

Lieut. Governor : nevertheless, it worked well for the public. The different district police magistrates are, of course, under the jurisdiction of the chief police magistrate at Hobart Town, to whom their quarterly returns are made. Each magistrate has his clerk, (a free man, with, perhaps, some convict clerks to assist him,) his chief district constable, (also a free man,) one or more division constables, (free men,) and a sufficient number of petty constables. These last are, almost exclusively, convicts—they are of course admirably fitted for their office, having a thorough knowledge of the wiles and devices of those against whom they may be brought to act ; their fidelity is guaranteed by their interest, certain service ensuring certain reward,—and as their entrance into the force generally obtains for them the hatred of their fellow-convicts, they conduct themselves with circumspection. Moreover, any flagrant dereliction of duty exposes them to severe punishment, and as, (from being continually on the move from one police station to the other,) the whole country becomes well known to them, a chain of communication and intelligence is effectually established. This admirable system speedily struck the death-blow of bush-ranging, the infrequent instances of that crime being the exceptions to the general rule of quietness and order. By this system, life and property have been rendered so perfectly secure, that settlers do not give themselves much trouble about locking doors or fastening windows, whilst the traveller proceeds, at all hours, unmolested, from one end of the island to the other.

During the first years of Colonel Arthur's rule, the crime of sheep-stealing had become fearfully prevalent ; this crime had been, indirectly, encouraged by a short-sighted policy of the settlers themselves, who, in order to ensure the care and fidelity of their convict shepherds, had given these men a few sheep, which were allowed to run among and increase with the master's flocks. At this time there was no prohibition against squatters depasturing upon crown lands—such lands were, therefore, overrun with men free by servitude or ticket of leave, who kept their flocks at a tithe of the expense incurred by the *bona fide* emigrant. The consequences may easily be foreseen,—the convict's sheep, like the skipper's pigs, were always safe, whilst the master's found their way to the adjoining squatters : sometimes four hundred of a night made such a forced march. But as sheep were (and are) the vital commodity of Tasmania, such a state of things could not long be suffered to go on unpunished. Accordingly, every one convicted of this offence was executed without delay, and as lenity was shown in no instance, it struck a wholesome terror into all. The extinction of the

crime was further facilitated by the settlers preventing *any* shepherd from &pasturing sheep with their flocks ; but the most effectual mode of all was an ordinance of the Lieutenant-Governor, whereby the practice of squatting was rendered illegal, and the police, after a given term, were commanded to impound all stock found straying upon crown lands. The *spirit* of this act was highly beneficial, but, like many other well-designed schemes, it was sometimes made a vehicle of vexatious and aggravating annoyance, which was further increased by a knowledge that the property of a government-official was never so impounded.

This impounding act, advantageous in itself, wrought incalculable mischief, in consequence of the reckless precipitation wherewith it was introduced, and from the inadequate time granted to the squatters, at whom it was levelled, to dispose or otherwise provide for their flocks and herds. The current value of sheep had been 20s. per head, cattle from £8 to £10, prior to its publication ; immediately thereafter both fell one-half; and when it came into operation, the glut thereby forced into the market, rendered them unsaleable almost at any price. To add to the settler's misery, wheat fetched only 3s. 6d. to 4s. per bushel, and other descriptions of grain were at a price correspondingly low. Their establishments required a certain outlay, and the source had thus become suddenly stopped. Had the evil been of brief duration, it might have been borne, but the depression continued during a space of three years, in which time (sheep actually selling at 1s. 6d. per head) many who were in debt were entirely ruined, whilst those who had previously been in the habit of paying cash were deep on the debtor-side of their merchants' books. Gloom overspread every countenance, and the fortunes of the colonists seemed crushed for ever.

Wool, the profit on which had formed so considerable an item in Wentworth's tables, was valueless to the Tasmanian of 1825 ; he absolutely grudged the expense it cost him to remove it from the sheep's back. The carcase alone was his gain, and the continued influx of persons and capital had tended to keep up the price of meat. In that year (1825) some of the merchants of Hobart Town risked 1d. per lb. for some wool, and were allowed to collect *from the dunghills* such fleeces as had been left to rot there, I need not say, all were unwashed. In that state they were shipped to England. The low price tempted purchasers, and the innate quality of the article, even under such monstrous disadvantages, attracted attention, and caused after-inquiry. The Hobart Town speculation answering, 2d. was given for the next clip, but the colonial purchasers having been losers by the bargain,

their ardour was damped, and little attention was bestowed by the settlers. The dirty greasy commodity had, however, more than answered the expectations of the English buyer, with whom it began to increase in favour. Hitherto it had been almost invariably sold in the colony, and the highest average up to 1829 may be quoted at 3½d, and this, too, during the evil days upon which Tasmania had fallen, her cattle selling at 15s., her sheep at 2s. 6d., her wheat at 4s.

The first thing that tended to rouse her from her despondency was the great *black* war, undertaken in 1830 by Colonel Arthur. This measure, resulting from the continued hostility of the aborigines, was carried out by troops, convicts, and colonists alike. The garrison-duty of Hobart Town was performed by its inhabitants ; a cordon was drawn across the island, the object of which was to drive the blacks before it ; various skirmishers, or roving parties, as they were termed, moved on in front, maintaining a desultory firing and noise, the extended line following heavily. Their march was directed towards Tasman's Peninsula, which they reached in about two months ; but, when the net was drawn, it was found the large fish had escaped through some of its meshes, a little black boy being the result of a campaign achieved with much toil, and at a cost of £30,000. The money, however, having been expended among the settlers, caused them material benefit, and as sheep shortly afterwards rose to 10s., those whose fortunes had survived the struggles of the **impounding** act prosecuted their avocations with renewed confidence.

Sheep-shearing was at hand, and by this time careful washing was universally practised. During the two former seasons the merchants had got considerable returns for their shipments ; some of the **large** flockmasters had begun to export on their own account ; those who still sold in the colony were offered the accustomed figure, say 4d., at which price a good deal was purchased. The dawn of prosperity was now beginning to gild the settlers' prospects. The first harbinger of that dawn was a Mr. Brown, a gentleman from the west of England, whose pursuits entailed upon him, in colonial parlance, the sobriquet of **Woolly Brown**. This gentleman and his agents traversed the island, causing an instant rise of fully one hundred per cent. upon every description of **wools**. The spirit of emulation originating with him was caught up by others ; the settler, instead of soliciting buyers, was courted to sell. His heretofore disregarded wool became the apple of **his** eye ; his flocks were more spared—his herds more frequently slaughtered : his improvements kept pace with his increasing means,—

lands were enclosed, huts disappeared, spacious houses or comfortable cottages, with all the appliances of civilized life, rewarding his long and anxious hours of suffering and endurance.

[To be continued.]

THE JAMAICA GOVERNMENT.

VIEWED WITH REFERENCE TO THE LATE CONTEST, AND PRESENT POLICY, OF SIR CHARLES METCALFE.

IN our last number we glanced over the history of the constitution of Jamaica, with the view of showing its nature and character, and that under its influences the people had always exercised, and still possessed, the sole right of legislation on all matters affecting the internal affairs of the colony ; and further, that every attempt hitherto made to assail that, or any other of their privileges, had only ended in those privileges being more solemnly recognized and confirmed.

We shall now proceed to show that the subject which so lately excited the resentment of the House of Assembly of Jamaica, and gave rise to the unfortunate collision which subsequently took place between that body and the colonial office, was an act of the Imperial parliament immediately interfering with that sole right of internal legislation which the colony claimed and had hitherto exercised, and which formed a part of the constitution itself. It was entitled, “ An Act for the Better Government of Prisons in the West Indies,” and we do not say that it was inadapated to effect the objects for which it was avowedly passed. But it was not the nature of the act in itself, nor of any of its enactments, of which the people of Jamaica complained ; in fact, the legislature had already passed an act containing the very provisions which the governor in council, under the authority of the act of the Imperial Legislature, proceeded to adopt ; the subject was still under the consideration of the local government, and if any thing was required to be done which had not already been effected for the better regulation of their prisons, it was only necessary that, it should have been pointed out, in order to its immediate adoption.

That such was really the case it may be important to show, for it must be admitted that the Imperial Parliament has the undoubted

right, in cases of emergency, in cases of extreme necessity, to pass laws such as those to which we are objecting, and we do not say, that had the Assembly been called upon to legislate on the subject of their prisons, and had then neglected or refused so to do, that such a case of necessity would not have arisen ; we may, without prejudice, admit all this to be so, for, so far from such being the state of facts as they existed at that time, the truth, as we have just hinted, was directly the reverse. We shall best establish the soundness of this position, by running over the course of proceedings adopted by the local government in relation to this subject.

In the year 1834, the attention of the House of Assembly was called to the subject of their prisons, and a committee was accordingly appointed to consider the matter, and a bill for their better regulation was prepared and passed that session; and was pronounced by the Marquis of Sligo, (the then Governor,) to be a most beneficial measure.

Subsequently to this, the House was informed by the Marquis, that in some parishes the bill could not be carried into effect for want of funds ; and in consequence of this, a further inquiry was instituted, and the Assembly voted a sum of £42,000, in aid of the parochial expenditure for the purposes of the bill, at the same time expressing its readiness to carry out its principles, by passing any subsidiary act which might be necessary to promote that object.

Again, in 1835, the bill being still found to operate imperfectly in practice, another committee was appointed, to enter into further inquiries. The Marquis of Sligo caused to be laid before the Assembly a copy of a **despatch** which had been received from the colonial office, together with an act of the Imperial Parliament for effecting greater uniformity of practice in the government of the several prisons in England and Wales, and for inspecting prisons in Great Britain, and three reports from the committee of the House of Lords, appointed to inquire into the state of the several gaols and houses of correction. Assisted by these documents, and by former experience, the committee were proceeding industriously with their inquiries, when, **eight days** from that time, and before any material progress could be made, the House was prorogued, and thus their exertions for a time suspended.

The occasion of this interruption was the violent and **unconstitutional** conduct of Lord Sligo, for which he **was** directed **by** the government to make reparation. **to** the Assembly, and to which we referred in our former number. He quitted the government in that year, and was succeeded by Sir Lionel Smith, Of the disposition and

conduct of the Assembly during the session of 1836, no one can doubt, who reads the following passage from a despatch of Sir Lionel Smith the Governor, to the Secretary of State, dated 8th Nov. 1836. “ I am happy in being able to assure your lordship that a general disposition has been manifested in both Houses, to conduct the public business in a spirit of cordiality, and with a strict regard to the interests of the country.”

During the session of 1837, the attention of the House was called, by a message from the governor to a despatch of Lord Glenelg's, the then Secretary of State, respecting the introduction of an improved system of prison discipline ; but so far from either the despatch or the message requiring the immediate enactment of any new prisons-bill, both contemplated that some interval must elapse before such enactment would take place : thus the despatch of Lord Glenelg contains the following passage. “ The present act will expire in the year 1840, and at that period, if not before, it will devolve upon you to give your most serious consideration to the improvements which may be introduced into it ;” and the message contains the following passage, “ Returns connected with this subject have been called for from the different parishes, **which when prepared and condensed, will be duly submitted to the House.**”

The same disposition and conduct which we have seen, was acknowledged to be manifested by the Assembly in 1836, continued to be evinced during the remainder of the session of 1837, for, in proroguing the Assembly in March 1837, the governor thus addresses them : “ I acknowledge with great pleasure the ready attention. you have bestowed on all my communications, and the adoption of the suggestions for classing the apprentieed population under legal enactment will, I trust, fully provide for the contemplated emergency. In bearing my testimony to the zeal with which you have applied yourselves to the public business, I cannot omit expressing the gratification I have experienced at the good understanding which has been apparent in all your proceedings during a session of unusual duration. I attach the greatest importance to the continuance of this feeling, which it will be the constant endeavour of my administration to promote.”

A committee had been appointed by the House to consider the message and despatch, to which we have just referred, and which message stated, as we have seen, that returns had been called for from the different parishes connected with the subject, **which, when prepared and condensed, would be duly submitted to the house.** These returns, **which, had they been procured** as promised, would have greatly facili-

tated the labours of the undertaking, were never furnished. The committee, however, went on with its inquiries, and while thus engaged, Captain Pringle arrived in the island, as a commissioner appointed by Her Majesty's government for the inspection of prisons in the West Indies ; to make such inquiries into the actual state of the gaols in those islands, and to suggest such improvements as might lay the foundation of a better system of discipline. On the arrival of that gentleman, the Assembly considered, that, for the purpose of rendering their legislation effectual, it would be expedient to learn what were the plans and suggestions which Captain Pringle had to make ; and of this opinion was Captain Pringle himself, who, in page 11 of his report, says—" I suggested postponing the expenditure of so much money until the plans approved for the construction of new prisons in England could be forwarded, or until some general system was adopted."

The committee thus remained waiting for that information on the subject, which they had a right to expect, would be laid before them; and it would have been supposed that the earliest opportunity would have been taken to put the local authorities in possession of the results of Captain Pringle's labours ; but so far from this, that gentleman returned to England without any communication or report whatever having been made on the subject of his inquiries. Upon his return, indeed, a report was drawn up and laid before Parliament, but no communication of its contents was made to the Assembly of Jamaica. Yet notwithstanding this neglect, the committee did apply itself to the consideration of such communications as had been laid before it, and the chairman was preparing a bill, which it was the intention of the committee to lay before the House, when, to the astonishment of every one, the prisons-bill, which, in the mean time, had passed the Imperial Parliament, arrived in the island.

We think, then, that we have clearly established that the only ground upon which Her Majesty's ministers could be justified in calling on the Imperial Parliament summarily to interfere and pass a prisons-bill, viz, the refusal of the Assembly to legislate on the subject, did not exist, and we may now proceed to show that the bill adopted was in effect the very same as that which had, so long back as the year 1834, been passed by the local government; this will be seen by a momentary pause for the purpose of -examination.

The English bill consisted only of three clauses. The first gave to the governor and council the power of laying down rules, and adopting regulations, for the management of the gaols of the island, The

second **gave** the **governor and council power to appoint** inspectors of **gaols**, and the **third** clause gave them either the power to visit them, or **to appoint** persons to visit them on special occasions. Now, under the first provision the governor and **council** were empowered to adopt such regulations, and **lay down** such orders and rules for managing the gaols, as they should think fit ; and it is remarkable, that they adopted, with some very slight and trivial variations, the very same rules and regulations which form part of the Colonial Act of 1834, to which we have before referred. Again, the governor had the power of **appointing** inspectors under the former act, and if he thought fit to exercise that power, it was vested in him by the act of 1834. Again, under that act the governor has **the** same power which he has under the English bill, to visit the gaols of the colony, or to appoint persons to do so whenever he may think proper to exercise it; in fact, all the power of the English bill was previously in the possession of the governor under the Jamaica act of 1834, in case of his choosing to exert it.

Thus we can discover no default in the House of Assembly ; and although it is not denied that much bad management still prevailed in the regulations of the prisons of the island, yet no blame on this account could be justly laid to the charge of the Assembly, when it is borne in mind, that all was done by them which their best experience suggested, that the English act itself effected no more than had been already **accomplished**, and **that**, instead of every facility being afforded the **House** to guide it in its deliberations on a question of so much nicety and importance, information actually in the possession of the government was not communicated; nor could it in **fairness** be objected that the Assembly had neglected to give their best attention to the subject, merely because its first attempts were in some points defective, more especially when we recollect that England herself has been engaged for a period **of** thirty years in a similar course of proceedings with respect to her own prisons, without having yet brought the system to perfection.

But in whatever light we view this measure, whether in respect of the nature of the act itself, the time at which it was brought forward, or the manner in which it was **conducted**, it cannot but be considered as an unfortunate interference with the internal legislation of **Jamaica**. It was passed at a time when the House of Assembly had not only shown a spirit of co-operation with, but had absolutely taken the lead **of** the Imperial Parliament in the consummation of that **great and glorious work**, which was to give freedom to millions of human beings. **At a time** when Jamaica, responding to the noble **call** made by Anti-

gna,* had set a glorious example to the rest of the world, by at once annihilating that last remnant of slavery, the apprenticeship system ; and when, in order to accomplish this, she had 'sacrificed two years of that which, in fact, formed a part of the compensation which **Parliament** had afforded her. It was done, as we have seen, at a time when a committee was engaged in deliberation on the views of Her Majesty's government on the subject of their prisons, as far as they had been communicated to them. It was then a poor and ungenerous return on the part of the Imperial Government, after so noble and convincing a proof of the desire of the Assembly to carry out their wishes, and to promote and encourage whatever might tend even to the general well-being of society and the civilization of the human race. We say that it was ungenerous, after what the House of Assembly had already done to forward the operation of the Emancipation Act, not to give them some credit for what they might do in future, but to anticipate and forestall their future exertions, and attempt, uncourteously and unceremoniously, to thrust upon them a measure, which, however expedient, **from** its nature, was so conducted, that they could not recognize it without establishing a precedent, which would have been fatal to the existence of those known and acknowledged rights which they had ever enjoyed.

But **as** the time for the adoption of a measure of this extreme nature was ill chosen, so the manner in which it was conducted, and in which it was thought fit to make it known to the House of Assembly of Jamaica, **was** still more so. Parliament, indeed, on the occasion of passing the Slavery Abolition Act, had evinced a just consideration for the rights of legislation possessed by the colony, for that act exhibits an anxiety to leave to the colonial Legislature that which, with reference to the peculiar nature of the **measure**, **might** have been effected by the authority of the Imperial Parliament. **The** true policy to be pursued towards a colony is to let its inhabitants recognize the executive only as the source from which they derive protection and support. Upon the present occasion the executive involved itself in a contest with the colony, in which, as will be clearly seen by the subsequent proceedings, it was completely defeated.

When the prisons-bill was brought forward by the colonial secretary, not one word was uttered as to its effect on the constitution of **Jamaica**.

* **Antigua** totally abolished slavery in **1834**, without waiting the **intermediate apprenticeship**, as in other slave colonies. See Martin's **Statistics of the Colonies of the British Empire**, p. 87.

It was brought in at a time of the year when only a few members of either House of Parliament were in town, and it was passed with but little consideration or discussion. We can easily understand that statesmen in both Houses of Parliament, from the habit of committing to the executive the entire administration of the colonies, might on such a subject repose their confidence in the colonial minister, or, at all events, might be unwilling to participate in the responsibility which they might consider should entirely and exclusively rest upon the ministry.

If it be prudent as well as just to conciliate the people of a colony, and by conciliation and confidence to promote their cordial co-operation in such measures as the government may consider necessary to adopt, it would be as much the interest as the duty of the colonial secretary to communicate to him, who from his office and connexion with the colony might be supposed to be acquainted with the feelings of the people, those measures which he contemplates: but it was stated by Mr. **Burge**, the agent of Jamaica, at the bar of both Houses, that no intimation whatever was given to him of the intention of Her Majesty's ministers to introduce such a measure, and that he heard of it only by accident. **As soon, however,** as it came to that gentleman's knowledge, he hastened earnestly to remonstrate against its progress, pointed out to them the manner in which it interfered with the **internal** legislation of the colony, forewarned them that the Assembly would deem it an interference with that constitution which we have seen they have possessed for nearly two centuries, and that its **introduction** into Jamaica would produce the very consequences which in **fact** resulted from it, and placed upon the table of both Houses of **Parliament**, in the name of the Assembly of Jamaica, his several protests against the unconstitutional character of the bill. Regardless of these warnings, and notwithstanding these protests, the government persisted in carrying the measure through both Houses, and that with a degree of celerity almost unexampled ; and as soon as it had received the royal assent, it was transmitted to the governor of the **colony, by whom** it was received on the 25th of September, 1839.

And here again the same uncourteous, we might say offensive, line **of conduct** was pursued towards the Assembly. Instead of allaying **the** feelings of irritation which such a measure was calculated to produce, by laying the act before the colonial legislature, **accompanied** by some conciliatory or explanatory message, which might have **afforded the** Assembly the opportunity of making the provisions of the English bill the subject of an act of its own legislature, a course was