removed from the abandoned estates, are to be punished as vagabonds. If your Lordship will refer to the 9th section of the Act of Parliament for the Abolition of Slavery, you will perceive that the removal of prædial apprentices from the plantations to which they had been attached, or on which they had been usually employed, on or previously to the 1st August 1834, is expressly forbidden, except in the case of transfers, made with the consent of two or more special justices, to some other estate belonging to the same employer in the same colony. I have found it impossible to reconcile, with this provision, the enactment to which I have referred; and your Lordship is aware, that in the event of any repugnancy between the two, not merely the general principle of law, but the express terms of the 16th section of the English statute declares, that the Act of Assembly shall be "null, void and of no effect."

2. I perceive it is enacted, that the courts of quarter sessions may take cognizance of offences committed by apprenticed labourers, in the same manner as in cases of free persons. The general rule I apprehend to be, that every misdemeanor committed by free persons is cognizable at the quarter sessions. If the intention be to render the apprentices amenable to the same tribunals for every misdemeanor which they may commit, then, as every disobedience to the statute law under which they are placed is an offence of that character, the quarter sessions, or in other terms, the local magistracy, will indirectly acquire that jurisdiction which has been studiously withheld from them by Parliament. If, on the other hand, the meaning be only that an apprenticed labourer shall be liable to be tried at the quarter sessions for any offence which could be committed by other free persons, and which, if so committed by them, would be cognizable by those courts, then the rule is unobjectionable, except in regard to the vagueness of the terms in which it is expressed.

3. An apprentice labourer found wandering as a vagabond, without a written permission from his employer, and unable to give a satisfactory account of himself, may by any justice of the peace be adjudged a vagabond, and punished accordingly. The Act contains no words ascertaining the sense in which the expression "vagabond" is here employed. This omission ought to be supplied, for otherwise the simple fact of absence from the estate without the employer's consent, even during the leisure time of the apprentice, might subject him to these penalties. It is indeed declared, that the rule is not to be "deemed or construed" to abridge or interfere with the free use by the apprentice of his leisure time; but whatever sense the interpreter of the law may assign to the rule, I perceive no construction of it which might not be attended with that injurious consequence which the legislature themselves so plainly deprecate.

4. The special magistrates are authorized to establish penal gangs on the plantations, which they may at pleasure break up, and transfer the offenders to the penal gang of the parish. The penal gang thus to be established on the estate, must of course be subjected

to a penal discipline, to be enforced by the employer, or his subordinate agents, and while in that condition, the ordinary rules, limiting the duration of the labour of the apprentices, must of course be suspended. In other words, the employer will, as a minister of justice, assume over these persons the exercise of much of that invidious authority of which he was deprived by the Slavery Abolition Act. It appears to me that criminals of every class should undergo their sentences under the inspection and upon the responsibility of the proper officers of the law; and that there are strong objections to committing this charge, not merely to persons invested with no public office, but who have a strong immediate interest for enforcing the penalties of the law with undue severity, and for exacting immoderate labour. The moral effect of exhibiting bodies of apprentices working on the estates as penal gangs, under the immediate control of the planter or overseer, must be pernicious, and must tend to repress the growth of those feelings of mutual confidence between the employer and the employed, which it is of the utmost consequence to cherish. It may further be remembered, that the Act does not, in terms at least, provide, that in respect of time which the apprentice may pass in labouring for his employer's benefit in the penal gang on the estate, the apprentice is not also to be considered as a debtor to the employer. Yet, adverting to the general terms of the former laws of the island, this is a consequence which, in the absence of an express declaration to the contrary, would seem to follow.

5. Any apprenticed labourer, acting as a watchman, and absenting his post, or being guilty of any neglect of duty by which the employer's property is damaged, is to make good the loss, or is to yield any amount of extra labour to his employer not exceeding 30 days, or is to undergo any number of stripes not exceeding 50. I cannot perceive the justice of this rule. A freeman who engages for his own profit to act as the guardian of the property of another, may reasonably be called upon to indemnify the owner against such losses as his negligence may occasion. The contractor indemnifies himself against the risk by the terms of the engagement; but a man who works by compulsion, and for a bare subsistence, ought not to incur such damages. The punishment of the negligent watchman should be measured, not by the amount of the loss sustained by his employer, but by the amount of suffering presumeably necessary to deter the offender himself, and the witnesses of his punishment, from the repetition of the offence.

6. The plantation constable is authorized to secure and to place in confinement any apprenticed labourers, not employed on the plantation, who may be found loitering there without the knowledge and permission of the employer. From the operation of this rule are excepted the wives of the apprentices "legally married." I presume that this apparently tautologous phrase is used in contradistinction to that of wives improperly so called, that is, women living in a state of concubinage; therefore the rule would forbid an apprenticed labourer to admit his concubine into his hut, except with the assent of the proprietor. I fear that this rule has little or no tendency to promote the interest of morality. The long and lamentable disuse of marriage amongst the slave population of Jamaica has given birth to connexions between the sexes which, however much to be lamented, must be borne with until they can be superseded by more legitimate unions, formed under the influence of religious and moral culture; such habits are certainly not to be eradicated by peremptory and unforeseen laws. Further, the apprentice has a strict legal right to receive into his hut such inmates or visitors as he may think proper, provided that nothing be done to endanger the public peace, or the good order of his own or any other plantation. He must be considered as a tenant, paying rent for his occupation in the form of manual labour.

7. The prohibition of apprenticed labourers attending or voting at any public meeting, should have been confined to meetings of which the object or the proceedings were political. There is no good reason for excluding them from charitable and religious meetings holden during their own leisure hours.

8. The appeal from the special magistrates to the supreme or assize courts, would transfer to the local magistracy presiding in those tribunals a power which Parliament studiously reserved to the special justices. I should have thought the enactment unobjectionable, had it merely ascertained the right of the supreme tribunals to set aside the decisions of the special magistrates for illegality or want of form. But the right of appeal goes far beyond this.

9. After a preamble, declaring that many plantations are destitute of sufficient strength for the confinement and safe keeping of violent persons who may commit offences, it is enacted, that in every such case it shall be lawful to secure any such offender in the bilboes, "in the same manner as has heretofore been the custom." This indefinite language will afford shelter for the revival of many of those practices which prevailed under the old slave law of the island. It is possible that the meaning of the legislature may not be accurately represented by the words they have employed.

10. Four sections of the Act of December 1833 are repealed; they are those designated in the printed copy of that Act, by the numbers 27, 39, 44 and 60. In general, it appears to me that the enactments thus to be revoked, are properly selected for that purpose; but they contain some beneficial provisions which might have been conveniently left in force; at least I am unable to perceive what advantage is anticipated from rescinding them.



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them. I refer, especially, to the declaration respecting the right of the apprenticed labourers to resort to market, and to places of public worship, and to enjoy the free use of their own time; to the declaration requiring the release of an apprentice after 24 hours' imprisonment, if a special justice cannot be procured in that time; to the rule that no employer must ever imprison an apprentice without subsequently preferring a complaint against him for the offence which occasioned the imprisonment; to the clause respecting the flogging or beating of women; to the limitation of 15 hours in the whole in any one week to the period of penal labour in the employer's service; and to the declaration that all penalties are to be recovered before a special justice, by distress, and are to be applicable to the public service of the island. The repeal of all these enactments will apparently deprive the law of some of its most important securities against abuse.

11. This Act provides, that if before any order shall be made for discharging a labourer from his apprenticeship, on the payment of the appraised value of his service, it shall be proved that during the apprenticeship the labourer has been convicted of any robbery or theft, the justice must stay all proceedings until the expiration of three years from the time of the conviction. Without pausing to debate the justice of this regulation, it is enough for me to say, that it is at variance with those provisions of the Act of Parliament which give to the labourers a positive right to purchase their discharge without any such qualification.

12. The Act provides, that if five or more labourers shall, without the written authority of their employer, proceed in a body, or in a tumultuous or riotous manner, from the estate to which they are attached, under the pretext of receiving redress of grievances, they are to be committed to the nearest gaol, there to remain till the decision of the case; and if it shall be made to appear to the justices that such labourers had quitted their homes without justifiable cause, the males are to be whipped, and the females are to be placed in solitary confinement, or worked in the penal gang. Now it is obvious, that in general the smallest number of persons only ought to quit the estate in a body, for the purpose of lodging complaints. But, on the other hand, it is scarcely possible to draw so strict a line as is here proposed, without great occasional injustice. A complainant failing to prove the cause of his absence justifiable, is to undergo a severe punishment, yet that failure may be inevitable, if he is forbidden to take with him witnesses, however numerous, who alone are qualified to prove the truth of his complaint.

13. This discharge of an apprenticed labourer, after 24 hours' imprisonment, by his employer's authority, is referred to the discretion of the employer, or to that of the nearest justice of the peace, who is permitted to authorize the further detention of the labourer, until the attendance of a special magistrate can be obtained, or (according to the nature of the offence) to commit such labourer to gaol, to be dealt with according to law. The powers thus given to the ordinary magistracy are repugnant to the British statute, and invest them with an authority which Parliament has expressly forbidden them to assume.

14. The special justices are authorized to direct the "reasonable and necessary correction of juvenile delinquent apprentices" with a strap or switch; but no female of the age of 10 years or upwards is to be liable to any such correction. The word "juvenile" is so indefinite as to leave the authority thus given to the magistrates destitute of any safe or certain limit. The judicial punishment of females, by whipping, whatever may be their age, is repugnant to the plain language of the Act of Parliament.

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EXTRACT from a Report of the Lords of the Committee of Council for Trade, dated 23 June 1835, upon Act, No. 3,156, passed by the Legislature of the Island of Jamaica in December 1834.

THIS Act repeals several of the provisions of the Act passed by the legislature of the island on the 12th December 1833, for the Abolition of Slavery in Jamaica, which last Act has been declared by Your Majesty in Council, to be an adequate and satisfactory compliance with the terms prescribed by Parliament, as the condition upon which the persons entitled to the services of the slaves manumitted in the said colony might participate in the fund appropriated for the compensation of such persons; and by such repeal of the provisions aforesaid, the law of Jamaica on that subject would cease to be either adequate for the purposes aforesaid, or satisfactory to Your Majesty in Council.

For the reasons above stated, the Lords of this Committee are humbly of opinion that this Act should be disallowed.

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## —No. 6.—

EXTRACT from a DESPATCH dated 13th June 1835, received from Lord *Glenelg*. No. 32.

THIS correspondence suggests the indispensable necessity of insisting, that no Act be passed in Jamaica affecting the condition of apprenticed labourers, unless it shall either contain a suspending clause, or unless the period at which it shall be made to take effect in the island shall be so remote as shall afford His Majesty in Council ample time for exercising His Majesty's prerogative of disallowance, if that course should be thought necessary. Your Lordship will consider this an *inflexible rule for your guidance*.

Extract of Despatch, No. 32, dated 13 June 1835.

## —No. 7.—

EXTRACT from the GOVERNOR'S opening SPEECH to the Legislature of *Jamaica*, on the 10th of November 1835.

THE Act in aid of the Abolition Law, and the Police Bill, will expire at the end of this year; I recommend them to your earliest consideration, it being of the utmost importance to the success of the system, which the law declares shall prevail, *that they should be made equal in duration with the apprenticeship*.

Extracts from the Governor's opening Speech of 10th November 1835.

As the Act in aid was passed for the particular purpose of remedying the deficiencies in the original Colonial Law, and as it has been found, practically speaking, to be adequate to the purpose for which it was intended, I must express a hope that you will renew it *without any alteration except as to duration*.

## —No. 8.—

The GOVERNOR'S second Message to the Assembly of 13th November 1835.

Mr. Speaker,

I AM commanded by his Excellency the Governor, to request the very earliest attention of the Assembly to the Act in aid of the Abolition Law, which will expire on the last day of the present year.

Second Message of 13 November 1835.

He is confident the House will recollect the circumstances under which this Act was passed, that His Majesty gave His assent in Council to the Abolition Law, though imperfect in some of its provisions, in the firm persuasion that the objections which were at the same time communicated would be remedied by a supplemental Act. The Legislature of Jamaica responded to that confidence, and passed this Bill, but only for a limited period. His Excellency has since been directed to communicate to the Legislature, that His Majesty has been graciously pleased to accept it as a satisfactory remedy for those objections, but that His Government could not consider the Legislature of Jamaica as having fully acquitted itself of the duties to which it was called, until the amendments shall have been made as enduring in point of time as are the original enactments. His Excellency trusts that the present Legislature will be equally ready with the last, to justify the confidence which induced His Majesty to give His consent to the original Bill, though objectionable in some of its enactments, by renewing the present law, and making it co-existent with the apprenticeship term.

His Excellency hopes the House will deem it advisable to pass it in its present form, without intermixing any new matter, or any which had been provided for by the Act of 22d December, lately disallowed; and that such further regulations as appear to the House necessary on the subject may be embodied in a separate Bill. This course his Excellency urges, in consequence of having been instructed not to give his assent to any measure affecting the rights of apprentice and master, unless it shall either contain a suspending clause, or unless the period at which it shall be made to take effect in this island be so remote as to afford His Majesty ample time previously to signify his pleasure therein.

His Excellency moreover feels it his duty to impress upon the House, in case of any new legislation on these duties, the necessity of a most scrupulous attention being paid to the declaration, in the sixteenth section of the British statute, prohibiting any enactment, regulation, provision, rule or order, which shall be in anywise repugnant or contradictory to this present Act, or any part thereof, but that every such enactment, regulation, provision, rule or order shall be and is hereby declared to be absolutely null and void and of no effect.

## —No. 9.—

The GOVERNOR'S Sixth Message to the Assembly of 13th November 1835.

Mr. Speaker,

I AM commanded by his Excellency the Governor, to call the attention of the House to the 54th and 69th clauses of the Act passed last Session, to consolidate the Highway Laws of this island.

Sixth Message of 13 November 1835.

The invidious distinction made in the mode of punishment for offences committed by an apprentice or by a free person is so objectionable, that His Majesty's decision upon the law

law will be reserved until it is determined whether the House are willing to repeal those portions of the Act.

His Excellency is not aware of any reason why apprentices should be subject to corporal punishment, from which all other classes of society are exempt, when the offence has no relation whatever to the peculiar character in which the law has placed them.

If it be said that the presumed inability of the apprentices to pay pecuniary fines requires that they should be subject to bodily punishment, when other men are subject to a mulct, then, as the distinction has reference to the relative wealth and property of the offenders, the enactment should have been framed upon that principle; but as the statute now stands, imprisonment and whipping are substituted for fines, not whenever the convict is too poor to pay the money, but whenever he happens to belong to this particular division of society. Indeed, the imprisonment imposed by the 54th clause is to continue until the employer shall think fit to pay the fine, costs and fees for the release of his apprentice; and thus the term of imprisonment is rendered indefinite, or rather dependent altogether upon the resources of his employer, or his willingness to employ them for the benefit of his apprentices.

His Excellency, therefore, trusts that the House will amend the Highway Laws in that respect accordingly.

—No. 10.—

First Message of  
17th November  
1835.

The GOVERNOR'S First Message to the Assembly of 17th November 1835.

Mr. Speaker,

HIS Excellency the Governor is compelled to request the attention of the Legislature to the Act for making further provision for the building, repairing and regulating of gaols, houses of correction, hospitals and asylums, for the purpose of completely guarding against certain abuses, which, if not specifically declared to be illegal, are liable to occur in the administration of that law.

It is plainly impossible that all the minute rules required for the good government of the places of confinement and punishment, varying as they must with different circumstances, could be introduced into a statute of the island. The power of making such rules was unavoidably delegated to the justices assembled at the general or quarter sessions, who must be considered as the unexceptionable depositaries of such trust; but a construction may in some instances be given to a power thus delegated, completely at variance with the wise and humane regulations of the law for the abolition of slavery, which should always be taken in connexion with any measure affecting that class of persons for whose benefit it was framed.

HIS Excellency understands that the power of inflicting corporal punishment at their own discretion has been trusted to the supervisors of workhouses; those persons, however respectable they may be, are not, in his Excellency's opinion, of the class of life to justify such confidence. Instances which have recently come before the public, show that this is not a loose assertion; and the fact that the magistracy, whom the spirit of the British constitution intrusts with the power of summary punishment, are chosen out of another class, confirms him in the sentiment. He hopes, therefore, that the supervisors may be deprived of that power, and that it may be reposed in the magistrates, and no one else.

A much more serious breach, not only of the spirit, but even of the letter of the law, has been committed under the supposed authority of the Act in question. HIS Excellency alludes to the rule permitting the use of the whip upon women by the superintendents of tread-mills. This is a direct infringement on the 21st section of the Abolition Act, which expressly forbids the whipping of the women under any circumstances; prisoners are likewise made subject to have their hair cut off for imputed or real misconduct; and even untried persons have suffered this punishment; and as his Excellency's remonstrance on the impropriety of this conduct has not occasioned such practice to be discontinued, or such rules to be rescinded, he suggests to the House the necessity of some legislative interference, prohibiting the adoption of these and any other regulations which may interfere in the faithful compliance with the law for the abolition of slavery, without the spirit in which it was enacted by Parliament, and adopted by the council and assembly of Jamaica.

—No. 11.—

Second Message of  
17th November  
1835.

The GOVERNOR'S Second Message to the Assembly of 17th November 1835.

Mr. Speaker,

I AM commanded by his Excellency the Governor to state to the House, that having learned that in several instances property belonging to the apprentices had been subjected by the parochial authorities to taxation, he caused a Letter, a copy of which accompanies this Message, to be addressed, in the month of April, to the Custos or senior Magistrate of each parish. HIS Excellency having been informed that in many cases the view he took of the non-liability of the apprentices to this imposition was not adopted, he referred the matter to the Secretary of State to the Colonies, who, perfectly coinciding in opinion with his Excellency, has directed that the subject should be brought under the notice of the House of Assembly.

As the law excludes the whole body of apprenticed labourers from all right of voting, or of electing representatives to vote on their behalf at vestries, their property is scarcely a legitimate

legitimate subject of taxation by those bodies; the disability under which the whole of this class of society labour, of disposing of their time, at their own discretion, for their own benefit, renders any impost affecting them in common with others unequal in reality, whatever may be the nominal and apparent equality. Bound as they are to the performance of compulsory toil for a fixed remuneration, calculated at such a rate as to make their services saleable and valuable property, they may be correctly said to be already making a much larger contribution to the general exigencies of the colony than any other of its inhabitants.

His Excellency therefore recommends a legislative declaration, exempting this class of persons from taxation during their term of apprenticeship; because His Majesty, the Parliament, and the people of the United Kingdom, naturally claim at the hands of the Legislature such measures of equal justice towards the emancipated population of this island as shall secure to them the real enjoyment of those privileges, for the assertion of which the mother country has cheerfully made so costly a sacrifice.

Copy CIRCULAR, to which his Excellency's Second Message to the Assembly of 17th November 1835 refers.

Sir,

The King's House, 17th April 1835.

Circular Letter to which the Second Message of 17th November 1835 refers.

His Excellency having understood that in several parishes resolutions have been adopted for taxing stock, the property of apprentices, desires me to suggest to you some consideration on the subject, before carrying such a measure into effect.

However extensive the wording of the Act laying a tax on stock may be, still the terms of the Abolition Act, and the Act in aid, as regards this class of persons, must be taken into consideration with it. By these Acts apprentices are restrained from enjoying all the rights of free men, and are also exempted from liabilities attending persons of free condition: they cannot be arrested for debt, nor are they liable to be called upon or competent to serve in the militia or as jurors. They are disqualified from serving as members, vestrymen, and from voting at such elections, nor can they attend public meetings; with all these disabilities and deprivations of the privileges of free men, his Excellency cannot see how they can be fairly held liable to the payment of taxes.

I am, &c.

(signed) W. G. Nunes, Secy.

—No. 12.—

[Note.—The clauses with the side-heads "Act in Aid," were distinguished in the MS. copy with red ink; and those with the words "in disallowed Act," with blue ink; and the lines within brackets were erased.]

Jamaica, Ss.

AN ACT to repeal part of an Act passed in the fourth of WILLIAM the Fourth, chapter forty-one, intituled, "An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the manumitted Slaves, and to declare the fifty-second of GEORGE the Third, chapter one hundred and fifty-five, in force in this Island, and to explain and amend an Act in aid of the said Act.

WHEREAS it is expedient and necessary to explain and amend certain parts of an Act of the fourth of WILLIAM the Fourth, chapter forty-one, intituled, "An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the manumitted Slaves, and to declare the fifty-second of GEORGE the Third, chapter one hundred and fifty-five, in force in this Island;" BE it therefore Enacted, by the Governor, Council, and Assembly of this Island, and it is hereby Enacted and Ordained, by the authority of the same, that the proviso at the end of the fourth clause of the said Act shall be and the same is hereby repealed.

Clause 1 in Aid.

And it is hereby Enacted, That no person of the age of twelve years and upwards shall be included in either of the two classes of prædial apprenticed labourers in the said Act mentioned, unless such person shall, for twelve calendar months at the least next before the twenty-eighth day of August one thousand eight hundred and thirty-three, have been habitually employed in agriculture, or in the manufacture of colonial produce.

Clause 2 in Aid.

And whereas doubts have arisen whether under the said Act persons having a limited right to the services of apprentices, or who hold apprentices which are subject to trusts, limitations and incumbrances, have power to discharge such apprentices from the term of their apprenticeship, or any part thereof; be it therefore enacted, that any person entitled to the services of any apprenticed labourer, and which apprenticed labourer shall be subject to any trust or limitation, or any feme covert or guardian or guardians of a person of non-age, or committee of a lunatic or insane person, shall be entitled to the services of any apprenticed labourer, and shall be desirous to discharge such apprentice, such person is authorized and required to apply to the nearest special justice under the said Act, who shall thereupon give notice twice in the country newspapers of his intention to proceed to value the said apprenticed labourers; and such justice shall at a time and place by him to be appointed associate with him one other justice of the peace, and such two justices shall proceed to fix a value upon such apprenticed labourer, *which valuation shall be binding and conclusive* on all parties; and the amount of the value so fixed by such two magistrates

Clause 3 in Aid.

magistrates shall be paid, applied or invested in such manner and way, and in such parts or proportions as the compensation money for such apprenticed labourer under an Act of the Imperial Parliament, third and fourth William the Fourth, chapter seventy-three, shall have been awarded, paid and applied or invested: Provided always, that in case such compensation money shall not have been paid or awarded, then that the amount or value so fixed by the said two justices shall be paid into the office of the Receiver-General, there to remain until such compensation money shall be awarded, and then to be paid out or invested in conformity with such award of compensation under an order of any Judge or Justice of the Grand or Assize Courts of this island.

Clause 4 in Aid.

And be it further enacted, that upon the amount of such value being so paid into the Receiver General's chest, or paid to the person entitled to receive the same, or invested as aforesaid, the said two justices shall discharge such apprentice from the term of his apprenticeship, and shall grant a certificate of discharge in the form laid down in the tenth clause of the herein-before recited Act of the fourth of William the Fourth, chapter forty-one.

Clause 3  
in disallowed Act.

And whereas it is desirable that one uniform mode of valuation should be in force in this island; Be it enacted, that the justices, in fixing their valuation of any apprenticed labourer, shall ascertain, by the examination of witnesses or otherwise, the amount in value of the services of such apprenticed labourer for one year, and, after deducting *one-third therefrom to cover all casualties and contingencies*, shall multiply the residue at the same ratio for the remainder of the term to come of his apprenticeship, and the aggregate shall be deemed the value of such apprenticed labourer, or if the apprenticeship shall be within one year of its expiration, the said justices shall proceed upon the same principle, and fix the value of such apprenticed labourer in proportion to the time his or her apprenticeship has to run.

Clause 5  
in Act in Aid.

And whereas it is necessary to regulate uniformity in the hours of labour, Be it enacted, that on all sugar estates and other plantations, field labour shall commence with sunrise and terminate with sunset, giving such cessation in the middle of the day as with the usual half-hour allowed for breakfast shall reduce the actual time of labour to nine hours in the day: Provided always, that nothing herein contained shall prevent the employer and the labourers from making any other arrangements as to the hours of labour which they may mutually agree upon.

Clause 4  
in Act disallowed.

And be it further enacted, that it shall be lawful for the owner, proprietor or manager of every sugar estate so to regulate the hours of labour as to enable him or her, if necessary, to carry on the manufactory of sugar, when the mill is about for eighteen hours out of the twenty-four; provided that no apprenticed labourer, unless by his or her own consent, shall be required to labour for a longer time than nine hours out of the twenty-four, as already provided by law, nor shall any apprenticed labourer, unless by his or her consent, be required to labour during his or her own time allotted by law.

Clause 6  
in Act in Aid.

And be it enacted, that it shall be the duty of every employer to intimate to the labourers in his or her employment the commencement and the close of the legal hours of labour by the usual mode of ringing a bell or sounding a horn or shell, or any other signal which shall be always of such a nature as to be distinctly visible or audible to the several prædial apprenticed labourers in the service of any person.

Clause 7 in Aid.

Whereas apprenticed labourers, not being over fifty years of age, nor incapable, from mental or bodily infirmity, of earning a subsistence, may, under the seventh clause of the Abolition Act, be voluntarily discharged by their employers: and whereas such discharged labourers may afterwards become destitute, and give rise to doubts as to the condition in which they were discharged, and the consequent liability of the employer to provide for their support and maintenance; Be it enacted, that every master or employer who shall voluntarily discharge any apprenticed labourer or labourers, such master or employer shall in every such case bring such labourer or labourers before the vestry of the parish in which he shall reside, to be approved and recorded according to the seventh clause of the Abolition Act; and in case any master or employer shall discharge any apprenticed labourer or labourers without having so produced them to the inspection of the vestry as aforesaid, then and in every such case such master or employer shall, in the event of such labourer or labourers being found in a state of destitution, be held liable for their support and maintenance for the remaining term of the apprenticeship.

Clause 8 in Aid.

And be it further enacted, that any apprenticed labourer who shall be unable from sickness to attend to his or her usual labour, such labourers shall without delay repair to the plantation hospital, and there shall receive the same medical care and attention as has heretofore been customary, and shall in like manner be liable to all such necessary sanatory restraints and control as the medical attendant shall direct; and in case any apprenticed labourer shall absent himself or herself in the morning from his or her usual labour upon pretext of indisposition, such labourer so offending shall upon conviction thereof before any special justice be compelled to make up such loss of time to the employer in the same manner as in the case of absence from the field: Provided always, and be it further enacted, that where there shall be no hospital, the said apprenticed labourers shall receive such medical attendance and relief as is now customary in this island.

Clause 9 in Aid.

And be it further enacted, that any apprenticed labourer or labourers who shall be convicted before any special Justice of having wantonly cut down or damaged any fruit or other

other trees, or of having wantonly pulled down or injured any house or outhouse upon the property of his, her or their employer, such apprenticed labourer or labourers so convicted shall be sentenced to hard labour in the house of correction or the penal gang of the parish for a term not exceeding three months, or to receive any number of stripes not exceeding thirty-nine, or if a female to hard labour not exceeding twenty days.

And whereas doubts have arisen as to the meaning of the words "urgent necessity" in the sixteenth clause of the said Act; for removal thereof, Be it enacted, that such words shall be deemed and taken to mean cases of hurricane, tempest, earthquake, flood, fire or other misfortune, the act of God, and which could not have been prevented by previous due caution on the part of the employer; and that any person who shall otherwise compel any prædial apprenticed labourer to work beyond the legal number of hours, save and except in conformity with the forty-seventh and fiftieth and fifty-first clauses of the said last-mentioned Act, shall be deemed and taken to have committed an offence against the said Act.

Clause 10 in Aid.

And be it further enacted, that no action or suit shall be brought or commenced by any person against any special justice for any act, matter or thing done by him in the execution of the said Act of fourth William the Fourth, chapter forty-one, or of this Act, or of any Act passed in aid of or to explain and amend the said Act of the fourth William the Fourth, chapter forty-one, unless notice of bringing such action shall have been served on such special justice, or left at his usual or last place of abode, at least one month previous to such action being brought; and if a verdict shall be given for the defendant in any such action or suit, or the plaintiff therein shall be nonsuited, or such action shall be discontinued for want of going to trial, the plaintiff therein shall pay to the defendant the amount of his full costs out of purse expended [Table in said Act] by him in the defence of the said action or suit.

Clause 11 in Aid.

And be it further enacted, that if any such special Justice against whom any action or suit shall be so brought shall at any time after such notice given before the trial of the said action tender to the said plaintiff sufficient amends for such wrong or injury in respect of which such action has been so brought and submit to pay the costs of suit up to that time incurred, and if the plaintiff shall refuse to accept such amends and costs, and the verdict shall be given for the plaintiff for the sum so tendered, or a lesser sum, then the court shall order and direct the plaintiff out of such damages to deduct the full costs out of purse of the defendant, and an execution shall be lodged only for the amount of such damages after such deduction.

Clause 12 in Aid.

And be it further enacted, that no action or suit shall be brought against any special Justice in respect of any act, matter or thing by him done in pursuance of the said Act of fourth William the Fourth, chapter forty-one, or of this Act, or of any Act passed or to be passed in aid of or to explain and amend the said Act of fourth William the fourth, chapter forty-one, unless the same shall be commenced within six months after such cause of action shall have occurred.

Clause 13 in Aid.

And be it further enacted, that any apprenticed labourer who shall be convicted before any special justice of aiding and abetting any other apprenticed labourer in quitting or attempting to quit the island without the written consent of his or her employer, such apprenticed labourer so convicted shall be liable to imprisonment with hard labour for any time not exceeding three months, and if a male to whipping not exceeding fifty stripes or to three months imprisonment with hard labour.

Clause 14 in Aid.

And be it further enacted, that any person not being an apprenticed labourer who shall remove or assist in removing any apprenticed labourer from this island in any boat or vessel without the written consent of his or her employer, such person shall for every apprenticed labourer he or she shall remove or assist in removing from this island forfeit the sum of one hundred pounds current money of Jamaica, to the use of the employer of such apprenticed labourer, to be recovered as servants' wages before any two justices of the peace.

Clause 15 in Aid.

And be it further enacted, that all apprenticed labourers whose ordinary occupation is on the sea as fishermen or mariners shall be registered as such at the office of the special justice of the district, and any apprenticed labourer engaging in such occupation without being first so registered, except with the consent of his employer, shall be liable on the conviction thereof, on the complaint of his employer, to imprisonment with hard labour, for any time not less than six weeks, and not exceeding three months, or to a whipping not exceeding thirty-nine stripes.

Clause 16 in Aid.

And be it enacted, that when any apprenticed labourer shall without leave have absented himself or herself for one entire week or upwards from the service of his or her employer, such employer shall report the name and description of such deserter to the sub-inspector of the district, that a record may be kept of all such deserters, and every means used for their apprehension; the more effectually to accomplish which, a reward of twenty shillings shall be paid to the person who shall apprehend and secure any such deserter, and which in the first instance shall be charged to and paid by the employer, but repaid to him or her out of such deserter's own time in such manner as a special justice shall direct.

Clause 17 in Aid.

And be it further enacted, that if it shall be made to appear to the satisfaction of any two special justices of the peace that any apprenticed labourers have without lawful authority established themselves in any part of the island as a distinct community, habitually abandoning

Clause 18 in Aid.

doing and neglecting to perform the duties imposed on them by law, such justices of the peace shall cause any such community to be dislodged by the police of the district, and, if necessary, shall also cause their settlements to be taken down and destroyed.

Clause 19 in Aid. And be it further enacted, that any apprenticed labourer who shall be convicted before such special justice of the peace of having been a member of any such community as aforesaid, shall be adjudged to imprisonment with hard labour for any term not exceeding six months, and if a male, to whipping not exceeding fifty stripes, or imprisonment with hard labour for any term not exceeding six months.

Clause 20 in Aid. And be it further enacted, that if any person shall harbour, conceal or clandestinely or fraudulently employ any apprenticed labourer who may be absent from the service of his or her employer without leave, every such person so offending shall for every such offence, upon conviction thereof before any two or more justices of the peace, in case the party complained against be not an apprenticed labourer, but if an apprenticed labourer then before the special justice of the district on the complaint of the employer or employers of such apprenticed labourers, be adjudged to pay, and shall pay to the person or persons entitled to the services of such apprenticed labourer the sum of ten pounds current money of this Island for each and every such apprenticed labourer so harboured, concealed or fraudulently employed; and the further sum of ten shillings like current money per day for each and every such apprenticed labourer for each and every day, or part of a day, such offender or offenders shall be proved to have so harboured, concealed or clandestinely, or fraudulently employed every such apprenticed labourer; and upon the hearing of any such complaint, it shall and may be lawful for such justices of the peace, and they are hereby authorized and empowered, if they shall see just cause, to examine the party complained against upon his or her oath touching the matter of such complaint; and in case the party accused, being legally summoned, the service of which summons shall be ten days at least before the hearing of such complaint, and return thereof made on oath by the constable who shall have executed such summons, shall, without some reasonable cause to be allowed of by such justices, fail to attend the hearing of such complaint, the justices shall give judgment therein for the said sum of ten pounds against such offender; and in failure of the payment of such fine or penalty, such person shall be and stand committed, by warrant under the hand and seals of the said justices, to the common gaol for a period not exceeding six months; and such justices are hereby required, if necessary, to issue either a search warrant for the apprehension of such apprenticed labourer, or a summons to the party accused, requiring him or her to produce such apprenticed labourer at the time of hearing such complaint, in order that he or she may be delivered over to his or her employer; and in failure, unless it shall appear on the oath of such party accused that he or she cannot procure the attendance of such apprenticed labourer, such justices shall and they are hereby required to issue a warrant for the apprehension of every such apprenticed labourer, and for searching the premises of the person or persons convicted under this clause, or any other premises where there shall be reasonable ground to believe that such apprenticed labourer is harboured or secreted: provided always, that no such warrant shall issue for the apprehension of any apprenticed labourer unless such warrant shall be signed by a special justice; and such justices are hereby fully authorized to examine such persons on oath, or any other person or persons who may be able to discover where such apprenticed labourer is to be found; and on the apprehension of any such apprenticed labourer, such constable is hereby required to deliver him or her over to a police officer of the district to which such apprenticed labourer belongs, to be dealt with according to law; and if the offender be an apprenticed labourer, and be unable to pay the penalties hereby imposed, such apprenticed labourer, if a male, to be liable to whipping not exceeding thirty-nine stripes, and if a female, to solitary confinement for any time not exceeding ten days, or to hard labour not exceeding three months, or if able to do so, to make any other satisfaction to the injured party which such injured party shall be willing to receive: provided always nevertheless, that nothing herein contained shall extend to the employing of any prædial apprenticed labourer on Saturday or on any other day to which such prædial apprenticed labourer shall be entitled to his or her earnings, unless the party employing shall have express and actual notice from the employer of any apprenticed labourer or his representative that such prædial apprenticed labourer hath been adjudged to work on any such Saturday or any other day as aforesaid for the benefit of his or her employer or employers.

A portion of Clause 20 in disallowed Act. And be it further enacted, that in default of payment of any fine or penalties which may be imposed under the preceding clause, it shall be lawful for the justices awarding such fine or penalties to issue their warrant, directed to the provost marshal general, or any of his deputies, or any lawful constable, to levy such fine or penalties upon the goods and chattels of any such offender, and the same to expose to sale for the payment thereof, and if no such goods or chattels can be found and the offender shall make default in payment, such person shall be and stand committed, by warrant under the hand of the said justices, to the common gaol for any period of time not exceeding six calendar months.

And be it further enacted, that if after the expiration or other determination of the term of apprenticeship of any apprenticed labourer, he or she shall, having had three months notice to quit previously to the determination of such apprenticeship, refuse to quit and deliver up possession of any land, dwelling or building which he or she shall have been permitted or suffered to occupy during his or her state of apprenticeship to his or her employer or employers, or to any person or persons acting in his, her or their behalf, every such



such person shall be deemed and considered a trespasser, and it shall and may be lawful in such case for any two justices of the peace associated together, upon complaint made and the conviction of the offender, to eject such offender from such land, dwelling or building, and inflict such punishment, not exceeding ten pounds, or imprisonment not exceeding thirty days, as to such justices shall seem proper.

And be it further enacted, that it shall and may be lawful for any special justice, and he is hereby authorized and empowered, to substitute any given number of hours of work on the tread-mill in any house of correction or otherwise, for any of the punishments imposed by this or any other Act on apprenticed labourers, as he in his discretion shall consider necessary and proper. Clause 22 in Aid.

And be it further enacted, that during the continuance of any such apprenticeship as aforesaid, it shall and may be lawful for any employer and apprenticed labourer mutually to contract together for a certain sum or sums of money to be paid by such employer to such apprenticed labourers, either by the week or in such other manner as may be agreed upon, in the place and stead of such clothing and other maintenance and allowances as are provided by the sixteenth clause of the Act of this Island, fourth William Fourth, chapter forty-one: Provided always, that such contracts or engagements shall be sanctioned by a special justice. Clause 23 in Aid.

And be it enacted, that the operation of this or any other law for the governance of the apprentices shall not be suspended by martial law, any law, custom or usage to the contrary thereof in anywise notwithstanding. Clause 24 in Aid.

[And whereas doubts have arisen as to the precise meaning of the words "crimes and misdemeanors," in the said Act fourth William Fourth, chapter forty-one; Be it therefore enacted, that all inferior misdemeanors, assaults, petty thefts, not exceeding in value five pounds, and trespasses committed by apprenticed labourers against each other, or against the person entitled to his, her or their services, or against any other person, and not hereinbefore specified, shall be heard and determined before any justice appointed by special commission, reasonable notice of the time and place of such trial being given to the person entitled to the services of the apprenticed labourers complained against, where such person so entitled to his or her services is not the complainant; and such Justice shall, upon the conviction of such apprenticed labourer, order and direct such punishment to be inflicted as he shall think proper, not exceeding fifty lashes nor three months imprisonment to hard labour, or twenty days solitary confinement: Provided that nothing in this Act, or in the said recited Act for the Abolition of Slavery, or in any Act in aid thereof contained, shall be taken to authorize any Justice of the peace to sentence any female apprentice to be flogged or beaten: And provided also, that nothing herein contained shall be deemed or taken to deprive any of His Majesty's subjects of his or her right to proceed against any such apprentice in any of the superior courts of this Island, or any Court of Quarter Sessions or Common Pleas for remedy against any apprentice for any wrong or injury done or committed to or against the person or property of such subject.] Clause 26 in Aid.

And whereas doubts have arisen as to the precise meaning of the words "crimes and misdemeanors," in the said Act fourth William Fourth, chapter forty-one; Be it enacted, that such crimes and misdemeanors as are by law cognizable and punishable by one justice of the peace when committed by any subject of His Majesty, shall be cognizable and punishable when committed by an apprenticed labourer, by a special magistrate. Substituted for Clause 26.

And be it further Enacted, That nothing contained in the proviso to the forty-ninth clause of the said mentioned Act of fourth William the Fourth, chapter forty-one, shall be taken to abridge the right of any apprenticed labourer to proceed in any of the courts of this Island, by indictment or otherwise, for any wrong or injury done to or committed against his person or property by any person whomsoever. Clause 27 in Aid.

And whereas doubts have been entertained, whether under the said recited Act the Courts of Quarter Sessions can take cognizance of offences committed by apprentices; Be it Enacted, That it shall be lawful for the several Courts of Quarter Sessions in this Island to take cognizance of offences committed by apprentices in the same manner and for the same offences for which free persons would be liable to be tried by such courts. Clause 6 in Act disallowed, altered.

And whereas great damage arises to plantations in consequence of hogs and goats being suffered to roam at large; Be it Enacted, That if any hog or goat shall be found at large in any cane pieces, provision grounds, coffee pieces, orchards, garden or field, under cultivation, without the consent of the owner or proprietor thereof, or of his or her manager, it shall be lawful for the owner, proprietor or manager of the property where such hog or goat shall be so found, to cause such hog or goat, so trespassing as aforesaid, to be destroyed. Clause 12 in Act disallowed.

And be it Enacted, That for and notwithstanding any thing in the said recited Act contained, it shall and may be lawful to sell bread and grass on Sunday, provided the same are not exposed for sale during divine service. Clause 15 in Act disallowed.



- Clause 16  
in Act disallowed. And whereas great inconvenience has arisen, and may arise, from large bodies of apprentices assembling at public POLITICAL Meetings; Be it therefore enacted, that from and after the passing of this Act, it shall not be lawful for any apprenticed labourer or labourers to attend or vote at any POLITICAL Meeting.
- Clause 17  
in Act disallowed. And be it enacted, that if any person or persons shall consider himself or themselves aggrieved by the proceedings and decision of any special justice, such person or persons shall have the right of appeal against any such decision to the Supreme or Assize Courts: (Provided that no appeal shall be, unless on the ground of illegality or want of form.\*)
- \*Red ink in MS. copy.
- Clause 18  
in Act disallowed. And whereas doubts have arisen in many cases whether apprentices who have been partly employed in agriculture or in the manufacture of colonial produce, and partly employed otherwise, should be classed as prædial or as non-prædial labourers; Be it therefore enacted, that in all such cases if the apprentice, and the person or agent of the person entitled to the services of such apprentice, shall appear before any justice holding a special commission, and declare they both agree in which of the said two classes such apprentice shall be placed, the said apprentice shall be so classed; and such justice shall give a certificate of the facts, and of which class such apprentice is placed; and such apprentice shall thereafter be taken to belong to such class until the termination of the apprenticeship. [And further to remove such doubts, be it enacted, that all apprenticed labourers who from the commencement of their apprenticeship have taken the time allowed by law to prædials, shall continue to be classed as such to the termination of such apprenticeship.]
- Dele.
- Clause 19  
in Act disallowed. And be it enacted, that no apprentices or other persons shall between the hours of nine in the evening and four in the morning hold meetings or revels, nor use any drums, gumbays, or other noisy instrument, on any plantation or estate without permission of the owner or manager thereof, and all apprentices or other persons so offending shall be deemed guilty of insubordination.
- Clause 21  
in Act disallowed. And be it further enacted, that for the punishment of minor offences of which apprenticed labourers may be convicted, it shall and may be lawful for any special justice, instead of commitment to the house of correction, to adjudge such offender or offenders to be kept at their regular labour upon the estate, and confined during shell blow and night for such period as the nature of the offence shall to such justice seem to require.
- Clause 22  
in Act disallowed, altered. And be it further enacted, that it may and shall be lawful for any special justice to authorize the reasonable and necessary correction of children, [that it may and shall be lawful for any special justice to authorize the reasonable and necessary correction of juvenile delinquent apprentices, in such manner as in his discretion shall be deemed necessary.]
- Clause 23  
in Act disallowed, altered; deleted by the council. [And whereas many plantations are destitute of buildings of sufficient strength for the confinement and safe keeping of violent and outrageous persons, and whom it is absolutely necessary, from their violence, to keep in such confinement; Be it enacted, that in every such case it shall and may be lawful to secure any such offender in the bilboes or stocks, and immediate notice thereof shall be given to the special justice.]
- Clause 24  
in Act disallowed. And whereas doubts may arise as to the number of holidays to be given to apprenticed labourers; Be it enacted, that they shall have the twenty-fifth and twenty-sixth days of December and Good Friday.
- Clause 25  
in Act disallowed. And be it enacted, that in case the buildings or cane pieces of any estate in this Island shall be on fire, it shall be the duty of every person domiciled or employed thereon, to do their utmost to extinguish the same, and every person who shall refuse to assist, or shall wilfully withhold his or her assistance, shall be deemed guilty of a misdemeanor, and upon conviction, if the offender shall be an apprenticed male labourer, shall suffer such punishment by stripes, not exceeding fifty, and confinement to hard labour in the penal gang, for any period of time not exceeding three months, and if a female, such offender shall, in addition to hard labour in the penal gang as aforesaid, be sentenced to solitary confinement for any period not exceeding fourteen days, as a special justice shall direct, or if such offender shall be a free person, then, upon conviction before any two justices of the peace, such person shall suffer such punishment by fine, not exceeding fifty pounds, or imprisonment not exceeding six months.
- Clause 26  
in Act disallowed, altered. And be it further enacted, that all fines and penalties imposed by the Acts for the Abolition of Slavery, or any Act passed in aid thereof, shall be recovered before any special justice of the peace, by warrant of distress and sale of the offender's goods and chattels, to be applied for the use of the public of this Island, which sale the person executing the warrant shall make within five days after the levy made, and shall be paid over to the Receiver General; and every special justice shall, once in every quarter, make a return to the justices and vestry of the parish where the offence may have been committed, or in the city of Kingston, to the mayor and common council of every fine imposed by him in such parish, which return the justices and vestry and mayor and common council are hereby required to lay before the commissioners of public accounts at their next meeting, or as soon thereafter as may be.
- \* Red ink in MS. copy. (And be it further enacted, that this Act, or any clause, article, matter or thing herein contained, shall not take place or be in force or have any effect until the first day of June, which will be in the year of our Lord one thousand eight hundred and thirty-six.\*)

Passed Assembly this 11th day of December 1835.

— No. 13. —

In Council, 14 December 1835.

AMENDMENTS proposed by the Council to the Act in Aid.

Mr. Speaker,

I AM commanded by the Council to acquaint The House that they agree to the Bill intituled, "An Act to repeal part of an Act passed in the 4th of Will. 4, c. 41, intituled, 'An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves, and to declare the 52d of Geo. 3, c. 155, in force in this Island;'" and to explain and amend and in aid of the said Act, with the following amendments:

No. 13.  
Amendments proposed by the Council to the Act in Aid, 14 December 1835.

In the fourth line from the top of the eleventh sheet, after the word "courts," insert the following words:

"Provided that no appeal shall be, unless on the ground of illegality or want of form."

In the thirteenth line from the top of the same sheet, after the word "doubts," dele the remaining words in that line, and all the words in the two succeeding lines.

In the fifth line from the bottom of the same sheet, after the word "enacted," dele the remaining words in that line, and all the words in the succeeding lines to the word "and," in the third line from bottom, and insert in lieu thereof the following words:

"That it may and shall be lawful for any special justice to authorize the reasonable and necessary correction of children."

In the third line from the bottom of the eleventh sheet, after the word "necessary," dele the remaining words in that line, and all the words in the succeeding lines to the word "and," in the third line from the top of the twelfth sheet.

At the end of the Bill insert the following words:

"And be it further enacted, that this Act, or any clause, article, matter or thing herein contained, shall not take place or be in force, or have any effect until the first day of June, which will be in the year of our Lord One thousand eight hundred and thirty-six."

W. G. Stewart, Clerk to the Council.

— No. 14. —

DESPATCH, No. 45, dated 1 July 1835.

My Lord,

Downing-street, 1 July 1835.

IN the Earl of Aberdeen's Despatch to your Lordship, of the 15th January last, your attention was particularly drawn to the circumstance that the Act for the amendment of the Slavery Abolition Act of Jamaica would expire on the 31st of December of the present year, although the original Act would continue in force till the expiration of the apprenticeship. Lord Aberdeen stated this to be a very serious ground of objection, and apprised your Lordship that His Majesty's Government could not consider the legislature of Jamaica as having fully acquitted themselves of the duty to which they were called, until the amendments should have been rendered as enduring, in point of time, as were the original enactments.

No. 14.  
Despatch, No. 45, dated 1 July 1835.

In anticipation of the autumnal session of the colonial legislature, which it is proposed to hold for continuing the Police Act of the Island, I would recall your Lordship's particular attention to these statements of my predecessor. You will propose to the Council and Assembly the continuance, until the expiration of the apprenticeship, of the Act passed in amendment of the original law. I persuade myself of their cheerful concurrence in a measure to which they are pledged, not less by regard to the welfare and security of their own constituents, than by good faith to the Parliament and people of the United Kingdom.

The Marquess of Sligo.

I have, &c.  
(signed) Glenelg.

— No. 15. —

LETTER from W. G. Nunes, Esq. to the Attorney-General.

Sir,

The King's House, 20 December 1835.

As the Act in Aid of the Abolition Law will cease to be in force after the 31st instant, and as that Bill was framed for the purpose of remedying the defects in the original Jamaica Bill, under the suggestions of His Majesty's Ministers, and was subsequently declared satisfactory, his Excellency considers it necessary to draw your attention to the situation in which the apprenticed labourers will be left after the expiration of this year.

No. 15.  
Letter from W. G. Nunes, Esq. to the Attorney-general, 20 December 1835

In the first place, it may be proper for you to consider the defects pointed out in Mr. Stanley's despatch of 20th February 1834, (which you will find in the votes of Assembly, July session 1834, page 20.) and then by comparing the objectionable clauses with the enactments of the Imperial Abolition Act, you may arrive at the information which his Excellency is desirous of receiving from you, as to what portions of the British Act become law in this island from not being superseded by corresponding clauses in the Jamaica Act; also,

No. 15.  
Letter from  
W. G. Nunes, Esq.  
to the Attorney-  
general,  
20 December 1835.

also, what portions of the Jamaica Act become null and void from being repugnant or contradictory to the British Act.

On this subject I enclose an extract from Lord Aberdeen's despatch, dated 15 January 1835, and an extract from Lord Glenelg's despatch, dated 13 June 1835, No. 32.

I am also to refer you to two messages of his Excellency to the Legislature during the present session, (page 43, the 5th and 6th,) relative to portions of other Acts affecting the condition of apprentices, which are deemed objectionable, or as requiring explanation, but which have not as yet been acted upon by the Assembly; also, the first and second messages of 17th November, page 55.

His Excellency requests your immediate attention to these several points, in order that he may frame, upon your opinion, instructions for the guidance of the special magistrates in administering the laws for the protection of the apprentices after the 31st instant, and which must be transmitted to each of them by the next post.

Would you recommend a copy of the Imperial Act, cap 73, to be furnished to the special justices.

I have, &c.

(signed) W. G. Nunes, Secretary.

Enclosure 1.  
Enclosure with the  
letter to Attorney-  
general of 20 Dec.  
1835.

(Enclosure 1.)

EXTRACT from Lord Aberdeen's DESPATCH, dated 15 January 1835, No. 26.

Alludes to the Act  
enlarging the  
powers of the local  
magistrates, and  
the Seaman's Act.

I OBSERVE that the authority given to the justices of the peace in the two Acts to which I have last referred, contains no exception to the case of apprenticed labourers. I apprehend that the Act of the British Government for the Abolition of Slavery, may sufficiently forbid any construction of these statutes which would make them applicable to that class of His Majesty's subjects; but it is scarcely the less necessary on that account that the prohibition should have been repeated in these Acts, because the magistracy of Jamaica may not improbably fall into the error of supposing that the provisions of the British Statute have been suspended, and are no longer in force in Jamaica, which your Lordship is aware is not the fact.

(Enclosure 2.)

EXTRACT from a DESPATCH, dated 13 June 1835, received from Lord Glenelg, No. 32.

Enclosure 2.  
Extract from  
Lord Glenelg's  
Despatch, No. 32,  
13 June 1835.

I INFER that an opinion prevails in Jamaica, and is even entertained by your Lordship, that the Colonial Acts respecting apprenticed labourers have superseded the Act of Parliament in that island; this, however, is a misapprehension which cannot be too soon or too distinctly removed. The 23d section of the British Statute prescribes, with minute care, the method to be taken as often as any of the Parliamentary enactments are to lose their authority, and are to give place to others to be substituted for them by Acts of Assembly. But this course has not been pursued with reference to any of the Acts of the Jamaica Legislature; every part of the Statute 3 & 4 Will. 4, c. 73, has the force of law in that island. In the language of the 16th section, "Any enactment, regulation, provision, rule or order in any Act of the Assembly (of Jamaica) contained, in anywise repugnant or contradictory to the Act of Parliament, or any part thereof, is absolutely null and void, and of no effect."

— No. 16. —

DESPATCH from Lord Glenelg to the Marquess of Sligo, No. 115.

No. 16.  
Despatch from  
Lord Glenelg to the  
Marquess of Sligo,  
29 September 1835.

My Lord,

Downing-street, 29 September 1835.

I HAVE received your Lordship's despatch, dated the 7th August last, No. 78, explanatory of the reasons by which you were induced to assent to the Act passed by the Council and Assembly of Jamaica, in amendment of the Act for the Abolition of Slavery in that island.

From this communication I learn with unaffected concern, that your Lordship has understood my despatches of the 13th June and 1st July last, Nos. 32 and 40, as designed to convey a reproof to your Lordship, and to express a want of confidence in your judgment and official conduct. I cannot too strongly disavow any such intention; and if I have inadvertently used any terms which may seem to require the construction which you have given to them, your Lordship will have the goodness to understand that in that sense they are unequivocally retracted. The zeal and ability, and almost unparalleled industry, exhibited in every branch of your Lordship's administration (even in the absence of the other claims to my respect, of which I cannot be forgetful), would forbid my addressing your  
Lordship

Lordship in the language of official censure, except in deference to the most evident and indispensable duty.

My instruction to your Lordship to withhold your assent to any Act affecting the condition of the apprenticed labourers, which was not framed in such a manner as to afford His Majesty's Government full opportunity for the revision of it before it should acquire the force of law in the island, was suggested by motives the most remote from that distrust which you attribute to me. I thought that the restriction would relieve your Lordship from a responsibility which, from the nature of the case, could not but be peculiarly irksome and embarrassing; and that it would prevent the possibility of any future public collision between your judgment and that of the Ministers of the Crown. I also thought it of importance to prevent the needless agitation of the public mind in the colony by those rapid changes of the law on a question of such extensive interest, which would follow upon the disallowance of Acts which had operated for any short periods of time. I cannot but adhere to the opinion that much weight is due to these considerations. So entire, however, is my reliance on your Lordship's enlightened zeal for the real interests of the colony, that I am content to place in your hands, during the approaching session, and until I can hear further from you, the decision of the question, whether that restriction shall or shall not continue in force. If, on further consideration, you should adopt the opinion that it would rather advance than impede the success of your administration, your Lordship will be free to allege that instruction as an answer to any importunate solicitations by which you may possibly be urged to accept a law of an improper or equivocal nature.

Your Lordship considers me as labouring under a misapprehension as to the effect of the orders of the King in Council, conveyed to you by Lord Stanley; and you refer me to the proclamation contained in your despatch of the 10th May 1834, which you state yourself to have issued in compliance with the 23d section of the Act of Parliament for the Abolition of Slavery.

On this subject I confess that I cannot see cause to doubt the accuracy of the demand contained in my despatch of the 13th June last, No. 22, namely, that "every part of the statute 3 & 4 Will. IV. c. 73, has the force of law in that island."

With his despatch of the 20th March 1834 Lord Stanley conveyed to your Lordship,—first, an Order in Council for confirming the Slavery Abolition Act of the island; which order was passed, not by virtue of any authority contained in the British statute, but in the ordinary exercise of His Majesty's prerogative. The second order enclosed in that despatch was passed in pursuance of the 44th section of that statute, and ascertained that adequate and satisfactory provision had been made by law in Jamaica for giving effect to the Act of Parliament by supplementary enactments. This order was necessary to entitle the proprietors of the island to their share in the compensation fund; but no order has ever yet been made in reference to Jamaica under the 23d section; had such an order been passed, it would, to quote the words of the Act, have "recited and set forth at length the several provisions and enactments of this present Act for which such other enactments as aforesaid shall have been substituted:" it would have expressly determined what particular parts of the Act of Parliament were to be superseded, and what parts were to remain in force. In the cases of Antigua and Bermuda this has been actually done; because, in those islands such provision was made for setting aside the apprenticeship altogether, as appears to render a very large proportion of the clauses of the Act of Parliament inapplicable. In reference to Jamaica, no such order has issued; because it has not been thought right to dispense, in that island, with the protection which the apprentices might derive from appealing to the provisions of the Act of Parliament, in aid of the less complete and explicit enactments of the Act of Assembly.

I have, &c.  
(signed) *Glenelg.*

—No. 17.—

EXTRACT of a DESPATCH from Lord *Glenelg* to the Marquess of *Sligo*,  
dated 23 October 1835.

ALTHOUGH it is impossible to regard without anxiety the past conduct of the Assembly, or the measures which your Lordship supposes them to meditate, yet I must avow that my solicitude involves no apprehension of their power to accomplish any of those objects to which your despatches represent their policy to be directed. The general scope of all that policy your Lordship understands to be that of defeating or retarding the progress of the great measure of emancipation: and this is still the aim attributed to them, whether their supposed design be to refuse the revival of the expiring Abolition Act, or to embarrass the magistracy, or to refuse the necessary funds for supporting the principal officers of the local government, or to withhold a proper Police Bill, or to exclude your Lordship from the correspondence of the colonial agent. While I acknowledge and respect the powers of the Assembly, if used (as I must yet cherish the hope they will be used) for the legitimate objects of their institution; yet if they should really set themselves in opposition to the declared will of this great empire, as expressed by the King, with the advice and consent of Parliament, and as testified by the unanimous approbation of every class of His Majesty's subjects, not in Europe merely, but throughout the extended dominions of the British Crown, the Assembly of Jamaica would assuredly discover their utter inability to maintain such a contest

No. 16.  
Despatch from  
Lord *Glenelg* to the  
Marquess of *Sligo*,  
29 September 1835.

No. 17.  
Extract Despatch  
from Lord *Glenelg*  
to the Marquess of  
*Sligo*,  
23 October 1835.

No. 17.  
Extract Despatch  
from Lord Glenelg  
to the Marquess of  
Sligo,  
23 October 1835.

a contest for a single moment. The error which, perhaps, we may be most in danger of committing in our conduct towards them, will, I believe, spring from this perfect and just conviction of irresistible power; a conviction, which on the one hand might give birth to an ungenerous expression of the sense of superiority, or, on the other hand, to negligence in checking from their commencement encroachments or abuses so manifestly within our control. While, therefore, I am most desirous to abstain from every expression by which the Assembly could be painfully reminded how powerless they must really prove if hazarding any opposition to the main principles of the Slavery Abolition Law, I am also convinced that, without a vigilant attention on the part of your Lordship and of the Ministers of the Crown to every such attempt, the Assembly might lay the foundation of a train of evils which would issue; not in the success of their supposed design, but in social calamities throughout the island of the most fearful nature. Antecedently to positive and conclusive proof, I will not however allow myself to believe that The House will actually engage in such a course of proceeding. Nor am I disposed to enter upon an enquiry as to the measures which, in such an unhappy exigency, it might be necessary to adopt. This, however, it is due to your Lordship to state, in answer to the questions which you have proposed to me, with an earnestness so natural, and, you will permit me to add, so commendable in the station which you occupy. Your Lordship may calculate, with the most unhesitating confidence, on the firmest support of His Majesty's Government, in every decision which may be forced upon you for maintaining inviolate the great principle of the abolition of slavery, in whatever form, direct or indirect, or by whatever approaches, whether open or covert, that principle may be really invaded by any resolution or enactment of the Assembly. Limited as are the constitutional powers of the Crown under our form of government, the Royal prerogative, whether as delegated to your Lordship, or as exercised by the King in person, might perhaps be insufficient on such an occasion to provide an effectual prevention or remedy. But your Lordship's intimate acquaintance with the state of public opinion in this country down to the period of your departure for Jamaica, and your own Parliamentary experience, would perhaps be sufficient to convince you, without any assurance of mine, that to whatever extent the powers of the Crown may be deficient to give complete effect to the great measure of the Abolition of Slavery in the British Colonies, that deficiency would be promptly and cheerfully supplied by the aid of the Supreme Legislature of the Empire at large.

— No. 18. —

DESPATCH from Lord *Glenelg* to the Marquess of *Sligo*.

No. 18.  
Despatch from  
Lord Glenelg to the  
Marquess of Sligo,  
2 November 1835.

My Lord,

Downing-street, 2 November 1835.

REFERRING to my despatch of this date, No. 138, as explanatory of the motives which disincline me to the hypothetical discussion of the critical questions to be anticipated at the next general meeting of the Assembly of Jamaica, and as explanatory also of the motives which induced me to waive that difficulty, I proceed to inquire what course your Lordship ought to pursue if the House should refuse to re-enact their expiring Act in aid of the Slavery Abolition Laws.

The generous confidence which induced Lord Stanley to accept the first Act of Assembly, as such a compliance with the demands of Parliament, as would entitle the colony to participate in the compensation fund, has scarcely been met in the spirit with which it ought to have been received. The very serious omissions which his Lordship at the same time pointed out, and which might indeed have been fatal to the success of the whole measure, have been supplied by annual enactments; and, in the case of the second Slavery Abolition Amendment Bill, were followed up by an attempt to invade the great principles established by Parliament. It is therefore impossible to rely implicitly on any cordial unanimity of opinion or of feeling on these questions, between the Imperial and Colonial Legislature.

Your Lordship will, however, understand that even the most material omissions, though relating to topics of essential importance, would not justify the rejection of a Bill otherwise unobjectionable. If the omissions should be such as to impair the efficacy of the law, for the abolition of slavery, and for the protection of the apprenticed labourers, it would be the duty of your Lordship to lay before the Assembly a distinct statement of them, and of the injurious consequences which they would be calculated to produce, impressing upon the Assembly in urgent terms, but without using language which could be fairly construed as a menace, the necessity of a deliberate reconsideration of their measures. If such respectful admonitions should fail to produce the desired effect, it would become the obligation of His Majesty's Ministers to bring the whole subject, with the least possible delay, under the consideration of both Houses of Parliament. Nor would that duty be neglected.

The specific apprehension which your Lordship entertains, that the clause framed for the protection of the special magistrates against vexatious and unfounded actions, will be excluded from the Bill to be passed in the approaching session, if it should be verified; must therefore not lead to your rejection of that Bill, but only to such an expostulation as I have mentioned, followed by an immediate reference of the whole question to His Majesty's Government, and through them to the Imperial Legislature. On the other hand, if an attempt should be made to revive any of those clauses which occasioned the disallowance of the second Bill, or to introduce any other enactments, clearly at variance with the spirit of the Slavery Abolition Act of the British Parliament, your Lordship will firmly refuse your

your assent to any such measure. This decision would also be followed by similar explanations and admonitions, studiously respectful in terms, though as studiously distinct in their meaning, and in the event of the ill success of that effort, then your Lordship would proceed, as in the former case, to place in my hands the means of bringing the whole subject clearly under the review of Parliament.

While I deprecate any threat of Parliamentary interference, as not only indecorous but useless, I have no wish to conceal the fixed resolution of His Majesty's Government (so soon as the avowal of it shall become necessary,) to acquiesce in no falling short of the conditions upon which the compensation fund was granted, and in no encroachment upon them.

The respect, which no man cherishes more sincerely than myself, for the constitutional rights of the Colonial Legislatures, does not deter, but rather impels me to adopt the conclusion that the indisputable right of Parliament to render the Abolition of Slavery effective and safe, ought to be called into exercise, if, unhappily, the ill-advised counsels of any such Legislature should lead them to impair that efficiency or security. I think it, however, altogether more fitting that no intimation of this kind should be made by the Governor himself, but that it should be reserved for the Ministers of the Crown to announce that purpose on the arrival (if it should ever arrive) of the period at which the announcement could be followed by the immediate execution of their purposes.

I have, &c.  
(signed) *Glenelg.*

No. 18.  
Despatch from  
Lord Glenelg to the  
Marquess of Sligo,  
2 November 1835.

— No. 19. —

MESSAGE from HIS EXCELLENCY to the COUNCIL, 29 January 1836.

Gentlemen of the Council,

I AM commanded by his Excellency the Governor to draw the attention of the Council to his Excellency's Message of 17th November last, acquainting the Board of the necessity that existed for any new Bill that might be introduced affecting the rights of apprentice and master, with provisions not contained in the Act in aid, which was passed the 4th of July 1834, to have either a suspending clause, or to be made to take effect in this Island, at a period so remote as to afford His Majesty ample time previously to signify his pleasure thereon, and without which his Excellency was instructed not to give his consent to the measure.

His Excellency has now the satisfaction of being able to communicate to the Council, 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 31st of 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.

No. 19.  
Message from His  
Excellency to the  
Council,  
29 January 1836.

— No. 20. —

MESSAGE from THE HOUSE to the COUNCIL, 29 January 1836.

Ordered,

THAT the following message be sent to their Honours the Council.

May it please your Honours,

We are ordered by the House to acquaint you, that they disagree to the amendments proposed by your Honours to the Bill, intituled "An Act to repeal part of an Act passed in the 4th of Will. 4, c. 41, intituled, 'An Act for the Abolition of Slavery in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves, and to declare the 52d of Geo. 3, c. 155, in force in this Island, and to explain and amend, and in aid of the said Act,'" and do adhere to their said Bill.

No. 20.  
Message from the  
House to the  
Council,  
29 January 1836.

— No. 21. —

RESOLUTION of the COUNCIL adhering to the Amendments they proposed to the Act in Aid.

In Council, 1 February 1836.

THE message from the House of Friday last being taken up, and again read, A motion was made that the Board do adhere to the amendments proposed by them to the Bill intituled, "An Act to repeal part of an Act passed in the 4th of Will. 4, c. 41, intituled, 'An Act for the Abolition of Slavery in this Island in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves, and to declare the 52d of Geo. 3, c. 155, in force in this Island;' and to explain and amend, and in aid of the said Act," which was agreed unto by the Board.

No. 21.  
Resolution of the  
Council,  
1 February 1836.

*W. G. Stewart,*  
Clerk to the Council.

MESSAGE from His Excellency the GOVERNOR to the ASSEMBLY, 1 February 1836.

Mr. Speaker,

No. 22.  
Message from His  
Excellency the  
Governor to the  
Assembly,  
1 February 1836.

I AM directed by his Excellency the Governor to communicate to you his disappointment that the Bill in aid of the Abolition Act should have come over from the House of Assembly in a form which must eventually prevent its becoming law. On reference to the minutes of the Council his Excellency finds that the amendments made by them, but not adopted by the House, are adhered to; and, from the nature of the proposed alterations, he concludes that the Bill contains matter so repugnant to the principles of the Act of the Imperial Parliament for the Abolition of Slavery, that had it reached him he would have been unable to have assented to it.

Recent communications from the Colonial-office had induced his Excellency to resolve on breaking through, in this particular instance, the positive and absolute orders he had received to refuse his assent to any Bill affecting the relative conditions of masters and apprentices, wherein any enactment not already in force should be introduced without the addition of a suspension clause. In his anxiety to promote this most desirable Bill, his Excellency communicated to the Council his having formed such a resolution, and he trusts that the responsibility which he determined on assuming in this respect will be accepted as a proof of his attention to the interests of this colony, and his desire to meet the wishes of the inhabitants.

Having soon after the opening of the session communicated to the House in a message his feelings on this subject, his Excellency does not consider it necessary now to enter more at length into them, but he begs to remind the Assembly that some debt of gratitude is due to the British nation for its unparalleled generosity in devoting the sum of 20,000,000*l.* to the work of humanity, when from the very decided current and irresistible force of public opinion the Abolition of Slavery became unavoidable; a sense of liberality, as well as justice, procured for the proprietors of slaves that compensation. The right of the colony to share in it was declared in a most confiding spirit by the mother country before the measures contemplated by the British Act had been completely adopted, and its payment is now actually going on as fast as the just rights of individuals can be ascertained. His Excellency therefore does hope that the colony will not subject itself to the imputation of indifference to the wishes of the mother country, when so many marks of her generosity have been recently exhibited towards Jamaica. His Excellency therefore, studiously avoiding the use of any expression which could be considered in the slightest degree offensive, entreats the House to reconsider the subject, with a view to expunging such matter as has been considered insurmountably objectionable.

COPIES of MESSAGE to the GOVERNOR, and of Two Resolutions passed by the House of Assembly, 2 February 1836.

May it please your Excellency,

No. 23.  
Message to the  
Governor and  
Resolutions of the  
House of Assembly,  
2 February 1836.

WE are ordered by the House to wait on your Excellency with copies of two resolutions reported from the Committee of the whole House on the state of the Island, and agreed to by this House this day.

House of Assembly,  
Tuesday, 2 February 1836.

*Resolved,*  
That the first message of his Excellency the Governor of yesterday is a direct breach of the privileges of this House, inasmuch as the subject matter of that message was then pending between the other branches of the Legislature.

*Resolved,*  
That this House cannot consistently with its own dignity, or with due regard to its rights and privileges, which are the firmest bulwarks of the liberties, franchises and immunities of the people, proceed to any other business until reparation shall be made for the breach of privilege.

THE GOVERNOR'S SPEECH on the Prorogation of the Assembly, on 3d February 1836.

Gentlemen of the Council,

Mr. Speaker and Gentlemen of the Assembly,

No. 24.  
The Governor's  
Speech on the  
Prorogation of the  
Assembly, on  
3d February 1836.

THE very extraordinary nature of the message I have received from the House of Assembly, compels me to point out to the Legislature of Jamaica the position in which the conduct of one of its branches has placed the colony. To that branch, therefore, must I more particularly address myself, while I review its proceedings during the present session, while I point out what disposition it has evinced to meet the wishes of the mother country, after the unparalleled sacrifices that country has lately made in its favour, and while I recount the measures which have been recommended by me, with the fate which has attended those recommendations.



The two messages I have recently sent down on the subject of the Police Bill and the Act in Aid, have placed my views of the manner in which those two measures have been treated in the Assembly, in too clear a light to require more than a very few remarks.

I pressed on you the establishment of more courts of assize, so strongly recommended by the presentment of the grand jury at the late supreme court: you took no notice of it. 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 the supervisors and managers of such establishments, a class to which the constitution does not confide those magisterial powers which have been placed in their hands: all of those subjects have remained unnoticed.

The whipping of females you were informed by me, officially, was in practice, and I called upon you to make enactments 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 steps to put an end to the practice.

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 on this subject.

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.

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.

I transmitted to you a despatch from the Secretary of State, recommending the repeal of the 23d 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.

I recommended the introduction of an Immigration 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.

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.

I communicated to you the circumstances, owing to your own decision, relative to the Police Bill, under which I was, with much pain, compelled to call upon you to resume that solemn and long-established compact, to provide for the subsistence of your garrison; a claim which has not, owing to the generosity of the British Parliament, been insisted on for some time: you have taken no notice of it.

Besides these measures, on which no enactments have become law, there are many of much importance to the country which are either before you for amendment, or laying on the table of the Council for their consideration; amongst these may be named the Domestic Animal Bill, and that for the Relief of Insolvent Debtors, respecting which a conference, I find, has been demanded by the Council, in order that the principles of it may be discussed; also, those for Offences against the Person, Masters in Chancery, Gunpowder and Fire-arms, Saving Banks, and others, which must drop to the ground for a want of co-operation and time to consider them. Thus I fear that many most useful Bills will be lost for a certain time, a matter to be much regretted.

Mr. Speaker and Gentlemen of the Assembly,

I thank you for those supplies which you have granted for the service of the Colony, and have to regret that your resolution to do no more business should leave the public creditor in danger of not receiving his just rights, and inconvenience many individuals by the non-payment of their official incomes. On you, therefore, must responsibility rest.

Gentlemen of the Council, Mr. Speaker and Gentlemen of the Assembly,

One of the messages sent down to the Assembly has been designated by that body to be a direct breach of its privileges, and it has declared that it will not proceed to any other business until it shall have received reparation from me. That there was the slightest breach of privilege in those messages I cannot concede. A mistaken idea appears to pervade that body, that it is, in all respects, of the same constitution as the House of Commons of England; amongst other things, in the House of Commons, the Ministers are the legitimate interpreters of the wishes and suggestions of the Crown; in the House of Assembly no such characters exist, and therefore the only manner in which the views of the Executive can be legitimately conveyed to the representatives of the people, for their consideration, is through



No 24.  
The Governor's  
Speech on the  
Prorogation of the  
Assembly, on  
4 February 1836.

through a message; thus the question into which the matter must resolve itself, is, whether that legitimate mode of communication was properly or improperly applied.

The Bill had passed the House, had been amended by the Council, and sent back to the Assembly; the House adhered to the original Bill, and the Council to its amendments. On reference to the minutes of the Council, I ascertained that the Bill in consequence lays on the table, and, as far as the legislature was concerned, the Bill was disposed of, unless one measure was adopted. That measure it was my object to promote by that message, and I do not think that any allusion to the Bill under those circumstances could lead to any breach of the privileges of either branch of the legislature. I felt anxious to point out to the House my reasons for wishing the Bill to pass, and hoped that by so doing I might induce that Body to reconsider a Bill so advantageous to the proprietors of apprentices, and to reconcile the two discordant branches of the legislature, without having recourse to the extreme measure of a prorogation. Matter essentially repugnant to the spirit of the abolition law was introduced, and, if that could be expunged, I resolved on taking on myself the responsibility of disobeying the orders of the British Government, to insist under certain circumstances to which this Bill was subject, on the insertion of a suspending clause, or other measures tantamount to it. I framed my message in studiously respectful language. My motive was obvious, to promote the welfare of the island, not to forward any private object.

The course adopted by the Assembly exhibits, I regret to say, by no means a responsive feeling. Instead of endeavouring to obtain what it considered its privileges by a calm and respectful representation, to which I would have gladly replied by a full explanation, it has evinced a totally different disposition. It has assumed, in reply to a most conciliatory message, a tone of anything but a conciliatory character. It has, by its resolution, effectually shut the door to such explanation, caused an abrupt cessation of all public business, and, I much fear, serious inconvenience as well to individuals as to the public. It is useless for me to continue the attendance of the members, who have resolved to do no business, and I do, therefore, in His Majesty's name, prorogue this General Assembly till to-morrow, the 4th of February, and it is hereby prorogued accordingly.

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— No. 25. —

THE GOVERNOR'S OPENING SPEECH of 4 February 1836.

No. 25.  
The Governor's  
opening Speech of  
4 February 1836.

Gentlemen of the Council, Mr. Speaker and Gentlemen of the Assembly,  
THE inconvenience you must experience in being detained from your homes at this period of the year, induces me to recommend your immediate and diligent attention to such matters of vital importance as cannot be dispensed with until the usual period of your session, without the most serious injury and inconvenience, not only to the public, but to a vast number of individuals.

I must, however, take this opportunity of pressing upon you particularly in the first place the necessity of early legislative enactments in aid of the Abolition Law, of such a nature as cannot be considered repugnant to the provisions of the Act of the Imperial Parliament.

Such other measures as are of serious importance will of course be the subject of your earliest deliberation; but I cannot avoid expressing a hope, that by the assiduity to business which you are so capable of bestowing, the whole of those matters will be disposed of during the present session, and which to you personally it is so desirable to make of as short duration as a due regard to the public interests will admit.

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— No. 26. —

MESSAGE of the ASSEMBLY, 4 February 1836.

No. 26.  
Message of the  
Assembly,  
4 February 1836.

May it please your Excellency,

WE are ordered by the House to wait on your Excellency, and to acquaint you that they had entertained the greatest hopes that your Excellency, upon the opening of the present session, would have been pleased to satisfy the House in respect of the breach of privilege complained of by them in the last session; but they deeply regret to find that your Excellency is not inclined to grant them that mark of your concern for the public welfare.

This has rendered it impossible for the House, without betraying the rights and liberties of the people they represent, to proceed to the despatch of the several matters before them, until your Excellency shall be pleased to satisfy the House in respect to the breach of privilege complained of.

— No. 27. —

THE GOVERNOR'S MESSAGE to the ASSEMBLY of 5th February 1836.

Mr. Speaker,

I AM commanded by his Excellency the Governor to inform you, in reply to your Message of yesterday, that although he is aware how unusual it is to consider in one session any matter which had taken place in a previous one, when no allusion had been made to it in the opening speech, he will still, in his anxiety to promote the public convenience, to which he has at the recent juncture shown so much attention, communicate to the House again what he before, as he thought, had fully explained in his foregoing speech, his conviction that he had committed no breach of its privileges. Such a declaration must, to calm and dispassionate minds, show what was his real intention: but where his object could not be private; where it must be exclusively the advantage of the island and the convenience of the public, he regrets to find that his acts were met by anything but a corresponding feeling. Reparation he cannot consider to be called for where no offence was contemplated, or, as he has distinctly stated before, committed by him: he encroached in no manner on their privileges; he did not interfere with any business before the House; he merely, in a studiously respectful language, entreated their attention to what he considered a most decided benefit to the country whose interests they are charged with: he therefore trusts, that they will not sacrifice those interests to what he cannot but consider a most constrained construction of an act originating in the most friendly feelings towards the colony.

No. 27.  
The Governor's  
Message to the  
Assembly of  
5 February 1836.

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— No. 28. —

MESSAGE from the ASSEMBLY, with Copy of RESOLUTION of 5th February 1836.

May it please your Excellency,

WE are ordered by the House to wait on your Excellency with a copy of the Resolution agreed to by the House this day.

Resolved,

House of Assembly, Friday, 5th February 1836.

That his Excellency's Message of this day, reiterating his conviction that he has committed no breach of the privileges of this House, is not satisfactory; and therefore, as this House cannot, consistently with its own dignity or with advantage to their constituents, proceed any further with the public business, they adhere to their Resolution of yesterday.

No. 28.  
Message from the  
Assembly with  
Resolution,  
5 February 1836.

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P A P E R S,  
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.

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(PRESENTED BY COMMAND OF HIS MAJESTY.)

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